



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

TEWKESBURY BOROUGH COUNCIL

Schedule of Planning Applications for the consideration of the **PLANNING COMMITTEE** at its meeting on 29 September 2015

	(NORTH)	(SOUTH)
General Development Applications Applications for Permission/Consent	(228 - 260)	(261 - 348)

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. (227 - 348)

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) 29th September 2015

Ashchurch Rural 14/00925/FUL Click Here To View	The Laurels Aston Carrant Road Aston-On-Carrant Tewkesbury	Permit	2
Bishops Cleeve 15/00213/FUL Click Here To View	52 Kayte Lane Bishops Cleeve Cheltenham Gloucestershire	Permit	10
Bishops Cleeve 15/00449/APP Click Here To View	Homelands Farm Gotherington Lane Bishops Cleeve	Approve	8
Bishops Cleeve 15/00738/FUL Click Here To View	7 Read Way Bishops Cleeve Cheltenham Gloucestershire	Permit	12
Bishops Cleeve 15/00859/FUL Click Here To View	7 Chiltern Avenue Bishops Cleeve Cheltenham Gloucestershire	Permit	13
Down Hatherley 15/00720/FUL Click Here To View	Land at Ash Lane Down Hatherley Gloucester	Refuse	9
Dumbleton 15/00835/FUL Click Here To View	Tithe Farm Great Washbourne Tewkesbury GL20 7AR	Permit	6
Elmstone Hardwicke 15/00719/FUL Click Here To View	Stanboro Nurseries Stanboro Lane Elmstone Hardwicke	Permit	3
Hucclecote 15/00045/APP Click Here To View	Land to the West & South of Gloucester Business Park Brockworth	Delegated Approve	17
Maisemore 15/00131/OUT Click Here To View	Land Rear of Rectory Farm Main Road Maisemore	Delegated Permit	15
Shurdington 14/00838/FUL Click Here To View	Land to the West of Farm Lane Shurdington	Delegated Permit	14

Tewkesbury 15/00740/FUL Click Here To View	Towncrest Sports Club East Street Tewkesbury GL20 5NR	Permit	4
Tewkesbury 15/00846/FUL Click Here To View	Phoenix Bearings of Tewkesbury Ltd Northway Lane Newtown Tewkesbury	Permit	7
Twigworth 15/00369/OUT Click Here To View	Vine House Tewkesbury Road Twigworth GL2 9PX	Delegated Permit	16
Winchcombe 15/00638/FUL Click Here To View	Hill Barn Dryfield Meadow Cheltenham Road Winchcombe	Refuse	1
Winchcombe 15/00783/FUL Click Here To View	Oaklands 16 - 18 Gretton Road Winchcombe Cheltenham	Permit	5
Woodmancote 15/00496/FUL Click Here To View	Cedar Lodge Two Hedges Road Woodmancote Cheltenham	Permit	11

15/00638/FUL

Hill Barn, Dryfield Meadow, Cheltenham Road

1

Valid 03.06.2015
Grid Ref 399869 227800
Parish Winchcombe
Ward Winchcombe

Proposed extension to front of property

Mr R Bull
Hill Barn
Dryfield Meadow
Cheltenham Road
Winchcombe

RECOMMENDATION Refuse

Policies and Constraints

NPPF

Planning Practice Guidance

JCS - Submission Version - SD5, SD8, SD9

Tewkesbury Borough Local Plan to 2011 - March 2006 - AGR6, AGR7, HOU8

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

The First Protocol, Article 1 (Protection of Property)

Area of Outstanding Natural Beauty

Consultations and Representations

Town Council - Objection on the grounds of adverse impact on the AONB and design out of sympathy with surrounding buildings.

Conservation Officer - **Original scheme** - Further revisions requested

Revised scheme - Formal comments awaited - An update will be provided at Committee.

Local Residents - 2 letters of support have been received although their names and addresses were withheld.

Committee determination requested by Councillor Day to assess landscape impact

Planning Officers Comments: Miss Lisa Dixon

1.0 Application Site

1.1 The site relates to Hill Barn, a cotswold stone, former agricultural building, now converted to a single residential dwelling.

1.2 The site lies within an isolated cluster of similar barn conversions in an open, rural location.

1.3 The site occupies an elevated position, in close proximity to the B4632 which serves Cleeve Hill. A public right of way runs to the south of the site and crosses to the south-west and west.

1.4 The site is also located within the Cotswold Area of Outstanding of Natural Beauty **see attached location plan.**

2.0 Planning History

2.1 The retention of a flat roof double garage was permitted at Planning Committee in November 2001 under planning reference: 01/2119/0350/FUL.

2.2 An application for extension and alterations to the existing dwelling to provide replacement garaging with additional living accommodation above was refused planning permission under delegated powers on 11.02.2015 under planning reference: 14/00652/FUL. The grounds for refusal were considered to be that the proposal would result in an incongruous and dominating addition which would detract from the traditional qualities of the existing building and result in discernible harm to the special landscape character of the AONB. The refused scheme was also considered by officers to result in discernible loss of residential amenity to adjacent neighbours by virtue of over-looking and loss of privacy.

3.0 Current Application

3.1 The current application represents a revised proposal to extend out to the front of the existing building to provide additional living accommodation. The existing detached, double garage, which lies at a lower level to the main building, would be re-built in Cotswold stone and converted to habitable living accommodation. The existing garage doors would be replaced domestic windows and doors. Additional accommodation would be provided directly above the garage, via a new, linked, single-storey extension, incorporating an open-plan kitchen/diner and glazed terrace area **see attached elevation and floor plans**.

3.2 The proposal would also allow for internal re-configuration of the existing property, including the provision of a new en-suite master bedroom at ground floor level. The property would increase from a three to a four-bedroom unit.

3.3 The extension would project some 8.3 metres in length from the existing front elevation of the building and this would include a 2.4m long, glazed link element. The extension would be 6 metres in width, with an additional glazed terrace element that would wrap around the front and side (south-western) elevations of the new extension.

3.4 The extension would be of flat-roofed construction, with overhanging eaves detailing and a powder-coated, glazed window system (predominantly to the front elevation). Sand coloured, render is proposed to the side elevations. Smaller elements of glazing are also proposed to both side elevations.

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.

4.2 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). Where the development plan is out of date, the NPPF advises that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework as a whole; or specific policies in the Framework indicate development should be restricted.

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.

4.4 Paragraph 115 of the NPPF states that 'great weight' should be given to conserving the landscape and scenic beauty of the AONB.

4.5 Policy SD8 of the Joint Core Strategy - Submission Version (JCS) reflects this requirement to conserve and enhance the special landscape, scenic beauty and cultural heritage of the AONB.

4.6 Policies AGR6 and AGR7 of the local plan encourages the re-use of rural buildings and seek to preserve their traditional rural appearance and character. Policy AGR6 also seeks to ensure that in the AONB proposals does not conflict with the overall aim of this designation in terms of protecting its landscape quality. Policy AGR7 also states that rural buildings should be capable of conversion to the proposed alternative use without substantial alteration or extension to their original structure.

4.7 Policy HOU8 of the Local Plan provides that extensions to existing dwellings will be permitted provided that the proposal respects the character, scale and proportion of the existing or, where appropriate, the original dwelling and that the detailed design reflects or compliments the design and materials of the existing dwelling.

4.8 The above local plan policies in respect of promoting sustainable development and conserving the natural environment and residential amenity are considered to be consistent with the NPPF and are therefore considered to have significant weight.

5.0. Analysis

Detailed Design and impact upon the existing building

5.1 Even though the building is now in residential use, it is considered that Policy AGR7 remains relevant to the policy context, given that the barn conversion scheme was originally assessed, amongst others, against Policies AGR6 and AGR7. As such, it is considered that assessment under Policy AGR7 is the correct and appropriate approach and is one which has been supported at appeal.

5.2 Policy AGR7 sets out that in the case of conversion to residential use, a building should be capable of conversion without substantial alteration or extension. The barn has been sympathetically converted and retains much of its traditional barn characteristics. It forms part of a cluster of formerly agricultural outbuildings within the historic farmstead of Dryfield Farm. The character of these former agricultural outbuildings is a simple, vernacular one, as befits their rural context and their proximity to the main farmhouse. Whilst the application site is relatively well screened from the B4632 which runs to the north, glimpses of the barn are, nevertheless, visible due to the elevated nature of the site.

5.3 The proposed extension would create a projecting element to the front of the existing barn, obscuring much of its south-eastern elevation and predominantly, simple linear form. The scheme proposes a large element of full-height glazing to the front and coloured render to the side elevations. This would create an addition of contemporary appearance that would be completely contrary to the existing traditional character of the building. The submission of revised plans in August 2015 sought to address initial officer concerns with regards design and overall impact on the existing building. The originally proposed parapet roof was replaced with an overhanging eaves detail, the glazing to the front was revised to become floor to ceiling and the timber cladding to the side elevations was replaced with a stone coloured render. However, these changes were not considered sufficient to relate the proposal meaningfully to its context and to mitigate the discordant impact of the proposal upon the traditional, simple form of the existing building.

5.4 Consequently, officers considered that the proposed extension, by virtue of its overall design and positioning on the front elevation of the building would detract from the traditional qualities and simple linear form of the building, which were safeguarded by the original conversion scheme. The proposed extension is considered to constitute an inappropriate addition in the context of the rural building, contrary to the requirements of Policy AGR7 which seeks to retain the rural character of a building, including its setting.

Impact on AONB

5.5 One of the 'Core Planning Principles' of the NPPF is recognising the "intrinsic character and beauty of the countryside". Paragraph 115 states that great weight should be given to conserving landscape and scenic beauty in AONB's. This core principle is reflected in Policy SD8 of the Submission Version of the JCS.

5.6 This building is visually prominent in the landscape due to the topography of the locality and the elevated position of the site. Despite the established vegetation along the verge of the B4632, it is considered that the proposed extension would be visible from certain points along the highway. Similarly, views of the proposal would be gleaned from the PROW which runs to the south of the site.

5.7 A condition attached to the original planning permission for conversion removed permitted development rights, inter alia, for private car garages, extensions, garden sheds, and structures of any kind to protect and maintain the agricultural character and appearance of the barn and to preserve and enhance the visual amenities of the locality. The proposed extension would be visible from public vantage points and also from the adjacent converted buildings within the cluster and as such it is considered that the proposal would detract from the character and appearance of the AONB landscape, contrary to advice set out within Paragraph 115 of the NPPF and Policy SD8 of the Submission Version of the JCS.

5.8 Objections have also been raised by the Town Council in respect of the current application, on the grounds that it would result in adverse impact on the AONB and that design would be out of sympathy with the surrounding buildings.

Residential Amenity

5.9 The proposed extension would be sited some 12 metres from the neighbouring property to the north-east of 'Badgers Rest'. Hill Barn occupies an elevated position relative to Badgers Rest, due to the topography of the locality which slopes markedly downwards towards the B4632. A number of clear-glazed windows are positioned within the side elevation of Badgers Rest and are visible from the existing elevated open terraced

area of Hill Barn, despite the dense hedge planting which denotes the shared side boundary between the two properties.

5.10 It is considered that the proposed full-height glazing and glazed link elements within the eastern side elevation of the new extension could potentially afford views into the neighbouring property of Badgers Rest.

5.11 Although, it is acknowledged that two of the proposed windows within this elevation are high-level and the remainder could be conditioned to be obscure glazed and restricted opening, in their present form it is considered that the perception of overlooking to the adjoining neighbours would be discernible given the elevated nature of the site.

5.12 As such, it is considered that the current proposal would result in an adverse impact on the living conditions presently enjoyed by the occupiers of Badgers Rest by virtue of overlooking, contrary to the Policy HOU8 of the Local Plan.

6.0 Conclusion

6.1 The proposed development, by reason of its overall design and positioning on the front elevation of the building, would result in an incongruous addition which would detract from the simple, traditional qualities of the existing building, contrary to the NPPF, and Policies AGR6 and AGR7 of the Tewkesbury Borough Local Plan to 2011 - March 2006.

6.2 It is also considered that the proposal would detract from the special character and appearance of the AONB landscape, contrary to advice set out within Paragraph 115 of the NPPF and Policy SD8 of the Submission Version of the JCS.

6.3 Furthermore, it is considered that the proposed development would result in discernible loss of residential amenity to the occupiers of the adjacent property by virtue of overlooking, contrary to the advice set out within Policy HOU8 of the Tewkesbury Borough Local Plan to 2011 - March 2006.

6.4 It is therefore recommended that permission be **refused**.

RECOMMENDATION Refuse

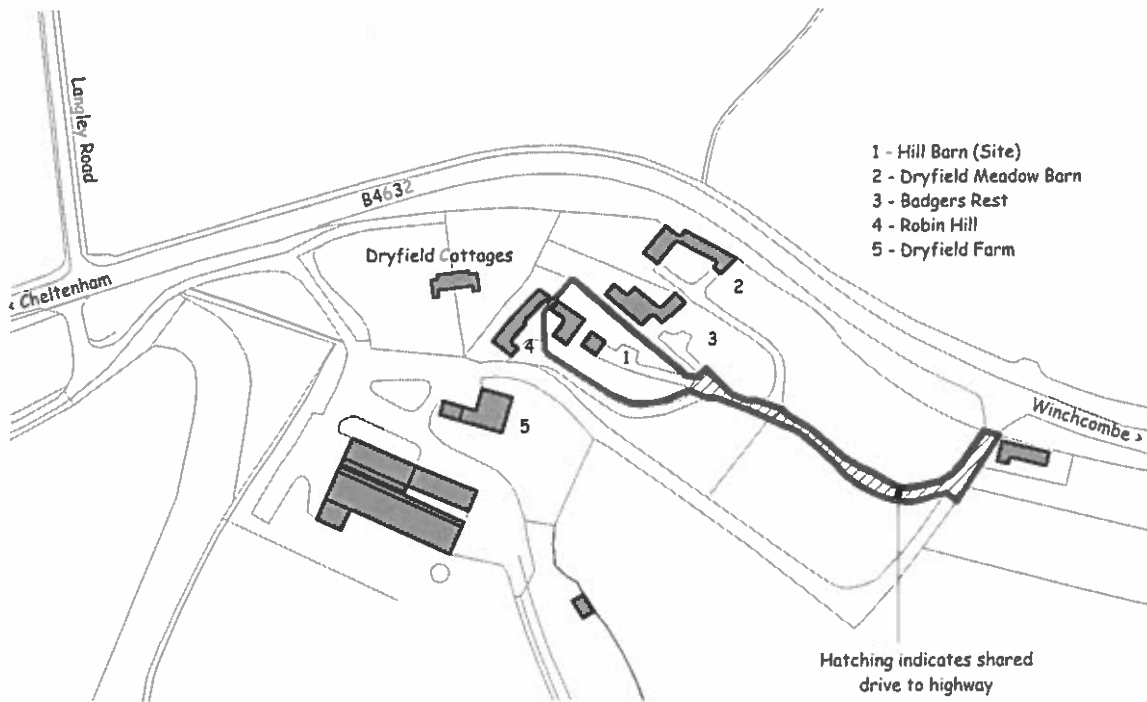
Reasons:

- 1 The proposed development, by reason of its overall design and positioning on the front elevation, would result in an incongruous and dominating addition which would detract from the simple, traditional qualities of the existing building, contrary to the NPPF and Policies AGR6 and AGR7 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 2 The proposed development by reason of its design and positioning, would detract from the special character and appearance of the AONB landscape, contrary to advice set out within Paragraph 115 of the NPPF and Policy SD8 of the Submission Version of the JCS.
- 3 The proposed development would result in discernible loss of residential amenity to the occupiers of the adjacent property by virtue of overlooking and loss of privacy, contrary to Policy HOU8 of the Tewkesbury Borough Local Plan to 2011 - March 2006.

Note:

Statement of Positive and Proactive Engagement

In accordance with the requirements of the NPPF, the Local Planning Authority has 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.



Ordnance Survey, (c) Crown Copyright 2014. All rights reserved. Licence number 100022432

coombes : everitt architects LLP 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	Drawing title: Site Location Plan	Project: Hill Barn, Cleeve Hill, Winchcombe
	Client: Mr R Bull	Scale: 1:2500 @ A4
	Drawn by: AH Checked: JE	Date: May 2015
	Job number: 14.10.005	Draw no: PL001
	coombes : everitt architects	

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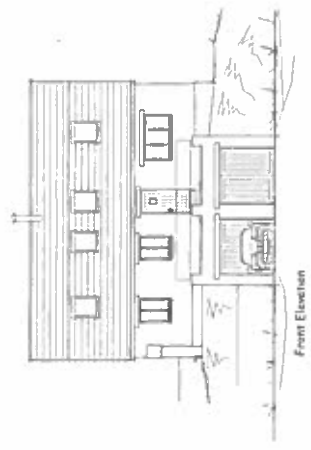


231/B

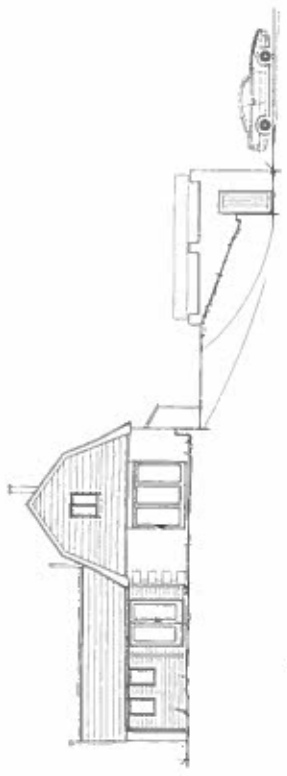
<p>combes : event architects LLP Unit No. 1, The Old Dairy Rustley Lane Wincoburton Cotswolds GLOS, S.E.</p> <p>t 01242 80727 f 0645 5575833 e info@ca-architects.co.uk www.ca-architects.co.uk</p>		<p><input type="checkbox"/> Preliminary <input type="checkbox"/> Feasibility <input checked="" type="checkbox"/> Planning <input type="checkbox"/> Building Regulations <input type="checkbox"/> Tender <input type="checkbox"/> Construction Issue <input type="checkbox"/> As Built</p>		<p><small>The drawings and content is copyright © to combes : event architects LLP. No part of this drawing, or any part thereof, is to be reproduced or used in any form without the prior written permission of the copyright owner.</small></p> <p>RIBA Chartered Architect </p>		<p>Drawing title: Proposed Block Plan Client: Mr R Bull Drawn by: AH Job number: 14.10.005</p>		<p>Project: Hall Barn, Cleveville Hall, Wincoburton Scale: 1:500 @ A1 Date: May 2015 Draw no: PL003</p>	
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combes : event architects

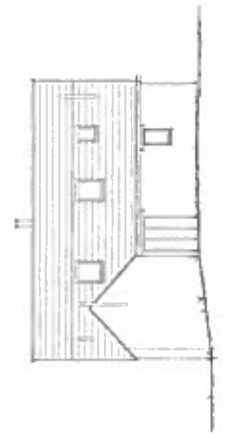
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Existing



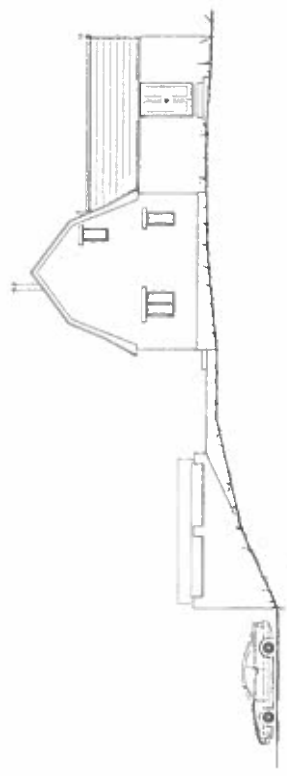
Front Elevation



Side / Entrance Elevation



Rear Elevation



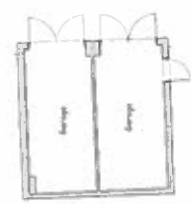
Side Elevation



First Floor Plan



Ground Floor Plan



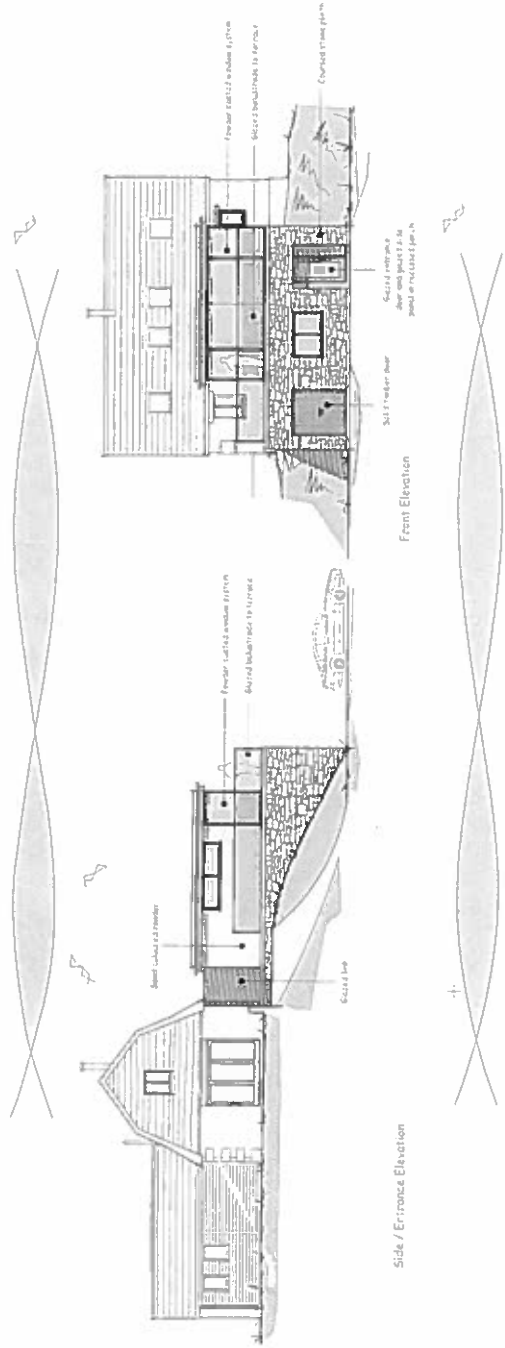
Garage Level Floor Plan

231/C

<p>combes eventt architects LLP Unit No. 1, The Old Dairy Rushley Lane Witchcombe GL54 5JE t: 01242 607727 / 0645 5575633 e: info@ce-architects.co.uk www.ce-architects.co.uk</p>		<p>Project: Mill Barn, Cleveley Hall, Witchcombe Scale: 1:100 @ A1 Date: May 2015 Draw no: PL004</p>	
<p>Drawing title: Existing Plans and Elevations Client: Mr R Bull Drawn by: AH Job number: 14.10.005</p>		<p>Checked: JE Checked by: JE</p>	
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<p>RIBA Chartered Architects</p>			
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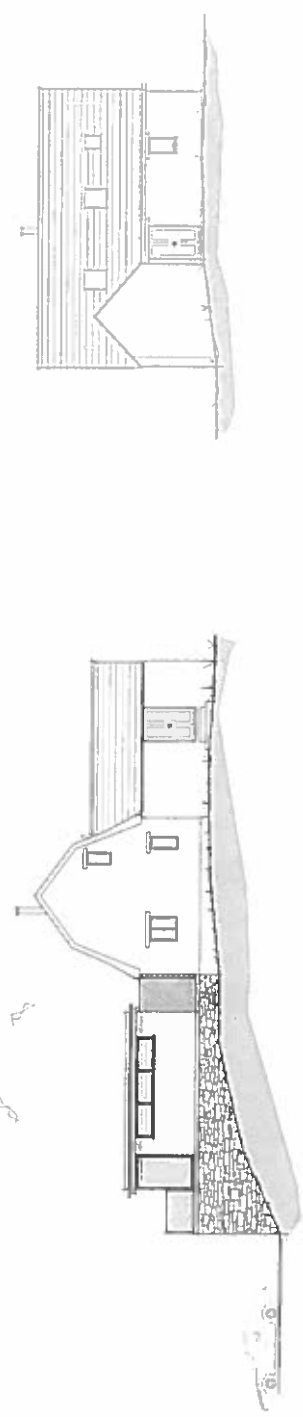
15/00638 / Full
Proposed



Side / Entrance Elevation

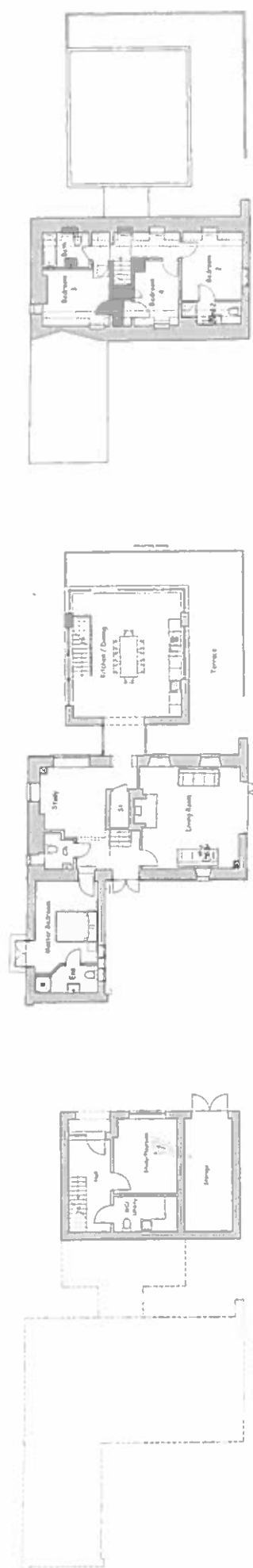
Front Elevation

Rear Elevation



Side Elevation

Rear Elevation



Garage Level Floor Plan

Ground Floor Plan

First Floor Plan

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- Preliminary
- Feasibility
- Planning
- Building Regulations
- Tender
- Construction Issue
- As Built

1. This has not passed RIBA's 8-Stage Building
2. Do not build on this, all submissions to be checked as per the submission and any
alterations required to be submitted to the relevant authority

REVA Drawing updated to build partners conditions 03.08.2015

RIBA
Chartered Architects

Drawing Log Proposed Plans and Elevations
Client: JM RBLB
Drawn by: AH Checked: JE
Job number: 14.10.005

Project: Hill Barn, Cleve Hill, Winchcombe
Scale: 1:100 @ A1
Date: May 2015
Draw no: PL005 A

231/D

14/00925/FUL

The Laurels, Aston Carrant Road, Aston-On-Carrant

2

Valid 21.10.2014

Proposed erection of 1 No. Dwelling with garage, access drive & parking space/ turning.

Grid Ref 394149 234540

Parish Ashchurch Rural

Ward Ashchurch With Walton
Cardiff

Mr D A Jervis

The High Roost
Cleeve Hill
Cheltenham
GL52 3PX

RECOMMENDATION Permit

Policies and Constraints

NPPF

NPPG

Tewkesbury Borough Local Plan to 2011 - March 2006. Policies HOU4,TPT1, LND7.

Joint Core Strategy (Gloucester Cheltenham Tewkesbury) Submission Version November 2014 -Policy SP2

Consultations and Representations

Parish Council - object and believe this application creates a precedent for planning outside the village footprint.

Two objections received:

- should not go ahead because the development would be too close to the pumping station which is located very close to The Laurels;
- the land at the Laurels comprises an area set aside for residential use and a larger orchard.
- The proposal requires a change of use of part of the orchard to residential use which would set a precedent for changing the use for the remainder of the orchard and potentially the adjacent agricultural land on both sides of the village lane and such developments would be detrimental to the rural character of the approach to the village and should be resisted.

Environmental Health - The proposed residential site is adjacent to a pumping station. I assume this is a sewage pumping station. In the absence of any further information in relation to what fixed plant is involved and how this will potentially affect any future occupants I can only highlight this as a possible issue in any decision made.

County Highways - Standing advice should be applied.

Planning Officers Comments: Joan Desmond

1.0 Application Site

1.1 This application relates to part of the rear garden of The Laurels, a detached residential property located on a corner at the entrance to Aston Carrant Road at the western end of the village. The site has a road frontage, is adjacent to a sewage pumping station to the east, residential properties are located opposite and to the south east and beyond are open fields. See Attached Location Plan

2.0 Relevant Planning History

2.1 Outline planning permission refused for one house under reference numbers 89/90108/OUT and 90/93340/OUT.

2.2 Previous other applications relate to a refusal and subsequent approvals for extensions to The Laurels under reference numbers 10/01390/FUL, 11/00667/FUL and 12/00029/MINOR.

3.0 Current Application

3.1 The application proposes a detached three bedroom dormer bungalow with integral garage with new vehicle access to Aston Carrant Road. Approximate floor space 240 sq.m (including integral garage). Materials are to be reclaimed bricks to match the Laurels, plain tiles to pitched roofs and light grey fibreglass to flat roof area to the rear.

4.0 Policy Context

NPPF

NPPG

Tewkesbury Borough Local Plan to 2011 - March 2006. Policies HOU4 and TPT1.

Joint Core Strategy (Gloucester Cheltenham Tewkesbury) Submission Version November 2014 - Policy SP2.

5.0 Analysis

Principle of Development

The Development Plan

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the local planning authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. The development plan comprises the saved policies of the Tewkesbury Borough Local Plan to 2011 - March 2006.

Tewkesbury Borough Local Plan to 2011 - March 2006

5.2 The site is located outside of the recognised settlement boundary and therefore the proposal is contrary to policy HOU4 of the adopted Local Plan which sets out 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 in accordance with policy HOU14. However, paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up-to-date if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites. Policy 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 considered out of date because the Council cannot demonstrate a five year supply of deliverable housing sites when measured against the requirements of the revoked draft RSS.

Emerging Development Plan

5.3 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.

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

5.5 Within the rural areas of Tewkesbury Borough, 2,740 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. Whilst Aston on Carrant has not been identified as a rural services centre or service village the site is located on the edge of the settlement which in turn is adjacent to a strategic housing allocation for circa 2,225 dwellings at the MOD site Ashchurch. (JCS Policy SP2 - Site A8)

5.6 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).

5.7 The JCS has now been submitted to the Secretary of State for Public Examination.

National Planning Policy/Guidance

5.8 The NPPF 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.

5.9 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.

5.10 Paragraph 55 of the NPPF seeks to avoid isolated new dwellings in the countryside. In this case, the proposed development would be located within the small hamlet of Aston On Carrant which has had some recent infill residential development at its far eastern edge. Whilst Aston On Carrant is not identified in the submission version of the JCS as a service village, which are deemed as suitable locations for some limited residential development, it does lie immediately to the north east of a strategic allocated housing site (MOD) in the emerging JCS. There is also a school bus service from Aston Cross which can be accessed on foot via a footpath from Aston on Carrant and cyclists can use back lanes to Tewkesbury, Bredon, Kemerton etc. The NPPF also advises 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.

Conclusions on the Principle of Development

5.11 Whilst local plan policy HOU4 must be considered out of date and the NPPF includes a specific policy which seeks to avoid isolated new dwellings in the countryside it is considered that given the proposal's context, adjacent to a proposed strategic housing allocation, it is considered that the site is not isolated and as such the principle of residential development in this location is acceptable.

Design and street scene impact

5.12 Aston on Carrant is characterised by a varied mix of house types, styles, sizes and periods. The proposed dwelling is to take the form of a dormer bungalow with integral garage and rooms in the roofspace. The dwellings would be set back from the main frontage in line with 'The Laurels' and would be constructed in similar materials to the existing dwelling. The size and scale of the dwelling proposed is considered to be commensurate with that of other dwellings in the hamlet. As such, it is not considered that the proposal would have an adverse impact on the character and appearance of the area. It is therefore considered that the proposed development would successfully integrate in to the context of the site and would have an acceptable impact on the character and appearance of the area and surrounding streetscape. The proposal would therefore be in accordance with the design principles set out in the NPPF.

Highway Safety

5.13 County Highways have been consulted and have raised no objections but refers to its standing advice. A suitable new access is proposed with adequate on-plot parking and manoeuvring space. It is therefore considered that the proposed development would accord with Policy TPT1 of the Local Plan.

Other Matters

5.14 The application site is adjacent to an existing sewage pumping station. No details have been submitted regarding any fixed plant at the pumping station and no supporting assessment has been made. This information has been requested and **Members will be updated at Committee.**

6.0 Conclusion

6.1 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. Given that the site is located within the hamlet of Aston on Carrant which is itself located adjacent to a strategic housing allocation site in the emerging JCS the proposal is considered to accord with paragraph 55 of the NPPF and would not result in an isolated dwelling in the countryside.

6.3 There are also social and economic benefits to the proposals in that the development would contribute to the supply of housing which would in turn create benefits for the local economy, both through construction and following occupation. These matters weigh in favour of the proposal. The proposal is also considered to be of an appropriate size and design and would have an acceptable impact on the character and appearance of the area. The proposal would also provide for adequate parking and would not adversely affect the satisfactory operation of the highway network. Overall the proposal would constitute sustainable development in the context of the NPPF and there are no other demonstrable harms which weigh against the grant of permission. 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 Samples of the external materials proposed to be used shall be submitted to and approved by the Local Planning Authority prior to commencement of development and all materials used shall conform to the sample(s) so approved.
- 3 A landscaping scheme is required to be submitted and approved in writing by the Local Planning Authority prior to commencement of development which shall include all existing trees and hedgerows on the land and details of any to be retained together with measures for their protection during the course of development.
- 4 A plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved by the Local Planning Authority. The boundary treatments shall be completed before the dwelling is occupied. and shall be carried out in accordance with the approved details and thereafter retained.
- 5 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.

Reasons:

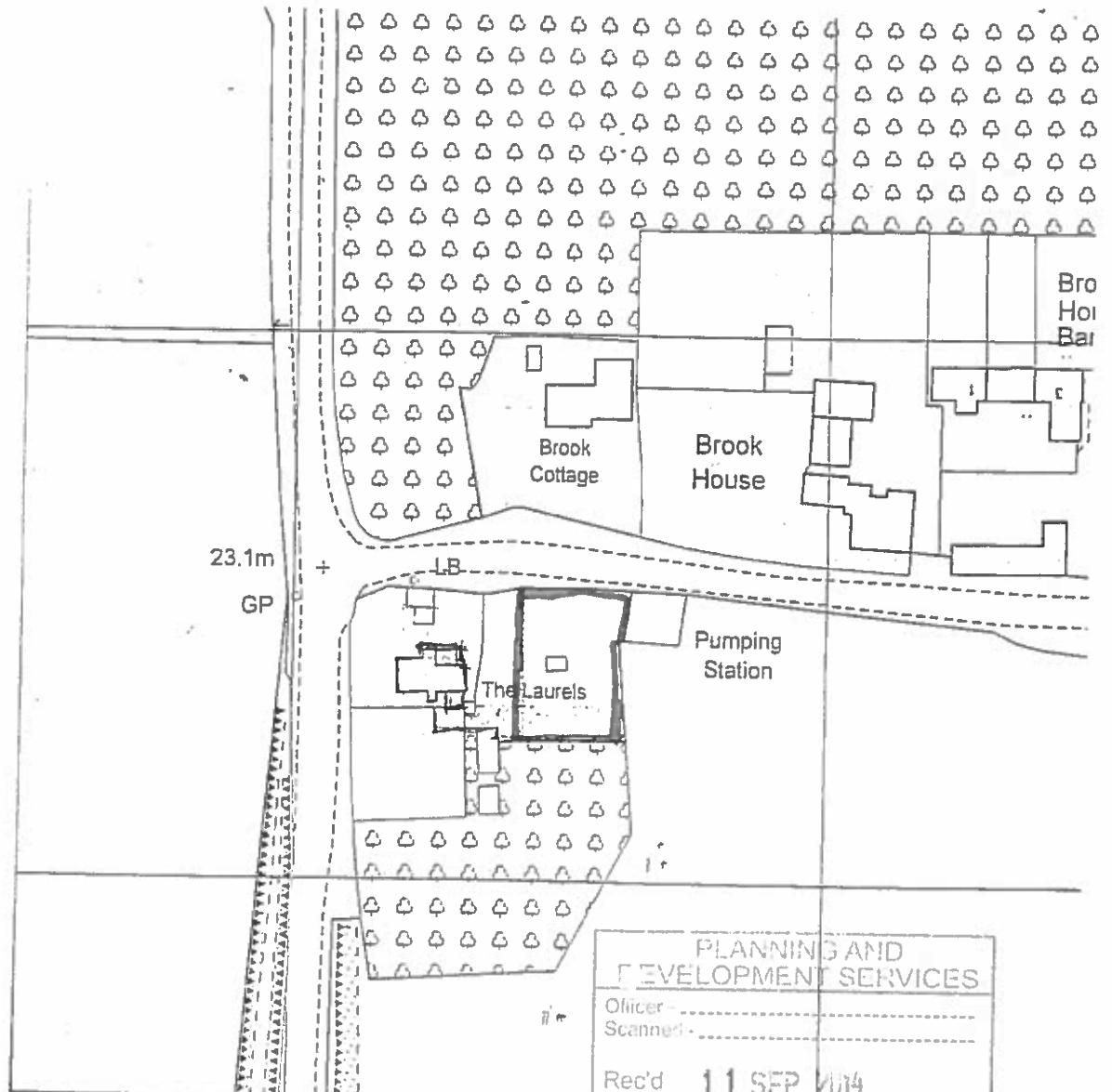
- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
- 2 To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity in accordance with LND7 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and the NPPF.
- 3 To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policies LND7 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and the NPPF.

- 4 To ensure that the development integrates harmoniously with its surroundings and does not adversely impact upon existing residential properties in accordance with Policies LND7 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and the NPPF.
- 5 To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policy LND7 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and 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.



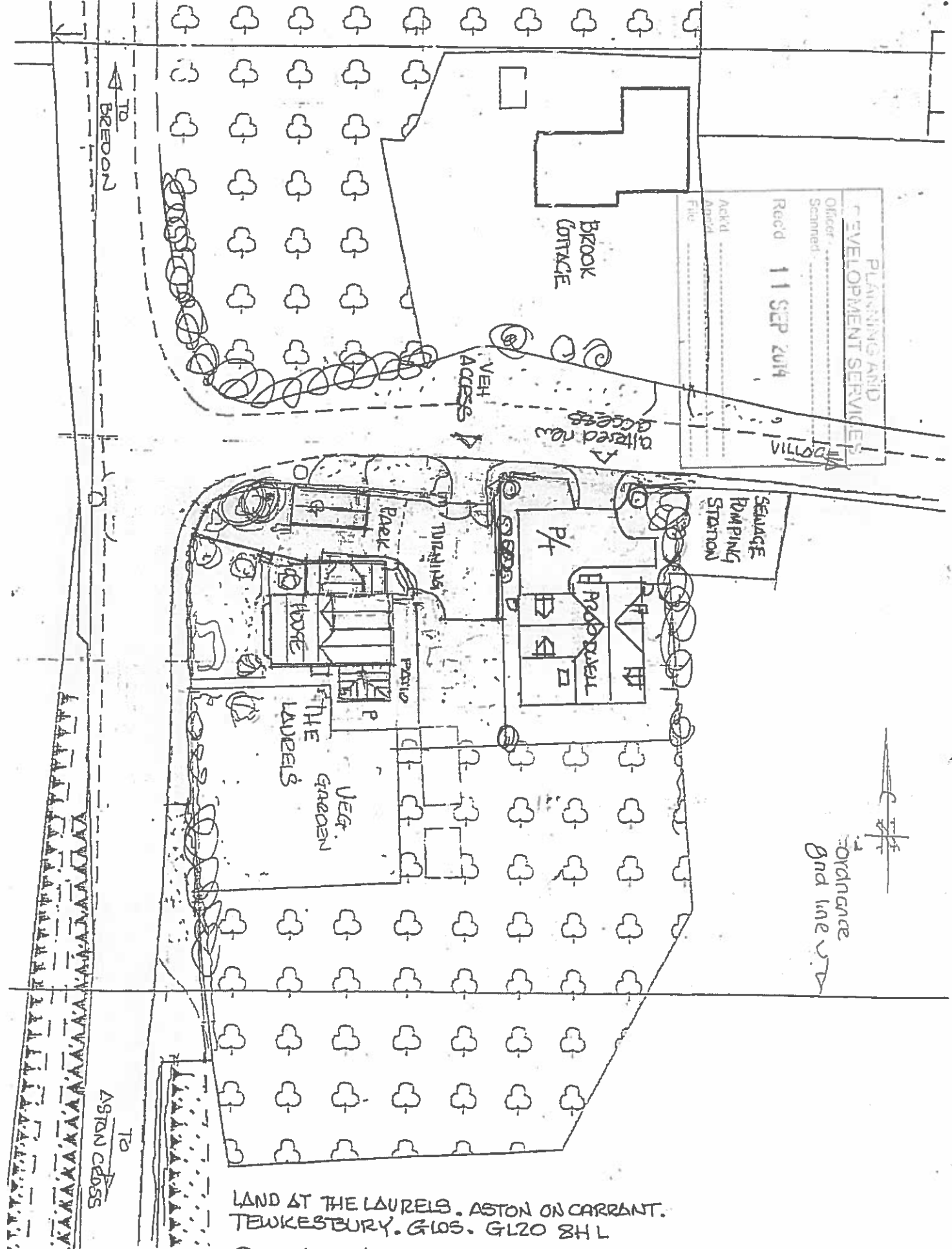
PLANNING AND DEVELOPMENT SERVICES	
Officer	.....
Scanner	.....
Rec'd	11 SEP 2014
Ack'd	.....
Ans'd	.....
File	.....

Location Plan. 1:1250

Land at The Laurels. Aston on Curran.
Tewkesbury. Glos. GL20 8HL

14:1731: LPO1 Aug 2014

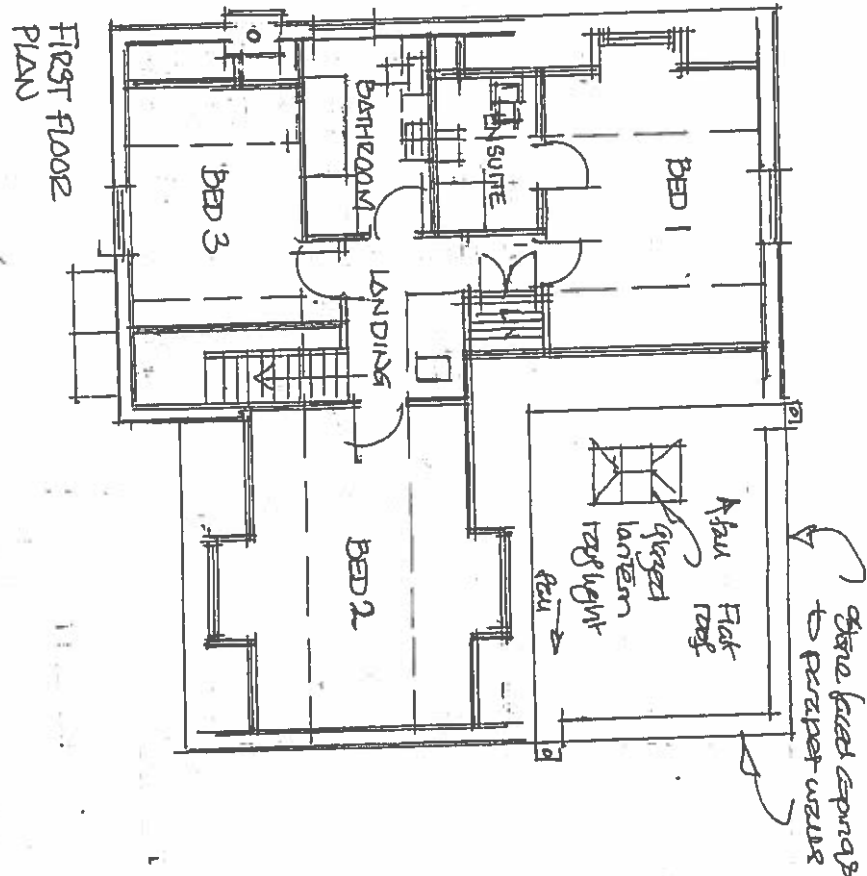
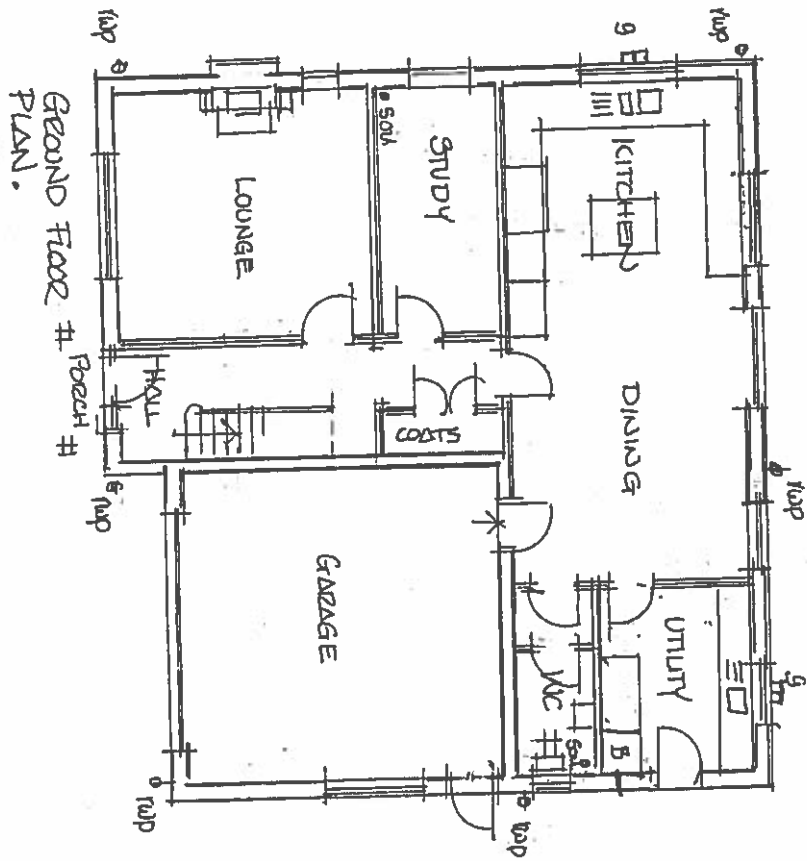
Dennis L Rayton tel 01242 620818



PLANNING AND DEVELOPMENT SERVICES
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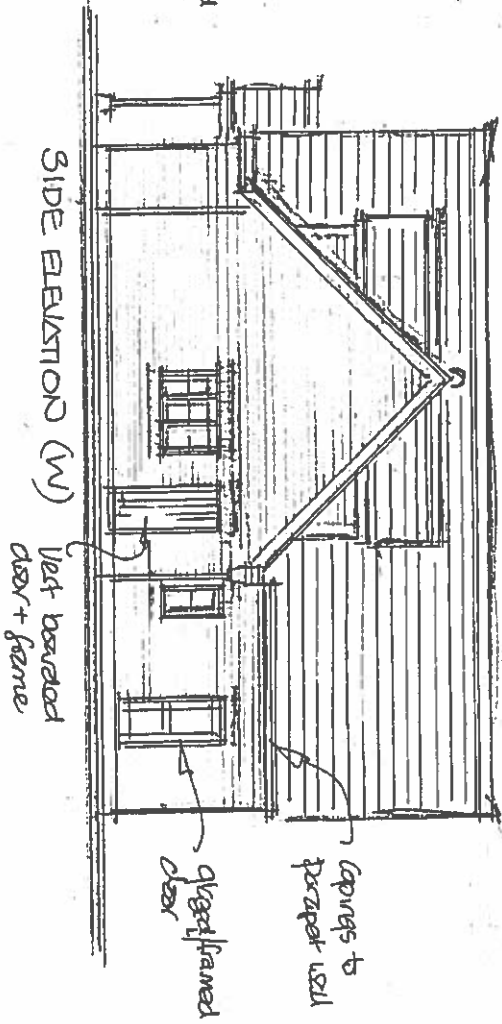
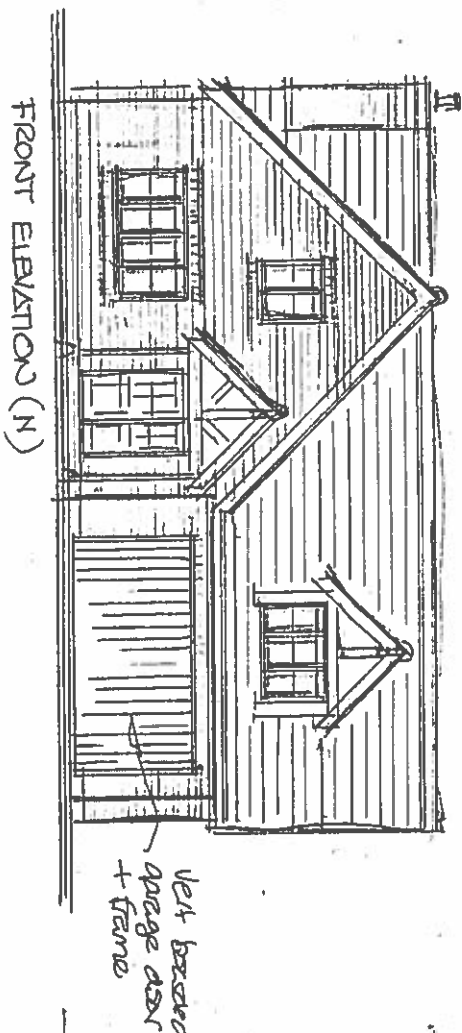
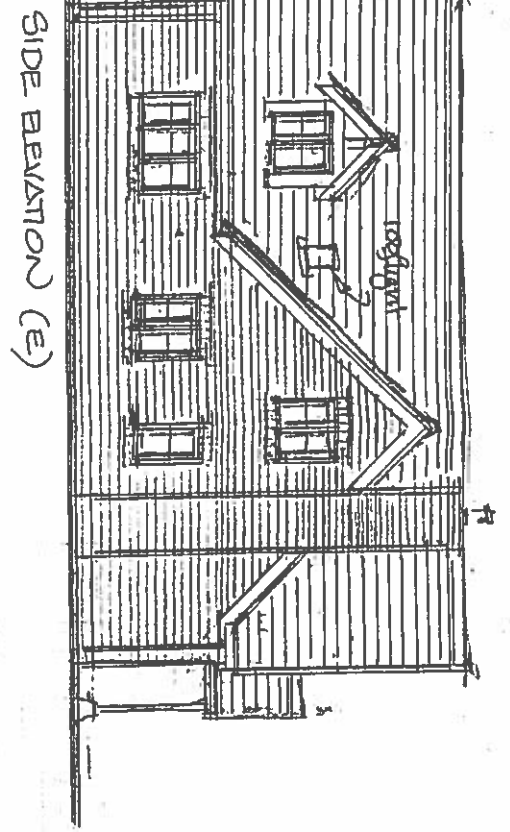
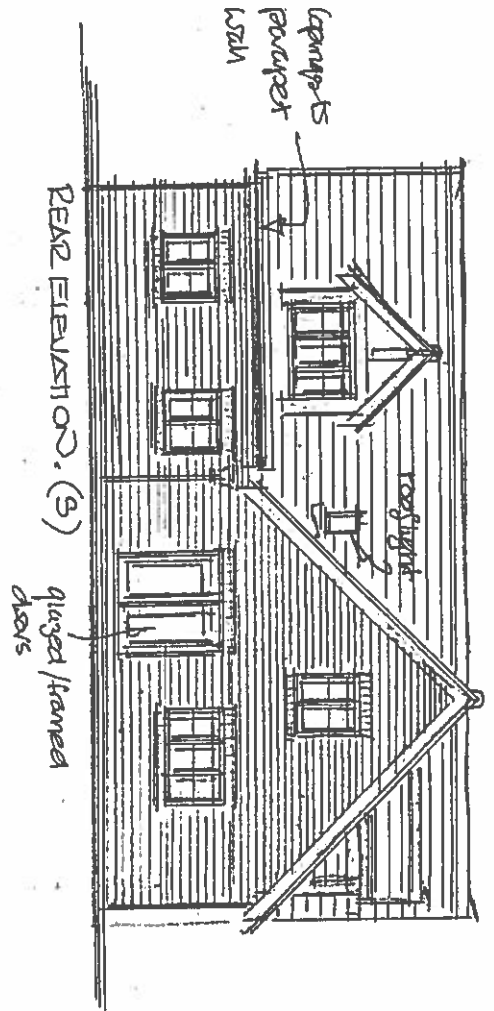
ORDNANCE
 GRID LINE

LAND AT THE LAURELS, ASTON ON CARRANT,
 TEWKESBURY, GLOS. GL20 8HL
 SITE PLAN AS PROPOSED.
 1: 500 AUGUST 2014
 14:1731: SPO3
 Dennis L Rayton tel 01242 620818.
 23618



236/c

LAND AT THE LAURELS, ASTON-ON-CARREANT,
 THROESBURY, GLOS. GL20 8HL.
 PROPOSED DWELLING - PLANS
 1:100 AUGUST 2014
 14:1731:05
 Dennis L Rayton Tel 01212 620818



Walls: Reclaimed facing bricks to match The Laurels.
 Roof: Pinned - plain tiles to appear.
 Flat - light grey fibreglass roof system.
 Windows: Casements
 Rain water - Gutters/downpipes in black PVC.
 Facias/berge boards - light oak stained cedar.
 Downer gables - light oak stained frame + panelling
 Infill rendered panels.

LAND AT THE LAURELS. ASTON-ON-CORRENT.
 TWICKENBURY. GLOS. GL20 8HL
 PROPOSED DWELLINGS - ELEVATIONS.
 1:100 AUGUST 2014
 14: 1731: 06
 DENNIS L RAFTER BA 01242 620818

Valid 26.06.2015

Change of use of nursery (agricultural diversification) to a mixed use comprising small scale storage (sitting of up to 24 static shipping style containers, class B8) and retained agricultural (horticultural) use.

Grid Ref 390121 225969
Parish Elmstone Hardwicke
Ward Coombe Hill

Mr & Mrs Matthew & Sara Gardner
Stanboro Nurseries
Stanboro Lane
Elmstone Hardwicke

RECOMMENDATION Permit

Policies and Constraints

NPPF

Planning Practice Guidance

Tewkesbury Borough Local Plan to 2011 - March 2006 - Policies EMP4, EVT3, ARG4, LND4, TPT1,

Joint Core Strategy Submission Version November 2014 - Policies, SD2, SD7 and INF1

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 - Object for the following reasons:

- Stanboro Lane is far too narrow and twisting to accommodate large quantities of traffic and the projected 'traffic movements' have been under-estimated.
- This area is fast becoming an 'industrial complex' e.g.: Phoenix House, Stanboro Nurseries and just because these have been allowed does not mean that more 'industrial type' sites should be developed.
- An area that was once purely horticultural and domestic is being changed not for the better. Enough development has taken place already.

County Highway Authority – No objection

Environmental Health – No objection

One letter of neighbour representation received raising the following concerns:

- The proposed development would generate significant vehicular movements and would result in highway safety issues.
- The proposed use would generate significantly more activity than the existing
- The proposal would not fit or be appropriate in this location.

Planning Officers Comments: Mr Ciaran Power

1.0 Application Site

1.1 The application relates to land associated with Stanboro Nurseries located on Stanboro Lane in Elmstone Hardwick. The site and the surrounding land, in the applicant's control, is used for horticulture and therefore constitutes agricultural land. The site is located within the countryside as defined by the Local Plan Proposals Map.

1.2 The site is located north of the A4019, with the Green Belt being located to the south of the A4019. The site itself is not located within the Green Belt.

2.0 Planning History

2.1 14/01252/FUL - Change of use of nursery (Agricultural diversification) to a mixed core comprising "small scale storage" (sitting of upto 40 shipping style containers) (Class B 8) and retained agricultural (horticultural) use. Refused due to its landscape impacts and lack of information regarding noises and disturbance and traffic movements.

3.0 Current Application

3.1 The current proposal is an amended scheme for a change of use of part of Stanboro Nurseries to allow the use for siting of up to 24 shipping style containers as well as the retention of the existing horticultural use. The proposal includes the demolition of existing glasshouses and a polytunnel equating to a floor area of 548 square metres. The floor space generated by the siting of 24 storage containers would be 312 square metres. The proposal would also generate 0.5 additional employee above the existing level

4.0 Policy Context

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for the area currently comprises the saved policies of the Tewkesbury Borough Local Plan to 2011 - March 2006

4.2 Other material policy considerations include the National Planning Policy Framework (NPPF) and Planning Practice Guidance; and the emerging Cheltenham, Tewkesbury and Gloucester Joint Core Strategy, which is currently at 'Submission' stage as of November 2014. Paragraph 215 of the NPPF provides that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given).

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

Rural Employment policy

4.4 One of the 'core principles' of the NPPF is to proactively drive forward and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country's needs. Local Plan Policy EMP4 sets out that within rural areas new small scale employment uses appropriate to their local context will be permitted provided that they are either directly related to the essential needs of agriculture, forestry or other rural industries, where it can be demonstrated that there are specific reasons why a rural location is necessary, or make use of sites with existing buildings or structures. In all cases proposals must:

- (a) be capable of safe and convenient access by road without detriment to the local highway network,
- (b) be well related to local residential areas in such a way to allow access by walking, cycling or public transport.
- (c) be, by means of good design, siting and appropriate landscaping, satisfactorily assimilated into the countryside, and
- (d) not lead to any significant adverse effect on nearby residential or other uses by way of noise, vibration, pollution, traffic generation or other disturbance.

Whilst the above policy is considered largely consistent with the NPPF, there are differences in that the NPPF is supportive of the sustainable growth and expansion "of all types of business and enterprise in rural areas" rather than just those that they are either directly related to the essential needs of agriculture, forestry or other rural industries. Furthermore, there is no requirement in the NPPF that such schemes have to be small scale. In this regard, whilst the Policy can be considered to have significant weight with regard to points (a) to (d), it is no longer considered that the principle of larger scale, general employment proposals is unacceptable.

Landscape protection policy

4.6 Another of the NPPF's 'core principles' is the recognition of the intrinsic character and beauty of the countryside. Local Plan Policy LND4 recognises that the countryside of the Borough is worthy of protection for its own sake and provides that in considering proposals for development in rural areas, regard will be given to the need to protect the character and appearance of the rural landscape. In addition, policy SD7 of the JCS Submission reflects the wording of the NPPF in relation to the recognition of protecting the intrinsic beauty of the countryside. These policies are therefore considered to be consistent with the NPPF and should be afforded appropriate weight.

Agricultural Diversification Policy

4.7 Policy AGR 4 of the Local Plan states that, proposals for farm diversification on existing farm units will be supported where the scale and use are appropriate to a rural environment, they are in keeping with, and where possible, enhance the character of the surroundings, and maximise the use of existing buildings or structures. Where new buildings or extensions are proposed these should be well related to existing structures and essential to the new use. Haulage uses are not considered to be appropriate.

Highway Safety

4.8 Section 4 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Local Plan Policy TPT1 relates to access for developments and requires that appropriate access be provided for pedestrians, cyclists and vehicles, and that appropriate public transport services and infrastructure is available or can be made available. It further requires that traffic generated by and/or attracted to the development should not impair that safety or satisfactory operation of the highway. Policy INF1 of the submission version of the JCS states that developers should aim to provide safe and accessible connections to the transport network to enable travel choice for residents and commuters.

5.0 Analysis

5.1 The key issues for consideration within this application are considered to be whether the principle is appropriate to its local context within the countryside; issues of highway safety, sustainable transport, landscape impact and residential amenity are also assessed as part of the overall planning balance.

Principle of the use within the countryside

5.2 The application site is located within the countryside and forms part of a horticultural operation and therefore constitutes agricultural land as the NPPF specifically excludes land that is or has been occupied by agricultural or forestry buildings from being defined as previously developed land.

5.3 As outlined above the NPPF is supportive of the sustainable growth and expansion "of all types of business and enterprise in rural areas" rather than just those that they are either directly related to the essential needs of agriculture, forestry or other rural industries. Having regard to this it is considered that the proposed development is acceptable in principle and the determining factors in this case are the impact of the proposed development on residential amenity, landscape impact and acceptability in the rural environment, accessibility of the proposal and impact on highway safety.

Landscape Impact

5.4 The application site is located within open countryside and therefore regard must be given to the need to protect the character and appearance of the rural landscape. The site is relatively well screened with existing structures located to the east and tree planting along parts of the northern and southern boundaries. However the western boundary of the site is relatively open. The proposed scheme would replace a number of dilapidated structures resulting in a significant reduction in floor area and whilst there would be some visibility to the west this land is within the applicant's control and it is considered that with the addition of some screen planting along or adjacent to the application site's western boundary then the visual impacts of the proposal would be relatively contained within the application site. Whilst there would be some views into the site from Stanboro Lodge to the south, protection of individual views is not a material planning matter. The impact on the residential amenities of this property are considered later in this report. Having regard to the above, the proposal would negatively impact upon the character and appearance of the rural landscape, albeit when viewed from within the nursery site and this does weigh against the development.

Highway safety & Accessibility

5.5 Stanboro Lane is formed from a truncated section of the A 4019 that was created when the original line of the highway was adjusted to accommodate junction 10 of the M 5 to the south of the location. Stanboro Lane provides access to a dwelling and the proposal site from the northern arm and a similar number of properties from the southern arm. The junction of Stanboro Lane and the A 4019 form a right angle.

5.6 At its junction with Stanboro lane, the A 4019 is subject to a designated speed limit of 50 MPH. The junction offers visibility splays in excess of 240 m in both directions and provides a 'stacking lane' for vehicles turning right into Stanboro Lane and a 'slip lane' for vehicles turning left into Stanboro Lane. Reported

personal injury records have been studied for the past 5 years and there have been no reported injuries associated with this junction.

5.7 The County Highways Officer has been consulted from an accessibility and highway safety point of view and raise no objection to the proposed development subject to the imposition of a condition requiring a Construction Method Statement to be submitted to and agreed in writing with the Local Planning Authority.

5.8 Whilst the accessibility of the site is limited it is acknowledged that are good road networks connecting the application site to main urban centres and that there is a reasonable bus service in close proximity to the site. It is also acknowledged that the existing horticultural operation could generate a number of movements and that proposed diversification effectively replaced some of the potential horticultural activity on site,

5.9 Having regard to the it is not considered that the proposed development would have a detrimental impact upon highway safety. The proposal is therefore in accordance with Policy TPT1 of the Local Plan and Policy INF1 of the submission version of the JCS.

Residential Amenity

5.10 The proposed use is located in close proximity to an existing residential property which is surrounded by the application site on three sides. The proposed use has the potential to result in a significant amount of noise and disturbance to the residential amenities enjoyed by the occupiers of this residential property.

5.11 The applications supporting information anticipates that the proposed development would generate up to 6 movements per day and this is accepted by the County Highway Authority. These movements would be mainly associated with customers who are visiting their storage containers. The containers would be permanently sited. It is also relevant that the existing horticultural use could generate a significant number of movements.

5.12 The Council's Environmental Health advisor has been consulted on the application and raises no objection to the proposed development. Having regard to the above it is considered that the proposed use would be compatible with the adjacent residential use and as such the proposal would accord with Policy EVT3 of the Local Plan.

Other Matters

5.13 Concern has been raised regarding the potential of external lighting being erected, however this is not proposed by the applicant at this time and a condition could be imposed requiring details of any lighting to be submitted to and agreed in writing with the Local Planning Authority.

6.0 Conclusion

6.1 The NPPF makes it clear that Local Planning Authorities should be supportive of a prosperous rural economy setting out that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. Similarly Policy AGR4 of the local plan supports appropriate agricultural diversification.

6.2 The reasons for the applicant looking to diversify with this business are noted. In addition, the NPPF highlights the importance of promoting economic growth and this development would contribute to such growth. These factors represent material considerations that weight in favour of the development

6.3 Whilst there would be some limited landscape harm resulting from the proposed development, on balance it is considered that the benefits that the application would bring outweigh the identified harm

6.4 Weighing these matters into the balance, it is considered that the proposal would accord with the provisions of the NPPF, Policies TPT1, EMP4, EVT3 and LND4 of the Local Plan and Policies SD2 and SD7 of the JSC and therefore represents sustainable development in the context of the NPPF.

RECOMMENDATION Permit

Conditions:

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 Storage associated with the use hereby permitted shall be limited to within the storage containers approved as part of this permission and there shall be no outside storage associated with the use whatsoever on the site.
- 3 There shall be no external lighting on the site unless details of any such lighting has been previously submitted to and approved in writing by the Local Planning Authority. No external lighting shall be installed other than in accordance with the approved details.
- 4 No development shall take place until there has been submitted to and approved by the Local Planning Authority in writing, a scheme for the provision of landscaping along or adjacent to the north western boundary of the site, which shall include indications of all existing trees and hedgerows on the land that are to be retained along with details of new planting to reinforce the site boundary and screen the approved development. All planting, seeding or turfing in the approved details of landscaping shall be carried out in the first planting and seeding season following the commencement of the use 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.
- 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:
 - i. specify the type and number of vehicles;
 - ii. provide for the parking of vehicles of site operatives and visitors;
 - iii. provide for the loading and unloading of plant and materials;
 - iv. provide for the storage of plant and materials used in constructing the development;
 - v. provide for wheel washing facilities;
 - vi. specify the intended hours of construction operations;
 - vii. measures to control the emission of dust and dirt during construction

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 protect the visual and general amenities of the area in accordance with the Core Planning Principles within the National Planning Policy Framework 2012.
- 3 To minimise light pollution in accordance with policies EMP4 and EVT2 of the Tewkesbury Borough Local Plan to 2011.
- 4 In order to screen the visual impact of the development and help assimilate the site into the countryside in accordance with policies EMP4 and LND7 of the Tewkesbury Borough Local Plan to 2011 and the advice within the National Planning Policy Framework 2012
- 5 To reduce the potential impact on the public highway and accommodate the efficient delivery of goods and supplies in accordance paragraph 35 of the National Planning Policy Framework.

Note:

Statement of Positive and Proactive Engagement

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

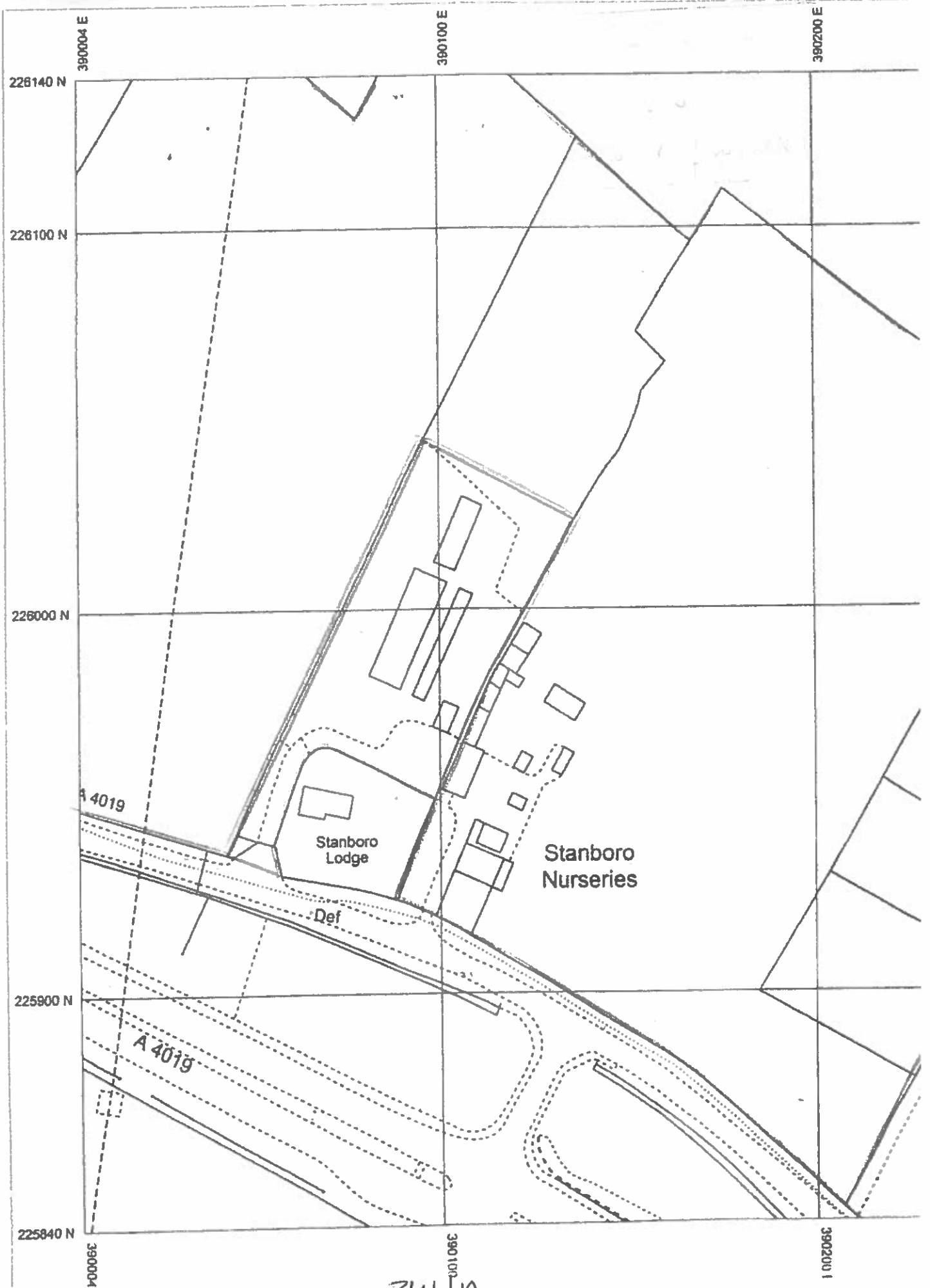
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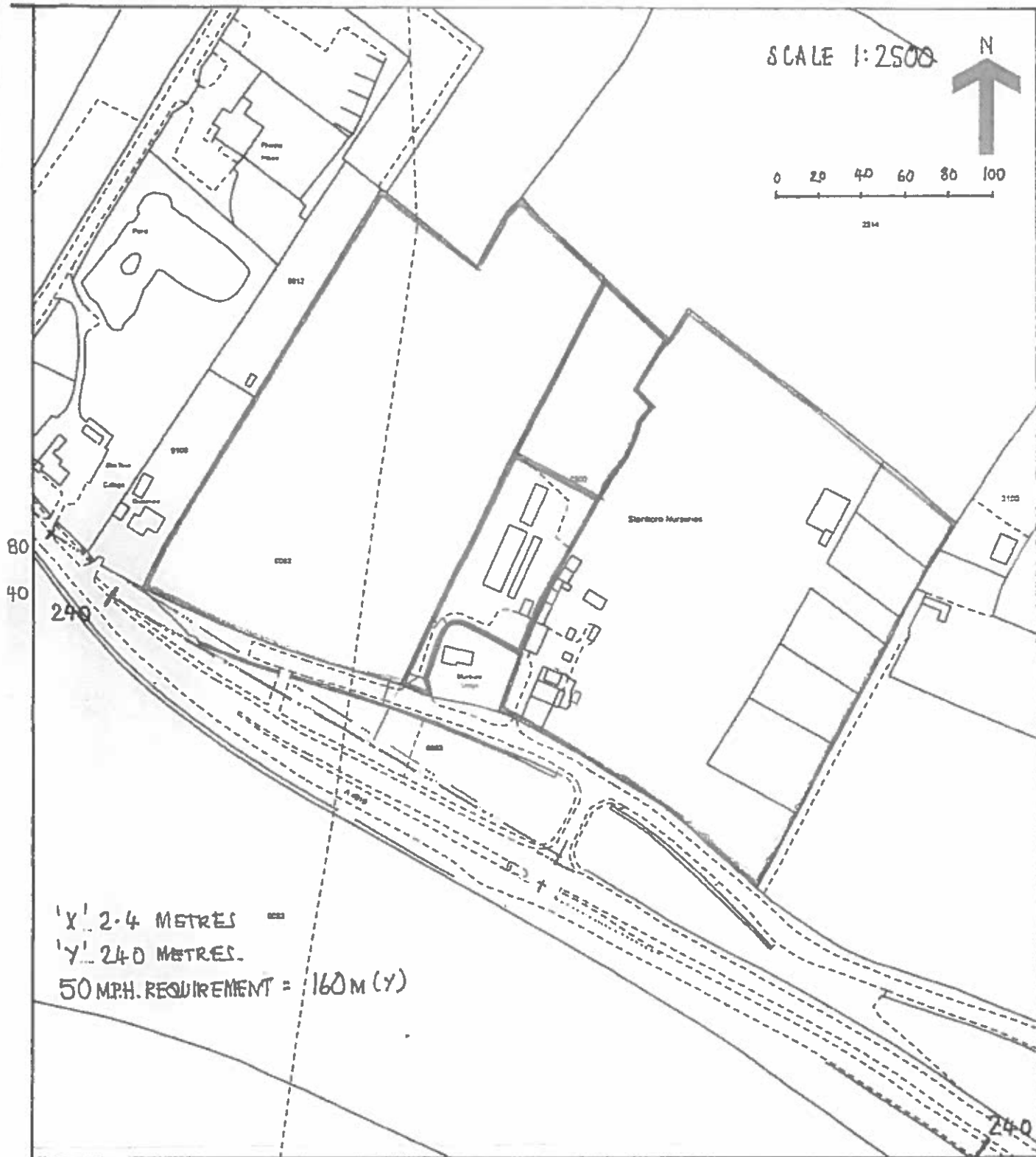
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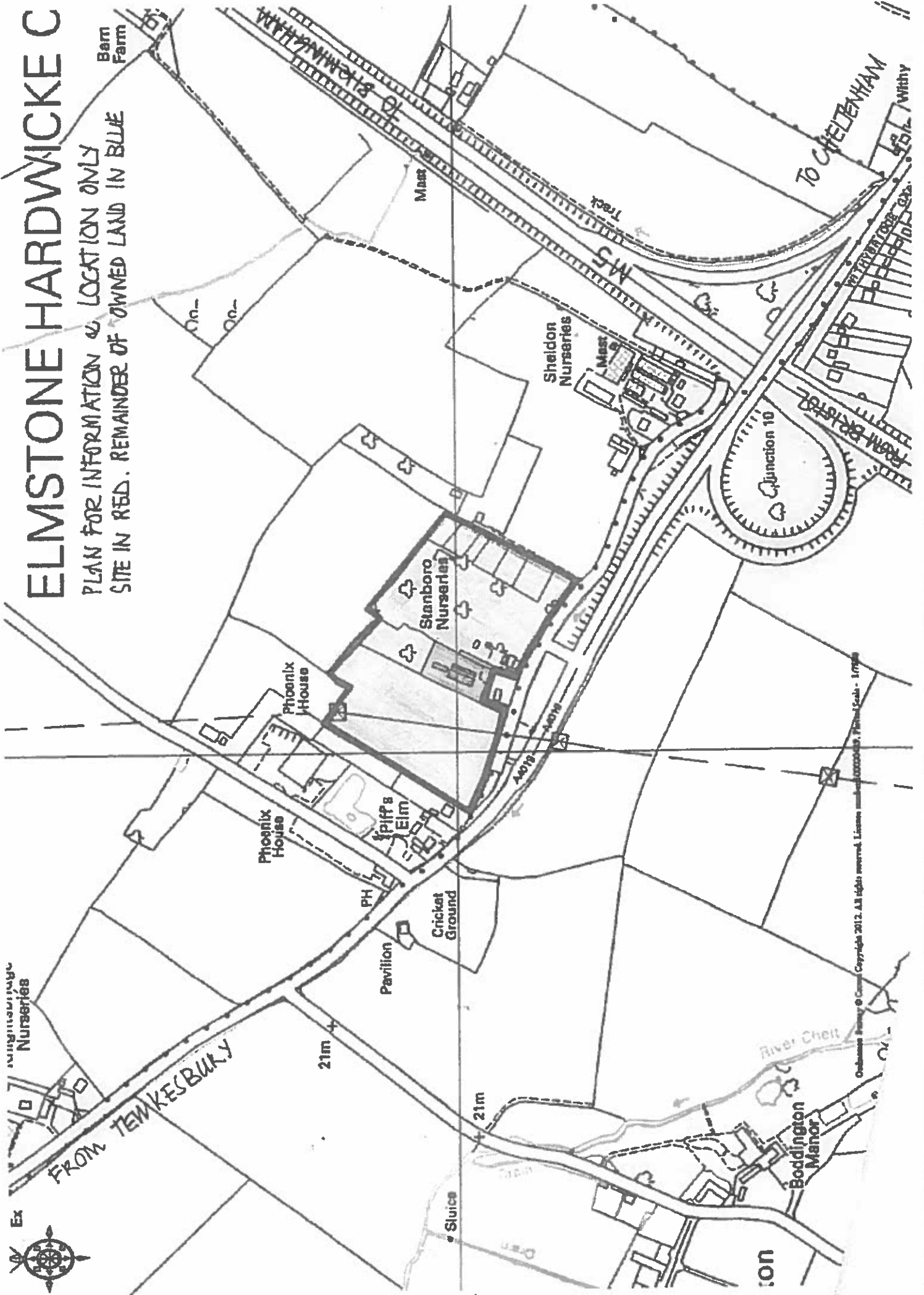
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'Y' 2.4 METRES
'Y' 240 METRES.
50 MPH. REQUIREMENT = 160 M (Y)

ELMSTONE HARDWICKE C

PLAN FOR INFORMATION & LOCATION ONLY
SITE IN RED. REMAINDER OF OWNED LAND IN BLUE



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241/C

Valid 04.07.2015

Refurbishment of social club to include demolition of single storey building and rear extensions to create 5 new dwellings, access and parking area (amendment and reduction to previous planning permission and conservation area consent under references: 11/01012/FUL & 11/01013/CAC)

Grid Ref 389515 232772

Parish Tewkesbury

Ward Tewkesbury Town With
Mitton

Towncrest Projects Ltd

C/O Urban Aspects Ltd

RECOMMENDATION Permit**Policies and Constraints****Policy and Planning Constraints**

NPPF;

Planning Practice Guidance;

The Tewkesbury Borough Local Plan to 2011 - March 2006 - TY6, HOU5, HEN2, EVT3 and TPT1

Conservation Area

Within 50m of listed buildings

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

Conservation - No objection

Town Council - Recommend refusal - support the view of the Highways Officer

County Council Highways - It has come to light that the wall shown across the access inside the existing gates on drawing numbered 02 can be removed without planning permission to provide unobstructed parking for 3 cars. If it follows that the buildings shaded blue on the same plan can also be removed without planning permission, creating a larger area for parking, then the impact of the proposed development will be similar and no highway objection could be raised.

Urban Design - Concern with regard to the size of the properties and the detail of the rear amenity area.

Planning Officers Comments: Mr Andrew Thompson**1.0 Application Site**

1.1 The site comprises the 'Towncrest Sports Club', that is located on the southern side of East Street, within the town of Tewkesbury. The site lies within the conservation Area and adjoins listed buildings, including No 26 East Street. It backs onto properties fronting onto Barton Street including the former Kings Head pub which is converted into flats. The site measures approximately 0.04 ha in area.

1.2 The main building is three storeys fronting onto East Street, with semi-detached single and two-storey buildings. To the rear of the site is an enclosed courtyard area and concrete block single storey outbuilding. An electricity sub-station is also located within the courtyard area.

1.3 The area is dominated by back of pavement properties and conversions. The immediate vicinity of East Street is primarily residential. Opposite the site is North East Terrace which is the residential conversion of the former Patent Renewable Stocking Factory.

2.0 Planning History

2.1 Planning permission and conservation area consent was granted for 8 dwellings (references 11/01012/FUL & 11/01013/CAC) on 23 December 2011. This expired on 23 December 2014.

2.2 An application for the refurbishment of social club including part demolition of single and two storey elements and demolition of single storey rear outbuilding and their replacement with new build to provide 11 affordable flats was reported to Committee in November 2009 and it was resolved to delegate permit subject

to the completion of a Section 106 Agreement to provide contributions towards open space and outdoor recreation, community facilities and indoor recreation and recycling facilities. This S106 was not completed and the application was withdrawn on the receipt of planning permission for 8 dwellings in 2011.

3.0 Current Application

3.1 The proposal seeks permission for the refurbishment of the social club and erection of 5 new dwellings, access and parking. This application is an amendment to the previously permitted scheme, 11/01012/FUL. The refurbishment of the social club as proposed will result in an increase in floor area of 182sqm over the existing. The 2011 scheme proposed 8 dwellings, 5 are now proposed with car parking. The previous scheme did not propose car parking for the residential units but included a car parking survey to demonstrate that there was ample on road and public car parking spaces available that could accommodate the demand from the development.

3.2 Plots 1, 3, 4 and 5 would be 2-bedroom units ranging from 64-68sqm with Plot 2 being 46sqm. The previous scheme was entirely 2 bedroom units ranging from 53-68sqm.

3.3 The proposals include 4 cycle stands and an amenity area at the rear of the site.

4.0 Policy Context

4.1 The site is within the back of main streets area where Policy TY6 seeks to strengthen the existing mixed use character of the area. Uses such as small scale retail, residential, tourism related, commercial or industrial (Class B1) may be appropriate subject to their creating no unacceptably adverse environmental impact.

4.3 Policy HEN2 of the local plan seeks to preserve or enhance the character and appearance of conservation areas.

4.4 Policy TPT1 of the Local Plan highlights that development will be permitted where provision is made for safe and convenient access and where there is an appropriate level of public transport services and infrastructure available.

5.0 Analysis

5.1 The main issues in respect of the current application are considered to be: the impact of the proposed development on the conservation area and setting of nearby listed buildings; impact on the amenities of neighbouring properties and impact on highway safety.

Principle of development

5.2 The NPPF seeks to deliver high quality housing that is well-designed and built to a high standard and to provide for housing developments in suitable locations, which offer a good range of community facilities and with access to jobs, key services and infrastructure. Policies in the local plan reflect this advice and advocate a strategy of sustainable development.

5.3 In this respect the site is located within the town of Tewkesbury and within the 'Back of Main Streets Policy Area' as designated in the local plan. The site is covered by Policy TY6 which supports a mix of uses including small scale residential development. As such the proposed residential development complies with Local Plan Policy TY6, subject to the scheme being acceptable in all other respects.

Impact on heritage assets (setting of listed building / conservation area /archaeology)

5.4 The Council's Conservation Officer The site, which incorporates the terraced house at No 27, is a late C19-early C20 industrial building, apparently a former laundry, and most recently used as a sports club. Purpose-built industrial buildings are comparatively rare in central Tewkesbury, and the building has a distinctive presence in the otherwise residential East Street. The scheme is outwardly very similar to the 2011 permission, and indeed its lower intensity is beneficial.

5.5 Access to the rear courtyard needs to be given careful consideration. If gates are to be introduced, visually-permeable metal gates are likely to be preferable to the existing solid timber gates but these will need to be appropriately-designed, although a condition could secure this if gates are to be proposed.

5.6 The two additional doors in the street elevation will be formed from existing windows and the continuous stone band at lintel level should be retained instead of inserting brick arches, which are structurally unnecessary and interrupt the feature.

5.7 Overall the proposals are an improvement to the previous scheme and would preserve the heritage asset.

Highway Issues

5.8 Policy TPT1 of the Local Plan highlights 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. The resulting development should also not adversely affect the traffic generation, safety and satisfactory operation of the highway network.

5.9 The NPPF highlights that development should take advantage of and be located in areas where the need to travel by car can be reduced. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

5.10 The County Council Highways Officers note that the wall shown across the access inside the existing gates on drawing numbered 02 can be removed without planning permission to provide unobstructed parking for 3 cars. If it follows that the buildings shaded blue on the same plan can also be removed without planning permission, creating a larger area for parking, then the impact of the proposed development will be similar and no highway objection could be raised.

5.11 The accessway exists as does the North East Terrace opposite which offers a directly comparable example with car parking accessed for three properties and at least 6 spaces through an identical archway. There are a number of similar narrow accesses across the town centre.

5.12 Previously in 2011 the Town Council objected to the application on grounds of overdevelopment of the site and lack of street parking and their current objection to the access and rear car parking are also noted. Reducing the number of units and creating a car parking area would be a positive element to the proposals.

5.13 Taking into account the location of the application site, to widen the access would be damaging to the architecture of the building and require demolition which would be damaging to the character of the area and result in the loss of the heritage, the applicant has stated that no car parking would not be deliverable. As such, the benefits of bringing the building back into use would outweigh the concerns of highway officers and the Town Council.

Amenity Issues

5.14 Policy HOU5 of the Local Plan provides that redevelopment for residential use will be acceptable in principle provided, amongst other things, it does not result in an unacceptably low degree of residential amenity for existing dwellings. Similarly, Local Plan Policy TY6 sets out that residential uses may be appropriate subject to their creating no unacceptably adverse environmental impact.

5.15 The redevelopment of this brownfield site for housing, fully accords with planning policy guidance and Policy TY6 of the local plan. Members had also resolved to permit 11 units on this site in 2009. This scheme reduces the number of units from 8 to 5 which is not considered to be excessive and the amount of built form on the site will be decreased with the demolition of outbuildings.

5.16 Whilst the comments of the Urban Designer have been carefully considered are below the recently introduced national space standards which seek a standard of 50sqm for a 1 bed flat and 70sqm for a 1 bed flat for 2 bed properties 79sqm over 2 floors. The proposed properties are comparable to the size of properties approved under the previous planning permission. Amendments to improve the quality of the rear area and creating additional space within the dwellings have been received.

6.0 Conclusion

6.1 The site is located within the town of Tewkesbury where the principle of new residential development on the site is acceptable and close to shops and services. The comments of the Town Council are noted and carefully considered, the number of comparable examples in the town and the heritage impact of any widening to the access are noted. Bringing a vacant building back into use and the positive benefits of the proposals are significant and positive elements and outweigh the negative aspects. The proposals are therefore recommended for approval.

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, reference: RFG15.01.01, RFG15.01.02, RFG15.01.03, RFG15.01.04, RFG15.01.05, RFG15.01.06 Rev A.
- 3 Prior to the first occupation, the proposed rear parking area and amenity space shall be consolidated and made available for use for future residents of the application property.
- 4 Prior to occupation of the proposed dwellings, cycle parking and bin storage facilities shall be provided in accordance with plan no. RFG15.01.06 Rev A, and shall be similarly retained as such thereafter.
- 5 The external materials of the proposed alterations to the existing building shall match as near as possible the materials of the existing building.
- 6 The proposed fire escape shall be painted or powdercoated black and shall be retained thereafter

Reasons:

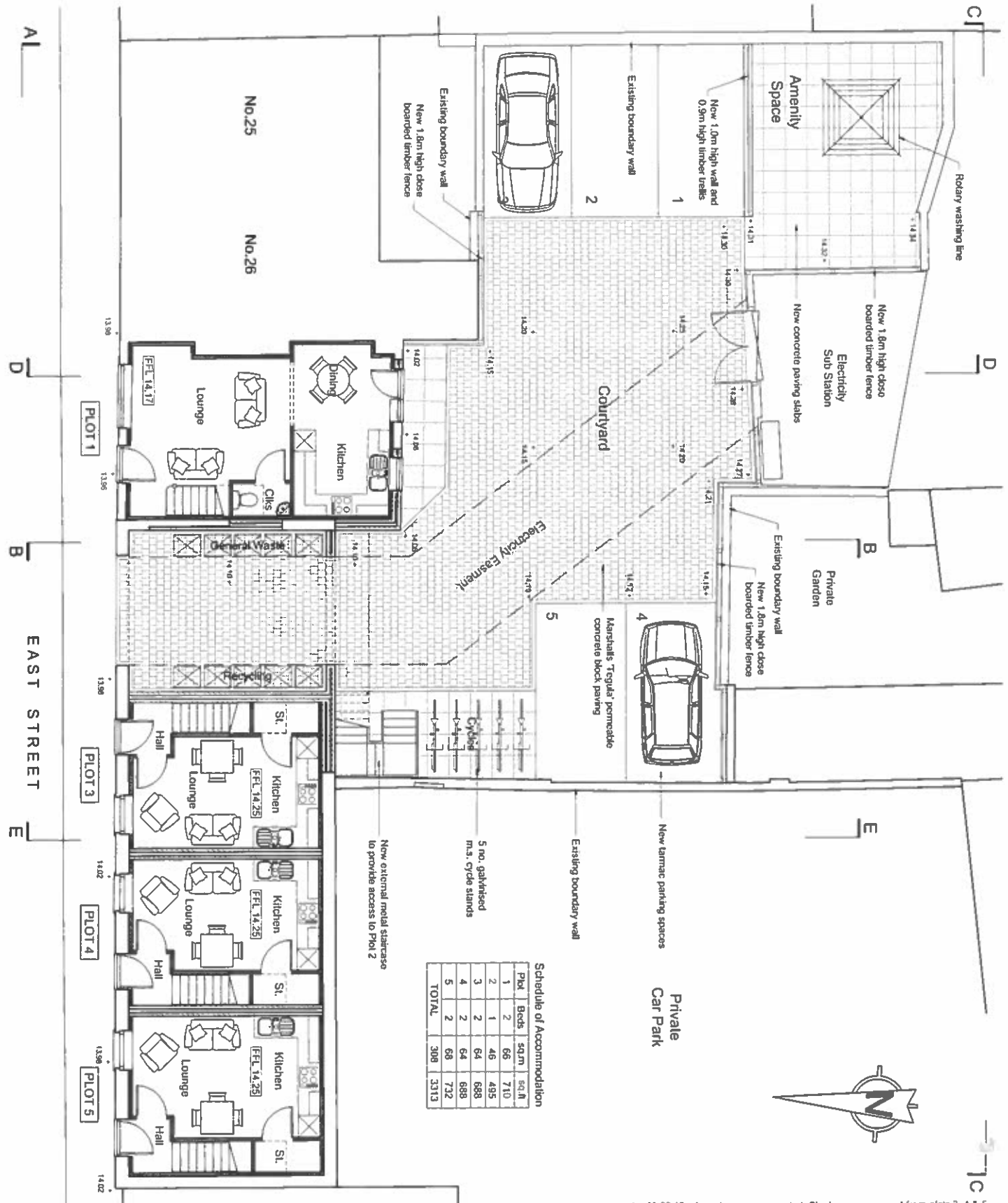
- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
- 2 To define the permission and to preserve the character of the Conservation Area.
- 3 To ensure that the proposals form satisfactory parking and amenity space provision for future residents.
- 4 To ensure that adequate cycle storage facilities and bin storage facilities are provided, in the interests of sustainability and highway safety.
- 5 To ensure that the appearance of the building(s) will be in harmony with the character of development in the area in accordance with the NPPF.
- 6 To preserve and enhance the character of the Conservation Area.

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 improvements to the design, layout and rear area and discussing the highway concerns..

15/100/14015/14




Schedule of Accommodation

Plot	Beds	sqm	sq. ft.
1	2	66	710
2	1	46	495
3	2	64	688
4	2	64	688
5	2	68	732
TOTAL		308	3313

A 13.08.15 Amenity space amended. Cloakrooms removed from plots 3, 4 & 5.

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Client Towncrest Projects Limited			
Project Towncrest Sports & Social Club, Tewkesbury			
Drawing Title Proposed Ground Floor Plan & Site Layout			
Date June 2015	Scale 1:100 @ A3	Drawn GMP	Status PA
Job No. RF15.01		Dirg No. 06	
Rev -			

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245/A

Valid 27.07.2015

Change of use from bed and breakfast accommodation to nursery daycare for up to 60 child places, and guest house accommodation at first floor level comprising 3no service rooms, and associated alterations to car parking layout (revised scheme)

Grid Ref 402342 228723

Parish Winchcombe

Ward Winchcombe

Mrs D Turner & Miss L Arnold

Mini Vips Nursery & Daycare

32 North Street

Winchcombe

RECOMMENDATION Permit**Policies and Constraints**

National Planning Policy Framework

Planning Practice Guidance

JCS (Submission Version) November 2014

Tewkesbury Borough Local Plan to 2011 (March 2006) - Policies GNL17 , EVT3, EVT9 , TPT1 and TPT6

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

Winchcombe Town Council raises no objection and advises that they fully support the application.

Councillor Jim Mason has requested that this planning application be presented to and determined by the Planning Committee, in order to assess the impact on the surrounding area. Councillor Mason further requests a site visit for this application.

The Environmental Health Officer advises that: "Consideration needs to be given to the appropriateness of a nursery of this size in this location. 60 children is the equivalent in volume to a small primary school. There will be an inevitable increase in traffic movements from 07:30 until 18:00 at night; it is also unclear if the nursery will be used also in the school holidays for parents who have to work. The use of outdoor areas for the purposes of play and exercise and the impact that this number of children will have on the existing amenity of residents needs to be carefully considered. This is because investigating noise complaints of children noise / comings and goings will be a very difficult task retrospective. However effective management of the site will be the key if you were mindful to approve this application". The Environmental Health Officer subsequently requested if a condition could be attached to any approval of planning permission to limit the number of children allowed out to play at any one time.

The Economic Development Officer supports this application, advising that it will enable the existing children's nursery business to grow and develop, whilst also providing a vital service for working parents in the community. There will be positive benefits to the local economy, through the creation of new jobs, as well as enabling parents to return to work.

County Highway Authority - No objection subject to condition.

12 letters of support have been received:

- There is a need for childcare facilities in the town as there is already a shortfall in childcare facilities and given the influx of new families to the town resulting from the new housing development
- The need for good quality accommodation
- Central location and easily accessible - many Winchcombe families could walk to the premises
- The proposed off-road parking would ease the pressure off North Street during busy periods
- Secure and secluded rear garden
- Wide range of multi-use rooms
- More spaces are required for children during school holidays, and there is currently very limited availability

- Creation of jobs
- The business would not be making noise in the evenings and the weekends - occupier of 14 Gretton Road, whose property borders one side of the proposed nursery. Letter of support also received from occupier of 20 Gretton Road who borders the other side of the proposed nursery and from occupiers of 66 Crispin Road who borders the rear boundary of the proposed nursery;
- Area is characterised by "small residential businesses" outside the town centre and I have never heard anyone complain about any inconvenience they cause - they provide the community with facilities and safety, and the proposal would enhance these qualities further
- Would prevent locals from going elsewhere for childcare facilities
- It would allow the use of "Government vouchers
- Applicants have already established a superb reputation in this field- they do more for the public and bringing the community together
- The proposal would be an asset to Winchcombe and the best use of the premises

To date, 2 letters of objection have been received and the main points raised relate to:

- Unacceptable levels of noise along Crispin Road from the proposed nursery day care centre and external play facilities on the limited area of land behind and on the side of the property by virtue of (1) the number of children who would be at the premises, which is a relatively small development (although even just a limited number of children using the play area at each proposed time is likely to cause continuous noise every hour); (2) the opening hours of the proposed nursery day care from such an early time in the morning and throughout the working day, every week-day and in every month and even during Easter and summer holiday times until the late afternoon; (2) the short rear gardens of dwellings on Crispin Road which back directly onto the application site and currently are secluded away from any noise; (3) the fact that retired or elderly occupants live within these dwellings on Crispin Road which back onto the application property, who are not out at work during the day themselves and do not have their children living there; and (4) the fact that no similar commercial establishment had previously been in existence at the application site in recent years.
- The presence of a full time day care centre with outside play facilities would be so much worse than the accepted noise from an average junior or infant school where 'play time' is by nature of the school day is limited to a mid morning period and to a lesser extent around lunch times only and there would be a welcome cessation of noise during every school holiday.
- The proposed 'intrusive' acoustic fencing would not be practical or effective on the scale proposed here - The plans also show that the areas designated as 'play areas' have been rather crammed in to the small area available in the garden and it is foreseeable that any noise generated from children playing in the limited space between the walls of the building and the perimeter fencing would echo between these structures and be transmitted upwards and reflected out from the walls of the buildings and over the top of any fencing and to be easily heard from the gardens adjoining and in the near vicinity of the centre.
- Inaccuracies within the submitted application - the submitted Location Plan does not show the current boundary between 68 Crispin Road and Oaklands which extends for approximately 37ft along the length of Proposed Play Area 2 - unlike the other two sides of Oaklands (i.e. Proposed Play Area 1 and Proposed Quiet Area backing onto nos. 66 and 68 Crispin Road), this boundary does not have thick hedges and trees along it, but has only an old interwoven fence in poor condition which is in need of replacement.
- Request for the 2 metre high acoustic fencing proposed for the caretaker's area to also be used to replace the existing derelict fence, in order to help reduce noise nuisance from Play Area 2
- Request for the erection of a canopy over the Play Area to give extra acoustic protection;
- Request for soft rubber Safety Surfacing in Play Area 2 to help reduce noise from wheeled toys, etc. (there is no specification for the surfacing of Play Area 2)
- There is scope for the application property to alternatively make full use of the many rooms available as a bed and breakfast establishment with serviced rooms, which would benefit the prosperity of the town and not attract undue noise or road congestion.
- There is scope for such a day care centre in a more suitable location, perhaps on land nearer to the homes of parents who would benefit from the service or preferably adjacent to one of the existing schools where land appears to be vacant.

Planning Officers Comments: Emma Blackwood

1.0 Introduction

1.1 The site comprises a large detached property, located on the eastern side of the Gretton Road highway, in Winchcombe. The site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB). The main vehicular access point is located towards the northern side of the site, and 7 vehicular parking spaces towards the northern side of the building would be provided within the curtilage of the site. There is also an

additional vehicular access point towards the southern side of the site, which provides access to an additional 2 vehicular parking spaces (see location plan).

1.3 The rear elevation of the existing building is set back 4.25 metres from the rear site boundary at the closest point, which backs onto the rear gardens of nos. 64, 66 and 68 Crispin Close. There is existing hedging along this rear boundary. There is an existing patio area between the main bulk of the principal building and the later rear extension, and there is a grassed/vegetated area adjacent to both side elevations and the rear elevation of this later extension.

2.0 History

2.1 Planning permission was granted in September 1982 for alterations and extension to the existing dwelling to provide a bedroom (reference T.7574).

2.2 Planning permission was granted in April 1985 for the erection of a nursing home annexe including eight bedrooms and four bathrooms (reference T.4143/B).

2.3 Planning permission was granted on 18th November 2002 for a change of use from rest home to bed and breakfast accommodation and new parking area (reference 02/01312/FUL).

2.4 On 21st July 2015, an application for the change of use from bed and breakfast accommodation to nursery daycare and 3no serviced rooms was withdrawn (reference 15/00555/FUL).

3.0 Current Application

3.1 This application seeks planning permission for a change of use to nursery for up to 60 child places at ground floor level and part of first floor level, and to a 3 room "room only" guest house accommodation at first floor level (see proposed floor plans).

3.2 The Design and Access Statement advises that the applicants currently operate 2 child-minding facilities from private homes in Winchcombe ('Debbie Daycare' and 'Mini VIPs'), and it is proposed to cease these, amalgamate the facilities, and move them to a relatively larger premises at 16-18 Gretton Road. The Design and Access Statement specifies that this would create in the region of an additional 30+ child places, and an additional 5 FTE jobs.

3.3 12 no. car parking spaces would be provided within the curtilage of the application site, as well as a parking area for 4 no. bikes (see proposed site plan). 2 of these proposed car parking spaces would be for the caretaker and staff only, and the Design and Access Statement advises that an estimated total of 4-5 staff vehicles would be permanently parked off-site, at Back Lane (Library) car park. The proposed hardstanding area within the curtilage of the site would extend across the full width of the site to the front of the building, thereby removing the existing front garden area, and across virtually the full depth of the site to the northern side of the building, thereby removing part of the existing grassed area towards the rear of the site. The proposed site plan shows that there would be a gate to the northern side of the building which would be open when children are being dropped off and collected by parents to allow vehicular access to the proposed 5 no. car parking spaces to the rear of this gate, but would then be closed during the day so that this parking/turning area would alternatively be used as a play area during the day-care hours. This play area would cover an area of 198 square metres.

3.4 The Design and Access Statement confirms that the site would support adequate overall space in terms of Ofsted child:space ratios and external safe play areas. An additional 3 external play areas would be provided within the curtilage of the application site: (1) on the patio area located between the main bulk of the principal building and the later rear extension covering an area of 46 square metres; (2) on the grassed area adjacent to the southern side elevation of this later extension towards the rear of the site covering an area of 63 square metres; and (3) in an area adjacent to the southern side elevation of the original building towards the front of the site covering an area of 31 square metres. A 2 metre high timber fence and gate would be erected towards the front of this play area to separate it from the adjacent proposed bicycle and car parking area.

3.5 Towards the rear of the building, across the full width of the site, there would be a caretaker's private patio and garden. A 2 metre high fence and gate would be erected to divide this caretaker's private patio and garden from the proposed parking/turning/play area towards the northern side of the building, and a 2 metre high acoustic fence and gate would be erected to divide this caretaker's private patio and garden from the proposed play area towards the southern side of the building. In response to concerns raised by occupiers of

no. 68 Crispin Road, the applicant has advised that they will also replace an existing Interwoven fence adjacent to play area 2 (towards the rear of the application site) with 2 metre high acoustic fencing. A sign would be fixed to both fences on the parking/play area side, to read 'Quiet Area - Caretaker Only'. At the closest point, the proposed plays areas would be set back some 5 metres from the rear boundary of the application site which is shared with the rear garden areas of dwellings at nos. 64, 66 and 68 Crispin Road.

3.6 Supporting details confirm that at no time will all children be using external play areas. A maximum of 16 children at any one time would be outdoors for purposes of play and exercise, and none before 09:00 or after 18:00, and not at weekends. In school holidays, the nursery would operate the same, with all conditions and operations as per term times. The exception would be a close down during school holidays over the Christmas period.

3.7 The Design and Access Statement specifies that the nursery is proposed to operate Monday-Friday (07:30 - 18:00), and drop-off/collection times would be "staggered" between 7:45am-9:15am, and 3pm-6pm (provider/parent contracts already exist in the child minding facilities, and would be extended to the proposed facility, to encourage controlled journey times and no "peaks" of journeys). The Design and Access Statement estimates that somewhere in the region of 25-30% of supported families/child places would have pedestrian access to the facility, thereby decreasing vehicle trips, and that 20% of child places are estimated to be shared by siblings, further decreasing vehicle trips.

3.8 Supporting information from the applicant advises that, due to the freehold cost of the property and ongoing operating costs, the proposal is for up to 60 child places, otherwise it would not be commercially viable.

3.9 In terms of the proposed "room only" accommodation, this would be provided at first floor level only. 3 'serviced rooms' would be provided, each with an en-suite bathroom, which would provide sleeping accommodation but with no meals or breakfast provided. The Design and Access Statement advises that Winchcombe's tourism trade supports the need for good quality overnight accommodation, and local eateries provide the services of breakfast and evening meals. The Design and Access Statement further confirms that, as with many town centre hotels, etc., guests of the "room only" accommodation would be directed to the nearby Back Lane car park for parking spaces (1 minute walk).

4.0 Policy Context

4.1 Policy GNL17 of the Local Plan relates specifically to childcare facilities and conforms to the NPPF's presumption in favour of sustainable development by declaring that planning permission will be granted for new pre-school or childcare facilities subject to compliance with a number of criteria, which includes:

- Safe provision for vehicle dropping off/collecting children;
- Adequate off-street parking being available;
- The premises are safely, easily and conveniently accessed by all means of transport;
- Noise, both from inside the building and the garden/outdoor play area, does not cause an unacceptable level of disturbance to the residents of surrounding property;
- The building is suitable for the proposed use in terms of its size, layout, security and safe access to a garden/outdoor play area; and
- Premises are located within or adjacent to existing settlements.

4.2 Policy EVT3 of the Local Plan relates to noise pollution and specifies that developments likely to generate levels of noise which are unacceptable either in volume or frequency of occurrence should, where appropriate, be sited away from people so as to avoid any noise disturbance and new development should itself be sited away from sources of noise. It further states that appropriate steps must be taken during construction and operation or occupation of the completed development to reduce levels of noise pollution. Policy EVT3 states that planning permission will not be granted for development where noise would cause harm and it cannot be ameliorated.

4.3 In terms of assessing impact on highway safety, policy TPT1 of the Local Plan is relevant and conforms to the NPPF's presumption in favour of sustainable development by declaring that development will be permitted where:

- Provision is made for safe and convenient access to the development by pedestrians and cyclists;
- An appropriate level of public transport service and infrastructure is available, or can be made available;
- The traffic generated by and/or attracted to the development, together with that arising from other existing or planned development, 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.

5.0 Analysis

5.1 The main planning issues to be considered in this application are the potential impact upon the residential amenity of neighbours and the traffic/highway safety implications.

Principle of Development

5.2 Policy GNL17 of the Local Plan provides advice on new childcare facilities and sets out a presumption in favour of such uses, subject to their appropriate siting within or adjacent to existing settlements and that they can be easily and conveniently accessed by all means of transport. The site is located within the Residential Development Boundary of Winchcombe, and some 45 metres to the north of an existing youth centre and sports hall. As such, the site is widely accessible by residents in the local area, on foot or by bicycle. Furthermore, the site lies in relatively close proximity to one of the main bus routes which serves Winchcombe and the wider area and therefore is readily accessible by alternative means of transport to the private motor car.

5.3 As such, it is considered that the location of the site accords with the wider aims of sustainable modes of travel in this regard and the principle of the use of the site as a children's nursery is acceptable in principle, in this regard. Further, it is judged that the building would be suitable for the proposed use in terms of its size and layout. Secure and safe access would be provided to enclosed external play areas within the curtilage of the site.

5.4 The first floor level of the building would be used for guest house accommodation. The application site has most recently been in use as a Bed and Breakfast, with this use considered acceptable and granted planning permission on 18th November 2002 under application reference 02/01312/FUL. The proposed guest house accommodation at first floor level would be similar to this Bed & Breakfast, with the exception that no meals or breakfast would be provided. As the general use of the building for these purposes has previously been considered acceptable and established under application reference 02/01312/FUL, it is judged that the use of the first floor level of the building as guest house accommodation is acceptable in principle.

Residential Amenity

5.5 The site is bounded to the rear (north-east) and on both sides by residential properties on Gretton Road and Crispin Close. Concerns have been expressed by local residents with regards to potential noise disturbance resulting from the proposed number of children using the outdoor play areas of the proposed nursery. A condition could be attached to any approval of planning permission restricting the number of children accommodated within the day care nursery to no more than 60 at any one time.

5.6 Further, the Environmental Health Officer has been consulted in this regard and has recommended the addition of appropriate planning conditions to control the hours of use of the outdoor areas and the child numbers allowed to play outdoors at any one time, other than in cases of emergency. By virtue of the close proximity of the site to residential properties, it is recommended that the number of children permitted at anyone time within the external play areas should be restricted to 16. It is further recommended that a restrictive condition is added to any approval of planning permission pertaining to the times in which the children can use these external play areas, from 09:00 to 18:00 Mondays to Fridays only, in order to safeguard the residential amenity of nearby residents.

5.7 The proposed caretaker's garden towards the rear of the application site would provide a 5 metre deep buffer between the proposed play areas and the rear boundary of the application site, and the applicant has advised that some 2 metre high acoustic fencing would be erected around part of one of the external play areas. Following receipt of concerns from neighbours, the applicant has subsequently advised that they would also replace an existing interwoven fence adjacent to play area 2 (towards the rear of the application site) with 2 metre high acoustic fencing. It is recommended that any approval of planning permission is subject to condition for details of the positions, design, materials and type of boundary treatments to be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the nursery day care and guest house accommodation, in order to protect the residential amenity of nearby residential properties, but also in the interests of visual amenity.

5.8 It is considered that the proposed guest house accommodation use would have no significant adverse effect on adjoining occupiers in terms of noise levels. In terms of the proposed dual use of the site, it is recommended that a condition is attached to any approval of planning permission for the opening hours of the day care nursery to be restricted to 07:30 to 18:00 Mondays to Fridays only. In contrast to the opening hours of the proposed nursery day care, the proposed guest house accommodation use would predominantly be used in the evening and overnight. As such, it is considered that the proposed nursery day care use would have no significant adverse effect on occupiers of the guest house accommodation in terms of noise levels.

5.9 In terms of assessing potential disturbances from the comings and goings of vehicles from the application site, the application advises that, with the exception of 2 no. proposed on-site car parking spaces, all staff vehicles associated with the proposed uses and guests of the "room only" accommodation would be directed to the nearby Back Lane car park for parking spaces. The remaining 10 off-road car parking spaces proposed for within the curtilage of the application site would be used by parents when dropping off or collecting children from nursery day care. The application advises that drop-off/collection times would be "staggered" between 7:45am-9:15am, and 3pm-6pm, and that provider/parent contracts are already in place in the existing child minding facilities which would be extended to the proposed facility, to encourage controlled journey times and no "peaks" of journeys. Further, the site is widely accessible by residents in the local area, on foot or by bicycle, and is also readily accessible by alternative means of transport to the private motor car. By virtue of the location of the site and the staggered nature of drop-off/collection times, it is considered that the proposed development would have no significant adverse effect on adjoining occupiers in terms of disturbances from the comings and goings of vehicles.

Access and Parking and Impact on Highway Safety

5.10 There are two existing accesses to the site from Gretton Road, which is subject to a 30mph speed limit. These vehicular access points would continue to be used, although would be widened. The Local Highway Authority (LHA) has viewed the proposal and advises that adequate visibility can be achieved from the proposed accesses and that this is acceptable for a road subject to a speed limit of 30mph.

5.11 The proposal seeks to change the existing layout and accesses arrangements to allow for additional off-street parking spaces on the site in which to service the anticipated increase in vehicle trips related to the nursery operations, and dedicate a number of these spaces for drop-off and pick-ups. 12 parking spaces are proposed with estimated staff vehicles being 2 and the users of the guest house accommodation would be parking at the Back Lane car park. There is also unrestricted on-street available along Gretton Road. Some of the parking area would alternatively be used as a gated play area outside of drop off and pick up times.

5.12 LHA considers that the parking layout would provide for a safe and secure layout, which would minimise conflicts between traffic and cyclists or pedestrians. The layout would provide adequate turning area(s) for vehicles using parking spaces to be able to enter and exit the site in forward gear. The location of these spaces allows for a minimum 2m wide unobstructed pedestrian corridor together with adequate forward visibility so as to enable vehicles entering the site to see parents and children who are using the pedestrian corridor.

5.13 The gross internal floor space of the application property is 608 square metres. The Local Highway Authority advises that the residual cumulative impact on the access (as determined by TRICS) for a Nursery development of 608 square metres gives a predicted rate of 92.25 trips. The morning peak is expected between 0800-0900 and during that hour the development may generate a total of 50.06 trips and the evening peak hour is predicted to be between 1600-1700 and the development is expected to produce 42.18 trips during that hour. Therefore, taking into consideration the number of available off-street parking spaces which would be provided, and the level of un-restricted on-street parking available, the LHA advises that the residual cumulative impact on the existing highway network is considered not to be severe, and as such no objection is raised subject to a condition relating to the provision of parking facilities..

6.0 Conclusion

6.1 Taking into account all of the above the proposal is considered to be acceptable and in accordance with the relevant policies, and it is therefore recommended that planning permission is granted subject to conditions.

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:
 - The Site Location Plan and approved drawing nos. '15:1749:06' and '15:1749:08' received by the Local Planning Authority on 15th July 2015;
 - Approved drawing nos. '15:1749:05 B' and '15:1749:07 B' received by the Local Planning Authority on 21st July 2015;
 - Details from the applicant within the email entitled "Application 15/00783/Ful previously 15/00555/Ful" and dated 27th July 2015;
 - Details within the Design and Access Statement received by the Local Planning Authority on 21st August 2015; and
 - Any other conditions attached to this approval.
- 3 Prior to first occupation of the nursery day care and guest house accommodation hereby permitted, the vehicular parking and manoeuvring facilities and bicycle parking facilities shall be provided in accordance with the approved drawing no. '15:1749:05 B' received by the Local Planning Authority on 21st July 2015, and such provision shall be maintained available for that purpose thereafter.
- 4 Prior to the occupation of the nursery day care and guest house accommodation hereby permitted, the access facilities necessary to serve the site shall be laid out and constructed in accordance with the submitted details, as shown on approved drawing no. '15:1749:05 B' received by the Local Planning Authority on 21st July 2015, with the area within 5m of the carriageway edge surfaced in a bound material, and such provision shall be maintained available for that purpose thereafter.
- 5 Notwithstanding the approved plans, prior to the occupation of the nursery day care and guest house accommodation hereby permitted, a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority and shall be carried out in accordance with the approved details and thereafter retained for the duration of the development.
- 6 The nursery day care hereby permitted shall accommodate no more than 60 children at any one time, unless otherwise agreed in writing by the Local Planning Authority.
- 7 The number of children permitted in the external play areas, cumulatively, at any one time shall not exceed 16, other than in cases of emergency, and children shall not be in the external play areas outside the hours of 09:00 to 18:00 Mondays to Fridays inclusive, and at no time on Saturdays or Sundays.
- 8 The nursery day care use hereby permitted shall not be open outside the hours of 07:30 to 18:00 Mondays to Fridays inclusive, and shall not be open on Saturdays or Sundays.

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 the development is carried out in accordance with the approved plans and in accordance with policies contained within the Tewkesbury Borough Local Plan to 2011 (March 2006).
- 3 To reduce potential highway impact in accordance with paragraph 39 of the NPPF and Policies GNL17 and TPT1 of the Tewkesbury Borough Local Plan to 2011 (March 2006).
- 4 To ensure a satisfactory means of access is provided and maintained in the interests of highway safety, in accordance with Policies GNL17 and TPT1 of the Tewkesbury Borough Local Plan to 2011 (March 2006).
- 5 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 and to protect the residential amenity of nearby residential properties, in accordance with Policies GNL7 and EVT3 of the Tewkesbury Borough Local Plan to 2011 (March 2006).

- 6 Any increase in the intensity of the site will require further consideration of the impact on the amenities of local residents and on highway safety, in accordance with Policies GNL17, EVT3 and TPT1 of the Tewkesbury Borough Local Plan to 2011 (March 2006).
- 7 To protect the amenity of local residents in accordance with Policy GNL17 of the Tewkesbury Borough Local Plan to 2011 (March 2006).
- 8 To protect the amenity of local residents in accordance with Policy GNL17 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.
- 4 The proposed development will require works to be carried out on the public highway together with the amending the existing vehicle crossing(s) and the Applicant/Developer is required to enter into a legally binding Highway Works Agreement (including appropriate bonds) with the Local Highway Authority, (Gloucestershire County Council), before commencing works on the development. Further details can be viewed at <http://www.gloucestershire.gov.uk/mfgs>.

15/00783/FUL

PLANNING AND DEVELOPMENT SERVICES	
Officer	.....
Scanned	.....
Rec'd	15 JUL 2015
Ack'd	.....
Ans'd	.....
File	.....

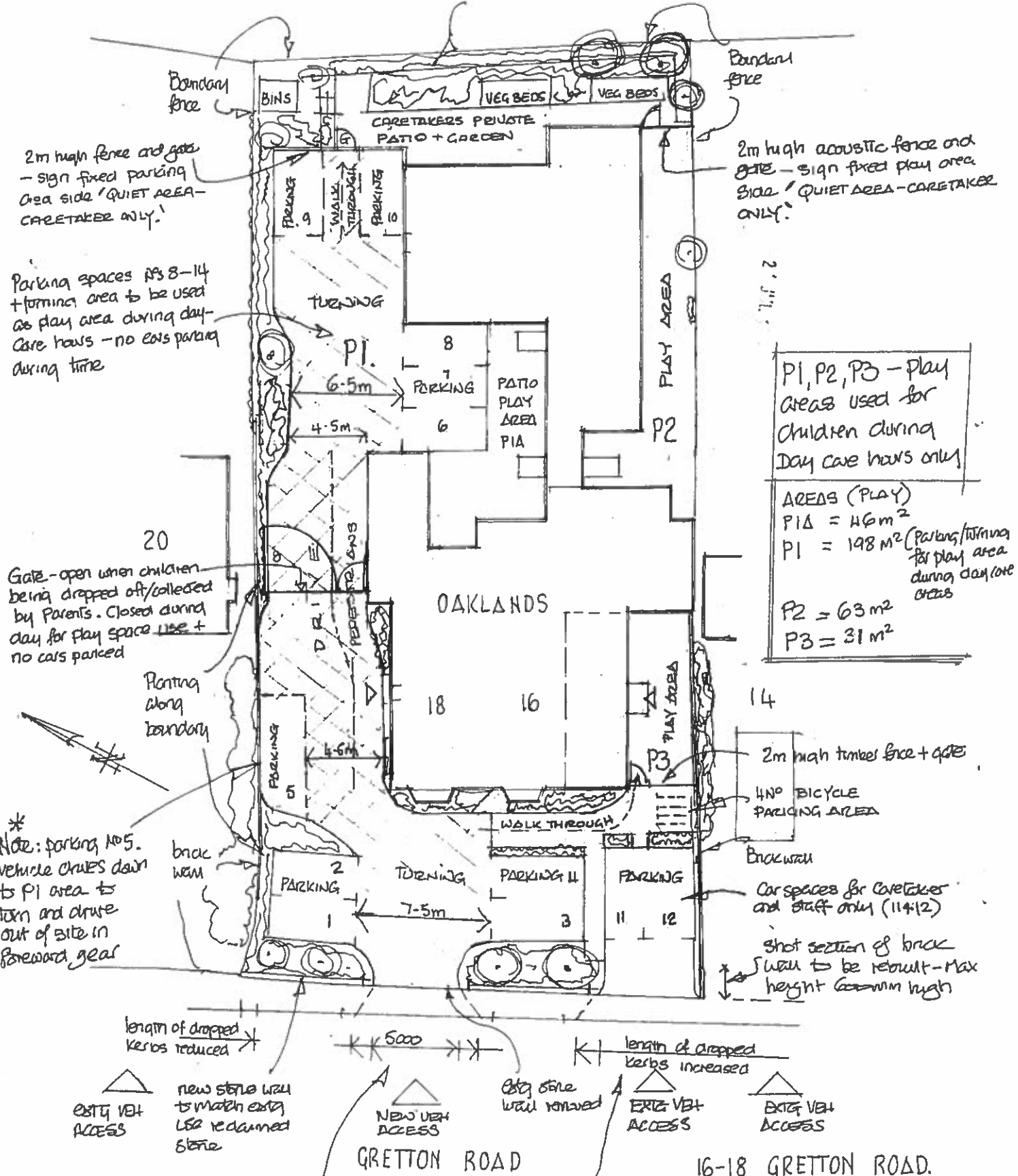


LOCATION PLAN 1:1250

16-18 GRETTON ROAD
 WINCHCOMBE
 CHALTON HAM
 GLOS.

MAY 2015. 15/1749/LP01
 Dennis Rayner tel 01242 620818 253/A

Planting along boundary



P1, P2, P3 - play areas used for children during Day care hours only

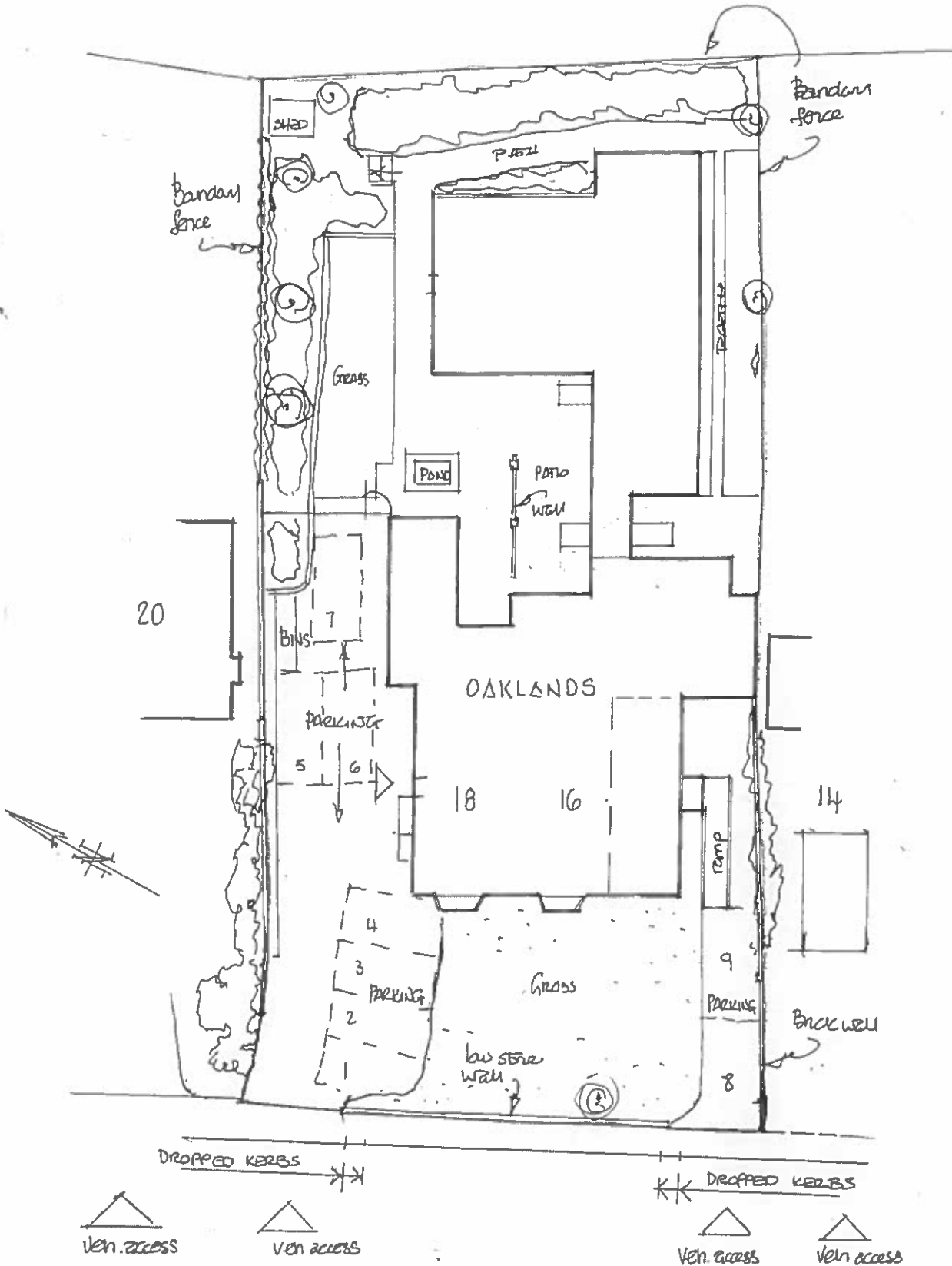
AREAS (PLAY)
 P1A = 46 m²
 P1 = 198 m² (parking/turning for play area during day care hours)
 P2 = 63 m²
 P3 = 31 m²

Parking spaces
 2-4m x 4-8m MIN
 Spaces 5 only
 2-4m x 6m

New vehicle crossover/access all to GCC Highways Authority details/spec approval + extended dropped kerbs/crossover to GCC Highways approval

Revision
 A. Parking/play areas etc altered July 2015
 B. Parking changed - walkways added 16/7/15

253/B



GRETTON ROAD.

16-18 GRETTON ROAD.
WINCHCOMBE.
CHELTENHAM, GLOS. GL54 5SG

SITE PLAN AS EXISTING.

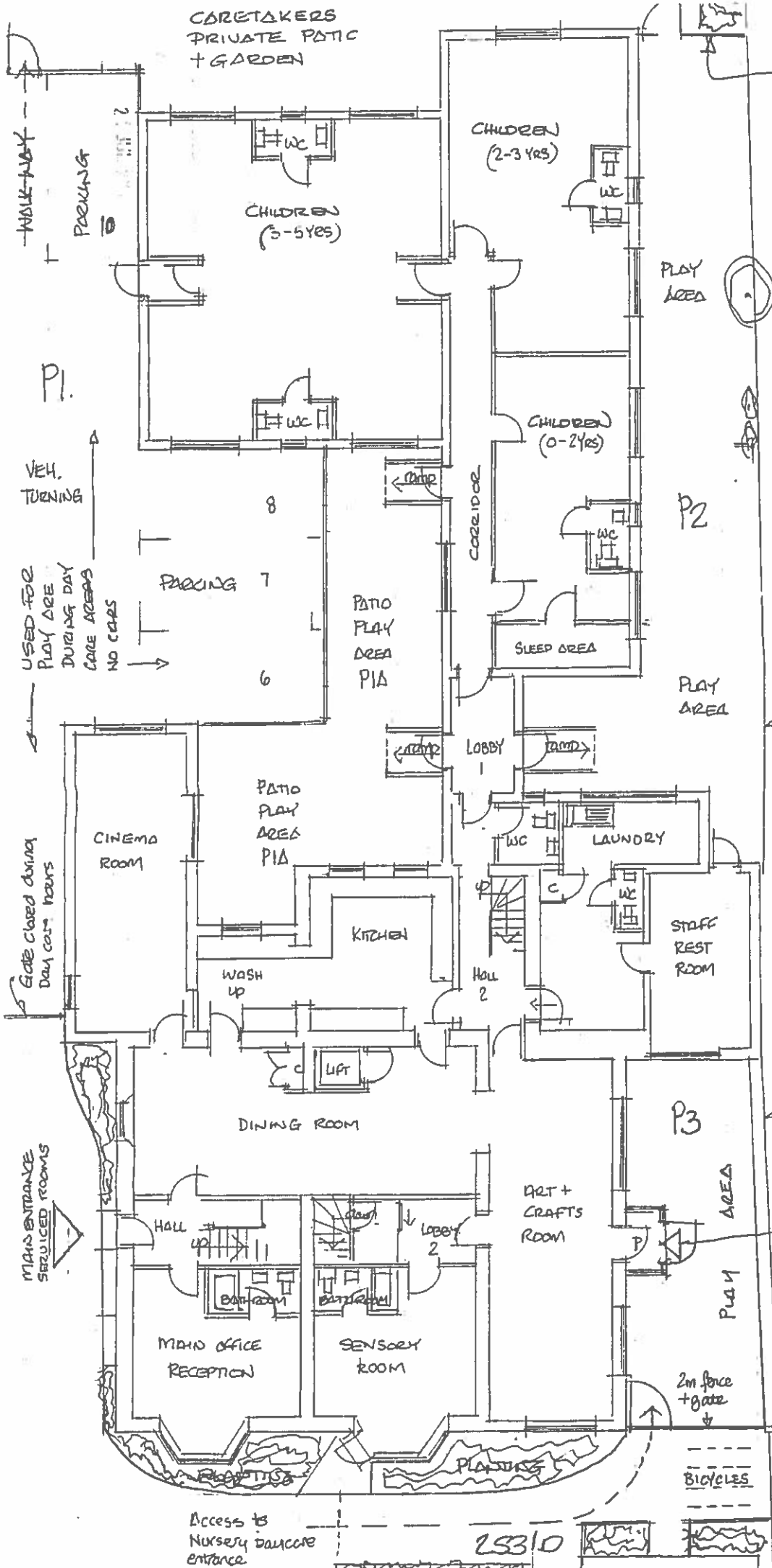
1:200 MAY 2015

15:1749: 01A

Dennis L Rayton Tel 01242 620818

PLANNING AND DEVELOPMENT SERVICES	
Office	Scanwtd
Rec'd	15 JUL 2015
Ask'd	
Ans'd	
File	

2531c



2m high acoustic fence and gate

fence

Revision
 A Parking/play areas etc altered - July 2015
 B Parking changed/walkway added 16.7.15

Brick wall
 Main entrance -
 Nursery/Day Care

16-18 GRETTON ROAD,
 WINCHCOMBE,
 CHELTENHAM, GLOS. GL54 5EG

GROUND FLOOR PLAN
 AS PROPOSED.

1:100 MAY 2015

15:1749:07 B.

Dennis L Rayton tel 01242 628118

25310

Access to
 Nursery/Daycare
 entrance

Bicycles

P1.

P2

P3

VEH.
 TURNING

USED FOR
 PLAY ARE
 DURING DAY
 CARE AREAS
 NO CARS

Gate closed during
 Day care hours

MAIN ENTRANCE
 SERVICED ROOMS

CARETAKERS
 PRIVATE PATIO
 + GARDEN

PARKING

CHILDREN
 (3-5 YRS)

CHILDREN
 (2-3 YRS)

CHILDREN
 (0-2 YRS)

PATIO
 PLAY
 AREAS
 PIA

PATIO
 PLAY
 AREA
 PIA

CINEMA
 ROOM

DINING ROOM

KITCHEN

WASH
 UP

LIFT

MAIN OFFICE
 RECEPTION

SENSORY
 ROOM

DRT +
 CRAFTS
 ROOM

STAFF
 REST
 ROOM

LAUNDRY

LOBBY

Hall
 2

WC

WC

WC

SLEEP AREA

CORRIDOR

WC

WC

WC

8

7

6

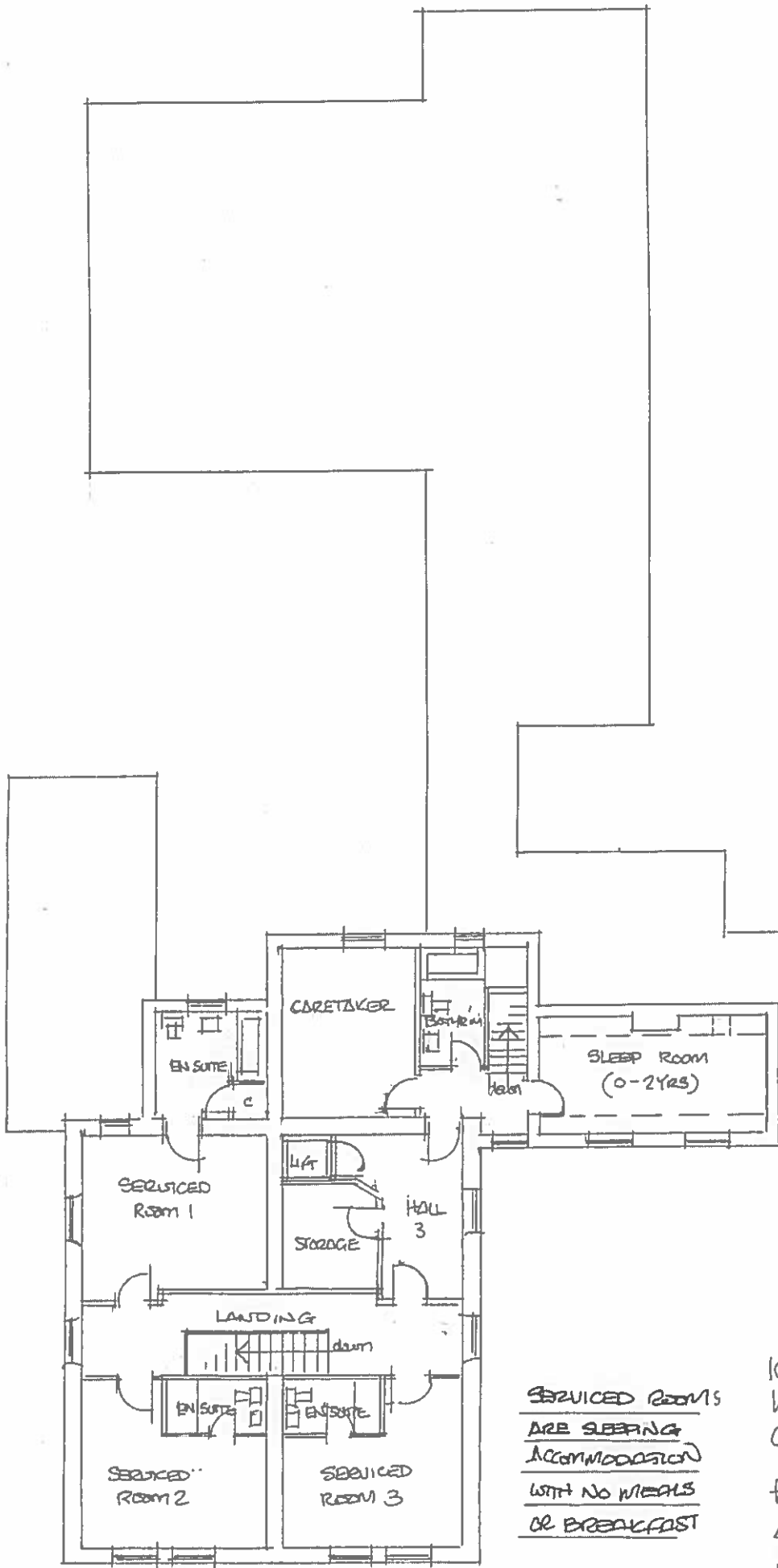
PLAY
 AREA

PLAY
 AREA

PLAY
 AREA

2m fence
 + gate

Bicycles



PLANNING AND
DEVELOPMENT SERVICES
 Officer:
 Scanned:
 Rec'd 15 JUL 2015
 Ack'd
 Ans'd
 File:

SERVICED ROOMS
ARE SLEEPING
ACCOMMODATION
WITH NO MEALS
OR BREAKFAST

16-18 GRETTON ROAD.
 WINCHCOMBE
 CHELTENHAM. GLOS. GL54 5SG

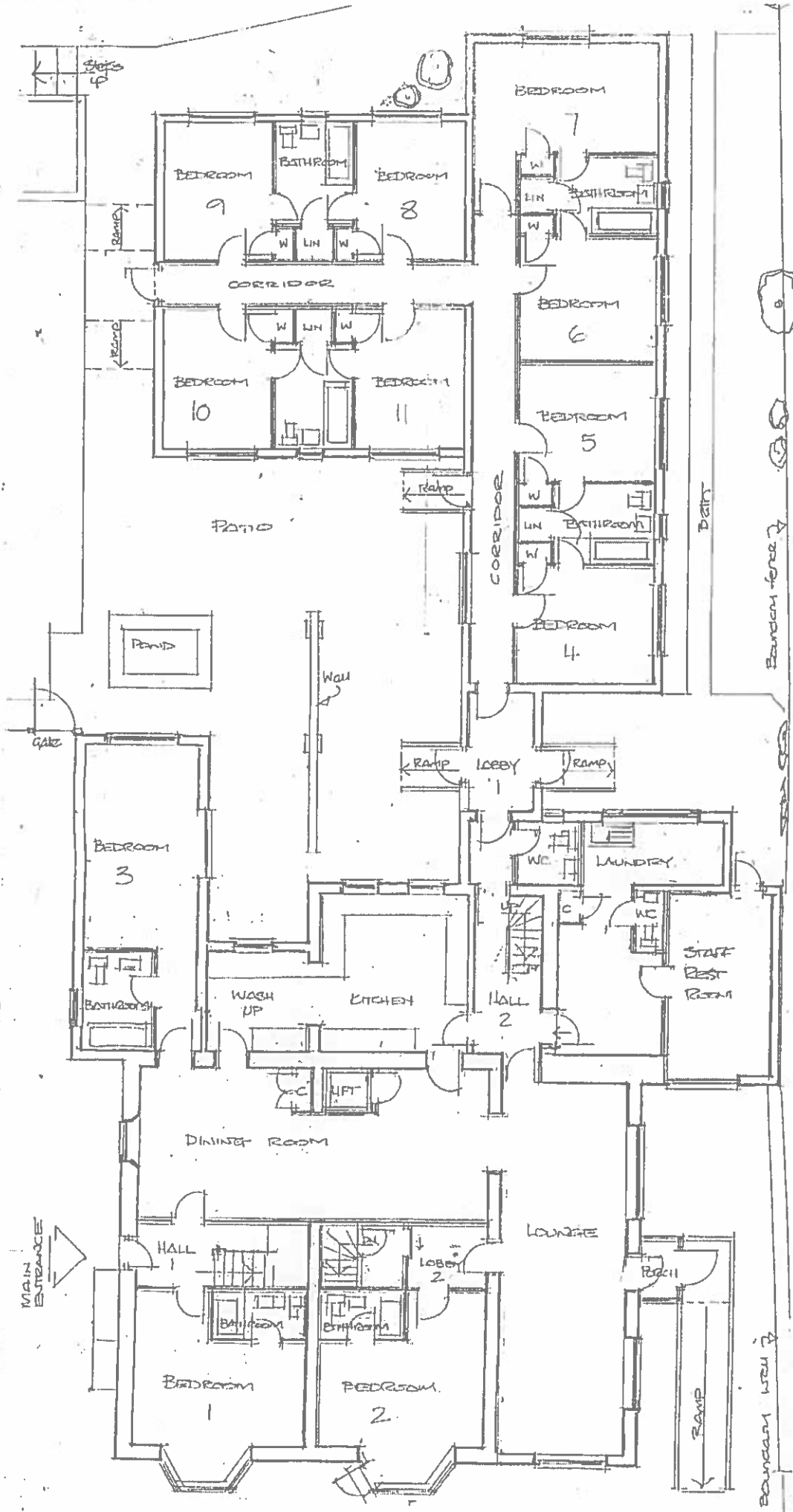
FIRST FLOOR PLAN
 AS PROPOSED.

1:100 MAY 2015

15:1749:08

Denise L Rayson TEL 01242 620818

253/E



PLANNING AND DEVELOPMENT SERVICES	
Officer Scanned	.....
Rec'd	15 JUL 2015
Ack'd	.....
A/S	.....
C/S	.....

16-18 GRETTON ROAD,
WINCHCOMBE,
CHELTENHAM, GL54 5SG

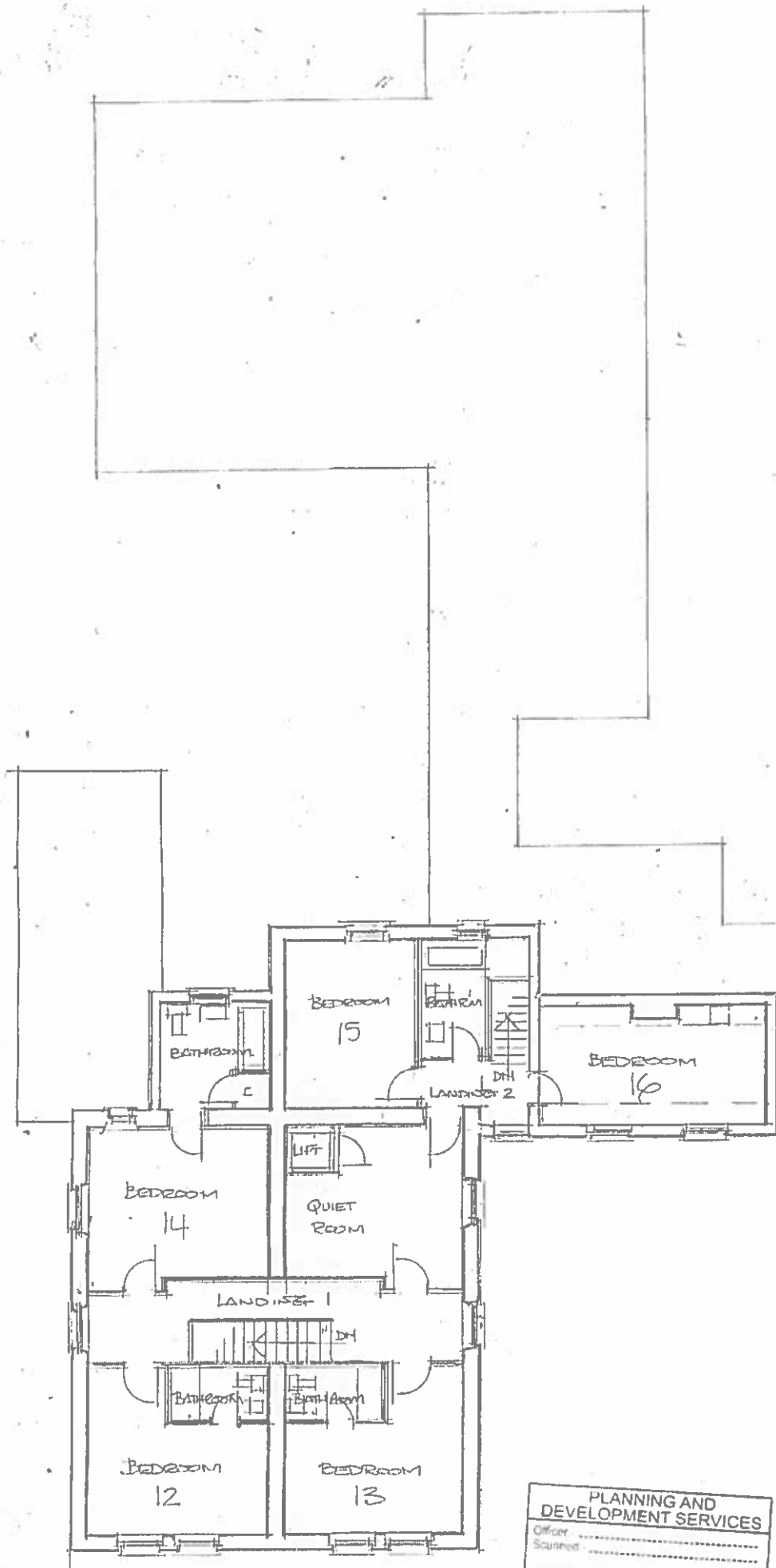
GROUND FLOOR PLAN
AS EXISTING

1:100 MAY 2015

15:1749:03.

Demis L Rayner tel 01242 620818

253/F



16-18 GRETTON ROAD.
 WINCHCOMBE.
 CHELTENHAM, GLOS. GL51 5SG

FIRST FLOOR PLAN
 AS EXISTING.

1:100 MAY 2015

15: 1749 : 04

Dennis L Rayten tel 01242 620818

PLANNING AND DEVELOPMENT SERVICES	
Officer	.....
Scanned	.....
Rec'd	15 JUL 2015
Ac'd	.....
File	.....

253/G

Valid 29.07.2015

Retention of an open storage area for despatch operations in association with the adjoining premises

Grid Ref 398530 234413

Parish Dumbleton

Ward Isbourne

Albutt LTD

C/O Agent

RECOMMENDATION Permit**Policies and Constraints**

NPPF; National Planning Practice Guidance; Tewkesbury Borough Local Plan to 2011 (March 2006) - Policies EMP2, EMP4, TPT1, TPT3, HEN2, EVT3, LND2, LND7 and AGR4. JCS Policies SD2, SD5, SD7, SD15, INF1, and INF4. Great Washbourne Conservation Area Appraisal (May 2002)

Consultations and Representations

Parish Council - No objection - This would seem to be a good attempt to reinstate the footpath area to a green open landscaped area.

Conservation Officer - No objection

County Council Highways - No objection

Worcester Regulatory Services (in relation to noise) - No objection subject to the application of conditions. Having consulted with Tewkesbury environmental health in relation to noise complaints about the site and can confirm that there has been no substantiated complaints. I would recommend that a condition is placed upon this application in line with the condition already in place on site being; Hours of working deliveries / collections, within/to/from the site there shall be restricted to 08:00 to 18:00 hours Monday to Friday, 08:00 to 13:00 hours on Saturdays. There shall be no such working/deliveries/collections on Sundays or Public Holidays. I would suggest that this is tightened further by the insertion of a sentence which states that there shall be no vehicle movements outside these times.

29 letters of support have been received from a range of employees, suppliers and customers and local residents raising the following points:

- Size of the area in question is not significant
- Factory employs over 40 people and has been in existence for some 40 years.
- Albutt is an important part of the local economy, supply chain and community
- Proposals would allow business to continue to grow
- Area is always kept tidy and is well managed
- The factory operate limited hours not 24 hours
- Loss of area would result in more movement and turning would need to take products to alternative premises.
- The proposed planting would improve the character of the area.

Letters of objection from 13 households (including some writing more than once) raising the following comments:

- Proposals conflict with Local Plan, National Planning Policy and Environmental Health Noise Regulations
- Conditions were there to protect area and residents
- Ongoing enforcement action has not been satisfactorily resolved (by Environmental Health and Planning)
- Previous consents have increased size of operations significantly and are now out of proportion with the village
- The business is unsustainable and too big for the village
- Alternative accommodation (e.g. in Evesham) should be sought.
- The existing factory and proposals are harmful to the character of the Conservation Area and should not have been approved.
- Harmful to the character of the Special Landscape Area/landscape and AONB
- Noise and out of hours operations and also factory operations cause disturbance to neighbouring residents
- Any expansion would have an unacceptable impact on amenities of residents.

- Proposals endanger users of the public footpath
- Paint fumes are a source of air pollution and a problem to local residents.
- Proposals increases number of HGVs and there has been an increase in traffic.
- The factory breaches existing planning conditions
- Retrospective planning permission is a tactic to bypass planning laws and regulations.
- Support from customers, suppliers and employees should be discarded as there is a vested interest.

The Parish Council comments it is noted that one Councillor objected upon the following grounds. It is unclear whether this Councillor has written separately:

- The view of many village residents is that the factory operation has grown to the extent that it is now an unsustainable development in a village the size of Great Washbourne and, coupled with the above issues.
- All relevant existing consents for this factory site expressly prohibit the external storage of goods and materials
- There is an as yet unresolved enforcement action by TBC in respect of the resulting illegal storage on the application site, approval would not be appropriate ahead of a resolution of the enforcement action.
- Complaints to TBC in respect of noise pollution and operation of the factory outside the approved hours have been received

Planning Officers Comments: Mr Andrew Thompson

1.0 Application Site

1.1 Tithe Farm, is the headquarters of Albutt Limited. The site is accessed via a 240m long access road. The application site is an open area and former field associated with Albutt Ltd. The site is currently covered in hardcore and a public footpath runs to the east of the site. The application site is located to the north and east of the Great Washbourne Conservation Area. In addition to Albutt Ltd, Tithe Farm is also a working farm.

2.0 Planning History

2.1 Planning permission was approved in 1978 (under planning reference T.5913/A and T.5913/B) with further planning permissions for new buildings under T.5914/C, T.5914/C2, T.5914/C3 approved in 1980-1981. In 1994, three planning permissions were submitted (prefix: 94/5913) under reference 0302/FUL, 00951/FUL, 00952/FUL which approved extensions, removed restrictions on the personal nature of the approval and the number of staff employed on the site, and a further expansion of workshops being permitted under 96/5913/1257/FUL in February 1997. 02/00620/FUL approved further extensions to the workshop buildings. The workshop buildings on site are as approved under this permission.

2.2 Two recent applications have also been approved. Planning reference 12/01064/FUL approved planning permission for an extension to an office and welfare building with an extension to the workshop approved under permission reference 14/00967/FUL. Both recent planning permissions included the application site within the ownership of the applicant.

2.3 Overall, the planning history shows that the factory and agricultural business has grown over the years and that various planning applications have been approved to facilitate this growth.

3.0 Current Application

3.1 The current application proposes to retain the use of an area of land at the northeast of the site, the area is used for storage of completed goods prior to their despatch. The site is accessed from the existing site. HGVs access the main site and goods are taken from the application site via a JCB front-loader. There are two entrances and exits between the main yard (part of the approved factory operation) and the application site. Excluding the access road, the area covered by the application site covers approximately 56.5m by 26m (approximately 1,469sqm), however this includes the public footpath and proposed landscaping mitigation. The actual proposed storage area would be 47m by 23m (approximately 1081sqm).

3.2 The applicant indicates that the site operates within the existing hours of 08.00 to 18.00 Monday to Friday and 08.00 to 13.00 and would continue to operate under these restrictions.

3.3 It is noted that the hard-core area has been extended beyond the area shown on the submitted plan. This hard-core area will be removed in order for landscaping to be completed. The footpath demarcation would also need to be re-established.

4.0 Policy Context

4.1 NPPF; National Planning Practice Guidance; Tewkesbury Borough Local Plan to 2011 (March 2006) - Policies EMP2, EMP4, TPT1, TPT3, HEN2, EVT3, LND2, LND7 and AGR4.

4.2 The JCS is at Examination, however the policies can only be given very limited weight as the relevant policies have not been examined or reported on. Regard has been had to Policies SD2, SD5, SD7, SD15, INF1, and INF4

4.3 The replacement Tewkesbury Local Plan is at early stages of preparation and there are no policies that can be relied on at this stage.

4.4 Great Washbourne Conservation Area Appraisal (May 2002) (CAA). The aims and objectives of the CAA are noted and broadly compliant with the NPPF however there has been a significant change in National and Local Planning Policy since the time and development has occurred on the ground. There are no restrictions or specific references to the Albutt factory within the CAA.

5.0 Analysis

5.1 The principal determining issues are the principle of the proposals, the impact of the proposals on the landscape and the character of the Conservation Area, the economic benefit, the relationship to neighbouring properties in terms of noise and amenity, and the traffic and public footpath issues associated with the site.

Principle of the proposals, background and sustainable development

5.2 Nationally, policy directs that LPAs in policy should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development and support the sustainable growth and expansion of all types of business and enterprise in rural areas and promote the development and diversification of agricultural and other land-based rural businesses.

5.3 Policies EMP2 and EMP4 are both supportive to the extension of existing employment uses subject to the consideration of detailed criteria. In particular EMP4 notes that employment uses appropriate to their local context will be permitted provided that they are either directly related to the essential needs of agriculture, forestry or other rural industries, where it can be demonstrated that there are specific reasons why a rural location is necessary, or make use of sites with existing buildings or structures.

5.4 The application site is adjacent to an existing and established business which has been manufacturing on the neighbouring factory site since the 1970s. The site and enterprise has grown over the years and expanded its catalogue and planning permissions have been granted for these aspects. Many of the products are related to agriculture and the factory has grown in the agricultural context. It is noted that there are over 40 local jobs created by the factory and there are suppliers and customers who support the proposals.

5.5 Whilst the comments of objectors are noted previous planning permissions are not under consideration and form part of the background and established use of the site. The existing scale and size of the buildings and operations are established and are related to supporting the agricultural industry in terms of products relating to agricultural operation and construction. The economic and social benefit of safeguarding jobs in a rural location is noted.

5.6 In principle, there is support for the proposals and the growth of the business is supported by national and local planning policy, subject to detailed consideration of the environmental impact and the overall planning balance.

6.0 The impact of the proposals on the landscape and character of the village

6.1 Policy EMP2 states that the scale and design of the proposals, the subject of the application, should complement the existing townscape and environmental impact should be minimised whereas Policy EMP4 requires development proposals should by good design and landscaping should be satisfactorily assimilated into the countryside.

6.2 Objectors comment that the existing factory has grown beyond the local context, whereas supporters highlight the small scale nature of the proposals and the complementary nature of the proposals. The comments of the Parish Council are also noted in that the proposals are an opportunity to improve the landscaping and public footpath.

6.3 The existing Albutt factory has become a significant part of the local landscape and townscape with the gradual expansion over the past 30/40 years and objectors consider that this is too large for the area. However, the factory is part of the townscape and the permitted landscape and townscape. The size of the application site (i.e. storage yard) is noted.

6.4 The proposals extend the area used by the factory to the north of the existing access track and to the east of the existing factory complex. Looking towards the application site from the north, the application site would be viewed against the context of the village. At this time, without landscape or mitigation, the proposals appear harsh and urbanising. However it is noted that the existing hedgerows to Peel Cottage and Wedgewood Cottage reduce the impact of these buildings. The visual impact of the proposals would therefore be lessened by landscaping to the northern boundary and restricting the height of materials stored in this location would also lessen the impact of the proposals.

6.5 Whilst the comments and concerns of objectors are noted the existing factory forms part of the existing townscape and the proposed landscape impact can be lessened through the use of appropriate planting and the height of materials stored can be controlled through planning conditions, thereby minimising the environmental impact and aiding assimilation into the countryside in accordance with Policy.

7.0 The character of the Great Washbourne Conservation Area

7.1 Policy HEN2 of the Local Plan states that proposals for development within or in close proximity to a conservation area particular attention should be paid to the development's impact on the conservation area and its setting including any existing trees.

7.2 The lack of objection from the Council's Conservation Officer and the concerns of residents are also noted. The factory has been extended in the past and this is not disputed and as stated above the existing factory forms part of the established townscape and is part of the Conservation Area. The proposals are not an opportunity to re-consider previous approvals.

7.3 The impact on the setting of the conservation area, as discussed above, can be mitigated through landscaping and the use of appropriate conditions which would mitigate against the impact of the proposals. The proposals would not cause harm that would be capable of being substantiated in terms of a refusal and are acceptable subject to appropriate conditions.

8.0 The relationship to neighbouring properties in terms of noise and amenity

8.1 The application site lies to the north of the existing access track. The track is unaltered by the proposals with HGVs using this track to enter the factory complex and delivery yard. It is also a principle access for staff and visitors to the premises.

8.2 Policy seeks to ensure that residential amenity of neighbouring properties are not adversely affected by way of noise, vibration, pollution, traffic generation or other disturbance. It is noted that some residents have raised objections regarding paint fumes from the factory. As paint is stored and the spray booths are within the existing approved scheme, the proposals do not raise issues in this regard.

8.3 The consideration is whether the proposals introduce noise and disturbance and an increased level of activity that would harm the amenities of neighbouring residents over and above the level of activity existing on the site and at the neighbouring factory.

8.4 Having consulted with Environmental Health Officers, it is confirmed that the proposals raise no objections. Noise monitoring has been carried out at the site. There is a recommendation that the existing restrictive conditions are updated which is accepted. The levels of traffic and associated noise could increase during the day through the permitted use of the factory. The level of noise from the factory is controlled by the existing conditions and the use of "white-noise" rather than "beeping" reversing alarms.

8.5 Considering the comments of Environmental Health Officers and having regard to the comments of objectors and supporters, the proposals are capable of being mitigated with appropriate conditions and are considered to be in accordance with Policy. Considerations as to Environmental Noise regulations (e.g. a statutory nuisance) are separate and a matter for the Environmental Health department.

9.0 Traffic and public footpath issues associated with the site

9.1 Policies states that development will be permitted where, (a) provision is made for safe and convenient access to the development by pedestrians and cyclists; (b) an appropriate level of public transport service and infrastructure is available, or can be made available; (c) the traffic generated by and/or attracted to the development, together with that arising from other existing or planned development, would not impair the safety or satisfactory operation of the highway network, and (d) 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. Policy also seeks to ensure that existing pedestrian networks are protected and enhanced.

9.2 As stated the proposals do not increase the level of traffic or HGV movement and therefore the impact on the public footpath crossing the access point and the level of traffic will not be affected. The area can be restricted to ensure that loading and unloading of HGVs take place in the main delivery yard.

9.3 It is noted that the County Council Highways Officers raise no objections. Supporters raise the comments that should the area not be approved additional deliveries would be required to ensure that space is made on the site and to ensure efficient use of the factory and that this would increase the level of HGV movement. Whilst this is noted, and the limitations of the delivery yard is clear, particularly with regard to HGV turning and manoeuvring, there is limited detailed knowledge and evidence to support how the loss of the area would affect the operation of the delivery yard but there would certainly be a reduction in space.

9.4 The reinstatement of the public footpath would be an opportunity to improve the local environment for the users of the public footpath and together with the landscaping and fencing would prevent encroachment of the delivery yard onto the public footpath.

9.5 Having regard to the comments raised from all parties, the proposals are considered to be in accordance with policy and there would be no significant impact on highway or pedestrian safety subject to appropriate planning conditions.

10.0 Overall Planning Balance

10.1 The three tranches of sustainable development are to consider the economic, environmental and social implications of the development.

10.2 The contribution to the local economy and local jobs are noted and the comments of suppliers and supporters are noted in terms of the potential impact on the supply chain. The additional investment is also a positive economic feature. Therefore there is economic benefit to the proposals.

10.3 The environmental harm relates to the impact on the landscape and the Conservation Area and the amenity of local residents. The impact has to be assessed against whether mitigation, including the use of conditions would reduce the impact of the proposals. It is considered that there would be limited environmental harm as a result of the proposals.

10.4 The social impact to consider includes the local jobs and social benefits, including the contribution that staff makes to the local economy whereas a negative impact in terms of the social well-being of the local residents adjacent to the site is also a consideration. Overall, is at worst a neutral social impact resulting from the proposals

10.5 Therefore balancing the three tranches of sustainable development there is economic benefit to the proposals and with the appropriate use of the planning conditions the landscape impact and impact on residents can be reduced. As such, considering all aspects, it is considered that the proposals are acceptable.

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 detailed by conditions below, the development shall be carried out in accordance with the approved plans, reference: 9453.01 Rev A, 9453.02 Rev A, ALB 01 Rev B

- 3 Noise emitted from the site shall not exceed 55 dB(A) expressed as an hourly Leq between the hours of 08.00 and 18.00 hours Monday to Friday, 08.00 to 13.00 Saturdays and 40 dB(A) expressed as an hourly Leq at all other times when measured on the eastern and southern boundaries of the application site.
- 4 Hours of working, including deliveries, collections and movement of goods and vehicles around the site shall be restricted to 08.00 to 18.00 Mondays to Fridays and 08.00 to 13.00 on Saturdays. There shall be no working, deliveries, collections or movement of goods and vehicles on Sundays, Bank Holiday or Public Holiday. 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 The site is only to be used for storage in association with the existing use of the adjacent Albutt Limited Industrial Premises site outlined by blue line on drawing PF/9453.02 Rev A.
- 6 The maximum height of materials, implements or goods stored on the site shall not exceed 3m in height and no shelving systems shall be installed on the site.
- 7 All vehicles using the site shall use white noise reversing alarms
- 8 There shall be no loading or unloading of HGVs on the site outlined in red on drawing PF/9453.02 Rev A.
- 9 Within 2months of the date of this permission all unauthorised hardcore not part of this permission shall be dug up and removed from the site.
- 10 The landscaping scheme detailed on approved plan ALB 01 Rev B shall be implemented in the first available planting season. Any specimens that die or are removed in the first 5 years shall be replaced and replanted with similar sized replacements.
- 11 There shall be no storage of goods within 2m of existing trees or planting implemented under the approved landscaping scheme shown on plan reference ALB 01 Rev B.
- 12 Within 2months of the date of this permission the public right of way (Dumbleton footpath 7) shall be reinstated to the following specification:
 - i) Minimum footpath width of 2m using the existing hardcore on site.
 - ii) Landscaping/grass to either side of the footpath of 0.5m in width
 - iii) Post and rail fencing of 1.5m in height shall be erected on outside boundary of the landscaping.
 The public right of way shall be thereafter retained and maintained, unobstructed in accordance with the approved details.
- 13 There shall be no external lighting on the site outlined in red on drawing PF/9453.02 Rev A.

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 safeguard the amenities of neighbouring residents
- 4 To safeguard the amenities of neighbouring residents
- 5 To maintain safe and adequate access and not introduce an unsuitable increase in traffic and conflict between site, highway and footpath users in accordance with the National Planning Policy Framework paragraph 32.
- 6 Having regard to the impact on the landscape and Great Washbourne Conservation Area and the relationship to neighbouring residential properties
- 7 To safeguard the amenities of neighbouring residents.

- 8 To safeguard the amenities of neighbouring residents and having regard impact on the landscape and Great Washbourne Conservation Area
- 9 To remove unauthorised development from the site and to ensure satisfactory development of the application site.
- 10 To safeguard the amenities of neighbouring residents and having regard impact on the landscape and Great Washbourne Conservation Area and to ensure satisfactory development of the application site.
- 11 To safeguard landscaping and proposed landscape features and to ensure that the development is mitigated by the wider landscape.
- 12 To ensure that the public right of way is maintained and enhanced.
- 13 To safeguard the amenities of neighbouring residents and having regard to the rural setting of the application site and limited hours of operation.

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 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.

15/00835/AUL

C.A.T.
 LANDSCAPE CONSULTANCY
 Landscape Design & Architecture

Philip Hebbleton (Lic) For: Dip. L. Arch. M. L. Hort
 Magdalenham, Bakersdown Lane
 Wadding Street, Ferry Stratford
 Milton Keynes MK17 2JH

Tel No: 01908 274832 Email: philip.hebbleton@catsul.co.uk
 07545084222 Website: www.cat-landscape.co.uk

Project Title: Proposed External Storage Area
 About Ltd
 Great Westbourne
 GLEB PARK

Drawn Title: Landscape Proposals

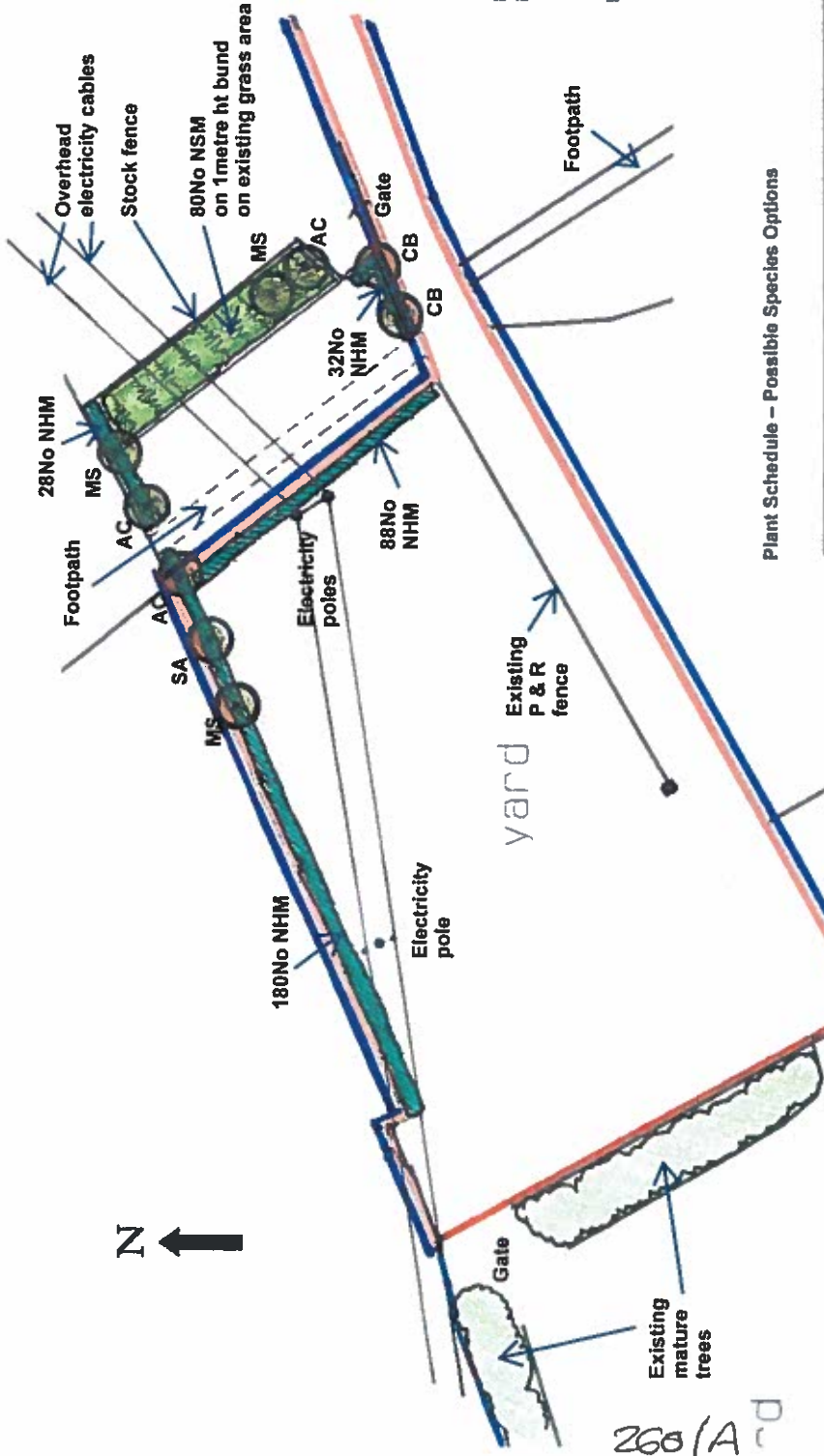
Scale: 1:100 @ A4 Date: 6/7/2016 Drawn By: P.J.H.
 Drawn Title: ALB 01

Rev: B

Rev: A Layout & boundary amendments 22.7.15
 Rev: B Blue line amendment 30.7.15

SPECIFICATION NOTES

- Topsoil**
- Planting areas to a minimum depth of 300mm.
- Planting**
- Weed growth to be sprayed off using approved translocated herbicide.
 - Hedge/line to be cultivated and prepared incorporating fertiliser @ 50grms/m².
 - Feathered tree planting: Pits 500mmx500mmx450mm incorporating 20 litres of planting compost and 50grms slow release fertiliser. Single stake @ 900mm height above ground level. Ties: 1No 25mm block and strap.
 - Native shrubs to be pit planted (300mmx300mmx300mm) with 5 litres of planting compost and 25grms slow release fertiliser per plant.
 - Mulch: 50mm depth of bark mulch to base of tree positions.
 - Rabbit Protection
 - Clear spiral guard (60cmx38mm) to all hedging, native shrubs and trees. Plus canes (90cm ht) to support spirals on hedging and transplants.
 - Shrub guards (600mm ht) plus 900mm ht stakes to be used on bushy shrubs as appropriate.
- Maintenance 12 months from Practical Completion**
- Planting Areas**
- Weed, water, prune as necessary and carry out replacement of failed trees and shrubs.
 - 1 metre diameter around base of each tree/shrub to be kept weed free.
- NB**
- Services must be located prior to tree pit excavation and planting works.



Plant Schedule - Possible Species Options

Ref	Species	Size	Spacing	Total
AC	Native Trees			
AC	Acer campestre (Field Maple)	1.8-2.1m ht flhd BR	As shown	3
CB	Carpinus betulus (Hornbeam)	1.8-2.1m ht flhd BR	As shown	2
MS	Malus sylvestris	1.8-2.1m ht flhd BR	As shown	3
SA	Sorbus aucuparia (Mountain Ash)	1.8-2.1m ht flhd BR	As shown	1
NHM	Native Hedge Mix			
	Cornus sanguinea (Dogwood)	60-80cm ht br		33
	Corylus avellana (Hazel)	60-80cm ht br		66
	Crataegus monogyna (Hawthorn)	60-80cm ht br	4no/m in a	97
	Euonymus europaeus (Spindle)	60-80cm ht br	Double staggered row	33
	Rosa canina (Dog Rose)	60-80cm ht br		33
	Viburnum lantana (Wayfaring Tree)	60-80cm ht br		33
	Viburnum opulus (Guelder Rose)	60-80cm ht br		33
NSM	Native Shrub Mix			
	Cornus sanguinea (Dogwood)	60-80cm ht br		20
	Euonymus europaeus (Spindle)	60-80cm ht br	In random	20
	Viburnum lantana (Wayfaring Tree)	60-80cm ht br	Mix @ 1m	20
	Viburnum opulus (Guelder Rose)	60-80cm ht br	centres	20

260/A

15/00846/FUL

Phoenix Bearings of Tewkesbury Ltd, Northway Lane, Newtown 7

Valid 03.08.2015

Demolition of existing vacant industrial unit and provision of a new lorry park as part of enabling works for future development proposals for Cotteswold Dairy.

Grid Ref 390802 233372

Parish Tewkesbury

Ward Tewkesbury Newtown

Cotteswold Dairy Ltd

C/O Agent

RECOMMENDATION Permit

Policies and Constraints

NPPF

Planning Practice Guidance

The Tewkesbury Borough Local Plan to 2011 - March 2006 - EMP1, TPT1, EVT2, EVT3, EVT5, EVT9

Joint Core Strategy Submission Version November 2014 - SD2, SD15, INF1, INF2

Consultations and Representations

Tewkesbury Town Council - No objection

Highways - No objection

Environmental Health – No objection. Conditions are recommended in relation to demolition and lighting.

Drainage Officer - no response received to date.

Local residents - 1 objection received from a resident of Springfield. Concerns are raised over existing background noise levels. Concern is also raised in relation to the movement of the parking from the current location to the new proposed lorry park as it is considered that this will be replaced with noise from the movement of lorries.

Planning Officers Comments: Mr Matthew Tyas

1.0 Site

1.1 The application site relates to a vacant B2 industrial unit located within Northway Industrial Estate on Northway Lane Tewkesbury. The site was previously occupied by Pheonix Bearings and used for the manufacturing of industrial bearings.

1.2 The site is located on a Major Employment Site as defined in the Tewkesbury Borough Local Plan to 2011 (TBLP). The site is located entirely in Flood Zone 1 although the adjoining sub station and access road are located in Flood Zone 2, indicating they this area is at medium risk of flooding.

2.0 History

2.1 There is no recent planning history relating to the site itself.

3.0 Application

3.1 This application is part of wider redevelopment proposals for Cotteswold Dairy located opposite the site. The application proposes to demolish the existing building on the site and create a new lorry park to be used by Cotteswold Dairy. A total of 37 lorry spaces would be provided including 20 articulated goods vehicle spaces and 17 rigid goods vehicle spaces.

3.2 The application is referred to as Phase 0 of the wider redevelopment proposals. It is enabling development to allow the proposals to progress on the main dairy site. The proposal is also a response to an existing noise problem at the main dairy site. At present lorries are being parked along the southern boundary of the main dairy site (adjacent to the disused railway line/public right of way) which is in close proximity to residential properties located in Wellfield, Springfield and Canterbury Leys. There have in the past been instances where noise from the refrigeration units within the lorries has caused a disturbance to nearby residents during the night. The application proposal would involve the removal of the lorry park from this sensitive southern boundary and its relocation to a far less sensitive location.

4.0 Planning Policy Context

4.1 Policy EMP1 is one of the main TBLP policies for consideration and in essence provides that the Council will support proposals for new employment development (Classes B1, B2, B8) within the existing employment sites. Of particular relevance to this proposal is the support given by the policy to proposals that would ameliorate existing impacts on residential areas by relocating them to appropriate alternative sites.

4.2 Other TBLP policies of relevance include TPT1 which requires developments to provide a safe access, be accessible by a choice of transport modes and not generate traffic that would impair the safety or satisfactory operation of the highway network. Policies EVT2, EVT3, EVT5 and EVT9 are also of relevance and relate to light pollution, noise pollution, flood risk and sustainable drainage respectively. These policies will be considered in more detail in the relevant sections of this report.

4.3 These policies are considered to be consistent with the relevant advice within the National Planning Policy Framework 2012 (NPPF) namely the advice on securing economic growth at paragraph 18, the advice on transport at paragraph 32, the advice on flood risk at section 10 and the advice on the natural environment at paragraphs 109 and 123.

5.0 Analysis

5.1 The proposed development would be acceptable in principle. In accordance with Policy EMP1 of the TBLP it would involve ancillary employment development within a designed employment site and it would involve the relocation of existing noise generating activities away from a residential area. The main issues to consider therefore are the highways/transportation impacts of the development, noise impacts, visual amenity impacts and other environmental matters including drainage and contaminated land matters. Each of these will be considered under a separate sub-heading below:

Highways/transportation impacts

5.2 The proposal will not increase the amount of staff at the site thus no concerns are raised in relation to accessibility matters.

5.3 The Transport Statement submitted with the application demonstrates that the existing B2 use could generate a total of 80 trips per day. The lorry park accommodates 37 vehicle parking spaces, each vehicle will enter and leave the site once each day. The proposed lorry parking use associated with the dairy is therefore expected to generate around 74 trips per day. The majority of trips associated with the dairy use will take place outside of the traditional peak hours.

5.4 In reality, the trips from the existing B2 use (Phoenix Bearings) will be lost as part of this proposal and replaced with the existing trips by the lorries already associated with the dairy, albeit in a different location. The County Highways Authority (CHA) therefore advises that this phase of the development will result in a significant reduction in trips. It is however recognised by the CHA that as part of the longer term redevelopment of the site the trips associated with the dairy may increase. The impact of this will however need to be considered as part of a future application and it is not appropriate to consider such potential effects at this stage.

5.5 The proposal would utilise the existing site access onto Northway Lane which conforms to current design guidance and provides sufficient visibility. No concerns are raised by the CHA in relation to the safety of the proposed access.

5.6 Taking the above matters into consideration the proposal is found to be in accordance with Policy TPT1 and the transport advice at paragraph 32 of the NPPF. The highways/transportation impacts of the proposal are therefore considered to be acceptable.

Noise impacts

5.7 It is considered that this proposal will potentially reduce an existing noise impact on the existing residential properties to the south of the main dairy site (i.e. Wellfield, Springfield and Canterbury Leys). It is however recognised that the proposal would not completely remove the existing noise impact but relocate it to an alternative area. The proposed location of the new lorry park is considered to be significantly less sensitive than the previous location as it is surrounded by existing noise generating industrial development including a car park and vehicle yard to its northern boundary. There are however two residential properties located approximately 60-80m to the north of the site along Northway Lane.

5.8 A noise assessment has been submitted with the application to analyse the effect of the proposal on the properties on Northway Lane in addition to those on Wellfield, Newtown Lane, Springfield and Canterbury Leys. This finds that with no mitigation the proposed lorry park would produce a reduction to the noise levels at Canterbury Leys, Newtown Lane and Springfield but would increase the noise levels at properties at Wellfield by 5 decibels (dB) above the existing background level and at Northway Lane by 11dB above the existing background level. Thus, in order to reduce the noise impact of the proposal to acceptable levels a 3.5m high acoustic fence is proposed around the northern, eastern and southern boundaries of the site. With the fence in place the noise impact on Wellfield would be reduced to 3 dB below the existing background levels and the noise impact at Northway Lane reduced to +2dB above the existing background level. Although the noise level at the Northway Lane properties would be slightly increased, this is seen to be insignificant, due to the fact that a change in noise level of 2 dB is imperceptible to the human ear.

5.9 The Council's Environmental Health Officer (EHO) has raised concerns in relation to the intermittency of the noise from the proposed lorry park. This is where the specific sound has identifiable on/off conditions. The likely intermittency of the noise from the proposed lorry park requires a penalty of 3 dB to be applied to the modelled noise levels within the noise assessment. This means that the noise impact on properties on Wellfield would be the same as the existing background levels but the impact on Northway Lane properties would be more significant at +5dB above the existing background level. To address this issue the applicant is prepared to increase the height of the acoustic fence to 4.5m. It has been demonstrated by the applicant's noise consultant that this proposal would completely mitigate the noise impact of the proposal on properties along Northway Lane.

5.10 On the basis of a 4.5m high fence the Council's EHO raises no objection to the application. It is however important to consider the suitability of the proposed acoustic fence options in visual amenity terms before conclusions can be made on the feasibility of these mitigation measures.

5.11 Members will note the concerns raised by a resident of Springfield in relation to the proposal. In response officers would comment that, as demonstrated by the Noise Assessment, noise levels at this property would be reduced as a result of the proposed development. The refrigeration units within the vehicles being parked along the southern dairy boundary are considered to be the main source of noise affecting this property. As a result of this application this noise would be removed from this part of the site. It is appreciated that the area in question would still be used by HGVs for loading, but this is already occurring and can continue to occur regardless of this application. This application would still involve a reduction in noise levels to this property.

Visual amenity impacts

5.12 Visualisations have been provided showing how a 4.5m high fence would appear around the northern, eastern and southern boundaries. This option shows a 2.5m high fence along the western boundary with the highway. The visualisations will be presented at the meeting of the Planning Committee and are currently available to view on the Council's website.

5.13 Officers are of the view that the visual effect of a 4.5m high fence would be acceptable in this instance considering the industrialised context of the site and the effect of surrounding buildings and the existing building to be demolished. This shows that the noise impacts of the proposed lorry park can be satisfactorily mitigated. The precise design and appearance of the proposed fence can be subject to condition.

Other environmental matters

5.14 As previously noted, the site is located in Flood Zone 1 but is adjoined by an area considered to be at a medium risk of flooding (Flood Zone 2). Given the identified flood risk in the wider area it is considered prudent to ensure that this proposal does not in any way contribute towards an increased risk of flooding. In this respect it should be noted that the site contains an existing building and hardstanding and therefore this proposal would not have the effect of increasing surface water run off. The site would be drained to the mains sewer as per the existing and on this basis it is considered that the proposed drainage system would be acceptable from a flood risk perspective.

5.15 It is however considered that the quality of run off from the site would be materially affected as a result of this proposal. Run off from the existing site is largely comprised of clean roof water whereas run off from the proposed lorry park is likely to be contaminated with hydrocarbons (oil and fuel) and other pollutants. It is therefore essential that run off from the site is treated before it discharges into the main sewer so to avoid pollution of the water environment. Advice on the application from the Council's Drainage Officer is still awaited but it is recommended by officers that a drainage condition is imposed on any planning permission

granted. This should secure sufficient treatment within the proposed drainage system (i.e. permeable paving and/or an oil interceptor).

5.16 A Phase 1 Contaminated Land Assessment has been submitted with the application indicating that the site does not present a significant risk of pollution from the proposed operation. It is however unclear if any further investigation or remediation is required and the advice of the Council's EHO on this particular matter is awaited. In any event it is unlikely that this would present issues that cannot be appropriately addressed by conditions. Members will be updated on this matter prior to the meeting of the Planning Committee.

5.17 Having regard to initial advice from the Council's EHO it is necessary to consider the environmental effects of noise and dust from the demolition of the existing industrial unit in accordance with the principles of BS5228-1:2009 and BS5228-2:2009 in addition to the disposal of demolition waste. To address this officers recommend that a condition is imposed requiring the submission of a demolition environmental management plan for LPA approval.

6.0 Conclusion

6.1 The application is part of wider proposals for the redevelopment of Cotteswold Dairy. The principle of the development is acceptable in this location and the application would bring economic benefits insofar as it would enable the modernisation of the dairy business, and environmental benefits insofar as it would ameliorate an existing noise problem in the area. The highways impacts of the proposal would be acceptable, it would not create an unacceptable noise impact to residential properties and it would not have an unacceptable impact on the visual amenity of the area. Furthermore, subject to appropriate conditions the environment impact of the proposal would be acceptable.

6.2 Taking the above matters into consideration the proposal is found to represent a sustainable form of development that accords with the adopted Development Plan and associated guidance within the NPPF. As such 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 the following approved plans: Drawing Numbers AHR-AR-PHO-PL-001, AHR-AR-PHO-PL-100, AHR-AR-PHO-PL-101 (all received 01/08/15).
- 3 Prior to the lorry park hereby permitted being first brought into operation, the vehicle parking along the southern boundary of the main dairy site, as shown within a blue line on Drawing Number AHR-AR-PHO-PL-100, shall be reduced to the extent shown on that drawing. The vehicle parking along the southern boundary of the main dairy site shall remain in accordance with the plan referred to in this condition in perpetuity unless otherwise agreed in writing by the Local Planning Authority.
- 4 Prior to the lorry park hereby permitted being first brought into operation, full details of the proposed barrier mitigation (acoustic fence) proposed to be installed on the site, including its height, position, form, colour and appearance, shall be submitted to and approved in writing by the Local Planning Authority. The proposed barrier mitigation shall be at a minimum height of 4.5 metres and shall include a 1 metre inward crank. The proposed barrier mitigation shall be installed in accordance with the details approved by the Local Planning Authority and shall remain on site in perpetuity unless otherwise agreed in writing or in the event that the lorry park hereby permitted ceases to operate on the site.
- 5 In the event that the lorry park hereby permitted ceases to operate the barrier mitigation referred to in Condition 4 of this permission shall be removed in its entirety.
- 6 The site shall be used only as a lorry park in connection with Cotteswold Dairy Ltd and for no other purpose including those falling within Class B2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) unless with the written consent of the Local Planning Authority to an application on that behalf.

- 7 Prior to the lorry park hereby permitted being first brought into operation, full details of the proposed boundary treatment to the western site boundary (height and appearance) shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be installed in accordance with the details approved by the Local Planning Authority unless otherwise agreed in writing.
- 8 There shall be no external storage or operation of plant, machinery or equipment on the site, other than contained within the vehicles associated with Cotteswold Dairy Ltd, unless details of such plant, machinery or equipment has been first approved in writing by the Local Planning Authority.
- 9 Prior to the commencement of development on site details of a scheme for the drainage of surface water shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include measures for the treatment of contaminated surface water run-off from the site prior to its discharge to the mains sewer. The development shall be carried out and operated in accordance with the approved drainage scheme.
- 10 Prior to the lorry park hereby permitted being first brought into operation, details of the location, height, design, hours of operation and luminance of external lighting to be used on site shall be submitted to and approved in writing by the Local Planning Authority. The proposed lighting shall be installed in accordance with the approved details.
- 11 Prior to the commencement of development on site including any demolition, a Demolition Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The submitted plan shall include measures for the management of noise and dust from the demolition of the existing industrial unit on the site in accordance with the principles of BS5228-1:2009 and BS5228-2:2009 in addition to details of the means of disposal of demolition waste. The demolition and site clearance works shall be carried out in accordance with the approved plan.

Reasons:

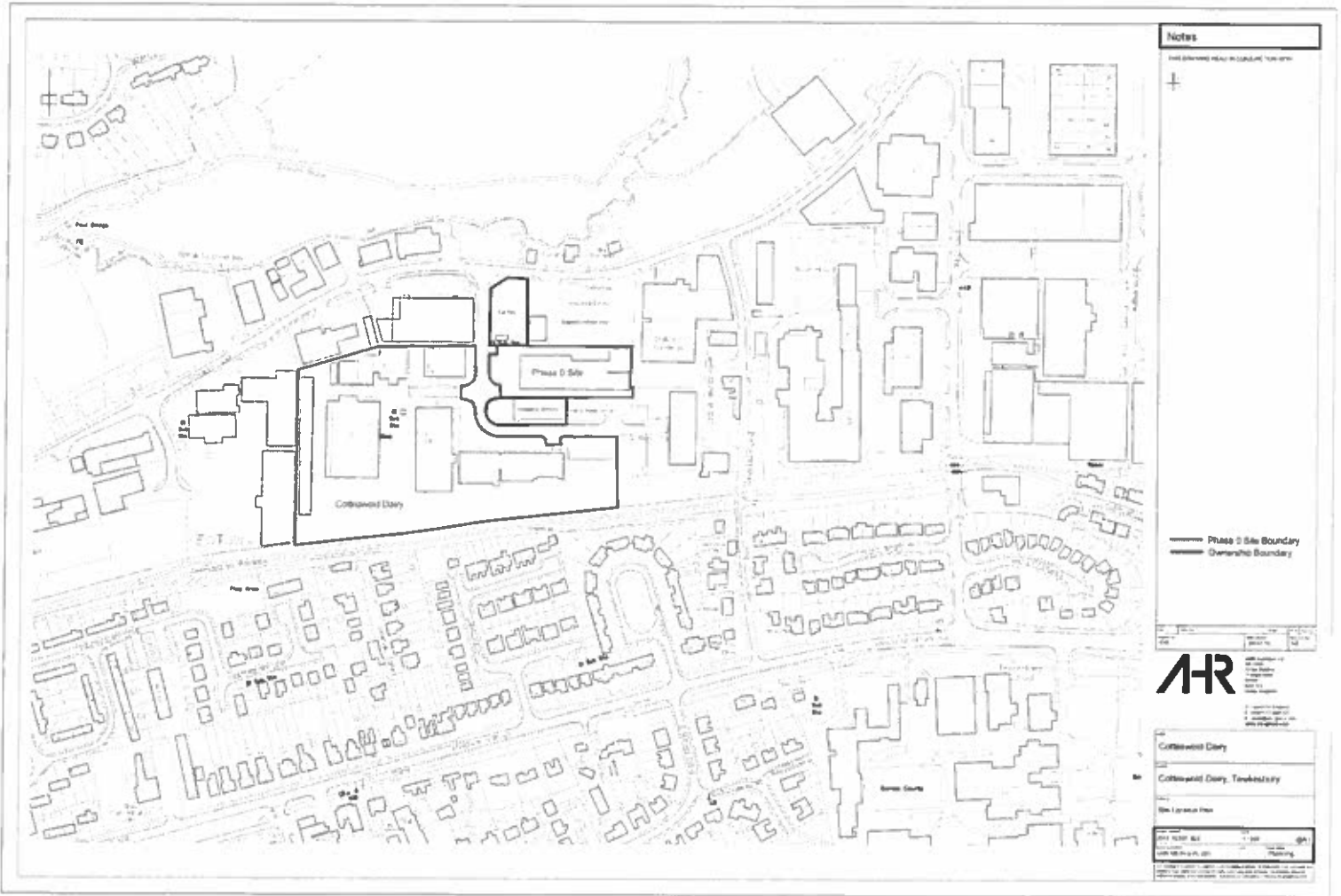
- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 To help ameliorate an existing noise problem in the interests of the residential amenity of nearby residents, in accordance with policies EMP1 and EVT3 of the Tewkesbury Borough Local Plan to 2011 (the TBLP) and the advice on Conserving and Enhancing the Natural Environment within the National Planning Policy Framework 2012 (NPPF).
- 4 To protect the amenity of nearby residents, in accordance with policies EMP1 and EVT3 of the TBLP and the advice on Conserving and Enhancing the Natural Environment within the NPPF.
- 5 To preserve the appearance of the area in the interests of visual amenity in accordance with the NPPF.
- 6 To prevent unplanned, outdoor industrial uses on the site that may harm the amenity of local residents, in accordance with Policy EVT3 of the TBLP and the advice on Conserving and Enhancing the Natural Environment within the NPPF.
- 7 To preserve the appearance of the area in the interests of visual amenity in accordance with the NPPF.
- 8 To protect the amenity of nearby residents and the visual amenity of the area, in accordance with policies EMP1 and EVT3 of the TBLP and the Core Planning Principles and advice on Conserving and Enhancing the Natural Environment within the NPPF.
- 9 To protect the water environment from pollution in accordance with Policy EVT9 of the TBLP and the advice on Conserving and Enhancing the Natural Environment within the NPPF.
- 10 To minimise light pollution in accordance with Policy EVT2 of the TBLP and the advice on Conserving and Enhancing the Natural Environment within the NPPF.

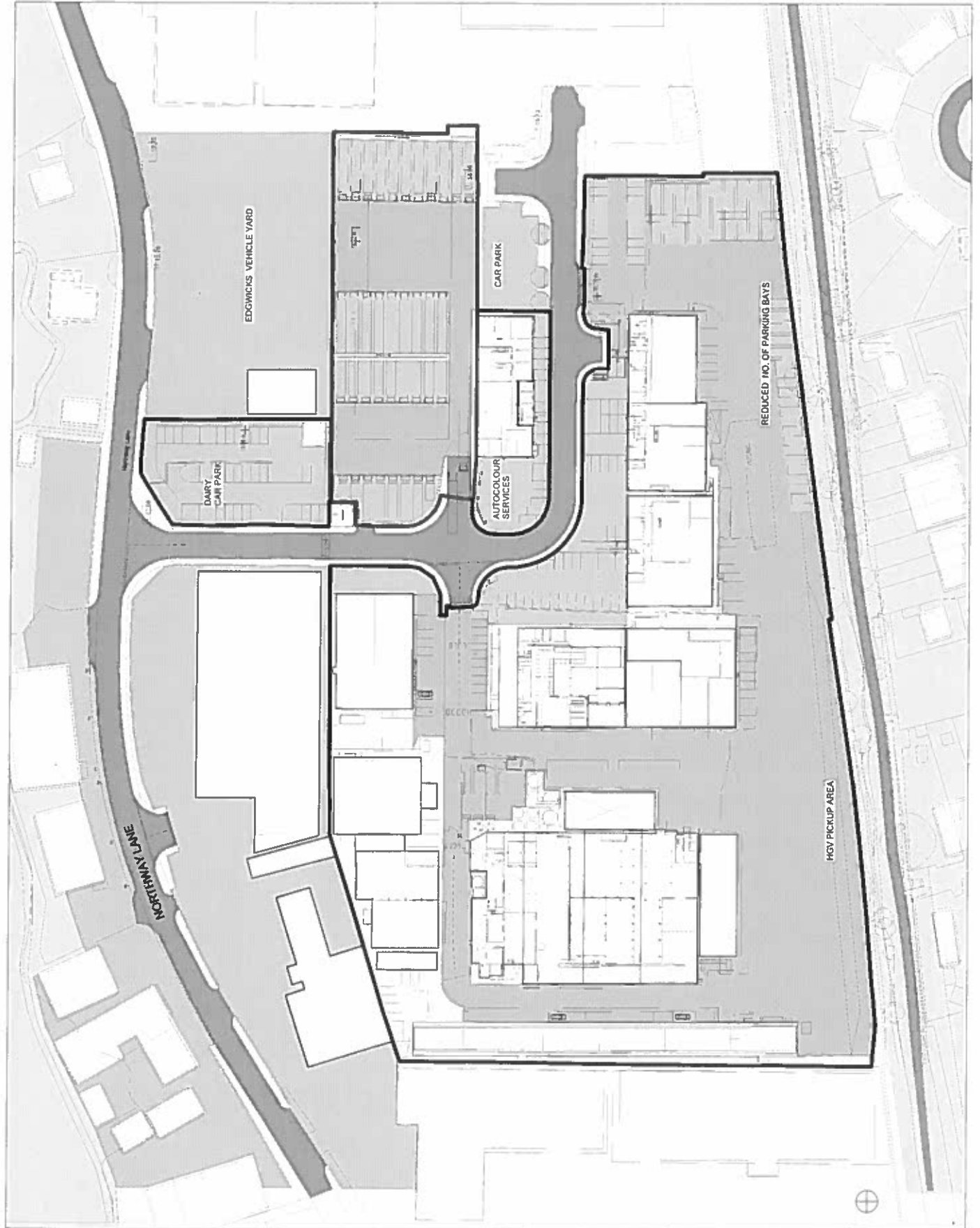
- 11 To minimise the environmental impacts of demolition in accordance Policy EVT2 of the TBLP and the advice on Conserving and Enhancing the Natural Environment within the NPPF.

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.





266/B

- Road
- Parking Area
- Working Area
- Site boundary Phase 0
- Ownership boundary

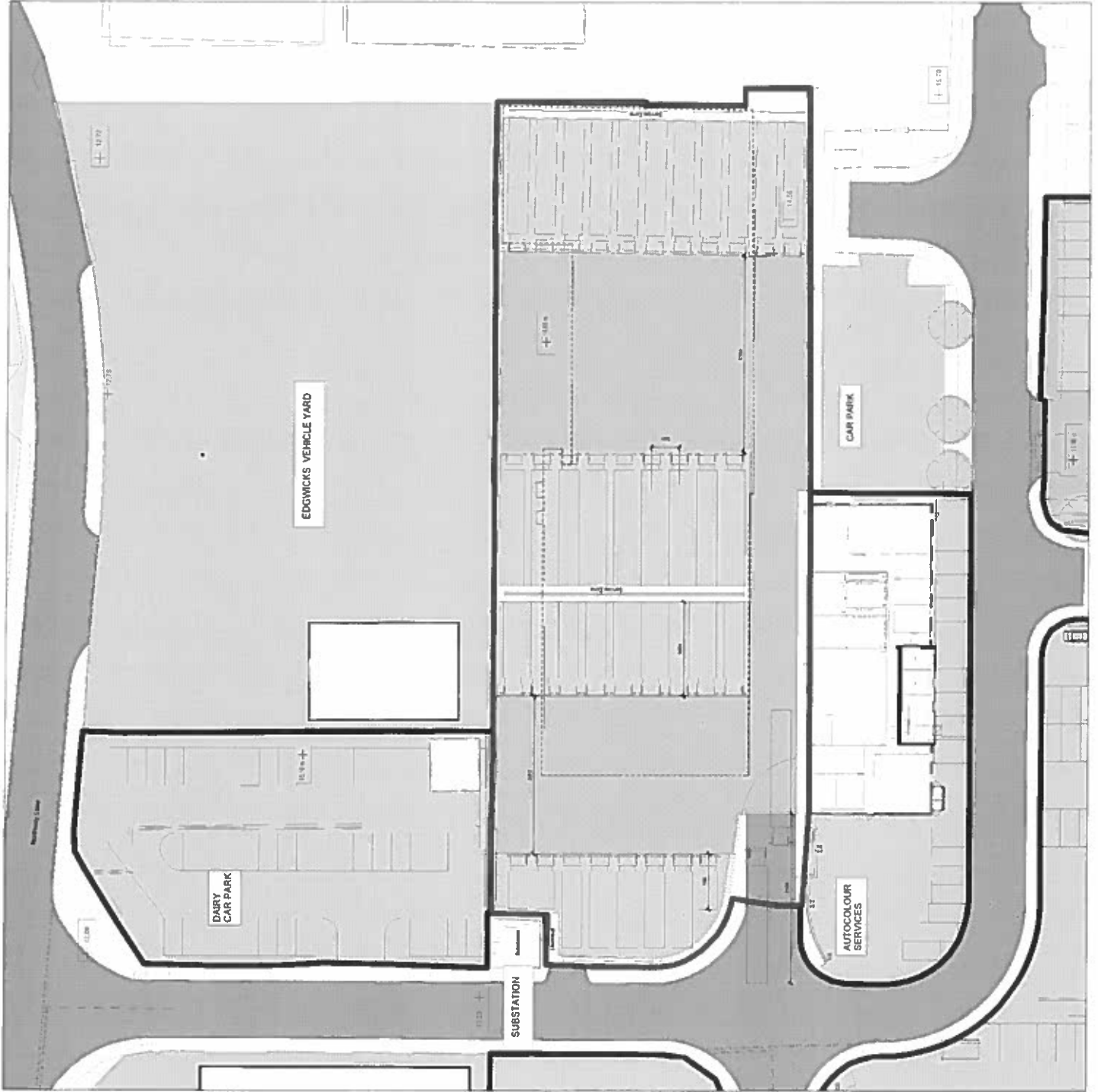
Plan No.	266/B
Scale	1:500
Date	2014.02.07
Author	AR



Client Name	Coltswood Dairy
Project Name	Coltswood Dairy - Level 0
Project No.	2014.02.07.000
Scale	1:500
Author	AR
Date	2014.02.07
Project No.	2014.02.07.000
Scale	1:500
Author	AR
Date	2014.02.07

1. Proposed Dairy Plan
1:500

266/C



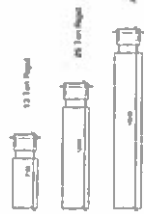
- Road
- Parking Area
- Working Area
- Site boundary Phase 0
- Ownership boundary
- Former Process Building (including perimeter fence)

Plan No.	266/C	Scale	AS SHOWN
Rev.	1	Date	28/07/15



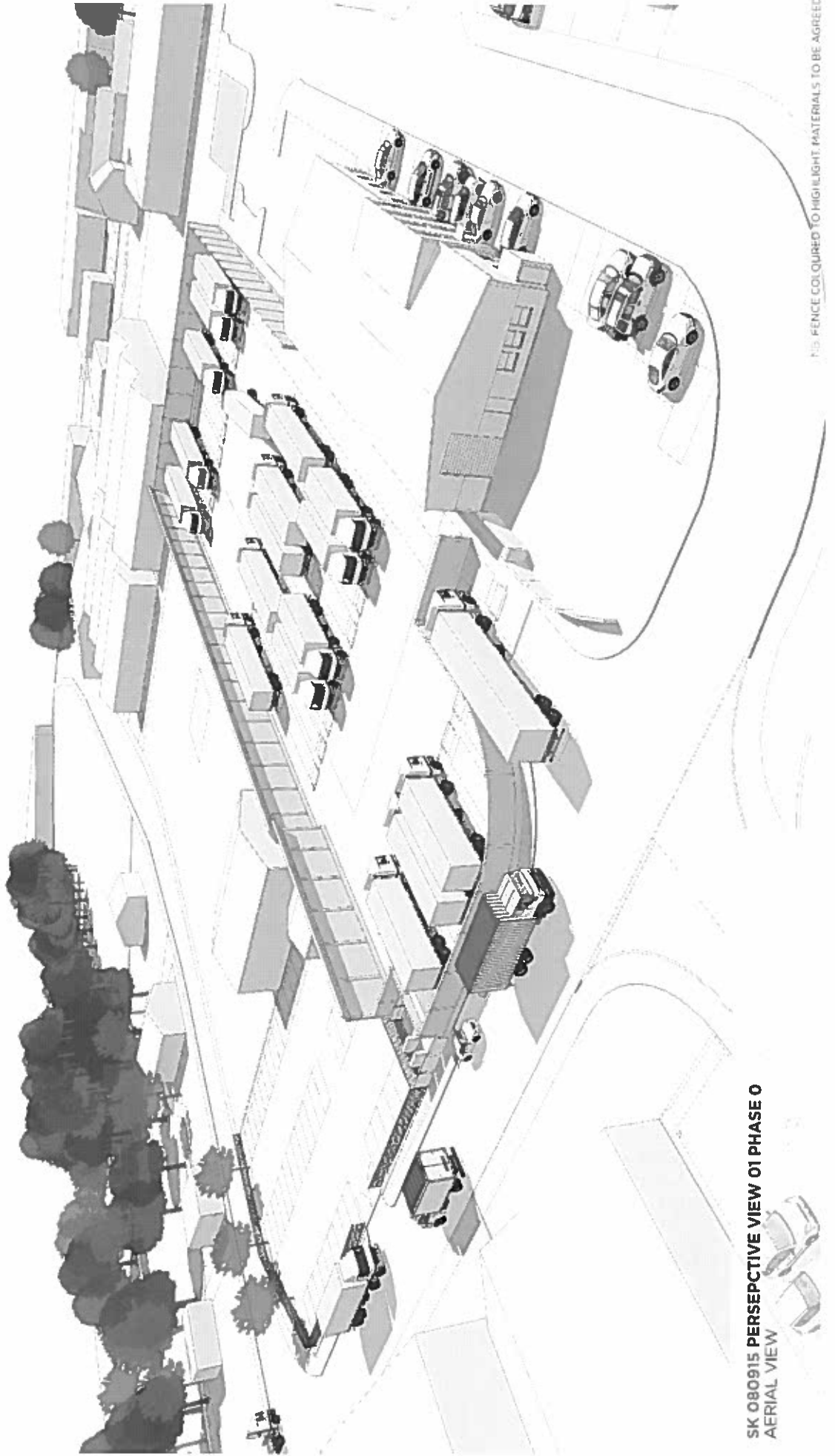
Client Name	Coltswood Dairy
Project Name	Coltswood Dairy, Level 1 entry
Project No.	2014/0007/000
Project Status	As indicated
Project Date	28/07/15
Project Location	Planning

Dairy Vehicles Size:



1. Proposed Site Plan
1/250

AR

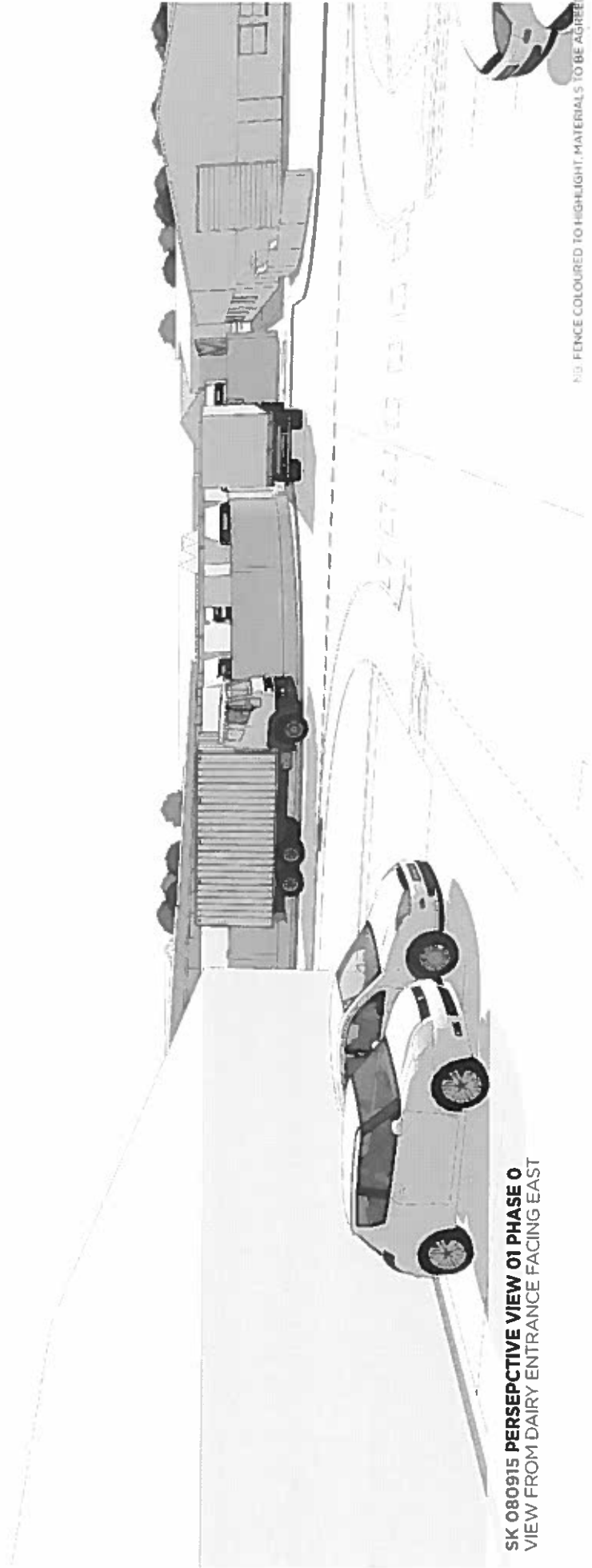


SK 080915 PERSEPECTIVE VIEW 01 PHASE 0
AERIAL VIEW

FENCE COLOURED TO HIGHLIGHT. MATERIALS TO BE AGREED

266/D

266/E

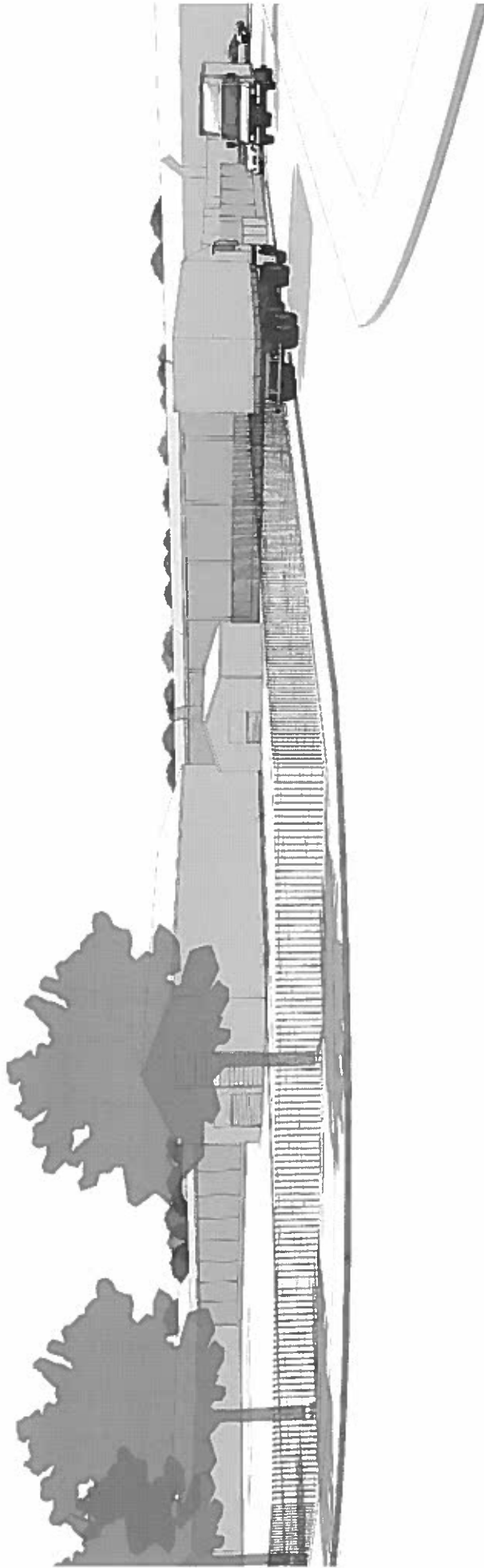


SK 080915 **PERCEPTIVE VIEW 01 PHASE 0**
VIEW FROM DAIRY ENTRANCE FACING EAST

FIG. FENCE COLOURED TO HIGHLIGHT MATERIALS TO BE AGREED



AR

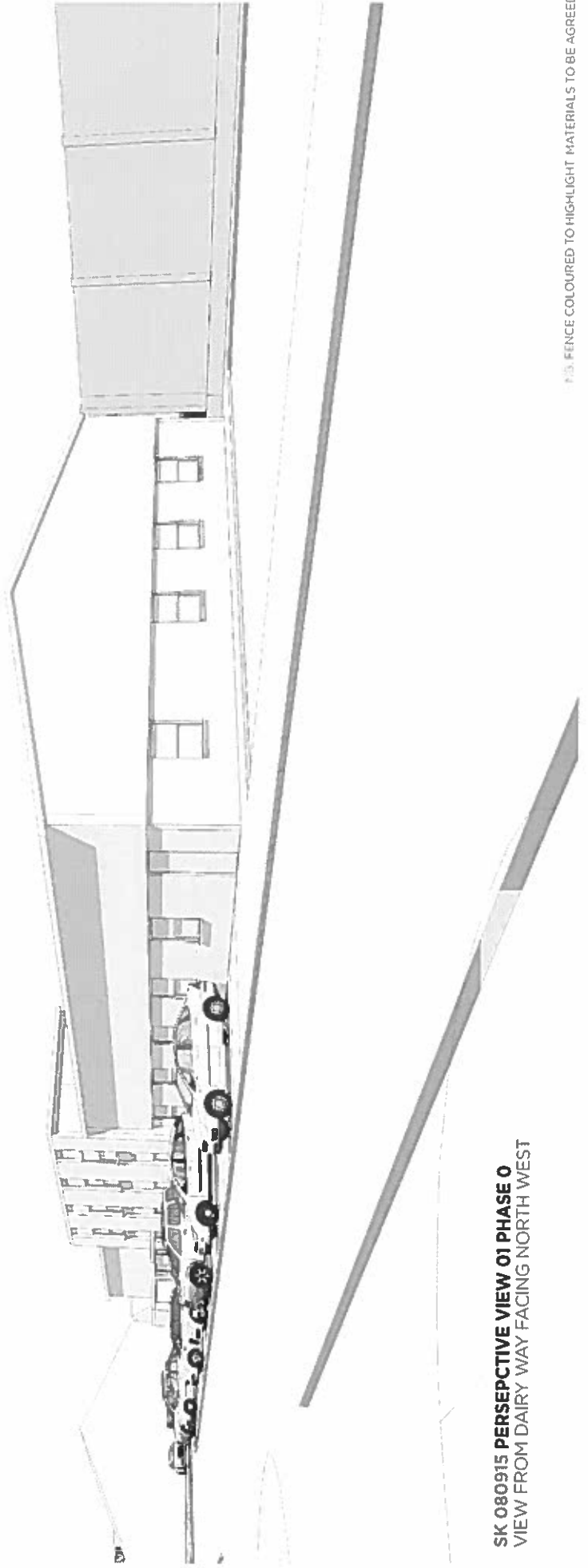


266 / F

SK 080915 **PERSEPECTIVE VIEW 01 PHASE 0**
VIEW FROM NORTHWAY LANE FACING SOUTH EAST

FENCE COLOURED TO HIGHLIGHT MATERIALS TO BE AGREED

2006/G



SK 080915 PERSPECTIVE VIEW 01 PHASE 0
VIEW FROM DAIRY WAY FACING NORTH WEST

FENCE COLOURED TO HIGHLIGHT MATERIALS TO BE AGREED

Valid 17.06.2015

Reserved matters application for 52 residential dwellings (Use Class C3), LEAP area, public open space, allotments, road and drainage infrastructure in Phase 3B of outline planning permission (10/01005/OUT).

Grid Ref 396313 228760
Parish Bishops Cleeve
Ward Cleeve St Michaels

Linden Limited (trading As Linden Homes Western)
Linden House
The Jacobs Building
Berkeley Place
Bristol

RECOMMENDATION Approve

Policies and Constraints

Tewkesbury Borough Local Plan to 2011 - March 2006 - Policies GNL2, GNL8, HOU13, TPT1, TPT3, EVT2, EVT3, EVT4, EVT5, EVT9, LND4, LND7, RCN1, RCN2, NCN5
Joint Core Strategy Submission Version (November 2014)
NPPF
Planning Practice Guidance
Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)
The First Protocol, Article 1 (Protection of Property)
Public Rights of Way

Consultations and Representations

Bishops Cleeve Parish Council: The Parish objected to the outline planning for this large scale development in Bishops Cleeve and further make comment with regard the reserved matters:

- Insufficient attenuation to deal with surface water and this will have a negative impact on the flood capacity of Dean Brook. Although the immediate site sewage infrastructure plans seem sufficient, there is concern that this will add to the load on the existing sewage infrastructure further downstream and its inability to cope with the additional pumping from this site.
- There is concern that parking for the individual dwellings is insufficient in some cases. It is felt that all dwellings should have at least 2 parking spaces external to the property. This is compounded by narrow roads inadequate parking will lead to traffic congestion.
- Garden access to some plots is away from the main dwelling.
- The Parish Council would like reassurance that the development of cycle paths will be a key component within this development.

County Highways - An up-date will be provided at Committee.

Environmental Health Officer - No objections.

Housing Enabling and Strategy Officer - No objections

Severn Trent Water Ltd - No objections.

Natural England - No objections.

Local Residents: None received.

Planning Officers Comments: Mr John Hinett

1.0 Introduction

1.1 The site forms part of Homelands Farm which is located on the northern edge of the settlement of Bishops Cleeve (**see attached location plan**). The site remains in agricultural use. Gotherington Lane is located off to the east of the site, connecting the village of Gotherington to Bishops Cleeve. To the north the site adjoins agricultural land.

2.0 Relevant planning history

2.1 Outline planning application 10/01005/OUT for approximately 450 dwellings and ancillary development including access was allowed on appeal in 2012.

2.2 Reserved matters approval 14/00316/APP comprising Phase 1 of the Homelands 2 development for the erection of 133 dwellings including 53 affordable dwellings was granted in December 2014.

2.3 Reserved matters approval 14/00481/APP comprising Phase 1A of Homelands 2 development for the erection of 22 dwellings, retail and industrial buildings, with associated infrastructure was granted in November 2014.

2.4 Reserved matters application 14/00694/APP which proposed a variation to the residential element of 14/00481/APP was approved in April 2015.

2.5 Reserved matters application 14/01269/APP for 3 dwellings was approved in April 2015.

3.0 Current application

3.1 This current application is reserved matters application for 52 dwellings comprising Phase 3B of the Homelands 2 scheme. The application also proposes a Locally Equipped Play Area (LEAP), public open space, allotments, road and drainage infrastructure. The proposals are summarised below:

Residential

- 32 open market and 20 affordable dwellings, totalling 52 dwellings. This includes a mix of four and five bed units for the open market dwellings and 1 Bed flats and 2 and 3 bed units for the affordable dwellings.

Open Space and other infrastructure

- A large area of strategic green space to the north of the residential area as part of the larger area of open space.
- A smaller area of 'local green space' adjacent to the north-western edge of the residential area;
- Hayfield and Western Meadows to the west and north west of the site;
- A serviced area of land for the provision of allotments (including a car park);
- An extensive Sustainable Drainage System (SuDS) including swales, ponds and reed beds; and
- An equipped area for children's play LEAP within an area of open-space to the eastern boundary of the site.

Plans will be displayed at Committee.

3.2 A number of conditions were imposed by the Secretary of State (SoS) which required submission of information with the first Reserved Matters application relating to phasing, design principles, surface water drainage, contamination, landscaping, noise, lighting; and highways specifications. These details were submitted and assessed as part of the previous reserved matters applications 14/00316/APP and 14/00481/APP. In all cases, the conditions were considered acceptable.

3.3 The outline permission was also subject to Section 106 Agreements with the Borough Council and Gloucestershire County Council.

4.0 Analysis

4.1 The key issues to be considered in relation to this reserved matters application are considered to be layout, house type design, scale, residential amenity, landscaping, highway and parking issues, public open space, affordable housing provision and drainage.

Background

4.2 The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

4.3 A Masterplan layout was agreed as part of the Outline consent. A number of important principles of good design and appropriate parameters were also established during the determination of the Outline consent (10/01005/OUT) which were encapsulated in Outline Design and Access Statement (DAS) and final layout plan.

4.4 In addition, a condition required a Design Principles Document (DPD) to be submitted for the whole site which was to set out in more detail the principles set out in the Outline DAS to ensure that design quality and

design parameters were coordinated between different phases of development. The DPD was submitted and approved with the first reserved matters application.

Layout and Design

4.5 The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. Policy SD5 of the Joint Core Strategy Submission Version (November 2014) similarly seeks good design reflecting the guidance.

4.6 Phase 3B comprises an area of the development which includes three 'character areas' as set out in the Design Principle Document DPD: the Avenue; Rural Edge north; and Rural Edge South. The DPD provides guidance for the design approach, materials and scale for each of these character areas against which reserved matters application are to be assessed.

4.7 The application proposes a mix of dwellings comprising one bedroomed dwellings (4 units), two bedroomed dwellings (8 units), three bedroomed dwellings (12 units), four bedroomed dwellings (4 units) and five bedroomed dwellings (7 units). The height and scale parameters of the dwellings would comprise a mix of 2 and 2.5 storey. The proposed materials would be mainly brick, with some rendered properties. The applicant (Linden Homes) also controls neighbouring parcels 1B and 3A and the reserved matters applications for those parcels have already been approved. Unsurprisingly, the design and style of the current proposal is similar to those previously consented phases.

Independent peer review

4.8 A Legal Agreement submitted by the applicants during the 10/1005/OUT Appeal requires an independent review of all reserved matters application by the South West Design Review Panel (SWDRP). In accordance with this requirement, and in common with all the previous reserved matters applications to-date, the current revised application has been submitted to the SWDRP.

4.9 The Review Panel raised a number of concerns in their formal response. A key criticism was that the dwellings fronting 'The Avenue' (plots 70 - 74) failed to reflect the scale and pattern of those on the southern side of the road (consented under planning application 14/00316/APP) which had a regular pattern of semi-detached two and two and half storey dwellings (see layout plan). Whereas this has been reflected in the previous phases 1B and 3A). The original layout therefore failed to reflect the guiding principles of the DPD. The Council shared this opinion. The Design Panel also considered that the dwellings fronting the open space long the north-western periphery of the site (units 43-45 and 36-37) presented their rear elevations and back gardens to the 'Local Green Space' immediately adjacent to it. The DAS and DPD envisaged that these local green spaces would comprise a mix of private and public open space that would be more closely associated with the houses that immediately adjacent to it. The original proposal would have resulted in back gardens (and fences) onto these spaces which Officers considered would have limited their usefulness and would have likely resulted in maintenance issues and, be a potential source of complaints (as a result of anti-social behaviour). Officers also had a number of other concerns where the proposal was not considered to reflect the aspirations of the DAS and DPD.

4.10 Revised plans have been submitted that seek to address the concerns (**see revised layout**). The unit types along 'The Avenue' have been amended to a mix of two and two and a half storey units, arranged mainly in pairs, reflecting those on adjacent phases (**see street scene elevations**). The arrangement of the dwellings along the north-western edge have been reoriented such that those dwellings now front the Local Green Space (LGS). The result is that there is more of a direct relationship between those dwellings and LGS and the need for garden fences/walls is removed. In addition, a landscape bund is now proposed along the northern periphery of the LGS that would serve to visually separate it from the wider area of general Open Space beyond thereby creating the intimate space called for in the DAS and DPD. Having the dwellings facing the LGS would provide natural surveillance creating a sense of ownership. In addition, the principle of informal local green space within the development creating a soft informal edge to the development is maintained.

4.11 A number of further amendments have been made in response to Officers concerns. The dwellings along the eastern edge of the site originally presented side elevations and garden fences to the footpath and open space directly opposite. This has been amended such that the majority of units would now face the open space with only one very small section of fencing being proposed. The resultant layout now more

closely reflects the DPD and provides better interaction with, and surveillance of, the POS it adjoins (see **layout and street scene elevations**). A number of the house types on corner plots have also been amended such that they now either present their principle elevations to the street; or provide a dual frontage.

4.12 As set out above, the proposed house types are similar in style to those recently approved on adjacent phases. The changes to some different types in the revised layout are considered appropriate and necessary to ensure compliance with DPD. The scale and ridge heights all accord with the parameters prescribed in the various documents. The mix of materials has been arranged in an informal 'scattered' way reinforcing the informal edge location. Although materials are proposed as part of the application, it is considered that a condition requiring samples is required in order to ensure continuity with previous phases and compliance with the DPD.

4.13 The revised layout and house types are now considered to reflect the scale parameters of the Outline DAS and are considered to be acceptable.

5.0 Energy Efficiency

5.1 Condition 23 attached to the Outline permission stipulates that at least 20% of energy used should come from decentralised and renewable or low carbon sources. Condition 24 of the same permission stipulates that a 30% improvement in carbon reduction above the 2010 Building Regulations requirements shall be secured across the development as part of the reserved matters submissions. Condition 25 requires each residential application to achieve a minimum Level 4 of the Code for Sustainable Homes or such level above Code Level 4.

5.2 The application details include an Energy and Sustainability Strategy (ESS) which sets out how the proposal would meet the requirement of the above condition. The ESS concludes that:

- Energy efficiency measures have been prioritised and that a 9.56% reduction in carbon dioxide (CO₂) emissions beyond those mandated under Part L1A of the Building Regulations 2010 could be achieved through energy demand reduction measures.
- It has been demonstrated that >20% of the energy demand of the development can be secured from the installation of 89kWp of PV panels distributed across the site.
- It has been demonstrated that a 49.39% improvement in CO₂ reduction above 2010 Building Regulations is secured through a combination of the energy demand reduction measures and the installation of PV panels.
- The report additionally demonstrates a proposed approach by which all residential units will achieve a Code for Sustainable Homes Level 4 rating, satisfying condition 25.

5.3 In common with the previous approvals of reserved matters for other phases on the Homelands 2 development, a condition is recommended to require solar panel to be of an in-roof integrated design.

Residential amenity

6.1 Policy HOU5 of the Local Plan stipulates that new housing developments should not result in an unacceptably low degree of residential amenity for existing properties in the area and the proposed new dwellings. It is considered that the relationship between the proposed dwellings is acceptable in terms of residential amenity and would provide for acceptable living conditions. The window-to-window distance of the dwellings fronting the Avenue to those of the consented scheme to the south of the road is 21m - in excess of the 20m minimum prescribed in the DPD. Furthermore, the relationship between the dwellings proposed within this phase is considered to be within normally accepted tolerances. A condition is recommended to obscure glazed first bathroom windows in some plots to avoid potential overlooking.

Landscaping

7.1 Policy LND7 of the Local Plan requires high quality landscaping schemes to be provided, which form an integral part of the overall development. The reasoned justification for this policy encourages the retention of existing landscape features which are worthy of being retained. New tree planting should consist of species suited to the location.

7.2 The application includes part of the 'Meadow' a large area of open space along the northern edge of the development. The DPD set out a number of general principles for this area including: the retention of existing hedgerows and trees; new informal tree groups; hoggin path and the incorporation of the existing PROW. The applicants' proposals generally accord with these established principles. Following discussions, additional planting along the northern boundary of the Local Green Space is now proposed (see **landscape**

plan). The approach, (through three clusters of the trees), is to create a semi-enclosed informal open space for recreation that would be more closely associated with the neighbouring dwellings and which feels separate from the wider natural open space. It is considered this has been successfully achieved and reflects the general aspirations of the original DAS for the 'Local Green Spaces'. The landscaping plans also shows tree planting along the roads and streets and within gardens.

7.3 The application also proposes the 'Central Green' area of open space. The landscape details propose uniform lines of trees to boundaries and pathways in accordance with the DPD. A Locally Equipped Play Area (LEAP) is also proposed within the area. The Councils Community and Economic Development Manager has assessed the LEAP and the play equipment proposed and has recommended some changes which are currently under discussion. The Councils Landscape Officer has also suggested some minor amendments to the proposed soft landscaping. **An up-date will be provided at committee.**

Allotments

8.1 It is a requirement of the Section 106 Agreement in association with the Outline consent that an area of half a hectare of land for the provision of allotments is provided within the general area of open space. The Legal Agreement requires that allotment land must be laid out, rotavated and provided with electricity, mains water, car parking, community composting and access road.

8.2 The application proposes an area of land for allotments adjoining the northern edge of the residential area. The area would comprise an area of approximately 0.32ha and would be accessed directly off the 'residential street'. A car park is also shown on the plans. Although the area of the allotment land is less than the half a hectare required, the DPD shows that the balance would be made up on land adjacent to the site as part of the remainder of Phase 3B. The area would be separated from the general open space by a combination of chain link fence and native hedgerow in accordance with the DPD. In addition, native trees would be planted in clusters along the northern boundary.

9.0 Highway and parking issues

9.1 Section 4 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Policy TPT1 of the Local Plan highlights that development will be permitted where provision is made for safe and convenient access and where an appropriate level of public transport service and infrastructure is available. The resulting development should also not adversely affect traffic generation, safety and satisfactory operation of the highway network. Policy INF2 of the Joint Core Strategy Submission Version (November 2014) requires developers to assess the impact of proposals on the transport network to ensure that they will not detrimentally affect its safety or efficiency. Planning permission will be granted only where the impact of development is not considered to be severe and cannot be mitigated.

9.2 The County Highways Authority (CHA) have assessed the application and requested additional information relating to vehicle tracking, pedestrian footpath widths and visibility. The applicant has provided the additional information in response. Some concerns were also expressed about the alignment of some of the roads which were considered to cause confusion to motorists. Whilst pointing out that the layout is to some extent fixed by the approved Outline Masterplan, revisions were made which are reflected in the revised layout. For example, a stagger has now been introduced at the end of 'Green Street' to overcome the CHA's concern that the previous road appeared to direct users toward the open space and footway beyond. A response to the concerns about footpath widths was also provided as was the additional information relating to visibility.

9.3 The CHA confirm that vehicular tracking now demonstrates that refuse vehicles can safely turn into the side roads, with adequate forward visibility to ensure that a car and refuse vehicle can see other prior to committing to the turn. The vehicle tracking also demonstrates that a 3 axle refuse vehicle can turn appropriately in the turning heads provided. The CHA comment that the layout of the development affords adequate junction visibility at all necessary locations and provides sufficient forward visibility around bends. Adequate pedestrian and cycling links are provided throughout the development, with adequate pedestrian crossing points. The detailed design of these links and crossing points would be agreed through the section 38 process. The CHA therefore have no objection to the revised layout.

Parking provision

9.4 Car parking details are shown on the layout plan and demonstrate that 105 spaces would be provided for the 52 dwellings plus 45 garages. In addition, 9 designated visitor spaces are provided (**see layout**). The plans indicate that the majority of the larger 5 bedroomed dwellings (and some of the 4 bedroomed units) would have four car parking spaces plus a double garage (6 spaces in total). All car parking spaces would be conveniently located to the dwellings and, with the exception of the visitor spaces, all off-street. The CHA confirm that the parking provision meets the expected levels of car ownership in Bishops Cleeve.

Other Conditional requirements.

9.5 The CHA have also provided comments on the following additional conditional requirements of the Outline permission (10/01005/OUT): will similarly provide an up-date for the following conditional requirements:

- *Highway Drainage* - In accordance with the condition, details of highway drainage have been submitted, there is no reason why a suitable scheme to provide highway drainage throughout the development. A detailed review of the highway drainage will be undertaken at the section 38 stage.
- *Street Lighting* - The details will be agreed at the sc38 stage.
- *Fire Hydrants* - The details will be agreed at the sc38 stage.

Affordable housing provision

10.1 The approved S106 Agreement for this development requires the provision of a minimum of 40% affordable housing across the site with a tenure split of 50% social rent/affordable rent and 50% intermediate affordable housing. The S106 also stipulates that the affordable units should be in clusters of no more than 16 for flats and groups of no more than 8 for houses.

10.2 The application proposes 20 affordable homes comprised of the following:

- 4 x 1 bedroom houses;
- 8 x 2 bedroom houses; and
- 8 x 3 bedroom houses.

10.3 The Strategic Housing and Enabling Officer has been consulted and notes that the provision of dwellings equates to 38.5% - but noting that 45% was proposed on the previous phase. It is confirmed that a split of 50:50 rented to intermediate can be achieved from the current proposal. It is noted that the redesigned affordable dwellings would meet the housing needs and the standards as required in the legal agreement. The proposal is therefore considered to satisfy the requirements of the S106 Agreement and is considered to be acceptable.

Flooding and drainage

11.1 Policy EVT9 of the Local Plan requires that development proposals demonstrate provision for the attenuation and treatment of surface water run-off in accordance with sustainable urban drainage systems (SUDS) criteria. Policy INF3 of the Joint Core Strategy (November 2014) replicates the advice in the NPPF. The adopted Flood and Water Management Supplementary Planning Document sets out a number of key objectives that reflect current guidance.

11.2 The issue of flooding was addressed at outline stage. Notwithstanding this, Condition 10 of the outline permission required details of the surface water drainage scheme for the whole development to be submitted with the first reserved matters application. These details were submitted with application 14/00481/APP and following consultation with the Environment Agency (EA) and the Council's Drainage Officer were considered sufficient to enable the condition to be fully discharged.

11.3 The approved surface water strategy utilises two stormwater attenuation ponds are proposed, one east and one west of Gotherington Lane. The current scheme does not affect the large soakaway approved under permission 14/00481/APP. Revised plans indicate that the finished floor levels of the dwellings would be 300mm above proposed ground levels in accordance with condition 7 of the outline planning consent.

11.4 The Council's Drainage Officer has assessed the drainage proposal for the residential area and in light of the fact the implementation will be under Building Control processes has no objection to the drainage strategy.

11.5 Severn Trent have confirmed they have no objection to the proposal.

Land Contamination

12.1 Paragraph 121 of the NPPF states that planning decisions should ensure that sites suitable for their new use taking account of ground conditions and that after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990. It further advises that adequate site investigation information, prepared by a competent person, is presented. Policy EVT6 of the Local Plan seeks to protect groundwater resources.

12.2 Condition 28 of the Outline has five parts required: i) investigation; ii) Submission of Remediation Scheme; iii) Implementation of Approved Remediation Scheme; iv) Reporting of Unexpected Contamination; and v) Long Term Monitoring and Maintenance.

12.3 A remediation strategy was submitted with application 14/00481/APP in accordance with the requirements of the Outline Condition and was assessed by the Council's Environmental Health Officer (EHO). The EHO considered from the submitted reports that no further action as being necessary other than the need to maintain vigilance during the ground work phase in case unexpected significant contamination is encountered. The proposal is therefore considered acceptable in this regard in accordance with the NPPF and Local Plan Policy EVT6.

Noise

13.1 Paragraph 123 of the NPPF states that planning decisions should, amongst other things, aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development. Local Plan Policy EVT3 provides that new development should be sited away from sources of noise and planning permission should not be granted for development where noise would cause harm and could not be ameliorated.

13.2 Noise contour maps submitted with the application indicate that none of the proposed residential units would fall within a noise category area (formerly NEC B in PPG24) that would require noise to be taken into account when determining planning applications. On this basis the Council Environmental Health Officer raises no objections.

14.0 Conclusion

14.1 The proposal would be based on sound urban design principles and would have an acceptable impact upon the character and appearance of the area. The proposal provides for adequate parking facilities, open space and residential amenity, which would provide suitable living conditions for the future occupiers of the site.

14.2 It is considered that an acceptable affordable housing proposal has been provided in terms of the amount, tenure, mix and distribution across the site. A suitable sustainable drainage scheme and management strategy can be secured, as well as good quality on-site public open space. Furthermore, the issue of land contamination has been satisfactorily addressed.

14.3 In light of the above, it is considered that the proposal accords with the relevant policies of the Development Plan and is in accordance with the principles and parameters described and identified in the consolidated design and access statement and design principles document. It is accordingly recommended that **Approval be delegated to the Development Manager subject to confirmation of the acceptability of the proposed LEAP and other conditional requirements (as necessary).**

RECOMMENDATION Approve

Conditions:

- 1 Other than where varied by the conditions below the development hereby approved shall be implemented in accordance with the revised plans and information submitted on the 28th November 2014 except where amended by further drawings detailed on the approved Drawing Schedule (Job No 14-048) dated the xx September 2015.

- 2 Notwithstanding the submitted details, all solar panels shall be of an integrated and flush fitting type, details of which shall be submitted to and subsequently approved in writing by the local planning authority. The solar panels shall be retained as such unless otherwise approved in writing by the local planning authority.
- 3 Notwithstanding the submitted details, building operations shall not be commenced until samples of all external walling and roofing materials proposed to be used have been submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the sample(s) so approved.
- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) the first floor window in the rear elevations of Plots 39, 62 and 65 shall, prior to the first occupation of the dwelling, be fitted with obscured glass and be non-opening, unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The windows shall be maintained in this state thereafter.

Reasons:

- 1 To clarify the terms of the approval.
- 2 In the interests of visual amenity in accordance with the NPPF.
- 3 In the interests of visual amenity in accordance with the NPPF
- 4 In the interests of protecting residential amenity in accordance with the NPPF

Notes:

1 **Statement of Positive and Proactive Engagement**

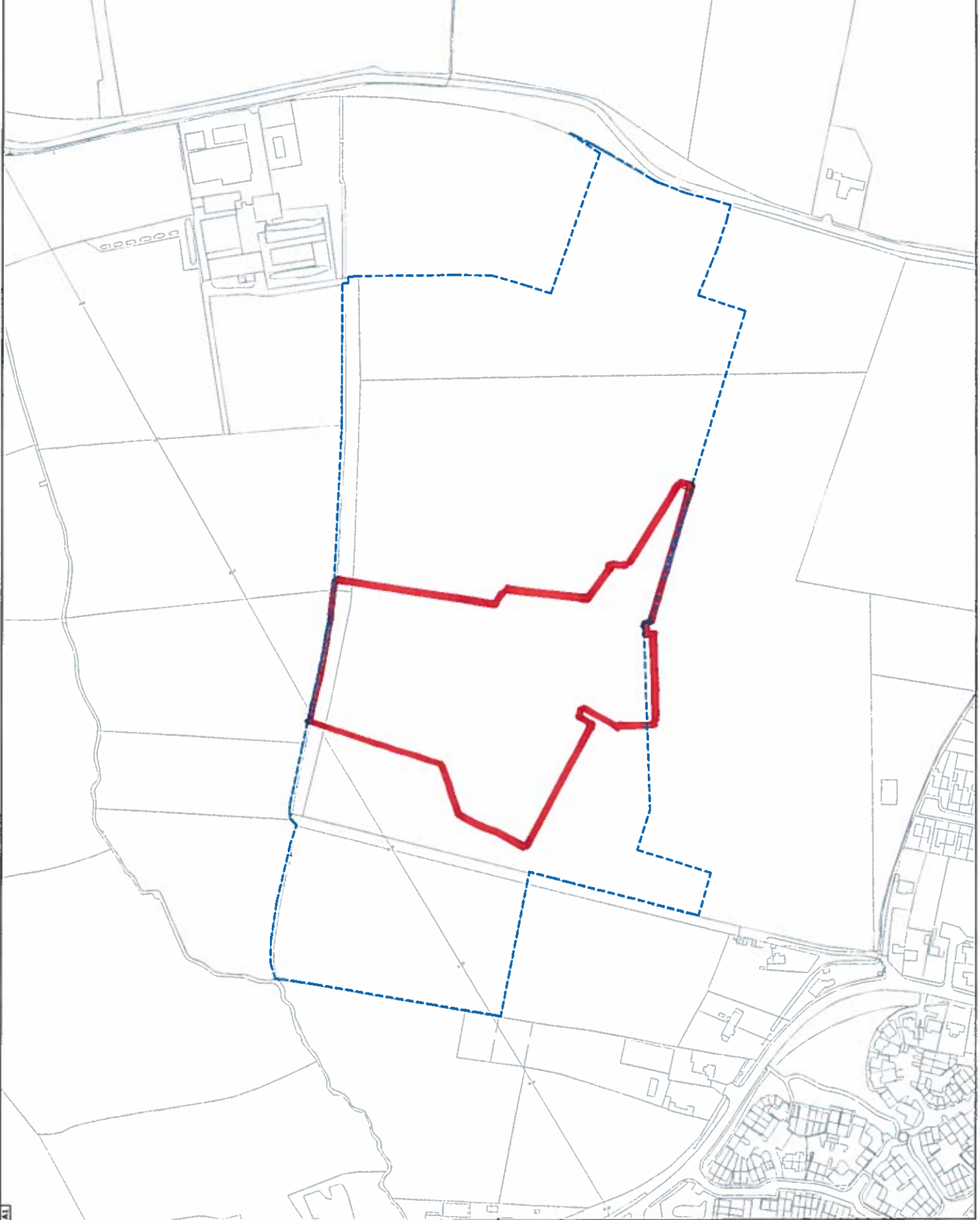
In accordance with the requirements of the NPPF the Local Planning Authority has worked with the applicant in a positive and proactive manner in order to secure sustainable development which will improve the economic, social and environmental conditions of the area by negotiating to improve the site layout and house type design.

- 2 This decision is to be read in conjunction with planning permission 10/01005/OUT.

NOTES

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Rev	Description	Date	Drawn	Checked
1	Submitted to Local Planning Authority	11/03/15	GP	GP
2	Submitted to Local Planning Authority	11/03/15	GP	GP



PLANNING



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**Bishops Cleeve
 Homelands II**

For: Linden Homes Western

Phase 3B

Location Plan

DATE	SCALE	APPROVED BY	DATE	REV
11/03/15	A1	GP	11/03/15	GP
11/03/15	A1	GP	11/03/15	GP

NOTES

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House Type	No of Bedrooms	Depth	No	Total Depth
110	4	1187	4	4748
17	4	1193	3	3585
37	4	1202	4	4808
47	4	1303	4	5212
18	4	1406	5	7030
430	4	1520	4	6080
440	4	1707	1	1707
2108	5	1843	7	12901
TOTALS			31	45792

House Type	No of Bedrooms	Depth	No	Total Depth
A241	2	832	8	6656
A241	2	842	8	6736
A341B	3	917	7	6419
B200	3	926	7	6482
B200	3	972	7	6804
TOTALS			30	16,836

Affordable housing (not count depth) 16,836

SITE TOTALS 62,628

* denotes plots with side elevation window, refer to house type drawings

REVISIONS

No	Description	Date
1	Issue for planning	15/11/14
2	Issue for planning	15/11/14
3	Issue for planning	15/11/14
4	Issue for planning	15/11/14
5	Issue for planning	15/11/14
6	Issue for planning	15/11/14
7	Issue for planning	15/11/14
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100	Issue for planning	15/11/14

PLANNING



thrive architects
 Architects
 15/00449 / APP
 For: Linden Homes Western
 Phase 38
 Site Layout
 Scale: 1:500 @ A1
 Date: Nov '14
 Drawing No: LHM141007
 Drawing Title: SLJB.01
 Drawing Type: E
 Drawing Date: 15/11/14

REVISED LAYOUT



15/004449/APP

NOTES

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Rev	Description	Date	By	Appr
1	Issue for consultation	08/01/15	JCB	
2	Issue for planning	08/01/15	JCB	



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CLIENT
 Bishops Cleeve
 Homelands II
 For: Linden Homes Western

DATE
 1:500 @ A1 March 15
PROJECT NO.
 LIND141007

SCALE	1:500 @ A1	DATE	March 15	APPNO	RP -
JOB NO.	LIND141007	DATE	SE16.01	REV	B



Key Plan (nts)

274/C

NOTES

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Homelands Area 3B

House Type	No of Dwellings	Sept	No	Total Sept
433	4	1187	5	5725
17	4	1155	4	4780
47	4	1262	3	4116
18	4	1026	7	6942
453	4	1520	4	6080
463	4	1782	1	1782
TOTALS	5	1843	7	17901

Private housing total areas (sqft) 43444

AFFORDABLE - 40%

House Type	No of Dwellings	Sept	No	Total Sept
A24L1	28	830	8	4640
A34L1	38	942	8	7544
10-30 PF	18	546	2	1156
TOTALS	84	2318	18	14292

Affordable housing total areas (sqft) 14292

* denotes plots with side driveway window, refer to house type drawings



PLANNING



PROJECT
Bishops Cleeve
Homelands II
For: Linden Homes Western

DATE
1:500 @ A1
Nov '14

SCALE
1:500 @ A1
Nov '14

DATE
1:500 @ A1
Nov '14

SCALE
1:500 @ A1
Nov '14

DATE
1:500 @ A1
Nov '14

SCALE
1:500 @ A1
Nov '14

ORIGINAL LAYOUT.



274 D

Valid 29.06.2015

Grid Ref 385469 222426

Parish Down Hatherley

Ward Innsworth With Down
Hatherley

Village infill development of two detached dwellings

Mr Doug Hawkins

C/o Agent

RECOMMENDATION Refuse**Policies and Constraints**

National Planning Policy Framework

Planning Practice Guidance

Tewkesbury Borough Local Plan to 2011 - Policies HOU4, GRB1 and TPT1

Joint Core Strategy Submission Version November 2014

Consultations and Representations**Down Hatherley Parish Council** object for the following reasons:

- The parish Council has had feedback from local residents at times in the past requesting better upkeep of this land from the landowner. Leaving land unkempt can be a tactic deployed by landowners to tempt some people to feel that development might be a better option than experiencing highly visible overgrown land on their doorstep.
- The site is not an infill site in the Green Belt land and open undeveloped green space in a residential road.
- In their description of the areas local services the applicant alleges that Down Hatherley has a pub. This is a rather basic error given there is no pub in the village or Parish.
- The proposal could lead to further applications for residential development in the Green Belt adjacent to Ash Lane.
- The applicant chooses to go back five years to assert that there have been no planning applications in this location. However, if the applicant had gone back to 2003-4 this would reveal two applications (involving Mr Hawkins the present applicant and other parties) for 55 houses including development on the land which the applicant suggests will remain a paddock.
- Permitting two houses on green open land in Ash Lane could prompt other landowners in the nearby Green Belt and in Down Hatherley to follow suit with similar two-dwelling applications. This could create an ongoing insidious erosion of the Green Belt.
- The Parish Council thinks no weight should be attached to the appeal decisions or Planning Decisions by Tewkesbury Borough Council cited as they are irrelevant to the situation at this particular location.
- Down Hatherley is not a Service Village under the Joint Core Strategy and is consequently accommodating no housing under the JCS, the underlying Tewkesbury Borough Plan and the emerging Neighbourhood Development Plan.

Environmental Health - No objection.**Natural England** - No objection.**8 Letters of neighbour representation** received raising the following concerns (summarised):

- No need for development.
- Would result in highway safety issues.
- Would set precedent for similar proposals.
- Surface water should be managed within the site.
- Inappropriate development in the Green Belt.
- Concern regarding land ownership.
- Applicant has allowed land to become overgrown and untidy.
- The proposed could result in overlooking.
- Design is out of keeping

The application has been called to Planning Committee by Councillor Bocking in order to consider the use of greenbelt in this manner and the president it sets for further encroachment.

Planning Officers Comments: Mr Ciaran Power

1.0 Application Site

1.1 The application relates to a parcel of land to the east of Ash Lane, Down Hatherley. The site forms part of an agricultural fields. The site is bound by open fields to the east, Ash Lane to the west and residential dwellings adjacent to the northern and southern boundaries. The site is located outside of a Residential Development Boundary (RDB) as defined in the Tewkesbury Borough Local Plan to 2011 - March 2006. The site is located within the Green Belt.

2.0 Planning History

2.1 04/00660/OUT - Outline application for residential development for 48 dwellings with open space. This application included part of the application site as well as a substantial area of land to the east of the site. The application was refused in 2004 for reasons relating to inappropriate development in the Green Belt and open countryside, sites isolated and unsustainable location, unacceptable landscape impacts, highway safety and archeologically sensitivity of the site.

3.0 Current Application

3.1 The current application seeks planning permission for the erection of 2 new 2 bed Chalet style bungalows.

4.0 Policy Context

4.1 National Planning Policy Framework

4.2 Planning Practice Guidance

4.3 Tewkesbury Borough Local Plan to 2011 - Policies HOU4, GRB1 and TPT1

4.4 Joint Core Strategy Submission Version November 2014

5.0 Analysis

Principle of Development

5.1 The site is located outside of a recognised settlement boundary and therefore the proposal is contrary to policy HOU4 of the Local Plan. However, paragraph 49 of the NPPF sets out that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. Policy 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 insofar as it relates to restricting the supply of housing. The policy is also out of date because the Council cannot currently demonstrate a five year supply of deliverable housing sites.

5.2 Paragraph 14 of the NPPF sets out a presumption in favour of sustainable development and states that development proposals that accord with the development plan should be approved without delay. The NPPF goes on to say that where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or where specific policies in the Framework indicate development should be restricted. In this case the site is located within the Green Belt where the NPPF provides the most up to date policy guidance on Green Belt.

5.3 Paragraph 89 of the NPPF provides the most up to date policy guidance on Green Belts and advises that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:

- buildings for agriculture and forestry;
- provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- the replacement of a building, provided the new building is in the same use and not materially larger

- than the one it replaces;
- limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

5.4 The applicant argues that the proposed development would represent limited infilling in a village and therefore would not constitute "inappropriate development". Helpfully the applicants also refer to a very recent High Court Judgement relating to the case of *Vs SOS for Communities and Local Government and Gravesham Borough Council* (February 2015). Previously the NPPF's bullet point (para 99) referring to limited infilling in a Green Belt village was widely open to interpretation with many ascertaining that it related to limited infilling in villages of affordable housing. However this recent High Court Judgement is clear that the intention is to allow limited infilling in villages whether it is for market or affordable housing.

5.5 Whilst the outcome of the above High Court Case is acknowledged it is not considered that the application site is located within a location which could reasonably be defined as a village. The applicant refers to the Collins English Dictionary definition of a village which defines a village as 'a small group of house in a county area, larger than a hamlet'. This is a rather unhelpful definition as villages can vary substantially in size. As this definition could effectively deem any small group of houses a village.

5.6 Ash Lane is a private, no through road located off of Down Hatherley Lane. The land is made up of approximately 30 linear residential plots, with intermittent gaps of agricultural land between the built developments. There are no services or facilities directly catering for Ash Lane residents. Whilst the village boundaries of Down Hatherley and Twigworth are not defined on the Local Plan proposals map, they are considered to be visually and physically separate from Ash Lane and the application site. It should also be noted that Ash Lane was not considered as part of the Council's Joint Core Strategy Rural Area Settlement Audit, July 2015 (Refresh) which seeks to place recognised settlements in the Borough in a hierarchy depending on their accessibility to services and facilities.

5.7 The applicant highlights a number of relevant planning appeals, where inspectors have found infilling to be appropriate in Green Belt locations. The cases are considered to be very different to the application site. Two relate to sites location adjacent to the Village of Chobham (APP/D3640/A/13/2199538) and Felbridge (APP/M3645/A/13/2201516), which are substantial villages with a significant number of services and facilities, the appeal sites were located in very close proximity to this settlement and deemed to fall within the village. This is clearly distinctively different to the application site. The third appeal decision relates to an appeal against the decision of Cheltenham Borough Council (APP/B1605/A/08/2092058). Here the inspector concluded, amongst other things, that due to the absence of harm to the Green Belt and the character and appearance of the area outweigh the totality of the harm through inappropriateness. The inspector went onto conclude that the lack of harm on both counts through the sites location in a built up area of the village would amount to very special circumstances. Whilst this decision is noted, the site again relates to the edge of a much larger settlement and one which was clearly considered to constitute a village. Having regard to the above decisions it is not considered that these are directly comparable to the application site. Nevertheless each application should be considered on its own merits.

5.8 Having regard to the above, it is not considered that Ash Lane constitutes a village and the proposal would not fit within any of the other exceptions listed in the Paragraph 89 of the NPPF therefore the proposal represents inappropriate development in the Green Belt. Paragraph 88 sets out very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

5.9 The applicants suggest that there are very special circumstances here and state the proposal would contribute to the council's housing supply and there would be a lack of harm to the openness of the Green Belt. In terms of the contribution this development would make towards the Councils housing supply, given its very limited and Paragraph 034 of the PPG states that, "Unmet housing need (including for traveller sites) is unlikely to outweigh the harm to the Green Belt and other harm to constitute the "very special circumstances" justifying inappropriate development on a site within the Green Belt". The matter relating to openness of the Green Belt is discussed in further detail below.

Openness of the Green Belt

5.10 While there is existing residential development either side of the application site, the application site constitutes undeveloped agricultural land and the surrounding area is predominately semi-rural in character and appearance. The proposal for the erection of a new dwelling would cause harm to the openness of the Green Belt by virtue of it introducing a significant built form to the site. The gaps in development along Ash Lane are important and something which occurs numerous times along Ash Lane helping to maintain views across the Green Belt as well as integrating existing built development into its rural surroundings. The proposal would be visible from Ash Lane and would have the effect of materially reducing the openness of the Green Belt and would conflict with the purposes of including land within it. Moreover, there are no very special circumstances that exist which would justify the approval of an inappropriate form of development in the Green Belt.

Design and residential amenity

5.11 Ash Lane is characterised by a mix of housing types, spread irregularly along Ash Lane. Notwithstanding the conflict with Green Belt policy, it is considered that the design of the proposed dwelling is acceptable; its chalet style reduces the resultant height of the dwelling and would not raise any residential amenity issues in terms of outlook, light and privacy.

Highway Impacts

5.12 With regard to highways safety, the proposal would be acceptable in highway safety terms subject to conditions controlling the visibility splays and off-road parking provision. The proposal is therefore considered to be acceptable in this regard.

6.0 Balancing Exercise

6.1 Policy HOU4 of the Local Plan is out of date and in accordance with paragraph 49 of the NPPF, however paragraph 14 of the NPPF, provides that where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless "specific policies in this Framework indicate development should be restricted". Footnote 9 makes it clear that restrictions apply, for example, to those policies relating to (among other things) land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast or a National Park as well as to designated heritage assets. Therefore because of its location in the Green Belt, the site is subject to a specific framework policy indicating that development should be restricted. In these circumstances, paragraph 14 is clear that, even if relevant development plan policies are out of date, the presumption to grant permission does not apply.

6.2 The proposed development would represent inappropriate development within the Green Belt and would be harmful to its openness and would conflict with the purposes of including land within it.

6.3 Overall the proposals would not constitute sustainable development in the context of the NPPF and there are significant and demonstrable harms which further weigh against the proposal. The application is therefore recommended for refusal.

RECOMMENDATION Refuse

Reason:

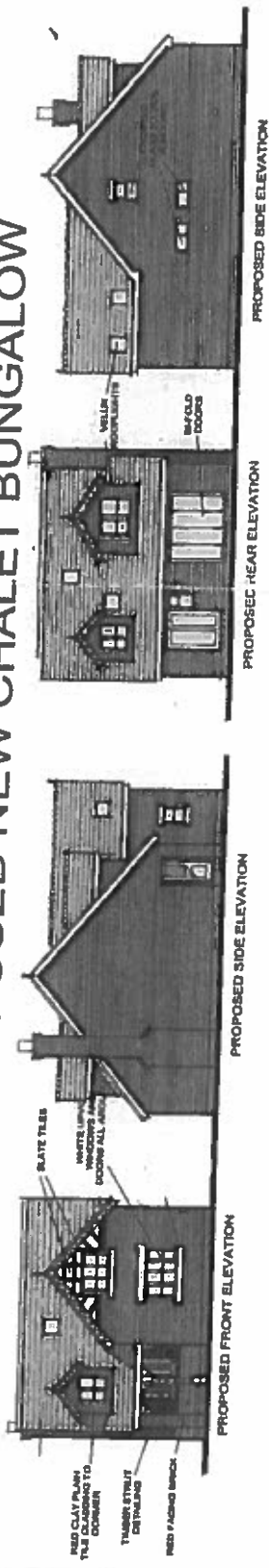
The proposed development would represent an inappropriate form of development in the Green Belt which would compromise its open character, appearance and function. It is not considered that any very special circumstances exist which would outweigh the identified harm. The proposal would therefore be contrary to Policy GRB1 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and Section 9 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.

PROPOSED NEW CHALET BUNGALOW



RED CLAY PLANK
TILE CLADDING TO
CORNER

TRUSSEL STYLE
CANTILEVER

RED FACING BRICK

SLATE TILES

HARVEY
WOODS
DOORS ALL AROUND

PROPOSED FRONT ELEVATION

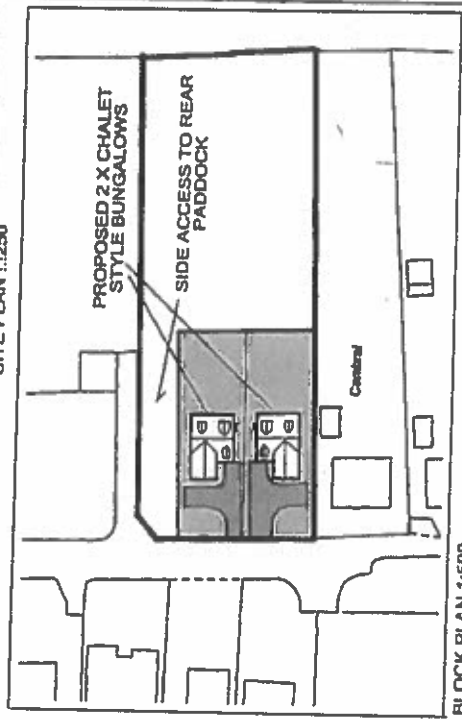
PROPOSED SIDE ELEVATION

PROPOSED REAR ELEVATION

PROPOSED SIDE ELEVATION



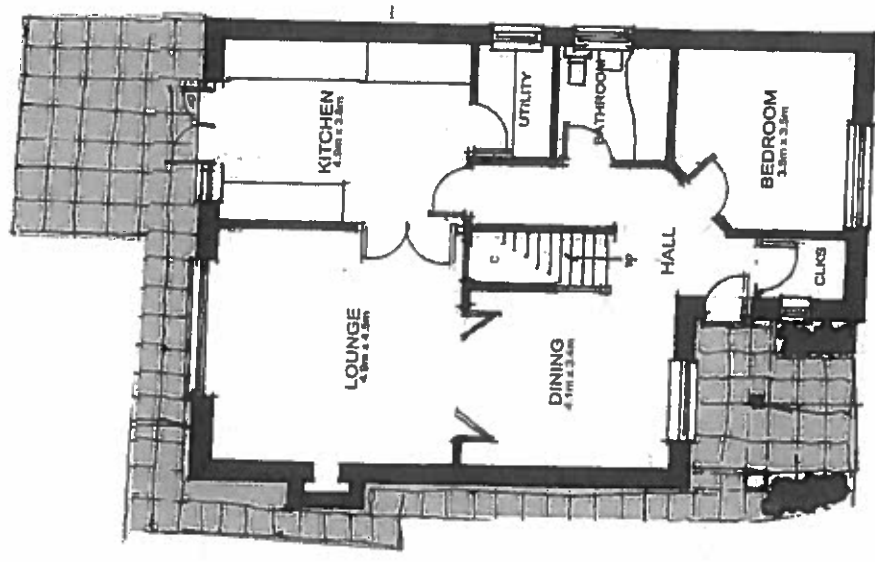
SITE PLAN 1:250



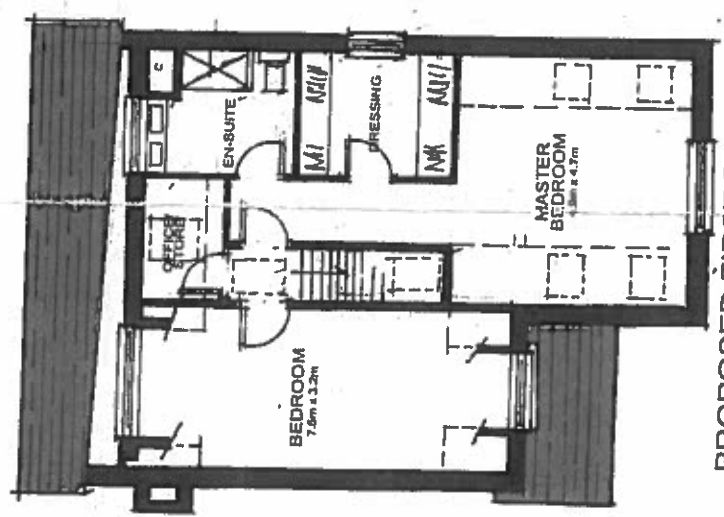
BLOCK PLAN 1:500

PROPOSED 2 X CHALET
STYLE BUNGALOWS

SIDE ACCESS TO REAR
PADDOCK



PROPOSED GROUND FLOOR

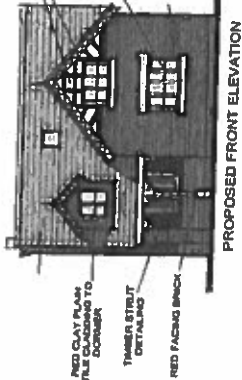


PROPOSED FIRST FLOOR

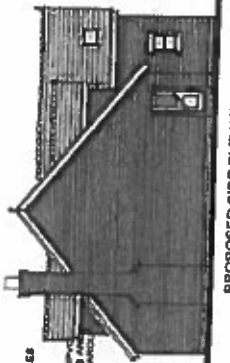
IVEY ARCHITECTS 1st, 2nd & 3rd Floors 25, Abchurch Lane, London EC4N 3AB Tel: 020 7424 1444 Fax: 020 7424 1445 www.iveyarchitects.co.uk	
Client: DOUG HOWKINS	Date: 15/06
PROPOSED DEVELOPMENT OF TWO CHALET STYLE BUNGALOWS WITH SIDE ACCESS TO REAR PADDOCK LANE DOWN HATHERLEY, GLOUCESTER	
Drawn By:	Proposed Section Plans and Elevations Site and Block Plan
Scale: 1:50 1:100 1:250 1:500	Date: 15/06/2011

278/A

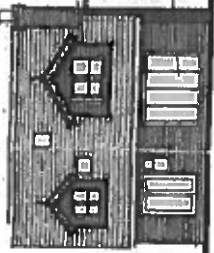
PROPOSED NEW CHALET BUNGALOW



PROPOSED FRONT ELEVATION



PROPOSED SIDE ELEVATION



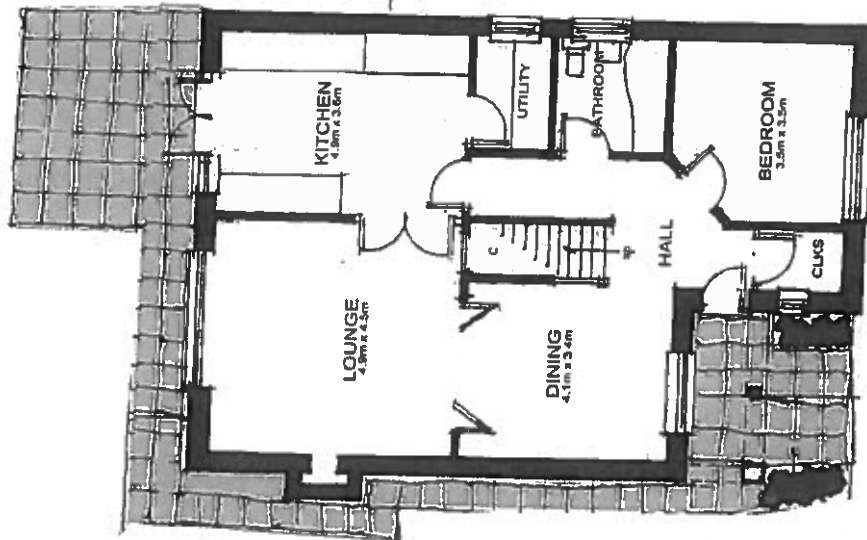
PROPOSED REAR ELEVATION



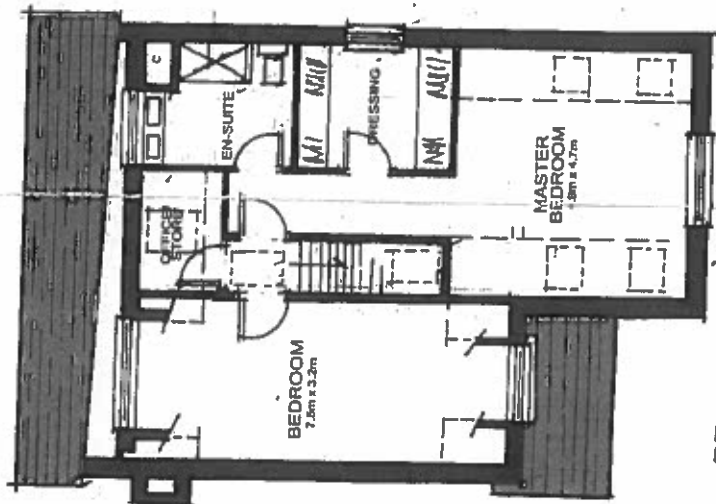
PROPOSED SIDE ELEVATION



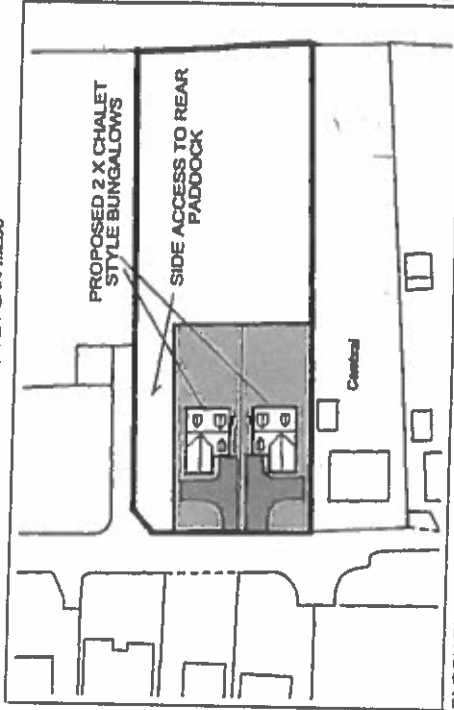
SITE PLAN 1:1250



PROPOSED GROUND FLOOR



PROPOSED FIRST FLOOR



BLOCK PLAN 1:500

Proposed Design of 2 x Chalet Style Bungalows at Land in Ash Road, North Tharley, Gloucestershire.	
Chief Designer: DOUG HOWSONS	Proposed Design of 2 x Chalet Style Bungalows at Land in Ash Road, North Tharley, Gloucestershire.
Proposed Sketch Plans and Elevations Site and Block Plan	Scale: 1:50 1:100 1:1250 1:500
Date: 11/11/2011	Drawn by: AJB/BBT

278/B

Valid 26.03.2015
 Grid Ref 396176 226765
 Parish Bishops Cleeve
 Ward Cleeve Grange

Erection of first floor side extension

Mrs Hayley Wollnough
 52 Kayte Lane
 Bishops Cleeve
 GL52 8AP

RECOMMENDATION Permit

Policies and Constraints

NPPF

Planning Practice Guidance

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

Tewkesbury Borough Local Plan to 2011 - March 2006 - HOU8

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

The First Protocol, Article 1 (Protection of Property)

Consultations and Representations

Parish Council - object. The proposed development would be overbearing and an imposition to the neighbouring property no 1 Delabere Road, overdevelopment of the site and not in keeping with the streetscape. **Revised plans** - Object. The proposed development would be overbearing and an imposition to neighbouring properties in Delabere Road. This is overdevelopment of the site and not in keeping with the streetscape. The amendments to the original plans are not sufficient to change this view.

Local residents - three letters of objection have been received from local residents including 1 Delabere Road. The reasons for objection are summarised as follows:

- Unacceptable loss of light, outlook and overlooking to 1 Delabere Road.
- The proposed extensions would be too large and overbearing to 1 Delabere Road.
- Overdevelopment of the plot - the property would become a three storey dwelling.
- Out of keeping with the style of houses and bungalows in the vicinity.

Revised plans - Three letters of objection have been received from local residents including 1 Delabere Road. The reasons are summarised as follows:

- Overlooking from the extension.
- The extension would overwhelm and be overbearing to 1 Delabere Road.
- It would become a 3 storey dwelling which would completely overshadow 1 Delabere's home and garden.
- Loss of light / outlook to 1 Delabere and 2 Delabere Road.
- Out of scale / proportion with the surrounding dwellings and bungalows.
- Overdevelopment of the site.
- Detrimental impact on the street scene.
- Loss of view.
- Precedent could be set.

Five letters of support have been received from local residents including the neighbours at no 50 and 54 Kayte Lane who have confirmed that they have no objections to the application. The reasons for support are summarised as follows:

- there is a mix of different styles of houses and bungalows within the vicinity.
- there are a number of properties with similar extensions in the area.
- the extension would be in keeping with the area
- the plans have now been revised to address neighbours objections.
- the proposal would not be overdevelopment nor would it hinder light or block the view.

Planning Officers Comments: Mrs Sarah Barnes

1.0 Application Site

1.1 This application relates to 52 Kayte Lane, a semi-detached brick property located in Bishops Cleeve (site location plan attached).

2.0 Planning History

2.1 In 2004 (04/00851/FUL) permission was granted for a single storey extension and a garage.

2.2 In 2005 (05/00167/FUL) permission was granted for a single storey extension - revised scheme.

3.0 Current application

3.1 The current application is for the erection of a first floor side extension (**see attached plans**).

3.2 The extension would create one additional bedroom and an ensuite at first floor level. A storage area would also be created at second floor level.

4.0 Policy Context

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

4.2 Policy HOU8 of the Local Plan sets out, inter alia, that extension to existing dwellings will be permitted provided that the proposal respects the character, scale, and proportion of the existing dwelling. The policy requires that proposals must not have an unacceptable impact on adjacent property in terms of bulk, massing, size and overlooking. The proposal must also respect the character and appearance of the surrounding area. This policy is considered consistent with the framework and as such should be given due weight according to paragraph 215 of Annex 1 of the framework.

5.0 Analysis

5.1 The main issues to be considered with this application are the impact on the residential amenity of neighbouring dwellings, the overall size and design of the proposal and the impact on the surrounding street scene. Revised plans were submitted on the 6th August 2015 reducing the size of the proposal.

Residential amenity

5.2 The neighbouring resident to the east (1 Delabere Road) and the Parish Council have objected on the grounds that the development would adversely affect the neighbour's residential amenity. Specifically, it would be overbearing, would result in a loss of light, loss of outlook and loss of privacy (overlooking).

5.3 The impact on the neighbouring dwelling to the east has been fully assessed. The neighbour currently has a ground floor kitchen window in the nearest side elevation and the outlook is currently of the rear elevations of 52 and 54 Kayte Lane. Whilst there may be some loss of light / outlook, given the orientation of the sun, and the distance (over 15 metres away), the proposal would not result in an unacceptable loss of light or outlook that would warrant a refusal on these grounds. There would also still be a reasonable amount of space between 52 and 54 Kayte Lane. Finally, no 1 Delabere's main garden area is also at the rear of their house (rather than at the side) and this would also not be adversely affected by the proposal.

5.4 With regards to overlooking, the new first floor rear window would serve an ensuite and the second floor area would be used for storage. A condition would be attached to the permission to ensure that all of the rear windows / rooflights in the extension would be obscure glazed and any opening part fitted with 'DGS Egress Friction Stays with inbuilt child restrictors' to restrict the opening of the windows. There would not therefore be any overlooking issues.

5.5 In relation to the concerns raised by 2 Delabere Road, it is considered that there would not be a harmful loss of outlook given that the proposed extension would be over 30 metres away from the front of their dwelling.

5.6 In terms of the loss of view, this is not a planning consideration. Finally, in relation to the precedent that may be set each application is assessed on its own merits.

Visual amenity / Size

5.7 Concerns have also been expressed about the size of the extension and the impact on the street scene. Revised plans were submitted on the 6th August 2015 reducing the size of the proposal and lowering the

ridge line. The existing rear dormer window would not be enlarged or altered. The **original plans have been attached** so that the changes / reductions can clearly be seen.

5.8 In terms of the impact on the surrounding street scene, there are similar extensions nearby, for example, at 5 Delabere Road (10/01316/FUL) and 2 Pagets Road (14/01145/FUL). Given the relatively modest size of the proposed extension it is not considered to be overdevelopment of the site. Indeed only one additional bedroom and an ensuite would be created at first floor level (and a storage area at second floor level). The extension would also have a lower ridge line than the main dwelling so it would read as subservient. Overall, it is therefore considered that the revised proposal would not be inappropriate in terms of its scale or design in relation to the existing house or in relation to the surrounding area.

6.0 Conclusion

6.1 Overall, it is considered that the proposal (as revised) would not result in an unacceptable loss of residential amenity to neighbouring dwellings, would be of an acceptable size and design and there would not be a harmful impact on the surrounding area. The proposal would therefore accord with the NPPF and Policy HOU8 of the Local Plan and is **recommended for permission**.

RECOMMENDATION Permit

Conditions:

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 The external materials of the proposed extension shall match as near as possible the materials of the existing dwelling.
- 3 The first floor window in the rear elevation of the extension serving the ensuite, the first floor window in the side elevation serving the bedroom, the rooflight on the rear elevation of the extension serving the storage area and the second floor window in the side elevation (serving the storage area) shall be glazed in obscure glass and any opening parts fitted with 'DGS Egress Friction Stays with inbuilt child restrictors' to restrict the opening of the windows to a maximum of 150mm. The windows / rooflights shall thereafter be retained as such and not altered without the prior consent of the Local Planning Authority.

Reasons:

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

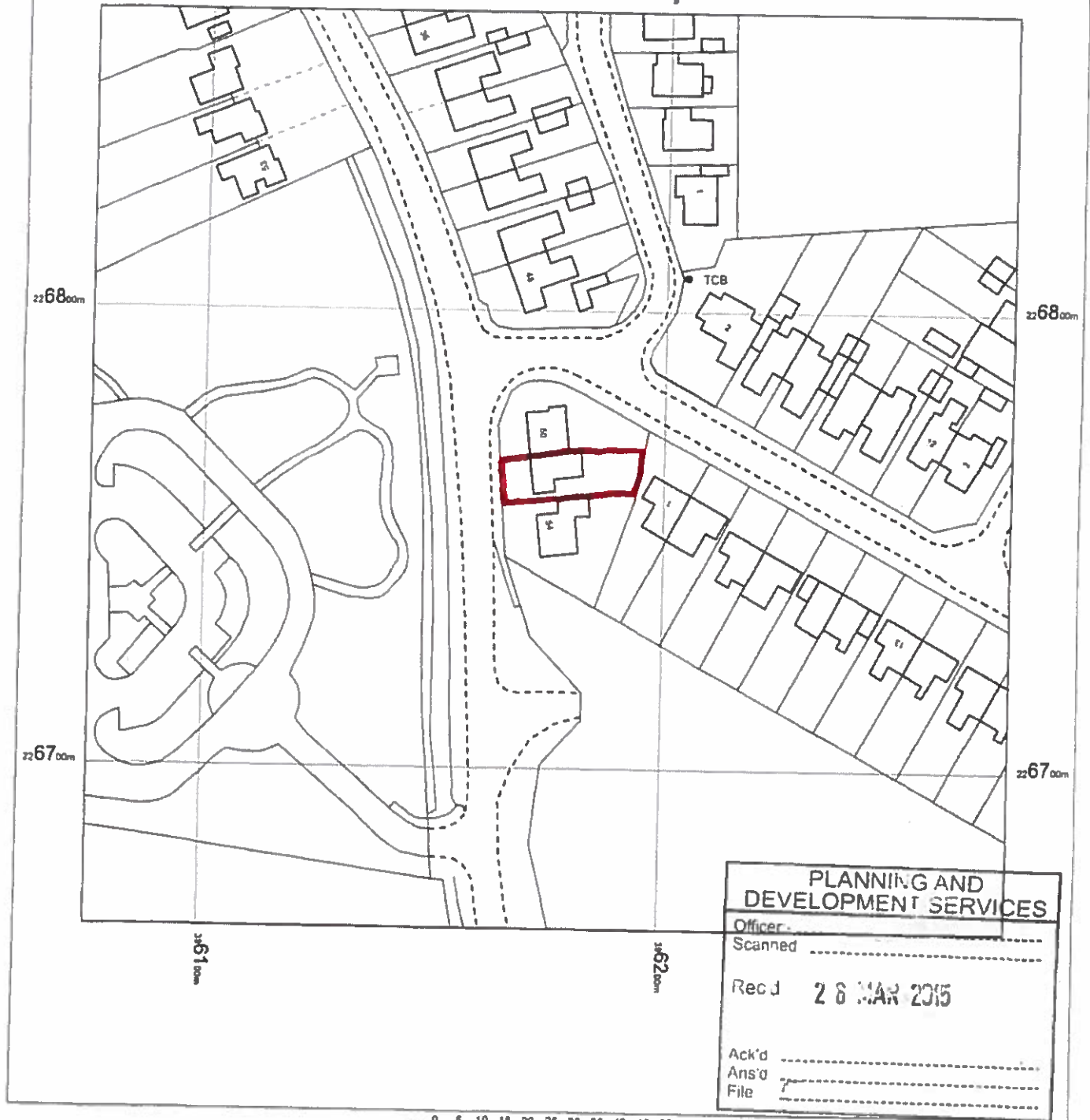
Notes:

1 **Statement of Positive and Proactive Engagement**

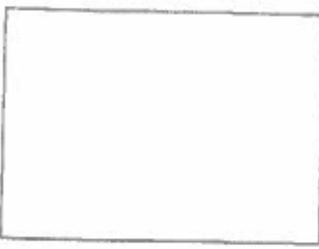
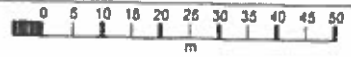
In accordance with the requirements of the NPPF the Local Planning Authority has worked with the applicant in a positive and proactive manner in order to secure sustainable development which will improve the economic, social and environmental conditions of the area by negotiating the size and design..

- 2 This decision relates to the revised plans received by the Local Planning Authority on 6.8.2015 and the additional plan received on the 16.9.2015.

EXISTING Site plan



PLANNING AND DEVELOPMENT SERVICES	
Officer:	.....
Scanned	.....
Rec'd	28 MAR 2015
Ack'd	.....
Ans'd	.....
File	.....

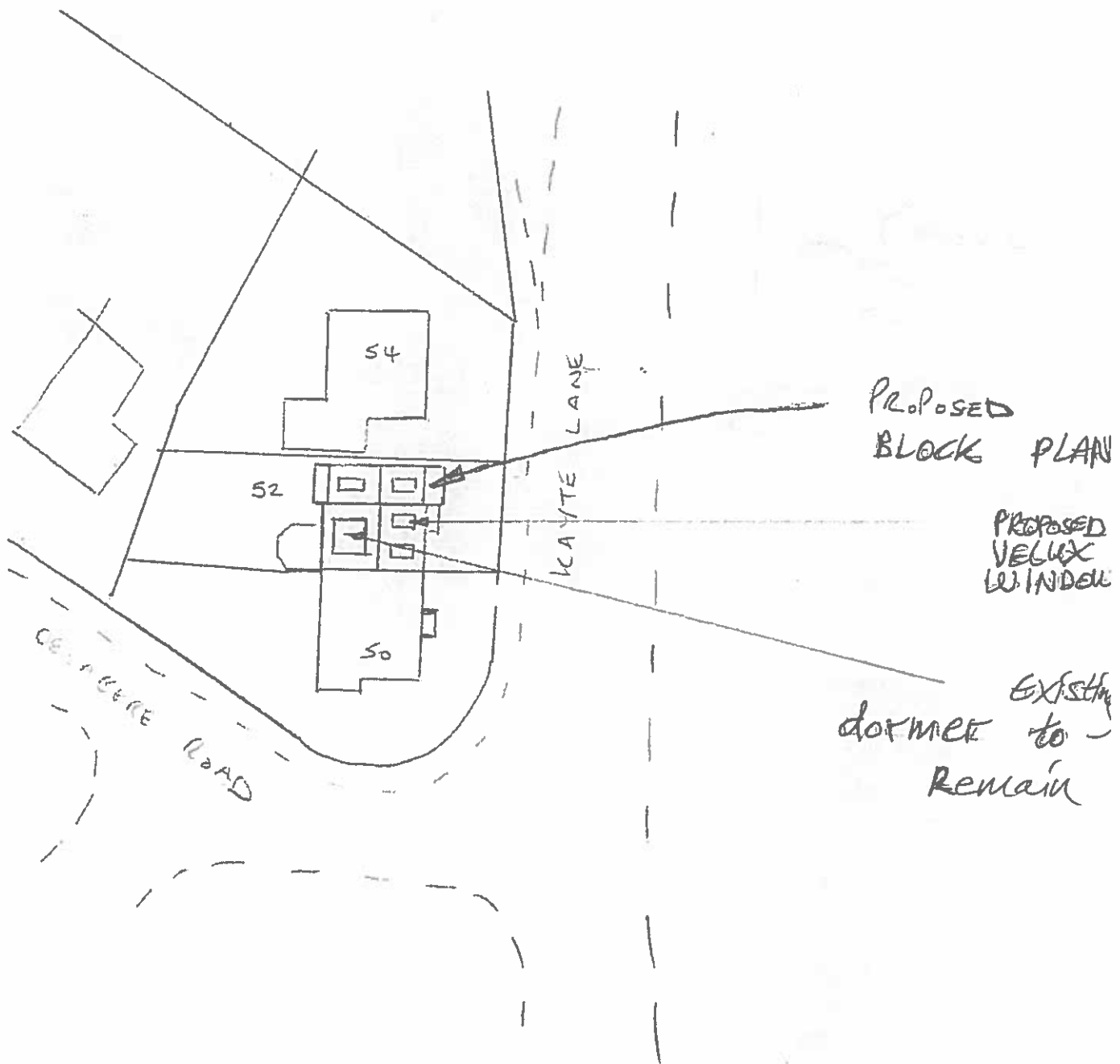


OS MasterMap 1250/2500/10000 scale
 13 March 2015, ID: HMC-00410323
 www.themapcentre.com
 1:1250 scale print at A4, Centre: 396176 E, 226765 N
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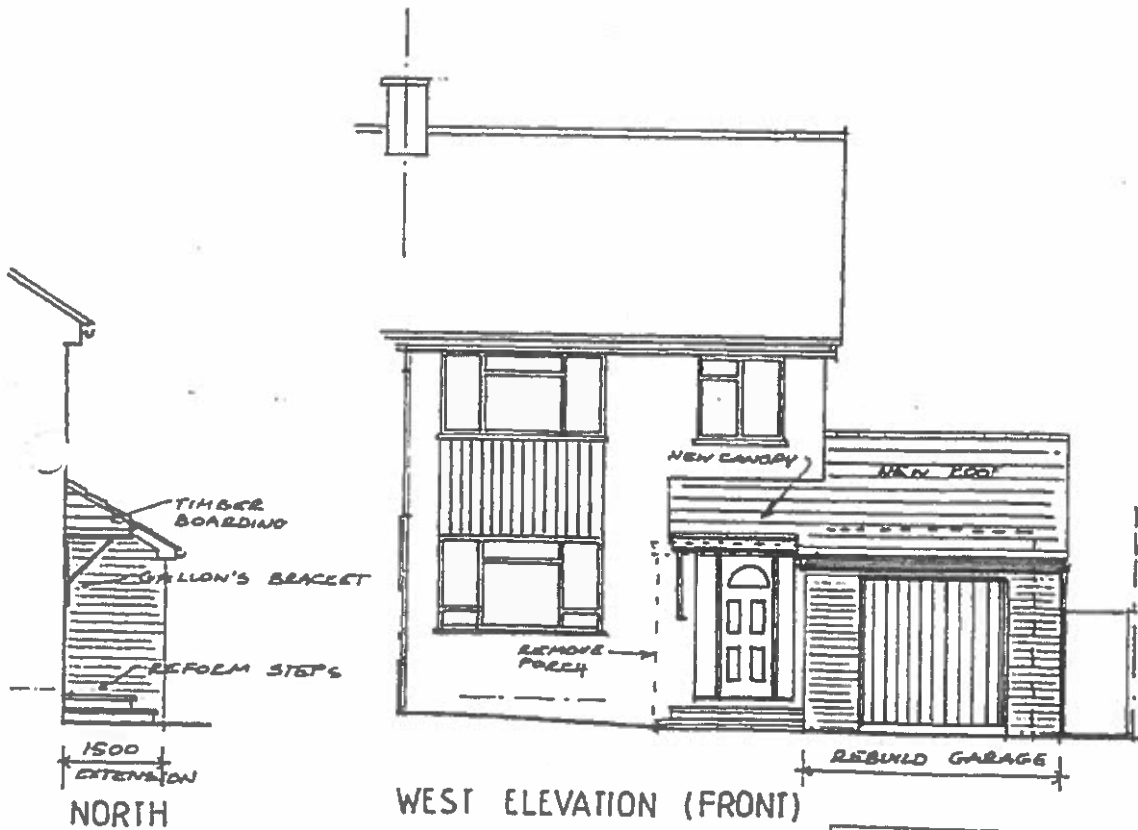
15/00213/fel - **Revised**
Proposed.

PLANNING AND DEVELOPMENT SERVICES	
Officer:	
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Rec'd	06 AUG 2015
Ack'd:	
Ans'd:	
File:	



APP. No. 15/00213/FUL

EXISTING

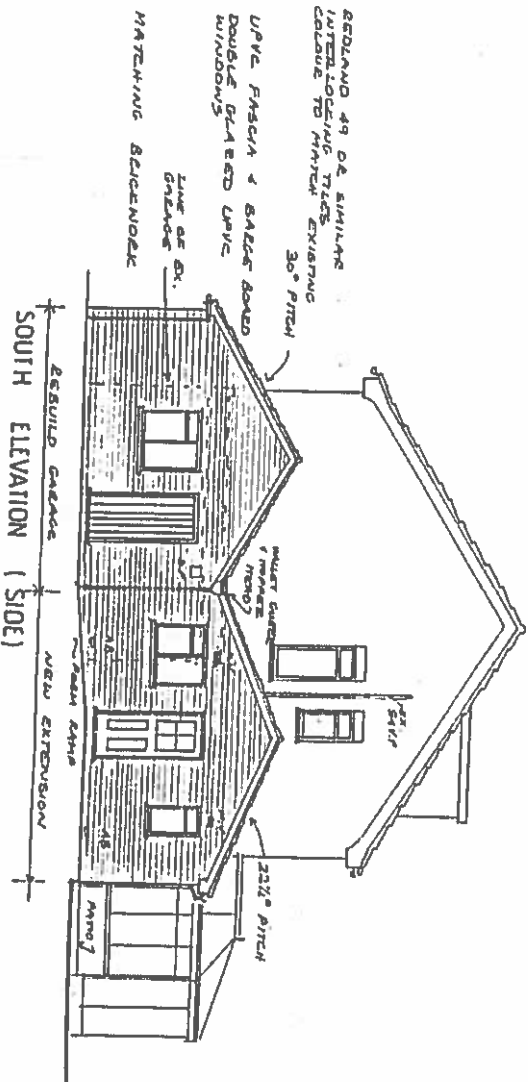
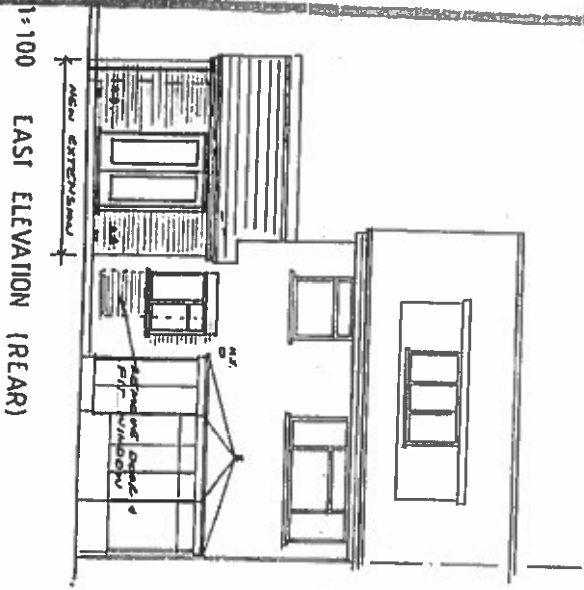


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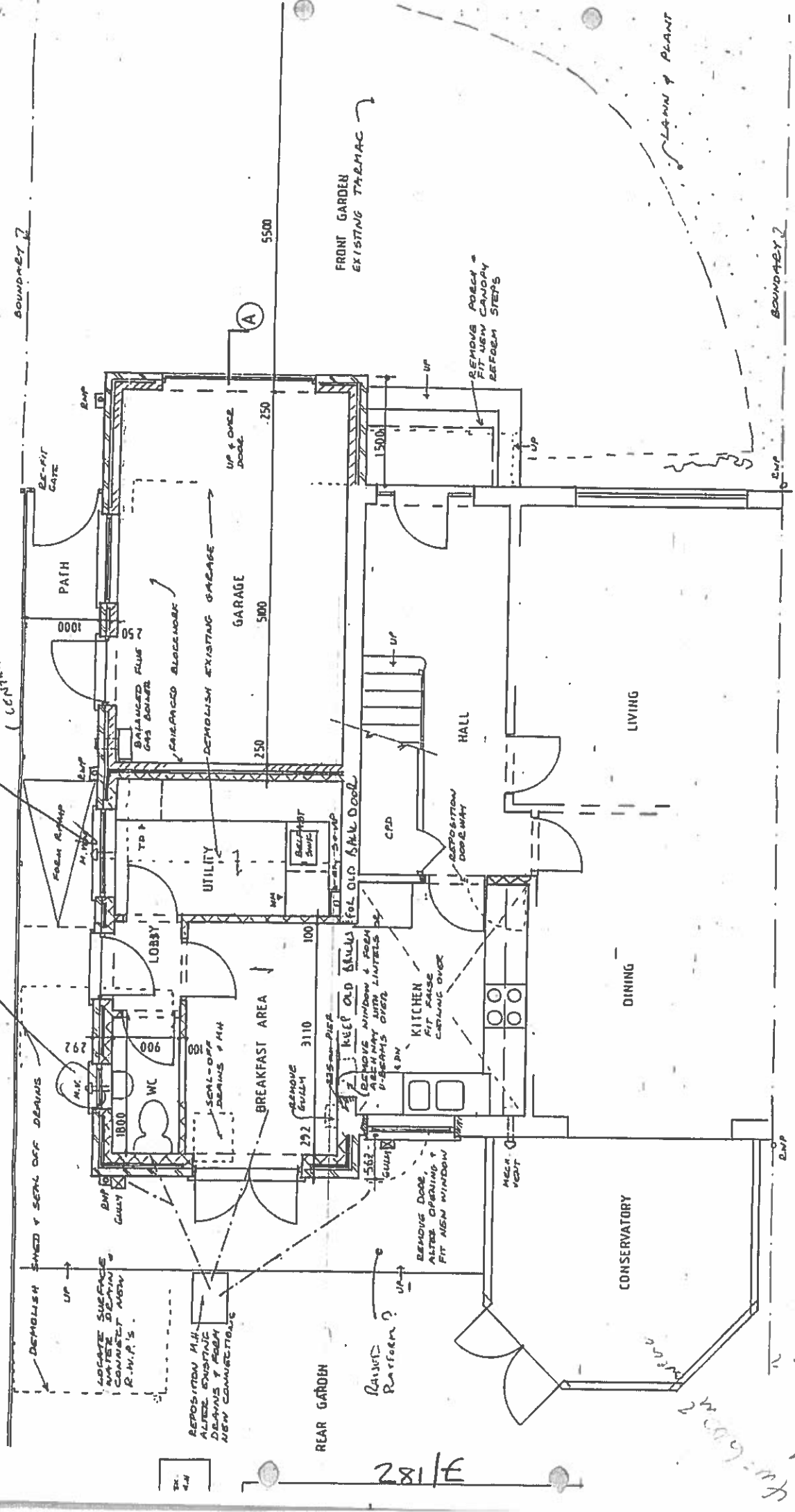
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Revised plans

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EXTENSION
NORTH



WEST ELEVATION (FRONT)

PROPOSED

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Revised plans

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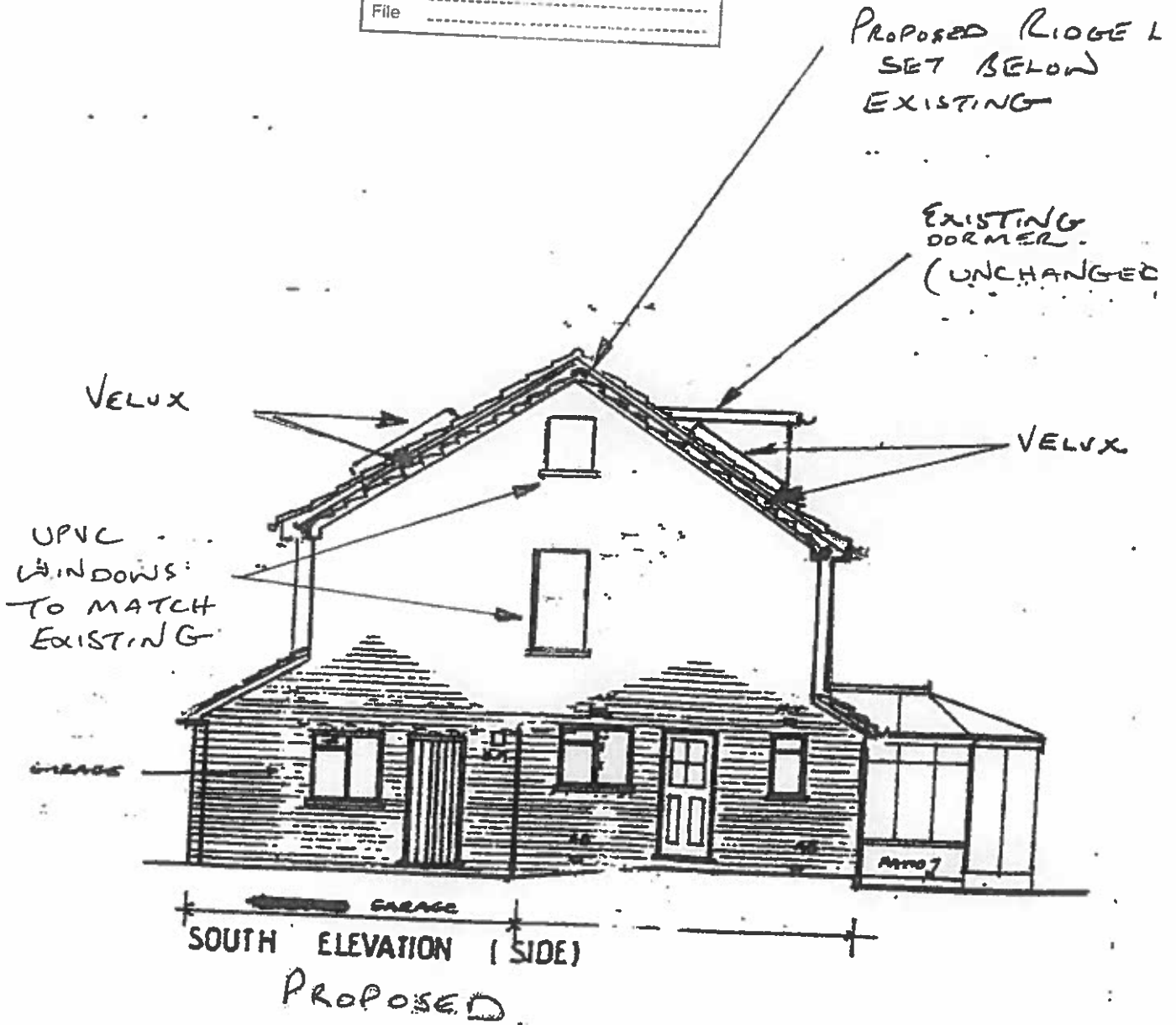


1=100 EAST ELEVATION (REAR)
PROPOSED.

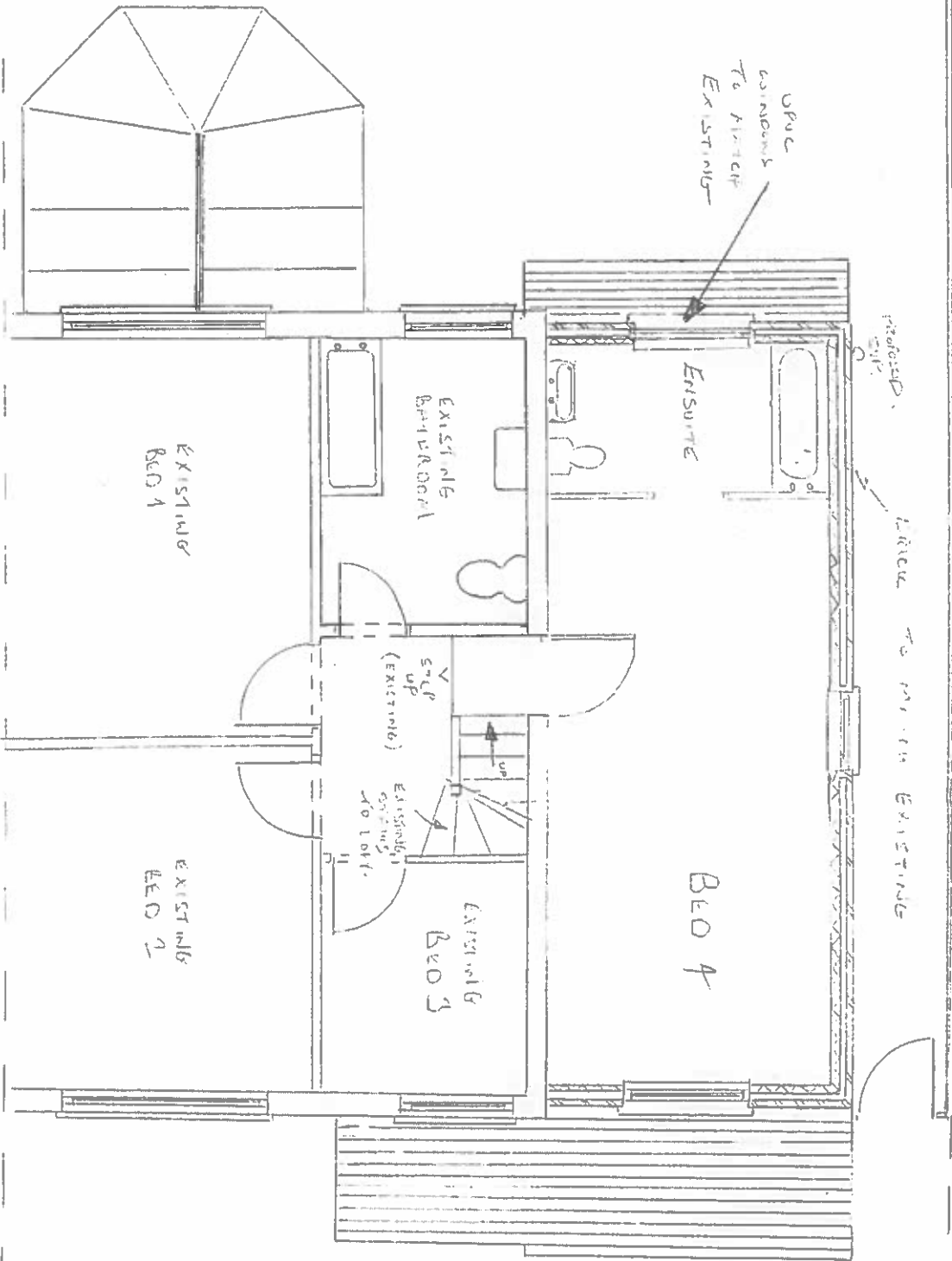
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Revised plans

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PROPOSED FIRST Floor Revised Plans



PLANNING AND
DEVELOPMENT SERVICES

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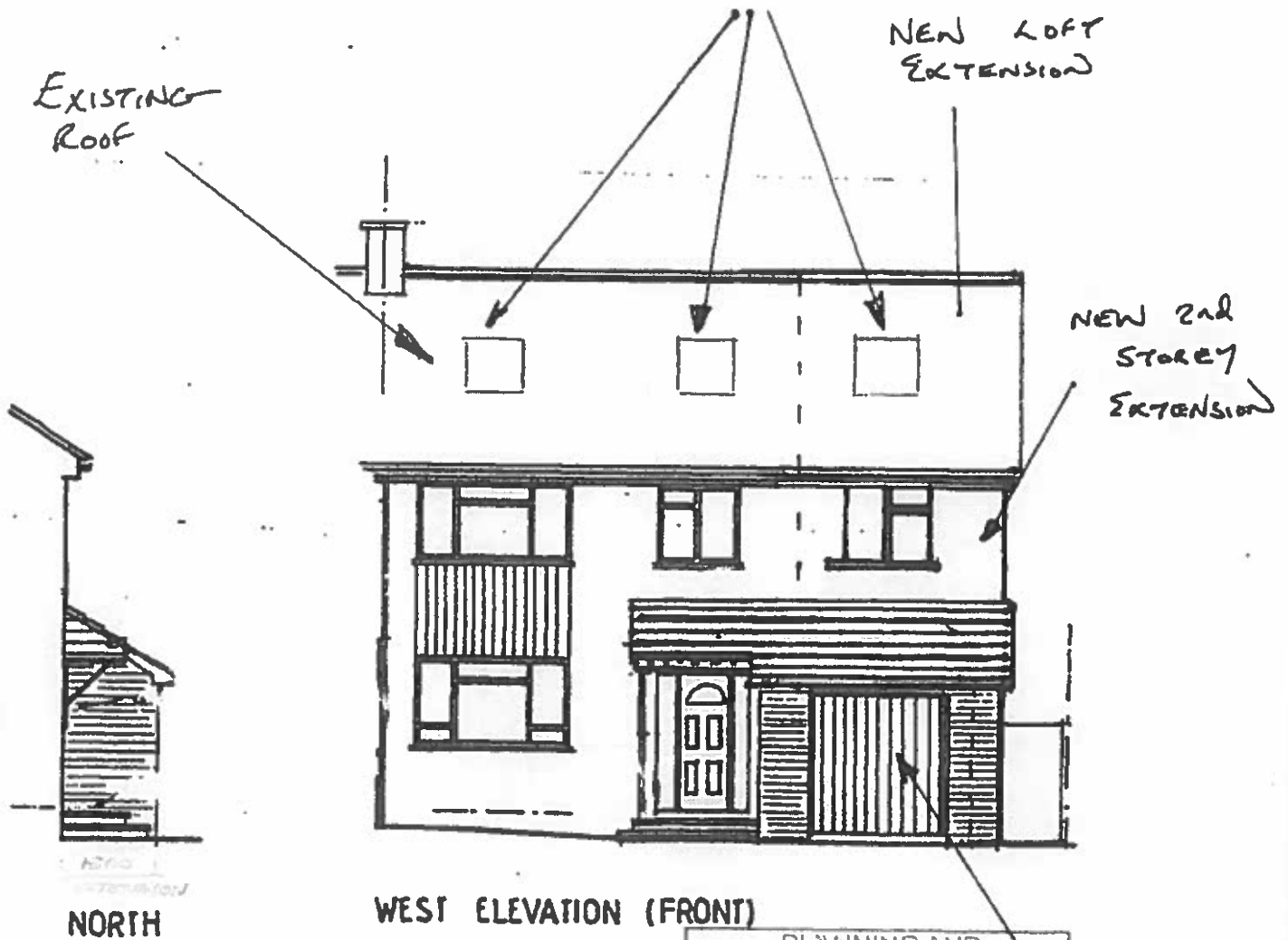
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3-8-15 ISSUE 2 SCALE 1:50

APP/ No. 15/00213/FUL

PROPOSED (original plans)

VALUATION No.



SCALE 1:100

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Recd	26 MAR 2015
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EXISTING GARAGE

APP NO. 15/00213/FUL

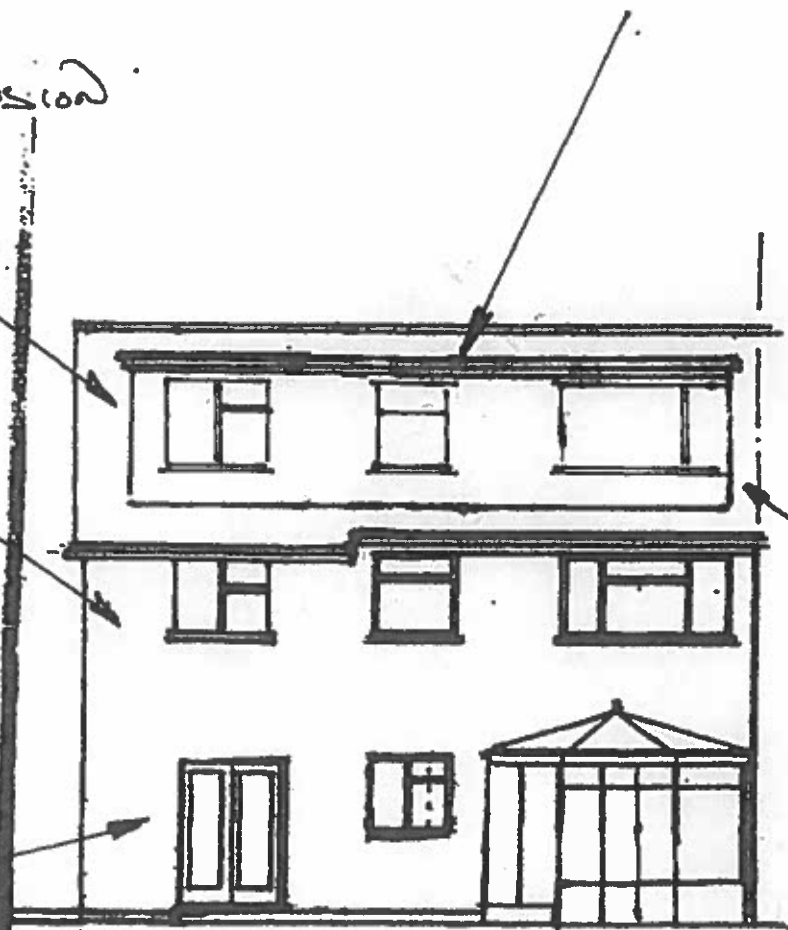
PROPOSED. (original plans)

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ENLARGED

NEW LOFT EXTENSION

NEW 2nd
STOREY
EXTENSION

EXISTING
SINGLE
STOREY
EXTENSION

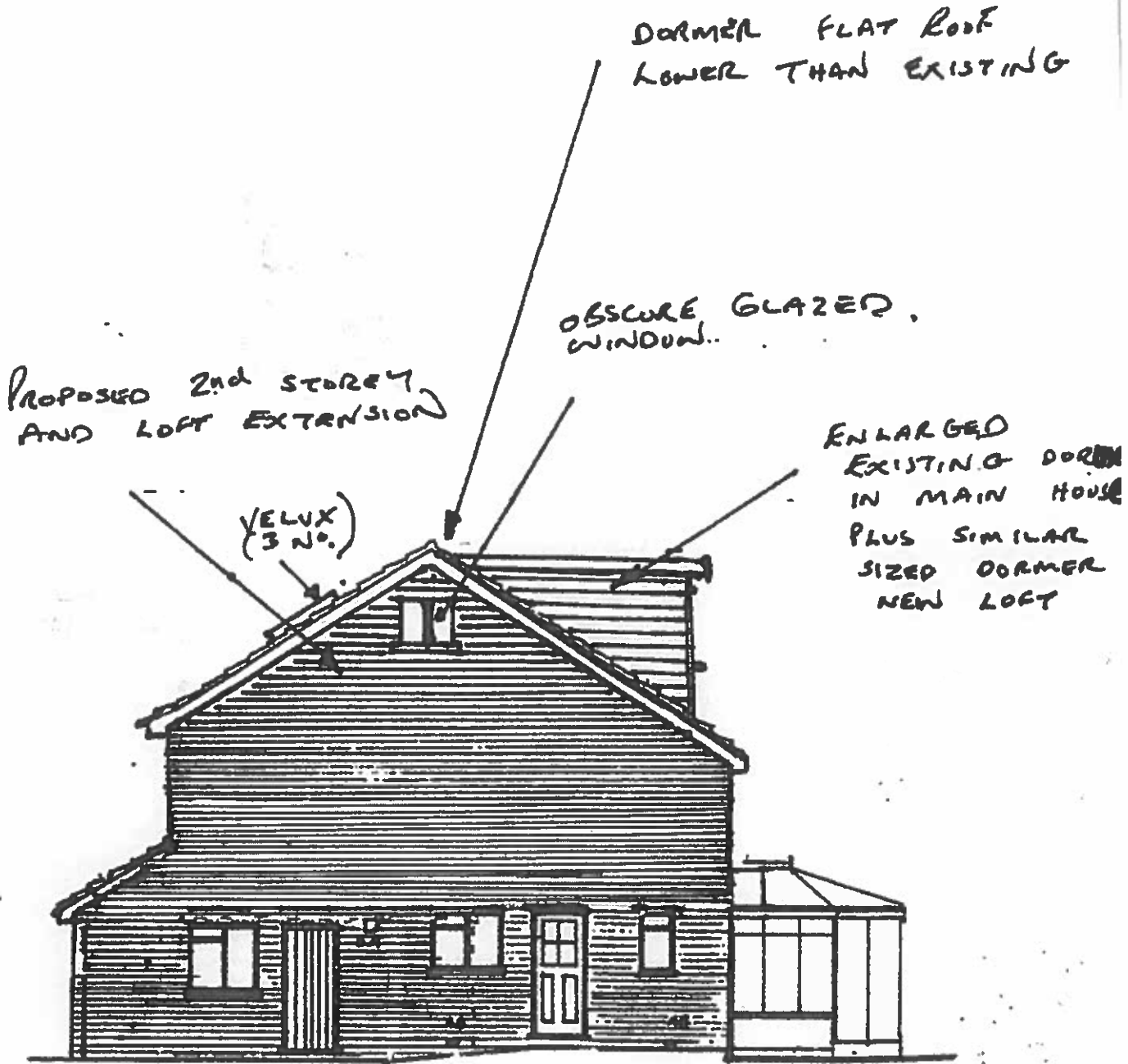


1-100 EAST ELEVATION (REAR)

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PROPOSED ORIGINAL PLANS



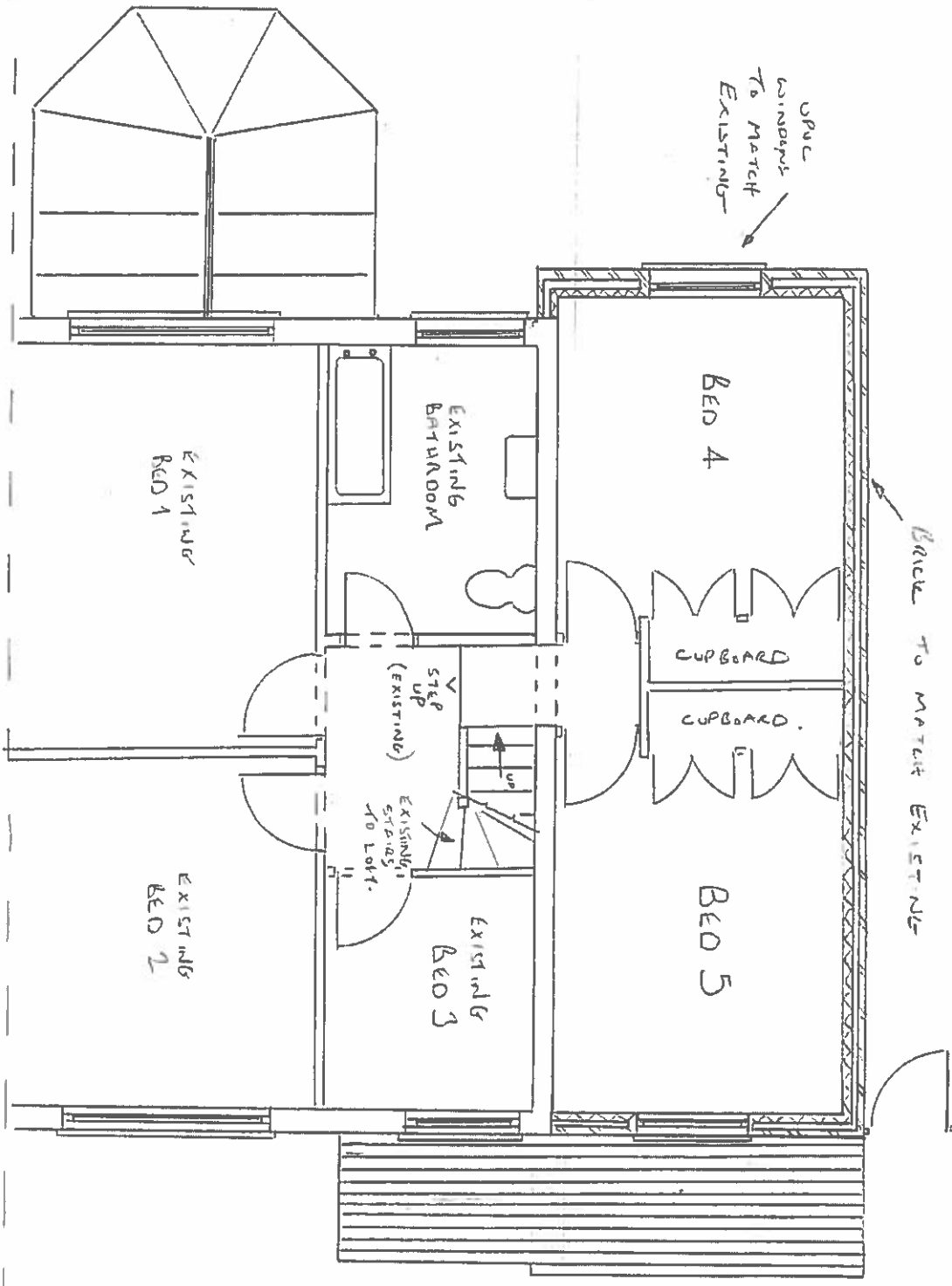
SOUTH ELEVATION (SIDE)

SCALE 1:100

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Rec'd	26 MAR 2015
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Proposed First Floor Original Plans

Boundary.



26-3-15

ISSUE 1

SCALE

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PLANNING AND
DEVELOPMENT SERVICES

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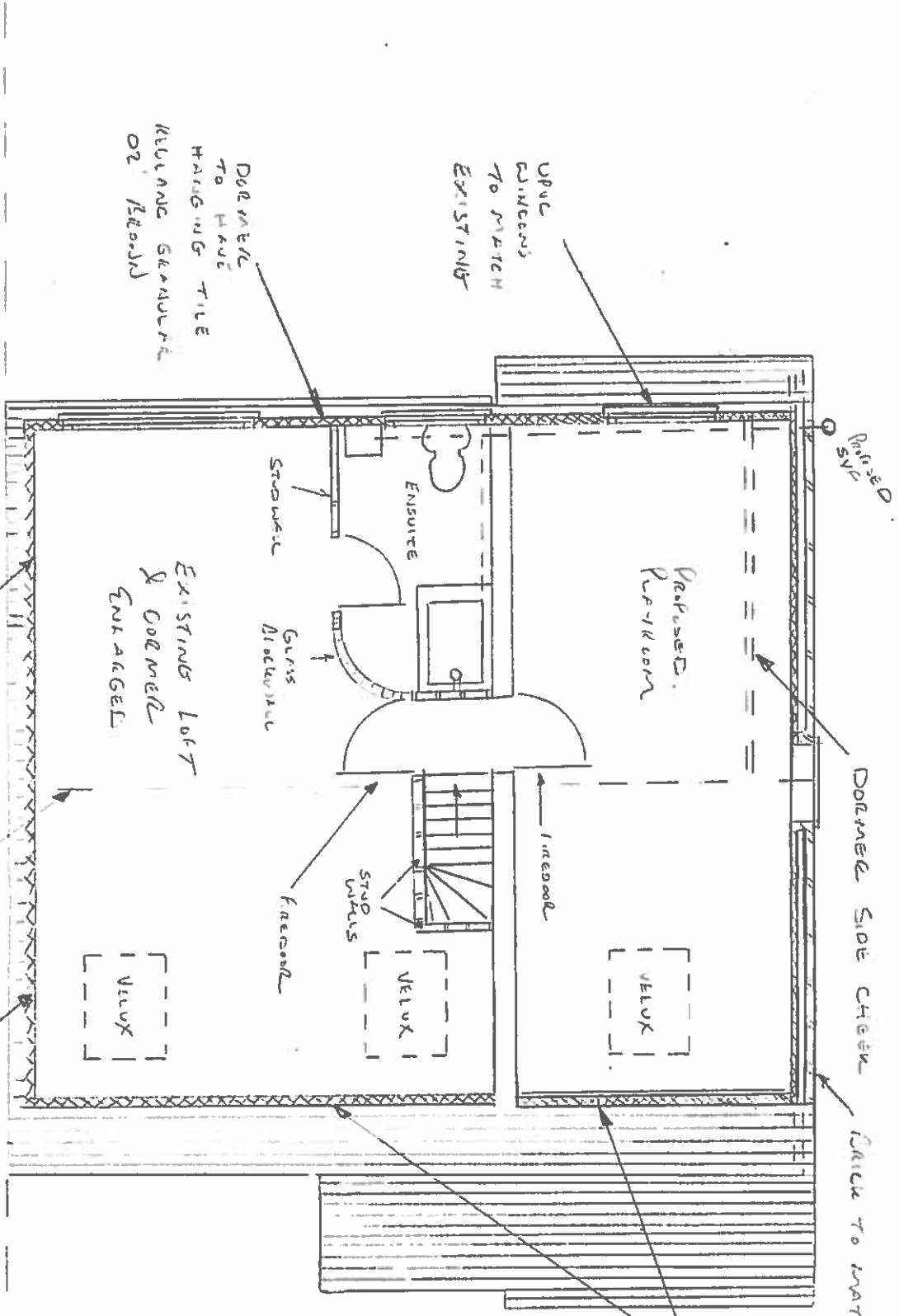
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PROPOSED SECOND FLOOR (original plans)

Boundary



PLANNING AND DEVELOPMENT SERVICES	
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Boundary

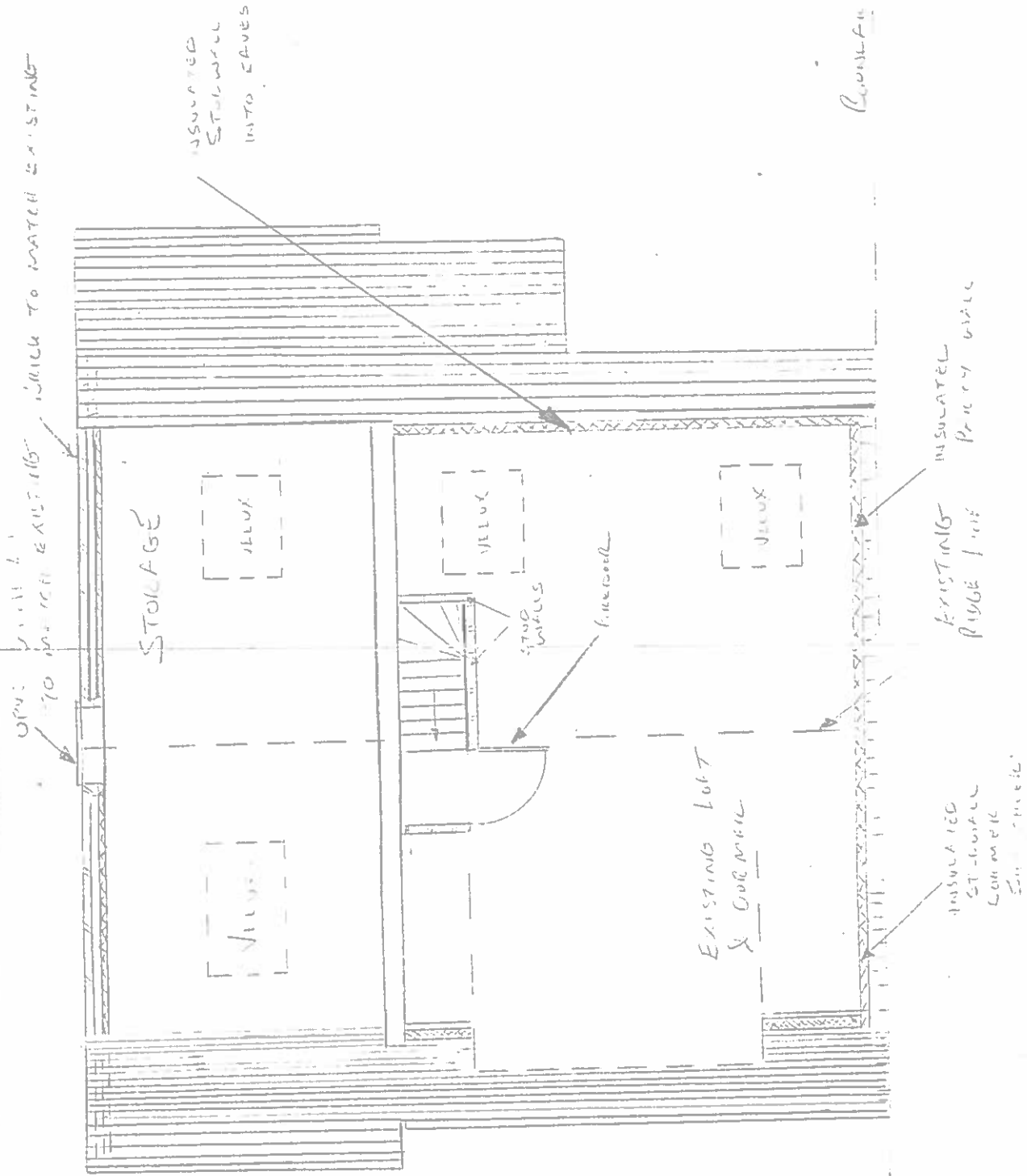
281/2

26-2-15 ISSUE 1
SCALE 1:50

PROPOSED SECOND FLOOR

Revised Scheme

BOUNDARY



Valid 23.07.2015
 Grid Ref 396850 227017
 Parish Woodmancote
 Ward Cleeve Hill

Construction of detached dwelling including new vehicular access.

Mr & Mrs Dawson
 Cedar Lodge
 Two Hedges Road
 Woodmancote

RECOMMENDATION Permit

Policies and Constraints

NPPF

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

Parish Council - Object, however at the time of writing this report no comments had been received on the amended proposals. The Parish Council object for the following reason:

1. The design and proximity to No 6 Kempford Acre (KA) will completely overshadow No 6's house and garden
2. Whilst not a direct planning reason, we understand that the residents were given the impression that the construction was to be a bungalow in keeping with Kempford Acre
3. A two storey building is out of keeping with the street scene of Kempford Acre
4. Access to Kainga's garaging/drive (rear access in Kempford Acre) will be severely limited if a new access to the subject application is allowed from Kempford Acre.
5. It is not clear who owns the land proposed for the new access from Kempford Acre although the applicant has, we believe erroneously red lined it as part of Cedar Lodge.
6. Concern regarding the where Planning notices should be displayed.
7. TBC's planning Officer should be made aware that Properties in Keepers Mill will be affected by this application as well as those in Kempford Acre.

8 Letters of objection raising the following concerns:

- There is no need to create a new access road or garage as the site could be accessed through the applicants existing access.
- The proposed access will interfere with the turning area which is necessary for deliveries to the rear of Britannia Way and Kempford Acre and the driveway may increase visitor parking which is currently beyond tolerance levels.
- This application appears to be a primary move towards greater development of the site which will follow the creation of a new access road.
- The height of this building will not be in the character of the area.
- The building will be 3-4 metres higher than adjacent properties
- Trees along the northern site boundary should be retain in the interests of residential amenity.
- The development would result in loss of value to neighbouring properties.

Planning Officers Comments: Mr Ciaran Power

1.0 Introduction

1.1 The application relates to part of the rear garden of Cedar Lodge, Woodmancote which is a detached dwelling to the north of three hedges road. The application site is adjoined by residential properties on all sides.

2.0 Relevant history

2.1 No relevant planning history found.

3.0 Current application

3.1 The application proposes the erection of a dwelling and detached garage in part of the rear garden of Cedar Lodge. The application has been amended since its original submission to reduce the overall width and height of the dwelling to limit the impact on adjacent residential properties. Access to the site would be formed from Kempsford Acre. An existing large outbuilding which runs along part of the eastern site boundary would also be demolished as part of the development.(see attached plans).

4.0 Principle of Development and Policy Context

4.1 Section 6 of the NPPF advises that housing applications should be considered in the context of the presumption in favour of sustainable development.

4.2 The site is located within the Residential Development Boundary of Woodmancote as defined by the Tewkesbury Borough Local Plan to 2011 - March 2006. Policy HOU2 of the Local Plan sets out that housing development will be supported within the Residential Development Boundary, provided that such development can be satisfactorily integrated within the framework of the settlement. In light of this policy context the principle of the development is therefore acceptable subject to the detailed policies referred to below.

4.3 Policy HOU5 of the Local Plan sets out that new housing development within existing residential areas will be acceptable in principle, provided that the proposal respects the existing form and character of the adjacent area; does not result in unacceptable loss of amenity; is of high quality design; and makes appropriate access and parking provision.

4.4 Policy TPT1 of the Local Plan highlights 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. The resulting development should also not adversely affect the traffic generation, safety and satisfactory operation of the highway network.

4.5 The above policies are considered to be consistent with the National Planning Policy Framework and should therefore be afforded significant weight.

5.0 Analysis

Design and layout

5.1 The application proposes a detached chalet style two storey dwelling and detached garage on garden land to the rear of Cedar Lodge. The area is characterised by a mix of house types with large dwellings to the south which include two storey dwellings as well as dormer bungalows, bungalows to the north and east. The proposed development as amended is now of a scale and height which would be sympathetic to surrounding development aiding the transition from two storey development to the south and the bungalows to the north and east.

5.2 The NPPF sets out that planning policies and decisions should aim to ensure that developments respond to local character and history, and reflect the identity of local surroundings and materials. The design and materials of the proposed dwelling, as amended would sit comfortably in the plot and would have an acceptable impact on the character and appearance of the street scene in line with Policy HOU5 of the Local Plan.

Residential amenity

5.3 The proposed dwelling would be located approximately 4 metres from the rear residential amenity space of No. 6 Kempsford Acre. The garden of No. 6 is a triangular shape and the rear of the properties would face onto the side gable on the proposed dwelling although at an angle. The proposed dwelling would be located approximately 11 metres from the rear of No. 6 at its nearest point and 14.8 metres at its furthest point. The dwelling would be located to the north west of no. 6 and therefore would result in some loss of light in the evening to the rear garden and windows of No.6 when the sun is at its lowest point. The scheme does propose the removal of a large, albeit, single storey outbuilding which runs along part of the sites eastern boundary which itself would benefit the amount of light received to the rear of No. 6. The scheme has been amended since its original submission and now includes half hipped gables which help to reduce the impact. In addition the ridge height has been reduced to 7 metres at its highest point. Whilst there would be some

loss of light resulting from the proposed development on No. 6 it is considered that the amended scheme as well as the removal of the large outbuilding means, on balance, it would not have a significantly detrimental impact on the occupiers of No. 6 Kempsford Acre to warrant refusal.

5.4 The proposed dwelling and garage would also be located in close proximity to the common boundary with Carris to the west. Whilst development would inevitably have some impact both the proposed garage and dwelling would be set off the common boundary and it is not considered that the proposals would have a detrimental impact by reason of overshadowing nor would they appear oppressive.

5.5 The proposed development included first floor windows in its northern and southern elevations which have the potential to overlook adjacent residential properties. There are 3 first floor windows in the southern elevation two of which serve bedrooms and one which serves a en-suite. These windows would face onto the rear garden of Cedar Lode, the dwelling associated with the application site. However these windows would be located 20 metres from the proposed new boundary line with these premises and window to window distances between these and dwellings to the south are in excess of 28 metres.. There are also two windows proposed in the northern elevation of the application dwelling would could overlook the residential amenity space associated with those properties to the north as well as potential impact on privacy of habitable room windows. However the proposed first floor windows are located approximately 18 metres from the sites northern boundary. In addition there is an existing area of tree planting at the northern most part of the site which acts as a substantial barrier in reducing the impact of the proposal on those residential properties to the north. Overall it is not considered that the proposed development would have a detrimental impact on the residential amenities enjoyed by nearby residential properties. It is however recommended that should members be minded to grant planning permission a condition be imposed requiring the retention of the area of trees to the north. Having regard to the above the proposed development is considered to accord with Policy HOU5 of the Local Plan.

Highway Safety

5.6 Access to the site would be from Kempsford Acre. It is not considered that the addition of one addition dwelling using Kempsford Acre would significantly intensify the use of this road. Whilst the proposed access would be off of an existing turning head which may reduce some available on-street parking the purpose of the turning head is to allow vehicles to turn and manoeuvring at the end of this cul-de-sac and therefore this should remain clear for turning and manoeuvring and not utilised for parking. The proposed access would ensure that part of the turning head remained available for vehicles to turn and leave Kempsford Acre in a forward direction which in itself would be a highway safety improvement. In addition the majority of properties on Kempsford Acre have their own off-street parking. Whilst the concerns raised by local residents is understandable, for the reasons above, it is not considered that the impact of the proposal could be described as significantly harmful, and therefore the proposal would have an acceptable impact upon the safety and satisfactory operation of the highway network in line with Policy TPT1 of the Local Plan. A condition is proposed to ensure the proposed parking is providing in accordance with the submitted plan.

Other matters

5.7 Concerns raised regarding the impact of the proposed development on property values is not a material planning consideration that should be taken into account in the determining of this application.

5.8 Site notices were posted on Two Hedges Lane, Kempsford Acre and Keepers Mill and comments have been received from some resident on these roads which suggests that the notices have been effective.

6.0 Conclusion

6.1 The site is located within the residential development boundary of Woodmancote and therefore the principle of residential development is acceptable. It is considered that the proposed dwelling is of an acceptable size and design and would have an acceptable impact upon the street scene. It is considered that the proposal would not result in any undue impact upon residential amenity and would have an acceptable impact upon the safety and satisfactory operation of the highway network. The proposed development would therefore accord with policies HOU2, HOU5 and TPT1 of the Local Plan and 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 approved plans Drawing Numbers: 21459 02 A B and 21459 03 A B received on 23rd July 2015, 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 21459 03 A B received on 23rd July 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 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.
- 8 No trees, shrubs or hedges within the site which are shown as being retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased with five years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of similar size and species until the Local Planning Authority gives written consent to any variation.

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 In the interests of highway safety.
- 8 To ensure the continued well being of the trees in the interests of the amenity and environmental quality of the locality.

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 improve the design and reduce impacts.

AMENDMENTS
No. 1 (1:1000) SUBMITTAL FILES ON A1 (MARCH 2015)



NOTES
1. Refer to Client's site information
2. Copyright reserved.

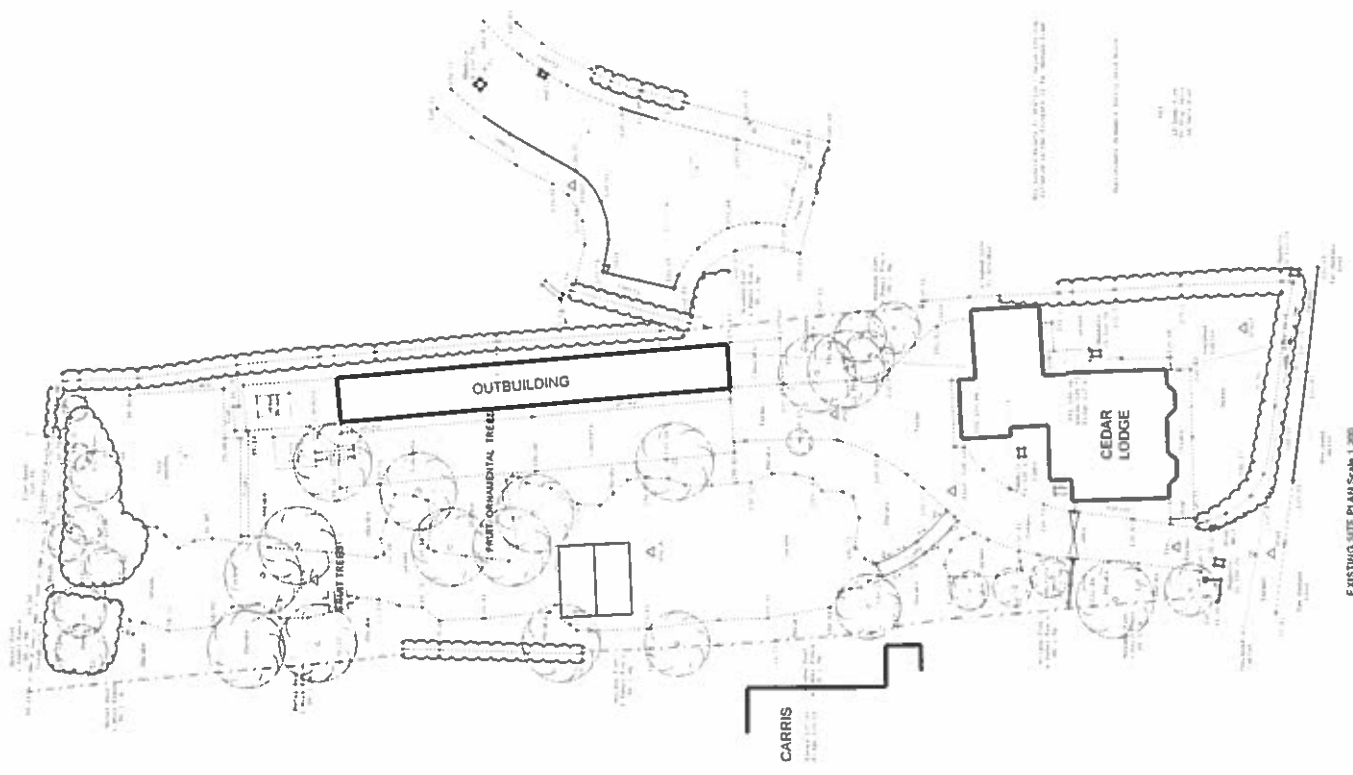
CLIVE PETCH
ARCHITECTS
TELEPHONE: 01753 521008
FAX: 01753 521009
E-MAIL: clive@clivepetch.com

PROJECT
PROPOSED DWELLING
LAND TO BEAR OF
WOODHEDGES ROAD
WOODMANCOTE, GLEDS
TITLE
EXISTING SITE PLAN &
LOCATION PLAN
SCALE 1:200 & 1:1250 @ A1
DATE MARCH 2015

PROJECT REF	DMC/16/
	21459
	01



LOCATION PLAN Scale 1:1250



EXISTING SITE PLAN Scale 1:200

280/A



NOTES:
1. ALL WORK TO BE IN ACCORDANCE WITH THE BUILDING REGULATIONS
2. ALL WORK TO BE IN ACCORDANCE WITH THE LOCAL GOVERNMENT'S
3. ALL WORK TO BE IN ACCORDANCE WITH THE LOCAL GOVERNMENT'S

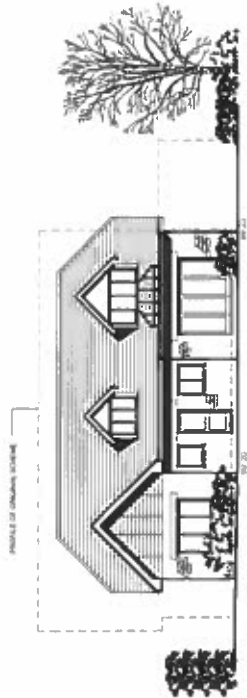
CLIVE PETCH ARCHITECTS
TEL: 01224 215100
E-MAIL: clive@clivepetch.com

PROJECT: PROPOSED DWELLING
LAND TO BEAR OF
CEDAR LODGE
TWO WEDGES ROAD
WOODMANCOTE GLOS

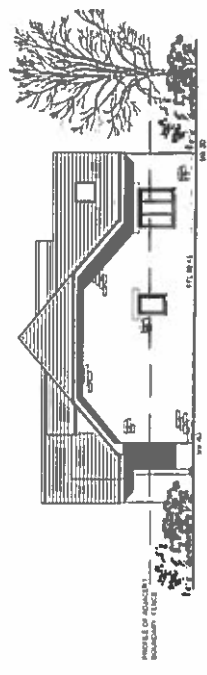
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& ELEVATIONS

SCALE: 1:100 @ A1
DATE: MARCH 2015

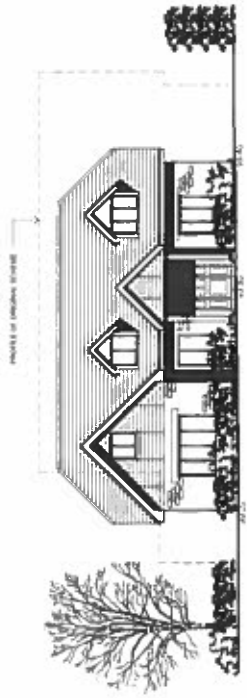
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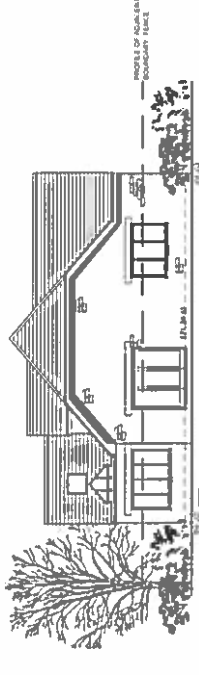
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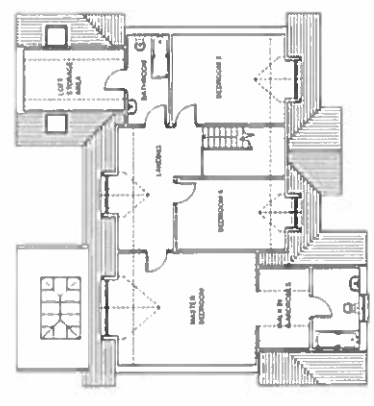
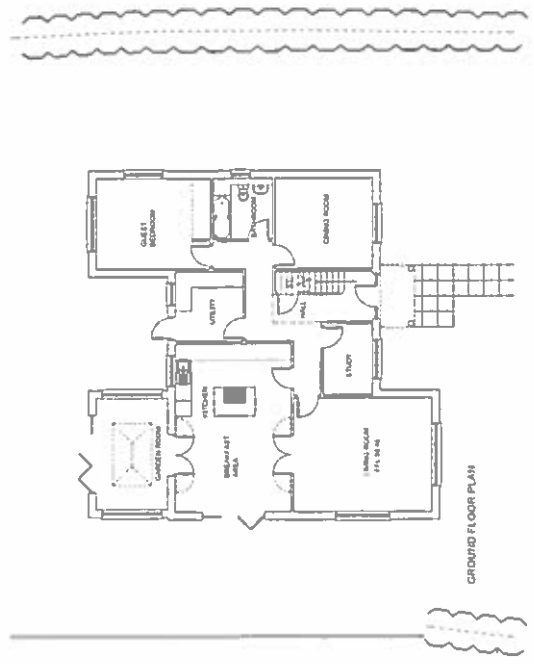
EAST ELEVATION



SOUTH ELEVATION



WEST ELEVATION



286/B

AMENDMENTS
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 2. To be added to the original drawings
 3. To be added to the original drawings

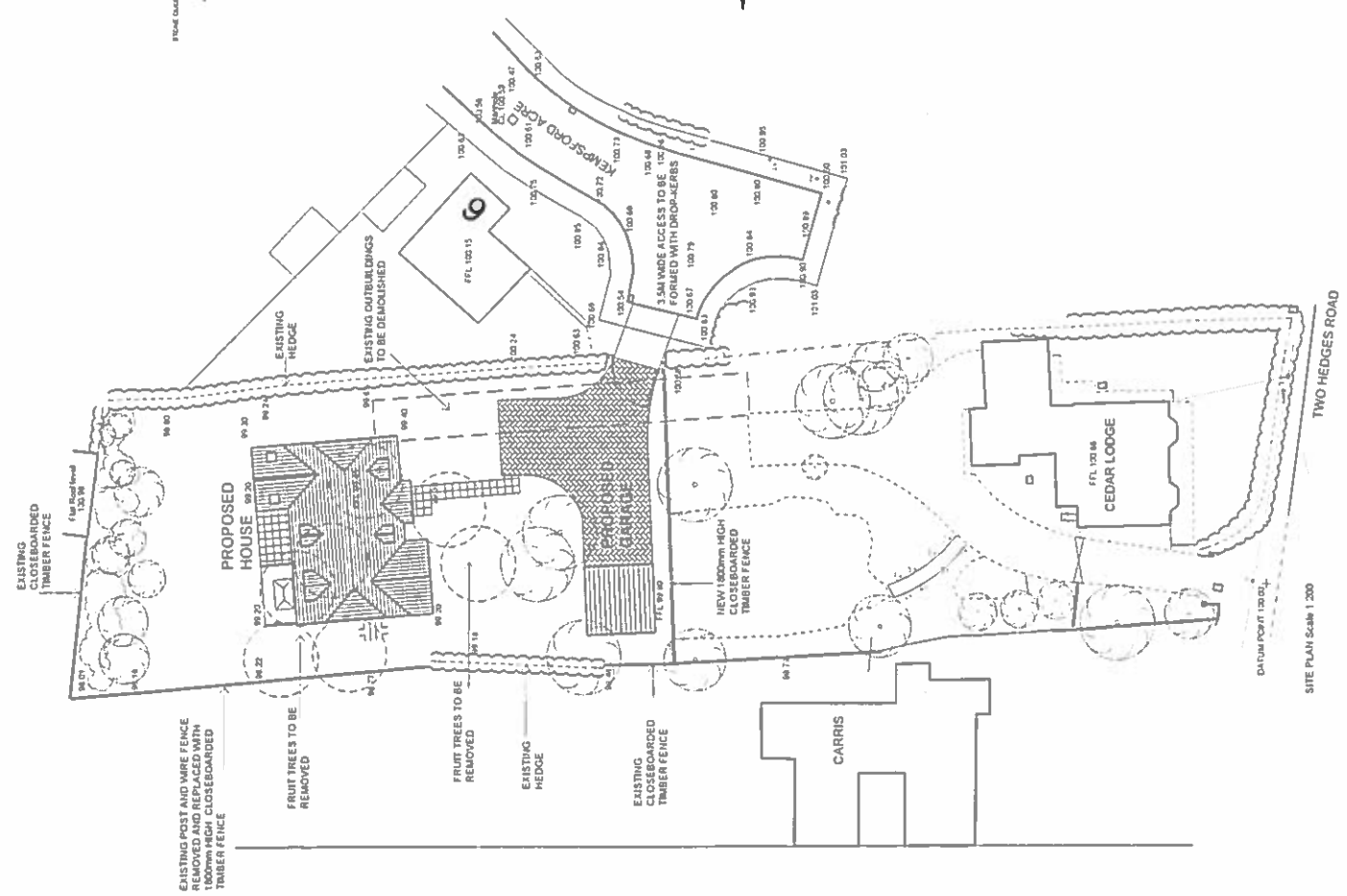
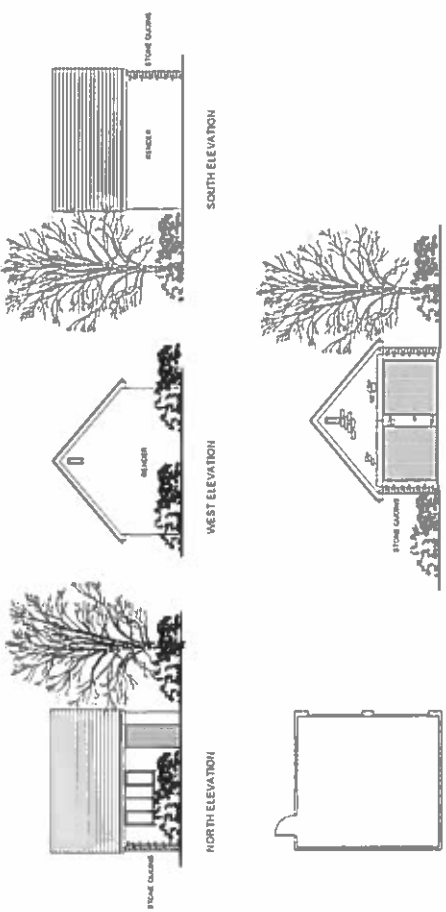


NOTES
 1. ALL DIMENSIONS TO FACE UNLESS OTHERWISE SPECIFIED
 2. ALL DIMENSIONS TO FACE UNLESS OTHERWISE SPECIFIED
 3. ALL DIMENSIONS TO FACE UNLESS OTHERWISE SPECIFIED

CLIVE PETCH
 ARCHITECTS
 TELEPHONE (01242) 521008
 FAX (01242) 274130
 E-Mail: info@clivepetch.co.uk

PROJECT
 PROPOSED DWELLING
 LAD TO REAR OF
 TWO HEDGES ROAD
 WOODMARCOTE GL9 5HS
 TITLE
 PROPOSED GARAGE PLANS
 ELEVATIONS SITE & BLOCK
 PLANS
 SCALE 1:100 & 1:500 @ A1
 DATE MARCH 2015

PROJECT REF	DMG716
	21459
	03
A	
B	



286/C

15/00738/FUL
755 Read Way
Valid 07.07.2015

7 Read Way, Bishops Cleeve, Cheltenham

12

Proposed front porch extension, first floor rear extension and single storey rear extension

Grid Ref 395793 226840
Parish Bishops Cleeve
Ward Cleeve Grange

Mr & Mrs Leon Piercy
7 Read Way
Bishops Cleeve
Cheltenham
GL52 8EL

RECOMMENDATION Permit

Policies and Constraints

NPPF

Planning Practice Guidance
Tewkesbury Borough Local Plan to 2011 - March 2006 - HOU8
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)

Consultations and Representations

Parish Council - Object. The length and height of the proposed 2 storey extension would be overbearing and compromise the residential amenity of the adjacent dwellings. The addition is not subservient to the character of the main dwelling by virtue of its width across the whole extension of the rear of the building.

Two letters of objection have been received from the neighbours at 5 and 9 Read Way. The planning reasons for objection are summarised as follows;

- Loss of light to the side elevation of 9 Read Way (landing window, kitchen window and rear entrance door). The first floor extension would create an imposing and overbearing wall.
- The single storey rear extension would also add to the overbearing wall and loss of daylight situation.
- Loss of light / outlook to 5 Read Way.
- Impact on the current views enjoyed by the occupants of 5 Read Way.

Planning Officers Comments: Mrs Sarah Barnes

1.0 Application Site

1.1 This application relates to 7 Read Way, a detached brick dwelling located in Bishops Cleeve (**site location plan attached**).

2.0 Planning History

2.1 There is no recent / relevant planning history.

3.0 Current application

3.1 The current application is for the erection of a front porch, a first floor rear extension and single storey rear extension (**see attached plans**).

3.2 The first floor extension would be 3.5 metres long with a pitched roof, slightly lower than the main ridge height. It would create a larger bedroom and an ensuite. The single storey rear extension would be about 3.2 metres by about 4.5 metres and would create a sunroom.

4.0 Policy Context

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

4.2 Policy HOU8 of the Local Plan sets out, inter alia, that extension to existing dwellings will be permitted provided that the proposal respects the character, scale, and proportion of the existing dwelling. The policy requires that proposals must not have an unacceptable impact on adjacent property in terms of bulk, massing, size and overlooking. The proposal must also respect the character and appearance of the surrounding area. This policy is considered consistent with the framework and as such should be given due weight according to paragraph 215 of Annex 1 of the framework.

5.0 Analysis

5.1 The main issues to be considered with this application are the impact on the neighbouring dwellings residential amenity and the overall size / design of the proposal.

Design and Size

5.2 The Parish Council have raised concerns about the first floor extension not being subservient to the main dwelling by virtue of its width across the whole extension of the rear of the building. The concerns raised by the Parish Council are noted, however, the ridge line of the extension would be slightly lower than the existing and it would only be 3.5 metres in length. It is therefore considered that the extension would not be excessive or out of character with the scale or proportions of the existing dwelling. There are also similar first floor rear extensions along this road, for example at 37 Read Way.

5.3 Overall it is considered that the proposed extensions would be of an appropriate size and design in keeping with the character and appearance of the property and would comply with the requirements of Policy HOU8 in this regard.

Residential amenity

5.4 The proposal would result in a 3.5 metre first floor extension, measuring approximately 4.4 metres high to the eaves and 6.3 metres to the ridgeline.

5.5 The Parish Council and the immediate neighbours to the west (9 Read Way) and east (5 Read Way) have objected on the grounds that the development would have a harmful impact on their residential amenity in terms of loss of light and outlook.

5.6 The occupiers of No.9 Read Way (to the west of the site) are concerned that the proposal would result in a loss of light to their property, in-particular their ground floor kitchen window, first floor landing window and ground floor rear entrance door on the nearest side elevation. In terms of the landing window, this serves a non-habitable space and the rear door is obscure glazed so there would not be an adverse loss of light. With regards to their kitchen window, this is a secondary window (there are also windows at the rear / side of the living room which provide light into the kitchen area). Whilst there may be some loss of light, given the orientation of the sun, the proposal would not result in an unacceptable loss of light or outlook that would warrant a refusal on these grounds. The single storey 'conservatory' style extension would also not create a detrimental loss of light given that it would be a single storey, light weight structure of a relatively modest size.

5.7 The occupiers of No 5 Read Way (to the east of the site) have raised concerns about the loss of light and outlook to their property. However, there are not any habitable windows on the nearest side elevation and the nearest windows on the rear elevation would be about 3.5 - 4 metres away from the extension. Given the distance and the orientation of the sun, the loss of light / outlook would not be harmful or detrimental. In terms of the 'loss of view' this is not a planning issue.

5.8 Overall, after careful consideration, it is not considered that the proposed extension would cause demonstrable harm to the amenities of the neighbouring dwellings in line with Policy HOU8.

6.0 Conclusion

6.1 Overall, it is considered that the proposal would not result in an unacceptable loss of residential amenity to neighbouring dwellings and would be of an acceptable size and design. The proposal would therefore accord with the NPPF and Policy HOU8 of the Local Plan and is **recommended for permission**.

RECOMMENDATION Permit

Conditions:

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

Reasons:

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

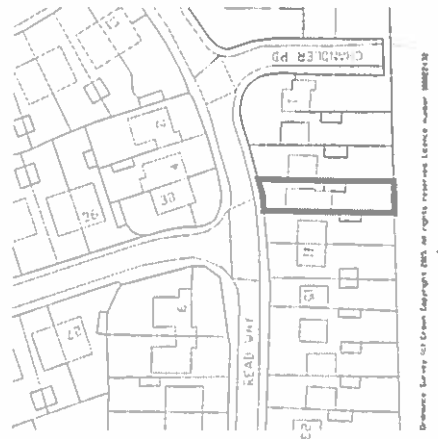
Notes:

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.

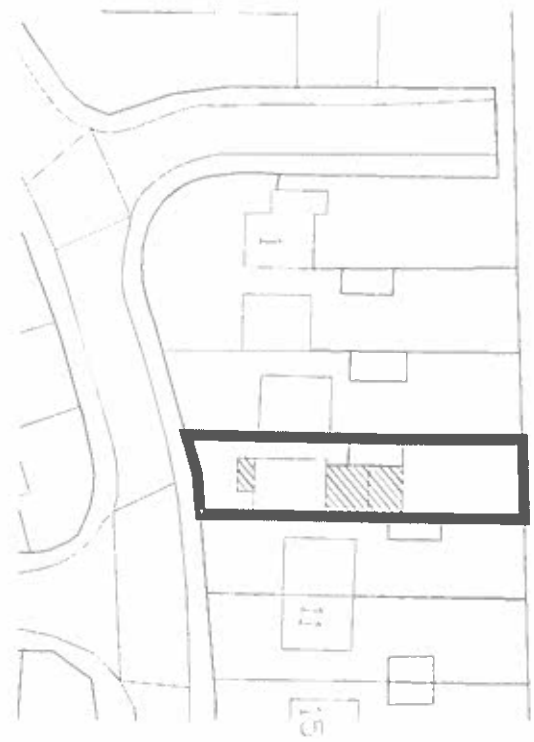
15/00738/AUL

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 ARCHITECTURE & PLANNING
 1st & 2nd Floor Suite, 105-107 Bath Road, Cheltenham,
 Gloucestershire, GL53 7LE.
 Telephone: 01242 210965
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 Web: www.johnparrylimited.com



**LOCATION PLAN
 AS EXISTING**

SCALE 1:1250
 0 5m 10m 20m 30m



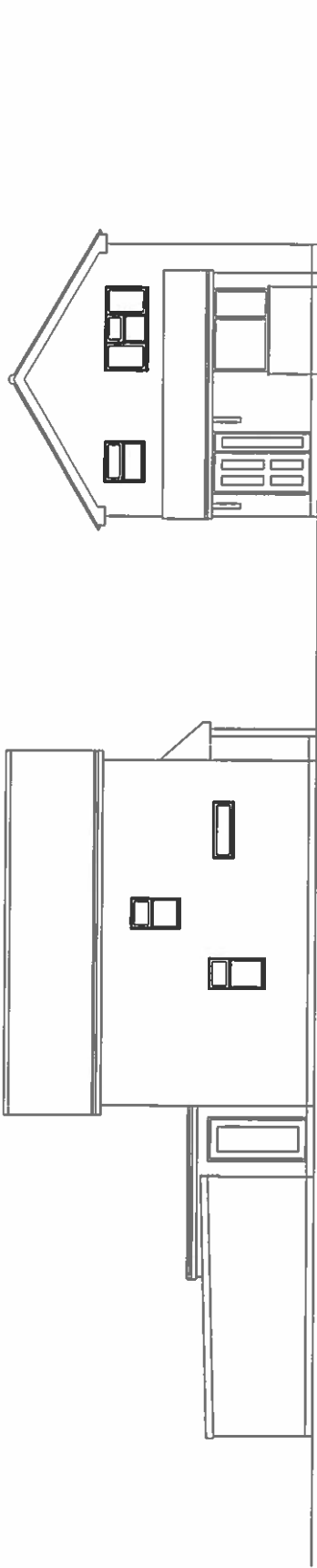
**BLOCK PLAN
 AS PROPOSED**

SCALE 1:500
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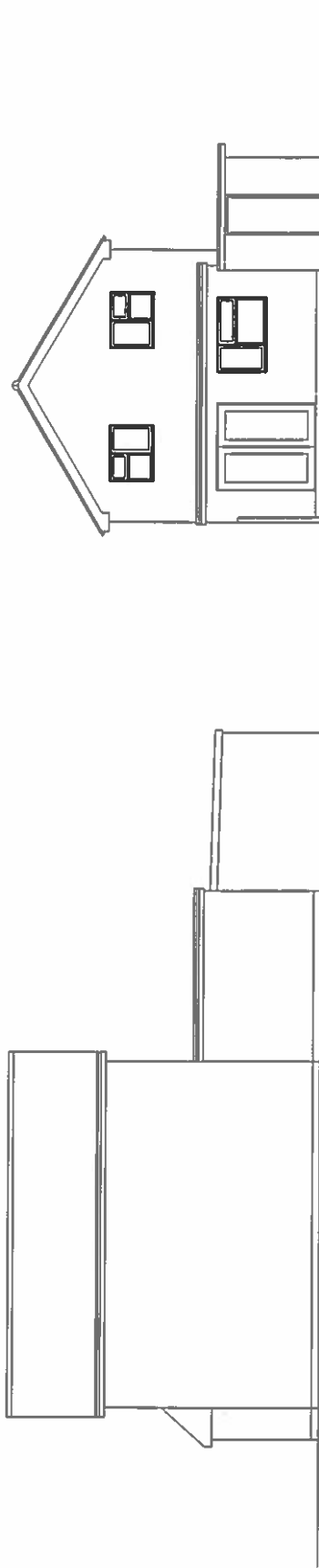
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PROJECT TITLE	PROPOSED EXTENSIONS TO 7 READ WAY, BISHOPS CLEEVE, CHELTENHAM, GLOUCESTERSHIRE.		
DRAWING TITLE	LOCATION & BLOCK PLANS	SCALE	1:500 & 1:1250
DRAWING NUMBER	755/013	REVISION	
	DATE		JUNE 2015

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289/A



FRONT ELEVATION



REAR ELEVATION



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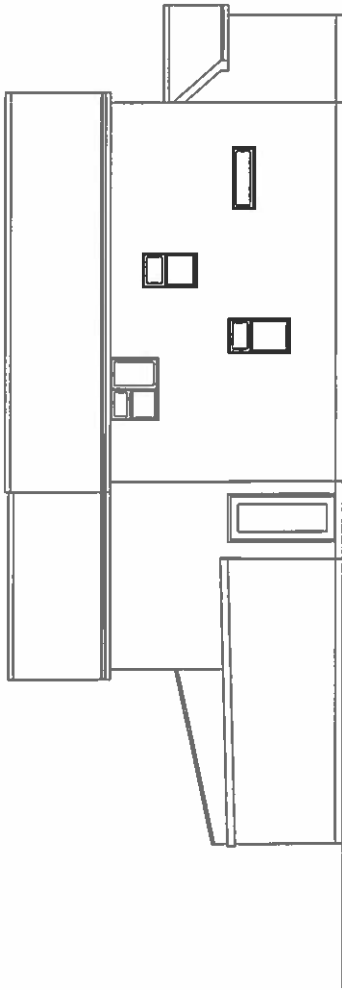
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SIDE ELEVATION

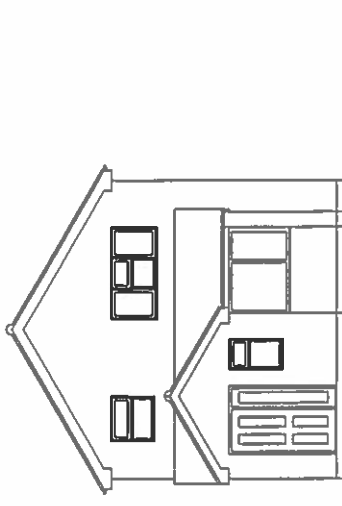
SIDE ELEVATION

289/B

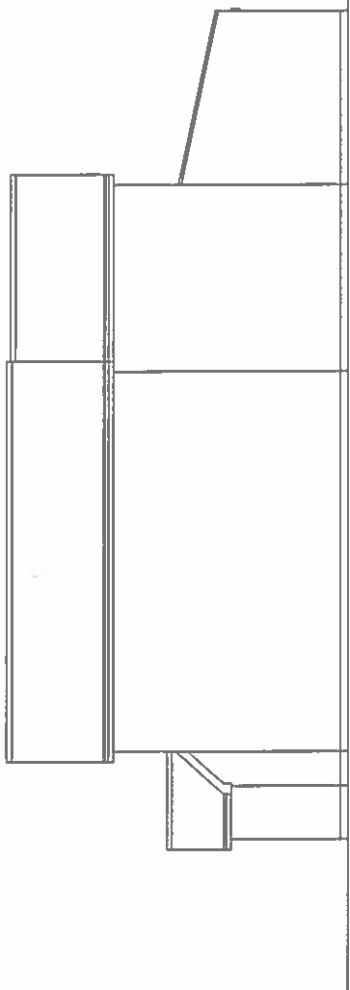
CLIENT	MR & MRS L. PIERCY		
PROJECT TITLE	PROPOSED EXTENSIONS TO 7 READ WAY, BISHOPS CLEEVE, CHELTENHAM, GLOUCESTERSHIRE.		
DRAWING TITLE	EXISTING ELEVATIONS	SCALE	1:100
DRAWING NUMBER	755/002	DATE	JUNE 2015
		REVISION	



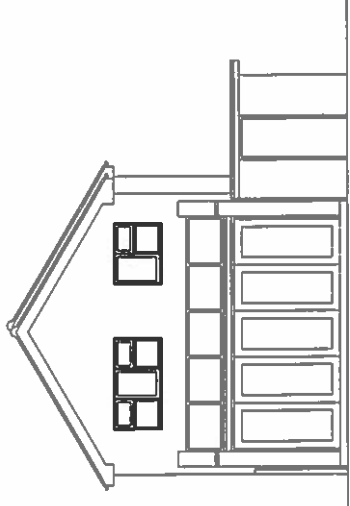
SIDE ELEVATION



FRONT ELEVATION

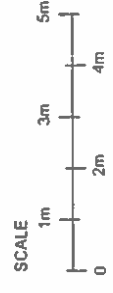


SIDE ELEVATION



REAR ELEVATION

289/c

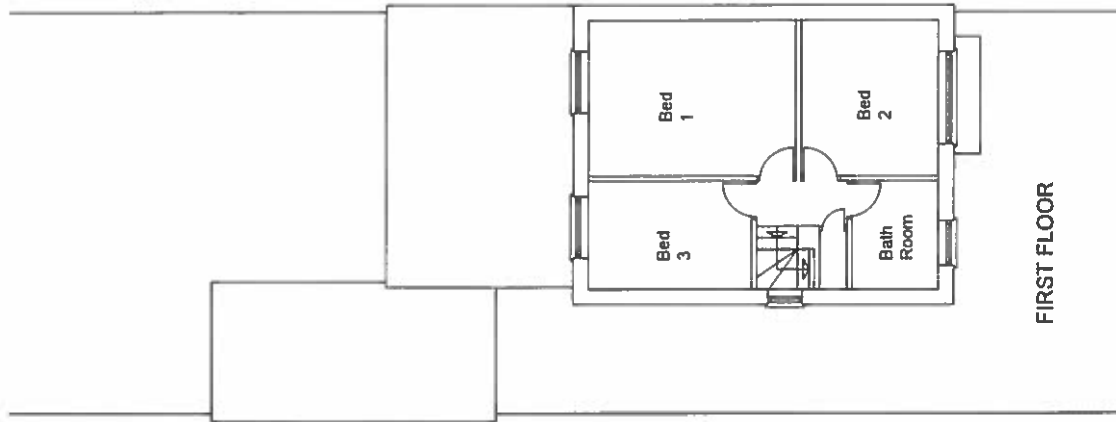
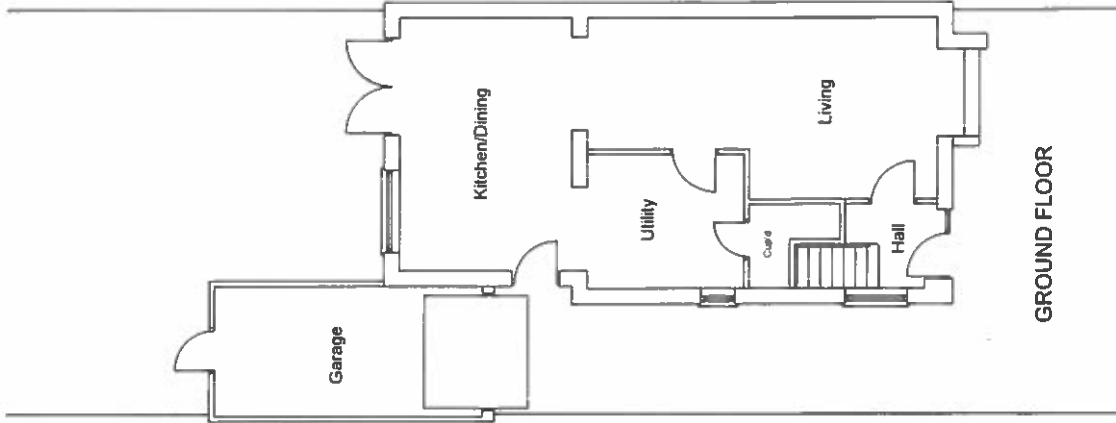


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CLIENT	MR & MRS L. PIERCY		
PROJECT TITLE	PROPOSED EXTENSIONS TO 7 READ WAY, BISHOPS CLEEVE, CHELTENHAM, GLOUCESTERSHIRE.		
DRAWING TITLE	PROPOSED ELEVATIONS	SCALE	1:100
DRAWING NUMBER	755/004	DATE	JUNE 2015
		REVISION	

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01982



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CLIENT	MR & MRS L. PIERCY		
PROJECT TITLE	PROPOSED EXTENSIONS TO 7 READ WAY, BISHOPS CLEEVE, CHELTENHAM, GLOUCESTERSHIRE.		
DRAWING TITLE	EXISTING FLOOR PLANS	SCALE	1:100
DRAWING NUMBER	755/001	DATE	JUNE 2015
		REVISION	

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Valid 05.08.2015
Grid Ref 395381 227746
Parish Bishops Cleeve
Ward Cleeve West

Proposed single storey front extension (Revised scheme)

Mr Mike Fitzgibbon
7 Chiltern Avenue
Bishops Cleeve
GL52 8XP

RECOMMENDATION Permit

Policies and Constraints

National Planning Policy Framework
Planning Practice Guidance
Tewkesbury Borough Local Plan to 2011 - March 2005 - Policy HOU8
Joint Core Strategy 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)

Consultations and Representations

Bishops Cleeve Parish Council - The Parish Council support TBC reason for original refusal that the proposed extension, by virtue of scale, bulk and design fails to respect the character, scale and proportion of the existing dwelling. The Parish Council further comment that the continuous built form along the west boundary with 3 Chiltern Ave would give a sense of enclosure to this neighbouring dwelling.

Public Representations - No letters of representation have been received.

Planning Officers Comments: Mrs Helen Stocks

1.0 Application Site

1.1 The application relates to No.7 Chiltern Avenue; a modern red brick detached property located at the end of a cul-de-sac in Bishops Cleeve (**see site location plan**). The property is characteristic of surrounding development and is located within in an established residential area.

2.0 Planning History

2.1 Planning permission was granted in 1993 for the erection of a conservatory (ref: 93/00739/FUL). This permission has been implemented.

2.2 Planning permission was refused for a single storey front extension in June 2015 (ref: 15/00296/FUL). The reason for refusal is outlined below:

The proposed extension, by virtue of its scale, bulk and design, conflicts with Policy HOU8 of the Tewkesbury Borough Local Plan to 2011 - March 2006 in that it fails to respect the character, scale and proportion of the existing dwelling and would therefore be harmful to the appearance of the locality.

3.0 Current Application

3.1 The current application is a resubmission of the previously refused application (ref: 15/00296/FUL). It seeks planning permission for the erection of a single storey extension to the front of the dwelling.

3.2 The proposed extension would have a L-shaped form and would provide an integral garage and study. It would have a flat roof with a maximum height of 2.8 metres. The current proposal has sought to overcome the previous refusal reason by reducing the size of the roof canopy and changing external materials to match the existing dwelling (**see attached plans**).

4.0 Policy Context

4.1 Section 7 of the NPPF makes it clear that the Government attaches great importance to the design of the built environment. It states good design is a key aspect of sustainable development and is indivisible from good planning.

4.2 Policy HOU8 of the Tewkesbury Borough Local Plan to 2011 sets out extensions to existing dwellings will be permitted provided they respect the character, scale and proportions of the existing dwelling and the character and appearance of surrounding development. It stipulates that development should be of a suitable design and materials and should not harm the residential amenity of nearby property. It also requires that proposals do not result in inadequate car parking or manoeuvring space.

4.3 Policy HOU8 is considered to be consistent with the National Planning Policy Framework (NPPF) and should therefore be afforded full weight when determining this application in accordance with Paragraph 215 of Annex 1 of the NPPF.

5.0 Analysis

5.1 The main issues to be considered in this application are design, visual impact and residential amenity.

Design and Visual Impact

5.2 Concerns have been expressed by Bishops Cleeve Parish Council with regard to the scale, bulk and design of the proposed extension and it is considered that the proposal fails to respect the character, scale and proportion of the existing dwelling.

5.3 The existing dwelling is situated at the north-eastern end of Chiltern Avenue and faces south. The property is detached and is of a similar design to neighbouring properties. The proposed flat roof extension would have a L-shape form and would project 3.3 metres and 2.5 metres from the existing front elevation of the building to provide an integral garage and study. External materials would mainly comprise red brick to match the existing dwelling. There would, however, be a proportion of the proposed extension finished in larch timber cladding (**see proposed elevations**).

5.4 Although the Parish Council have raised concerns regarding the size and design of the proposed extension, it is considered that the revised scheme has addressed the previous refusal reason and would be a proportionate addition that would respect the character and appearance of the existing dwelling. The Parish Council raised no objection to the previous refused application (ref: 15/00296/FUL) subject to external materials being of a similar appearance to the existing dwelling. In the case of the current application, the proposed extension has been amended and the roof canopy has been reduced in size and external materials have been changed from off-white render to red brick and larch timber cladding. These revisions are deemed to be acceptable and help to reduce the visual prominence of the proposed extension when viewed from Chiltern Avenue. Furthermore, the change in materials would complement the existing dwelling and would be in-keeping the neighbouring properties. The revised scheme is therefore considered to have an acceptable impact on the locality and would comply with Policy HOU8 of the Local Plan in this regard.

Residential Amenity

5.5 The Parish Council has also objected to the proposed extension on grounds that it would result in a continuous built form along the west boundary with No.3 Chiltern Avenue and would give a sense of enclosure to this neighbouring dwelling.

5.6 The proposed extension would extend along western edge of the application site where there is an existing fence (approx. 1.8 metres high) and shrub planting. The proposed extension has been designed to have a flat roof with a maximum height of 2.8 metres and would be lower than the existing garage which has a maximum height of 3.6 metres.

5.7 With regard to residential amenity, the height of the proposed extension, when considered in relation to existing boundary treatments, is not considered to have an overbearing impact on No.3 Chiltern Avenue or neighbouring properties. Although it would extend the built form of the existing dwelling, the proposal would not have an unduly overbearing impact on neighbouring property that would warrant refusal on these grounds. In addition, there would no window openings on the side elevations and it is considered that the proposal would not cause any undue impact on the amenity of neighbouring property in terms of overlooking or loss of light in accordance with Policy HOU8 of the Local Plan.

6.0 Conclusion

6.1 While the concerns of the Parish Council are noted, it is considered that the revised scheme would be of an acceptable size, scale and design and would have an acceptable impact on the surrounding area. Furthermore, it is considered that the revised scheme would have an acceptable impact upon the living conditions of occupiers of neighbouring property. For these reasons the proposal is considered to accord with the National Planning Policy Framework and Policy HOU8 of Tewkesbury Borough Local Plan 2011 - March 2006 and is 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: 1317_305 and 1317_306, received by the Local Planning Authority on 5 August 2015.
- 3 The external materials of the proposed front extension shall match as near as possible the materials of the existing dwelling.
- 4 The horizontal larch timber cladding shall not be treated in any way and shall be left to weather and silver naturally unless otherwise an alternative is approved in writing by the Local Planning Authority.

Reasons:

- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 To ensure that the extension is in keeping with the existing building in accordance with Policy HOU8 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 4 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.

15/00859/FUL

395300m
227800m

395500m
227800m



227700m

227700m

227600m

227600m

395300m

395500m

395400m

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NORTH

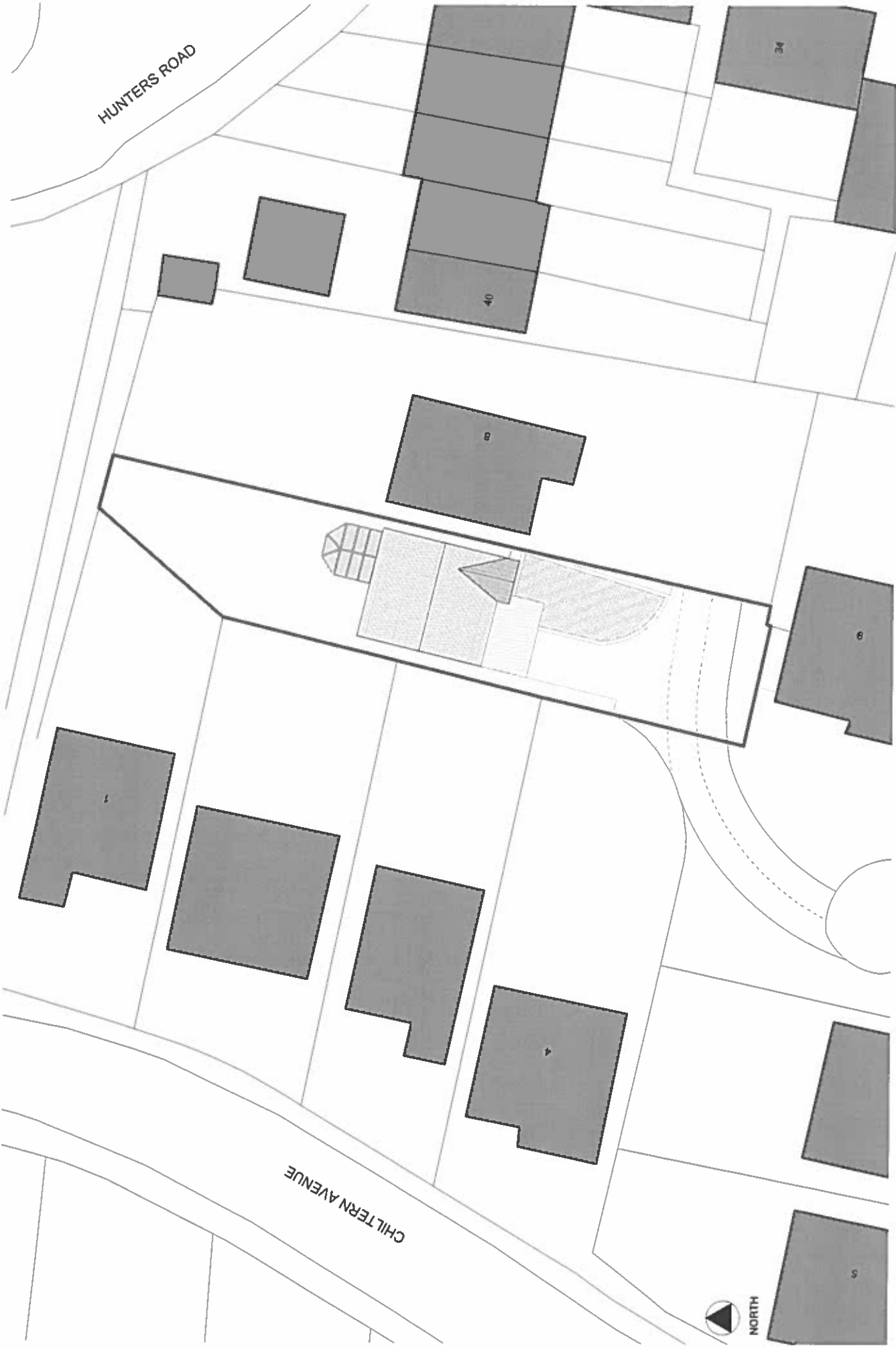
APPLICATION AREA OUTLINED IN RED
SITE AREA = 346m²

Client: The City of Cheltenham Planning Department 15/00859/FUL The planning application is for a residential development of 4 units (2 x 2 bed and 2 x 3 bed) on the site of a former industrial site. The site is located on the east side of Cheltenham Avenue, Cheltenham, Gloucestershire, GL52 2EX. The site is currently used for industrial purposes and is surrounded by residential development. The proposed development is in accordance with the Cheltenham Local Plan 2011-2031, Policy 2.1. The site is shown on the Ordnance Survey map as being within the 'Other Residential Development' zone. The site is shown on the Ordnance Survey map as being within the 'Other Residential Development' zone. The site is shown on the Ordnance Survey map as being within the 'Other Residential Development' zone.	Scale: 1:250 @ A3 Date: 30/07/2015 (Scale)	Project: 7 CHILTERN AVENUE, BISHOPS CLEEVE, CHELTENHAM, GL52 2EX Revised Application Following Previous Refusal Application Ref: 15/00859/FUL Drawing Title: SITE LOCATION PLAN Date: 30/07/2015 (Scale)	Drawn By: JDP Checked By: DL	Status: PLANNING APPLICATION Job/Draw Rev No: 1517_300 EdgeDesignWorkshop

292/A

HUNTERS ROAD

CHILTERN AVENUE



292/B

General Notes:
 1. All dimensions are in millimeters unless otherwise stated.
 2. All dimensions shall be rounded up to the nearest millimeter.
 3. All dimensions shall be rounded up to the nearest millimeter.
 4. All dimensions shall be rounded up to the nearest millimeter.
 5. All dimensions shall be rounded up to the nearest millimeter.
 6. All dimensions shall be rounded up to the nearest millimeter.
 7. All dimensions shall be rounded up to the nearest millimeter.
 8. All dimensions shall be rounded up to the nearest millimeter.
 9. All dimensions shall be rounded up to the nearest millimeter.
 10. All dimensions shall be rounded up to the nearest millimeter.

Scale: 1:200 @ A3
 Date: 30.07.2015
 Project: 7 CHILTERN AVENUE, BISHOPS CLEEVE, CHELTERHAM, GL52 8DP
 Revised Applications Following Previous Refused Application Ref: 15/0228/F/A
 Quantity: 1 No.
 Existing Block Plan
 Drawn By: DL
 Checked By: JDP

Edge Design Workshop
 Job No: 1317_301
 Status: PLANNING APPLICATION
 Edge Design Workshop Ltd
 7 Curlew Drive, Royal Wootton Bassett, Oxfordshire, UK, GL54 3DQ
 01491 812425
 info@edgedesignworkshop.com
 www.edgedesignworkshop.com

HUNTERS ROAD

CHILTERN AVENUE



2921C

Client: 1517_304
 Project: 7 CHILTERN AVENUE, BISHOPS CLEEVE, CHELTERHAM, GL52 8XP
 Revised Application Following Previous Refused Application Ref: 15/0226/P/LA
 Proposed Block Plan
 Date: 30/07/2015
 Scale: 1:200 @ A3
 Drawn By: [Name]
 Checked By: [Name]
 Date: [Date]
 Project: [Project]
 Drawing No: [Drawing No]
 Date: [Date]
 Scale: [Scale]
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 Date: [Date]
 Scale: [Scale]

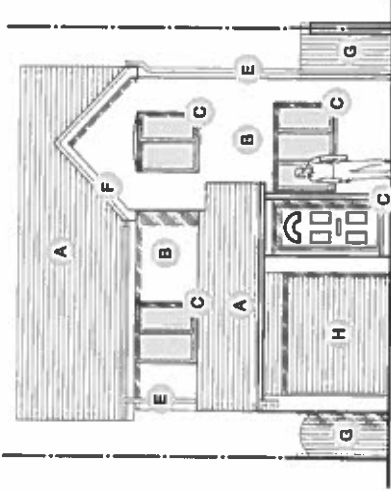
Edge Design Works Ltd
 1031242 529 111
 www.edgedesignworks.co.uk

Planning Application
 1517_304
 Edge Design Works Ltd

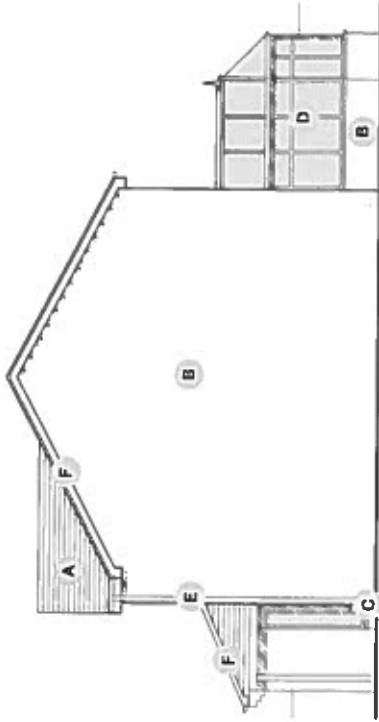
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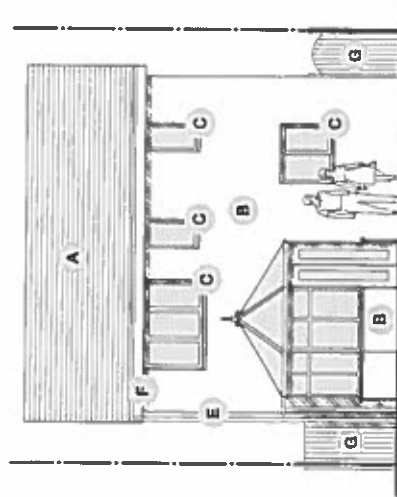
- A** EXISTING CONCRETE ROOF TILES
- B** EXISTING BRICKWORK
- C** EXISTING UPVC WINDOWS AND ENTRANCE DOOR (BROWN)
- D** EXISTING UPVC CONSERVATORY (WHITE)
- E** EXISTING SQUARE GLITTERING AND DOWNPIPES (BROWN)
- F** EXISTING FASCIA BOARDS (BROWN)
- G** EXISTING VERTICAL TIMBER ENTRANCE GATES
- H** EXISTING ELECTRIC GARAGE DOOR (BROWN)



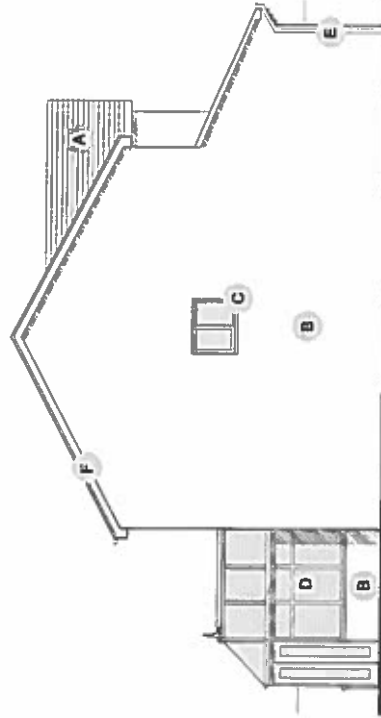
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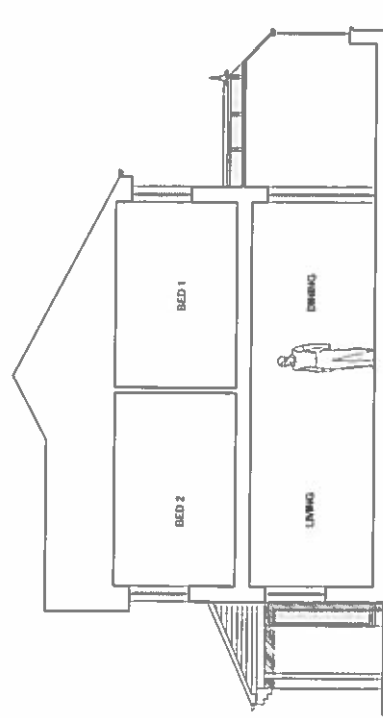
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EXISTING NORTH ELEVATION Scale 1:100



EXISTING WEST ELEVATION Scale 1:100

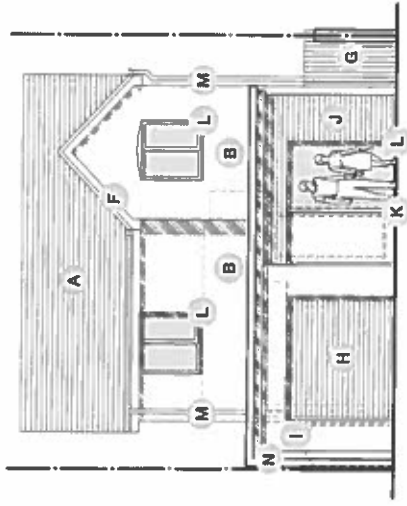


EXISTING SECTION AA Scale 1:100

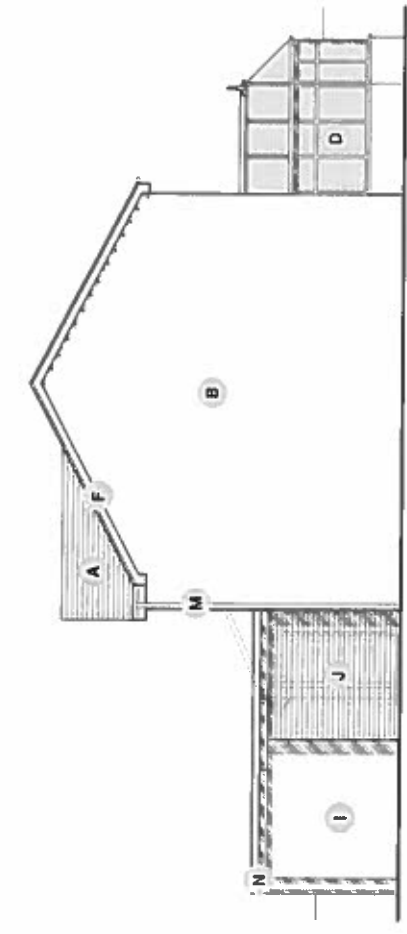
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	<p>Revised Application following previous refused application Ref: 130629034</p> <p>EXISTING ELEVATIONS AND SECTION AA</p>	<p>Drawn by: [Name] Checked by: [Name] Date: 30/07/2015 Scale: 1:100 @ A3</p>	<p>DL JDP</p>

KEY:

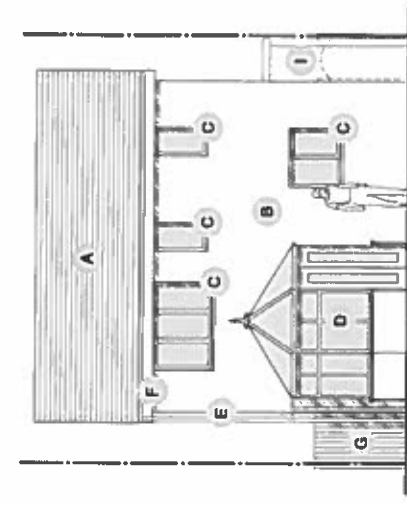
- A** EXISTING CONCRETE ROOF TILES
- B** EXISTING BRICKWORK
- C** EXISTING UPVC WINDOWS AND ENTRANCE DOOR (BROWN)
- D** EXISTING UPVC CONSERVATORY (WHITE)
- E** EXISTING SQUARE GUTTERING AND DOWNPIPES (BROWN)
- F** EXISTING FASCIA BOARDS TO BE PAINTED GREY
- G** EXISTING VERTICAL TIMBER ENTRANCE CATES
- H** EXISTING UPVC GARAGE DOOR (BROWN) TO BE MOVED
- I** PROPOSED BRICKWORK
- J** PROPOSED HORIZONTAL LARCH TIMBER CLADDING
- K** PROPOSED ENTRANCE DOOR (GREY)
- L** PROPOSED POWDER COATED ALUMINIUM WINDOWS (GREY)
- M** PROPOSED ALUMINIUM GUTTERING AND DOWNPIPES TO REPLACE EXISTING (BLACK)
- N** PROPOSED METAL CLADDING



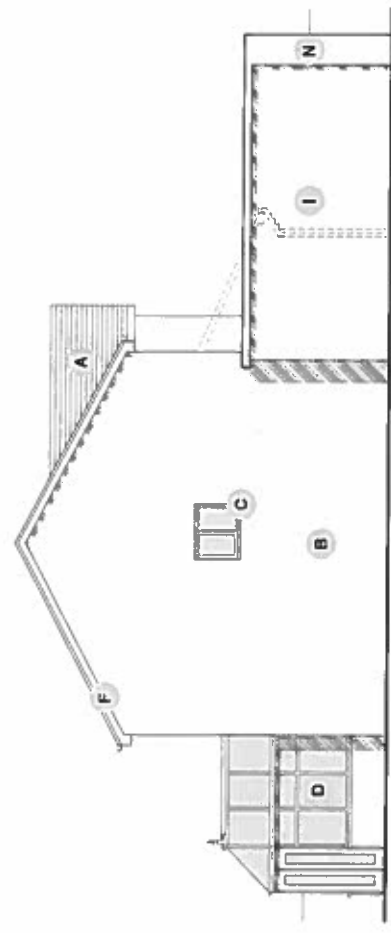
PROPOSED SOUTH ELEVATION Scale 1:100



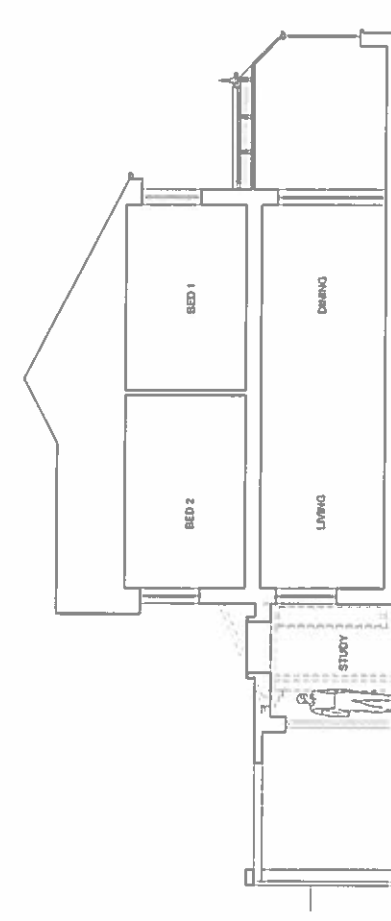
PROPOSED EAST ELEVATION Scale 1:100



PROPOSED NORTH ELEVATION Scale 1:100



PROPOSED WEST ELEVATION Scale 1:100



PROPOSED SECTION AA Scale 1:100

292/E

<p>Client: 1317_308 7 Cheltenham Avenue, Bishop's Cleeve, Cheltenham, GL52 8RP Revised Application Following Previous Refused Application Ref: 15002904 Quantity: 1 Date: 30.07.2015</p>	<p>Project: 1317_308 7 Cheltenham Avenue, Bishop's Cleeve, Cheltenham, GL52 8RP Revised Application Following Previous Refused Application Ref: 15002904 Quantity: 1 Date: 30.07.2015</p>	<p>Scale: 1:100 @ A3 1:100 @ A3 1:100 @ A3</p>	<p>Checked By: JDP Drawn By: JDP</p>	<p>Job No: 1317_308 Status: APPLICATION</p>	<p>EdgeDesign Workshop Ltd. 7 Cheltenham Avenue, Bishop's Cleeve, Cheltenham, GL52 8RP 01242 525 111 info@edgedesignworkshop.com www.edgedesignworkshop.com</p>
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14/00838/FUL
PP-03617131
Valid 10.10.2014

Land to the West of Farm Lane, Shurdington

14

Full application for residential development comprising 369 dwellings, including access and associated infrastructure.

Grid Ref 393557 219404
Parish Shurdington
Ward Shurdington

Redrow Homes Limited
C/o Agent

RECOMMENDATION Delegated Permit

Policies and Constraints

NPPF

Planning Practice Guidance

JCS (Submission Version) - SA1, SP1, SP2, SD1, SD4, SD5, SD7, SD8, SD10, SD11, SD12, SD13, SD15, INF1-8

Tewkesbury Borough Local Plan to 2011 - March 2006 - Policies GNL2, GNL8, GNL11, HOU1, HOU13, TPT1, TPT3, TPT6, TPT11, EVT1, EVT2, EVT3, EVT5, EVT9, LND4, LND7, RCN1, RCN2, NCN5, NCN6 and SD2.

SPG Affordable Housing

Flood and Water Management Supplementary Planning Document

Adjacent to Cotswolds AONB

Tree Preservation Orders (252, 293 and 378)

Public Right of Way (ASH29)

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

NB: The comments detailed below relate to the revised plans where stated and in all other cases to the original submission

Shurdington Parish Council - Opposes this application, on the following grounds:

1. The application is premature pending the outcome of the Public Inquiry on the JCS.
2. The area of 'open space' adjacent to Leckhampton Lane is not large enough to provide a solid and sufficient boundary between the built development and the AONB.
3. The site is principally served off Leckhampton Lane which is unsuitable for such expected traffic numbers, adding to the existing flow of traffic using the road, especially at the junction with the A46 in Shurdington and in Church Road, Leckhampton. The provision of a footpath along Leckhampton Lane will do little to help this situation, other than assist the few people who might walk. We strongly disagree with the transport assessment summary at para 7.52 which says: 'existing congestion at the junction of Leckhampton Lane and A46 is short lived'. - Any additional traffic will exacerbate the existing problem when at peak times, as well as other times during the day, vehicles queue on both roads for significant periods of time, to the detriment of people living along both Shurdington Road and Leckhampton Lane who will have even more difficulty in access/egress to and from their properties. Para 7.54 refers to traffic using other than A46 Shurdington Road corridor. It is hard to see how this can be a robust assessment without defining what that means as there is little other alternative route available (other than via Leckhampton Lane and Church Road). We believe that if this development were to be permitted provision should include a traffic management scheme at the junction of Leckhampton Lane and the A46, which is vital.
4. We are not convinced that the proposals for dealing with surface water drainage are adequate bearing in mind the existing surface water flood problems that exist in the locality and the additional surface water run-off from a development of this size.

Leckhampton with Warden Hill Parish Council - Revised Plans - Disappointed to find that the revised application is little improved over the original and the Council wishes to object strongly to the proposal. The detailed comments of the Parish Council can be viewed on the website and are summarised below:

- Impact on the AONB and the view from Leckhampton Hill - The buffer space needs to be deeper, particularly on the west side. This buffer is very important for preserving the rural aspect of Leckhampton Lane and for providing screening to reduce the impact of the development on the view from Leckhampton Hill. The site is highly visible from the Hill. As viewed from the observation table and from the Devil's Chimney observation platform, the development would still stretch a third of the way visually across the green belt corridor between Cheltenham and Gloucester to the Severn Vale beyond. A key

purpose of the green belt is to preserve the separation between Cheltenham and Gloucester. The visual separation as viewed from Leckhampton is an important part of this. The Council believes that all of the LGS area shown along Leckhampton Lane needs to be incorporated into the buffer. The buffer area also needs to be secured permanently so that it cannot be eroded by incremental development in the future. Including many more large trees in the buffer space would help considerably to screen the development and soften its edge. The suburban style and layout of the development are unsympathetic to this location. Something looser and more random would be more in keeping. The house style is described as 'Heritage' but something more rural in style would surely be better, or perhaps a mix of styles. The density of housing is very high for a location so close to the AONB. A lower density including more large trees within the development would help to improve it. Alternatively the existing density might be retained but with smaller house sizes to leave more green space within the development and space for large trees. As proposed, the development will be a solid sprawl of brick and tile.

- Green space - Support the view of the Cotswold Conservation Board that an urban parkland type environment in the buffer land would offer little or no proper buffering between the AONB boundary and the development. However, a development of this size does need to include amenity land. The LGS application therefore also includes an area of amenity land on the north side of the site. This land is currently used as amenity land by residents in the adjacent Lanes Estate. The government guidelines for major developments say that there should be at least 6 acres of amenity land per 1000 residents. The application should be providing at least this amount for its own projected population and still more to include the residents of the Lanes Estate. The revised proposal still has almost no open green space within the development and no amenity land on the north side.
- Cheltenham Circular Path - The proposal would route this long distance path through the streets.
- Need to consider the Local Green Space application - The JCS is legally unsound because the LGS should have been considered as part of the JCS plan making process and the JCS failed to comply with this. The argument that Tewkesbury Borough Council does not need to consider the LGS application is wrong.
- Traffic congestion - This is a major problem. In the workday morning peak traffic period there are two key bottlenecks. One is the junction of the A46 with Moorend Park Road (MPR) and the other is Church Road. A significant increase in the traffic could cause the current jamming at Church Road to happen frequently. The problem cannot be mitigated because of the proximity to the AONB and Cotswold scarp and because of the density and closeness of surrounding housing. Were it to jam frequently much of the traffic would then switch to travelling instead through central Cheltenham adding further to A46 traffic queue and the traffic congestion in Cheltenham. A significant development in South Cheltenham would substantially lengthen the A46 queue so that much more traffic at Shurdington would switch to the Church Road route to by-pass the queue. This would then cause Church Road to jam. The traffic dynamics dictates that once the queue on the A46 becomes significantly longer than at present, it is likely to cause Church Road to jam frequently.
- Severity of the traffic problem - Frequent jamming or long delays in Church Road would precipitate a breakdown of the south Cheltenham traffic system with traffic flowing instead through central Cheltenham rather than Church Road and adding even more to the A46 queue. For local residents jamming would mean that they could not drive from their homes and emergency services could not gain entry. The linked problem of the A46 queue and Church Road constitutes a 'severe' traffic problem even by NPPF standards. Traffic congestion would also impact on the local economy.
- Safety and pollution hazards - Serious concern over the safety of children attending Leckhampton Primary School from vehicles jostling to get past each other in Church Road. There is also concern both for the children and for residents in Church Road from the traffic pollution which already exceeds EU permitted limits in winter months. Pollution monitoring by CBC also indicates that the traffic pollution in the vicinity of the A46/MPR junction already exceeds EU permitted limits throughout the year.
- Uncertainty over schooling - In the original strategic concept for the area, a primary school serving the new developments was to be located on land north of Kidnappers Lane. The refusal of the application on this land by CBC leaves the location of the school uncertain
- Leckhampton Primary School is over-subscribed and it is not feasible to expand the school on a permanent basis. There is therefore uncertainty over how primary schooling can be provided locally for residents in the development unless Redrow Homes makes provision to locate the school on its site.
- Flood control and drainage strategy - The site forms part of the catchment area of the Warden Hill tributary of Hatherley Brook and storm water flowing along this tributary was largely responsible for the major flooding events in the area. Houses in Brizen Lane are also vulnerable to flooding. The proposals for drainage and flood control raise significant issues for concern.
- Global warming makes it very hard to predict what extreme weather events will occur for Leckhampton Hill over the next 100 years. It is important to note however that Leckhampton Hill and Cleeve Hill are the highest points on the Cotswold scarp and they are in the path of storms funnelling up from the southwest. The actual storms of June and July 2007 have been used for the modelling because these are real events. They are not 100 year events, but in all cases considered the proposed balancing pond

overflows.

- It is also peculiar that the drainage strategy proposes to discharge the balancing pond and its overflow into a so-called 'unnamed brook' that does not in fact exist. Even if the Brizen Farm field ditch were re-excavated and widened, it would not be a brook in the conventional sense. It is really just a local field drainage ditch that flows to a small farm pond. It is also strange that the application refers to a large attenuation pond on Brizen Farm when none exists.
- At present runoff from a major storm would flow onto the Brizen Farm land following the contours of the land and would build up as flooding along the A46, as happened in 2007. Query legal requirement to prevent this water flow once development takes place and question whether owners of the Brizen Farm land might be entitled to erect any barrier to obstruct the flow from the balancing pond onto their land. If they did so, this would certainly threaten to flood housing in Brizen Lane and in the Lanes Estate.
- The balancing pond appears to have enough capacity to avoid increasing the flood risk to Warden Hill for rainfall events where the ground is wet or fully saturated at the start of the storm. But it may not have enough capacity for the case of 'normal moisture content' and it would need to be twice as large to avoid increasing the flood risk to Warden Hill if the site had very low moisture content prior to the start of the storm. However, as discussed earlier, in this scenario so much of the rainfall would be absorbed by the rest of the catchment that there would be no realistic risk to Warden Hill.
- For houses in Brizen Lane, the balancing pond and new housing would be well above the gardens. The overflow is positioned on the opposite side of the pond from Brizen Lane, but there could be a risk of the discharge and overflow from the balancing pond flowing round the pond base. The question of how flood water is to be discharged safely across the Brizen Farm land needs to be resolved. It is worth noting that the Brizen Farm land has been the subject of two recent development applications, both of which were rejected. The land is now designated as green belt. However, the landowners may still entertain the hope of obtaining planning permission for development on this land sometime in the future. Flooding of the land might compromise this prospect.
- Affordable housing - 40% affordable housing should be provided.

Up Hatherley Parish Council - Opposes application and wishes to be associated entirely with the comments and objections raised by CBC and Shurdington Parish Council. We would emphasise that any consented application needs to provide an appropriate and attractive edge to the architecture of our historic town, which is both sympathetic to the Cotswolds AONB and the Green Belt to which it immediately borders. The density, design and landscaping of this application totally fails to achieve any of these objectives.

Highways England - No highway objection.

County Highways - Comments still awaited.

County Highways (PROW) - If the applicant cannot guarantee the safety of the path users during the construction phase then they should apply to this department to arrange a temporary closure of the right of way for the duration of the works

Environmental Health Officer - Recommend conditions in respect of noise mitigation measures, lighting and a construction management plan to protect the amenity of nearby residential properties.

County Archaeologist - No objection subject to a condition to secure the completion of the archaeological investigation which is currently underway. The programme of archaeological work would need to include completion of the site investigation followed by the analysis of the records and finds arising from the archaeological investigation and the compilation of an appropriately detailed report on the results.

Historic England - Following the submission of additional information we do not wish to offer any substantial comments on this occasion. The information now supplied satisfies the requirements as set out in the NPPF. The conclusions arrived at by the consultants are agreed with.

Natural England - Revised Plans - No objection in respect of the likely impact of the proposed development on Sites of Special Scientific Interest and no longer raises any concerns relating to the Cotswolds AONB. In terms of protected species it refers to its standing advice. It advises that the authority should consider securing measures to enhance the biodiversity of the site if it is minded to grant permission.

Sport England - Revised Plans - The revised information does not address the concerns raised by Sport England. It remains unclear how the needs of residents of the proposed development for both playing pitches and built sports facilities will be met. Consequently, Sport England maintains its objection to the proposal the subject of this application.

Environment Agency - Raises queries on some of the SuDs techniques proposed but confirms that the site would attenuate to a 1 in 100 year standard, including an allowance for climate change which accords with the guiding principles of the NPPF and NPPG. Advice is also provided in respect designing for exceedance.

Severn Trent Water - No objection subject to drainage condition.

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

Cheltenham Borough Council (CBC) - Support in principle the location of this proposal for strategic development as set out in the Submission JCS. However, the Borough Council considers that the scheme has failed to demonstrate how the development proposed fits appropriately within a wider master plan for the area and that if this site is progressed in isolation that it will not prejudice the sustainable development of the

remaining part of the strategic allocation proposed by the JCS. CBC has concerns over the landscape and visual impact of the proposal with regard to the AONB, the density of the proposed development and the lack of information as to how the scheme will contribute to the economic role of sustainable development by ensuring that development requirements are co-ordinated, including the provision of infrastructure.

Cotswold Conservation Board - Revised Plans - Do not raise an objection in relation to the principle of the development. Supports the re-introduction of the "buffer" land to the south of the development, which if secured by planning condition and appropriately managed, should provide the form of landscaping as originally intended through the Master Plan approach and resolve the Board's previous outstanding concern on this point. The Board recognises there is a balance to be struck over this area of buffer land in that it should both help screen the development, whilst also retaining the rural character of Leckhampton Lane. Any attempts by the Council at further reducing density, improving the "greening" of the site, and reflecting the urban edge characteristics of the area (in addition to the buffer land to the south) would all be supported by the Board as this will in turn assist in reducing the impact on the setting of the AONB.

CPRE - Revised Plans Maintain five principal but overlapping concerns, namely:

- the lack of an agreed coherent overall plan for development of any South Cheltenham - Leckhampton Urban Extension, the larger part of which lies within Cheltenham Borough
- the lack of infrastructure to support a development of this scale
- the potentially significant adverse safety and environmental impact that traffic generated from the site would have, particularly on Church Road and Leckhampton Lane, and more generally by increasing congestion along the A46
- the impact that the development would have on the setting of the Cotswolds AONB and the loss of high quality agricultural land. The site is highly visible from the escarpment to the south and in turn the view of the escarpment from the site is a highly valued feature of this part of Cheltenham
- the density, design and layout of this proposed development, including the provision of open space.

Letter from County Councillor Iain Dobie - Have following concerns:

- Schools provision - No capacity at local primaries to expand to meet demand and understand that neither secondary's have any plans to grow. It is therefore socially unsustainable.
- Will result in traffic congestion on the local roads and could result in tailbacks as far as the A417.
- Premature - should await final version of JCS (notably the latest projected figures on housing demand) and current appeal on adjoining land.

Letter from Alex Chalk MP for Cheltenham and Laurence Robertson MP for Tewkesbury - Object strongly on grounds of prematurity. This application should not be determined until the JCS EiP and the Bovis/Miller appeal has been resolved. This is for the following reasons:

- Need to be clear on Objectively Assessed Need
- Need to consider assessment of proposal for Local Green Space
- Consideration of other suitable land to meet housing needs
- Needs to be comprehensively planned
- An isolated estate would make it difficult to mitigate any traffic growth by optimising the use of public transport, walking and cycling in conflict with the NPPF. Traffic congestion is a major problem in the area.
- If principle of development is agreed then the following changes should be made:
- Improvement to green space provision and protection of route of the Cheltenham Circular Walk through the estate.
- Another buffer zone on the northern limit
- More amenity land and planting of large trees
- Less dense form of development and less suburban designs to take into account this sensitive location.

LEGLAG - Object on following grounds:

1. Premature - large urban extensions need to be plan led, the Joint Core Strategy needs to have passed Examination in Public (EiP) and have the corresponding Community Infrastructure Levy (CIL) in place to secure school funding and contribute to other infrastructure requirements. Permitting this application at this time would adversely affect infrastructure investment. Joint working with CBC is vital in the delivery of this strategic site, having the CIL in place and agreed with the developers is an important part of the process.

2. Over development - There is so little green space provided which impacts on the rural character of the area, the development needs that vital buffer zone along the lines of the original Town & Village Green application requested by residents in 2010 which received maximum scores in all four selection criteria by the county officers. The area of White Cross was considered the BEST candidate for additional greenbelt by AMEC in their JCS greenbelt review covering all three districts of Cheltenham, Tewkesbury & Gloucester. We believe the area of White Cross should be given greenbelt status as recommended in the JCS AMEC report. If development is forced on the community of Leckhampton please respect the rural character of the area. It would be poor planning if this much loved green space were to be over developed considering the number of objections TBC have received and given the planning history. It is important to retain as much green space as possible in any proposals for White Cross. We request consideration of the public view on

where green space needs to be retained, centrally located to existing and new development has the advantage of making the proposal more acceptable to existing residents, away from Leckhampton Lane would be safer for children, the balancing pond can be made into a child safe amenity and as previously affirmed to protect the line of the footpath and acting as a wildlife corridor. The importance of buffer zones between existing and new urban extensions is recognised by the leader of the CBC council in his recent JCS response.

3. Traffic congestion - This proposal has an access point directly onto Leckhampton Lane so we are very likely to see additional traffic onto Church Road as a direct result of this proposed development, the most sensitive part of the network due to the existing congestion and children using and crossing on their way to/from school. Air Quality is an important issue, the current levels of Nitrogen Dioxide on Church Road break the EU Limits over the winter months and careful judgement needs to be taken on increased traffic congestion, the 'join the queue' attitude would be a poor decision for Children's Health. Given the current congestion, more traffic onto Church Road is not sustainable and therefore fails the NPPF test of being to the benefit of existing and future generations.

4. Increased potential flood risk to both Warden Hill and Brizen Lane - The SW of Brizen Lane is subject to historical surface water flooding, this whole area commonly gets saturated in the winter.

806 letters of objection - to both the original and revised application on the following grounds:

- Premature
- Consideration should be given to the NPPF Local Green Space application first
- Loss of views to/from AONB
- Destruction of habitat, hedgerows, wildlife and amenity
- Extra traffic will exacerbate congestion problems on local roads and on the A46. Need to undertake JCS modelling work before application is considered.
- Schools in area are at capacity
- Cheltenham Borough Council housing figures which were fed into the JCS should be reconsidered
- Lacking in green space
- Will exacerbate existing air pollution problems
- Visual intrusion
- Will destroy attractiveness of footpath that crosses the land
- Flood risk and will move flooding problems downstream
- Pressure on local facilities and services
- Should develop on brownfield land first
- Area is not sustainable as isolated from Leckhampton and Shurdington and reliance of car travel an essential
- Heavy machinery cannot access site due to weight restrictions and narrow width of local roads
- Identified as best candidate for additional green belt in JCS report
- Lacks any infrastructure
- Will damage setting of AONB and views from AONB
- Rural nature of Leckhampton Lane and Church Road should be maintained and there should be no access onto Leckhampton Lane
- Density of housing out of keeping with area
- Additional houses are not required
- Should be consistent and reject application on similar grounds to those used by Cheltenham Borough Council for land opposite
- Out of keeping with character and needs of area
- Contrary to NPPF
- Would encourage further development in the area

Planning Officers Comments: Miss Joan Desmond

1.0 Introduction

1.1 The appeal site is located on the southern fringes of Cheltenham. It lies in the vicinity of the village of Leckhampton and north-east of the village of Shurdington (**site location plan is attached**). The site covers an area of approximately 15.41 hectares and comprises agricultural land subdivided into fields by hedgerows. Farm Lane marks the eastern site boundary and Leckhampton Lane its southern boundary. The Lanes/Brizen Lane housing estate lies immediately to the north. Open agricultural fields adjoin the site to the west.

1.2 The site is linked to the A46 to the north by Farm Lane and to the south-west by Leckhampton Lane. A public right of way (ASH29) passes through the northern sector of the appeal site along a broadly east-west axis. A group of mature trees and an Oak tree within existing hedgerows are protected by a Tree

Preservation Order The Cotswold Area of Outstanding Natural Beauty (AONB) lies to the south and land to the west of the site and south of Leckhampton is designated Green Belt.

2.0 Planning History

2.1 The most recent relevant planning history for this site relates to a dismissed appeal in 2009 for outline planning permission for the erection of 360 dwellings ((Ref: 07/01012/FUL). The appeal was dismissed on the grounds that it would prejudice the development of the urban extension and especially the infrastructure necessary to achieve a high quality development. In addition the Secretary of State considered there was inadequate open space.

2.2 As explained below in the policy section, this site comprises part of the housing allocation site (A6) in the JCS (Submission Version). Most of this strategic allocation is located within Cheltenham Borough Council (CBC) on the opposite side of Farm Lane. An outline planning application for residential development of up to 650 dwellings; mixed use local centre of up to 1.94ha comprising a local convenience retail unit Class A1 Use (400sqm), additional retail unit Class A1 Use for a potential pharmacy (100sqm), Class D1 Use GP surgery (1,200sqm,) and up to 4,500sqm of additional floorspace to comprise one or more of the following uses, namely Class A Uses, Class B1 offices, Class C2 care home, and Class D1 Uses including a potential dentist practice, childrens nursery and/or cottage hospital; a primary school of up to 1.72ha; strategic open space including allotments; access roads, cycleways, footpaths, open space/landscaping and associated works; details of the principal means of access; with all other matters to be reserved was refused in July 2014 and is currently subject of an appeal (Bovis/Miller scheme). The reasons for refusal being pursued at the appeal relate to Transport congestion, harmful landscape impact and lack of an agreed S106 to secure contributions towards the required infrastructure.

3.0 Current Application

3.1 This application seeks planning permission for residential development comprising 369 dwellings, including access and associated infrastructure (see attached plan). The application has been amended in response to consultee comments and the number of units reduced from 376 to 369.

3.2 The application has been accompanied by an Environmental Statement required as the proposed development constitutes EIA (Environmental Impact Assessment) development in accordance with the Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 2011. The Environmental Statement includes assessment of the following issues:

- Alternatives and Design Evolution;
- Development Programme and Construction;
- Planning Policy;
- Air Quality;
- Ecology and Biodiversity;
- Archaeology and Cultural Heritage;
- Agriculture and Soil Resources;
- Landscape and Visual Effects;
- Noise and Vibration;
- Socio Economics;
- Transportation;
- Water Resources;

An Addendum to the ES has also been submitted in response to consultee comments and the revised plans submitted.

A copy of the Environmental Statement's Non-Technical Summary will be displayed in the Members Lounge

(Plans will be displayed at Committee).

4.0 The Community Infrastructure Levy Regulations

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

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

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

4.3 The CIL regulations also provide that as from 6 April 2015, no more contributions may be collected in respect of an infrastructure project or a type of infrastructure through a section 106 agreement, if five or more obligations for that project or type of infrastructure have already been entered into since 6 April 2010, and it is a type of infrastructure that is capable of being funded by the levy.

5.0 Principle of Development

The Development Plan

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the local planning authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. The development plan comprises the saved policies of the Tewkesbury Borough Local Plan to 2011 - March 2006.

Tewkesbury Borough Local Plan to 2011 - March 2006

5.2 The application site is allocated for housing (Policy HOU1) in the Local Plan. Policy SD2 is specific to this site and supports proposals for a comprehensive scheme that makes appropriate contributions toward community facilities, education, infrastructure, recreational open space, pedestrian and cycle access, public transport provision and a landscaping scheme. Furthermore, Policy SD2 stated that permission would not be granted prior to the site's identification as an appropriate location for strategic development through the RSS process (Now superceded by the JCS process). As housing policy HOU1 relates to the supply of housing and is based on the now revoked Structure Plan housing numbers it is considered out of date in the context of the NPPF because the Council cannot demonstrate a five year supply of deliverable housing sites.

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

Emerging Development Plan

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

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

5.6 The JCS strategy seeks to concentrate new development in and around the existing urban areas of Cheltenham and Gloucester to meet their needs, to balance employment and housing needs, and provide new development close to where it is needed and where it can benefit from the existing and enhanced sustainable transport network. Most of this development will be in the form of urban extensions within Tewkesbury Borough, because of the nature of the administrative boundaries in the JCS area. This site comprises part of the proposed urban extension to the south of Cheltenham (A6) where a total of 1,124 dwellings are proposed. The majority of these dwellings would be located within the Borough of Cheltenham (764) and the remainder (360) within Tewkesbury Borough. In terms of the proposed urban extensions, Policy SA1 seeks to ensure that such sites are developed in a comprehensive manner to ensure that the development will integrate with and complement its surroundings in an appropriate manner. Proposals will also be required to demonstrate how the provision of new Gypsy, Traveller and Travelling Showpeople sites

will be incorporated into development proposals for Strategic Allocations; to retain and enhance areas of local green space; ensure implementation of the Infrastructure Delivery Plan or provision of other necessary infrastructure, and provide an appropriate scale and mix of uses, in suitable locations, to create sustainable urban extensions that support and complement the role of existing settlements and communities.

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

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

5.8 On 20 November 2014 the JCS was submitted for examination and the examination hearings commenced in May 2015 and are still on-going. Having been submitted the JCS has therefore reached a further advanced stage, but it is not yet formally part of the development plan for the area and the weight that can be attached to each of its policies will be subject to the criteria set out above, including the extent to which there are unresolved objections. In respect of the distribution of housing (Policy SP2) there are significant strong objections to this policy. Further comments on the weight to be attributed to any policies in the JCS relevant to this application are discussed in the appropriate sections of this report.

Other Material Considerations

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

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

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

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

5.12 The Council cannot currently demonstrate a five year supply of deliverable housing sites and on that basis, the Council's relevant policies for the supply of housing are out-of-date. In accordance with paragraph 14 of the NPPF, the presumption in favour of sustainable development therefore applies and permission should be granted unless there are any adverse impacts of doing so which would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole.

Conclusions on the principle of residential development

5.13 In view of the above it is clear that the decision-making process for the determination of this application is therefore to assess whether the adverse impacts of granting planning permission for the proposed development would significantly and demonstrably outweigh the benefits and whether it would be premature to grant permission given the site's allocation as part of the wider strategic allocation (A6) in the emerging JCS.

6.0 Landscape and Visual Impact

6.1 One of the core planning principles of the NPPF sets out that the planning system should recognise the intrinsic character and beauty of the countryside. Section 11 of the NPPF sets out that the planning system should contribute to and enhance the local environment by, amongst other things, protecting and enhancing valued landscapes. Local Plan Policy LND4 provides that in rural areas regard will be given to the need to protect the character and appearance of the rural landscape. 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 and Policy SD8 advises that all development proposals in or adjacent to the Cotswolds AONB will be required to conserve and, where appropriate, enhance its landscape, scenic beauty, wildlife, cultural heritage and other special qualities. Proposals will be required to be consistent with the policies set out in the Cotswolds AONB Management Plan.

6.2 The site does not fall under any statutory or non-statutory landscape designation but does lie close to the Cotswolds AONB and there are a number of trees on the site, principally along its outer boundaries, that are protected. The ES contains a chapter on Landscape and Visual Amenity which has been revised by the addendum to the ES submitted in May 2015. The Landscape and Visual Assessment (LVIA) has looked at the landscape and visual impact of the proposals on the existing landscape character of the site and the wider context of the landscape. The assessment also addressed potential visual receptors that would be affected by the proposed development during construction and then at Year 1 and 15 of the schemes operational phase taking into account mitigation measures. The LVIA concludes that several viewpoints would undergo a significant effect as a result of the proposed development, the remainder of the representative viewpoints would undergo non significant effects, but with mitigation these are anticipated to reduce over time.

6.3 It advises that consideration has been given to the scale and height of the proposed built form with a maximum anticipated height of 11 metres to the ridge line. Built form has been kept away from the north western and western parts of the site by positioning new areas of green infrastructure here and retaining the existing vegetation. In combination with retained and proposed new planting this would provide a strong landscape framework that would reduce the visual effects of the proposed development on receptors to the north and west. A landscape buffer of retained vegetation and additional new planting has been maintained along the site's southern and eastern boundaries to reduce the visual effects of the proposed development on receptors to the south and east. The area around the proposed attenuation pond towards the north western boundary of the site would be landscaped to screen the proposed development from the north and provide an important ecological resource. Where possible the existing vegetation has been retained, most notably along the western, eastern and southern boundaries, and the hedgerows and trees extending into the site itself which reduce the overall visual impact of the proposed development. The landscape buffer to the south of the site forms both a physical and visual separation between the proposed built development and the boundary of the AONB; as it follows the south side of Leckhampton Lane. Leckhampton Lane would remain and continue as the physical divide between the site and the AONB with the proposed development in place. This would contain areas of woodland planting, specimen trees, orchard planting and naturalistic and structure planting as well as a wildflower meadow as detailed within the masterplan.

6.4 The LVIA concludes that the effect on landscape character would not be significant and that apart from views from PRoWs within or very close to the site and elevated areas within the AONB (with long ranging views across the wider landscape) and from some residential properties on the northern edge of Brizen Lane directly adjacent to the proposed development, the proposed development would not result in any unacceptable visual effects long term with the proposed mitigation measures in place. Over time, views from those receptors that would undergo significant levels of change would be reduced in significance as new and existing vegetation grows and matures.

6.5 The submitted Arboricultural Impact Assessment identifies that the development would require the removal of several trees and hedgerows on the site. There are 3 Tree Preservation Orders (TPO's) on the site which protect trees along the eastern and western boundaries. Most of the trees and hedgerows along these boundaries are to be retained but there will be some partial removal necessary to accommodate new pedestrian footpaths.

6.6 When reviewing the initial scheme the Council's Landscape Consultant considered that the proposed development would benefit from a less dense residential masterplan allowing for wider green infrastructure within the site thus integrating it better with the existing landscape character. In addition it was felt that it would be beneficial to increase the buffer strip along the southern boundary to maintain the quality of the

setting of the AONB. It is accepted that the proposed development would permanently change the landscape character of the site but that the proposed development where possible would retain the existing vegetation particularly along the western, eastern and southern boundaries. In addition trees and hedges within the site would be retained. Whilst the Landscape Consultant was aware that the principle of housing development on the site has been accepted in policy terms, it was felt that the proposed layout was not the right solution. In the light of these concerns the layout has been amended with one of its principal changes being a significant increase in size of the landscape buffer along the southern site boundary in the form of a new linear park. This change also reflects strong concerns raised by a number of other consultees including the Cotswolds Conservation Board and Natural England. The Council's Landscape Consultant and the Cotswolds Conservation Board consider that the revised scheme now provides an appropriate buffer to the AONB.

6.7 In conclusion, this site is allocated for residential development in both the adopted local plan and the emerging JCS. As such the principle of residential development on this site is considered to be acceptable. The revised scheme provides an improved buffer to the Cotswolds AONB to the south and the landscape strategy seeks to protect, enhance and integrate the existing landscape features within the proposed development which would help to provide a sustainable future for the green infrastructure of the site and would help to soften the visual effect of the development. Additional planting is also proposed to help mitigate the visual impact of the development and improve the overall biodiversity of the site.

7.0 Design and Layout

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

7.2 The submitted revised Design and Access Statement (DAS) identifies that the site has been subdivided into two density zones of 45 dwellings per hectare and 25 dwellings per hectare with the density reducing as development nears the AONB. A mix of housing types is proposed with buildings being predominantly of two storeys in height. Key areas and focal buildings are to be two and half and three storey. It is argued that whilst central Cheltenham has a strong Regency architectural style, as the town has grown organically, its strong character has eroded from the town centre to the suburbs, with each phase of development generally reflecting its own individual style. The architectural variety of the surrounding villages of Leckhampton, Shurdington and Up Hatherley have been drawn together with the consistent use of similar external material finishes. These materials essentially are red and buff brick walling, interspersed with render. The architectural styles are intended to reflect the character of Edwardian and Arts and Crafts Garden Suburbs.

7.3 The DAS also advises that the street hierarchy has four component elements which are:

- Main Road
- Secondary Roads
- Tertiary Roads
- Properties fronting Public Open Space

These four character areas it is argued would create legibility by allowing users to 'read' the road they are travelling along whilst also allowing residents a sense of ownership for their property and road. The Main Road would be the most formal of the roads and would principally be characterised by the avenue of trees proposed within grass verges which would create a defined route through the development whilst greening and softening the urban environment. Plot frontages along the Main Road would have hedgerows running alongside the footpaths with amenity grass to the rear, delineating the route and providing a clear definition of public and private ownership. Secondary Roads would take on a semi-formal character with shrub planting to the front of the garden, helping to define public and private ownership. A limited palette of tree species would provide continuity along the Secondary Roads. Tertiary Roads would also take on a semi-formal character and, due to their size, would broadly have a more intimate feel which would be enhanced through shrub planting and incidental tree planting. Properties fronting the Public Open Space would typically have an open character and an informal style.

7.4 The layout has undergone several design iterations following discussions with the Urban Design Officer and in response to consultee responses. The main changes include:

- The landscape buffer to the south has been increased in size.
- The apartment buildings have been reconsidered in terms of their height, orientation, positioning and

detailed design;

- Three storey development has been removed from the proposals;
- Increased linkages through the eastern side of the development scheme.

7.5 The Urban Design Officer raised initial concerns relating to a number of strategic and finer grained issues including the following:

- The reduced quantum of open space to the southern edge which is intended to provide an appropriately sized spatial and visual break between the development and the adjacent AONB
- This development edge has also become a fairly strong linear urban feature which would exacerbate the visual impact on the wider landscape setting.
- While the overall DPH of the development is not necessarily inappropriate, there is an impression of the scheme being inappropriately dense which creates a sense of over-development. In large part, it is considered that this is due to inadequate separation between individual buildings (which in many parts of the site are relatively large and would traditionally have been provided with a more generous plot/building ratio, this is particularly the case in the eastern half of the site).
- Much more 'greening' of the secondary and tertiary routes would bring significant benefit to the overall character of the development itself, but would also help alleviate the real, and substantial visual impact that this development would have on its wider setting.
- The location of housing would compromise the potential of the central area of POS to function as a 'green heart' to the scheme.
- The apartment blocks on the southern edge of the development are likely to exert an inappropriate visual impact on the wider landscape setting due to their architectural qualities of scale and massing, and it is considered that these units should be relocated to a more internal position within the development.
- The location of the 2.5 storey units do not appear to support the wider hierarchy and legibility of the scheme and would be better relocated to accentuate important junctions or vistas within the scheme.

7.6 Following these initial concerns and further discussions with the Urban Design Officer additional revisions have been made to the layout which address some but not all of the concern raised. In summary:

- Some properties still do not front the focal green space,
- The integral units still create a very dense appearance as the massing and building line is not broken up by garages. This is an issue throughout the scheme but particularly on the western and southern boundary. The general appearance of the detached units is also particularly unattractive as they have a bulky massing and the garage is set forward of the main building line intruding into the street scene.
- The primary street now has a good sense of rhythm and formality and is distinguishable from the secondary routes.
- Boundaries are now defined with low walls/ railings or hedges to help define the building line and reinforce the formal character in the Primary street.
- The secondary streets are somewhat less formal but this does not appear to be by design, there is little rationale behind the arrangement of units types.
- There are still very large areas of frontage parking to serve the terraced units but also the integral detached units, this will have a detrimental impact on the appearance of the street scene as it will appear overly car dominated.
- There are still a lot of 4 bedroom units with only 1 parking space (excluding the garage). There are concerns that there is insufficient car parking for the dwellings as well as insufficient visitor parking. This would result in anti-social parking that dominates and blocks the street making it difficult for pedestrians and cyclists as well as prams and wheelchair users to safely negotiate the street. It would be useful to delineate where parking on street is possible.
- The structure of the masterplan corresponds with and does not detract from the context of the wider masterplan for Leckhampton.
- Overall the block structure and street hierarchy of the masterplan is considered to be acceptable. It is still felt however, that with the current mix the scheme appears too dense, with the exception of the open space to the south the green corridors to the west and east appear squeezed and there is a lack of variety to the density and house types which would go towards creating a sense of character.

7.7 As detailed above, changes have been to the design and layout of the proposed development to address concerns raised by the Urban Design Officer. Whilst it is disappointing that other suggested improvements have not been made, the scheme is not considered to be so poor in design terms to justify refusal.

8.0 Accessibility and Highway Safety

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

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

8.3 A comprehensive Transport Assessment (TA) has been prepared which examines in detail the transport effects of the proposed development on the existing transport system and provides the basis for the assessment. The significance of the effects of the proposed development has been considered in respect of the following subject areas:

- Severance
- Driver Delay
- Pedestrian Delay
- Pedestrian Amenity
- Fear and Intimidation
- Accidents and Safety

In order to establish existing traffic levels on the highway network surrounding the site, Automatic Traffic Counts (ATCs) and junction turning counts and queue length surveys were undertaken by an independent specialist survey company. Further traffic data was obtained from Gloucestershire County Council. The queue length surveys showed that there is existing queuing and delay at the A46 / Leckhampton Lane and A46 / Moorend Park junctions in both the AM and PM peak hours. Collision data did not point to any existing highway safety issues which required more detailed examination. The assessment concludes that during the construction phase of the proposed development, the effects of construction traffic will be minor adverse. The development during its operational phase would give rise to an increase in travel demand but it concludes that the additional demand through the implementation of mitigation measures would be safely and satisfactorily accommodated on the local transport network. The TA concludes that the overall residual effect of the proposed development in transport terms would be likely to range from Minor to Major adverse, or beneficial where mitigation measures have a wider benefit. In the interests of sustainability, measures to encourage walking, cycling and public transport and to mitigate the additional travel demand as well as generally improving the surrounding transport infrastructure are also proposed.

8.4 A Transport Update Statement has also been submitted which confirms that no further assessment of the A417/A46 junction is required as the Farm Lane development proposals would not have a severe impact on the junction's operation. An addendum to the TA includes an updated analysis of the collision data, revisions to the site access arrangements and further analysis of the junction capacity modelling. Revisions to the site access arrangement have been made following discussions with County Highways (CH) which allow for the safe movement of HGVs and for the provision of a widened "spine road" through the site to facilitate a potential future bus route as requested by CH. Traffic Calming Schemes for Church Road and Leckhampton Lane to help to discourage traffic from using these routes are proposed. An S-Paramics micro-simulation traffic model was built of the A46 / Leckhampton Lane junction to better represent the operation of the junction to establish the likely impact that additional traffic from the proposed Farm Lane development would have on queuing and delays, in particular delays to bus services operating along the A46. An updated traffic count and queue length survey of the junction has been undertaken to help inform the S-Paramics model for both the AM and PM peak periods. The resultant report shows that the additional traffic from the proposed development would result in slight increases to queues and delay at the junction on both the A46 northbound and Leckhampton Lane approaches, although this was shown not to have any material impact on journey times of bus services on the A46 in either the AM or PM peak periods.

8.5 Highways England (HE) provide advice on the impact of developments on the strategic road network, in this case the A46 and County Highways (CH) consider the impact of the development on the local road network. Following the Transport Update HE no longer raises any objection to the application. Discussions are however still on-going with CH with updated Paramics modelling being provided and parking survey work on Church Road being undertaken now that the school traffic is back. The agent has also advised that the highways S106 is all agreed but that this may vary following the Church Road parking survey in respect of the required bus contribution. The formal comments of CH are awaited and /b Members will be updated at Committee.

8.6 In conclusion, the NPPF states "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe". Both the HA and CH consider that this development would not have a severe impact on the strategic and local highway network and that the development would be accessible by sustainable transport modes. Nevertheless, discussions are still on-going with CH in respect of the impact of additional traffic on queues and delay at the junction on both the A46 northbound and Leckhampton Lane approaches, internal road layout and traffic calming measures.

9.0 Residential Amenity

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

9.2 The site adjoins development to the North, known as 'The Lanes'. Land levels also vary on the site with differences ranging from between 1 metre to nearly four metres. Initial concerns were expressed about the impact of the proposed development on the amenity of these properties and amended plans have been submitted which provides for an improved layout with an increased buffer zone and landscape strip. Sectional details have also been provided which demonstrates that the relationship with these adjoining properties would now be acceptable.

10.0 Noise/Air Quality

10.1 The NPPF states at paragraph 120 that to prevent unacceptable risks from pollution, planning decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. In respect of air quality it advises that planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality management areas (AQAMA), and the cumulative impacts on air quality from individual sites in local areas.

10.2 Local Plan Policy EVT3 provides that new development should be sited away from sources of noise and planning permission should not be granted for development where noise would cause harm and could not be ameliorated. Policy SD15 of the JCS (Submission Version) also seeks to protect health and improve environmental quality. These policies are considered to be consistent with the NPPF and are therefore afforded significant weight.

10.3 A noise survey has been undertaken in order to measure the noise impact from road traffic using Leckhampton Lane and Farm Lane. This assessment has shown that noise levels generated by construction activities should meet the adopted criteria noise level for construction noise with appropriate noise mitigation measures implemented. Vibration levels generated by construction activities have also been calculated for the closest off-Site vibration sensitive receptors around the site. It has been identified that where mitigation measures are adopted and included within the development of the construction methodologies, groundborne construction vibration levels can be controlled such that any significant effects would be temporary and for short durations only. The noise impact from vehicles using Leckhampton Lane and Farm Lane have been considered upon the closest proposed noise sensitive receptors. The assessment has shown that, following implementation of appropriate noise mitigation measures or strategic layout of internal habitable rooms, noise levels within habitable rooms and external amenity space should meet the adopted noise criteria levels. Analysis of the predicted change in road traffic noise levels, brought about by the development generated vehicle movements on local roads surrounding the site, have yielded a negligible impact. The Environmental Health Officer has recommended conditions in respect of noise mitigation measures, lighting and a construction management plan to protect the amenity of nearby residential properties.

10.4 In terms of Air Quality it is recognised that the development has the potential to cause air quality impacts at sensitive locations. These may include fugitive dust emissions from construction works and road vehicle exhaust emissions associated with traffic generated by the proposals. Potential construction phase air quality impacts as a result of fugitive dust emissions have been assessed and suitable mitigation techniques have been identified and, assuming these are implemented, impacts from construction activities are not considered to be significant. Dispersion modelling has been undertaken in order to predict air quality impacts as a result of road vehicle exhaust emissions associated with traffic generated by the development during the operational phase. Impacts were not predicted to be significant at any sensitive location within the vicinity of the site. The Environmental Health Officer is in general agreement with the methodology used and the conclusions of the assessment and as such considers that no specific mitigation measures are necessary.

11.0 Affordable Housing

11.1 Local Plan Policy HOU13 provides that the Council will seek to negotiate with developers to provide affordable housing and is supported by an Affordable Housing Supplementary Planning Guidance (SPG) which was adopted by the Council in August 2005. Policy SD13 of the JCS Submission Version November 2014 specifies a requirement for 40% affordable housing and as identified above, this site forms part of a strategic allocation where 40% affordable housing would be expected to be provided to accord with the emerging JCS requirement to meet the future needs of the borough.

11.2 The applicant proposes 35% (130 units) affordable Housing, of which 50% would be social rented and 50% shared ownership. An Affordable Housing Statement has been submitted with the application which sets out the relevant policy framework and advises that a key part of the evidence base is the Strategic Housing Market Assessment (SHMA), which should underpin the Objectively Assessed Need (OAN) for housing. The SHMA (March 2014) forms part of the evidence base for the JCS which it is argued is a material consideration as it provides the only OAN for affordable housing at this stage. The SHMA states Cheltenham's OAN for affordable housing as 25% of total housing need and Tewkesbury's OAN for affordable housing is 26% of total housing need. Whilst the emerging JCS policy SD13 requires 40% affordable housing, it is argued that this policy, which has yet to be independently examined, can only be afforded limited weight in the decision making process, not least because it is the subject of un-resolved objections. It is also argued that the adopted local plan policy is dated and the corresponding guidance that supplements it is equally out of date. The applicant argues that a policy compliant scheme would be 30% provision, but the proposed development makes 35% provision having regard to the emerging policy and other recent decisions which also required 35% provision.

11.3 The Council's Strategic Housing & Enabling Officer (HEO) has commented that no evidence or viability work has been presented by the applicant that demonstrates the development cannot achieve the required 40%. In response to the applicant's arguments the HEO advises that this site forms part of a Strategic Allocation (A6) in the emerging JCS and on the adjacent Miller/Bovis scheme 40% affordable housing provision has been agreed. Other developments have secured 40% provision including the strategic allocation (A4) at North Brockworth. The Council's SPG identifies this site as an allocated site and the 30% will not achieve the Council's current housing needs as detailed in the JCS 2011-2031 which requires a 40% provision as per the evidence base (Housing Background Paper) in order to meet current and future housing numbers. As such the HEO objects to the application and has also raised a number of concerns relating to the proposed tenure mix and type of housing.

11.4 In conclusion, whilst the applicant proposes 35% affordable housing, Policy SD13 of the emerging JCS requires a provision of 40% on this strategic allocation site (A6) in order to meet current and future housing needs. As such this matter remains unresolved and negotiations are still on-going.

12.0 Flood Risk and Drainage

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

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

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

12.4 A Flood Risk Assessment (FRA) has been submitted which identifies that the site lies within Flood Zone 1 and as such is not at risk from flooding from fluvial sources. It identifies that there is some risk of flooding of parts of the site in extreme rainfall by surface water due to the general absence of watercourses except on the western and northern boundaries of the site. It concludes that disposal of rainwater from the development would be straightforward given the presence of two watercourses on controlled land at the lowest points on site, at its northern end, favourable gradients through the site and the relatively low density of the development. A SuDS based scheme based around a balancing pond would be agreed that meets or exceeds all relevant specifications. The ES Chapter on Flood Risk, Hydrology and Drainage also identifies the likely impacts of the proposed development upon existing hydrology and drainage systems. It considers potential impacts on surface water drainage systems, foul sewers, groundwater and water quality. Following survey work the report concludes that the effects of development before mitigation are typically minor adverse to negligible. Surface water drainage, Sustainable Drainage Systems (SuDS), flow attenuation, control of pollution systems, swales would protect the proposed development from overland flow, and a flood bank and ditch could be built to control water movement.

12.5 Leckhampton and Warden Hill Parish Council has raised concerns on the proposed flood control and drainage strategy as have many local residents (see representations section above). The EA has commented that the provision of bunds (as proposed to the North West of the site) to redirect overland flows into the attenuation feature is not considered the most sustainable solution and that the attenuation pond could introduce a residual risk to existing neighbouring properties at Brizen Lane. It recommends that these issues are considered by the local Flood Risk Management Officer (FRMO). The EA does confirm however, that the FRA shows that the site would attenuate to a 1 in 100 year standard, including an allowance for climate change which accords with the guiding principles of the NPPF and NPPG. Advice is also provided in respect designing for exceedance.

12.6 The submitted Drainage Strategy and Hydraulic Foul Water Sewer Capacity Assessment shows all foul sewage would be pumped to the public foul sewer and that all surface water is proposed to discharge to an existing ditch course. Based upon these proposals STW has confirmed that they have no objections to the proposed drainage scheme. In respect of the proposed SuDS scheme the agent has also confirmed that provision for long-term maintenance would be via a private management company, details of which could be secured by way of condition.

12.7 In light of the above, it is considered that the site is at a low risk of flooding and would not increase the risk of flooding to third parties. However, at the time of writing this report, a formal response has not been received from the Council's Flood Risk Management Officer in relation to the proposed drainage strategy. **An update will therefore be provided at Committee.**

13.0 Open Space, Outdoor Recreation and Sports Facilities

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

13.2 In accordance with these policies, the proposal would generate a requirement for 2.08ha of open space of which 1.4ha should be playing pitches. As detailed above, this development is however, part of a wider strategic allocation where the majority of the strategic open space including an informal kick-about area, allotments, community orchard and children's play areas will be provided.

13.3 The submitted DAS identifies four components to the proposed open space which are:

- 1 Central Green with a Locally Equipped Area for Play (LEAP)
- 2 Linear Park at the southern edge
- 3 Attenuation Lagoon
- 4 Farm Lane Woodland

These 4 components would provide approximately 3.1ha of open space with the largest area being the linear park providing an area of approximately 1.5ha. In addition to the open space to be provided on site, the Council's Community and Economic Development Manager has advised that the following contributions would be required:

- £651, 891 towards off-site playing pitches and pitch provision. In this respect improvement to playing pitches and infrastructure in the vicinity of the site is recommended.
- £149,467 contribution for nearest accessible public pool - Brockworth Sports Centre
- £20,475 contribution for artificial pitch at Bournside Sports Centre - nearest artificial pitch
- £192,722 contribution for sports hall at Bournside Sports Centre - nearest sports hall
- Provision of LEAP/natural play on-site

13.4 The applicant has indicated their agreement to pay the requested contributions and it is not considered that the determination of this application would prejudice infrastructure delivery in relation to public open space or sports provision associated with the wider strategic development. The proposed contributions would also address the concerns raised by Sports England on the provision of playing pitches and built sports facilities to serve this development.

14.0 Community, Education and Library Provision

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

14.2 Gloucestershire County Council (GCC) has considered the impact upon, and necessary mitigation, for the provision of pre-school / early years, education and library services. GCC have expressed concern about phasing and delivery of the required new Primary School to serve the strategic allocation as the provision of the primary school on the main site remains the preferred approach, but in the event that the Farm Lane scheme is delivered in advance of the appeal scheme, then they have confirmed that an education contribution would be sought. The Farm Lane development which proposes approximately 370 dwellings, of which 340 would be qualifying for S106, would equate to roughly 85 primary aged children, approximately 12 children per year group. This equates to just under 0.5FE and having spoken to local schools, GCC has confirmed that there is provision for a 0.5FE expansion to serve the needs of the families moving to the new development. Such an expansion would be secured via a S106 agreement. GCC has also confirmed that additional funding would be found for the new primary school on the wider strategic site, if necessary at the time of its delivery, and therefore this development would not prejudice that new school being delivered. As such GCC confirm that they are in a position to support this application.

14.3 In terms of health facilities, the Bovis/Miller proposals on the wider strategic allocation includes provision of a new health centre/doctor's surgery within the 'local centre'. The proposed development at Farm Lane would make an appropriate contribution towards delivery of this facility. The agent has also advised that they have looked into local health provision and latest data from the NHS on the local surgeries to the site. This data identifies that all of the surgeries are currently inviting new patients and therefore they conclude that there is no apparent capacity issue that would arise in the transitional period between the Farm Lane development and delivery of a new facility on the strategic site. They also consider that a good proportion of home buyers would be registered to a surgery in Cheltenham already and that it is reasonable to conclude that there would be no obvious shortfall in local health provision for the proposed development and its new residents which are not already registered to a local surgery.

14.4 Some local residents have queried the agent's comments on health facilities and consider that the surgeries serving the community are operating very close to capacity and a Practice Manager at a local surgery has confirmed that it would struggle with any significant increase as would another local surgery. The views of NHS England on this matter are awaited and **Members will be updated at Committee.**

14.5 The Council's Community and Economic Development Manager has advised that based on calculation using the Gloucestershire Infrastructure Delivery Plan assessment formula, £207,045 is required for off-site community buildings.

14.6 In terms of the need for other community facilities, the Gloucestershire Constabulary has advised that the proposed development would impact on local policing and would require mitigations. A total policing contribution of £104,954 is requested and it is considered that such an obligation would be CIL compliant and could be secured by way of an S106 agreement. The applicant has indicated their agreement to pay the requested contribution.

15.0 Gypsy and Traveller provision

15.1 The JCS Submission Version November 2014 sets out the preferred strategy to help meet the identified level of need for gypsy and traveller provision over the JCS area to 2031. It states that there will be a requirement for the provision of 151 permanent pitches for Gypsies and Travellers. Of these, 147 pitches relate to communities that currently reside in Tewkesbury Borough. Paragraph 4 of policy SA1 of the JCS Submission Version sets out the preferred strategy for meeting this need, which is through the strategic allocations. It states that proposals for the strategic allocations will be required to demonstrate how the provision of new gypsy and traveller sites will be incorporated into such development proposals.

15.2 The current application does not include on-site gypsy provision, and the applicants have indicated that they do not consider it appropriate to include such provision within this site. To establish the amount of pitches this development should contribute, the proposal for 369 dwellings has been taken as a percentage of the total number of new homes to be provided over the JCS plan period (31,040 homes), which equates to 1.2%. 1.2% of the overall gypsy pitch need across the JCS area (151 pitches) equates to approximately 2 pitches, which is considered to be the level that this development should reasonably contribute towards.

15.3 Discussions with a local housing association, who have recent experience of delivery gypsy sites, have indicated that the cost per pitch (excluding land costs) is approximately £99k, which with HCA grant funding reduces the cost of each pitch to approximately £57k. This involves each pitch comprising of 225 sqm, a day room of 36 sqm and associated drainage, fencing and landscaping etc. On this basis, 2 pitches at £57k would equate to a total contribution of £114k. Through negotiation, the applicants have agreed to provide a financial contribution towards the future delivery of gypsy pitches within the JCS area in order to satisfy the requirements of emerging policy SA1.

16.0 Archaeology and Cultural Heritage

16.1 The NPPF advises that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

16.2 Heritage assessments of the site have established that there are no Scheduled Monuments, Historic Parks and Gardens, or Registered Battlefields on or close to the site. The site has also been subject to archaeological desk-based assessments which indicated that the site had potential to contain buried archaeological remains of late Prehistoric and Roman date, but that these were unlikely to be of national importance. This potential was further re-enforced by the results of recent geophysical survey and trench evaluation on the site which demonstrated that while there are some significant concentrations of archaeological features and finds that indicate settlement during the Iron Age, and possibly the margins of settlement during the Roman period, much of the site is taken up with extensive agricultural enclosures (fields or paddocks) of Roman date, with some more open and empty areas to the east. Based on these results the County Archaeological Officer (CAO) raised no objection in principle to the development of the site subject to an appropriate programme of work to excavate and record any significant archaeological remains prior to the commencement of any development. The applicant has chosen to commence this programme of work which is now almost complete. These works have found a number of areas containing later prehistoric and Roman settlement remains and more recently a significant new discovery of three Roman burials strongly suggesting that a Roman cemetery is present. The CAO has recommended that the area containing the burials should be extended so as to allow a fuller investigation and this work is on-going. The CAO now recommends that a condition is attached to any permission granted to secure the completion of the archaeological investigation which is currently underway. The programme of archaeological work would need to include completion of the site investigation followed by the analysis of the records and finds arising from the archaeological investigation and the compilation of an appropriately detailed report on the results.

16.3 The Cultural Heritage Assessment identifies that three listed buildings lie within closer proximity to the an agricultural barn, Leckhampton Farm House and Brizen Farmhouse. The hedgerows on site also meet the criteria for statutory protection as Important Hedgerows under the Hedgerow Regulations being hedges that

are 'an integral part of a pre-1845 field system'. The Assessment concludes that none of the heritage assets would experience 'substantial harm' in National planning Policy Terms. The scheduled monument at Church Farm Leckhampton would experience no harm arising out of the development. The listed buildings at Leckhampton Farm Court, comprising Leckhampton Farmhouse and the Barn would experience temporary moderate and permanent moderate / minor adverse effects arising out of impacts to their wider setting and likely to require moderate development scheme benefits to balance the harm. The listed building at Brizen Farm would experience temporary moderate / minor adverse impacts during the construction phase but no residual effect from the development. The moderate / minor adverse effects arising out of the impacts to the physical form and setting of the Important Hedgerows would require moderate development scheme benefits to balance the harm.

16.4 Historic England (HE) has commented that they do not consider that the Cultural Heritage and Landscape and Visual Impact Assessments forming part of the ES provide sufficient evidence to understand the impact of the proposal on the significance of any heritage assets and their setting and as such does not meet the requirements of the NPPF. HE also note that the Cultural Heritage assessment does not present any assessment of cumulative impacts. In light of these comments the applicant has submitted a further Built Heritage Assessment. This assessment concludes that the site is not a critical element of setting or significance for any of the identified listed buildings and that some low level of less than substantial harm may arise as a result of the proposed development on the three listed buildings in close proximity to the site. With regards to other listed buildings, the assessment concludes that the impact is likely to be negligible. HE has indicated that it was not necessary to re-consult them on any further information provided but nevertheless their views have been sought and **Members will be updated at Committee if any further comments are received.**

16.5 The Council's Conservation Officer (CO) has reviewed the Built Heritage assessment is document and agrees with its assessment of the impact of the scheme. The majority of listed buildings in the vicinity lie within Leckhampton parish, outside the Borough, and the geographical separation and lack of intervisibility mean the impact on their settings is likely to be minimal. Of the listed buildings in closer proximity, Leckhampton Farmhouse and its associated barn (both Grade II) have been subsumed within the recent Leckhampton Farm Court development and their immediate setting is dominated by this introverted residential cluster. The presence of the application site to the west of Farm Lane is a largely incidental relationship, and although its development will change the character of the Leckhampton Farm Court's setting to some extent, any harm is likely to be less than substantial. Much the same applies to the Grade II Brizen Farmhouse, some 175m to the north and the only listed building affected within the Borough: its relationship to the application site is fairly tenuous and any intervisibility has been severed by the intervening salient of modern housing along Brizen Lane. The development will change the character of its wider setting in as much as it represents further urbanisation, but this is continuation of a process which has already begun, not least around Brizen Lane, so again it is considered that it would be difficult to argue that the current proposal amounts to further, substantial harm to the historic environment. As such the CO raises no objection to the application.

17.0 Ecology and Nature Conservation

17.1 The NPPF sets out, inter alia, that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by encouraging opportunities to incorporate biodiversity in and around developments. Furthermore, planning permission should be refused for development resulting in the loss of deterioration of irreplaceable habitats. Policy NCN5 of the local plan and Policy SD10 of the JCS (Submission Version) seeks to protect and, wherever possible enhance biodiversity, including wildlife and habitats.

Detailed surveys have been carried out for the following categories of flora and fauna:

- Hedgerow Surveys
- Badger Survey
- Breeding Bird Survey
- Dormouse Survey
- Reptile Survey
- Bat Survey
- Great Crested Newt Survey

17.2 There is one internationally designated site within 5km of the site boundary, namely Cotswold Beechwoods Special Area of Conservation (SAC), located 4.6km to the south. The SAC is also designated as Cotswold Common and Beechwoods Site of Special Scientific Interest (SSSI) and National Nature Reserve (NNR). There is one nationally designated site within 2km of the Application Site, which is

Leckhampton Hill and Charlton Kings Common SSSI located 1.2km to the south east. Non-statutory sites are referred to as Key Wildlife Sites (KWS) within Gloucestershire. There is one KWS within 2km of the site, namely Shurdington Grove KWS located 1.2km to the south west. The site is dominantly sheep grazed, species poor, semi-improved grassland. In the north west of the Application Site is an area of damper ground where hard and soft rush is present. The poor semi-improved grassland is a common and widespread habitat in the locality and does not support a diverse or notable flora. The ecological report concludes that it is of negligible ecological value.

17.3 The site offers some foraging habitat for badgers but this is commonplace in the surrounding area. There was no evidence of badgers recorded on the site when surveyed. In respect of Bats, low levels of activity were recorded on the site and largely by common species. Although some rare species were recorded these were in low numbers and only occasional passes. Survey work confirmed the presence of 31 bird species of which 10 were confirmed breeding within the site. Several of those breeding species are declining, but they are all widespread. In summary it was found that the bird assemblage at the site was of no more than local ecological value. No adult Great Crested Newts (GNT) were recorded within any of the ponds surveyed, although GCN eggs were recorded in a pond 850m to the east of the site. Common toad were recorded breeding in a pond 170m to the south of the site. The grassland on the site offers very poor value terrestrial habitat for amphibians, while the hedgerows and tree lines offer potentially good terrestrial habitat. However given the lack of presence of GCN within the pond within the site or those within 500m, it is considered highly unlikely that GCN would be present. No other amphibians were recorded within the pond on the site and no reptile species were recorded. The ecological report concludes that owing to the distances involved, no direct or indirect impacts to any statutorily or non-statutorily designated sites are anticipated as a result of the construction phase of the Proposed Development. Inevitably the proposed development would result in some habitat loss; however this is, as far as possible, restricted to features of negligible or low ecological value. With appropriate mitigation and enhancement the report concludes that there should be no significant adverse residual effects and there should be a biodiversity gain.

17.4 In response to local concerns raised about the need for more up to date surveys the applicant has advised that whilst data from some surveys are more than 3 years old, there is either no prospect that some species or groups would have colonised the site, or else a strategy is described within the ES that either protects those protected or valuable ecological resources that were identified, or recommends update work prior to construction. It is therefore considered that update surveys are not necessary and that sufficient information, in respect of ecology, has been provided with which to determine the application.

17.5 In terms of the revised plans and additional information provided Natural England and has raised no objection in respect of the likely impact of the proposed development on Sites of Special Scientific Interest and no longer raises any concerns relating to the Cotswolds AONB. In terms of protected species it refers to its standing advice. It advises that the authority should consider securing measures to enhance the biodiversity of the site if it is minded to grant permission.

17.6 In light of the above, there is no evidence to suggest that there are any overriding ecological constraints to the development of the site for residential purposes. The proposals would deliver biodiversity enhancements which could be secured through appropriate planning conditions.

18.0 Comprehensive development and Prematurity

18.1 As detailed in the policy section above, this site is allocated for housing in the local plan and is covered by Policy SD2 which supports proposals for a comprehensive scheme that makes appropriate contributions toward community facilities, education, infrastructure, recreational open space, pedestrian and cycle access, public transport provision and a landscaping scheme. Furthermore, Policy SD2 states that permission would not be granted prior to the site's identification as an appropriate location for strategic development through the RSS process (Now superceded by the JCS process. This site comprises part of the proposed urban extension to the south of Cheltenham (A6). Policy SA1 seeks to ensure that such sites are developed in a comprehensive manner to ensure that the development will integrate with and complement its surroundings in an appropriate manner.

18.2 The NPPG provides that prematurity is unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the NPPF and any other material considerations into account. It advises that such circumstances are likely to be, but not exclusively, to be limited to situations where both:

a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location

or phasing of new development that are central to an emerging local plan or Neighbourhood Planning and b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

18.3 It is considered that the emerging JCS is at an advanced stage and as detailed in the planning history section, an appeal was dismissed in 2009 for outline planning permission for the erection of 360 dwellings on this site on the grounds that it would prejudice the development of the urban extension and especially the infrastructure necessary to achieve a high quality development. To address this issue the applicant has submitted an illustrative masterplan for the wider urban extension which accords with that submitted for the outline application within CBC and the agreed illustrative masterplan developed through joint working of the developers. The illustrative masterplan demonstrates the agreed:

- developable parcels;
- areas for open space, allotments, kick about area and community orchard;
- community facilities;
- local centre;
- land for a new primary school;
- network of equipped play areas through the strategic site;
- access arrangements including bus, cycle and pedestrian linkages through the site and to the existing network;
- retained green infrastructure including trees and hedgerows; and
- location for balancing ponds for SUDS schemes.

18.4 The agreed illustrative masterplan is considered to be consistent with the objectives and requirements of emerging JCS Policy SA1. The applicant has also advised that the developers have agreed an Access Plan Masterplan indicating a comprehensive network of footpath and cycle routes through the strategic site providing links to recreation open spaces, bus stops and the wider footpath network. **Copies of these masterplans will be displayed at Committee.**

18.5 A Statement of Comprehensive Development has also been submitted, which sets out the proposed infrastructure delivery, as detailed in the relevant sections above. This demonstrates that requirements relating to education, health, community, sport and open space facilities for this site and the wider strategic allocation could be secured through a suitably worded S106 agreement but negotiations on some of these contributions are still on-going and **Members will be updated at Committee.**

19.0 Other matters

Public right of way

19.1 Guidance on public rights of way advises that in considering potential revisions to an existing right of way that are necessary to accommodate planned development, any alternative alignment should avoid the use of estate roads for the purpose wherever possible and preference should be given to the use of made up estate paths through landscaped or open space areas away from vehicular traffic.

The existing public right of way would be retained with some change in its alignment due to the proposed development. New footpaths and cycleways would also be added including linkages to routes outside the site. The majority of the existing vegetation lines would be retained and enhanced to create green corridors. County Highways has advised that the Public Right of Way must not be built on or obstructed and any damage to the Highway must be made good, If the applicant cannot guarantee the safety of the path users during the construction phase then it is advised that they should apply to County Highways to arrange a temporary closure of the right of way for the duration of the works. A note is recommended to this effect.

Local Green Space

19.2 The Parish of Leckhampton and Warden Hill has submitted to Cheltenham Borough Council (CBC) and this Council their ' Neighbourhood Planning NPPF Concept Plan and Local Green Space (LGS) application' for the purposes of 'making a positive input into the JCS on the current strategic site allocation and to contribute to the process of updating the CBC and Tewkesbury Borough local plans to be NPPF - compliant.'

19.3 As detailed in the representation section above, a concern has been raised by Leckhampton and Warden Hill Parish Council, LEGLAG and many local residents that the LGS application should have been considered as part of the JCS plan making process and that a decision on this application would be premature until the JCS has been approved. To support this view an additional 400+ postcards regarding a formal application for Local Green Space (LGS) in relation to this application has been received by the Planning Policy section. The postcards indicate support for the Local Green Space application, concern

regarding development generally, infrastructure capacity concerns, desire to protect undeveloped land and the retention of open areas.

19.4 The emerging JCS considered that whilst there is clearly a strong need for strategic green infrastructure and effective and useful green and amenity space as part of the development, these requirements do not outweigh the value of a sustainable urban extension to this part of Cheltenham. Consultation has been carried out on both CBC and the Borough's local plan on areas for local greenspace protection. Such protection would form part of these local plans. The land subject of these representations is, as set out above, an existing Local Plan allocation in the Local Plan. The NPPG advises that LGS designation would rarely be appropriate where the land has planning permission for development. Whilst not specifically referred, it is reasonable to expect that a LGS designation allocation would also rarely be appropriate for an existing residential site allocation.

19.5 It is also interesting to note that the reason for refusing development on the adjoining land, on the grounds that it would be premature in advance of consideration of the LGS application, is no longer being pursued by Cheltenham Borough Council at a forthcoming appeal, following legal advice. In conclusion, the application must be considered on its own merits and according to the Development Plan and all other material considerations including the advice in the NPPF and the weight given to emerging development plan documents such as the JCS.

20.0 Overall Balancing Exercise

20.1 The application site is allocated for housing (Policy HOU1) in the Local Plan. Nevertheless this policy is out of date in the context of the NPPF because the Council cannot demonstrate a five year supply of deliverable housing sites. The NPPF therefore requires that the Council considers applications for housing in the context of a presumption in favour of sustainable development as set out at paragraph 49 of the NPPF.

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

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

20.4 With regards to the social dimension, it is considered that the proposal would achieve a good mix of housing and would deliver much needed affordable housing. The proposal would be of an acceptable design and would include provision of public open space. It must also be recognised that through a Section 106 Agreement, developer contributions would provide for education and library facilities, improved recreational facilities, open space and playing pitches, health and community facilities and improvements to public transport. These benefits in combination carry substantial weight in favour of the scheme.

20.5 With regards to the environmental dimension, the proposed development would intrude into open agricultural land and would be viewed from various public vantage points including public rights of way within the nearby Cotswolds AONB. The site is however allocated for housing in the local plan and emerging JCS given the need for new housing and its sustainability credentials as it is located close to the urban area of Cheltenham where new housing is needed and where it can benefit from the existing and enhanced sustainable transport network. Nevertheless, there would be a landscape impact which would constitute harm in terms of the environmental sustainability of the proposal. The development would also result in the loss of 15 ha of moderate quality farmland. This development would result in less than substantial harm to the settings of listed buildings in close proximity to the site and negligible impact on other listed buildings.

20.6 The proposed development would not be at an unacceptable risk of flooding and would not exacerbate flooding problems for third party property. The development would not have an unacceptable impact in terms of contamination of land or soil and would not raise any air quality issues. Any potential noise issues could be addressed by the imposition of appropriate conditions. In terms of ecology and nature conservation, it has been demonstrated that the development would not have a detrimental impact upon biodiversity.

20.7 In terms of prematurity it has been demonstrated that this development would not prejudice the development of the wider strategic allocation at South Cheltenham/Leckhampton as proposed in the emerging JCS including the necessary infrastructure through an appropriately worded S106 agreement.

20.8 The NPPF sets out at paragraph 14 that in the context of the presumption in favour of sustainable development, proposed development that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out-of date, permission should be granted unless, inter alia, any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

20.9 Whilst the proposal would result in harm to the character and appearance of the area it is concluded that the identified harm would not significantly and demonstrably outweigh the benefits of the proposal and the scheme represents sustainable development for which there is a presumption in favour.

21.0 Conclusion

21.1 The proposed development accords with Local Plan Policies HOU1 and SD2 and is identified for housing as part of the wider strategic allocation at South Cheltenham/Leckhampton (A6) in the emerging JCS. The Council cannot at this time demonstrate a 5 year supply of deliverable housing sites. For the reasons set out above, it is considered that subject to securing the required contributions towards Affordable Housing, Education, Up Hatherley library, health and community facilities, outdoor recreation and sports facilities and public transport the proposal represents sustainable development.

21.2 It is therefore recommended that permission be delegated to the Development Manager subject to the formal comments from County Highways and required highway conditions/contributions and the completion of negotiations for a Section 106 Agreement to secure the following planning obligations:

- Affordable Housing - 40% provision.
- Library - £ 73696 towards Up Hatherley Library.
- Pre-school - £274,177
- Primary Education - £979,205
- Secondary Education - £896,058
- Sports facilities - £362,664 towards sports facilities at Brockworth Sports Centre (nearest accessible public pool) and Bournside Sports Centre (nearest artificial pitch and sports hall).
- Provision of LEAP/natural play on-site
- Community facilities - £207,045 towards off-site community buildings.
- NHS England - To be confirmed.
- Gypsy and Traveller provision - £114, 000
- Policing contribution - £104,954
- Playing pitches and pitch provision - £651,891 towards off-site playing pitches and pitch provision (excludes commuted sum for future maintenance).
- Public Transport - To be confirmed
- Waste and Recycling - £73 per dwelling.
- Dog bins & signs

RECOMMENDATION Delegated Permit

Conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: *To be inserted*
- 3 No development shall take place until details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. The details shall include hard surfaced areas and materials; external lighting; bin storage facilities; planting plans specifications and schedules including plant sizes, species, numbers and densities, proposed and existing functional services above and below ground.
- 4 The hard and soft landscaping works shall be carried out in accordance with the approved details before any part of the development is occupied unless otherwise agreed in writing with the Local Planning Authority. If within a period of 5 years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes in the opinion of the Local Planning Authority seriously damaged or defective, another tree of the same

species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written approval to any variation.

- 5 Tree protection shall be in accordance with BS5837:2012 and the submitted Draft Tree Protection Plan R.0337_11-B.
- 6 Notwithstanding the submitted details, no development shall take place until details of existing and proposed ground levels and ground floor slab levels of the buildings relative to Ordnance Datum Newlyn have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 7 No external construction works, deliveries, external running of plant and equipment or internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1400 on Saturday. There shall be no such working Sundays, Public or Bank Holidays without the prior written permission of the Local Planning Authority.
- 8 No dwelling shall be occupied until a scheme of noise attenuating measures to address internal noise levels has been submitted to and approved by the Local Planning Authority and fully implemented in accordance with the approved scheme.
- 9 No development shall take place until the completion of the archaeological investigation work which is currently underway. The programme of archaeological investigation work shall include completion of the site investigation followed by the analysis of the records and finds arising from the archaeological investigation and the compilation of a detailed report on the results which shall be submitted to and approved by the Local Planning Authority
- 10 Development shall not start until comprehensive evidence based drainage details, including a SuDS/drainage management plan, have been submitted to and approved in writing by the Local Planning Authority. The drainage details shall fully incorporate the principles of sustainable drainage and improvement in water quality, along with a robust assessment of the hydrological influences of the detailed drainage plan, including allowances for climate change. Any infiltration structures must be designed to cope with the 1 in 100 year event, plus an allowance for climate change. The development shall only be implemented in accordance with the approved details and thereafter similarly maintained.
- 11 No development shall take place until foul drainage arrangements have been submitted to and approved by the Local Planning Authority and no dwelling shall be occupied until the foul drainage works have been completed in accordance with the approved plans.
- 12 No development shall take place until an Ecological Management Plan (EMP) has been submitted to and approved in writing by the Local Planning Authority. It shall include a timetable for implementation, details for monitoring and review and how the areas concerned will be maintained and managed. Development shall be in accordance with the approved details and timetable in the EMP.
- 13 Prior to commencement of development a Construction Environmental Management Plan, which shall include the following matters:
 - Site access arrangements
 - The parking of vehicles of site operatives and visitors
 - Loading and unloading of plant and materials
 - Wheel washing facilities
 - Lighting provision
 - Noise level targets and methods of piling
 - Vibration levels at existing residential properties
 - Dust control methodsshall be submitted to the local planning authority and approved in writing. The approved Statement shall be adhered to through the construction period.
- 14 Notwithstanding the provisions of the Second Schedule to the Tewkesbury Borough Council (Nos 252, 293 and 378)Tree Preservation Orders; no trees protected by these Orders shall be felled, lopped, topped, up rooted or wilfully damaged without the prior express consent of the Local Planning Authority.

- 15 At least 10% of the energy demand of the development shall be secured from decentralised and renewable or low carbon energy sources (as described in the glossary to the National Planning Policy Framework 2012). Details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by the LPA as part of the reserved matters submissions required by condition 1. The approved details shall be implemented in accordance with the approved timetable and retained as operational 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 the development permitted is carried out in accordance with the approved plans.
- 3 To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policy LND7 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 4 To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policy LND7 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 5 To protect the existing trees on the site during the course of building work in the interests of amenity in accordance with the NPPF
- 6 In the interests of amenity to accord with the NPPF.
- 7 To ensure that the proposed construction work does not cause undue nuisance and disturbance to nearby properties at unreasonable hours.
- 8 To protect future occupiers within the development from noise to accord with the NPPF and Policy EVT3 of the Tewkesbury Borough Local Plan 2011 - March 2006.
- 9 To make provision for a programme of archaeological mitigation, so as to record and advance understanding of any heritage assets which will be lost, in accordance with paragraph 141 of the NPPF.
- 10 To ensure that the development is provided with a satisfactory means of drainage, as well as reducing the risk of flooding both on the site itself and the surrounding area, and to minimise the risk of pollution, all in accordance with Policies EVT5 and EVT9 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and the NPPF.
- 11 To ensure adequate disposal of foul water drainage in accordance with Policy EVT5 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 12 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.
- 13 In the interests of highway safety to accord with the NPPF and Policy TPT1 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and to protect the amenity of nearby residential properties.
- 14 To ensure that no trees the subject of a Tree Preservation Order are removed or have work carried out to them without the prior express consent of the Local Planning Authority in the interests of visual amenity in accordance with the NPPF.
- 15 To minimise emissions and to ensure a high level of energy efficiency, in accordance with the guidance set out in the NPPF and Policies GNL8 and EVT1 of the Tewkesbury Borough Local Plan to 2011 - March 2006.

Notes:

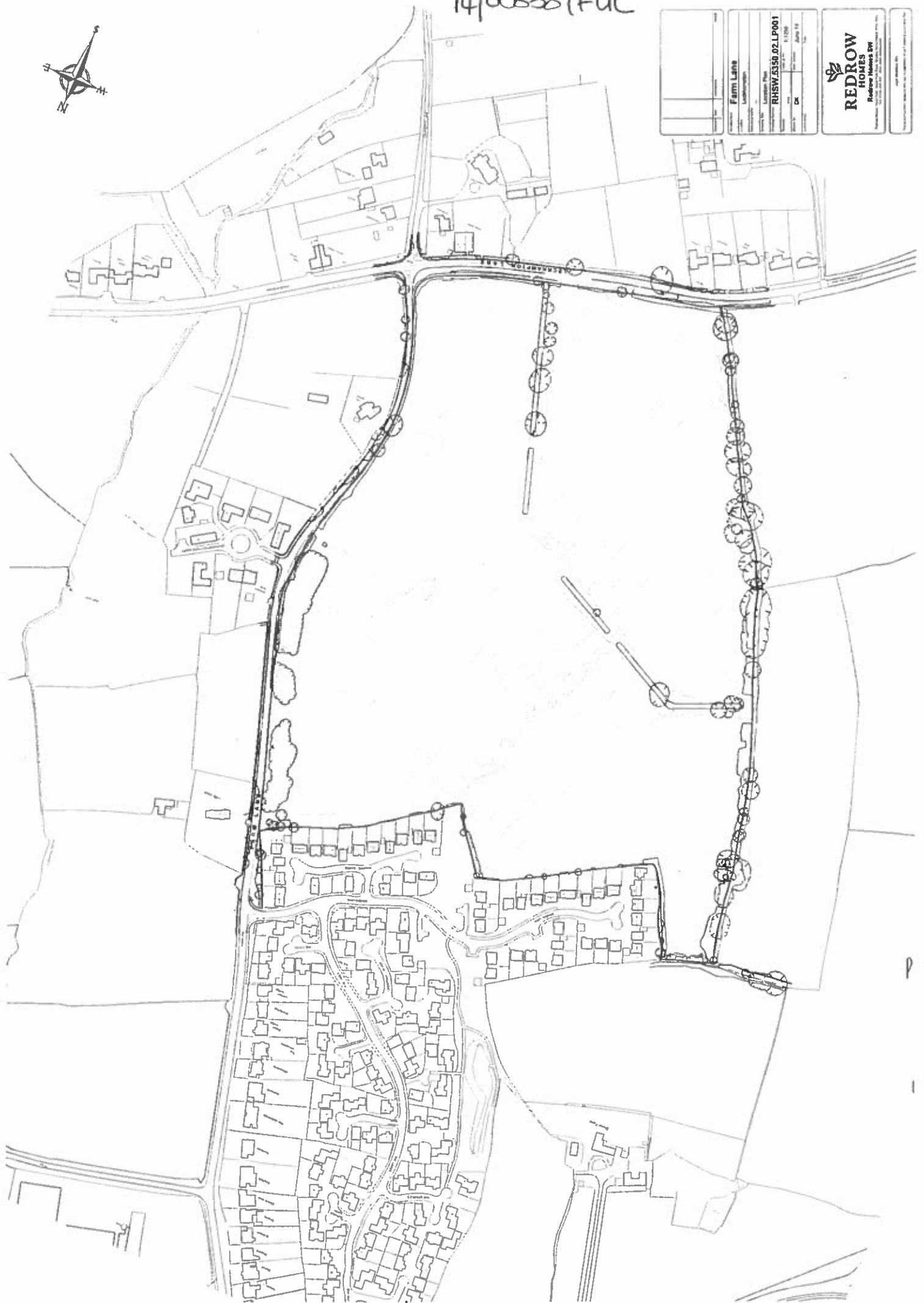
- 1 In accordance with the requirements of the NPPF the Local Planning Authority has worked with the applicant in a positive and proactive manner in order to secure sustainable development which will improve the economic, social and environmental conditions of the area by negotiating to ensure an improved layout and design and ensuring that ecology issues have been addressed

- 2 This permission has been granted pursuant to the completion of a Planning Agreement under S106 of the Town and Country Planning Act 1990.
- 3 For the use or reuse of sewer connections either direct or indirect to the public sewerage system the applicant will be required to make a formal application to the Company under Section 106 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website (www.stwater.co.uk) or by contact our New Connections Team (Tel: 0800 707 6600).
- 4 If the applicant cannot guarantee the safety of the public right of way footpath users during the construction phase then they should apply to County Highways to arrange a temporary closure of the right of way for the duration of the works

14/00838 (FUL)



Farm Lane	
Location: Plot	
Location: Plot	
RMSW.53.50.02.LP001	
Date: 1/1/2014	
Author: J.A.	
Date: 1/1/2014	
Date: 1/1/2014	
Date: 1/1/2014	



317/A

Legend	
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REDROW	Architectural Services
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012	Site Plan
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14003 601 06/05/2015 Rev A

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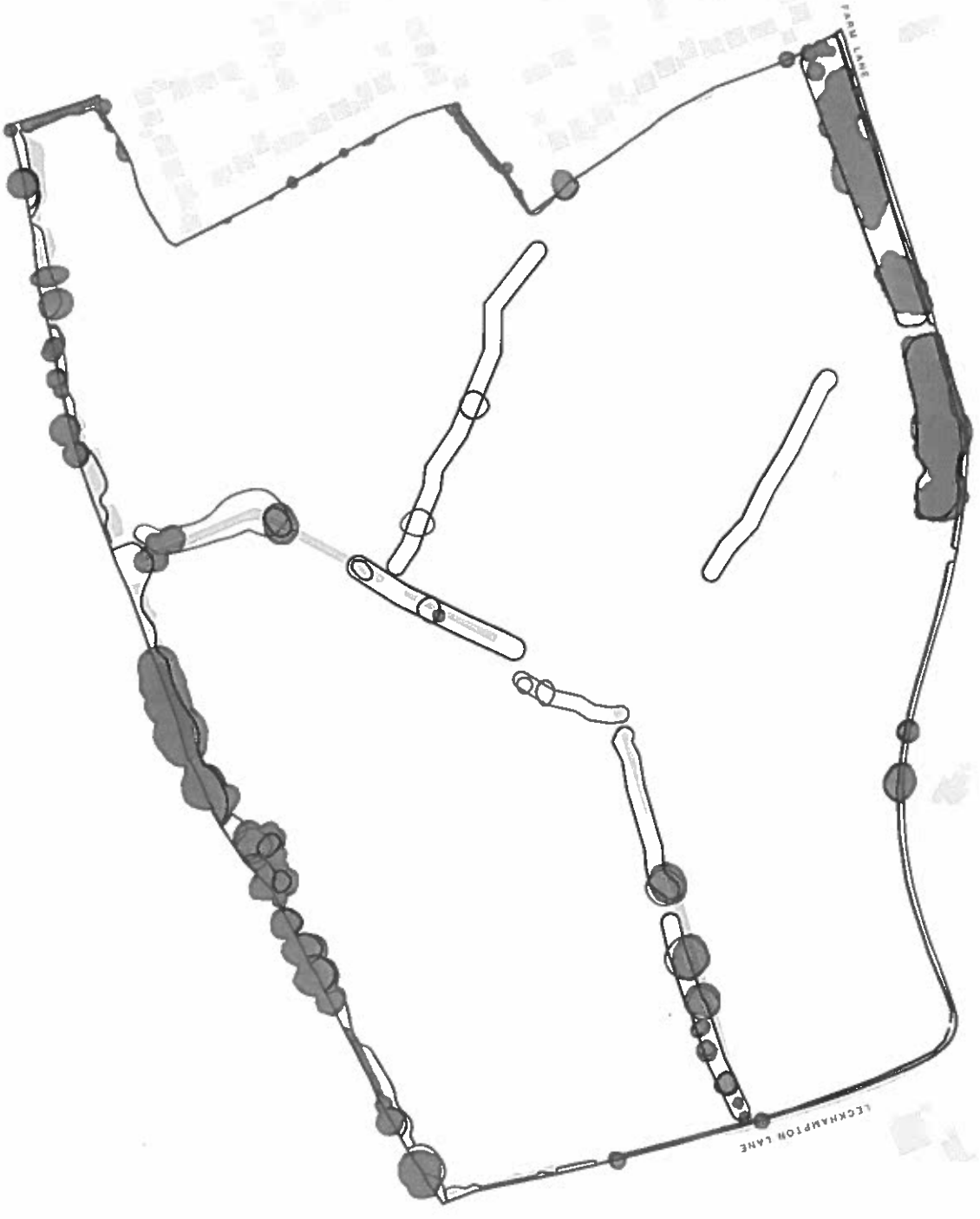
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FARM LANE, LECKHAMPTON
PARAMETERS - COMPOSITE PLAN
DRAFT
 REDBOW HOUSES

- LECKHAMPTON
- Ownership Boundary = 15.41184 / 30.08 acres
- Residential (Low and Medium Density)
- Public Open Space
- Highway Motorway
- Secondary Vehicle Access
- Tertiary Vehicle Access
- Key Pedestrian Links
- Vehicle Sign Access
- Non-vehicle Sign Access
- Activation Basin Location
- Local Equipped Area of Play (LEAP)
- Regional Trees with Root Protection Zone
- Regional Hedgerows

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3n1c



- Legend
- Ownership Boundary
 - Existing Hedgepost / Trees
 - Existing Trees retained
 - Existing Hedgepost retained

Plan 14003 Rev 602
 Date 14/05/2015 Mr A

ORIGIN:
 17 Mill House
 17 Mill House Road,
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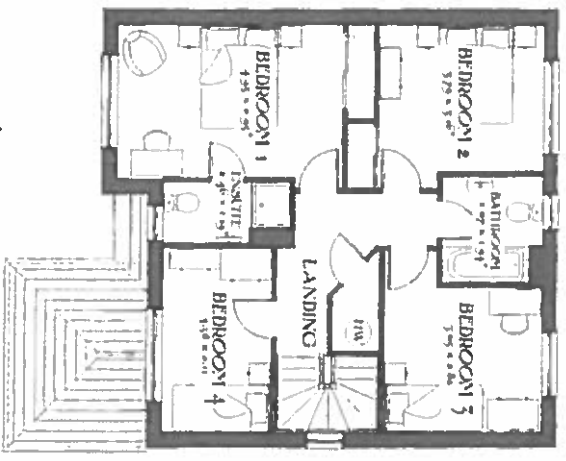
**FARM LANE, LECKHAMPTON
 PARAMETERS - RETAINED LANDSCAPE
 REDROW HOMES**

DRAFT

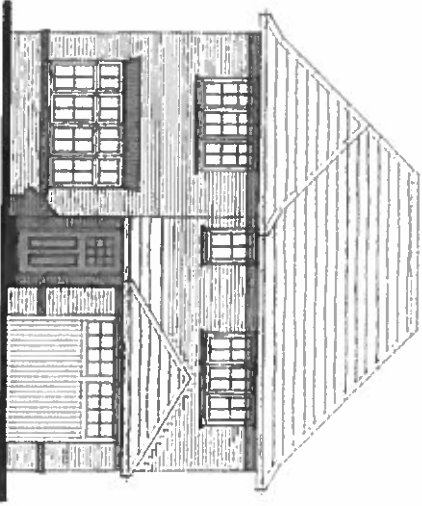
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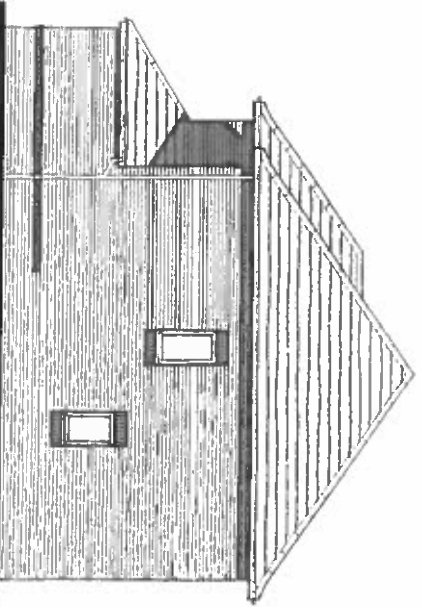
317/10



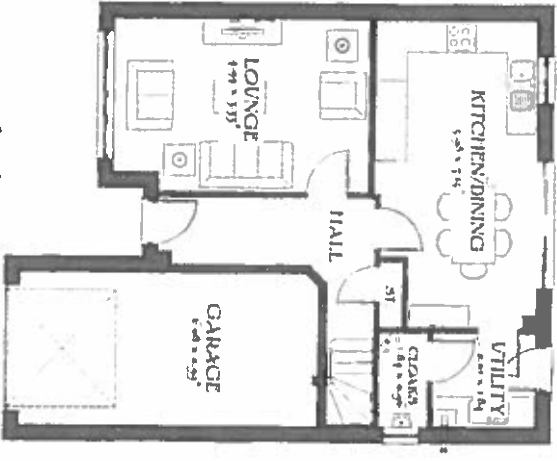
First Floor



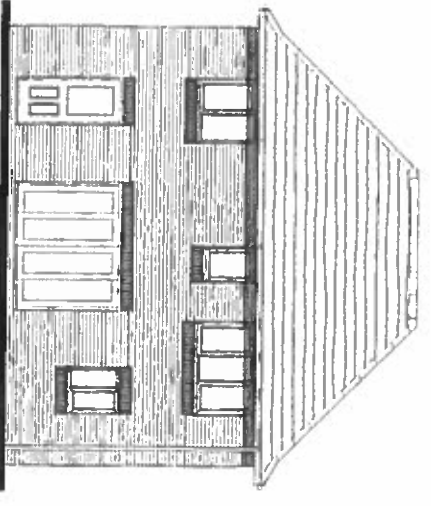
Front Elevation



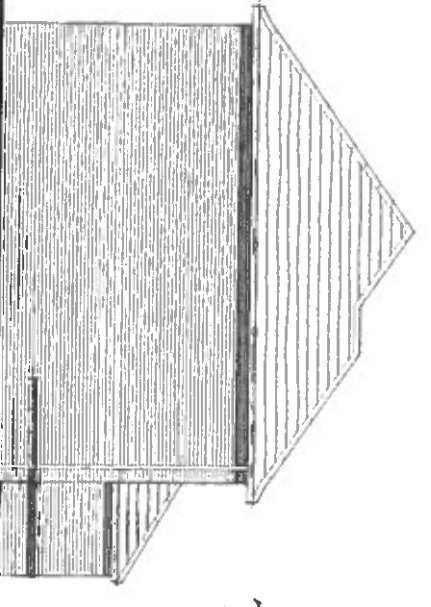
Side Elevation



Ground Floor



Rear Elevation



Side Elevation

317/E

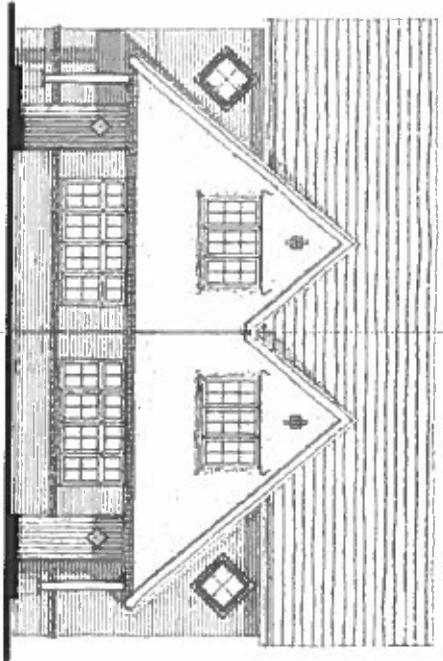
The Windsor

The New Heritage Collection
"2013 Edition"

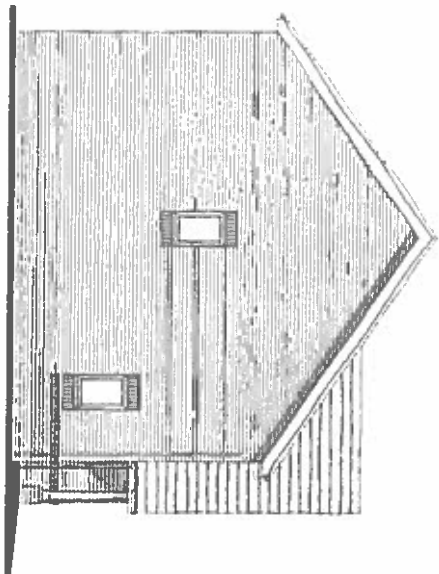
E Series Brick
E4H121 1217sqft 113.05m²
DATE: March 2013
REV: B

Drawing scale 1:100 of 1/2
Doors and windows are shown in their standard finishes
* Venetian Distribution

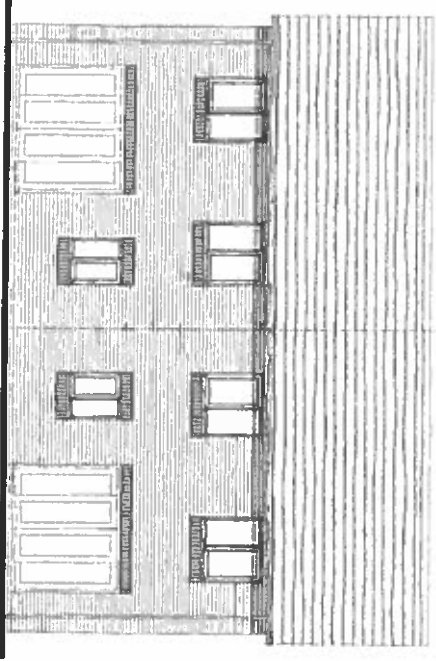
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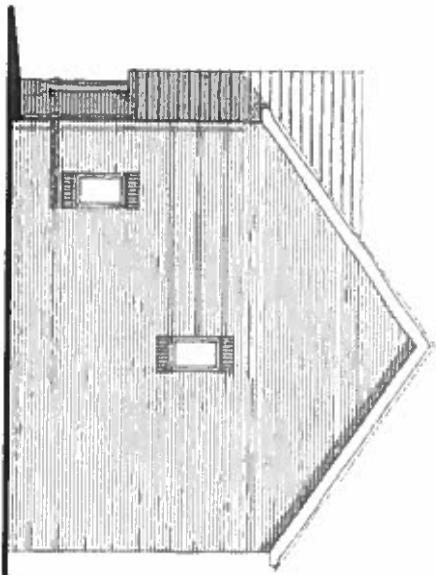
Front Elevation



Side Elevation



Rear Elevation



Side Elevation

317/f

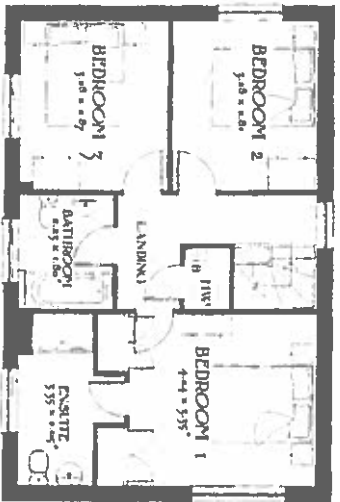
The Letchworth

The New Heritage
Collection
"2013 Edition"

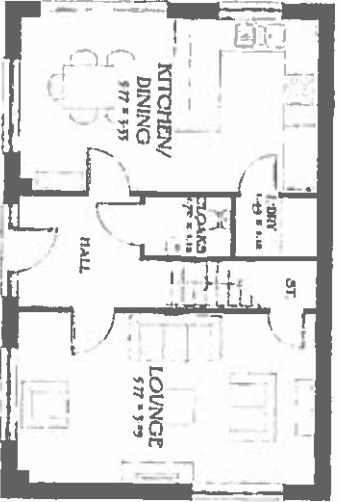
E Series Render
E3H096-2 963sqft 89.46m²
DATE: Jan 2014
REV: -

Drawing Scale: 1:100 @ A3

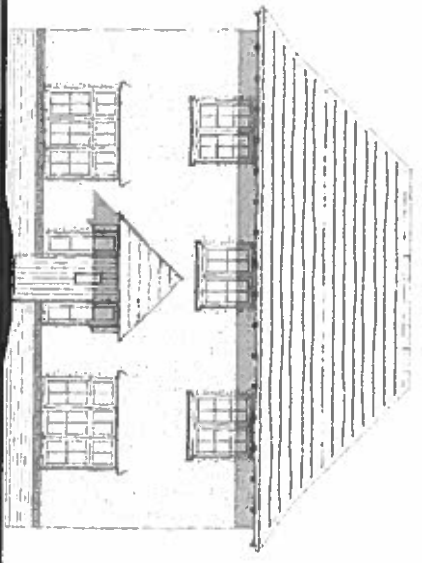

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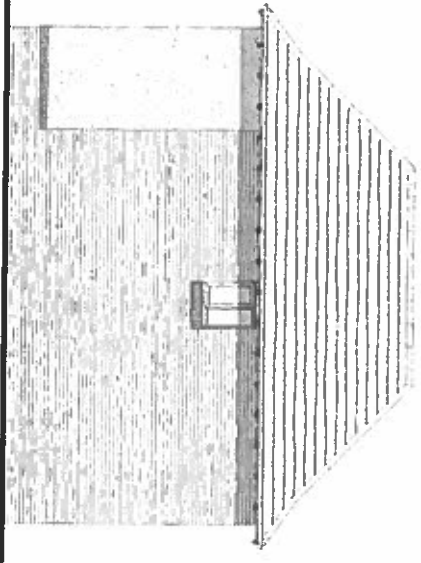
First Floor



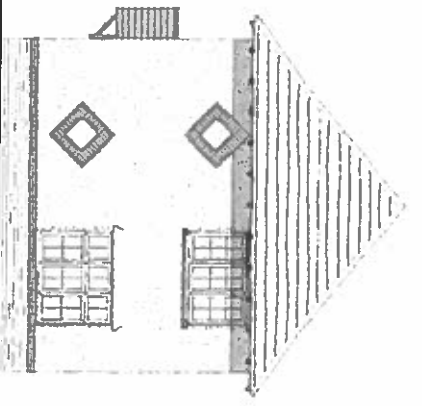
Ground Floor



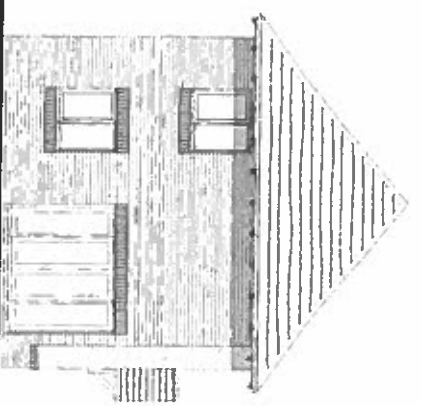
Front Elevation



Rear Elevation



Side Elevation



Side Elevation

37/G

The Amberley

Heritage Collection
"2014 Edition"

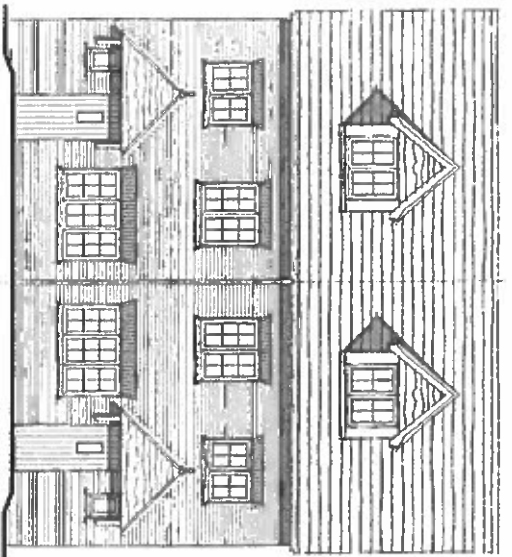
EF Series Render (A1)
1137sqft 105.62m²
DATE: February 2015
REV: A

EF_AMBY_DM110

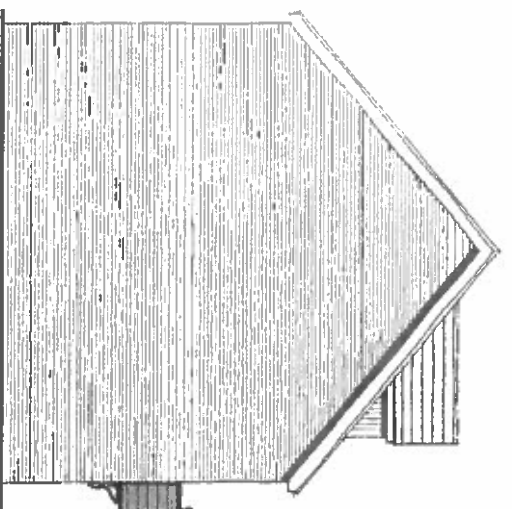
Drawing scale 1:100 (2: A3)
Bedroom dimensions taken into wardrobe space
* Maximum Dimension



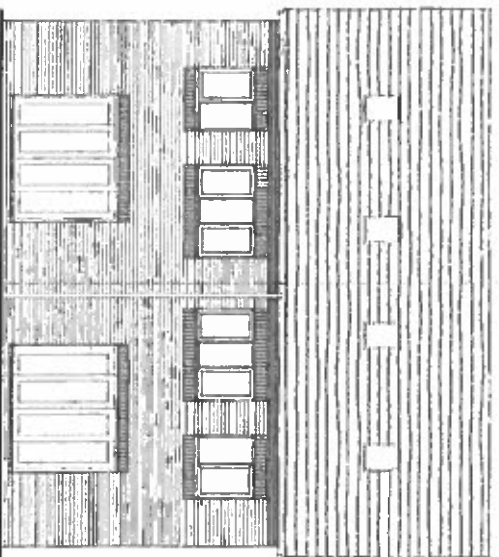
www.redrow.co.uk



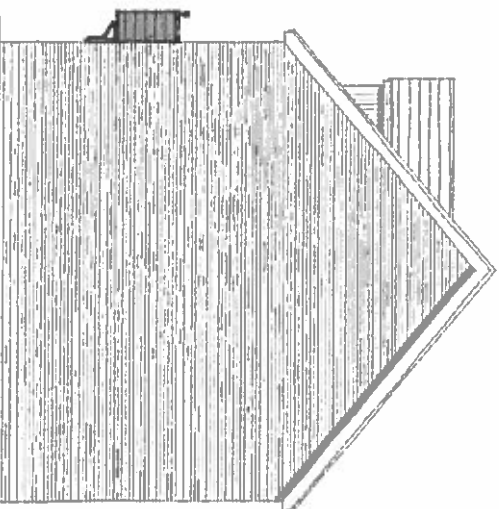
Front Elevation



Side Elevation



Rear Elevation



Side Elevation

37/H

The Kenilworth

Heritage Collection
"2014 Edition"

EF Series Brick (B1)

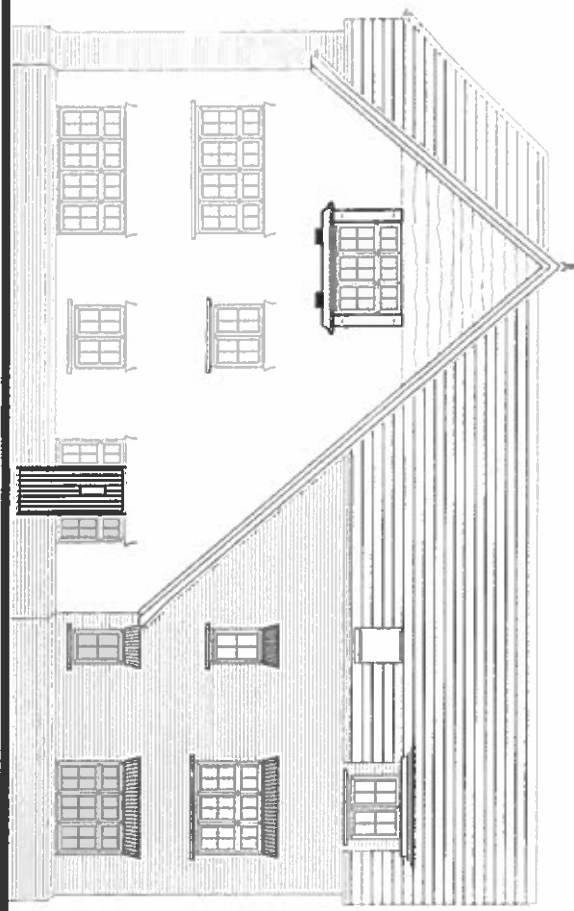
1111sq.ft 103.19m²

DATE: April 2014

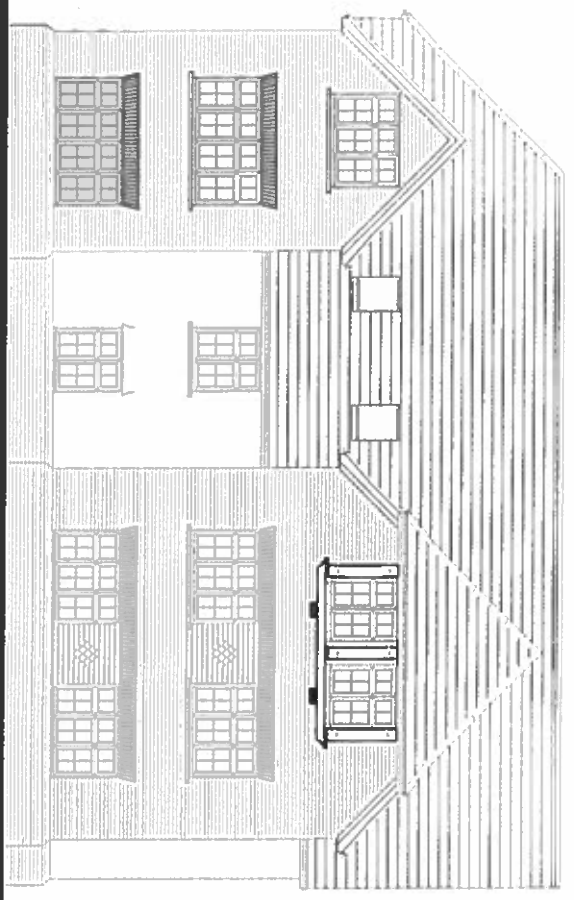
REV:

EF NTNW S11

Drawing scale 1:100 @ 1/3



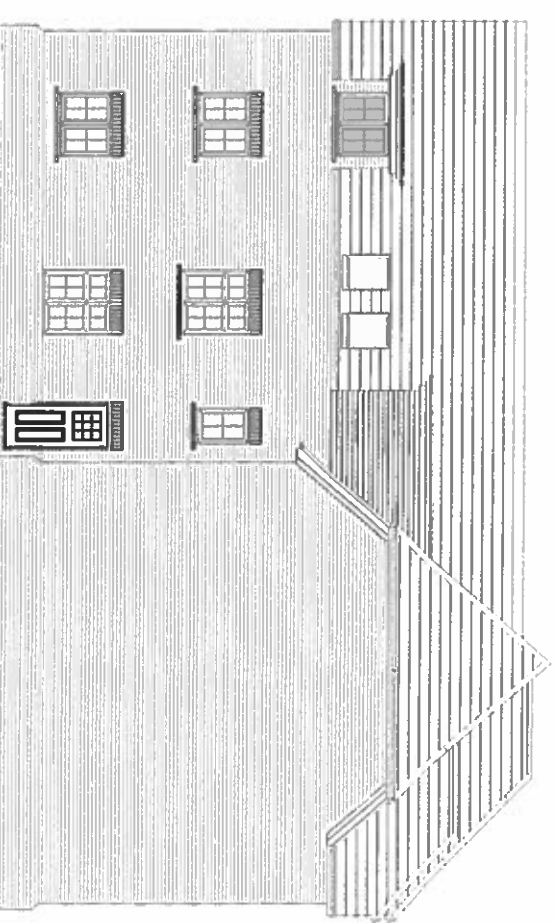
Front Elevation



Side Elevation



Side Elevation



Rear Elevation

Apartment
2B Apartment Type C 629sq./ft
1B Apartment Type Y 492sq./ft
1B Apartment Type X 505sq./ft



15/00131/OUT
PP-03895379
Valid 04.03.2015

Land Rear of Rectory Farm, Main Road, Maisemore

15

Outline application for a mixture of 28 open market and affordable dwellings and associated infrastructure (appearance and landscaping to be reserved for future consideration)

Grid Ref 381169 221167
Parish Maisemore
Ward Highnam With Haw
Bridge

Rivar Ltd
C/o Agent

RECOMMENDATION Delegated Permit

Policies and Constraints

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

Planning Practice Guidance

Joint Core Strategy - Submission Version (November 2014)

Flood and Water Management SPD

Fields in Trust: Planning And Design For Outdoor Sport And Play

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

Maisemore Parish Council - Object to the application for the following reasons:

- Considered to be an inappropriate development type and scale for Maisemore.
- Previous refusals on highway safety grounds - including one in 1999 for 20 houses on this site.
- Maisemore is typified by individual distinctive dwellings in a wide variety of styles and construction materials and by very small scale development, so this development would alter the settlement character.
- The Bell House Farm development along with four other known property developments would fulfil the development requirements for Maisemore in just one year. In addition, the Joint Core Strategy does not require individual developments of this scale - 2 to 3 new houses a year in Maisemore would be enough and this is the typical scale of new windfall sites in the village.
- The proposed development is wholly outside the village boundary. There is no local need to justify this.
- Sewerage in the village is at capacity. A new sewer would require consent of the adjoining landowner.
- Development would result in noise disturbance and light pollution to neighbouring properties. There would be considerable loss of privacy as a result of the new properties.
- The access road level should be no higher than the existing lane.
- Concerns about an aquifer to the west of the site.
- Concerns that there are bats within the existing site.
- Loss of the stable business undermines the categorisation of Maisemore as a service village. Development should be expected to strengthen the sustainability of the community, not damage it.
- This development of 30 dwellings will increase traffic using the A417 and queuing at Over roundabout. Traffic load at Over roundabout already causes tailbacks, occasionally right through the village.

Despite our objection, if development is permitted we would require the following s106 contributions (in order of priority):

1. Increase the capacity of the sewerage and drainage systems
2. Lessen the impact of flooding closure of the A417
3. Improve speeding controls through the village
4. Village Hall improvements for storage, play facilities and landscaping
5. Assurance that there would be not increased burden on maintenance for the Parish Council
6. No need for a new centre of the village with a new play area

Note from Maisemore Parish Council in response to Technical Note from Glanville on Foul Drainage.

The note is correct in relation to the foul drainage, but fails to address the real problem in Maisemore, which is a link between surface/storm water drains and the sewers. This results in water from all the hard surfaces - including the A417 and its pavements plus house roofs and drives - entering the sewer system, surcharging it. Our calculations show that around 1,000,000 litres (220,000 gallons) of storm water is generated by a 25mm (1 inch) rainfall.

Severn Trent have told Maisemore Parish Council that there is no prospect of resolving this matter within the next 10 years. It does not feature in their capital expenditure plans. It is also unlikely that any Section 106 agreement would provide sufficient funding to find where the links are and remedy the problem. Most of the sewerage system in Maisemore is unmapped.

This storm water surcharging can result in manhole covers being lifted and raw sewage being discharged on to the roads and pavements at the lower end of the village. Maisemore Parish Council regard this as unacceptable and any development that exacerbates the problem should not be allowed. Photographic and video evidence showing this discharge are available.

The quantity of sewage generated by new developments is not the main concern, although it can only contribute more to the foul material capable of being discharged.

The greater concern is the amount of storm water generated and contributing to the surcharging problem. It is for this reason that Maisemore Parish Council strongly advocates the inclusion of rainwater harvesting in any new development. This would prevent the proposed development from contributing storm water into the system.

The statutory right to connect to a sewer is not relevant. That right only exists if the development is permitted. It is not a reason to ignore the surcharging problem that already exists in the village.

County Highways - No objection subject to conditions.

County Archaeologist - No objection. No further archaeological investigation or recording need be undertaken in connection with this scheme

Environmental Health Officer - No objection.

Environment Agency - Offer Standing Advice.

Severn Trent Water Ltd - No objections subject to conditions requiring the submission of drainage details.

Local Residents - 28 letters have been received from Local Residents (including some multiple objections from the same household and one representing 4 separate households on Persh Way) objecting to the proposal for the following reasons:

- The A417 which runs through the village has fast moving traffic and is dangerous due to the number of junctions and driveways that join it. Also, cars are parked at dangerous locations on bends making it more hazardous. There are 28 private driveways onto the road - some serving multiple properties.
- The road can be cut off during flood events resulting in more traffic on narrow country lanes. The application for 15 dwellings at Bell House Farm would add further traffic.
- The access is a single car width wide meaning that vehicles would need to wait on the main road if a vehicle was exiting the site.
- The site is a haven for wildlife.
- The proposal would detrimentally affect the amenities of the existing neighbouring properties from noise disturbance and light pollution. Some dwellings are in close proximity. May also result in overlooking.
- Proposed new access to Rectory Farm will result in the loss of existing screening and allow views of cars with the proposed parking area in that site. Will also cause disturbance to the property opposite the new access when cars/vehicles exit Rectory Farm. It should also be a requirement that a brick wall be constructed along the length of access along the eastern side to mitigate noise.
- Concerned that any raising of the level of the existing access to the site would have a harmful impact on the amenities of the adjoining neighbours.
- A previous application on this site has been refused (1999) and the infrastructure in the village has not changed since then.
- The existing sewer system is inadequate and there is a poor water supply.
- The village lacks adequate services and facilities and there is poor public transport links.
- Due to slope of the land, our property already suffers from a significant flow of water across land during heavy rain. The development with more soakaways would likely exacerbate this.
- No need in the village for more affordable houses.
- This proposal on top of the other proposals would result in the village losing its rural character.
- We might support a proposal for a smaller scale development if concerns about highways, ecology, light

pollution and landscaping could be addressed.

- The proposal does not reflect the concerns expressed by residents at the consultation event.
- The consultation plan showed a green verge along the access adjacent to neighbours.
- The application states that no trees would be removed. However, the new access to Rectory Farm will remove trees within that property's boundary.
- The proposed development on the highest point of the rear elevation of the village boundary will have a negative landscape impact.
- Loss of valued outdoor sporting facility.
- Site is outside the village boundary and contrary to Policy.
- Would set a precedent for further development.
- A proposal for 30 dwellings at one time would be disproportionate to a village the size of Maisemore. The Tewkesbury Borough Plan Background Paper Approach to Rural Sites disaggregates the numbers of houses (as set out in the JCS) to each of the service villages. Maisemore should only get 28 more properties up to 2031, of which 16 have already been consented.
- The information regarding the access from Rectory Farm is misleading as it does not mention that Rectory Farm has works traffic as well as residential traffic. The removal of the existing vegetation along the boundary to allow the new access will result in light pollution to neighbouring properties and allow views of the owner of Rectory Farm's cars and commercial vehicles.
- Section 6 Landscape and Visual Impact discusses that part of the site where houses are proposed but it does not address the access road part of the site in a similar way.
- Despite being a "Service Village" in the emerging Joint Core Strategy, the proposed development defies the principle of sustainability with inadequate services and facilities and with children having to go to school outside the District.
- Makes social housing development in the Village difficult to support and there is no evidence of the need for it in this location. In this application, it appears that social housing has been included in order to justify breaching the Village boundary rather than to meet any identified need.

Revised plans

- Our previous concerns with regard to the original submission still apply.
- Although the revised proposal proposes 2 fewer houses the access remains too narrow and will cause noise and disturbance to nos 6 -9 The Ridings.
- Amended proposal still positions new property immediately adjacent to rear gardens of affected neighbours.
- Headlights from vehicles accessing Rectory Farm shining into the back of existing houses have been dismissed in Officer's report stating that the slope will result in car headlights facing down the slope but vehicles are unlikely to be entirely or largely on this slope.
- It is not considered that the Officer's report adequately informs Members about the effects of the access road on the existing houses alongside it.

Planning Officers Comments: Mr John Hinett

1.0 Introduction

1.1 The application site comprises a working Livery located on the southern boundary of Maisemore with an area of approximately 3.43ha (see location plan). The livery comprises a collection of buildings (including stables and outbuildings) located on the eastern part of the site and associated paddock land located on the western part. Residential properties form the northern boundary to the site with open countryside to the remaining boundaries.

1.2 The site is unaffected by any landscape designations.

1.3 Access to the site off the A417 is existing. There are no public rights of way crossing the site.

2.0 Planning History/Background

2.1 Outline planning application 89T/8567/01/01 for the erection of a detached dwelling with garage including means of access was refused on the basis that it conflicted with housing policy at the time and on landscape impact grounds.

2.2 88G/4912/01/02 for the erection of 16 loose boxes was permitted.

2.3 Part of the site was allocated in the Deposit Draft version of the Tewkesbury Borough Local Plan for approximately 20 dwellings (Policy MA1). The allocation was not carried forward to the Adopted Local Plan after Maisemore was re-categorised as a HOU3 settlement - suitable only for infilling.

Recent application for 15 dwellings within Maisemore

2.4 Planning application 14/00965/FUL and Listed Building application 14/00966/LBC for the demolition of existing curtilage listed outbuildings and proposed residential development comprising of 15 dwellings and associated landscaping, parking and garaging (Revised scheme further to Ref: - 14/00089/FUL) went to planning committee in April 2015 when Members delegated Authority to Officers to Permit the applications subject to the completion of a Section 106 Legal Agreement.

3.0 Current Application

3.1 The application is Outline and proposes a mixture of 28 open market and affordable dwellings and associated infrastructure (**see layout plan**). This has been reduced from 30 dwellings as originally proposed in the application. Appearance and landscaping are to be reserved for future consideration.

3.2 Although Outline, the Design and Access Statement (DAS) suggests the dwellings would comprise five one bedroomed dwellings, five 2 bedroomed dwellings, eight 3 bedroomed dwellings and ten 4 bedroomed dwellings. It is anticipated that the dwellings would be two storeys - in keeping with the majority of the surrounding built form.

3.3 The existing access onto the A417 would be 'upgraded' with a new internal footpath system linked to the existing network.

3.4 The red line includes a large area of land to the eastern and southern parts of the site which the application states would be 'restored' but is not described as public open space.

(Plans will be displayed at Committee).

4.0 The Community Infrastructure Levy Regulations

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

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

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

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

5.0 Principle of Development

The Development Plan

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the local planning authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. The development plan comprises the saved policies of the Tewkesbury Borough Local Plan to 2011 - March 2006.

Tewkesbury Borough Local Plan to 2011 - March 2006

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

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

Emerging Development Plan

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

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

5.6 Within the rural areas of Tewkesbury Borough, approximately 2,612 dwellings are proposed to be delivered in the plan period to 2031. A large proportion 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. The Borough Plan is at an early stage of development and can be given very limited weight only at this stage.

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

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

5.8 The Submission version of the JCS as now been submitted to the Secretary of State and is currently undergoing Examination. The weight to be applied to specific policies will be discussed in the relevant sections of this report.

5.9 The Tewkesbury Borough Plan (2011-2031) will sit beneath the JCS. The draft Site Option and Policies document is currently being consulted upon and as such is at a much earlier stage of development than the JCS and thus can only be given very limited weight at this stage. It is relevant to note that Policy HOU1 of the Site Option and Policies document does not include an estimate of numbers required for each settlement. Following the consultation, the Council will refine these potential options before narrowing the number of proposed allocations, which will then be included as proposed allocations in the next stage of the plan. This site forms part of one of the options included within the consultation document. The 'Approach to Rural Sites' Background Paper which supports the plan process includes within it a disaggregation process which indicates that 28 dwellings may be required for Maisemore. It should be stressed however that this is just part of the evidence base to the emerging plan which will eventually include specific allocations, and should not be afforded weight but does give some indication of the sort of numbers which may be allocated by the Borough Plan.

Other Material Considerations

5.10 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.

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

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

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

5.13 The Council cannot currently demonstrate a five year supply of deliverable housing sites and on that basis, the Council's relevant policies for the supply of housing are out-of-date. In accordance with paragraph 14 of the NPPF, the presumption in favour of sustainable development therefore applies and permission should be granted unless there are any adverse impacts of doing so which would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole.

Conclusions on the principle of residential development

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

6.0 Landscape and Visual Impact

6.1 One of the core planning principles of the NPPF sets out that the planning system should recognise the intrinsic character and beauty of the countryside. Section 11 of the NPPF sets out that the planning system should contribute to and enhance the local environment by, amongst other things, protecting and enhancing valued landscapes. Policy LND4 of the Local Plan states that in considering proposals for development in rural areas, regard will be given to protect the character and appearance of the rural landscape. The Policy has been recently accepted by the Planning Inspectorate as being fully consistent with the NPPF. Policy SD7 in the Pre-Submission JCS states that development will seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being.

6.2 As set out above, the application site comprises a working Livery containing a collection of buildings (including stables and outbuildings) located on the eastern part of the site and associated paddock land located on the western part. Part of the site to the eastern boundary comprises an old builders yard that allegedly contains extensive tipped materials and machinery. The site is unaffected by any landscape designations, although the Landscape Protection Zone (LND3) is located beyond the eastern boundary. Whilst a single dwelling was refused on landscape grounds in 1999, that was in a very different policy context which has changed markedly, and most recently with the publication of the NPPF in 2012.

6.3 The applicants' Landscape and Visual Impact Appraisal (LVIA) notes that the 'Maisemore Hillocks' Landscape Character Area (LCA) surrounds most of the village and therefore any new residential development on the edges of the village is most likely to occur within this area which is assessed as being of Medium landscape sensitivity. It is argued that at a site level, the site is of no particular landscape merit, comprising degraded land, a significant area of utilitarian buildings and associated yards and storage areas, and heavily grazed horse paddocks subdivided by fencing. In landscape terms, the LVIA suggests the site is less sensitive to landscape change than those areas that are more 'intact' around other parts of the village. Furthermore, the site is visually well contained with the only significant public views of the site being over the Leadon valley from parts of two public rights of way on Lassington Hill around 1km to the south west. Whilst new development within the site would be apparent in these views in the short to medium term, the LVIA suggests that the application proposal has been developed to take account of them and ensure that the development would be assimilated through new significant planting, including hedgerow restoration. The application also proposes (by way of mitigation) to reinstate an area of heavily grazed paddock to the south

part of the site and the builders yard to east (comprising approximately 2.1ha) to 'managed pasture' with new or reinforced native hedgerow and trees - to be agreed through a Landscape Management Plan, which could be agreed by planning condition.

6.4 The LVIA concludes that the site is well suited to accommodating a modest scale of development without material landscape or visual harm, and offers an opportunity to restore some areas and strengthen and manage associated areas of land on this part of the village periphery.

6.5 The Landscape and Visual Sensitivity Study (Rural Service Centres and Service Villages) undertaken as part of the evidence base for the emerging Borough Plan includes an assessment of all land surrounding Maisemore. The study assesses the application site's Landscape Character as being of Medium Sensitivity and with a visual sensitivity to new housing also as Medium. The study notes the strong influence of the existing settlement edge which provide some mitigation potential and that the site is well screened from local vantages in the village by the existing buildings and mature and robust hedges. The assessment concludes that the parcel (which includes the application site) does retain some visual tolerance to new development *"...if it were to respect the existing settlement form without appearing prominent, nor intrude into the open countryside."*

6.6 Although the application site comprises an area of 3.43ha, only 1.25ha of this is proposed for residential development - the rest proposed to be restored to provide enhanced landscape (see block plan). The residential part of the site would adjoin existing dwellings along Persh Lane at its western edge and would protrude no further to the south. The eastern part of the site comprises the livery which contains a number of stable buildings and a large barn and meets the definition of 'previously developed land' as set out in the glossary to the NPPF and PPG. Whilst the dwellings proposed on this part of the site would likely be two storey and therefore taller than the majority of the existing stable buildings, they would not extend beyond the southernmost extent of the livery complex. Consequently, the proposed development would well contained within the existing settlement pattern of the village and would not intrude into the open countryside or appear prominent. The proposal to bolster existing hedge boundaries and the provision of tree planting along the southern edge of the residential area would help to mitigate the visual impact. The applicant's proposal to restore the paddock area and former builders yard would provide additional landscape benefits. Conditions would be required to secure the implementation of the landscaping proposal (including long-term management).

6.7 However, notwithstanding the proposed mitigation, the proposal would result in some landscape harm and this is a matter that must be put into the planning balance to weigh against proposal.

7.0 Design and Layout

7.1 The NPPF sets out that the Government attaches great importance to the design of the built environment (paragraph 56). Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. At paragraph 57 the NPPF advises that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities.

Layout

7.2 The application is made in Outline with layout and scale being matters to be considered at this stage. Accordingly, a detailed layout plan has been submitted which indicates not only the position of the dwellings, but also their height, width and depth (see layout plan). The applicant's Design and Access Statement (DAS) states that the proposed layout has been influenced and developed by the outcomes of a contextual analysis and in response to the opportunities for, and constraints to, new development identified.

7.3 The Council's Urban Design Officer had some concerns with the original layout commenting that the western section of the site appeared too dense in comparison to the adjacent existing settlement. There were also concerns that the proposed heights of the dwellings would, in places, not reflect the characteristic heights of the existing dwellings and would therefore appear overly prominent. It was considered the inclusion of more 1.5 storey units would be beneficial and more reflective of the inherent characteristics of the settlement. It was considered that the overall approach of providing spatial definition of the street scenes via principle active frontage was commendable, but the orientation of some of the dwellings forming the southern boundary should be reconsidered to ensure that they actually provide outward facing development in these locations. It was also considered that the overall pedestrian permeability and connectivity within the settlement would be improved if a formalised footpath connection to Persh Lane was provided. A footpath linking the three cul-de-sacs across the southern edge of the development should be provided.

7.4 A revised layout has been submitted in response to these concerns and recommendations. All the units adjacent to the bungalows along Persh Lane have been substituted for bungalows with two units omitted. The effect is a lowering of the density for this part of the site that is considered to be more reflective of the existing settlement pattern and with a scale that would similarly reflect those dwellings. Dwellings along the southern edge of the site have been orientated so that their front elevations face the open countryside. The proposed footpath along the southern boundary has also been extended to link all three cul-de-sacs and to Persh Lane to the west (**see revised layout plan**). The revised layout is now considered to be acceptable in the context of the surrounding development.

Size and Scale

7.5 The housing density would be approximately 22 dwellings per hectare. The layout plan provides an indication of the size and scale of the proposed dwellings which would comprise a mix of bungalows and a range of two to four bed two storey dwellings. The majority of the units would be detached with three pairs of semi-detached and single a terrace of three. The location of the bungalows (units 23 - 27) adjacent to those on Persh Way is entirely appropriate and would provide a soft transition from existing dwellings into the proposed new development. The DAS states that the remaining dwellings would comprise two storey dwellings. However, the scale parameters on the original layout plan suggested a maximum ridge height for some of the units of 12.5m, which Officers considered would be more reflective of 2.5 storey dwellings that would be unacceptable on this sensitive edge of the village. The scale parameters have subsequently amended to 8 - 9 metres for the 2 storey units and 5.5 - 6.5 metres for the bungalows (**see revised layout plan**). These heights are considered to be more appropriate and now acceptable.

7.6 Although appearance is a reserved matter, the block plan shows a variety of house types. Given the context of this surrounding area which comprises a number of different house types and styles, it is considered that the proposed mix and variety of house types as indicated on the block plan, would be acceptable. Subject conditions, requiring the submission of materials and detailed design, the proposal is considered acceptable in this regard.

8.0 Access to local services and facilities

8.1 Section 4 of the NPPF (Promoting sustainable transport) recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. It states at paragraph 29 that the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that "opportunities to maximise sustainable transport solutions will vary from urban to rural areas". Paragraph 32 states that planning decisions should take account of whether opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure. Furthermore, development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Paragraph 34 states that decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. However this needs to take account of policies set out elsewhere in the Framework, particularly in rural areas.

8.2 The NPPF also states at paragraph 28 (supporting a prosperous rural economy) that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.

8.3 Maisemore is a named Service Village in the current pre-submission version of the JCS and ranks alongside Alderton in the JCS Rural Settlement Audit (September 2014). Although it is accepted that the new residents would to a large extent be reliant on the car, this would be in common with all the Service Villages and recent appeal decisions in Alderton and Twynning have made it clear that that neither national nor local planning policy regards this as sufficient reason in itself to prevent any further residential development in such communities. Rather, it is one of the many considerations that need to be taken into account when assessing specific proposals. In view of this clear and consistent position from the Government's Inspectorate, and having regard to the accepted "*significant and serious*" housing supply shortfall, Officers do not consider it reasonable to refuse the current proposal on the grounds that the new residents would be reliant on the car.

9.0 Scale of Development and Social Impacts

9.1 The pre-submission JCS recognises that the retention of services within rural service centres is intrinsically linked to the size and distribution of the resident population and it is important that these services remain viable, although more development will be accommodated at the rural service centres than at the service villages.

9.2 It has been established in a number of recent appeal decisions (including those in Alderton) that the cumulative impact of development and the consequential increase in population without proportionate increases in infrastructure, employment opportunities and other local services risks eroding community cohesion. This is a material planning consideration.

9.3 The existing number of dwellings in Maisemore is 210. Members recently delegated authority to Officers to permit application 14/00965/FUL for 15 dwellings (subject to completion of a legal agreement). Once implemented the additional 15 dwellings would increase the number of dwellings in Maisemore by 7.1%. The addition of a further 28 dwellings would increase a further 12.5% resulting in an overall increase of approximately 20.5% as a result of the two proposals.

9.4 Although all Service Villages are unique and direct comparisons cannot always be made, the recent Appeal Decisions in Alderton are relevant. Here two residential schemes have been allowed totalling 71 new dwellings representing an approximate increase of the community of 26%. Whilst accepting that this increase was not insignificant for a rural village, the Inspector was of the view that it could not be concluded that it would be disproportional to the role of Alderton as a service village in emerging Joint Core Strategy (eJCS).

9.5 The work undertaken as part of the evidence base for the Borough Plan (Approach to Rural Site - Background Paper) explores how the overall housing requirement could be disaggregated between the Service Villages. For Maisemore the background paper postulates that 28 new dwellings could be accommodated. Whilst this proposal in addition to the Bell House Farm scheme would exceed the background paper's figure, very little weight can be given to background paper, which is itself dependent upon the figures in the eJCS.

9.6 Having regard to all of the above, Officer opinion is that the impact of this cumulative increase would not be sufficiently harmful to the social wellbeing and cohesion of Maisemore to warrant refusal on this ground.

10.0 Highway Safety

10.1 Section 4 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Local Plan Policy TPT1 relates to access for developments and requires that appropriate access be provided for pedestrians, cyclists and vehicles, and that appropriate public transport services and infrastructure is available or can be made available. It further requires that traffic generated by and/or attracted to the development should not impair that safety or satisfactory operation of the highway.

10.2 A number of objections have been received on highway safety grounds. Reference has also been made to previous refusals on this site however the only refusal for housing on this site, as referred to above, was for a single dwelling and that application was not refused on highway safety grounds.

10.3 Access into the site would be via the existing simple T-junction on A417 that serves the current stable complex on site. It is proposed to widen the existing access to 5.5m and also provide a 2m footway on the eastern side linking the development to the footways on the A417. A new access to Rectory Farm is proposed from the access road to the residential development (see layout plan).

10.4 The County Highways Authority (CHA) have assessed the submitted details and provided comment on the application. The CHA make clear that they are aware of the consultation responses of the Parish Council and other letters of representation. It is noted that visibility from the site access onto the A417 has been provided in accordance with the measured vehicle speeds on the A417. Visibility of 62m is provided in each direction commensurate with measured speeds of 37mph (which is higher than the speed limit of 30mph). There is no history of recorded personal collisions on the A417 in the last 5 year period of recorded data which would demonstrate an existing road safety problem on the highway network.

10.5 The CHA note that 30 dwellings in this location would generate approximately 16 two way movements in the AM peak hour 0800-0900 and 16 movements in the PM peak 1700-1800. The total number of trips to be generated on a daily basis 0700-1900 is 144 two way trips. A traffic survey undertaken at the existing site access to determine the existing number of trips from the existing use demonstrated that an average of 82 two way trips were made from the site in an average weekday period. The A417 in this location carries 10,900 vehicles per day, 1,050 vehicles in the AM peak and 970 vehicles in the PM peak. The CHA consider that the net impact of the development, (the existing trips from the site are deducted from the proposed residential trips), would be 62 additional trips in a 24 hour period, 13 in the AM peak and 2 in the PM peak. Overall the percentage increase in trips on the A417 from development traffic is 0.6% in a 24 hour period, 1.2% in the AM peak and 0.2% in the PM peak, which the CHA do not consider would have a severe impact on the local highway network in the context of the NPPF.

10.6 The CHA consider that it has been demonstrated that adequate junction and forward visibility is available throughout the layout in accordance with their emerging guidance. Vehicular tracking has demonstrated that two cars can pass each other throughout the development, and that a car and refuse vehicle can pass each other in a number of locations, where a car cannot pass a refuse vehicle, adequate forward visibility is available. A refuse vehicle can also pass a box van in a number of locations. An adequate footway and access road width is available past Rectory Farm. The plan demonstrates that suitable junction visibility is available from the access from Rectory Farm onto the access road. A condition is recommended to restrict Permitted Development rights in order to maintain forward visibility around the bends. The developer has also confirmed that this area will be offered as highway. Although the application is Outline, the CHA note also that the layout demonstrates that adequate parking, together with visitor parking spaces, can be provided.

10.7 The CHA conclude that the proposal accords with the aims and objectives of the NPPF and, subject to a number of conditions, have no objections to the application.

11.0 Residential Amenity

11.1 One of the core planning principles of the NPPF is to ensure a good standard of amenity for all existing and future occupants of land and buildings (paragraph 17 bullet point 4).

11.2 Objections have been raised by neighbouring residents relating to the impact of the proposed dwellings on existing properties in terms of loss of privacy and light, and also that the proposed dwellings would be overbearing.

11.3 The revised layout has been amended to reflect the advice of Officers with regard to the impact on neighbours. In particular, Plot 1 has been moved further away from the rear boundary of No. 6 The Riding (from 1m to approximately 8m) which it is considered considerably improves the relationship with that property to what is now considered to be an acceptable one (see revised layout plan). Plots 23 to 27 have been amended from two storey units to bungalows with a maximum ridge height of 6.5m. The relationship with the neighbouring properties to the rear western boundary (themselves bungalows) is considered acceptable.

11.4 The occupier of No. 7 'The Ridings' has also expressed concern about the proposed new driveway to Rectory Farm. The neighbour points out that the Rectory occupies higher land and that car headlights could shine into their property when exiting The Ridings. In response, the applicant has provided a cross-section plan of the proposed new driveway. The plan indicates that the levels within The Ridings would re-graded to slope down to meet the level of the existing roadway. Cars would therefore have their headlights facing downwards when exiting Rectory Farm and it is not considered that the proposed new driveway would result in significant harm to the amenity of the occupiers of No. 7 'The Ridings'.

11.5 The access to the site is existing and serves a working Livery. There are therefore a number of existing vehicle movements associated with that use. The pattern and number of vehicle movements would inevitably increase as a result of the current proposal. However, it is not considered that the impacts arising from the scale of development proposed would be so significantly more harmful than the existing situation such that the proposal would be unacceptable in this regard. Further, it is noted that there is no adverse comment from the Councils Environmental Health advisor. Subject to a condition requiring full details of the levels of the proposed access and driveway to Rectory Farm, the proposal is considered acceptable in this regard.

12.0 Affordable Housing

12.1 Local Plan Policy HOU13 provides that the Council will seek to negotiate with developers to provide affordable housing and is supported by an Affordable Housing Supplementary Planning Guidance (SPG) which was adopted by the Council in August 2005.

12.2 The application proposes that 10 of the dwellings would be affordable (5 x 1 bed; 3 x 2 bed; and 2 x bed) which equates to 35.7% of the total.

12.3 The Council's Strategic Housing & Enabling Officer confirms that revised layout and house types are an improvement to the original proposal and are in line with the housing need requirement, the 'flat over garage' has been removed and there has been the inclusion of 1-bed bungalows. The location of the affordable housing to the west of the site is acceptable. Subject to a requirement that the bungalows are built to Lifetime Homes Standards (or equivalent criteria that provides the homes to be accessible and adaptable) the Enabling Officer considers the proposal is acceptable in this regard. The Enabling Officer is flexible regarding the tenure mix of the affordable housing where this can be agreed at a more suitable time with the Registered Provider when the homes are transferred to them. This flexibility with the Registered Provider enables us to better meet local needs when the homes are nearing completion.

12.4 Subject to the completion of a Section 106 Agreement, the affordable housing proposal is considered to accord with Policy HOU13 of the Local Plan.

13.0 Flood Risk and Drainage

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

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

13.3 The application has been supported by a flood risk assessment (FRA) which demonstrates that the site lies within Flood Zone 1 (FZ1) and concludes that the site is not considered to be at risk from any potential sources of flooding. In terms of surface water drainage the FRA proposes to utilise shallow sustainable infiltration techniques on-site to discharge surface water run-off at source. It is anticipated that this would be implemented through the use of permeable construction within roads and parking bays and/or rear garden soakaways. All SuDS would be designed to accommodate run-off from the 1 in 100 year plus climate change event. The FRA also suggests that the incorporation of rainwater harvesting and reuse systems into the development should also be considered. The FRA concludes that there are no significant flooding issues that would prevent the site from being developed for its intended use.

13.4 With regards to foul sewerage, the applicants preferred strategy is to discharge by gravity to the Severn Trent sewer - in accordance with the hierarchy for the disposal of foul drainage as set out in the Building Regulations (Part H). However, the concerns of the local community with regard to the capacity of the existing sewerage infrastructure are noted and therefore a second option is also offered proposing an on-site Sewerage Treatment package plant. The applicant considers that both routes are implementable and would appropriately deal with foul drainage from the site. Members will recall that a similar scenario was offered (and accepted) for the Bell House Farm proposal for 15 dwellings (14/00495/FUL).

13.5 The Council's Flood Risk Management Officer (FRMO) assessed the proposal and notes the proposal to incorporate infiltration to discharge surface water which are welcomed, as is the commitment to rainwater harvesting/recycling, water quality improvement and utilising permeable (or porous) surfacing. With regard to foul water, the FRMO would have no objection to either disposal to the mains sewer or via a package treatment plant. A condition is recommended that requires the details of surface water and foul drainage prior to the commencement of development. Subject to the above, the Council's FRMO has no objection to the proposal.

14.0 Open Space, Outdoor Recreation and Sports Facilities

14.1 The NPPF sets out that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. The NPPF follows that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.

14.2 Local Plan Policy RCN1 also requires that for residential development of 10 dwellings or more, provision of outdoor playing space will be expected to be made in accordance with this standard to cater for the needs of future residents. Where provision of playing pitches is not proposed on site (as in this case), Local Plan Policy RCN1 states that equivalent provision off-site, or the equivalent financial contribution for existing provision, plus changing provision, should be made.

14.3 In accordance with these policies, the proposal would generate a requirement for 0.16ha of open space of which 760sq.m should be playing pitches. Although there is a large area of land to the south of the residential part of the site (annotated as being "to be restored") this would not be public open space. Although a small strip of POS is proposed to the southern boundary of the dwellings - its recreational usefulness would be limited. A contribution towards off-site facilities is therefore required. Based on Sport England figures, a contribution of £35,000 (£7,500 for playing pitches and £27,500 for changing facilities) would be required for playing pitches and changing facilities. The contribution would go towards facilities at the Village Hall.

14.4 In terms of the balance of open space required, a further area of 840sq.m would be required. The layout shows an area to the site frontage. However, this would provide for landscaping rather than useable public open space. A contribution of £769 per dwelling is therefore sought towards existing provision within the village. A contribution towards maintenance is also required.

14.5 In addition to sports pitches, demand for other sports facilities has been identified using the Sports Facility Calculator which is an interactive tool developed by Sport England. Based on 28 dwellings, demand has been identified for local sports facilities. In order to address these demands, the following contributions have been sought:

* Contribution towards the Village Hall - £12,033

* Contribution towards the nearest Astro Turf - £1,649.

14.6 Discussions with regard to these contributions are on-going and **an up-date will be provided at Committee).**

15.0 Community, Education and Library Provision

15.1 Local Plan Policy GNL11 highlights that permission will not be provided for development unless the infrastructure and public services necessary to enable the development to take place are either available or can be provided. This is supported by and consistent with section 8 of the NPPF.

15.2 With regards to education, following consultation with Gloucestershire County Council, it is advised that by virtue of the number and mix of houses, a minimal number of early years children would arise from the proposal. The County consider there would be adequate space at local nurseries to accommodate these children and therefore an early years contribution is not required. With regards to Primary requirements, the current forecast data indicates there would be adequate capacity at Hartpur C of E School to accommodate the 7.5 primary pupils likely to arise from this proposed development. Therefore a primary education contribution is not required.

15.3 The nearest secondary school is Newent Community School which is similarly forecast to have adequate capacity to accommodate the 4.5 secondary pupils likely to arise from this proposed development. Therefore a secondary education contribution is not required.

15.4 Gloucestershire County Council have also confirmed that no contribution towards public libraries is requested.

15.5 In terms of the need for other community facilities, the Council's Community Planning and Partnerships Officer has been in consultation with a number of community bodies, including Maisemore Parish Council. The contributions are still under negotiation and **an up-date will be provided at Committee).**

16.0 Archaeology and Cultural Heritage

16.1 The NPPF sets out 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 or lost through alteration or destruction of the heritage asset or development within its setting.

16.2 The County Archaeologist (CA) advises that the County Historic Environment Record indicates there is no archaeological interest within the site and which therefore has low potential to contain any significant archaeological remains. The CA therefore recommends that no further archaeological investigation or recording need be undertaken in connection with this scheme.

16.3 The Council's Conservation specialist has assessed the proposal and notes that the development would not be in close proximity to any designated heritage assets, and therefore its impact on the historic environment would be negligible.

17.0 Ecology and Nature Conservation

17.1 The NPPF sets out, inter alia, that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by encouraging opportunities to incorporate biodiversity in and around developments. Furthermore, planning permission should be refused for development resulting in the loss of deterioration of irreplaceable habitats. Local Plan Policy NCN5 seeks to protect and enhance biodiversity in considering development proposals.

17.2 Concerns have been raised by the Parish Council in relation to potential bat roosts within the existing stable buildings.

17.3 The application has been supported with a preliminary Ecological Appraisal (undertaken on 21st November 2014). Based on the fieldwork, and desk-study data the assessment concludes that the habitats that would be affected are of low ecological value. The hedgerows on site are similarly assessed as species poor and do not qualify as important under the Hedgerow Regulations 1997. Seven of the buildings on site represent a potential roosting resource for bats; however these are all graded as having 'Low suitability', with the remaining buildings having only 'Negligible potential'. The appraisal considers that the quality of the bat foraging and commuting habitat on site, when considered in the local context, is poor. It is however, recommended that a single dusk/ dawn bat detector survey is carried out to support any subsequent full/reserved matters planning application. This survey should be undertaken during the peak bat activity survey season of May to August (inclusive). No evidence of badgers was recorded on the site and no further surveys or mitigation are considered necessary. It is recommended that, wherever possible, vegetation clearance works and building demolition is scheduled to avoid the nesting season (March to August inclusive). To compensate for any loss of nesting opportunities it is recommended that nest boxes are incorporated into a proportion of the new buildings.

17.4 Natural England (NE) offer their standing advice with regard to protected species - which includes recommendations on potential opportunities for bio-diversity and landscape enhancement that could be achieved via appropriate planning conditions

17.5 Subject to appropriate planning conditions following the recommendations of the Ecological Appraisal (including the requirement to undertake further bat surveys) and to secure biodiversity enhancements and mitigation as necessary, the proposed development is considered to accord with the NPPF and policy NCN5 of the Local Plan.

18.0 Ground Conditions

18.1 Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by, amongst other things, remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate. Paragraph 121 sets out that planning decisions should also ensure that sites are suitable for new uses taking account of ground conditions resulting from previous uses. Following any necessary mitigation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990.

18.2 A Phase 1 Geo-Environmental Assessment has been submitted with the application which considers it unlikely that ground contamination has occurred from the materials stored in the on-site livery buildings or off-site agricultural buildings as a result of direct migration to sub-soils, as the concrete slabs will have acted as a barrier to this potential pathway and protected the sub-soils below. It is anticipated that with exception to the rubbish dump, any potential sources of contamination on and adjacent to the site are assessed as having a very low risk as if managed correctly they should not be a source of significant source of ground contamination. The rubbish dump has been assessed as having a medium risk as the materials stored, the presence of any impermeable protection base and is unknown. However, the Assessment considers that given that the rubbish dump is located downhill of the site, the site is considered at low risk to contamination through surface water. The report makes a number of recommendations but concludes that subject to the

recommendations made within the report, there should be no significant geo-environmental issues that would prevent the site from being developed for its intended residential use.

18.3 The Councils Environmental Health advisors have assessed the report and comment that the applicants Phase 1 geo environmental assessment is satisfactory in terms of assessing potential ground contamination risks on the proposed development site. The report's recommendations are considered appropriate in terms of ensuring the site is investigated further for potential contamination risks. However, it is recommended that in addition to these proposals, detailed soil sampling and trial pitting across the site is carried out in order to confirm ground conditions and levels of soil contamination. Subject to a condition requiring the above the Environmental Health advisor has no objection to the proposal.

19.0 Overall Balancing Exercise and Conclusions

19.1 Paragraph 14 of the NPPF requires that development proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless 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.

19.2 In this case the proposal conflicts with policy HOU4 of the local plan. However this policy is out of date for the reasons explained in section 5 of this report. As such planning permission should be permitted unless there are significant and demonstrable harms which outweigh the benefits. In terms of the economic benefits, it is now widely accepted that new housing developments bring benefits during the construction phase and through the additional spending power in the local economy as a result of the increased population. The social benefits of providing additional market and affordable housing is also well accepted. In environmental terms, the development would have limited landscape harm and potentially some environmental benefits through the restoration of an old builders yard and paddock land, and through providing enhanced opportunities for bio-diversity.

19.3 The application demonstrates that other matters such as the impact in terms of ground contamination, ecology, drainage, heritage assets and archaeology are acceptable, or can be made so by planning conditions. Subject to the road layout being successfully resolved, there would be no adverse impacts that would significantly and demonstrably outweigh the benefits of granting planning permission, when assessed against the policies of the Framework as a whole.

19.4 It is not considered that the development of an additional 28 dwellings in Maisemore, when considered in conjunction with the 15 recently consented at Bell House Farm, could be considered to undermine the emerging Joint Core Strategy or pre-determine the location of strategic development. Furthermore, it is not considered that an objection could be sustained in relation to the possible prejudice to the development of the Tewkesbury Borough Plan or any future Neighbourhood Plans.

19.5 It is concluded therefore that the economic and social benefits would outweigh any environmental harm resulting from the use of the private car and the limited landscape harm arising from the proposals. As such, based upon the three-stranded definition of Sustainable Development within the NPPF, the proposal would represent a sustainable form of development.

20.0 Conclusion

20.1 It is therefore recommended that **permission be delegated to the Development Manager subject: to allow for the completion of a Section 106 Agreement to secure the following planning obligations; and amendments to conditions as necessary:**

- **Affordable Housing - 35.7% provision.**
- **Off-site sports provision (playing pitches and changing facilities) - £35,000.**
- **Off-site contribution towards play facilities of £769 per household.**
- **Off-site contribution of £13,682 indoor sports facilities.**
- **Community - contribution towards community related facilities - to be confirmed.**
- **Recycling - £50 per dwelling**
- **Dog bins & signs - 1 bin per 45 houses at £350 per bin. 1 sign per 10 houses at £50 per sign**

RECOMMENDATION Delegated Permit

Conditions:

- 1 Details of the appearance and landscaping (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2 Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3 The development hereby permitted shall begin no later than two years from the date of approval of the last of the reserved matters to be approved.
- 4 Notwithstanding the submitted information, applications for the approval of the reserved matters shall be in accordance with the scale parameters described on the block plan and development shall be limited to no more than 2 storeys (with a maximum ridge height of 9 metres).
- 5 The submission of reserved matters, pursuant to condition 1 shall include details of the existing and proposed ground levels and proposed ground floor slab levels of the buildings and roads, access and driveway to Rectory Farm, relative to ordnance datum. Thereafter, the development shall be carried out in accordance with the details, as approved.
- 6 Trees and hedgerows on the site shall be retained during the course of development in accordance with details within the Arboricultural and Planning Integration Report prepared by GHA Tress, dated December 2014, and as shown on the block plan numbered 1552PO2 Rev *. Prior to the commencement of development details showing how the retained trees and hedgerows will be protected during the course of construction shall be submitted to and approved in writing by the Local Planning Authority. The protection measures shall accord with BS 5837: Trees in relation to construction. All approved protection measures shall be in place prior to the commencement of construction and shall be retained until construction has been completed.
- 7 The reserved matters submitted pursuant to condition 1 shall be accompanied by full details of both hard and soft landscape proposals. These details shall include, as appropriate:
 - (i) Positions, design, materials and type of boundary treatment to be erected;
 - (ii) Hard surfacing materials;
 - (iii) Restoration of areas referred to as 'Landscape Restored' on block plan (including any changes to levels) ;andSoft landscape details shall include:
 - a. Planting plans including positions for all tree, hedge and shrub planting;
 - b. Written specifications (including cultivation and other operations associated with plant and grass establishment);
 - c. Schedules of plants, noting species, planting sizes and proposed numbers;
 - d. Densities where appropriate; and
 - e. Implementation timetables including time of planting.If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the LPA, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place.
- 8 No development shall take place until an Ecological Management Plan (EMP) has been submitted to and approved in writing by the local planning authority. The EMP shall be in accordance with the mitigation and enhancement measures set out in the Preliminary Ecological Appraisal Report (dated December 2014). It shall include a timetable for implementation, details for monitoring and review, and details of how the areas concerned will be maintained and managed. Development shall thereafter be carried out in accordance with the approved details and timetable of the EMP.
- 9 No development shall take place until details of the provision of fire hydrants served by mains water supply, including a timetable for their provision, have been submitted to and approved in writing by the local planning authority. The fire hydrants shall be provided in accordance with the approved details and timetable.
- 10 Prior to the first occupation of any of the dwellings hereby permitted, an External Lighting Strategy shall be submitted to and approved in writing by the local planning authority, and development shall be carried out in accordance with the approved details. Thereafter no external lights shall be installed

on the dwellings or anywhere else within the appeal site otherwise than in accordance with the approved External Lighting Strategy, unless the written approval of the local planning authority has first been obtained.

11 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall:

- i. specify the type and number of vehicles;
- ii. provide for the parking of vehicles of site operatives and visitors;
- iii. provide for the loading and unloading of plant and materials;
- iv. provide for the storage of plant and materials used in constructing the development;
- v. provide for wheel washing facilities;
- vi. specify the intended hours of construction operations;
- vii. measures to control the emission of dust and dirt during construction.

12 No development, shall take place until the following components of a scheme to deal with the risks associated with contamination of the site are submitted to and approved, in writing, by the local planning authority:

- i) No development, shall take place until a phase 2 site investigation should be carried out, the details of which shall have been submitted to and approved, in writing, by the local planning authority. In addition to the proposals outlined in the phase 1 geo environmental assessment, this should also include detailed soil sampling and trial pitting across the site in order to confirm ground conditions and levels of soil contamination.
- ii) Where remediation is necessary a remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

- iii) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. A further investigation and risk assessment must be undertaken in accordance with the following requirements:

The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (a) a survey of the extent, scale and nature of contamination;
- (b) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;

(c) an appraisal of remedial options, and proposal of the preferred option(s).

where remediation is necessary, the requirements of condition 2 should be followed.

- 13 No external construction works, deliveries, external running of plant and equipment or internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1400 on Saturday. There shall be no such working Sundays, Public or Bank Holidays without the prior written permission of the Local Planning Authority.
- 14 Development is not to begin until comprehensive evidence based surface water and foul drainage details, including a SuDS/drainage management plan, have been submitted and approved by the authority. These should fully incorporate the principles of sustainable drainage and improvement in water quality, along with a robust assessment of the hydrological influences of the detailed drainage plan, including allowances for climate change. The scheme to subsequently be implemented in accordance with the approved details before the development is finished and put into use, and subsequently maintained to the required standard. In addition, unless foul water is to be treated via a package treatment plant, that the sewerage authority must first take any steps necessary to ensure that the public sewer will be able to cope with the increased load, and there being in place adequate and appropriate sewerage facilities to cater for the requirements of the development without increase of flood risk or ecological damage.
- 15 Notwithstanding the provisions of the Town and County (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that order), no planting or structures above 600mm shall be placed within the forward visibility splays as shown on plan TR8140943/03 C, and shall be maintained as such thereafter.
- 16 Prior to first occupation, the pedestrian crossing along the A417 shall be provided in accordance with the approved plan TR8140943/03 C, the works shall be maintained as such thereafter unless and until adopted as highway maintainable at public expense.
- 17 No works shall commence on site until the first 20m of the proposed access road which provide access to the site including the junction with the A417 and associated visibility splays, has been completed to at least binder course level and the works shall be maintained as such thereafter unless and until adopted as highway maintainable at public expense.
- 18 No development shall commence on site until a scheme has been submitted to, and agreed in writing by the Council, for the provision of fire hydrants (served by mains water supply) and no dwelling shall be occupied until the hydrant serving that property has been provided to the satisfaction of the Council.
- 19 No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as either a dedication agreement has been entered into or a private management and maintenance company has been established.
- 20 No building on the development shall be occupied until the carriageway(s) (including surface water drainage/disposal, vehicular turning head(s) and street lighting) providing access from the nearest public highway to that dwelling have been completed to at least binder course level and the footway(s) to surface course level.
- 21 The development hereby permitted shall not be occupied until the car parking associated with each dwelling within the development has been provided in accordance with the approved plan, and shall be maintained available for that purpose thereafter.

Reasons:

- 1 The application is in outline only and the reserved matters referred to in the foregoing condition will require further consideration.
- 2 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 4 To ensure that the development integrates harmoniously with its surroundings and does not adversely impact upon existing residential properties in accordance with the NPPF and Policy LND4 of the Tewkesbury Borough Local Plan - March 2006.
- 5 To ensure that the development integrates harmoniously with its surroundings and does not adversely impact upon existing residential properties in accordance with the NPPF and Policy LND4 of the Tewkesbury Borough Local Plan - March 2006.
- 6 To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policy LND7 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 7 To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policy LND7 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 8 To ensure 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.
- 9 To ensure that fire hydrants are provided in suitable locations within the development in the interests of community safety in accordance with Policy GNL11 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 10 To protect the amenities of nearby residential property and in the interests of visual amenity in accordance with Policies LND4 and EVT2 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 11 In the interests of highway safety in accordance with Policy TPT1 of the Tewkesbury Borough Local Plan - March 2006
- 12 To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with guidance in the NPPF.
- 13 To ensure that the proposed construction work does not cause undue nuisance and disturbance to neighbouring properties at unreasonable hours in accordance with Policy EVT3 of the Tewkesbury Borough Local Plan - March 2006.
- 14 To ensure that the development is provided with a satisfactory means of drainage, as well as reducing the risk of flooding both on the site itself and the surrounding area, and to minimise the risk of pollution, all in accordance with the saved policies and NPPF guidance.
- 15 In the interests of highway safety, in accordance with paragraph 32 and 35 of The Framework.
- 16 To reduce potential highway impact, in accordance with paragraph 32 and 35 of The Framework.
- 17 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 and 35 of The Framework.
- 18 To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire.
- 19 To ensure that safe, suitable and secure access is achieved and maintained for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with paragraph 32 and 35 of The Framework, and to establish and maintain a strong sense of place to create attractive and comfortable places to live, work and visit as required by paragraph 58 of the Framework.

- 20 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 and 35 of The Framework.
- 21 To reduce potential highway impact by ensuring that vehicles do not have to park on the highway resulting in a severe impact contrary to paragraph 32 and 35 of the National Planning Policy Framework.

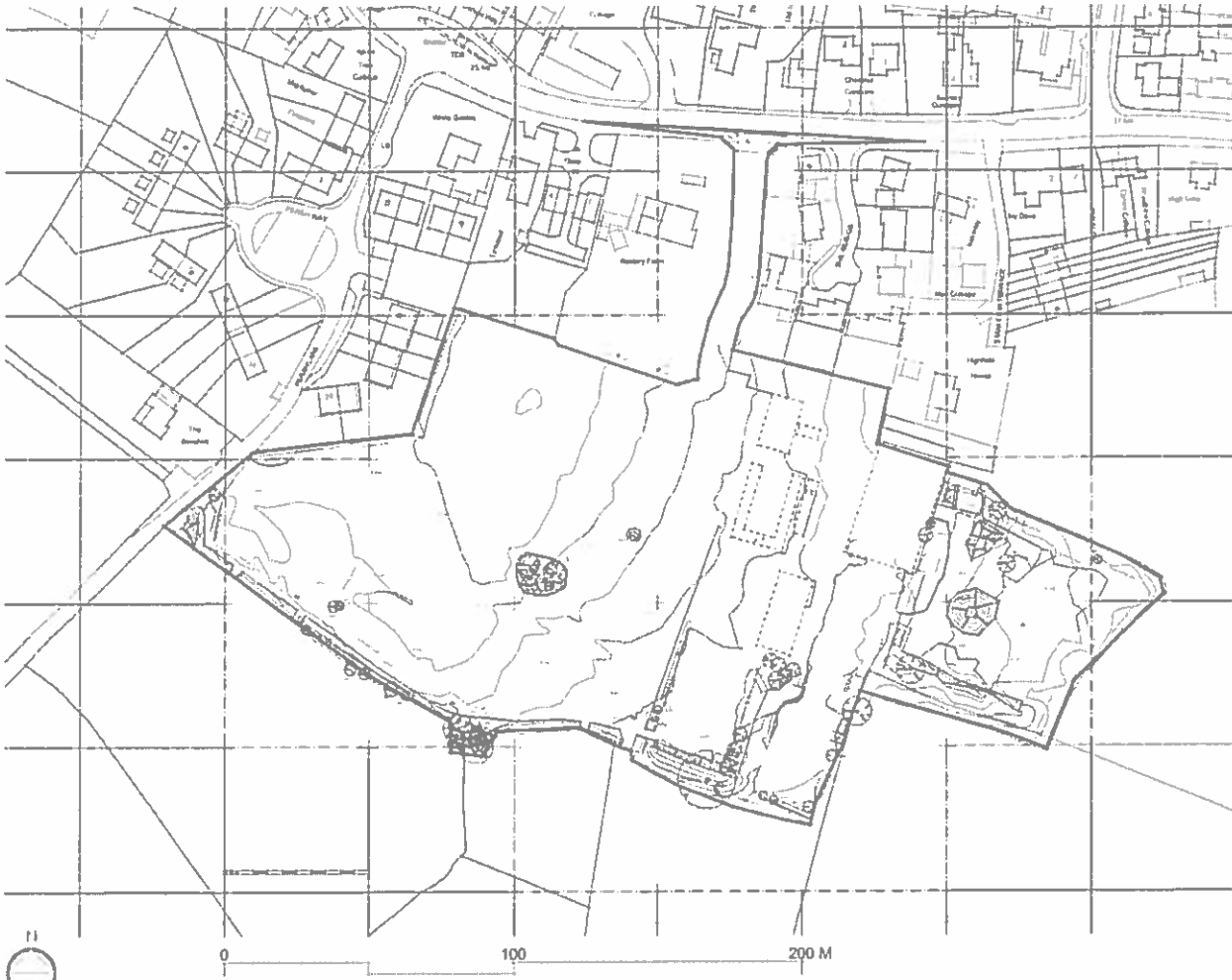
Notes:

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 an improved layout and design, and ensuring that highway safety and residential amenity issues have been addressed.

- 2 The proposed development will require works to be carried out on the public highway and the Applicant/Developer is required to enter into a legally binding Highway Works Agreement (including appropriate bonds) with the Local Highway Authority, which includes both the Highways Agency and Gloucestershire County Council, before commencing works on the development.
- 3 The developer will be expected to meet the full costs of supplying and installing the fire hydrants and associated infrastructure.
- 4 The Developer is requested to erect a sign at the boundary of the new estate street with the nearest public highway providing the Developer's contact details and informing the public that the County Council is not responsible for the maintenance of the street.
- 5 The applicant is advised that to discharge condition 6 that the local planning authority requires a copy of a completed dedication agreement between the applicant and the local highway authority or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.

Site Location Plan



Sheet	1 of 1
Date	15/11/14

CLIENT
River Ltd

PROJECT
Land at Malsmore

DRAWING
Site Location

SCALE 1:1250 @ A3 DRAWING SIZE 1552 P 01

DATE: Nov'14 REV: #



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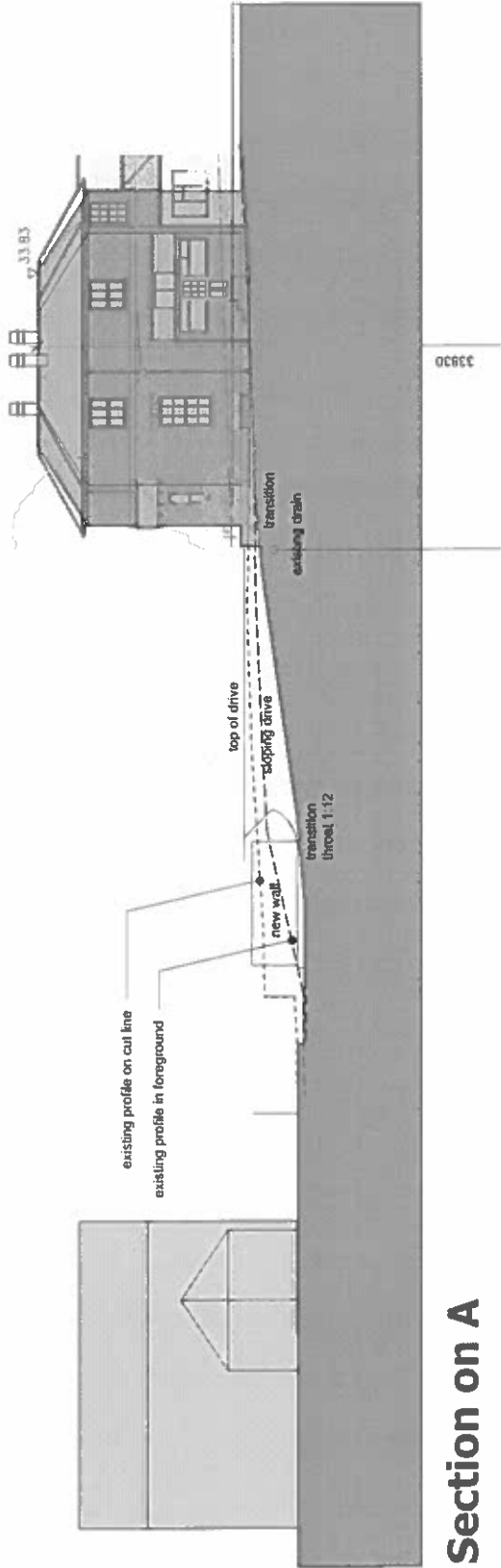
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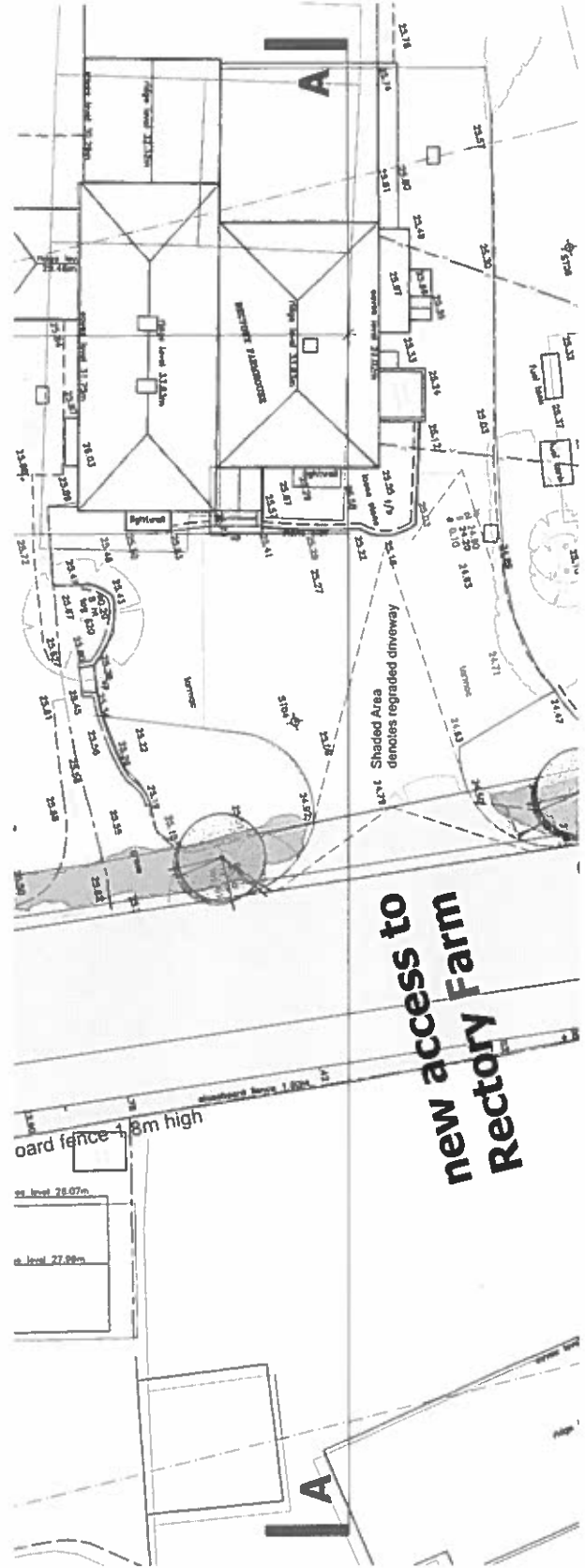
REV	DATE	DESCRIPTION	BY	CHECKED

Drive way to Rectory Farm Section



Section on A

336/c



new access to Rectory Farm

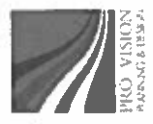


Plan (shows existing levels)

CLIENT: Rivar Ltd
PROJECT: Land at Maiseamore

DRAWINGS: Access to Lodge

SCALE: 1:2000
DATE: July 15



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PRO VISION PLANNING & DESIGN
15, Westfield Way, 3, Lymington Road, Lymington, Hampshire, PO15 1AB
Tel: 01534 851111

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Legend

Existing tree
 New tree
 Existing hedgerow/landscape
 New planting:
 Hedgerow/groundcover
 Public Open Space (0.2 Ha)

House Types:

1 bed
 Dimensions: range: 7-10m width, 8-10m depth, 4-6m eaves, 5.5-6.5m ridge

2 bed
 Dimensions: range: 9-10m width, 9-10m depth, 5-6m eaves, 6-8m ridge

3 bed
 Dimensions: range: 11-12m width, 10-11m depth, 6-7m eaves, 8-9m ridge

4 bed
 Dimensions: range: 13-14m width, 12-13m depth, 7-8m eaves, 9-10m ridge

5 bed
 Dimensions: range: 15-16m width, 14-15m depth, 8-9m eaves, 10-11m ridge

6 bed
 Dimensions: range: 17-18m width, 16-17m depth, 9-10m eaves, 12-13m ridge

Colour Code:

- 1 bed affordable dwelling
- 2 bed affordable dwelling
- 3 bed affordable dwelling
- 2 bed open market dwelling
- 3 bed open market dwelling
- 4 bed open market dwelling

Rear Ltd
 Land of Haslemore
 Block Plan
 DATE: 11.000 @ A1 (11.000@A1)
 DATE: Jun 15

336 / D



Valid 13.04.2015
 Grid Ref 385376 222988
 Parish Twigworth
 Ward Coombe Hill

Outline application for the erection of five dwellings

Mr & Mrs J Fury
 Vine House
 Tewkesbury Road
 Twigworth
 GL2 9PX

RECOMMENDATION Delegated Permit

Policies and Constraints

NPPF

Planning Practice Guidance

Tewkesbury Borough Local Plan to 2011 (March 2006) - Policies LND4, TPT1

JCS Submission Version (November 2014) - Policies SD5, SD7, INF2

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

Twigworth Parish Council - Object, for the following reasons:

- The previous Outline Application -for 2 large bungalows bordering the A38 constitutes "ribbon development" - which will continue to destroy the natural & open character of the A38 corridor- was opposed, and this one for 5 large dwellings is considered much less desirable still.
- The 3-parish NDP is now in the process of being written and this "dense" application for 5 dwellings is in clear breach of the policy which this will contain.
- Water supply and sewerage matters are currently failing the community and remedial works to tackle these issues should be addressed prior to any additional homes

Down Hatherley Parish Council – Object, for the following reasons:

- The two homes bordering the A38, previously outline approved, is regretted since this adds to ribbon development which is contrary to the policy of the 3-parish NDP (Down Hatherley / Twigworth / Norton.)
- This NDP is soon to be passed to the Borough for interim approval.
- Three further dwellings behind the roadside pair would be a serious breach of this policy which seeks to maintain the open nature of this sensitive area so near to the Flood Plain and proven pluvial flooding dangers.
- Water supply and sewerage matters are currently failing the community and remedial works to tackle these issues should be addressed prior to any additional homes.
- The Vine House site is directly over the road from a number of Down Hatherley homes, and the proposed houses would be very close to the immediately adjacent property which is in Norton parish.

Three letters of neighbour representation received raising the following concerns (summarised):

- The development site should remain as agricultural land.
- The site acts as a natural break between Norton and Twigworth.
- The proposal would overshadow adjacent dwellings.
- The development would constitute backland development.
- Other developments referred to by the applicant were on brownfield land and are therefore not comparable to this green field site.
- The proposal would result in flooding and drainage issues.
- The proposal would be detrimental to highway safety.

- The proposal is out of keeping with the established settlement pattern.
- The rural aspect of the area would be diminished.
- The site is located outside of a settlement boundary.

Planning Officers Comments: Mr Ciaran Power

1.0 The Application Site

1.1 The application relates to a piece of land to the north of Vine House which fronts onto the A38 in Twigworth (**see attached location plan**). The surrounding area is predominantly semi-rural in character. However, the immediate area is characterised by ribbon development which straddles the A38 in this location. The site is not subject to any formal landscape designation and is not located within a recognised settlement boundary.

2.0 Planning History

2.1 Outline planning permission was refused for 2 single storey dwellings on the site in 2005 (Ref: - 05/00618/OUT). The application was refused on the basis that the site was not located within a recognised settlement boundary and would be overly reliant on the use of the private motor vehicle. It was also considered that the proposal would have a harmful impact on the landscape.

2.2 Outline planning permission was granted for the erection of 2 detached bungalows in 2014 on part of the application site.

3.0 Current Proposal

3.1 The application proposes the erection of 5 detached dwellings. The application is in outline with all matters to be reserved for future consideration. Whilst all matters are reserved, the application is supported with drawings which show an indicative layout and indicative elevations and floor plans. The applicant has amended these since the original submission and stress that these are for illustrative purposes only.(**see attached plans**).

4.0 Analysis

Principle of development

4.1 The site is located outside of a recognised settlement boundary and therefore the proposal is contrary to policy HOU4 of the Local Plan. However, paragraph 49 of the NPPF sets out that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. Policy 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 insofar as it relates to restricting the supply of housing. The policy is also out of date because the Council cannot currently demonstrate a five year supply of deliverable housing sites.

4.2 Paragraph 14 of the NPPF sets out a presumption in favour of sustainable development and states that development proposals that accord with the development plan should be approved without delay. The NPPF goes on to say that where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or where specific policies in the Framework indicate development should be restricted. In this case there are no specific policies which indicate development should be restricted.

4.3 The NPPF also states that local authorities should avoid granting new isolated homes in the open countryside unless there are special circumstances. Although the site is located outside a residential development boundary, it is considered that it is not isolated given its location close to existing residential development at Twigworth and Down Hatherley. Twigworth benefits from a reasonable level of local services and facilities, including a post office, a general store, employment opportunities, a petrol station/garage and a place of worship. The majority of these services and facilities are within acceptable walking and cycling distances from the application site. The site is also located in close proximity to bus stops on the A38 which provides connections to Tewkesbury, Cheltenham and Gloucester City. It is therefore considered that the site is located in a reasonably accessible location.

Design, layout and residential amenity

4.4 Section 7 of the NPPF makes it clear that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. 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 SD5 of the JCS Submission Version (November 2014) closely reflects this advice.

4.5 Whilst all matters relating to design and layout are reserved for future consideration, the application is supported with an indicative layout and indicative elevations and floorplans for the proposed bungalows. The amended indicative plans show an access road off of the A38 through the centre of the site with 5 dwellings positioned around this in a cul-de-sac style. The two dwellings on the development frontage would front onto the A38 and would be bungalows in keeping with the adjacent bungalows to the north. Whilst the bungalows shown have large footprints, they have relatively low eaves and ridge heights and reflect the scale of surrounding property. The bungalows follow approximately the same building line as the existing bungalows to the north and are comparable to the two bungalows which were granted planning permission in 2014. The proposal also includes the erection on 3 two storey dwellings beyond the frontage bungalows. Whilst these dwellings would extend into open countryside beyond the rear building line of the dwellings to the north and south they would be sited around a small cul-de-sac. Twigworth has developed in a ribbon form with occasional ca-de-sacs off the main road in various places including nearby Broadclose Road. The indicative plans show three two storey dwellings beyond the proposed bungalows and whilst they would be higher, the ridge and eaves have been shown relatively low which would assist in integrating the development in this location. Whilst there is potential for some overlooking as a result of the proposed development it is considered that careful design and orientation of windows would ensure that the development could be accompanied in an acceptable manner and these matters would be addressed through any subsequent reserved matters applications. It is therefore considered that the plans show that 5 dwellings could be accommodated on the site in an acceptable manner. Whilst the concerns of local residents are noted in respect of the size and design of the bungalows, this would be addressed through any subsequent reserved matters applications.

Landscape impact

4.7 Policy LND4 of the Local Plan states that regard will be given to the need to protect the character and appearance of the rural landscape. The NPPF reflects this advice and states that the planning system should contribute to and enhance the natural and local environment by, inter alia, protecting and enhancing valued landscapes. Policy SD7 of the JCS Submission Version (November 2014) reiterates this advice.

4.8 As set out above, the surrounding area is semi-rural in character. However, the site itself sits in close proximity to existing residential development and is heavily influenced by the A38. The proposal would introduce development into an open piece of land and would interrupt views of the open countryside beyond. An extant planning permission was granted for two dwelling in the sites frontage and therefore the loss of the openness of this plot has already to some degree been accepted. Whilst the development would be fairly prominent from the road and would change the character of the site to a more urban setting it is not considered that the visual impact would be significantly greater than the previously approved application and the development would be viewed in the same context as existing residential properties and therefore the harm would be limited. Notwithstanding this, the harm, albeit limited, does weigh against the proposal in the overall planning balance.

Highway considerations

4.9 Policy TPT1 of the Local Plan states, inter alia, that development will be permitted where highway access can be provided to an appropriate standard which would not adversely affect the safety or satisfactory operation of the highway network. Section 4 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Paragraph 32 specifically requires safe and suitable access to all development sites for all people. Policy INF2 of the JCS Submission Version (November 2014) reflects this advice.

4.10 Objections have been received from local residents on the grounds of highway safety. It is suggested that A38 is very busy and cannot take any more vehicles and is dangerous at this location. Access is proposed to be reserved for future consideration. However, the indicative layout shows a single access directly off the A38 which would serve all 5 dwellings. No objections have been received from County Highway Authority subject to the imposition of planning conditions. It is considered that appropriate visibility, turning and manoeuvring can be achieved and the addition of 5 dwelling would not generate significant traffic movement to warrant refusal.

Affordable Housing

Local Plan Policy HOU13 provides that the Council will seek to negotiate with developers to provide affordable housing. Furthermore, Affordable Housing Supplementary Planning Guidance (SPG) was adopted by the Council in August 2005. The purpose of the SPG is to assist the implementation of affordable housing policies contained within the Local Plan and it is a material consideration in the determination of planning applications. Emerging Policy SD13 (Joint Core Strategy Submission document) stating sites greater than 0.4 hectares are to meet an Affordable Housing contribution of 40%. The Council's Housing Enabling and Strategy Officer considered that 2-bed houses for affordable rent would be suitable to meet the identified housing need here. The applicant has confirmed that they agree to the principle of contributing towards affordable housing and therefore should members be minded to grant planning permission it is recommended that authority be delegate to officers to allow the overall contribution to be agreed and secured through a S106 agreement. The council is therefore seeking an off-site contribution of £166,500.00 from this development.

Other Matters

5.40 The site is located within Flood Zone 1 (low risk) as defined by the Environment Agency's most up-to-date flood risk maps. The development is therefore unlikely to be at risk of flooding or cause significant risk of flooding to third party property. It is noted that there are concerns regarding mains and sewage capacity in the area however no details relating to the method for disposal of foul sewage has been specified at this stage and this would need to be confirmed at the reserved matters stage. It is recommended that a condition be imposed requiring the submission of full drainage plans at the reserved matter stage, to ensure the most appropriate drainage solution be investigated.

6.0 Overall balancing exercise and conclusions

6.1 Planning permission has previously been development at the application site for 2 dwellings. The proposal would contribute, albeit in a small way, towards providing much needed housing in the Borough and it is recognised that housing development is an important economic driver. The site is located within a reasonably accessible location and there would be an acceptable impact upon the highway network. Whilst there would be a degree of harm to the landscape, it is considered that this harm would be limited and would not significantly and demonstrably outweigh the benefits. Overall, the proposals are considered to represent sustainable development in the context of the NPPF and the application is therefore recommended for **Delegate permission to secure affordable housing contribution through S106 agreement.**

RECOMMENDATION Delegated Permit

Conditions:

- 1 The development for which permission is hereby granted shall not be begun before detailed plans thereof showing the layout, scale and external appearance of the building(s), landscaping, and the means of access thereto (hereinafter referred to as "the reserved matters") have been submitted to and approved by the Local Planning Authority.
- 2 Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
- 3 The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
- 4 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.
- 5 Details of existing and proposed levels, including finished floor levels, shall be submitted as part of the reserved matters application in accordance with condition 1. All development shall be carried out in accordance with the approved details.

- 6 No works shall commence (other than those required by this condition) on the development hereby permitted until the first 20 m of the proposed access road, including the junction with the existing public road and associated visibility splays, has been completed to at least binder course level.
- 7 No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as either a dedication agreement has been entered into or a private management and maintenance company has been established.
- 8 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 back along the centre of the access measured from the public road carriageway edge (the X point) to a point on the nearer carriageway edge of the public road 160 m distant in both directions (the Y points). The area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between 1.05 m and 2.0 m at the X point and between 0.26 m and 2.0 m at the Y point above the adjacent carriageway level.
- 9 The development hereby permitted shall not be occupied until details of secure and covered cycle storage facilities for a minimum of 2 bicycles per dwelling has been made available in accordance with details to be submitted to and approved in writing by the LPA.
- 10 The details to be submitted for the approval of reserved matters shall include vehicular parking and turning facilities within the site, and the buildings hereby permitted shall not be occupied until those facilities have been provided in accordance with the approved plans and shall be maintained available for those purposes for the duration of the development.
- 11 No street lighting shall be erected on any part of the site unless a scheme for such is first submitted to and agreed in writing with the Local Planning Authority. The scheme shall be carried out in accordance with the approved details.
- 12 The reserved matters submitted pursuant to Condition 1 shall be accompanied by a full drainage scheme for the development. The approved scheme shall be completed in accordance with the approved details prior to the first occupation of that part of the development and the scheme shall be managed and maintained thereafter in accordance with the approved details.
- 13 Any dwellings fronting the site onto Tewkesbury Road shall be bungalows not exceeding 5.5 metres in height. All other dwellings shall have a maximum ridge height of 8 metres.

Reasons:

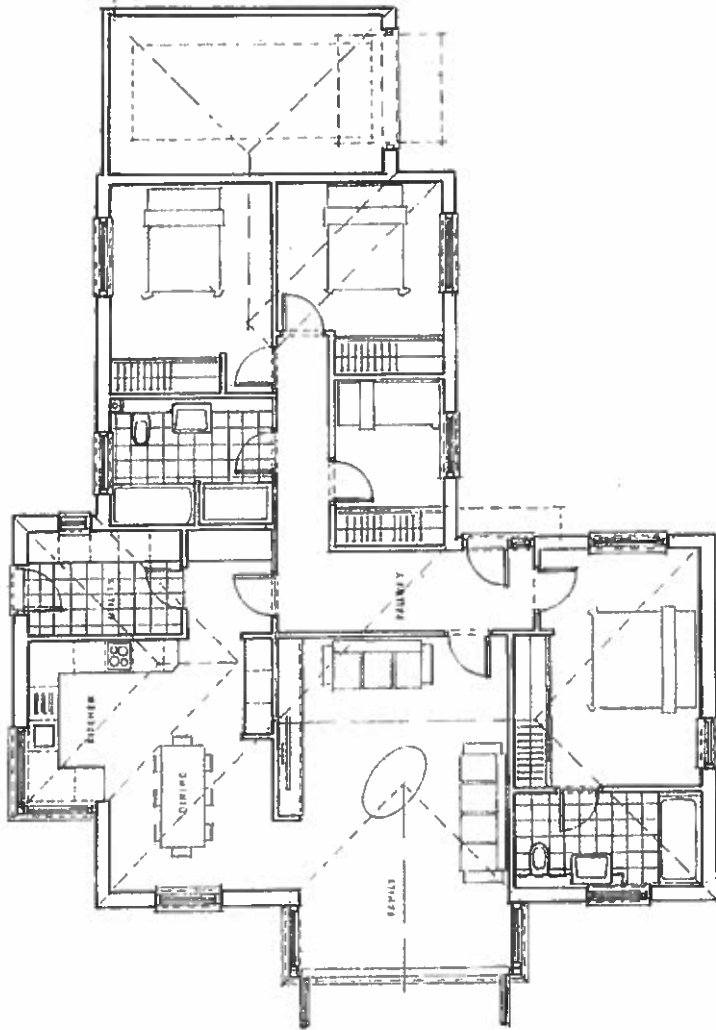
- 1 The application is in outline only and the reserved matters referred to in the foregoing condition will require further consideration.
- 2 To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.
- 3 To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.
- 4 To ensure that the new development will be visually attractive in the interests of amenity.
- 5 To ensure that the development integrates harmoniously with the surrounding development and to safeguard the amenities of residents of adjoining properties.
- 6 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 the National Planning Policy Framework.
- 7 To ensure that safe, suitable and secure access is achieved and maintained for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with the National Planning Policy Framework and to establish and maintain a strong sense of place to create attractive and comfortable places to live, work and visit as required by paragraph 58 of the Framework.

- 8 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 of the National Planning Policy Framework and TPT1 of the Tewkesbury Borough Local Plan to 2011 - 2006.
- 9 To ensure that adequate cycle parking is provided, to promote cycle use and to ensure that the opportunities for sustainable transport modes have been taken up in accordance with paragraph 35 of the National Planning Policy Framework and TPT1 of the Tewkesbury Borough Local Plan to 2011 - 2006.
- 10 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 the National Planning Policy Framework.
- 11 To ensure that the development integrates harmoniously with the surrounding development and to safeguard the amenities of residents of adjoining properties.
- 12 To ensure that the development is provided with a satisfactory means of drainage in accordance with the saved policies and NPPF guidance.
- 13 This is an outline planning permission and compliance with the parameters is required to ensure that the size of the dwelling is related to adjacent properties and aid the transition between the open country side and built development in order protect the character and appearance of the area.

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 received amended layout and indicative plans.



SCALE 1/100

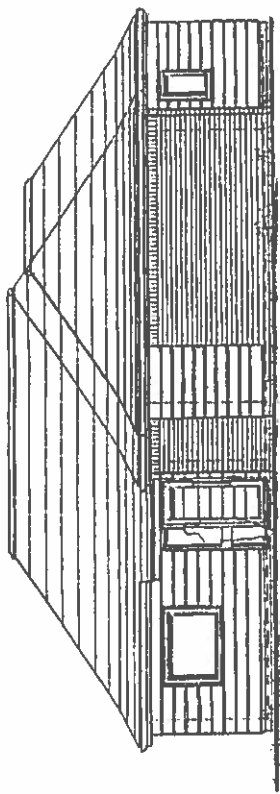


New Residential Units, land adjacent Vine House, Twigworth

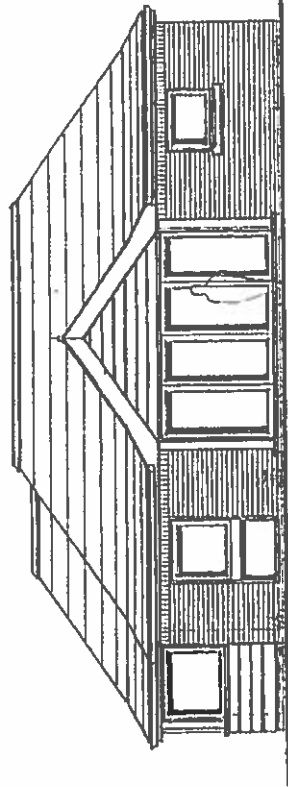
Unit 1, Proposed Floor Plan Scale 1: 100

EJP/TWIG/14/1-2A

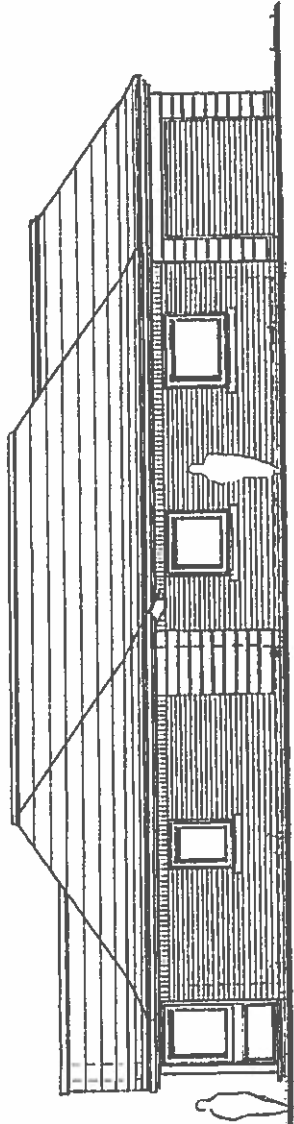
342/B



FRONT



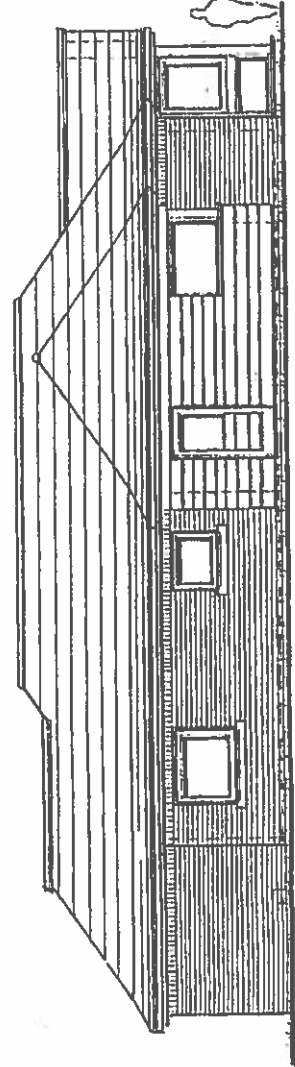
REAR



SIDE

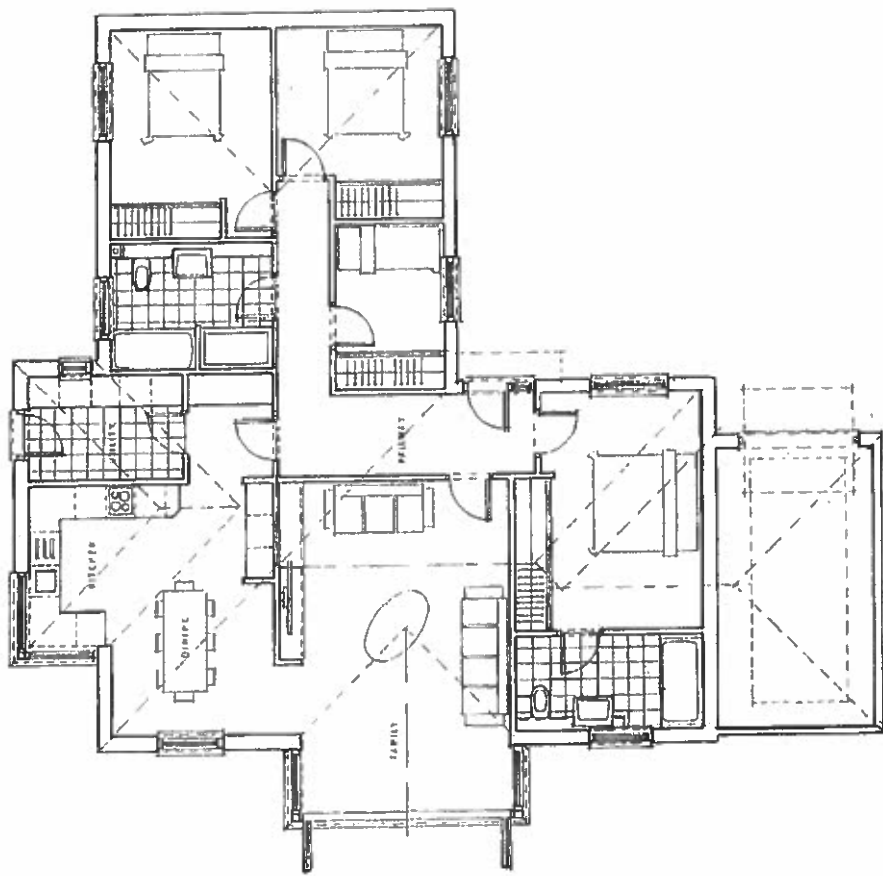


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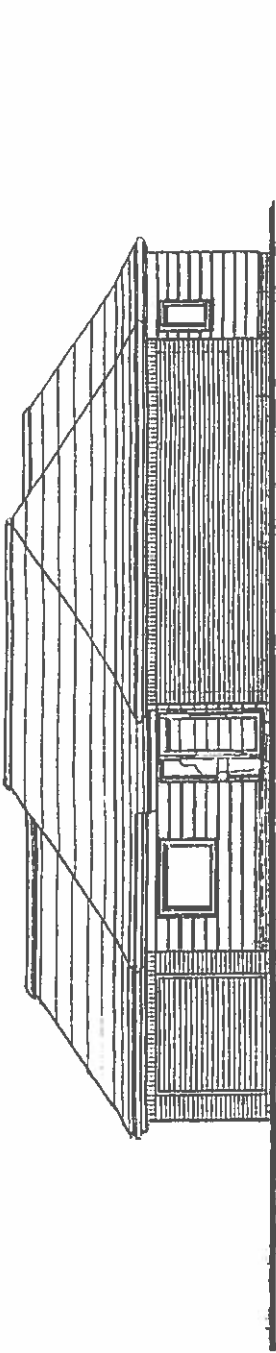
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New Residential Units, land adjacent Vine House, Twigworth
Unit 1, Elevations
EJP/TWIG/14/1-3A

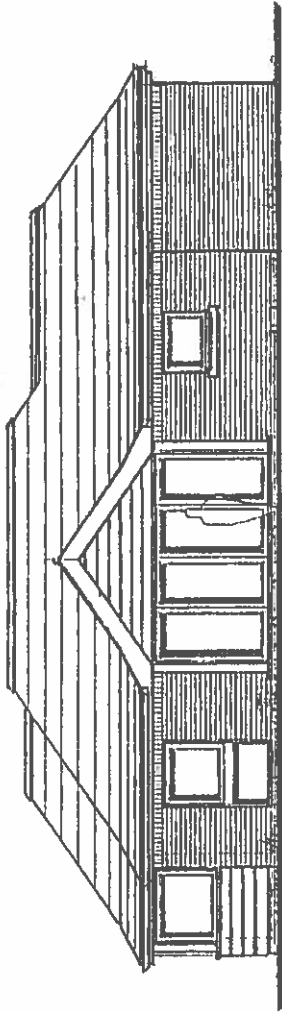


New Residential Units, land adjacent Vine House, Twigworth
 Unit 2, Proposed Floor Plan Scale 1: 100
 EJP/TWIG/14/1-4A

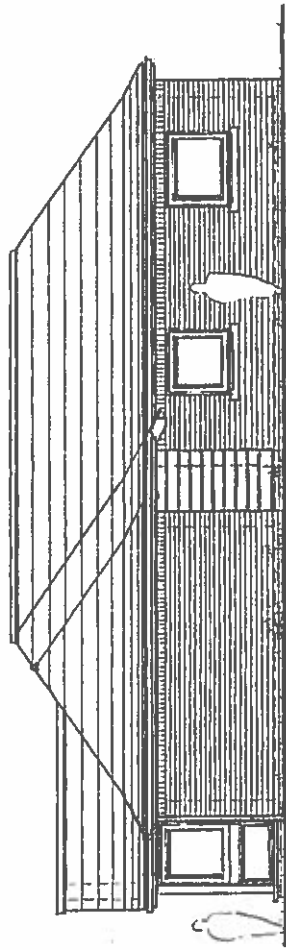
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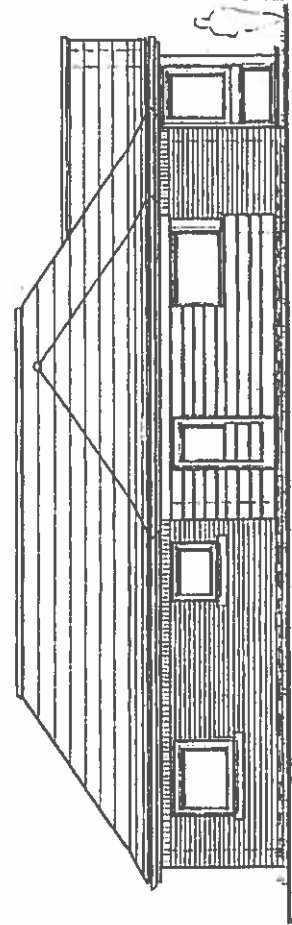
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REAR



SIDE



SIDE

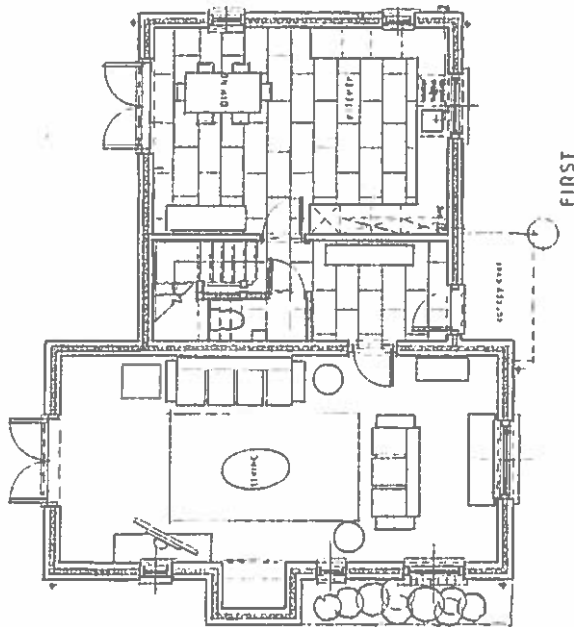


342/E

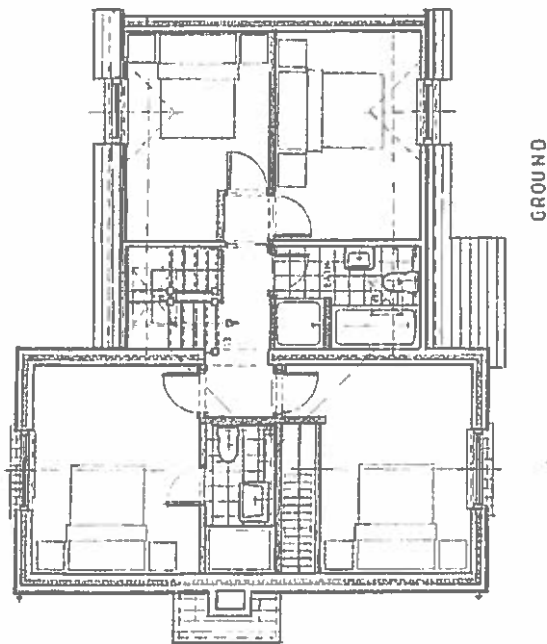
New Residential Units, land adjacent Vine House, Twigworth

Unit 2, Elevations

EJP/TWIG/14/1-5

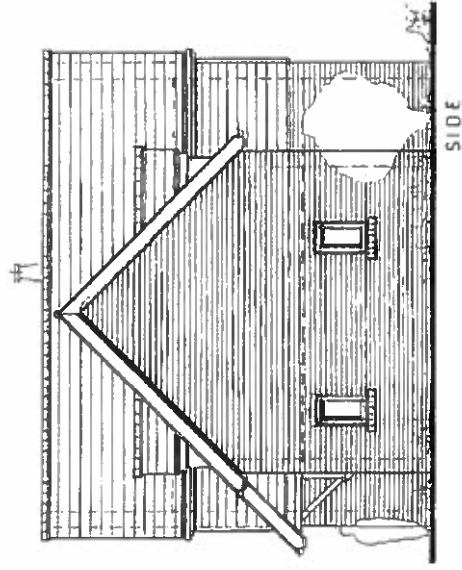
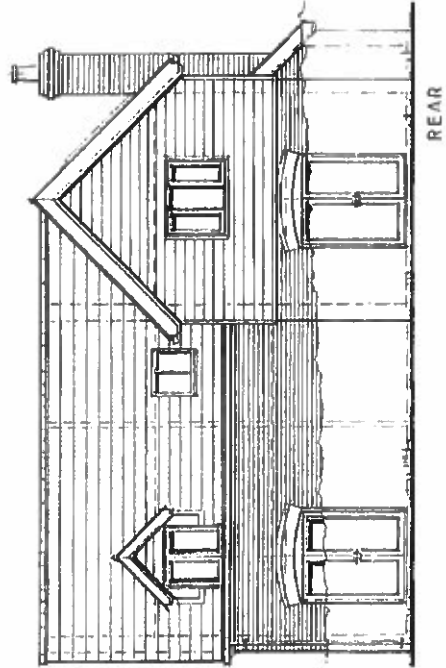
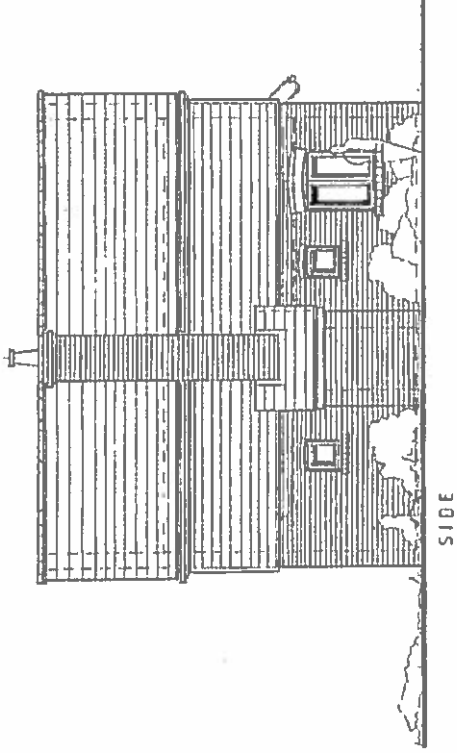
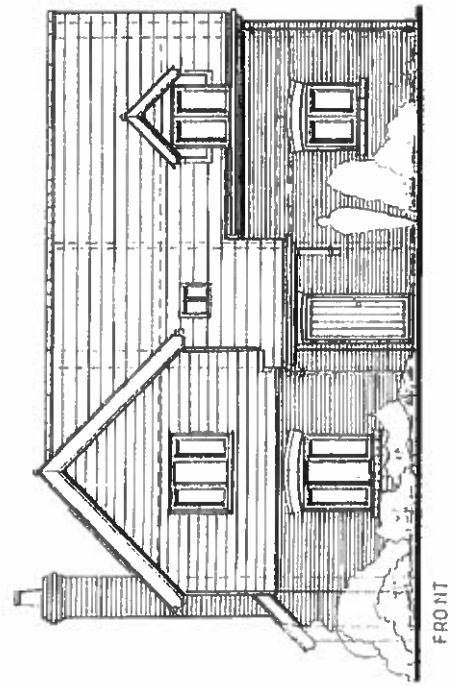


SCALE 1:100
0 1 2 3 4 5 6



342/F

New Residential Units, land adjacent Vine House, Twigworth
Units 3, 4, 5 Proposed Floor Plans
EJP/TWIG/14/1-6



342/G



New Residential Units, land adjacent Vine House, Twigworth
 Units 3,4,5 Proposed Elevations
 EJP/TWIG/14/1-7

15/00045/APP
PP-03910109
Valid 27.01.2015

Land West & South of Gloucester Business Park, Brockworth 17

Public Open Space 1 (POS 1), sports facilities and associated landscape works comprising: football pitch, rugby pitch, Multi Use Games Areas (MUGA), changing room and maintenance room building, allotments area and footpaths.

Grid Ref 387601 216165
Parish Hucclecote
Ward Hucclecote

Mr J Cook
Bovis/Barratt/Persimmon Homes
Cleeve Hall
Bishops Cleeve

RECOMMENDATION Delegated Approve

Policies and Constraints

NPPF

Planning Practice Guidance

The Tewkesbury Borough Local Plan to 2011 – March 2006 – GNL2, GNL11, TPT1, EVT2, EVT3, EVT5, EVT9, LND7, RCN2, RCN9, RCN10

Joint Core Strategy Submission Version November 2014 – SD1, SD4, SD7, INF3, INF5

Consultations and Representations

Hucclecote Parish Council – comments made on the original application submission raise objections on two main points:

Allotments - The agreed Master Plan showed that land for allotments had been positioned by POS 5 but this proposal has included the land close to the new sports pavilion. If the allotment site was to be changed the Parish Council and residents would like some assurance that the POS 5 would remain as open space and not be used for further housing development.

Parking provision - The allocation of 20 spaces plus coach parking will be not be anywhere near sufficient to support a rugby pitch, football pitch and two all weather pitches. Without sufficient parking spaces, when these facilities are in use, all the residential roads will be clogged up with cars.

Comments received on the revised application maintain this objection - Whilst the increase in parking spaces (from 20 to 27) is welcomed it will be nowhere near enough to service all the facilities proposed. In our view the developers should provide the allotments on the site shown on the Master Plan and then use the space now being shown to provide allotments to provide extra parking spaces. We also note that no amendments have been made to the size of the football pitch and layout of the changing rooms, as per Sport England's comments.

Brockworth Parish Council - neither support nor object to this application. However, there are concerns that the allocation of 20 car parking spaces is far short of what will be required when all sports pitches are in use. Suggest that the area on the plan allocated to allotments be considered for extra parking, whilst allotments are located away from the motorway.

No comments have been received from the Parish Council on the revised application

Stroud District Council – No comments received to date

County Highways – No objection

Community Team – No objection raised but comments provided in relation to the proposed changing facilities, pitch drainage, water provision on the allotments, inspection of sports facilities upon completion and ongoing management.

Comments on the revised application are still awaited – Members will be updated prior to the meeting of the Planning Committee

Sport England – comments provided on a non-statutory consultee basis in relation to whether or not the proposed sports provision is fit for purpose. Concern raised in relation to the size of the proposed football pitch and further info requested in relation to the MUGA facilities, the sports lighting, fencing and changing rooms. Conditions recommended to secure drainage details, management and maintenance details and details of the sports lighting.

Environmental Health – No comments received to date.

County Archaeologist - no objection in principle but condition recommended to secure an appropriate programme of work to record any significant archaeological remains which would be adversely affected by this scheme.

Natural England – No objections

Local residents – 3 objections received raising the following concerns:

- * The proposed parking provision is insufficient and will cause dangerous parking in the area;
- * The new location of the allotments has reduced wildlife potential and will have a limited growing capability;
- * The football pitch does not meet FA standards;
- * There is a lack of information in relation to the MUGA facilities;
- * The changing room facilities should have individual shower cubicles.

Planning Officers Comments: Mr Matthew Tyas

1.0 Site location, planning history and current application

1.1 In January 2005 Outline Planning Permission was granted for residential development involving approximately 1900 dwellings and associated physical and community infrastructure including a neighbourhood centre on 70 hectares of land to the south and west of Gloucester Business Park (ref. 01/10875/1124/OUT – hereinafter referred to as 'the outline permission').

1.2 This application site relates to Public Open Space 1 (POS1) located to the north west of Coopers Edge in Brockworth. POS1 is the largest of the 7 public open spaces which will be distributed throughout the development as set out in the approved masterplan for the outline permission. The application site sits adjacent to the M5 motorway and immediately to the north of the existing POS1 play facilities (the subject of approved reserved matter application 12/01171/APP) to the north of Lobleys Drive.

1.3 This is a reserved matters application for the Public Open Space 1 (POS1) sports facilities in pursuance of the outline permission. The application is in revised form. The car parking provision has been increased from 20 spaces to 27 spaces and the internal layout of the proposed changing room building has been amended in line with comments received from the Council's Community and Economic Development Manager.

2.0 Analysis

2.1 As part of the outline permission an Outline Public Open Spaces Design Strategy was produced (hereinafter referred to as 'the POS design strategy'). This describes the key design features, characteristics and contents of the major POSs proposed within the masterplan area. The S106 agreement for the outline permission provides an obligation for the landowners and developers to provide and lay out public open space in accordance with the POS design strategy, and to submit as part of the reserved matters application a detailed specification for the public open space and play areas and such specifications to be prepared in accordance with the POS design strategy. This is reflected by Condition 21 of the outline permission which requires that reserved matters applications are made in accordance with the POS design strategy.

2.2 The POS design strategy for POS1 is appended to this report. In summary, the key design criteria and proposals for POS1 (as relevant to this application) are:

- * Sports pitches and courts: rugby, soccer, multi-use sports courts;
- * Changing facilities and car park for 20 no. cars approximately;
- * Grounds maintenance building

2.3 Members are advised that certain proposals within the POS design strategy for POS 1 (i.e. the NEAP play area and flood storage attenuation area) have already been approved as part of the POS1 play facilities 12/01171/APP.

2.4 The sports provisions for this reserved matters application are in substantial accordance with the POS design strategy and the general layout of the POS area is in accordance with the approved masterplan. There are not therefore considered to be any issues associated with the type of sports provisions provided and their position within the site, and the application is considered to be acceptable in this respect. Members are however advised that the potential allotment provision featured within this application does not form part of the POS design strategy. Officers are mindful of the objections raised by Hucclecote Parish Council and a number of local residents in relation to this matter and also in relation to the proposed car parking provision. These are considered to be the main issues to address in the assessment of this application. Officers are also mindful of the comments made by Sport England and the Council's Community and Economic Development Manager in relation to this application and these will be considered below.

Allotment provision

2.5 The allotment provision featured on the proposed site layout plan was originally intended to be located within POS5 which is a parcel of land located to the south-west of the masterplan area. The location of POS5 is highlighted on the attached masterplan. It is understood that the rationale for the provision of allotments in POS1 is for improved access compared to the previous location. A main access road to POS1 is being provided which is designed to cater for larger vehicles, such as skip lorries which are likely to require access to the allotments several times a year. The proposed location in POS1 is also less remote than POS 5 and could more easily managed/policed being adjacent the formal sports area, and would be less prone to vandalism and acts of anti-social behaviour due to the surveillance associated with adjacent occupied areas.

2.6 Officers recognise the benefits associated with the new location as described above and raise no objection to this matter in principle. It is however considered that the proposed allotments in this location would be more prominent than the previous location and it is important to ensure that this facility is suitably integrated within the surrounding area. It is recommended that landscaping is provided around the allotments to help assimilate them into the area and provide suitable screening. An appropriate landscaping scheme should form part of detailed proposals for the allotments and this matter should be secured by a condition attached to any reserved matters approval.

2.7 It is also noted that the location of the allotments in POS1 rather than POS5 would conflict with the S106 and the Outline POS design strategy. A deed of variation to the S106 will therefore be required in order to reflect the proposed allotment provision and allow for transfer to Tewkesbury Borough Council rather than Stroud District Council (as previously required).

2.8 The concerns of Hucclecote Parish Council that the previous allotment area in POS5 would now be used for further housing development are noted, but Members are advised that this area would remain to be allocated as public open space in the masterplan for the area and acknowledged as such in the S106. Further housing development on this area, or any other use other than public open space, would also be subject to planning permission and would require a variation to the S106.

Car Parking

2.9 The application features a car parking area providing a total of 29 car parking spaces including 2 no disabled spaces and 2 no. van parking spaces. Two coach parking bays are also available on the adjoining access road which has already been approved by reserved matter application ref. 08/00132/APP (Construction of access Road from the rugby pitch to Wotton Brook). This level of provision is over and above the parking requirement within the POS design strategy.

2.10 Officers are aware of the concerns raised by Hucclecote and Brockworth Parish Councils and a number of nearby occupiers in relation to the proposed parking provision being inadequate to support the level of facilities proposed. There are concerns that without sufficient parking spaces when all the facilities are in use the surrounding residential roads will be used for car parking. In response to this matter officers would comment that the POS design strategy for the outline permission places a restriction on the number of parking spaces in POS1 of approximately 20 spaces. The developer has agreed to increase the number of parking spaces from 22 spaces (including van parking) to 29 spaces in order to address the concerns raised by the Parish Councils and local residents, but officers would advise that any more significant provision would conflict with the Outline POS design strategy and its underlying sustainable transport principles. Members are also advised that the facility is closely located to residential areas and is highly accessible by walking and cycling. It is therefore expected that not all users of the facility would access it by car. Furthermore coach parking is available on the adjacent access road which would cater for teams arriving at the facility.

2.11 No objection to the application has been raised by the County Highways Authority (CHA) in their response to the application. Further liaison with the CHA advises that if parking on the nearby streets does become a problem the CHA can look to restrict parking in dangerous locations through a Traffic Regulation Order which may involve yellow lines and/or permit holder only parking. Parking on street is not in itself considered to be an issue by the CHA.

2.12 Overall, the proposed parking provision is considered to be in general accordance with the Outline POS Design Strategy and consistent with the sustainable transport objectives of the NPPF. Officers are therefore satisfied that the proposal will have no adverse impact on highway safety.

Other matters

2.13 The design of the changing room building is considered to be acceptable. It would be a typical purpose built changing room building that would be of an appropriate appearance within the context of the site.

2.14 The application states that floodlighting for the proposed MUGAs will comprise of 4 x 6m high floodlight columns which would each provide 8x400w lights. It also advises that the flood lighting will be designed to minimise light spill beyond the pitch/court surface. No details are however provided in relation to the specific design and lux levels of the lighting and measures to control glare and spill. Officers therefore recommend that a condition is imposed to secure such details.

2.15 The comments made by Sport England are noted. Members are advised that Sport England are a non-statutory consultee in this matter and as such do not object to or support the application, but provide an assessment of whether the sports provision is fit for purpose. With regard to the proposed football pitch, officers can confirm that this does in fact meet the FA's standard for adult play. The Sport England/FA standards for U17-U18 + senior play are (including run off) 93.66 x 49.16m min and 126 x 96m max. The proposed pitch (including run off) is 100m x 65m. The proposal therefore exceeds the minimum standard.

2.16 In response to Sport England's comments amended plans have been produced to increase the size of the changing rooms building to 16m².

2.17 The requirements of Sport England in relation to drainage details, MUGA details, lighting details and fencing details can be addressed by conditions attached to any reserved matters approval.

3.0 Conclusion

3.1 This reserved matters application is in accordance with the masterplan for the area, the POS design strategy and the S106 agreement for the outline permission. The concerns raised by the Local Parish Councils and local residents are noted, but the proposed allotment provision is found to be acceptable subject to a deed of variation to the S106 agreement and an appropriate landscaping scheme. The proposed parking provision is in accordance with the POS design strategy and consistent with the sustainable transport objectives of the NPPF. Officers are satisfied that the proposal will have no adverse impact on highway safety. In the event that on street parking does become a problem, this can be controlled by the highways authority by a Traffic Regulation Order. The comments made by Sport England can be addressed by conditions.

3.2 On the above basis the reserved matters application is found to be generally acceptable although further advice is awaited from the Council's Community and Economic Development Manager in respect of the revised plans for the changing room building. A deed of variation to the S106 is also required to be completed in order to reflect the proposed allotment provision and allow for transfer to Tewkesbury Borough Council rather than Stroud District Council (as previously required). It is therefore recommended that the determination of the application be **delegated to the Development Manager to permit the application upon receipt of satisfactory comments from Council's Community and Economic Development Manager in respect of the revised plans, and upon the completion of a deed of variation to the S106 agreement in respect of the proposed allotment provision.**

RECOMMENDATION Delegated Approve

Conditions:

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Numbers NPA 280 POS1 370 Rev P02, NPA 280 POS1 470 Rev P02, NPA 280 POS1 471 Rev P02, NPA 280 POS1 771 Rev P2 and 14.013 - 002 C (all received 31/07/15); Drawing Numbers NPA/280/POS1/670, NPA/280/POS1/672, NPA/280/POS1/673, NPA/280/POS1/674, NPA/280/POS1/675, NPA/280/POS1/715, NPA/280/POS1/716, NPA/280/POS1/717, NPA/280/POS1/718, NPA/280/POS1/719 (all received 16/01/15), the ball stop netting details received 27/01/15, and the specifications contained within Appendices 5, 6, 7 and 8 of the Design, Maintenance and Access Statement received 16/01/15 .
- 2 Prior to the area allocated for allotment provision being first brought into use for such purposes, a scheme of landscaping for the allotment area shall be submitted to and approved in writing by the Local Planning Authority.
- 3 All planting, seeding or turfing in the approved details of landscaping referred to in Condition 2 of this approval shall be carried out in the first planting and seeding season following the allotments being first brought into use, 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.
- 4 No development shall commence until the following details have been submitted to and approved in writing by the Local Planning Authority in consultation with Sport England:
 - (i) A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field which identifies constraints which could affect playing field quality; and
 - (ii) Based on the results of the assessment to be carried out pursuant to (i) above, a detailed scheme which ensures that the playing field will be provided to an acceptable quality. The scheme shall include a written specification of soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.

The approved scheme shall be carried out in full and in accordance with a timeframe agreed with the Local Planning Authority in consultation with Sport England. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme.
- 5 Prior to the commencement of the development hereby approved, a Management and Maintenance Scheme for the facility including management responsibilities, a maintenance schedule and a mechanism for review shall be submitted to and approved in writing by the Local Planning Authority. The measures set out in the approved scheme shall be complied with in full, with effect from commencement of use of the playing field and MUGAs.
- 6 No development shall commence until a scheme setting out the type, design, lux levels and measures to control glare and overspill light from sports lighting and measures to ensure sports lights are switched off when not in use has been submitted to and approved in writing by the Local Planning Authority. The scheme shall accord with Sport England's "Outdoor Sports Lighting" Briefing Note published in September 2010. After commencement of use of the MUGAs, the sports lighting shall be operated in accordance with the approved scheme.
- 7 No flood lighting shall be erected to the football pitch and rugby pitch hereby approved (as shown on NPA 280 POS1 370 Rev P2) without the prior written approval of the Local Planning Authority.

Reasons:

- 1 For the avoidance of doubt and in the interest of proper planning.
- 2 To help assimilate the allotments into the area and provide suitable screening, in accordance with Policy LND7 of the Tewkesbury Borough Local Plan to 2011 (TBLP).

- 3 To help assimilate the allotments into the area and provide suitable screening, in accordance with Policy LND7 of the Tewkesbury Borough Local Plan to 2011 (TBLP).
- 4 To ensure that the playing field is prepared to an adequate standard and is fit for purpose in accordance with Policy RCN1 of the TBLP and the advice on promoting healthy communities within the National Planning Policy Framework 2012 (NPPF).
- 5 To ensure that the new facilities are capable of being managed and maintained to deliver facilities which are fit for purpose, sustainable and to ensure sufficient benefit of the development to sport in accordance with Policy RCN1 of the TBLP and the advice on promoting healthy communities within the National Planning Policy Framework 2012 (NPPF).
- 6 To balance illuminating the MUGAs for maximum use with the interest of amenity and sustainability, and to minimise light pollution in accordance with Policy EVT2 of the TBLP and the advice on Conserving and Enhancing the Natural Environment within the NPPF.
- 7 To minimise light pollution in accordance with policies RCN2 and EVT2 of the TBLP and the advice on Conserving and Enhancing the Natural Environment within the NPPF.

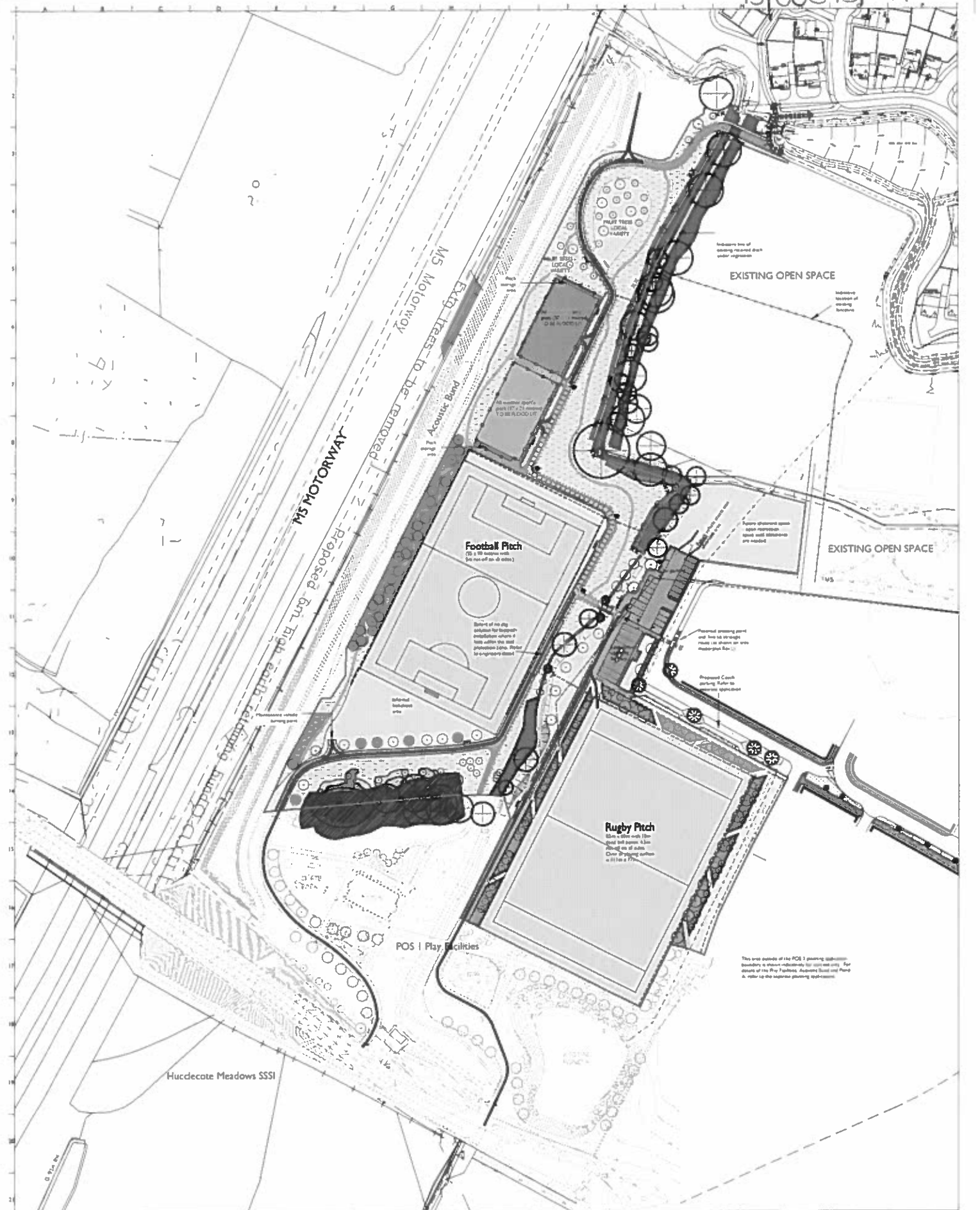
Notes:

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 to increase the parking provision and changing room layout.

2 This decision relates to the revised plans received by the Local Planning Authority on 31/07/15.

3 The applicant is advised that, in order to enable the proposed allotment provision within POS1 and allow the appropriate transfer of land, a Deed of Variation is required to the Section 106 agreement between Tewkesbury Borough Council, Stroud District Council, Bovis Homes Ltd, Westbury Homes Holdings Ltd, P&O Property Holdings Ltd and Barrat Homes Ltd dated 13/01/05.



NICHOLAS PEARSON ASSOCIATES
 Environment | Planning | Landscape Architecture | Ecology

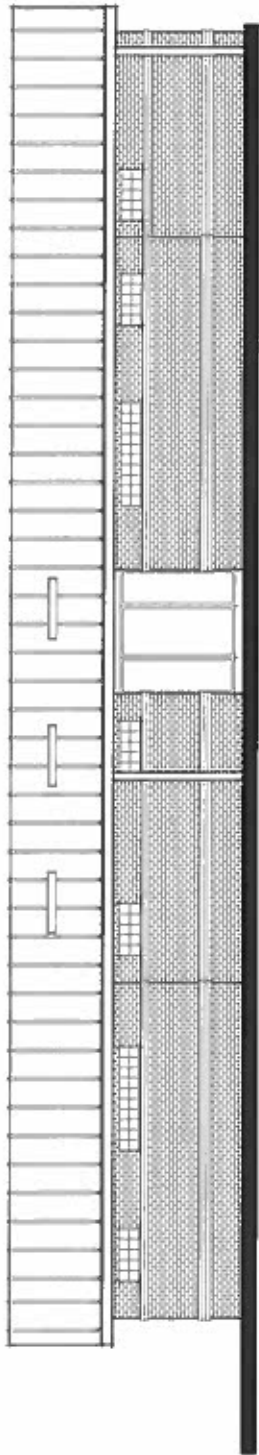
BOYS HOWES | PERRAMON HOWES | BARRETT BRISTOL

LAND TO THE WEST AND SOUTH OF GLOUCESTER BUSINESS PARK PUBLIC OPEN SPACE | SPORTS FACILITIES

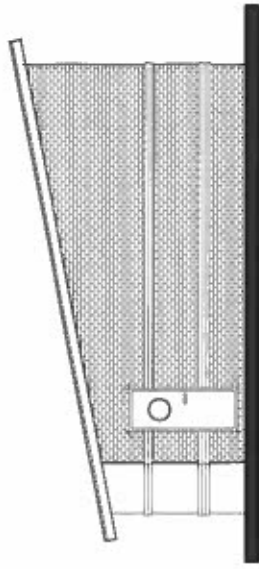
Landscape Layout

Drawn	Checked	Date

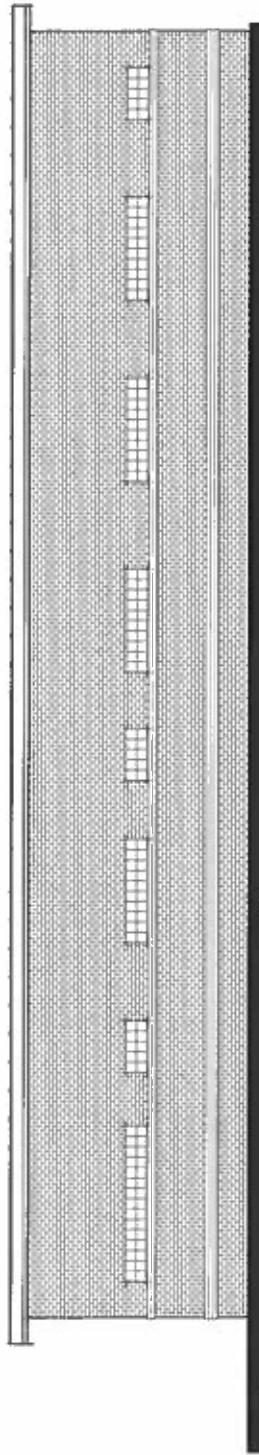
Rev	By	Date	Description
1			Issue for Planning



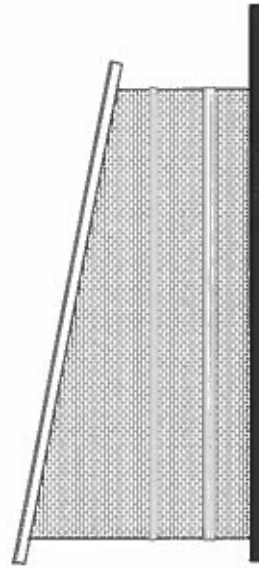
Front Elevation



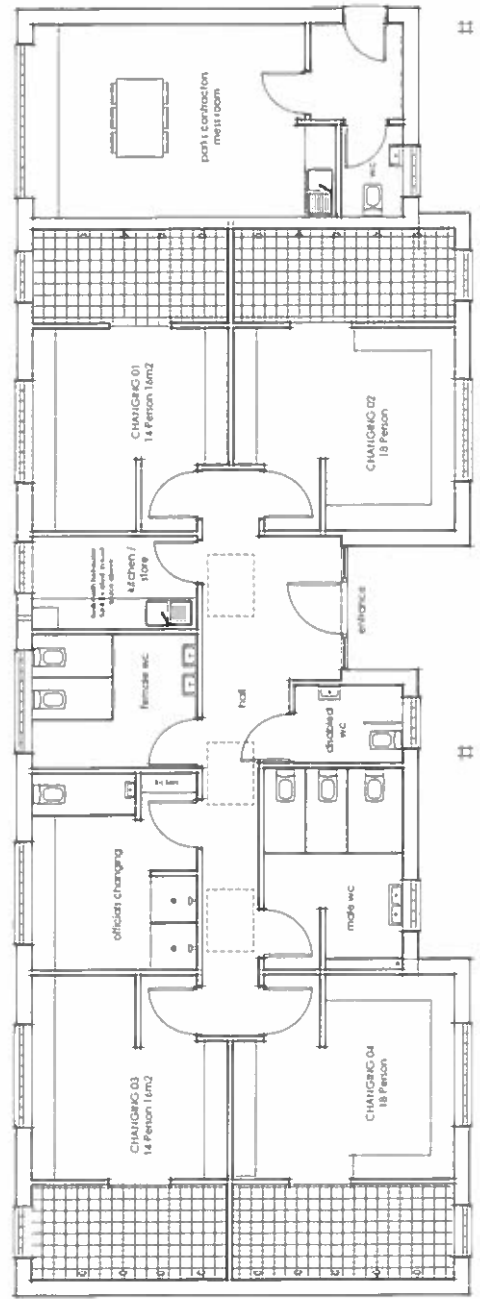
Side Elevation



Rear Elevation



Side Elevation



Ground Floor Plan

Revision C (17.06.15) - Changing room 01.03 enlarged to 16m2
 Revision B (06.11.14) - Single sink added to communal kitchen
 and name changed to kitchen / store

GE2

U R B A N D E S I G N

Project : 16 giffords place, bishopsworth, bristol
 Scale : 1:100 @ A3
 Date : 17.03.14
 Title : PROPOSED ELEVATIONS
 Drawing No. : 14.013-002.C
 www.ge2.co.uk
 t: 01179 649024

348/B

Schedule 8

Public Open Space Design Strategy and Schedule of Rates

NEW NEIGHBOURHOOD AT BROCKWORTH

DRAFT OUTLINE PUBLIC OPEN SPACES (POS) DESIGN STRATEGY

The following table briefly describes the key design features, characteristics and contents of the major POSs proposed within the Masterplan for the new neighbourhood at Brockworth.

POS Reference	Area (hectares)	Key Design Features/Character/Content	Phasing Information
POS I and M5 Acoustic Bund	6.5h (POS I) 0.6h (Bund)	<p>The largest area of POS within the site located on essentially flat ground with a range of uses.</p> <p>The key design criteria and proposals are:</p> <p>(i) Sports pitches and courts: rugby; soccer; multi-use sports courts (50% of which are floodlit). Rugby pitch located on area of raised ground above remains of Roman farmhouse if required to do so due to archaeological constraints. If no constraints, pitch to be constructed at existing ground level. Grass soccer and rugby pitch to be drained. Multi-use Sports Courts for tennis, netball, basketball, 5-a-side football etc. 50% of which may be floodlit. All weather hockey pitch is not now required, with existing 'redgra' surfaced hockey pitch at Brockworth Sports Centre improved instead subject to acceptable cost.</p> <p>(ii) Changing facilities and car park for 20 no. cars approx.</p> <p>(iii) Possible flood storage attenuation area to south-western portion of POS I.</p> <p>(iv) Acoustic bund 6m high to boundary of site with M5 motorway. Design and</p>	<p>(i) Existing tree and hedgerows to be retained, protection fencing to be erected prior to start of adjacent development.</p> <p>(ii) Rugby pitch to be provided prior to occupation of the 1,200th residential unit.</p> <p>(iii) Noise bund to be provided prior to occupation of 1st residential unit in Noise Mitigation Area. Planting of bund to take place in first</p>

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POS Reference	Area (hectares)	Key Design Features/Character/Content	Phasing Information
		<p>landscape scheme to be agreed.</p> <p>(v) NEAP Play Area: Playground and hard surfaced area for ball games/wheeled activity/specialist needs, with total area of 1300m², (with hard surfaced area 480m² minimum). Multi Use Games Area (MUGA) in excess of minimum NPFA guidance, catering mainly for older children. Skateboard facility to be located within the south western portion of POS 1 to the west of the hedgerow and ditch dividing it from the NEAP.</p> <p>(vi) Interim 'kickabout' area to be provided at same time as NEAP.</p> <p>Design criteria and content to be:</p> <ul style="list-style-type: none"> • Well drained area. • Wet pour rubber safety surfacing to appropriate impact absorption levels beneath equipment and within all play area. <p>Playground to comprise at least 8 types of equipment:</p> <ul style="list-style-type: none"> • At least 1 item to stimulate rocking, touch, social or developmental play among younger children. • At least 2 items to facilitate sliding, swinging or moderate climbing. • At least 5 items, of which at least 3, are individual pieces rather than in combination, to encourage either more adventurous climbing, single point swinging, balancing, rotating or gliding. • Playground to be fenced by steel bow topped railings at least 1m high with two outward opening and self closing pedestrian gates on opposite sides of the space. Barrier at entrance to show child speeds. • Seating for parents/carers; • Notices regarding users/restrictions/telephone contacts; 	<p>season after construction of the bund. Planting of structural soft landscape and construction of footpaths and associated landscape infrastructure in POS 1 to take place first season after start of development of 1500th residential unit.</p> <p>(iv) Sports facilities, changing facilities and car park to be provided prior to occupation of 1,200th residential unit.</p> <p>(v) NEAP, skateboard facility and 'interim kickabout area' to be provided prior to occupation of 475th dwelling.</p> <p>(vi) Existing LEAP upgrade to take place prior to occupation of 300th</p>

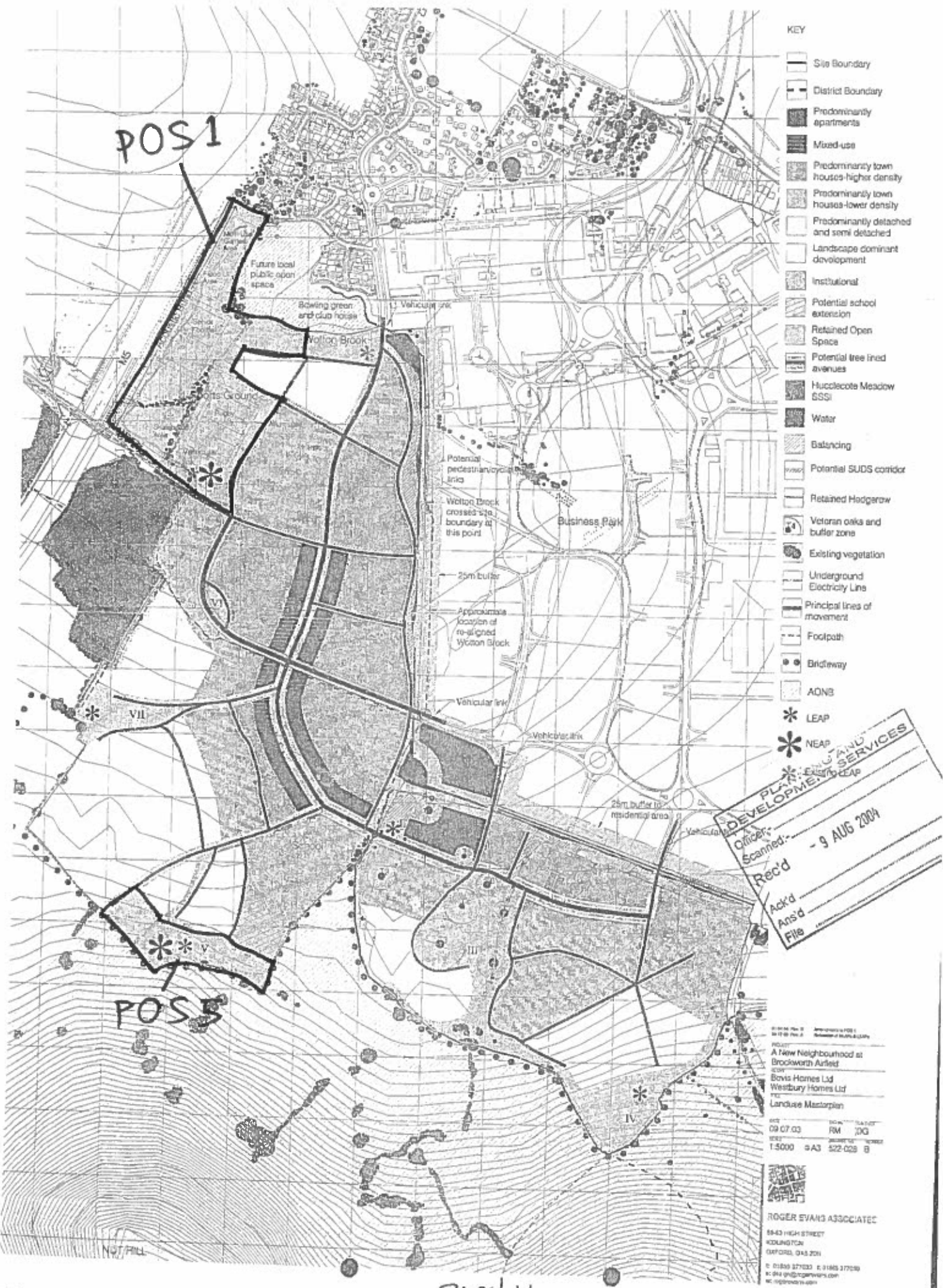
POS Reference	Area (hectares)	Key Design Features/Character/Content	Phasing Information
		<ul style="list-style-type: none"> • Litter bins; • Bicycle parking; • Space around play area for 'tag' games; • Set min 50m from overlooking housing frontage. (Note that NEAP in POS V is to be set min. 30m from nearest housing). <p>Note that the above sets a minimum design standard only, and that the design of the NEAP and the selection of play equipment is to ensure that these minimum standards are exceeded. The key issue is that the design should be at least equivalent to a 30% upgrading from the minimum standard, i.e. the design must be equivalent to at least 10no. pieces of equipment rather than 8no., although this should be regarded to a fall back position. The equipment must be of high quality and well designed. The layout of the play area must demonstrate that it has been undertaken in an imaginative fashion, that makes full use of the potential of the site topography, existing features, aspect, views and other criteria, and possibly be themed. The detailed design is to be agreed with local authority prior to construction.</p> <p>Note that a LEAP has already been constructed in the area of POS to the south of Wotton Brook and Pincholt Community Centre. This area is also subject to an agreed soft landscape plan.</p>	<p>(vii) <u>Note that existing hockey pitch (Brockworth Sports Centre) upgrade to all weather pitch prior to occupation of 600th dwelling.</u></p>
		<p>(vi) Area of informal open space north of Hucclecote Meadows SSSI (east) with paths for dog walkers, additional native tree and shrub planting areas. This area could also function as a flood storage area as part of the drainage strategy. Acoustic bund 6.0m to height is to be constructed, design method to be agreed and landscape scheme to be agreed.</p>	
		<p>(vii) Adjacent to the main access roads to south and east of POS I, groups of 'trees and faster growing trees to provide some initial screening to be planted at key</p>	

POS Reference	Area (hectares)	Key Design Features/Character/Content	Phasing Information
		<p>locations.</p> <p>(viii) Network hard surfaced paths throughout the open space linking to adjacent areas including: the existing demarcated POS areas provided as part of Cranham Gate development; open space and path south of Hurrelecote Meadows SSSI; Lobeys Drive overbridge. Additional 'soft' surfaced paths, and mown grass paths to be provided. Footpaths will be designed, wherever possible, with gradients suitable for those with disabilities.</p> <p>(ix) Existing, hedgerow and trees to be retained as much as possible to provide an immediate setting to the open space, and additional planting undertaken within the open space.</p> <p>(x) Existing ditch network retained, with 3.0m wide maintenance access allowed for. Modification to existing ditches will be required in places as part of the drainage strategy.</p> <p>(xi) Between pitch areas, the general grass to be regularly mown (12-16 times per year). Within the informal open space, the areas of retained species rich grassland are to be subject to 1 or 2 cuts per year with arisings removed either in July only or May and August to provide areas of visual/ecological interest. Generally, adjacent to existing ditches/ hedgerows, grass will be cut 6 times per year from April to September.</p> <p>(xii) Grounds Maintenance Building to be provided to the following specification:</p> <p><u>General:</u></p> <p>A brick building with pitched tile roof to house:</p>	

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POS Reference	Area (hectares)	Key Design Features/Character/Content	Phasing Information
		<ol style="list-style-type: none"> 1. 7m x 10m heated garage /workshop with sink and secure metal site safe for portable tools e.g. chainsaws, strimmers etc. 2. A heated office/mess room with desk, seating and kitchen areas suitable for 4 persons. Sufficient work surface for a kettle/brewing up and microwave oven etc. plus 2 x telephone lines. 3. Secure storage room min 12m2 4. Fully tiled bathroom to include toilet, sink and shower <p><u>Security:</u></p> <ol style="list-style-type: none"> 1. All windows to be fitted with security glass and barred on the outside. 2. Alarmed internal security system 3. External PIR flood lighting <p><u>External Compound:</u></p> <p>15m x 15m concrete floored compound with 2.25m high wall and gated access to be attached to building. With secure brick fuel storage area</p> <p><u>Location:</u></p> <p>Adjacent/attached to changing playing field pavilion.</p>	
POS II (including	0.7h	Area of open space on essentially flat ground centrally located between the High Street and Wotton Brook corridor, surrounded by apartments and town houses. The key	(i) Erection of veteran oak buffer zone fencing,

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- KEY**
- Site Boundary
 - District Boundary
 - Predominantly apartments
 - Mixed-use
 - Predominantly town houses-higher density
 - Predominantly town houses-lower density
 - Predominantly detached and semi detached
 - Landscape dominant development
 - Institutional
 - Potential school extension
 - Retained Open Space
 - Potential tree lined avenues
 - Hucclecote Meadow SSSI
 - Water
 - Balancing
 - Potential SUDS corridor
 - Retained Hodgerow
 - Veteran oaks and buffer zone
 - Existing vegetation
 - Underground Electricity Line
 - Principal lines of movement
 - Footpath
 - Brideway
 - AONS
 - LEAP
 - NEAP

PLAN DEVELOPMENT
 Client: [illegible]
 Scanned: [illegible]
 Rec'd - 9 AUG 2004
 Ack'd
 Ans'd
 File

© 2004 No. 2
 A New Neighbourhood at Brookwath Airfield
 BOVIS HOMES LTD
 WESTBURY HOMES LTD
 LANDSCAPE MASTERPLAN
 09 07 03 RM JDG
 1:5000 9A3 522-025 8

ROGER EVANS ASSOCIATEC
 89-83 HIGH STREET
 KIDLINGTON
 OXFORD, OX4 2JH
 01865 371233 E 01865 371240
 R 01865 371233 F 01865 371240

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BOROUGH COUNCILLORS FOR THE RESPECTIVE WARDS 2015-2019

Ward	Parishes or Wards of	Councillors	Ward	Parishes or Wards of	Councillors			
Ashchurch with Walton Cardiff	Ashchurch Rural Wheatpieces	B C J Hesketh Mrs H C McLain	Hucclecote	Hucclecote	Mrs G F Blackwell			
			Innsworth with Down Hatherley	Down Hatherley Innsworth	G J Bocking			
Badgeworth	Badgeworth Boddington Great Witcombe Staverton	R J E Vines	Isbourne	Buckland Dumbleton Snowhill Stanton Teddington Toddington	J H Evetts			
						Northway	Northway	Mrs P A Godwin Mrs E J MacTiernan
Brockworth	Glebe Ward Horsbere Ward Moorfield Ward Westfield Ward	R Furolo Mrs R M Hatton H A E Turbyfield	Oxenton Hill	Gotherington Oxenton Stoke Orchard and Tredington	Mrs M A Gore			
						Shurdington	Shurdington	P D Surman
Churchdown Brookfield	Brookfield Ward	R Bishop D T Foyle	Tewkesbury Newtown	Tewkesbury Newtown	V D Smith			
						Tewkesbury Prior's Park	Tewkesbury (Prior's Park) Ward	K J Cromwell Mrs J Greening
Churchdown St John's	St John's Ward	Mrs K J Berry A J Evans Mrs P E Stokes	Tewkesbury Town with Mitton	Tewkesbury Town with Mitton Ward	M G Sztymiak P N Workman			
						Twyning	Tewkesbury (Mythe Ward) Twyning	T A Spencer
Cleeve Grange	Cleeve Grange	Mrs S E Hillier- Richardson	Winchcombe	Alderton Gretton Hawling Stanway Sudeley Winchcombe	R E Allen Mrs J E Day J R Mason			
						Cleeve Hill	Prescott Southam Woodmancote	M Dean Mrs A Hollaway
Cleeve St Michael's	Cleeve St Michael's	R D East A S Reece	<p>11 May 2015</p> <p>Please destroy previous lists.</p>					
						Cleeve West	Cleeve West	R A Bird R E Garnham
Coombe Hill	Deerhurst Elmstone Hardwicke Leigh Longford Norton Sandhurst Twigworth Uckington	D J Waters M J Williams				<p>11 May 2015</p> <p>Please destroy previous lists.</p>		