



APPENDIX A
Agenda Item No. 5A

TEWKESBURY BOROUGH COUNCIL

Schedule of Planning Applications for the consideration of the **PLANNING COMMITTEE** at its meeting on 27 October 2015

	(NORTH)	(SOUTH)
General Development Applications Applications for Permission/Consent	(349 - 362)	(363 - 403)

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. (349 – 403)

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) 27th October 2015

Badgeworth 15/00907/FUL Click Here To View	The Uplands Dog Lane Witcombe Cheltenham	Refuse	6
Churchdown 14/01169/FUL Click Here To View	77 Cheltenham Road East Churchdown Gloucester	Permit	7
Churchdown 15/00374/FUL Click Here To View	11 Kaybourne Crescent Churchdown GL3 2HL	Permit	8
Down Hatherley 15/00720/FUL Click Here To View	Land at Ash Lane Down Hatherley Gloucester	Refuse	4
Elmstone Hardwicke 15/00527/FUL Click Here To View	Red House Farm Copse Green Lane Elmstone Hardwicke	Refuse	2
Hasfield 15/00944/FUL Click Here To View	Bragmans Croft Great House Lane Hasfield Gloucester	Permit	3
Teddington 15/00242/OUT Click Here To View	Manor Farm Buildings Alstone GL20 8JD	Refuse	1
Woodmancote 15/00744/FUL Click Here To View	The Meadows Butts Lane Woodmancote Cheltenham	Permit	9
Woodmancote 15/00764/FUL Click Here To View	Part Parcel 2363 Butts Lane Woodmancote Cheltenham	Refuse	5

Valid 12.08.2015

Outline planning application for 15 dwellings (including 4 affordable homes) with all matters apart from access reserved.

Grid Ref 398184 232588
 Parish Teddington
 Ward Isbourne

Mr James Brown
 79 Mount Pleasant
 Teddington
 Tewkesbury
 Gloucestershire
 GL20 8JA

RECOMMENDATION Refuse

Policies and Constraints

NPPF

Planning Practice Guidance

JCS Submission Version (November 2014)

Tewkesbury Borough Local Plan to 2011 (March 2006) - HOU4, HOU13, TPT1, RCN1

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

The First Protocol, Article 1 (Protection of Property)

Cotswold Area of Outstanding Natural Beauty

Consultations and Representations

Parish Council - Wish to object to application. At the public meeting, the majority being from Alstone village where the proposed site lies, there was a large majority against this unsustainable proposal. The number of houses suggested would increase the size of the village by an intolerable 38% bringing with it an excessive increase in traffic, allowing 2 cars per household, and put unrealistic strain on a small community. A previous application for 9 houses on this site was refused, which makes 15 seem overwhelming. The village has no amenities to offer what would be a huge increase in population.

Gloucestershire County Council Highways - Recommend refusal on highway grounds. Comments on subsequently submitted Highways Statement awaited.

Lead Local Flood Authority - Object. Insufficient information on proposed surface water drainage strategy.

Environmental Health - No objection relating to the noise climate in the area.

The Cotswolds Conservation Board - Object. This site is outside the settlement boundary, in the AONB and the site is not considered to be brownfield. The development will result in a new very harsh urban edge to this side of Alstone which will be visible and detrimental to this part of the AONB. The proposed layout plan indicates minimal plot depths and thin landscaping around the outside of the development which will increase the impact of this development on the wider landscape. The design and materials also make little reference to the locality and the street scene and layout does not follow the pattern of the village. This development will therefore fail the tests of the CRoW Act 2000 in that it will not "conserve and enhance" this part of the nationally protected AONB.

20 Letters of objection on following grounds:

- Out of keeping with Alstone
- Road system unsuitable for development
- Unsustainable as Alstone has no facilities such as a shop, school or public house and a limited bus service
- Density is excessive and out of keeping with the Alstone
- Lack of amenities makes Alstone a sub-optimal location for affordable housing
- Strain on existing utilities
- Outside village boundary and may set a precedent for further encroachment into the AONB
- Acknowledge that the change of use to residential may improve the appearance of this unsightly area
- Harmful to AONB
- Would exacerbate flash flooding problems in the area
- Contrary to principles of the NPPF

- Inadequate parking provision
- New housing not required in this location
- Demand for agricultural buildings in this large farming area
- Would increase hamlet by almost 40%

6 letters in support on the grounds that:

- It would encourage young people to move to the village
- Good use of land
- Would enhance the village
- Provision of affordable housing
- Would enhance the approach to the village of Alstone
- Sites like this are where development should be allowed and not on green field sites and it would also mean less lorries using the Teddington/Alstone road

Planning Officers Comments: Miss Joan Desmond

1.0 Introduction

1.1 The site comprises part of a farm complex located to the west of the settlement of Alstone within the Cotswolds Area of Outstanding Natural Beauty (**see attached location plan**). The site measures approximately 0.59ha in area.

2.0 History

2.1 Planning permission has been refused for residential development on this site in 1989 and 2002.

2.2 The most recent planning history for this site relates to an application for a Certificate of Lawfulness for use of land as a commercial haulage yard which was refused permission and was subsequently dismissed on appeal in 2015 (Ref: 14/00154/CLE).

3.0 Current Application

3.1 This is an outline planning application for 15 dwellings (including 4 affordable homes) with all matters apart from access reserved. The submitted plan indicates that the existing access at the north western end of the site is to be used with two additional accesses created (**see attached plan**). Illustrative plans have also been submitted for the layout and house types.

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

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

Emerging Development Plan

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

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

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

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.

National Policy/Guidance

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. Such restrictive policies include those policies relating to sites designated Areas of Outstanding Natural Beauty.

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

5.11 Paragraph 55 of the NPPF seeks to avoid isolated new dwellings in the countryside. In this case, the proposed development would be situated on the edge of an existing settlement. Alstone is a small settlement offering very limited facilities and services which are needed to support a healthy community in their day-to-day needs. The site is not well served by public transport, pedestrian or cycling facilities and residents of the proposed development would be heavily reliant on the use of the private motor car to meet their daily transport needs. In this regard, it is also relevant to note that Alstone 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. On this basis it is therefore considered that the application site is isolated in the context of paragraph 55 of the NPPF.

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

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

5.13 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.

5.14 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. Paragraph 14 of the NPPF, states that in such cases the presumption in favour of sustainable development should apply unless there are specific policies in the framework which indicate that development should be restricted. As previously stated (paragraph 5.9) this site lies with the Cotswolds AONB where such restrictive policies apply. The NPPF states that planning permission should be refused for major developments except in exceptional circumstances and where it can be demonstrated they are in the public interest. This application would not however, come within the definition of 'major development' as established in appeal decisions but it is still necessary to consider its impact on the landscape and scenic beauty of the area.

Conclusions on the principle of residential development

5.15 Whilst local plan policy HOU4 must be considered out of date, the NPPF includes a specific policy which seeks to avoid isolated new dwellings in the countryside. For the reasons set out above, the site is considered to be isolated and as such the principle of residential development in this location is not acceptable. Furthermore, it is also necessary to consider the impact the development would have on the landscape and scenic beauty of the Cotswolds AONB, which is considered below.

6.0 Landscape and visual impact

6.1 One of the core planning principles of the NPPF is that the planning system should recognise the intrinsic character and beauty of the countryside. Sections 11 of the NPPF sets out that the planning system should contribute to and enhance the local environment by, inter alia, protecting and enhancing valued landscapes.

6.2 The site is located within the Cotswolds AONB and paragraph 115 of the NPPF sets out that great weight should be given to conserving landscape and scenic beauty in AONBs which, along with other designations, have the highest status of protection in relation to landscape and scenic beauty.

6.3 As detailed above the site comprises a complex of farm buildings with associated yard area containing a number of containers, trailers and outside storage. The existing buildings on the appeal site are utilitarian in appearance and comprise typical modern farm buildings. The site adjoins the main lane into Alstone and is visible from a nearby public footpath on the opposite side of the lane, which runs from north to south.

6.4 A Landscape Assessment and Appraisal Statement (LAAS) has been submitted with the application which advises that the land to be re-developed when viewed from the highway to the east, west and north is very un-attractive and clearly spoils Alstone and the residents' amenities. The LAAS comment that the proposal introduces dwellings into the landscape at a point where currently there is obvious unacceptable [but lawful] visual harm in an AONB, and that with the proposed development in place, the views spoilt by the current use of the land will be opened up. The LAAS concludes that it is strongly believed that this would provide a massive enhancement to Alstone and the AONB in visual terms.

6.5 The LAAS concludes that there would be no significant harm to visual amenity caused by the proposed development in an AONB and indeed that this would be considerably much improved; and importantly would conform to paragraphs 115 and 116 of the NPPF in that it would be an important "material consideration" by providing a planning gain by allowing departure from what are in any event out of date Local Plan Policies and so very much in the public's interests to grant planning permission.

6.6 Whilst it is accepted that the existing farm buildings have no aesthetic merit, they are agricultural in style, and to that extent they are in keeping with the rural nature of the surroundings. As set out in section 15 below the site is not brownfield in accordance with the definition within the NPPF and the condition and use of the yard area is also not untypical to other agricultural businesses. Previous concerns relating to the untidy condition of the site have been addressed by the serving of a section 215 notice and this option would be available should the appearance and condition of the site deteriorate in the future.

6.7 The farm buildings are not considered to be intrusive in the landscape and whilst their removal would be a minor benefit, it would not offset the impact of the much larger and more extensive housing development being proposed. The proposal would also result in the loss of a large number of trees on the northern part of the site and roadside hedgerow. The Arboricultural Report submitted indicates that several of these trees are in poor condition and as such would require removal in any case, others are of low quality and one horse chestnut tree is of moderate quality. It advises that 10 trees, 1 group and part of the roadside hedge are proposed to be removed as a result of the development. The report indicates that appropriate mitigation measures would be required for the loss of the existing trees and as layout and landscaping are reserved for later consideration these issues could be addressed by condition. Whilst layout and landscaping are reserved, the means of access is not and in order to get the quantum of development proposed on this site most of the existing landscaping would need to be removed and there would be limited scope for the provision of green infrastructure to help mitigate its impact.

6.8 Natural England has advised that given the site's sensitive location within the AONB it is important that any development of the site would need very careful consideration as to what scale, massing and design of housing would be necessary to achieve an overall standard of development compatible with its protected landscape setting. An adequate provision of green infrastructure to screen the development or otherwise successfully blend it into its immediate and wider landscape setting would be crucial to this. The Cotswold Conservation Board, as detailed above, also raises concerns relating to the development which they consider would result in a new very harsh urban edge to this side of Alstone which would be visible and detrimental to this part of the AONB.

6.9 In conclusion, it is considered that the development would be visually intrusive and would have a significantly harmful impact on the rural landscape and scenic beauty of the Cotswolds AONB in conflict with the NPPF.

7.0 Design and Layout

7.1 The NPPF sets out that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF also provides that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities.

7.2 As this is an outline application matters such layout, scale and appearance are reserved for later consideration. Nevertheless the application has been supported with an illustrative layout plan, illustrative house types (see plans attached) and a Design and Access Statement (DAS). In terms of character the DAS states that the proposal is for a high class quality bespoke small housing development which reflects and respects the locality. The illustrative layout plan shows that 11 of the units would be detached with the affordable housing comprising a pair of 2 bed semi's.

7.3 The Urban Design Officer (UDO) has commented that the DAS does not provide sufficient explanation or justification for the layout, architecture or materials. The site is in a particularly visually sensitive location on the edge of the settlement and it should seek to create a positive new edge in this rural location with high quality architecture and materials including local stone. The proposed layout is poorly considered and buildings should front the western boundary, creating a positive and clearly defined edge especially when viewed from the road. The location of the proposed accesses would need to be reconsidered to address this. The buildings do not address the road on the northern boundary and do not create an attractive street scene. There is also no open space provided within the scheme and the indicated use of exclusively large detached units, except the affordable, would not allow for any diversity or variety within the street scene. The house types seem fairly generic and there is little attempt to create a sense of place and it would be expected to have a local character study as part of the DAS which highlighted the appropriate cues from the local area. The UDO considers that overall the layout of the proposed scheme is very poor and makes no reference to the local area. The proposed illustrative house types are generic and do not add to a sense of place. The proposed layout and house types needs to be fully reconsidered and further design analysis and justification provided.

7.4 In conclusion, it is considered that the indicative layout plan fails to demonstrate a satisfactory layout and consequently, the proposal does not adequately demonstrate that any subsequent reserved matters application would achieve good design which would be crucial in such a sensitive AONB location. This weighs significantly against the proposal in the planning balance. The illustrative house types also indicate a poor quality of design but this matter could be addressed through conditions and reserved matters submissions.

8.0 Accessibility and Highway Safety

8.1 Section 4 of the NPPF states that the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice in how they travel. 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 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. Policy TPT1 reflects advice in the NPPF and thus should be afforded significant weight.

8.2 Access is not reserved for subsequent approval but, in this instance, is defined as access to the site from the existing public highway and excludes any internal access routes. The existing access to the site would be modified to form the major access to the development and would incorporate a footway on one side. Two supplementary accesses are also proposed. A plan showing visibility splays has been submitted which it is stated have been agreed with County Highways.

8.3 A Highway Statement (HS) has been submitted with the application which identifies that there are no footways or cycle routes giving direct access to the site; bus services pass the site with bus stops being located within 100m to the east of the site and that it is estimated that the development would generate around 85 daily 12-hour two-way vehicle movements with 10 two-way movements in the AM peak hour and in the PM peak hour. The HS concludes that the proposed development would not be detrimental to the safe operation of the local highway network subject to the mitigation measures recommended below:

- Junction visibility splays of 2.4m x 54m be provided to the east and 2.4m x 215m to the west at the accesses onto the existing public highway.
- A footway along the site frontage be provided along the site frontage to assist residents accessing the bus shelter and stops.

The applicant also claims that the development would result in a reduction in the number of large commercial vehicles that use the existing routes, which is an important 'material consideration', but this claim is based on the erroneous position that the site benefits from a lawful use as a commercial haulage yard (see paragraph 15.1 below).

8.4 County Highways (CS) had originally recommended refusal of the application on the grounds that it failed to demonstrate that a safe and suitable access to the site could be achieved for all people and that the opportunities for sustainable transport modes had been taken up contrary to the NPPF. This objection was made prior to the submission of the HS however and a response is still awaited; **Members will be updated at Committee.**

8.5 Nevertheless, as set out in paragraph 5.11 above, the site is essentially isolated in that it is not well served by facilities and services. Whilst the HS submitted with the application highlights that there are some bus services, the site is not well served by public transport or other facilities to allow travel by sustainable modes of transport. Whilst the NPPF sets out that solutions will vary from urban to rural locations, given that there are no services or facilities to meet the day to day needs of residents in Alstone, it is not considered that development at this site would contribute to the aims of sustainable development. The isolated location of the site is therefore considered to be a significant disadvantage to the application and it is relevant to note that a similar view was taken by an appeal Inspector when determining an appeal on a site elsewhere in Alstone. As such, the proposal conflicts with saved policy TPT1 of the Local Plan in this regard.

9.0 Flood Risk and Drainage

9.1 The NPPF aims to direct development away from areas at highest risk. Development itself should be safe and should not increase flood risk elsewhere. Policy EVT5 reflects this advice and 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.

9.2 With regards to flood risk, the DAS states that the site is located within Flood Zone 1 and is therefore at a low risk of flooding with less than a 1 in 1000 probability of river or sea flooding in any one year. The application advises that surface water would be directed to soakaways and a ditch close by and foul drainage would be disposed of via a mains sewer.

9.3 The Lead Local Flood Authority (LLFA) has commented that it has not been possible to successfully review this application for the purpose of assessing the adequacy of the surface water drainage system as insufficient detail has been provided. As such the LLFA objects to the current proposal as it is a mandatory requirement to provide sufficient information relating to the proposed surface water drainage strategy and consideration must be given to the provision of a sustainable drainage system. The applicant's submission is lacking sufficient information to demonstrate compliance with NPPF requirements.

10.0 Affordable Housing

10.1 Local Plan Policy HOU13 provides that the Council will seek to negotiate with developers to provide affordable housing and is supported by an Affordable Housing Supplementary Planning Guidance (SPG) which was adopted by the Council in August 2005. Policy SD13 of the JCS Submission Version November 2014 specifies a requirement for 40% affordable housing to meet the future needs of the borough.

10.2 It is proposed to provide 4 affordable houses as part of this scheme and the submitted Affordable Housing Statement states that the provision of 4 new affordable homes will have a significant benefit in contributing towards meeting the local need for affordable housing in Alstone.

10.3 The Council's Strategic Housing & Enabling Officer (HEO) has commented that the Council is working towards achieving 40% to meet the housing requirements as identified in the emerging JCS. Although the applicant presents an argument for 26% using the Strategic Housing Market Assessment, it is to be noted that this figure assumes all households are living in the most appropriate property type and tenure for their housing need. The Housing Background Paper for the Joint Core Strategy evidences the requirement for 40% Affordable Housing on qualifying development sites of more than 10 units. Whilst this development that is not proposed to meet the specific affordable housing needs of Alstone or parish of Teddington, but the borough-wide need, it is considered that specific house types and tenures would support the local community. Without a Parish Housing Needs Survey for the area the Council cannot address a Teddington parish need; however it would be possible to determine a housing mix based on a wider area to meet a local affordable housing need. In conclusion the HEO does not support this application as it does not achieve the required Affordable Housing contribution. A minimum requirement for this scheme would be 5 affordable housing units (33%) with the recommendation that 6 (40%) is considered in order to adequately meet housing needs. Without a viability assessment demonstrating that the development cannot achieve the higher figure, a policy compliant scheme would be sought. In terms of the mix being proposed it is considered that a better mix of housing for Social Rent would be more suitable with 1-bed bungalows; 2-bed houses and a 3-bed house.

10.4 In conclusion, the proposal fails to provide sufficient affordable housing and the indicated 2 bed units would fail to support local need housing requirements. This weighs significantly against the development.

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. 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.

11.2 The site is located at the edge of the settlement and adjoins housing development to the East. There is however, an existing access track along the eastern boundary with mature planting and it is considered that development on this site could be accommodated without having an adverse impact on the living standards of existing residents.

12.0 Open Space, Outdoor Recreation and Sports Facilities

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

12.2 In accordance with these policies, the proposal would generate a requirement for 0.08ha of open space of which 0.05ha should be playing pitches. The illustrative plan shows no area of open space. The submitted Draft Heads of Terms states that a contribution towards public open space may be appropriate subject to the CIL regulations.

12.3 Formal comments are however, still awaited from the Council's Community and Economic Development Manager and **Members will be updated at Committee on the required contributions.**

13.0 Community, Education and Library Provision

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

13.2 Gloucestershire County Council (GCC) consider the impact upon, and necessary mitigation, for the provision of pre-school / early years, education and library services and in terms of the need for other community facilities, the Council's Community Planning and Partnerships Officer (CPPO) has been in consultation with the Parish Council. The comments of GCC and the CPPO are still awaited and **an up-date on required contributions will be provided at Committee.**

14.0 Ecology and Nature Conservation

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

14.2 A Phase 1 Ecological Assessment has been undertaken which identifies that no protected species were found and that one of the trees has some potential for roosting bats. It recommends that the corridor of trees and hedge along the northern boundary of the site is retained and enhanced but as indicated in the landscape section above, the proposed scheme would involve the removal of the trees and part of the hedge. Additional planting is recommended to improve the biodiversity of the site and a pond created as part of or adjacent to the development.

14.3 Natural England has raised no objection to the proposed development on its impact on any designated sites and refers to its standing advice in relation to protected species and biodiversity enhancements.

14.4 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 could deliver biodiversity enhancements which could be secured through appropriate planning conditions.

15.0 Other matters

15.1 The DAS states that the western part of the site has been used for a commercial haulage business since 2001 and as such it is considered that this part of the site is a 'brown field site'. As set out in the planning history above, a Certificate of lawfulness for this use was refused in 2014 and was subsequently dismissed on appeal. As such the lawful use of the site (as clarified in the recently dismissed appeal) is agricultural and it does not comprise 'previously developed land' as defined in the NPPF.

15.2 The applicant advises that local residents are dissatisfied with the different uses on the site and this application would address those concerns. The DAS also advises that an open consultation event held last November resulted in an overall consensus in full support of the proposal. Completed questionnaires from this event are submitted in support of the application however the questions within the survey are based on the false premise that the site benefits from a lawful use for commercial haulage. Several local residents have also queried the validity of the questionnaire and claim that there is not 'full support' amongst Alstone residents. This view appears to be supported by the letters received from local residents who are opposed to the development; although it is noted that there are also some letters in support as set out in the Consultations and Representations section above. Nevertheless little weight can be given to the results of this consultation exercise, particularly as the responses are based on inaccurate and misleading information.

16.0 Overall Balancing Exercise

16.1 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. 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. As set out previously, the Council's relevant policies for the supply of housing are not considered up-to-date given that the council cannot demonstrate a five-year supply of deliverable housing sites but this site is located within the Cotswolds AONB where restrictive policies apply.

16.2 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.

16.3 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 and are benefits which weigh in favour of the proposal.

16.4 With regards to the social dimension, the proposal would contribute 15 dwellings to help address the Council's housing land supply shortfall, and this weighs in favour of the proposal. Nevertheless, whilst the development would deliver some affordable housing it fails to deliver sufficient affordable housing and the indicated 2 bed units would fail to support local need housing requirements. With regards to the environmental dimension, the site lies within Flood Zone 1 and the proposed development would not be at an unacceptable risk of flooding. However, the application fails to provide sufficient information relating to the proposed surface water drainage strategy. In terms of ecology and nature conservation, it has been demonstrated that the development would not have a detrimental impact upon biodiversity.

16.5 Whilst all matters relating to design and layout are reserved, it is considered that the illustrative layout fails to demonstrate that the quantum of development could be accommodated on the site in an acceptable manner. The development would not establish a strong sense of place and fails to respond to local character and history. The proposal therefore does not adequately demonstrate that any subsequent reserved matters application would achieve good design. Furthermore, the proposed development would result in harm to the landscape of the Cotswolds AONB and the proposal would result in reliance on the private car. In themselves, these harms are considered to significantly and demonstrably outweigh the benefits.

16.6 In weighing up the planning balance, it is considered that the harms identified above significantly and demonstrably outweigh the benefits and as such the proposal is not considered to represent sustainable development in the context of the NPPF. Furthermore, as set out in the report, there are various Section 106 obligations which have not been agreed in principle and there is no signed Section 106 Agreement and as such these matters constitute reasons for refusal. The proposal is therefore recommended for **Refusal**.

RECOMMENDATION Refuse

Reasons:

- 1 The proposed development conflicts with paragraph 55 of the NPPF in that the application site is in an isolated countryside location and there are no special circumstances in this case that would justify supporting the development.
- 2 The site lies within the Cotswolds Area of Outstanding Natural Beauty where priority is given to the protection of the landscape in accordance with the NPPF. The proposed development would be visually intrusive and would have an unduly harmful impact on the landscape and scenic beauty of the area.
- 3 Whilst all matters relating to design and layout are reserved for future consideration, the proposal, by virtue of its form, layout and access arrangements would result in a development that would fail to respect its wider built context and would fail to make a positive contribution to the quality of the character and functionality of the wider settlement and would fail to establish a strong sense of place. As such the proposal would fail to achieve a high quality of design in conflict with the NPPF and emerging policy SD5 of the Joint Core Strategy Submission Version November 2014.
- 4 The site is located remote from amenities and is not served by adequate footpaths, cycleways, or public transport facilities and the development would be likely therefore to increase reliance on the private car contrary to the NPPF and Policy TPT1 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 5 The application does not provide housing that would be available to households who cannot afford to rent or buy houses available on the existing housing market. As such the proposed development conflicts with Policy HOU13 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and policies SD12 and SD13 of the Joint Core strategy Submission Version November 2014.
- 6 The application does not make adequate provision for on-site or off-site open space/playing pitches and sports facilities to meet the needs of the proposed community. The application therefore conflicts with Policy RCN1 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and section 8 of the NPPF (Promoting healthy communities) and policies INF5 and INF7 of the Joint Core strategy Submission Version November 2014.
- 7 The application does not make provision for the delivery of education infrastructure and library provision and therefore the proposed development is contrary to Policy GNL11 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and section 8 of the NPPF (Promoting healthy communities) and policies INF5 and INF7 of the Joint Core strategy Submission Version November 2014.
- 8 The proposed development fails to provide sufficient information relating to the proposed surface water drainage strategy and as such fails to comply with the requirements 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.



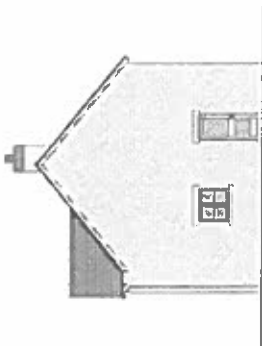
SCALE: 1:200
 DATE: OCTOBER 2015
 DRAWN: E.C.P./R.R.
 PROJECT: A VISIBILITY STUDY
 PLAN No. 10/2014/031/16

PROPOSED RESIDENTIAL DEVELOPMENT
 AT TALSTONE, TENKESBURY,
 GLOUCESTERSHIRE GL20 8JD
 FOR Mr. & Mrs. J. BROWN
 BLOCK PLAN

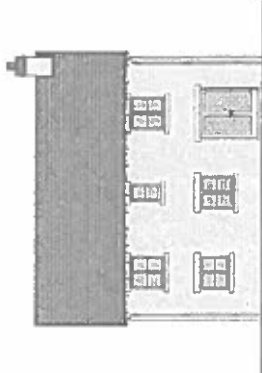
PLEASE PRINT AT A1

See also Mansfield Architectural Services
 Bespoke Architecture
 37, Wilburton Road, Cheltenham
 Gloucestershire, BN11 4RN
 Tel: 01292 231864
 Mobile: 0777 921839
 info@mansfieldarchitect.com

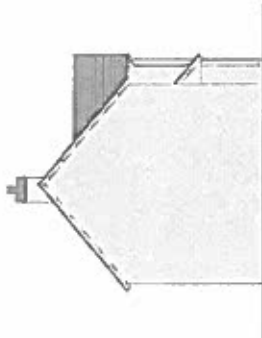
358/B



Side Elevation



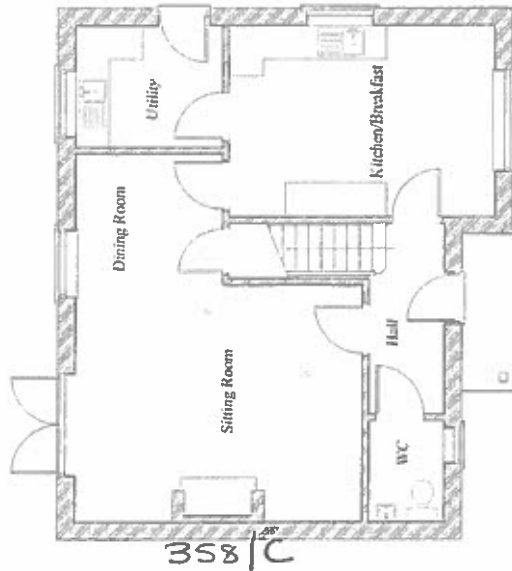
Rear Elevation



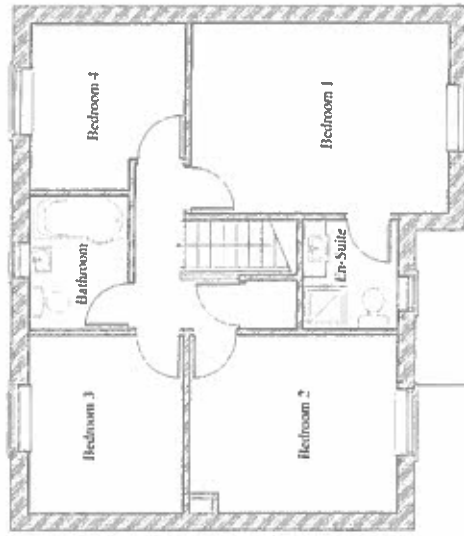
Side Elevation



Front Elevation



Ground Floor Plan.



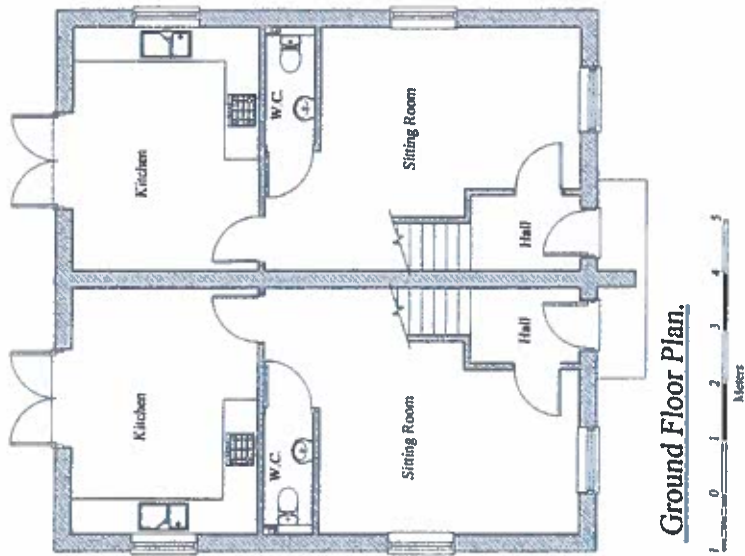
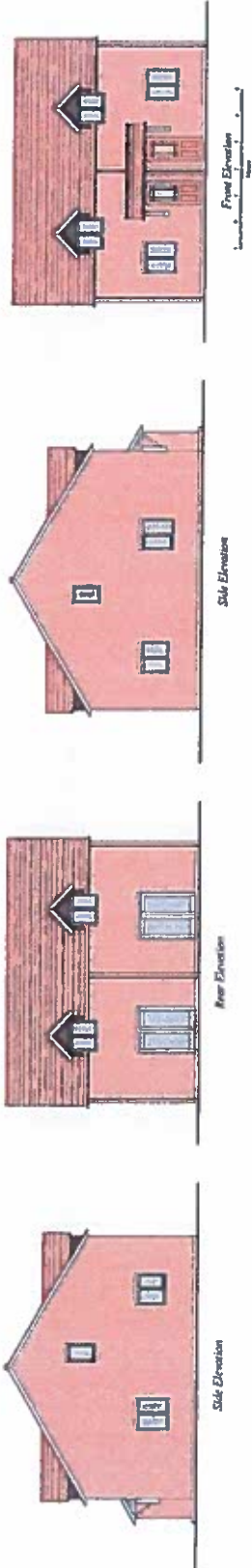
First Floor Plan.

PLEASE PRINT AT A1

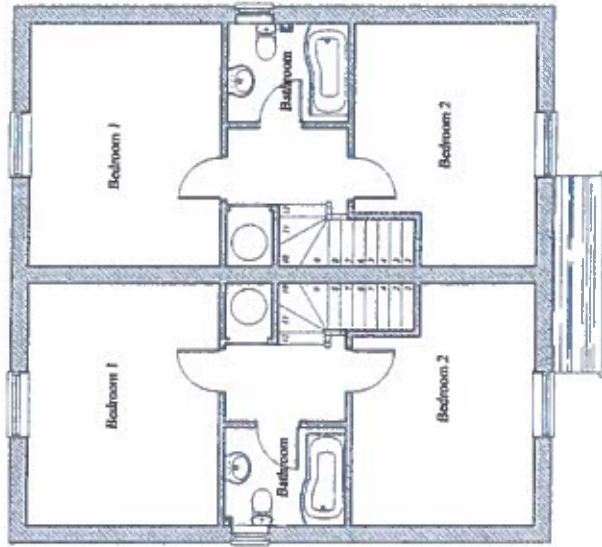
Stewart Mansford Architectural Services
 Despocke Architecture
 29, Whitewalls Orchard, Chesham
 Maidenhead, Berkshire, TW14 8RN
 Tel: 07511 01599 271049
 Mobile: 07777 921039
 stewart.mansford@btconnect.com

PROPOSED HOUSING DEVELOPMENT
 AT ALSTONE, TEWKESBURY,
 GLOUCESTERSHIRE GL20 8JD
 FOR Mr. & Mrs. J. BROWN
 PLOT 4 AS PROPOSED

SCALE 1/80 = 1/100
 DATE: OCTOBER 2014
 DRAWN: S.C. M.B.A.B.
 REVISIONS:
 PLAN No. 10/2014/01/1
 ILLUSTRATIVE ONLY



Ground Floor Plan.



First Floor Plan.

PLEASE PRINT AT A1

Street Member Architectural Services
 Despotic Architecture
 39, Whitcombe Orchard, Chelmsley
 Marlborough, Wiltshire, DN14 8RN
 Tel/Fax: 01299 271949
 Mobile: 07577 921839
 email: enquiries@despotic.com

PROPOSED HOUSING DEVELOPMENT
 AT ALSTONE, TEWkesbury,
 GLOUCEstershire GL20 8JD
 FOR Mr. & Mrs. J. BROWN
 PLOTS 12, 13, 14 & 16
 AS PROPOSED

SCALE: 1:50 - 1:100
 DATE: OCTOBER 2014
 DRAWN: L.C.M.A.S.B.
 EXAMINED:
 A. INTERNAL LAYOUT AMENDED SCH. JAN 2015
 PLAN No.: 10201401/13
 ILLUSTRATIVE ONLY

15/00527/FUL

Red House Farm, Copse Green Lane, Elmstone Hardwicke

2

Valid 23.09.2015

Change of use from old dairy to dwelling house, including part demolition of existing dairy (store). Removal of adjacent side part of steel Dutch barn and part rebuilding of collapsed old dairy.

Grid Ref 390500 227452

Parish Elmstone Hardwicke

Ward Coombe Hill

Mr Jonathan Powell

Red House Farm

Copse Green Lane

Elmstone Hardwicke

RECOMMENDATION Refuse

Policies and Constraints

National Planning Policy Framework (2012)

Planning Practice Guidance

JCS (Submission Version) November 2014

Tewkesbury Borough Local Plan to 2011 - March 2006 - GNL11, HOU4, HOU10, TPT1, LND4, AGR6 and AGR7.

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

Elmstone Hardwicke Parish Council raises no objection

The Local Highway Authority raises no objection, subject to condition.

Councillor Waters has requested Committee determination to assess the impact of the proposals on the characteristics of the host building.

Planning Officers Comments: Emma Blackwood

1.0 Introduction

1.1 Red House Farm is accessed via a private road, approximately 150 metres north of the junction with Copse Green Lane **see site location plan**). This part of the farm comprises a Dutch barn and lean-to parts on the northern and southern sides, and a dairy located immediately adjacent to this barn on its southern side.

1.2 The existing dairy building is single storey in nature with a dual pitched roof, designed with red brickwork facing materials, softwood windows and plain clay roof tiles. There are also three existing single storey elements projecting from the southern elevation of the principal building and two of the projecting elements appear to be structurally sound. The third element is partly collapsed and without a roof, and therefore cannot be considered as structurally sound.

1.3 The Agent has provided details with the application to show that the principal part of the old dairy building originally extended an additional 19.2 metres to the west. The outline of the original building has been shown in a dotted line on the existing plans **(attached)**. The existing plans also show the existing building foundations.

2.0 History

2.1 In February 2015, the Local Planning Authority refused a prior approval application for the change of use from an old dairy to a dwellinghouse, including part demolition of an existing dairy (store), and for the removal of an adjacent side part of a steel Dutch barn and the part rebuilding of a collapsed old dairy (Ref:15/00031/PDAD). This refusal was on the grounds that the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building and therefore did not constitute permitted development.

3.0 Current Application

3.1 This application seeks planning permission for a change of use of the existing dairy into 1 no. dwellinghouse. The application form advises that the dairy and store building is currently vacant, and that the use of these buildings ended on 31st March 2014. The application also proposes the demolition of the southern lean-to part of the existing steel framed Dutch barn, which is located immediately adjacent and to the north of the old dairy, and extensions and alterations to the dairy building.

3.2 The application has been amended, following discussions with the agent, to omit new openings including dormer windows and rooflights and to try and ensure that any proposed alterations better reflected the traditional appearance and rural character of the building. However, the amended plans show no changes regarding the scale of the proposed building, and the substantial extension remains in place (see amended proposed plans).

3.3 The proposed private garden area would be provided towards the southern side of the site, and would predominantly be soft landscaped. An existing hard standing area towards the south-eastern corner of the site would be used as a parking area. No alterations are proposed to the existing means of vehicular access to the site, from Copse Green Lane.

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 the Planning Practice Guidance 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 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 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.

4.5 Policy HOU4 of the Local Plan specifies that, outside the residential development boundaries of those settlements as defined in policies HOU2 and HOU3, and the village frameworks of Snowhill and Stanton as defined in policies SN1 and SA1 respectively, new residential development will only be permitted where such dwellings are essential to the efficient operation of agriculture or forestry, involve the acceptable conversion of an existing building, or the provision of affordable housing in accordance with Policy HOU14.

4.6 The above local plan policies in respect of promoting sustainable development and conserving the rural appearance of rural buildings are considered to be consistent with the NPPF and are therefore considered to have significant weight. Paragraph 55 of the NPPF specifies that, to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- the essential need for a rural worker to live permanently at or near their place of work in the countryside; or
- where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
- where the development would re-use redundant or disused buildings and lead to an enhancement to the

- immediate setting; or
- the exceptional quality or innovative nature of the design of the dwelling. Such a design should:
 - be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
 - reflect the highest standards in architecture;
 - significantly enhance its immediate setting; and
 - be sensitive to the defining characteristics of the local area.

Analysis

5.1 The main planning issues to be considered in this application are the principle of this development including its impact on the character and appearance of the existing rural building and area; the impact upon the residential amenity of neighbours and the traffic/highway safety implications.

Principle of development/Impact on the Character and Appearance of the Existing Rural Building and Area

5.2 This application seeks significant extensions to the existing building including the rebuilding of a projecting element that is structurally unsound and as such incapable of conversion. As such the application is tantamount to the erection of a new dwelling in the open countryside. Insufficient justification has been provided to support the provision of a new dwelling in this rural location. The site is remotely located relative to the nearest amenities and facilities and is not served by adequate footways, cycleways, or public transport facilities. The proposal would therefore increase the reliance on the private motor vehicle. As such, the development is not considered to represent sustainable development in a rural area.

5.3 The NPPF, which is more up-to-date than the Local Plan, places a clear emphasis on the conversion of existing buildings in the countryside, with no reference to extensions, and, at paragraph 55 (see 4.6 above) specifies that local planning authorities should avoid new isolated homes in the countryside unless there are 'special circumstances'. No such 'special circumstances' apply in this case.

5.4 In terms of the building 'as existing' it is considered that it would be capable of conversion to the proposed residential use without the proposed substantial extensions/rebuilding works. The proposed extension and reconstruction works would change the character and appearance of the site to a more intensive domestic nature, to the detriment of the rural character and appearance of the area. Furthermore, the harm to the landscape would be compounded by the associated intensification and domestication of the surrounding land, which would further detract from the qualities of the rural landscape.

Residential Amenity

5.5 The proposed dwelling would be well distanced from other residential dwellings, and it is considered that, by virtue of the scale and form of the proposed development and its proximity to other dwellings, this would not unreasonably affect the amenity of adjoining occupiers. It is further considered that the comings and goings of vehicles associated with the proposed residential use of this scale would not significantly adversely affect their amenity.

Access and Parking and Impact on Highway Safety

5.6 The proposal would continue to use an existing access from Copse Green Lane, which is an unclassified highway subject to a speed limit of 50mph and would provide off-road parking spaces for 4 vehicles with sufficient space to allow vehicles to enter, turn and exit the development in forward gear. The Local Highway Authority (LHA) advises that adequate visibility can be provided and that, given the rural nature of the site, the level of intensification of the use of the access would not present a detriment to highway safety. The LHA therefore raise no objection to the development on highway safety grounds subject to conditions relating to the provision of a suitable access including appropriate visibility splays.

6.0 Conclusion

6.1 Taking into account all of the above, it is concluded that this application, given the significant extensions and rebuilding works proposed would be tantamount to the erection of a new dwelling in the open countryside and insufficient justification has been provided to support such a proposal in this rural location. The development is not considered to represent sustainable development. Further, no clear justification has been provided for the requirement of the proposed substantial extension and major reconstruction works, which would significantly alter the existing structure and would change the character and appearance of the site to a more intensive domestic nature, to the detriment of the rural character and appearance of the area.

6.2 Whilst the proposed development would provide an additional dwelling, which would generate some economic benefits it is considered that the adverse impacts arising from the proposal would significantly and demonstrably outweigh the benefits. It is therefore recommended that planning permission is refused.

RECOMMENDATION Refuse

Reasons:

- 1 The proposed development would be tantamount to the erection of a new dwelling in the open countryside and there is insufficient justification to support the provision of a new dwelling in this rural location. The site is remotely located relative to the nearest amenities and facilities and is not served by adequate footways, cycleways, or public transport facilities. The proposal would therefore increase the reliance on the private motor vehicle. As such, the development is not considered to represent sustainable development in a rural area. The proposal is therefore in conflict with policies AGR6 and HOU4 of the Tewkesbury Borough Local Plan to 2011 (March 2006) and paragraphs 17 and 55 of the National Planning Policy Framework.

- 2 The proposed development would involve a substantial extension to and major reconstruction of the existing barn, which would significantly alter the existing structure, and there is insufficient justification to support the provision of the extension and re-construction. The extension and alterations would change the character and appearance of the site to a more intensive domestic nature, to the detriment of the rural character and appearance of the area. Furthermore, the harm to the landscape would be compounded by the associated intensification and domestication of the surrounding land which would further detract from the qualities of the rural landscape. The proposal therefore conflicts with policies AGR6, AGR7, HOU4 and LND4 of the Tewkesbury Borough Local Plan to 2011 (March 2006) and the National Planning Policy Framework.

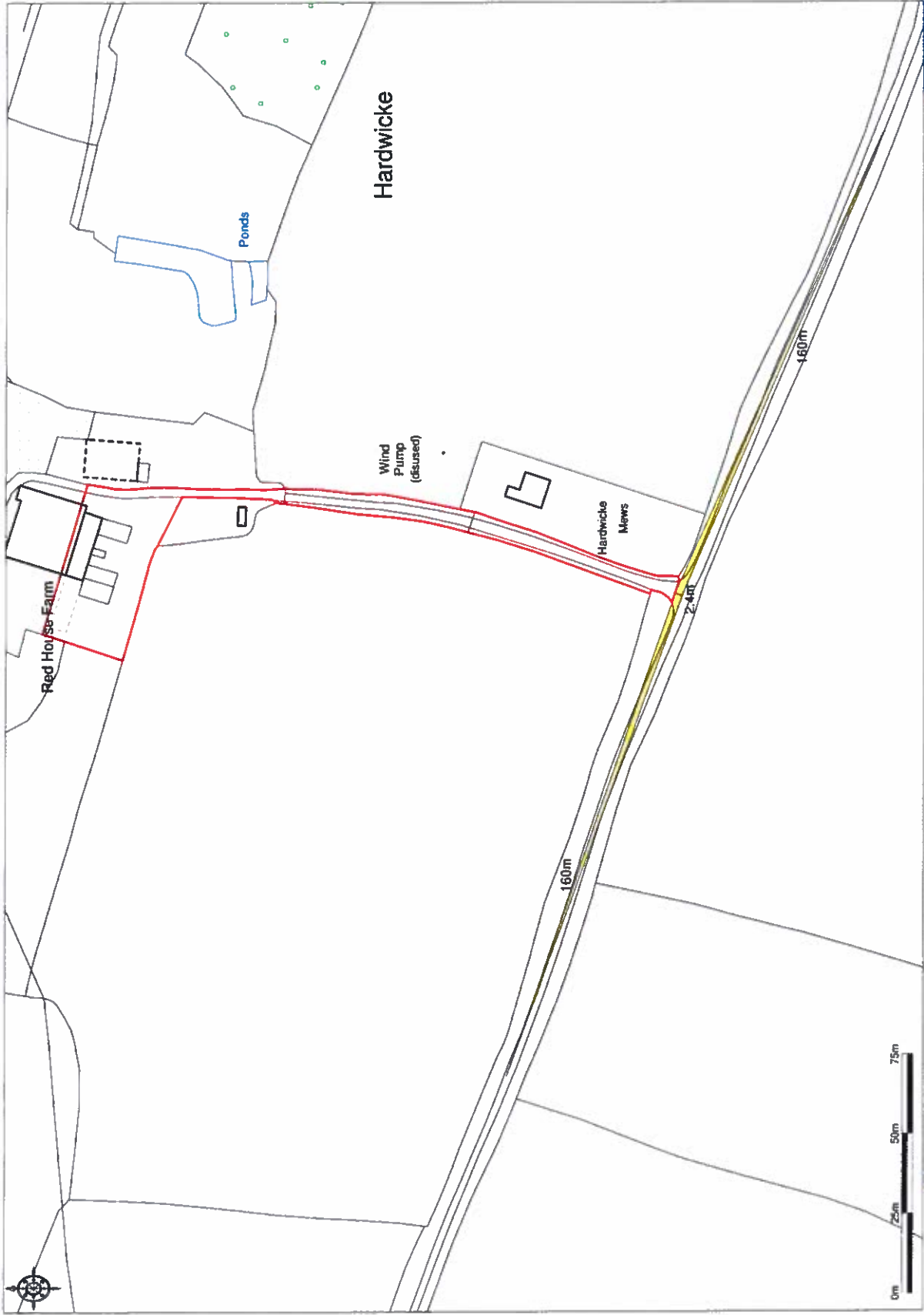
Note:

Statement of Positive and Proactive Engagement

In accordance with the requirements of the National Planning Policy Framework (2012), 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 protect the character and appearance of the rural building and landscape.

Barn at Red House Farm, Elmstone Hardwicke, GL51 9TB

15/00527/FUL

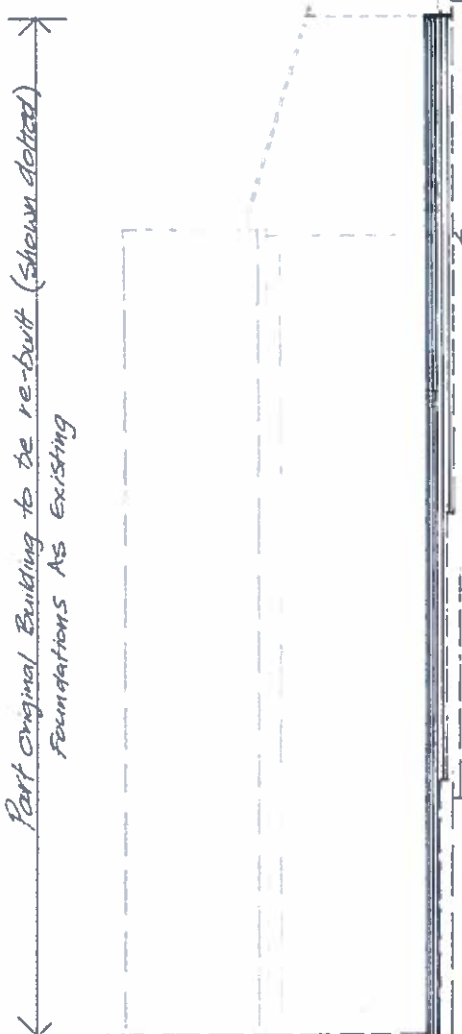


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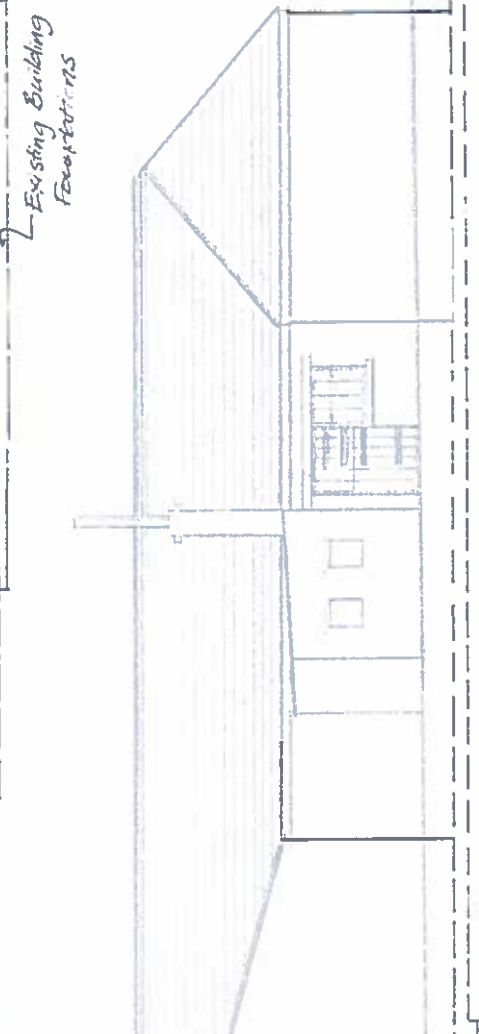


Voyce Pullin - Knights Farm, Shepperdine Road, Oldbury on Severn, Bristol, BS35 1RL
T 01454 269486 F 01454 415397
W www.voycepullin.co.uk

362/A



Part Original Building to be re-built (shown dotted)
 Foundations AS Existing

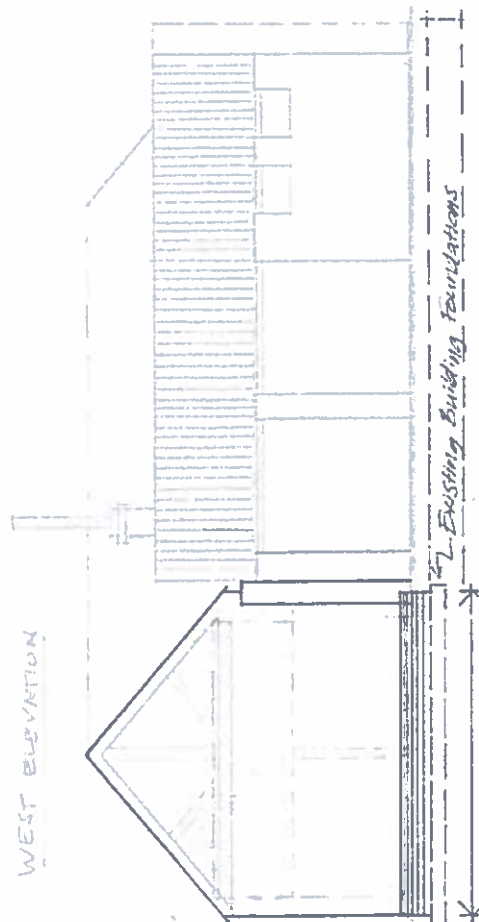


Part Original Building to be re-built

SOUTH ELEVATION

Existing Building Foundations

362/B

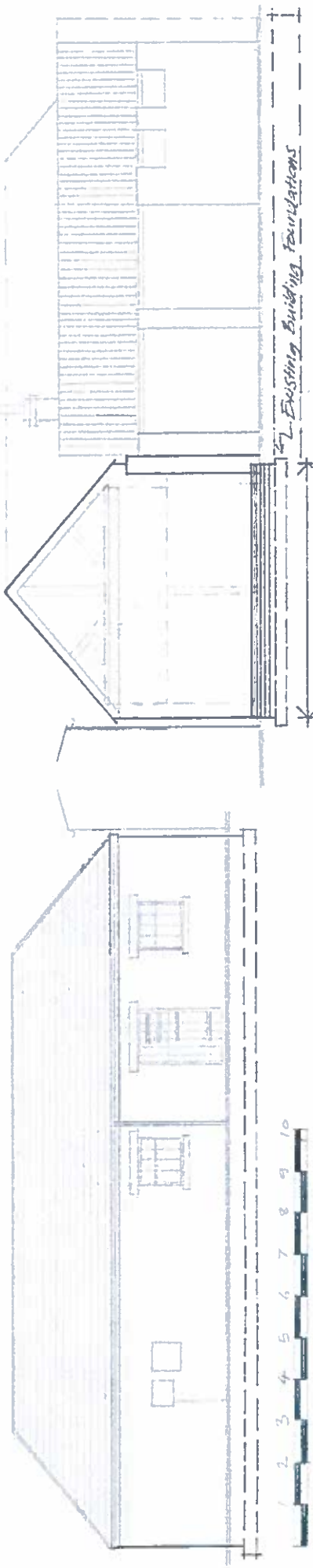


WEST ELEVATION

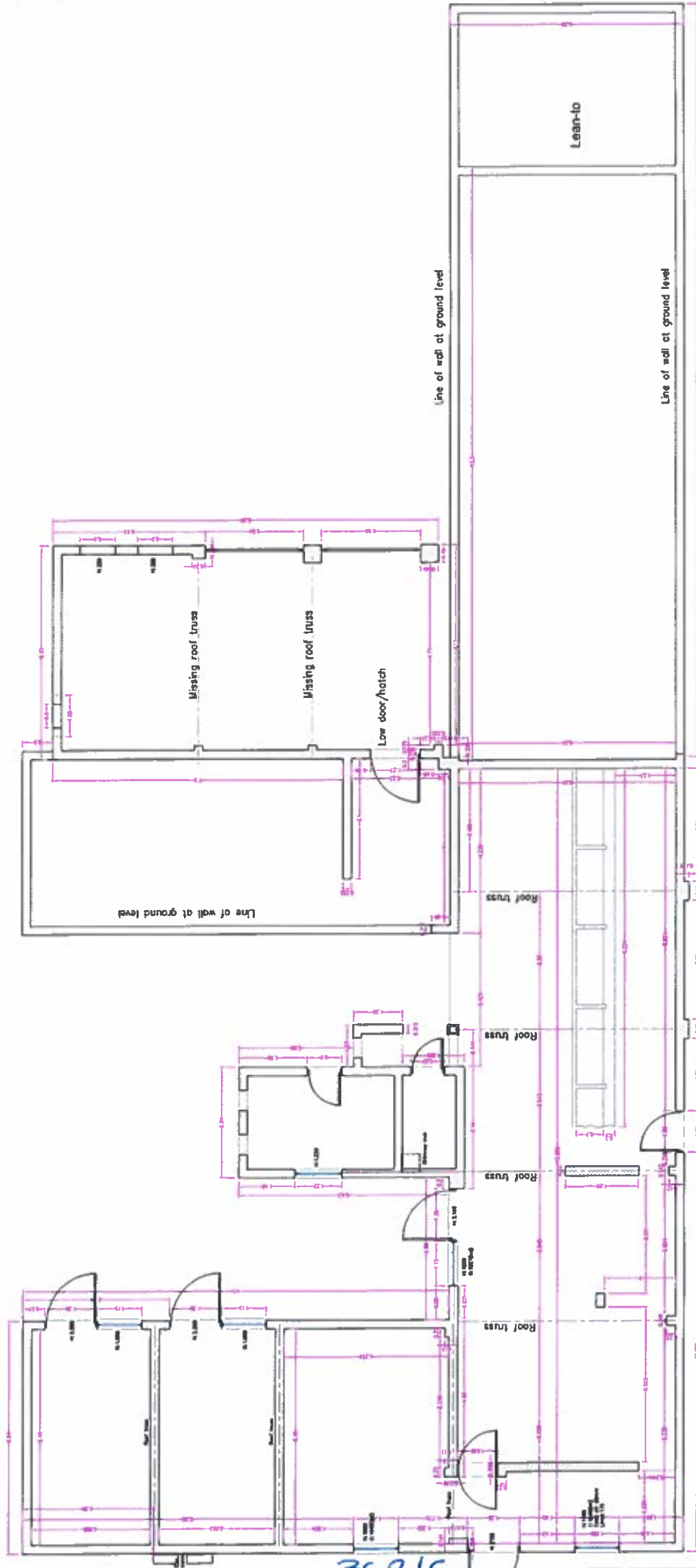
Existing Building Foundations

Existing Building Foundations

EAST ELEVATION



Rev.	Date	Description	By



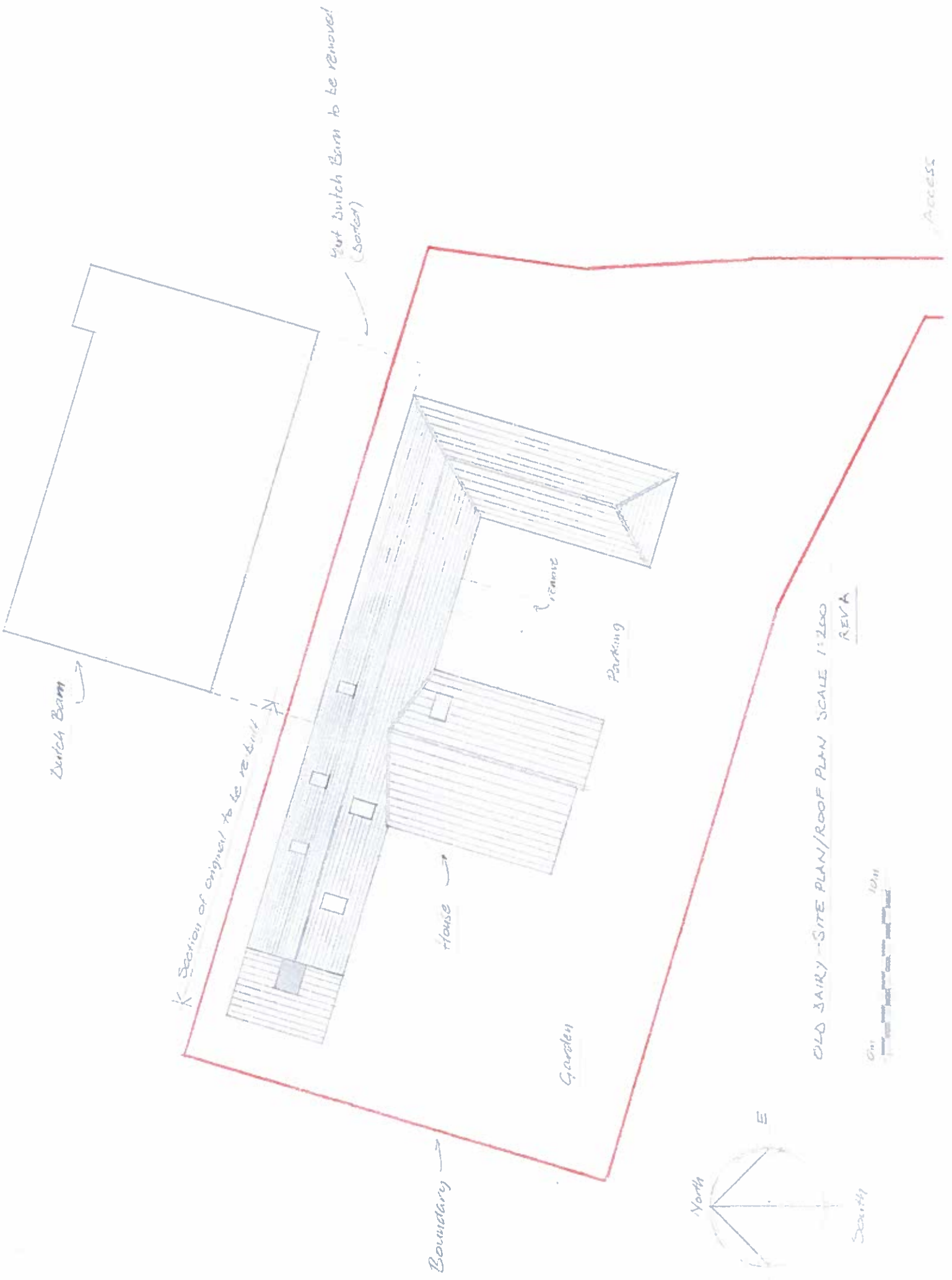
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Approx.

Title		Existing Floor Plan		Red House Farm Elmstone Hardwick	
Doc. No.:	RHF 1-1	Frame:	RHF-1	Scale:	1:100@A3
Issued for:	Comment	Date:	20.11.14	Client:	Mr + Mrs J. Powell
Drawn by:	Charles Board	Journeyman Drafting + Design 33 Lyfield Rd. West Chalfont Bucks. GL53 9EZ Tel: 01292 504206 Fax: 01291 739727 E: charlesboard@vetma.co.uk			

- NOTES:
1. Do not scale this drawing.
 2. Contractor to check all dimensions on site and report any errors before commencing construction.
 3. This drawing to be read in conjunction with all other relevant drawings and specifications.

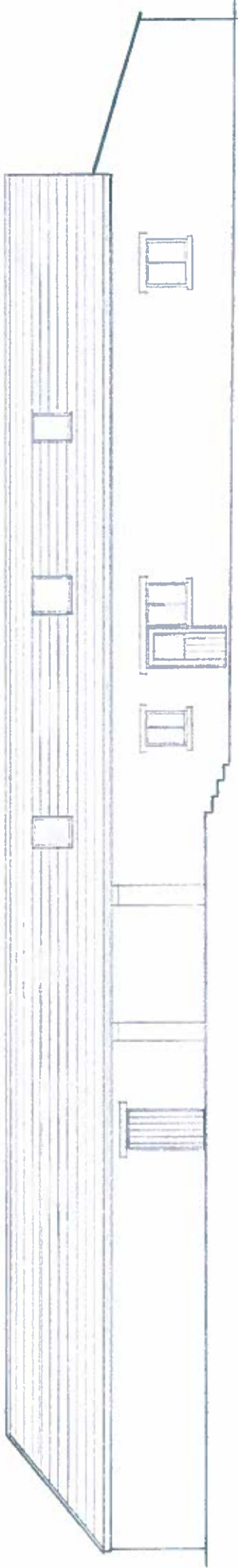


OLD DAIRY - SITE PLAN / ROOF PLAN SCALE 1:200
REV A

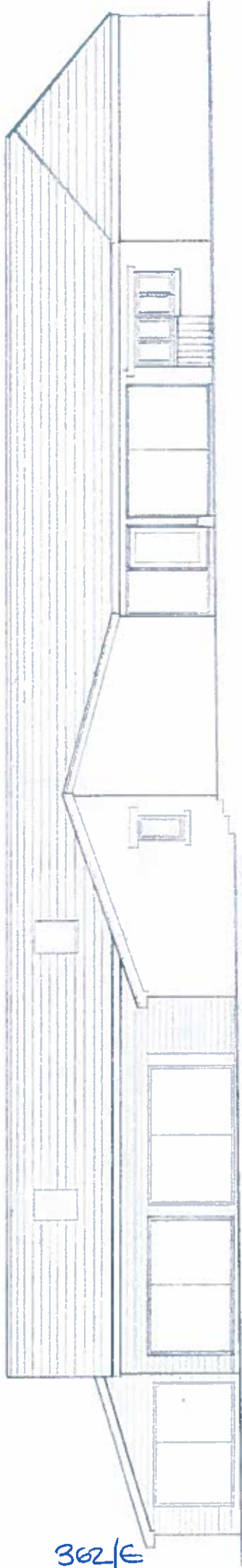
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PROPOSED ELEVATIONS REV A B

NORTH ELEVATION

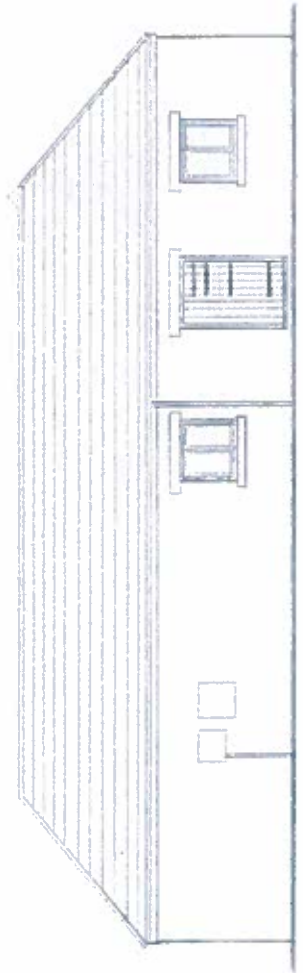


SOUTH ELEVATION

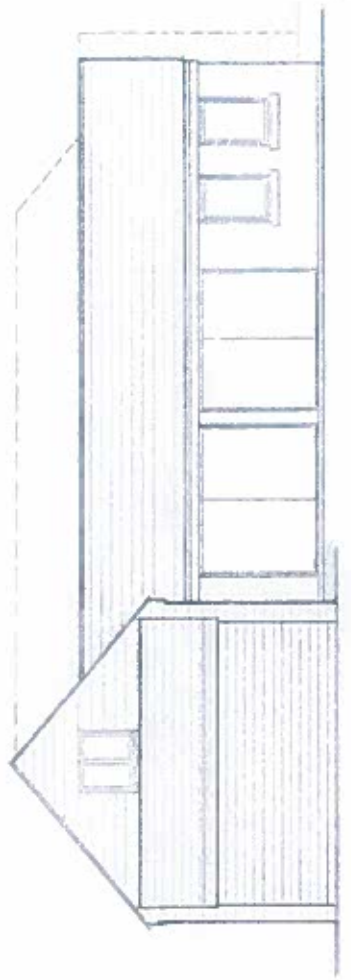


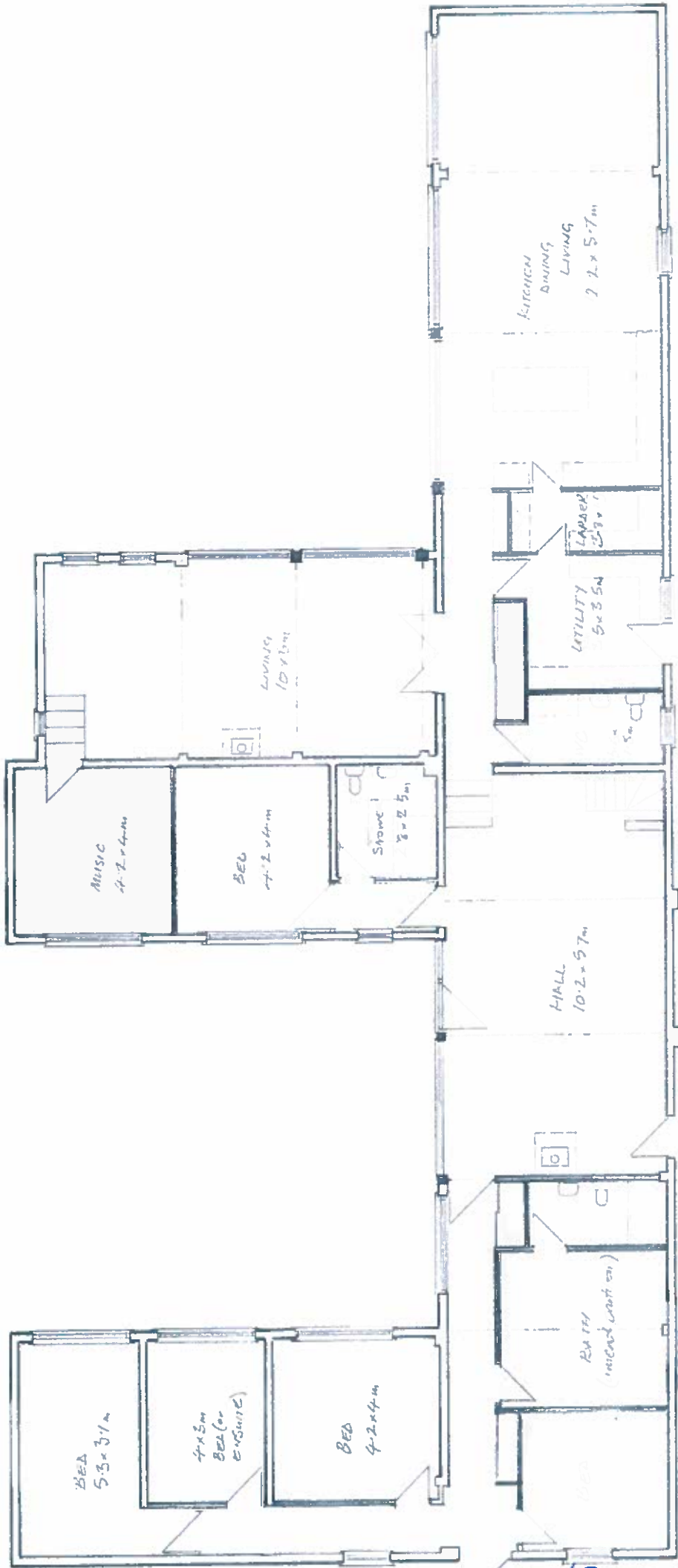
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EAST ELEVATION

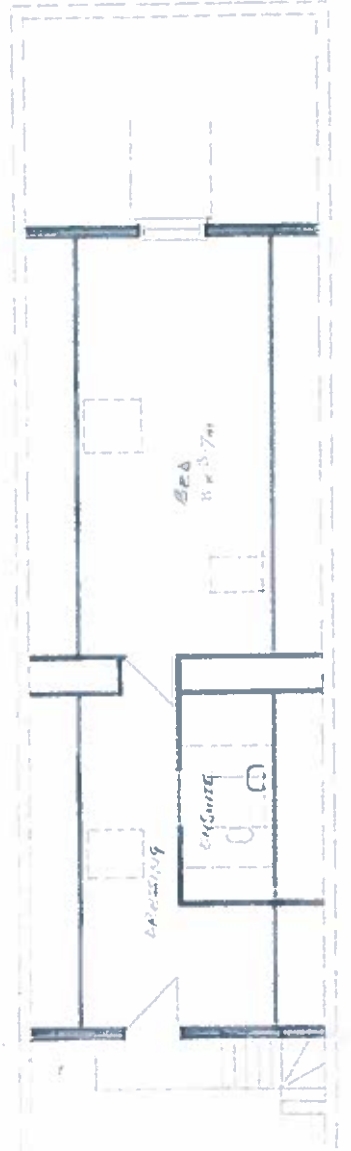


WEST ELEVATION





Ground Floor 1:100



PROPOSED PLANS REV # B



15/00944/FUL
Bragmans Croft
Valid 01.09.2015

Bragmans Croft, Great House Lane, Hasfield

3

Two-storey extension to existing dwelling to provide enlarged living accommodation

Grid Ref 382830 227830
Parish Hasfield
Ward Highnam With Haw
Bridge

Mr & Mrs M Teague

Bragmans Croft
Great House Lane
Hasfield

RECOMMENDATION Permit

Policies and Constraints

Tewkesbury Borough Local Plan to 2011 - March 2006 - HOU8, LND3
NPPF
Planning Practice Guidance
Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990
Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)
The First Protocol, Article 1 (Protection of Property)
Landscape Protection Zone
Within 50m of a Listed Building (Primrose Cottage)

Consultations and Representations

Hasfield Parish Meeting - No objections received by the Parish Clerk. Note the objection received from the neighbour.

Conservation Officer - No objection.

One letter of objection has been received from the owner of Primrose Cottage raising the following comments and observations:

- The originally submitted plans did not show the extensions as previously approved;
- The granting of permission for stables under 94/9567/1186/FUL did not allow them in the location next to the adjoining listed building, as is falsely claimed;
- The planning statement is selective in its reporting of the Sites Inspection Panel's concerns on the previous application. The panel were concerned about the wider landscape impact as well as the impact on the setting of the listed building;
- Many of the reasons for recommending Refusal of 11/01275/FUL, which closely mirrors this application, are still valid;
- Whilst we acknowledge and fully accept the Inspector's comments regarding the outbuilding's (non) impact on the setting of the adjoining listed building, we are not convinced that this can necessarily also be applied to this particular proposal;
- The Planning Inspector made it clear that each case should be assessed on its merits. This proposal for a two storey extension which has a much more direct relationship with the listed building, and will have a clearly visible impact on the prominent escarpment alongside not only the adjoining, but a number of other, listed buildings from various public viewpoints, such as Ham Road, the Churchyard and two nearby PROWs running within a few metres of the site.
- Even if there are some grounds for the belief that the planning balance has shifted following the appeal decision on the single-storey building, the proposal still fails to address policies HOU8 and LND3 and the SIPs concerns on the wider landscape.

Planning Officers Comments: Mr Paul Skelton

1.0 Introduction

1.1 The application relates to a detached dwelling, within a relatively isolated location in Hasfield. The nearest neighbour is Primrose Cottage, a detached listed cottage which lies in close proximity to the site to the east. The property occupies an elevated position and as such, is readily visible within the landscape, designated a Landscape Protection Zone (LPZ) in the local plan (**See attached location plan**).

2.0 History

2.1 07/00356/FUL - Erection of single storey and two storey extensions to dwelling and detached garage workshop. Erection of 1.8m high brick wall and iron entrance gates to front of property. Withdrawn due to officer concern over residential curtilage shown, impact on the building, landscape and adjacent listed building.

2.2 10/00714/FUL - Erection of two storey extensions to dwelling involving demolition of existing single storey wing - revised scheme - Refused in August 2010 on landscape impact grounds and also on the grounds that the scheme would be harmful to the character and appearance of the existing building. Also refused on the grounds of harm to the setting of the nearby listed building.

2.3 11/00932/FUL - Erection of two storey and single storey extensions - Refused planning permission in October 2011 on same grounds as the 2010 scheme.

2.4 11/01275/FUL - Erection of two-storey and single-storey extensions to property - Revised scheme - permitted by the Planning Committee in July 2012. The permission related to a reduced scheme following a visit by the Sites Inspection Panel.

2.5 13/01058/FUL - Change of use of land to domestic curtilage and erection of outbuilding - amendment to application 13/00333/FUL - dismissed on appeal following a refusal.

3.0 Current Application

3.1 This application is very similar to previous schemes for the erection of two-storey extensions to the property. Previous applications were for two-storey and single storey extensions, some elements of which have been permitted and are currently being implemented. Copies of the plans, which include the previously permitted elements **will be displayed at Committee**. The extension would measure approximately 10.2m deep and 6.2m in width with a gable projection to the rear.

4.0 Policy Context

4.1 One of the 'Core Planning Principles' of the NPPF is recognising the "intrinsic character and beauty of the countryside". Paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

4.2 Section 16 and 66 of the Planning (Listed Building and Conservation Areas) Act 1990 requires Authorities to have special regard to the desirability of preserving any listed building or its setting or any features of architectural or historic interest. This requirement is also set out at paragraphs 126 and 131 of the new NPPF and Structure Plan Policy NHE.6.

4.3 The NPPF advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It also advises that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Furthermore, the NPPF states that, where development will lead to substantial harm to or total loss of significance of a designated heritage asset, LPAs should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

4.4 Policy HOU8 of the Local Plan sets out that extension to existing dwellings will be permitted provided they respect the character, scale and proportions of the existing dwelling and do not have an unacceptable impact on adjacent property and residential amenity.

4.5 Policy LND3 of the Local Plan seeks to protect the environment within the Landscape Protection Zone.

4.6 The above local plan policies in respect of conserving the natural and historic environment are considered consistent with the NPPF and are therefore considered to have significant weight.

5.0 Analysis

Impact on existing building and wider landscape setting

5.1 In terms of detailed design, this was not a specific reason for refusal on previous applications. The subservient nature of the extension and the simple design are considered to be appropriate to the existing building.

5.2 As set out above a very similar application was considered by the Planning Committee in 2012. That application included various elements however a two-storey extension similar to that now proposed was removed following concerns raised by the Sites Inspection Panel (SIP). A reduced scheme was ultimately permitted which removed the two-storey element in the location now proposed as well as reducing other two-storey elements of the scheme. There has been no significant change in material circumstances in respect of the landscape considerations since the refusal of the 2010 and 2011 applications. The other two-storey and single storey elements have been permitted since the previous refusals and work is underway. Once completed, these extensions will increase the scale of the existing dwelling significantly. There are clear views of the application property from the Ham Road and public footpath that runs across the fields to the north of the site which was of concern to officers and members alike when considering application ref: 11/01275/FUL. The impact on the character and appearance of the wider landscape within the Landscape Protection Zone therefore weighs against the proposal.

Setting of Listed Building

5.3 There has been a significant change in circumstances since the previous application in the guise of the appeal decision on the proposal to change of use of land to domestic curtilage and erection of outbuilding (application ref: 13/01058/FUL) (see plans attached). Whilst the appeal was dismissed the Inspector considered the impact on the setting of Primrose Cottage. In concluding the Inspector reasoned that

'I do not consider that the setting of the adjacent listed building would be significantly harmed, given the siting and orientation of this dwelling, its separation to the boundary, and the well screened nature of the site. Whilst noting that the proposal before me seeks to overcome the Council's objections to a previous unsuccessful application, each proposal must be assessed on its merits.'

5.4 Whilst the current proposal is clearly different to that dismissed at appeal, the Inspector's conclusions are clearly a material consideration. The proposed garage was substantial (4 bays plus a workshop) and was closer to Primrose Cottage, and whilst it was a lower building that what is currently proposed, the two storey extension would be set against the existing dwelling.

5.5 The Conservation Officer has considered the proposals in light of the appeal decision. The Conservation Officer feels that the setting of Primrose Cottage is one that might be expected of a humble traditional dwelling i.e. a building intimately connected with the landscape for functional reasons but with little wider presence except as a feature in that landscape. Its setting influence is therefore limited and longer range views of the building are more incidental than designed. On that basis the Conservation Officer raises no objection to the proposals. This view perhaps departs from the view of the previous conservation officers looking at the site but is consistent with, and informed by, the approach taken by the appeal inspector.

5.6 In light of this it is not considered that the proposed two-storey extension would have an unduly harmful impact on the setting of Primrose Cottage.

Residential Amenity

5.7 Given the distance between the proposed extension and Primrose Cottage and the lack of openings on the east elevation facing Primrose Cottage, it is not considered that there would be any undue impact in terms of the living conditions of the occupiers of that property. No such issues were raised when determining previous, similar applications on the site.

6.0 Planning Balance and Conclusions

6.1 As set out above there would be harm to the wider landscape of the Landscape Protection Zone as a result of the proposed extension. However there has been a change in the overall planning balance since the previous refusal. As explained above there is no longer an objection to the proposals in terms of the impact on the setting of Primrose Cottage which was a previous concern. Given the specific circumstances set out above, on balance, the planning balance weighs in favour of granting 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:

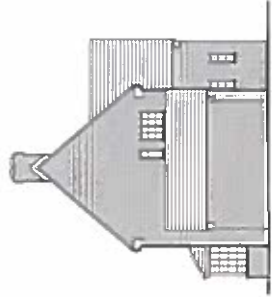
- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To ensure that the extension is in keeping with the existing building in accordance with Policy HOU8 of the Tewkesbury Borough Local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

NOTES
1. DRAWING IS FOR INFORMATION ONLY
2. CONTRACTOR TO CHECK ALL DIMENSIONS
3. CONSULT LOCAL AUTHORITIES FOR
4. ANY NECESSARY PERMITS
PROJECT 15/00944

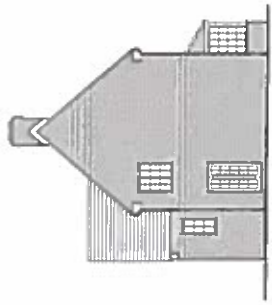
**CLIVE
PETCH**
ARCHITECTS
1111 PHOENIX (01242) 521628
FAX: (01242) 224430
EMAIL: cpe@clivepetch.com

PROJECT:
GRAND CROFT
GRAND CROFT LANE
HARFIELD
WILTSHIRE
TITLE:
EXISTING PLANS ELEVATIONS
SCALE: 1:120 & 1:2500
DATE: JULY 2009

PROJECT REF	DNCH No
2002	02

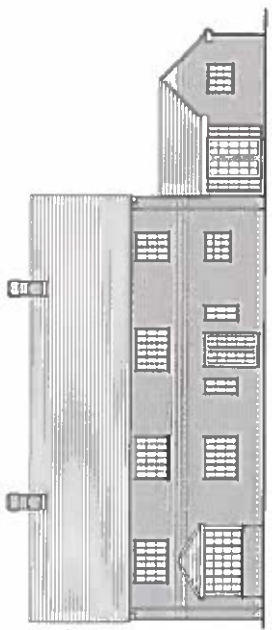


SIDE ELEVATION (EAST)

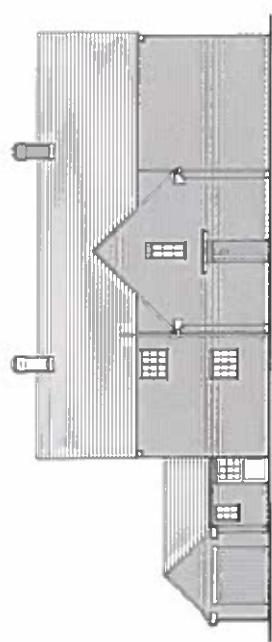


SIDE ELEVATION (WEST)

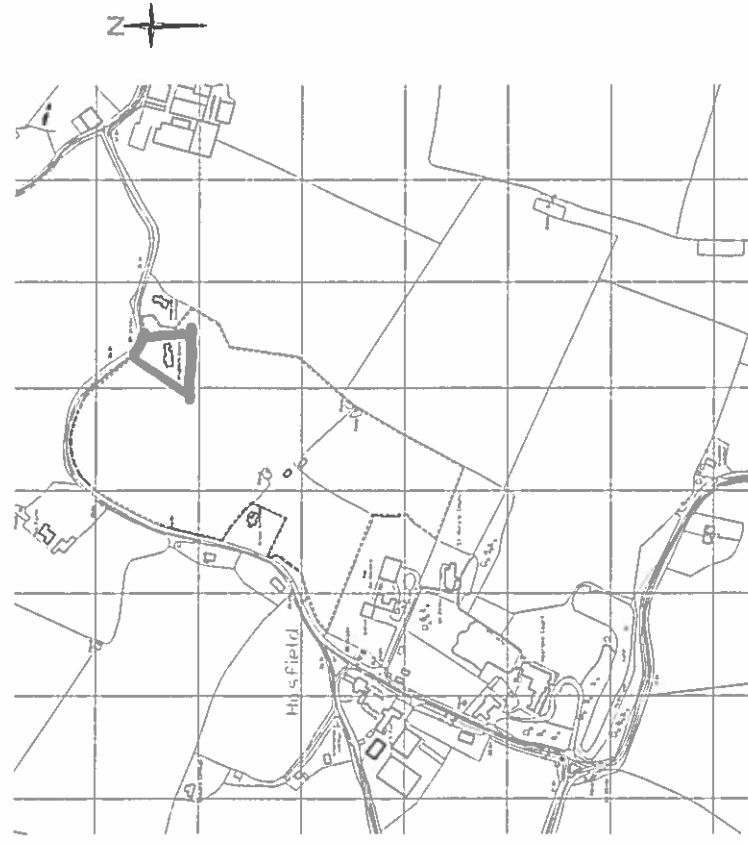
Existing Elevations



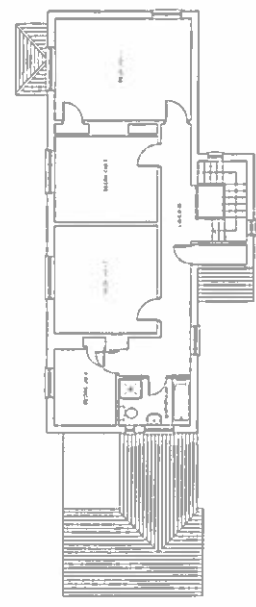
REAR ELEVATION (SOUTH)



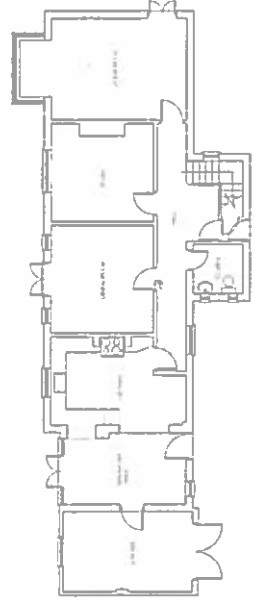
FRONT ELEVATION (NORTH)



LOCATION PLAN Scale 1:2500



FIRST FLOOR PLAN



GROUND FLOOR PLAN

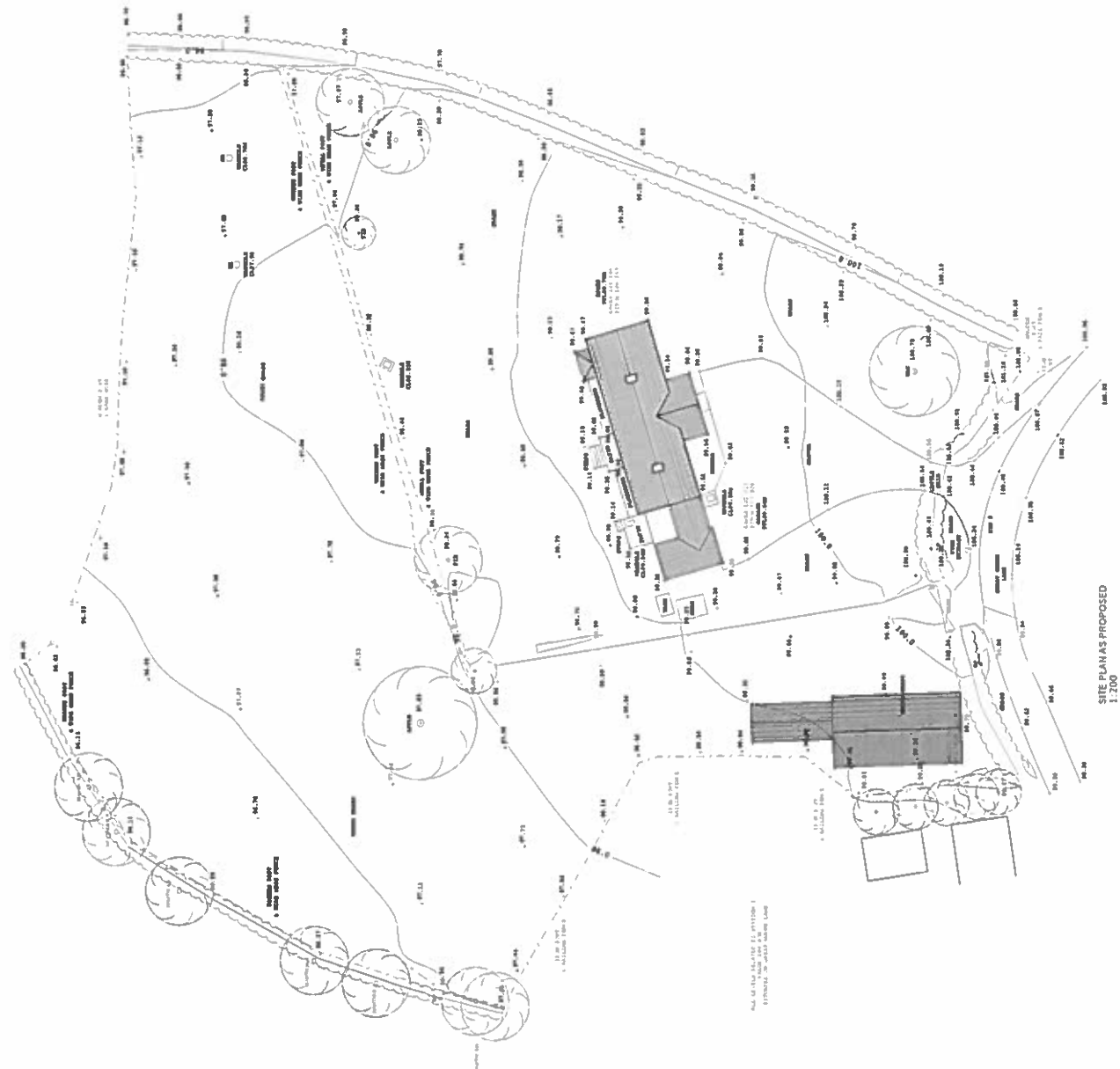
DISMISSED APPEAL 13/1058/FUL

NOTES:
1. THIS DRAWING IS A REVISION TO THE ORIGINAL DRAWING AND SHOULD BE USED IN CONJUNCTION WITH THE ORIGINAL DRAWING.
2. ANY CHANGES TO THE ORIGINAL DRAWING SHOULD BE NOTED ON THIS SHEET.
3. THE DRAWING IS A REVISION TO THE ORIGINAL DRAWING AND SHOULD BE USED IN CONJUNCTION WITH THE ORIGINAL DRAWING.

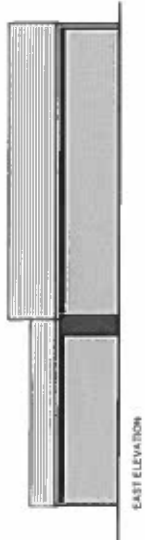
CLIVE PETCH ARCHITECTS
TELEPHONE (01273) 331608
FAX (01273) 331609
EMAIL clive@clivepetch.co.uk
www.clivepetch.co.uk

PROJECT: HANLEY COURT
SHEPHERD WALK
HARTFIELD GU85 1JF
HARTLEY GU85 1JF
TITLE: PROPOSED OUTBUILDING PLANS & ELEVATIONS
SCALE: 1:200
DATE: SEPTEMBER 2005

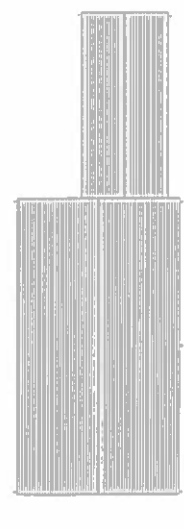
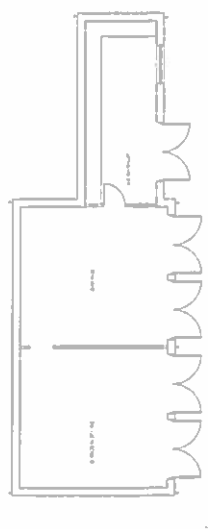
PROJECT REF: DNG/116	DATE:
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A	B
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U	V
W	X
Y	Z



SITE PLAN AS PROPOSED
1:200



366/B



ROOF PLAN

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

DEFERRED AT LAST COMMITTEE FOR COMMITTEE SITE VISIT (Item No 9, Page No 275)

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:

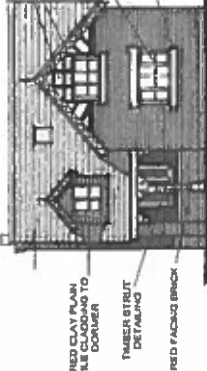
The proposed development would represent an inappropriate form of development in the Green Belt which would compromise its open character, appearance and function. It is not considered that any very special circumstances exist which would outweigh the identified harm. The proposal would therefore be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

Note:

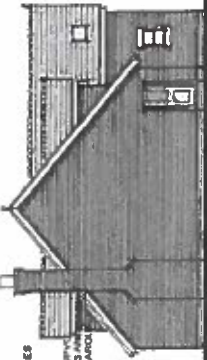
Statement of Positive and Proactive Engagement

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.

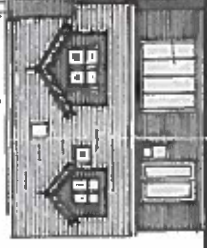
PROPOSED NEW CHALET BUNGALOW



PROPOSED FRONT ELEVATION



PROPOSED SIDE ELEVATION



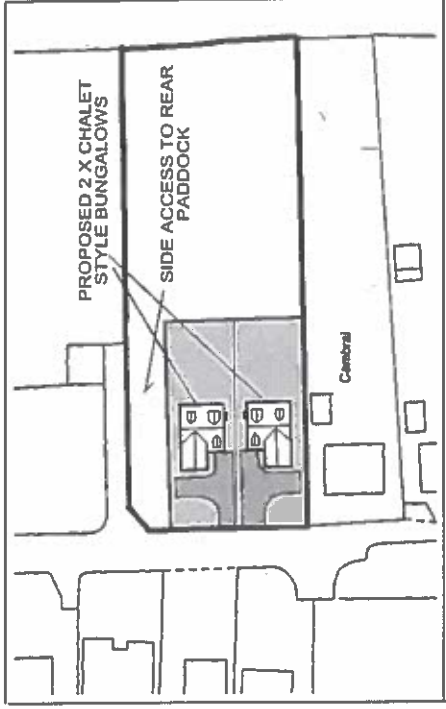
PROPOSED REAR ELEVATION



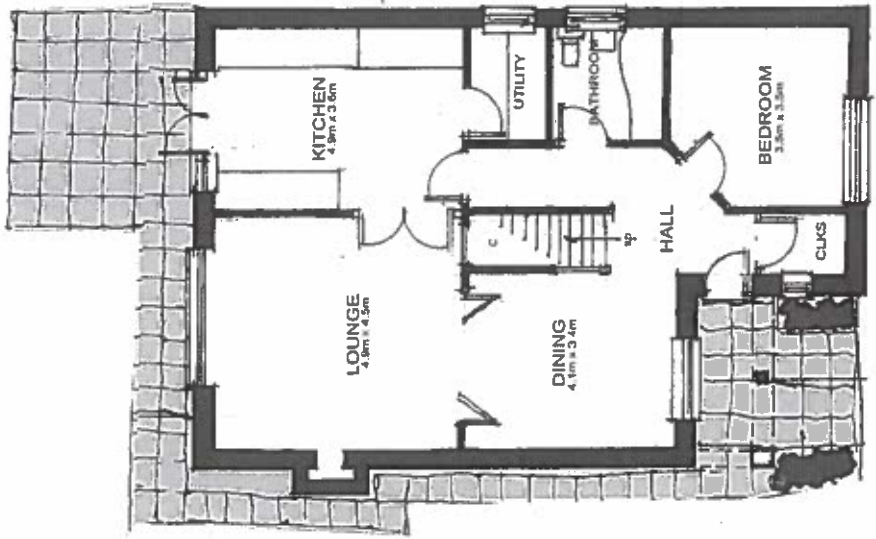
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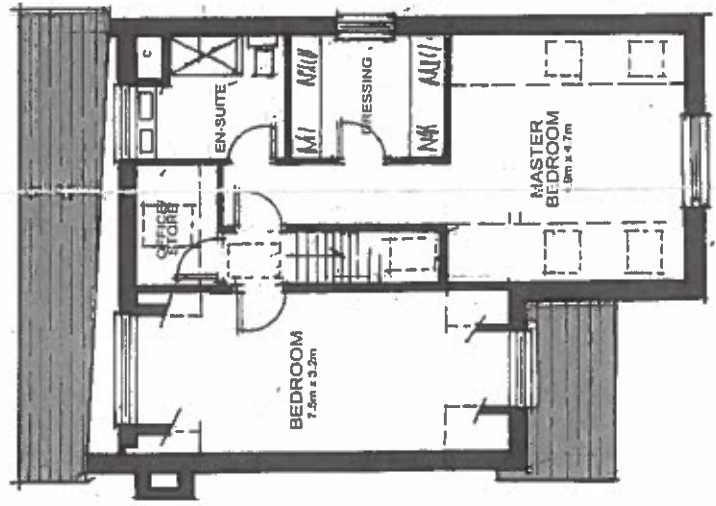
SITE PLAN 1:1250



BLOCK PLAN 1:500



PROPOSED GROUND FLOOR

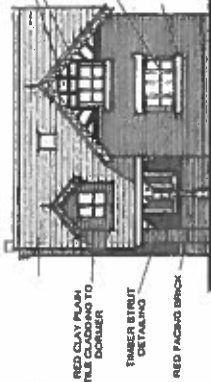


PROPOSED FIRST FLOOR

HAVENWOOD HOMES 501 AVONCROFT AVENUE BRISTOL AND GLoucester BRISTOL BS32 9JY TEL: 01454 888888 WWW.HAVENWOODHOMES.CO.UK	
Client DOUG HOWKINS	Date 28.07.15
PROPOSED DEVELOPMENT OF 2 X CHALET STYLE BUNGALOWS WITH WASH LANE, DOWN HATHERLEY, GLOUCESTER	
Drawn By PROPOSED ELEVATION PLANS AND ELEVATIONS SITE AND BLOCK PLAN	Scale - 1:50 1:100 1:1250 1:500 Date Drawn By ASH/001

370/A

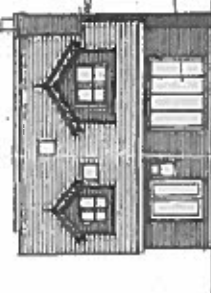
PROPOSED NEW CHALET BUNGALOW



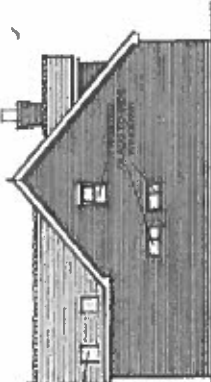
PROPOSED FRONT ELEVATION



PROPOSED SIDE ELEVATION



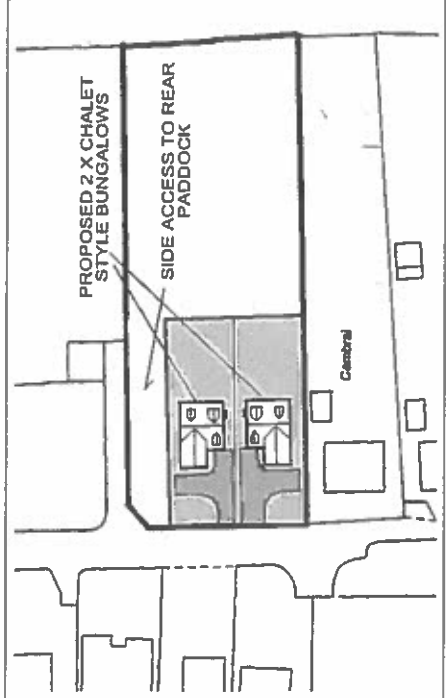
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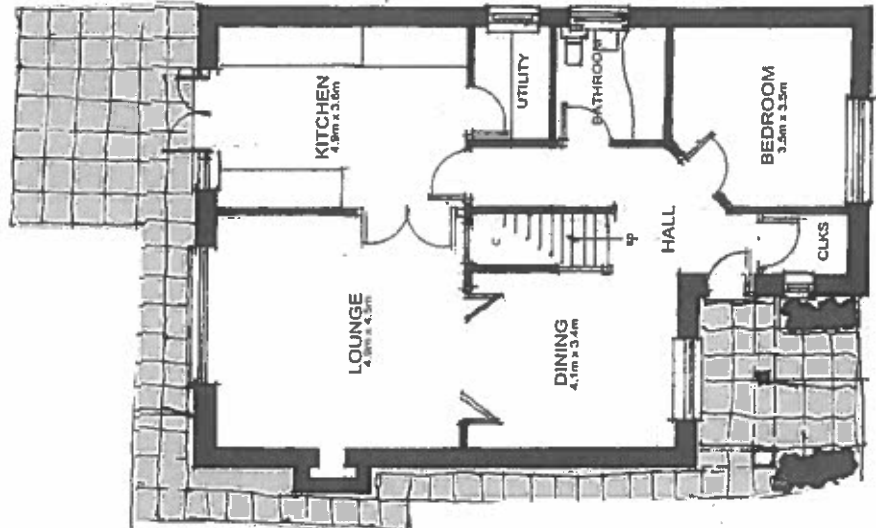
PROPOSED SIDE ELEVATION



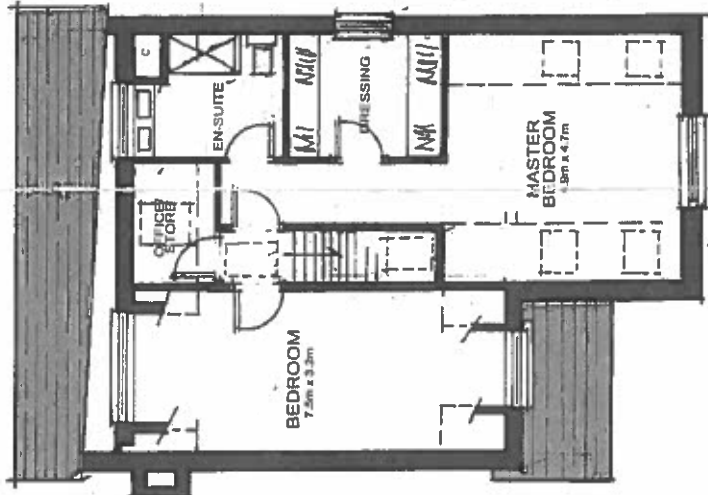
SITE PLAN 1:1250



BLOCK PLAN 1:500



PROPOSED GROUND FLOOR



PROPOSED FIRST FLOOR

IAN HAWKINS ARCHITECTURAL SERVICES Building and Planning 61 & 63 Park Road HARTSLIP, GLoucestershire	
Date: DOUG HOWKINS	26.7th PROPOSED DEVELOPMENT OF 2 X CHALET STYLE BUNGALOWS AND 11 ASH LANE, DOWN HATHERLEY, GLOUCESTER
Drawn: DOUG HOWKINS ARCHITECTURAL SERVICES SITE AND BLOCK PLAN	Scale: 1:50 1:100 1:1250 1:500 Date:
Page: ASI/001	Date:

370/B

Valid 10.07.2015

Erection of 38 no. two, three, four and five bedroom dwellings, open space, parking, associated works and new vehicular access from Butts Lane.

Grid Ref 397219 227646

Parish Woodmancote

Ward Cleeve Hill

Crest Nicholson (South West) Ltd

C/O Agent

RECOMMENDATION Refuse**Policies and Constraints****NPPF**

Planning Practice Guidance

Tewkesbury Borough Local Plan to 2011 (March 2006) - Policies GNL2, GNL11, HOU4, HOU13, TPT1, EVT2, EVT3, EVT5, EVT9, LND7, RCN1, RCN2, NCN5

Joint Core Strategy Submission Version (November 2014) - Policies SP1, SP2, SD5, SD7, SD8, SD9, SD10, SD11, SD12, SD13, INF1, INF3, INF5, INF7

Draft Tewkesbury Borough Plan - February 2015

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

Within 50m of listed buildings

Consultations and RepresentationsWoodmancote Parish Council

- The site lies wholly in the AONB. The visual impact of this development on the area would be unacceptable. AONBs should have permanent protection against development. The Parish Council does not accept that there are any exceptional circumstances or public interest in the development of this site.
- The ongoing developments at Bishops Cleeve and Winchcombe would supply the immediate housing need.
- The application is premature to the JCS and TBC draft plan.
- Bushcombe Lane is sub-standard due to its restricted width, restricted forward visibility, lack of footpaths and lack of street lighting. It is unsuitable to cater for the increased movements resulting from the proposed developments.
- The proposal would adversely affect nearby Key Wildlife Sites.
- The listed building 'Brook Cottage' would lose its open aspect to the north and appear 'hemmed in' by the development of new homes. Excavation to install the attenuation tank to the rear of Brook Cottage could cause instability to this grade II listed building.
- Flooding in Bushcombe Lane has been a problem for many years. In 2007 the fields and lane were completely inundated with surface water from the rising ground above.
- There are concerns over the proposed surface water drainage strategy and there is insufficient capacity in the mains foul sewer.

Bishops Cleeve Parish Council

- This development would have a negative impact on an Area of Outstanding Natural Beauty. The objections to the previous application have not been resolved. The capacity of the local road network could not support the extra traffic this development would create. There is a concern with regard surface water drain-off. There is little infrastructure in Woodmancote itself and the additional requirements would place an even greater strain on the infrastructure in Bishops Cleeve (schools, doctors, shops, etc) which are already pressurised by the large scale housing development in the village.

County Highways - No objection subject to conditions relating to parking and access provision and requiring the submission of a Construction Method Statement and a scheme for the provision of fire hydrants for LPA approval.

Gloucestershire County Council - No objections subject to providing contributions towards education and library facilities.

County Archaeologist - No objection subject to condition.

Conservation Officer - The scheme has made some efforts to provide a wider buffer zone to the north of Brook Cottage (the 'prominence and proximity' impact), so in the light of this mitigation the harm to the heritage asset may now be characterised as less than substantial. This remains an objection in conservation terms but under the NPPF, this must be weighed against the other public benefits the scheme may represent.

Environmental Health - No objection

Housing Enabling and Policy Officer - The requirement for a scheme in this area is for a minimum of 35% affordable housing of which 68% available for rented affordable housing and 32% intermediate affordable housing as evidenced in the Tewkesbury Housing Needs Assessment 2009 (HNA). Family housing is most in demand in the area and so this department would like to see that need filled. 2-bed flats are not desirable for rented housing and are difficult to let, similarly is they were to be shared ownership would be difficult to sell.

Lead Local Flood Authority - Insufficient detail has been provided and therefore the LLFA objects to the current proposals and requests that further information including the following is provided to allow a more comprehensive assessment of the proposals.

Severn Trent Water Ltd - No objection subject to drainage condition.

Crime Prevention Design Advisor - General comments provided on the site layout based on Secured by Design principles.

Natural England - Object - The proposed development at Yew Tree Farm would significantly change the character of this section of the AONB and its boundary and adversely affect the relationship between the Cotswold escarpment and its setting.

Cotswold Conservation Board - Object - The Council is requested to afford the conservation and enhancement of the AONB "great weight" in accordance with the NPPF and requirements of the CRoW Act 2000 and consider whether Paragraph 116 of the NPPF is also relevant in this case.

Campaign to Protect Rural England (CPRE) - Object - The proposal would severely and adversely affect the character of the AONB and its scenic beauty.

NHS England - No objections subject to providing contributions towards medical facilities.

350 representations have been received of which 271 are in objection to the proposed development and 78 are in support. The objections to the application include a letter from the M.P. for Tewkesbury Laurence Robertson and can be summarised as follows:

Highways

- Butts Lane and Bushcombe Lane are not suitable for additional traffic.
- Bushcombe Lane is a narrow, single track road. It is difficult for two cars to pass and vehicles are frequently required to reverse, particularly when travelling in the direction of Cleve Hill.
- There is no pavement on Bushcombe Lane and the addition of extra vehicular movements represents a clear safety hazard to pedestrians who are forced to walk in the road, towards Station Road. The Development will increase both vehicle and pedestrian movements.
- The junction onto Station Road is not adequate for additional cars.
- Additional traffic will be problematic and potentially dangerous to horse riders using Bushcombe Lane.
- The proposed parking provision would be insufficient.
- There is traffic chaos along Station Road at the school pickup time.
- Bushcombe Lane is unsuitable for construction traffic.

Landscape/AONB

- It is an Area of Outstanding Natural Beauty. The proposal would result in a significant and unwarranted intrusion.

- The proposal would harm the tranquillity of the area. It is currently very peaceful and dark with no street lighting.
- The National Planning Policy Framework states that an AONB can only be developed in exceptional circumstances. This application does not meet the criteria of an exceptional requirement as other land is available.
- The land in the field is much higher than the road so these houses will tower over the existing street scene.
- Butts Lane forms a natural boundary between the village and the surrounding Cotswold Hills and this development would change the character of Woodmancote forever.

Flooding

- Flooding is an issue on Butts Lane. In the floods of 2007 the lane was a running river of water.
- The land in question acts as a natural soakaway for the rainfall as it comes down the hills. If the development were to go ahead how is this going to impact the drainage and where will this go?
- The Severn Trent sewers cannot cope as it is, with flash floods on Bushcombe Lane during heavy rainfall.

Ecology

- It is not agreed that the field is of no ecological value. It is full of wildflowers in the spring and is used for foraging by many different species.

Other

- The proposal would be overdevelopment.
- Any further development in Woodmancote would destroy its village feel.
- It is understood that Woodmancote may need to accommodate additional housing, however there are better, more suitable sites in the area.
- The current proposal is no different from the previously refused application.
- Historical artefacts have been discovered on the site.
- The proposal would adversely affect the setting of the Grade II Listed Brook Cottage.
- The social infrastructure does not support any more houses in the area. - There is already a lack of school places and capacity at doctors surgeries. The proposal would make this problem worse.
- Just because Woodmancote has been identified as a Service Village it does not mean that development has to follow.
- There are more than enough new houses being built in Bishops Cleeve.
- The site does not feature in local plans.
- The previously completed SHLAA stated that this land was considered inappropriate for development.

The support to the application is summarised as follows:

- The area needs more affordable homes.
- The proposal offers a lower than normal number of houses per hectare than other development schemes suggested.
- The developer will provide a footpath from the development to Bushcombe Lane.
- This land isn't in the Green Belt
- Land East of Butts Lane is just on the edge of the AONB, well below the true beauty of the rising ground of Bushcombe / Nottingham Hill and will not encroach on to the slope of rising ground, well below the scarp. The proposal would fit into the area well.
- Access to Butts Lane is very good, just a stones throw from Station Road.
- This proposal would be better than the Two Hedges Road proposals which will encourage development spread towards Southam at a later date.
- This is a small development - Woodmancote does not need large developments.
- 37 homes will have no traffic increase in the area.
- Local businesses will benefit from these new residents being able to walk to local facilities and shops.

Planning Officers Comments: Mr Matthew Tyas

1.0 Introduction

1.1 The application site comprises an agricultural field located within the Cotswolds Area of Outstanding Natural Beauty (AONB) on the north east edge of Woodmancote adjacent to Bushcombe Lane and Butts

Lane (see attached location plan). Immediately to the west and south of the site is existing residential development. To the north and east of the site is open countryside within the AONB. There are two Grade II Listed Buildings to the south east of the site, namely Yew Tree Barn and Stable and Brook Cottage.

1.2 The site is set at a slightly higher level than the adjoining roads and rises gently to the east, although this incline becomes more dramatic in the north east corner of the site. To the western and southern boundaries are existing established hedgerows. A minor surface water drainage ditch runs adjacent to the southern boundary of the site along Bushcombe Lane.

2.0 Relevant Planning History

2.1 An outline application (ref. 14/00318/OUT) for 41 no. dwellings was refused by the Council in June 2014 for nine reasons including the following matters:

- The proposed development would result in a significant and unwarranted intrusion into the Cotswolds AONB, and would result in significant and demonstrable harm to the AONB contrary to section 11 of the NPPF;
- The application failed to illustrate that the quantum of development can be accommodated in a manner which respects its sensitive surroundings;
- The road serving the site is unsuitable to cater for the increased pedestrian, cycle and vehicular traffic resulting from the proposed development;
- The development would destroy the rural backdrop of Brook Cottage which would result in substantial harm to a designate heritage asset;
- Insufficient information to demonstrate that the development would be safe from flooding and not increase flood risk to third parties;
- The application did not demonstrate that the development would not adversely affect significant archaeological remains on the site;
- The application did not provide for essential community infrastructure including affordable housing, play and sports facilities and education and library facilities.

3.0 Current Application

3.1 The application seeks full planning permission for 38 dwellings with open space and associated infrastructure. Access to the proposed development would be from Butts Lane at a point close to the existing field access. A two metre wide footway is proposed from the site access to the junction with Bushcombe Lane and also along the northern side of Bushcombe Lane where it would link to the up ramp and footpath leading to the adjacent housing estate.

3.2 The application proposes a mixture of two, three, four and five bedroom dwellings of which 13 units (34.21%) would be affordable.

3.3 The number of dwellings has been increased slightly from the original proposal for 37 dwellings. This has been done in order to achieve an affordable housing provision closer to the Council's requirement of 35%.

3.4 A number of other revisions/updates have been made to the application as follows:

- The site layout has been amended to incorporate the additional affordable housing units;
- The local area of play (LAP) has been omitted from the southern part of the site;
- Natural stone has been introduced as the facing material for plots 1, 15, 16, 17, 21 and 22.
- An updated Transport Assessment and a Non-Motorised User Audit has been submitted to address initial objections raised by the County Highways Authority.
- An updated Flood Risk Assessment (FRA) has been submitted along with further details of the proposed drainage strategy, in order to address the objections raised by the Lead Local Flood Authority (LLFA).
- An updated Landscape and Visual Impact Assessment (LVIA) has been submitted to reflect the increased number of dwellings. A rebuttal to the Council's Landscape Consultant's comments has also been submitted.

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.

4.3 Where planning obligations do not meet the above tests and restrictions, it is 'unlawful' for those obligations to be taken into account when determining an application.

4.4 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.

4.5 The need for planning obligations is set out in relevant sections of the report.

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 of a recognised settlement boundary as defined by the Tewkesbury Borough Local Plan to 2011 - March 2006. Consequently, the application is subject to Policy HOU4 which states that new residential development will only be permitted where such dwellings are essential to the efficient operation of agriculture or forestry or the provision of affordable housing. However, HOU4 is based on the now revoked Structure Plan housing numbers and for that reason is considered out of date in the context of the NPPF in so far as it relates to restricting the supply of housing. The policy is also out of date in this context because the Council cannot 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 submission version of the Joint Core Strategy (November 2014) is the latest version of the document and sets out the preferred strategy over the period of 2011-2031. This document, inter alia, sets out the preferred strategy to help meet the identified level of need. Policy SP2 of the Pre-Submission JCS sets out the overall level of development and approach to its distribution.

5.6 Within the rural areas of Tewkesbury Borough, 2,612 dwellings are proposed to be delivered in the plan period to 2031. Approximately two thirds of this rural development has already been committed through planning permissions already granted. The remainder of this requirement will be allocated at rural service centres and service villages through the Tewkesbury Borough Plan and neighbourhood plans (see paragraph 5.9 below).

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; and the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF.

5.8 The JCS was submitted to the Secretary of State on 20 November 2014. Its Examination in Public commenced in May 2015 and is still ongoing. Whilst the emerging plan is now at a more advanced stage, it is not yet formally part of the development plan for the area and the weight that can be attached to its policies will be limited having regard to the criteria set out above.

5.9 The Tewkesbury Borough Plan (2011-2031) will sit beneath the JCS. A draft Site Options and Policies document has been published and was the subject of six weeks of public consultation, which closed on 13th April 2015. The draft plan invited views on possible site options for development at the rural service centres and service villages. The draft plan 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. The 'Approach to Rural Sites' Background Paper which supports the plan process includes within it a disaggregation process which provides an indicative figure for Woodmancote of 169 dwellings. However, there is an existing plan period delivery/commitment of 7 dwellings which would reduce this figure to 162. Though the indicative figure for Woodmancote is 169 dwellings, the number of dwellings identified for all Service Villages need to be accommodated within the 12 Service Villages and is dependent upon the suitability and availability of sites at each. Therefore, this figure is indicative only and could go up or down. It should also 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.

National Policy/Guidance

5.8 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. The NPPF also sets out a presumption in favour of sustainable development and states that development proposals that accord with the development plan should be approved without delay. The NPPF goes on to say that where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or where specific policies in the Framework indicate development should be restricted. Footnote 9 to paragraph 14 gives examples of where policies in the Framework indicate where development should be restricted and includes land designated as an Area of Outstanding Natural Beauty and designated heritage assets.

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

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

5.11 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. 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 would therefore apply 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, or specific policies in the Framework indicate that development should be restricted.

5.13 As set out above, footnote 9 to paragraph 14 gives examples of where policies in the Framework indicate that development should be restricted and includes land designated as an AONB and designated heritage assets. Specifically, paragraph 116 states that planning permission should be refused for major development in Areas of Outstanding Natural Beauty except in exceptional circumstances and where it can be demonstrated that are in the public interest. In addition, paragraph 133 states, inter alia, that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the that harm or loss.

5.14 In consideration of whether the proposal would constitute 'major development' within the context of paragraph 116 of the NPPF, this is not the same as the general meaning of the term contained within the Development Management Procedure Order 2015 (i.e. developments of 10 dwellings or more). Instead, as advised in the practice guidance to the NPPF, it is a matter for the relevant decision taker to determine, taking into account the proposal in question and the local context. Recent appeal decisions, including at Chipping Norton, Oxfordshire (APP/D3125/A/14/2213853) and Mawnan Smith, Cornwall (APP/D0840/A/14/2223116), show that matters such as scale, character and the context of the location are relevant to the consideration of major development.

5.15 In this instance the proposed development would involve the construction of 38 dwellings on a 2 hectare site. The site is located in what is considered to be a semi-rural, transitional part of the village. Butts Lane and the section of Bushcombe Lane adjacent to the site are both narrow country lanes and form a distinctive boundary to the settlement beyond which lies the open ground of the AONB and wayside settlement along the lanes rising up the escarpment. The site itself is an open, agricultural field which, due to its rising topography, occupies a relatively prominent position in the landscape of this part of the village. The Council's Landscape and Visual Sensitivity Study (LVSS) for the Rural Service Centres and Service Villages (November 2014) includes an assessment of the area in which the application site is located (parcel reference Wood-03) and finds the landscape sensitivity of the land to be high as a consequence of its distinctiveness and its value in creating the setting to the AONB.

5.16 The applicant argues that on the basis that the proposal would involve just a 2.8% increase to the overall number of dwellings in Woodmancote, and that the harm to the AONB is considered to be relatively low, the proposal would not constitute major development. However, for the above reasons this part of the village is considered to be particularly sensitive to the effects of new development and on this basis, taking into account the proposal and the local context, it is considered that the proposal comprises major development to which paragraph 116 of 'the Framework' applies.

5.17 For reasons set out later in this report, the proposal is not considered to lead to substantial harm to the significance of nearby heritage assets. The restrictive policy provisions of paragraph 133 do not therefore apply.

5.18 In light of the proposal constituting 'major development' and the relevance of paragraph 116 to the application, it is considered the presumption in favour of sustainable development does not automatically apply in this instance.

6.0 Landscape and Visual Impact

6.1 One of the core planning principles of the NPPF is 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, inter alia, protecting and enhancing valued landscapes. Paragraph 115 of the NPPF states that great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to landscape and scenic beauty. Paragraph 116 provides that planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated that they are in the public interest.

6.2 The site is categorised as lying within the 'Escarpment' landscape character type as defined in The Cotswold Conservation Board's Landscape Character Assessment. The site lies on the hill foots of the distinctive escarpment and is considered by the Council's Landscape Consultant to be typical of the escarpment in terms of field pattern, boundaries, tree cover and topography. The site does function as part of the AONB (albeit at the very edge) and contributes to the setting. The character of the site is undeniably influenced by the modern development of Woodmancote in particular the recent housing development immediately to the west on the other side of Butts Lane. However it is considered that Butts Lane forms a distinctive and clear cut boundary between the settlement on the one hand and the rising, open ground of the AONB and wayside settlement along the lanes rising up the scarp on the other. Butts Lane is considered to be a defensible and obvious boundary to development. It is a boundary that protects the AONB from further and incremental encroachment.

6.3 The proposed development represents a specific local force for change identified in the Conservation Board's Landscape Strategy and Guidelines for the Cotswolds AONB. It represents "Expansion and infilling of existing settlements fringing the lower slopes of the escarpment". The Guidelines identify a range of potential landscape implications, which are considered by the Council's Landscape Consultant to be relevant to this proposal including:

- Erosion of distinctive form, scale and character of settlements
- Erosion of the setting of the AONB
- Encroachment of built development onto the lower escarpment slopes
- Upgrading of rural lanes and holloways
- Degradation of the view from the scarp across the adjoining vale and from the vale looking at the scarp.

6.4 The Council's 2014 Landscape and Visual Sensitivity Study (LVSS) provides consideration of land around the Rural Service Centres and Service Villages and includes this site as part of Land Assessment Parcel 'Wood-03'. The LVSS considered the landscape character and visual sensitivity of this parcel to be high. The LVSS also considered that these hill foots of the escarpment provide a distinctive and important setting to the AONB and are sensitive to the encroachment of development that might blur the boundary between 20th Century development and the less intrusive wayside, ribbon settlement along the lanes climbing the scarp. The LVSS also considered this area to be prominent since it occupies rising land beyond an established settlement boundary.

6.5 The application is supported with a Landscape and Visual Impact Assessment (LVIA) which considers the predicted landscape and visual effects arising from the proposed development. The LVIA concludes that the proposed development would result in moderate adverse landscape effects on the AONB and local landscape character but at a localised level only and moderate to slight adverse effects on the visual amenity of some of the local rights of way. It also finds that localised views of the proposed development would be restricted to receptors immediately on the boundary of the site, including Butts Lane and Bushcombe Lane, or within approximately 150-200m to the north, east and south of the site, including the public rights of way to the north and north-east of the site and the adjacent residential estate to the east. From these viewpoints the adverse effects of the proposed development are considered to range from moderate to substantial significance. Views of the site from the public rights of way on Cleeve Hill have been considered in the LVIA and it is concluded that the proposed development would be visible from a number of vantage points from which it will have a moderate slight or not significant adverse effect.

6.6 The LVIA proposes a range of mitigation measures to address the adverse effects arising as a consequence of the proposed development including maintaining the boundary vegetation (with the exception of a 49m section of hedgerow at the junction of Butts lane/Bushcombe Lane which would be replanted), no loss of existing trees, the reinstatement of former field boundaries, the use of hedgerows and street trees within the development, the use of locally appropriate building materials and additional areas of boundary planting along Bushcombe Lane. The LVIA considers that the proposed mitigation planting would reduce the adverse visual effects of the development although these would still be substantial as viewed from the open space within the residential development to the east and substantial to moderate or moderate as experienced from the public rights of way to the north and north-east. The LVIA considers that the proposed mitigation planting would reduce the visual effect of the proposed development on views from the public rights of way on Cleeve Hill to slight adverse where they were previously considered to be moderate to slight adverse.

6.7 Following consultation, objections have been received from the Council's Landscape Consultant, Natural England, the Cotswolds Conservation Board and CPRE in respect of the impact upon the AONB. The majority of the objections received from local residents also raise serious concerns regarding the impact upon the AONB.

6.8 The Council's Landscape Consultant considers that the proposed development would encroach beyond a well-defined settlement edge onto the distinctive lower slopes of the Cotswolds Scarp. The site is within the AONB and it contributes to the open character of the scarp slopes and to the setting of the Cotswolds Scarp. Development pressure of this type is recognised by the Conservation Board and specifically detailed in their Strategy and Guidelines document. Whilst the site is undeniably influenced by 20th Century development to the west, Butts Lane forms an effective and distinctive settlement boundary. It is considered that development beyond Butts Lane of this nature would represent incremental harm and would erode the character of the escarpment. It would blur the line between the settlement to the west and the open slopes to the east dissected by wayside settlement strung along lanes climbing the scarp slopes.

6.9 With regard to the visual effects of the proposed development, the Council's Landscape Consultant identifies that the site is largely screened in views from the west by intervening development, and would be imperceptible from the wider vale to the west. The development would however be prominent and harmful in immediate views from Butts Lane and Bushcombe Lane. It would have a marked urbanising effect locally.

6.10 The proposed development is considered by the Council's Landscape Consultant to appear prominent in elevated views from within the AONB from the footpath network on Cleeve Hill, most notably from footpath ASM 43 as well as a section of the Gloucestershire Way. From these vantage points, elevated views are available to the north along the eastern edge of Woodmancote and along the scarp slope in the vicinity of the proposed development. From here, the development would be seen to extend beyond the settlement boundary onto the open scarp slopes. It would represent incremental and harmful development of the hill foots.

6.11 As set out above, Paragraph 116 of the NPPF set out that permission should be refused for major developments in AONBs except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:

- the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in any other way; and
- any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

6.12 There would be economic benefits arising from the development as there would be from any housing development. This would include benefits to construction companies, some of who may well be local. There is a need generally for development in Tewkesbury Borough given the housing supply position set out above and the evidence base for the JCS. Whilst Woodmancote is identified as a Service Village in the JCS and the 'Approach to Rural Sites' background paper indicates 169 dwellings may be required in Woodmancote, this is very much an emerging position. The background paper derived this figure by employing a methodology which used the size, functionality, and accessibility of each of the Service Villages to disaggregate the figure of 752 set out for these settlements in the Submission JCS. However, this disaggregation process and the amount of development to be delivered by each village needs to be considered alongside the practicalities of its implementation and delivery.

6.13 The allocation of land for future development is subject to a balance between development needs and constraints on land. This includes the availability and deliverability of sites as well as considerations of the environmental, economic and social impacts of development. If, due to constraints on land, there are insufficient suitable sites in a Service Village to meet the need attributed to it then this need may be distributed to more sustainable sites at other Service Villages. Therefore, the distribution of new dwellings required for the rural area of Tewkesbury Borough will be determined through the plan led process taking into account all planning constraints and the suitability of sites to meet that need. There is no certainty at this stage that Woodmancote, which is constrained by green belt, AONB and the Special Landscape Area will be expected to deliver the quantum of housing identified in the Background Paper. There may be more sustainable sites at other Service Villages that are subject to fewer constraints which may be deemed more suitable for meeting the need.

6.14 Having regard to the views of the Council's Landscape Consultant, it is considered that the LVIA submitted with the application underestimates the degree of harm that would result to the AONB as a result of the proposal. It is considered that the proposal would cause material harm to the local landscape character, would represent significant and demonstrable harm to the AONB and the setting of the Cotswolds Escarpment and would be conspicuous in valued and elevated views from within the AONB. This weighs heavily against the proposal in the planning balance.

7.0 Design and Layout

7.1 The NPPF sets out that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF also provides that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities.

7.2 The NPPF goes on to advise that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment (paragraph 61).

7.3 In this instance, it is noted that some effort has been made to create a positive edge to the scheme and ease the transition between the proposed development and the AONB landscape. The more sensitive eastern part of the site is left open and the development presents outward facing active frontages which address the open countryside. Furthermore, natural stone has been introduced in some of the visually prominent parts of the site so to respect the local Cotswold vernacular.

7.4 Notwithstanding these efforts officers have a fundamental objection to the proposal in visual amenity terms. It would have an urbanising effect on a semi-rural transitional part of the village and blur the line between the settlement to the west and the open slopes to the east. Existing views from Butts Lane to the scarp and countryside would be blocked. Currently Butts Lane creates an edge to the village and a clear divide between open countryside, rising land and development. Stepping beyond this line will have a negative effect not only on character of the AONB landscape but on the character of the village.

7.5 Furthermore it is considered that the proposed development would have a negative impact on the character of Butts Lane as it would presents backs to the street which does not enliven or respect the rural character of the lane. The site is at a higher level than the lane in places particularly in the north-west corner and thus the properties located here would have an even greater impact on the streetscene and the neighbouring properties. Backing away from existing properties only serves to detach the new development from the existing community, the proposed scheme does not attempt to tie into the existing street structure or form of the village and appears as a separate and isolated enclave. It is recognised that the adjacent modern development to the west follows a similar inward looking approach, but it is considered that this existing development is not characteristic of the area and is poorly integrated within the village. This proposal should not therefore follow the example set by the existing adjacent development.

7.6 The applicant contends that the proposed dwellings along Butts Lane have been designed to be dual fronted and to provide a variety in the roofscape and include regular projections and recessions in the building line to reflect the informality of the surrounding area. Main bedroom and primary living spaces have also been included to the rear of these properties in order to increase the activity and interaction with the western side boundary. It is not considered that this design approach addresses the issue. The proposal would still present rear gardens to Butts Lane and involve an inward looking development that is not integrated with the village.

7.7 The applicant has been made aware of this concern and officers have provided the opportunity for the scheme to be revised accordingly. It is however the applicant's contention that fronting the dwellings on to Butts Lane is not appropriate for a number of reasons. Firstly, the hedge is considered by the applicant to be of high importance in ecological terms and must be retained. The possibility of the development fronting on to Butts Lane behind the retained hedge has been explored by the applicant but on balance, it was felt that in order to achieve this, buildings would have to be setback to approximately the same location as they are currently proposed to allow a lower category road to run in front of them, parallel to Butts Lane with the hedge left vulnerable in between. This double banking of road is not considered by the applicant to be an appropriate or a desirable design solution, particularly given the increase engineering works required to provide and retain a road between the site at a higher level to Butts Lane. Furthermore, the applicant considers that direct plot access off Butts Lane is not feasible due to the required loss of hedgerow, a change in levels and highway safety issues. The proposed would include a chain link fence defining the residential curtilage, ensuring future residents can trim back hedges to a fixed point, without compromising the aesthetic and/or ecological benefits it provides there will also be restricted covenant placed upon these properties to ensure that the hedge is not removed from the rear curtilages and managed at a height to be agreed.

7.8 In response to these points officers note that the hedgerows along the southern and western boundaries are identified in the submitted Phase 1 Habitat Survey report to be of ecological value within the context of the local area on the basis that they qualify as 'Hedgerows' under the UK Biodiversity Framework.

This qualification is based on the hedgerow consisting of predominately native woody species. The survey report does not however find that the hedgerow meets the criteria of 'important' hedgerows under the Hedgerow Regulations 1997. Furthermore, the survey finds no evidence of protected species (i.e. bats/nesting birds) within the hedgerow but does identify it to offer foraging opportunities for bats and nesting opportunities for breeding birds. The survey consequently recommends that the hedgerow should be retained but, if sections are to be removed, it is considered that the habitat loss can be adequately compensated for through the planting of new hedgerows and through the overall landscaping of the scheme. On this basis, whilst it is considered that that the hedgerow along the western boundary should be retained, it is considered that this should not necessarily dictate the design approach to Butts Lane, particularly if this is going to result in a lack of integration with the village.

7.9 Whilst it is accepted that the double banking of roads to the front and rear of the proposed dwellings along Butts Lane would not be an appropriate design approach, it is not considered that alternative approaches to achieving a frontage have been fully demonstrated by the application. Based on the recommendations of the Phase 1 Habitat Survey it is not considered that direct plot access should be ruled out for loss of hedgerow reasons as the resulting habitat loss could be adequately compensated for. Furthermore, loss of hedgerow and potential highway safety conflicts could potentially be reduced and avoided by shared access points for 2 or more dwellings. Other alternative approaches involving the retention of the hedge could include the provision of a pedestrian walkway for access to the front of the dwellings (parallel with Butts Lane) with vehicular access provided to the rear, or a shared surface driveway to the front with the properties then adjoined by neighbouring rear gardens to the rear (i.e. back to back gardens) so to avoid the double banking of roads. There is no evidence to demonstrate that these options have been fully explored.

7.10 With regard to the development layout in general terms, it is considered that the additional affordable housing units within the centre of the scheme would create a cramped feel to the development. This density of development is not in keeping with the village location and only serves to accentuate the visual impact that this development will have on the landscape and the rural character of the area.

7.11 Taking the above points into account, although it is recognised that efforts have been made to integrate the proposed development into the local environment, it is considered that the accommodating a development of the proposed scale on a site of such sensitivity would inherently be harmful to the character of the village and the AONB landscape. Furthermore, it is considered that the proposal would be poorly integrated and poorly connected to the wider settlement and would fail to establish or improve the sense of place. On this basis it is considered that the proposal would be inconsistent with the advice on requiring good design within the NPPF.

8.0 Accessibility and Highway Safety

8.1 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. Paragraph 32 specifically 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.

8.2 With regards to accessibility, Woodmancote is considered to have generally good access to both primary and secondary services, including shops, a village hall, primary school, pub, recreational facilities and employment opportunities. Furthermore, Woodmancote has reasonable public transport links to the surrounding areas with bus stops located within close proximity to the site. It is therefore considered that the proposed development would have reasonably good access to local services and facilities.

8.3 A new priority junction is proposed to serve the site from Butts Lane, with the existing Bushcombe Lane/Butts Lane junction being upgraded. A new footway would be provided along Butts Lane and Bushcombe Lane to connect to the existing pedestrian link along Bushcombe Lane to the recently developed residential estate. Visibility at the point where Bushcombe Lane meets Station Road is understood to be acceptable based on the measured speeds along Bushcombe Lane. It is also understood that there have been no recorded personal injury collisions at this location in the last 5 years.

8.4 The majority of the objections received to the application state that Bushcombe Lane is not suitable to cater for the additional dwellings. Specifically, it is suggested that the road width and alignment, lack of street lighting, and lack of pedestrian footways raises serious highway safety concerns.

8.5 As set out in section 2 above, the previous application on this site 14/00318/OUT was refused on the grounds that the road serving the site was considered unsuitable to cater for the increased pedestrian, cycle and vehicular traffic resulting from the proposed development. Consultation with the County Highways Authority (CHA) advises that this objection was based on the lack of information included within the Transport Assessment (TA). The TA did not undertake any baseline survey of vehicle flows, speeds, or pedestrian and cycle flows. This is a crucial part of determining the impact of a development proposal. It is not possible to determine the acceptability of a development without first knowing the baseline conditions on the highway network.

8.6 However in preparation of the current application, there has been a detailed scoping discussion between the developer's transport consultant and the CHA in order to agree the scope of information which is required in order to determine the impact of the development.

8.7 The TA now includes a baseline survey of vehicle flows, speeds, and pedestrian and cycle flows. The developer has also commissioned a topographical survey to be undertaken along Bushcombe Lane to determine the carriageway widths and level of available forward visibility.

8.8 The information provided within the TA has enabled the impact of the development to be robustly assessed. It is considered by the CHA that based on the existing amount of traffic using Bushcombe Lane, the number of pedestrian movements, vehicle speeds, the available widths and forward visibility along the lane, the additional 20 trips in each peak hour generated by the development would not have a severe impact on the local highway network. This assessment could not be made previously.

8.9 The site layout is also considered to be acceptable by the CHA. Parking is provided above local car ownership data, with 2.9 spaces per dwelling, however this also includes garages, a proportion of which will not be used for vehicle parking. Vehicle tracking has been undertaken which demonstrates that a refuse vehicle can safely negotiate the development and turn. A box van and a refuse vehicle can pass at all locations throughout the layout. The impacts of construction traffic can, the CHA considers, be addressed by a Construction Method Statement which could be secured by planning condition.

8.10 Overall the CHA considers that this development would not have a severe impact on the local highway network, that safe and suitable access to the site can be achieved for all people, and that opportunities for sustainable transport modes have been taken up. On this basis the proposal is found to be in accordance with Policy TPT1 of the TBLP and consistent with the advice at paragraph 32 of the NPPF.

9.0 Affordable Housing

9.1 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.

9.2 Paragraph 50 of the NPPF advises that in order to create sustainable, inclusive and mixed communities, local planning authorities should (inter alia) plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes); and identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand.

9.3 In this instance, as evidenced in the Tewkesbury Housing Needs Assessment 2009 there is a requirement for schemes in this area to provide a minimum of 35% affordable housing of which 68% should be available for rented affordable housing with 32% intermediate affordable housing.

9.4 The application proposes 13 affordable units equating to 34.21 % of the overall scheme. This is slightly below the 35% requirement recommended by the current evidence base.

9.5 With regard to the type of affordable housing proposed, following the advice of the Housing Enabling and Policy Officer, the proposed 2-bed flats are not supported as there is not a demand for this type of housing in this area.

9.6 On the above basis it is considered that the application does not go far enough to help address a demonstrated lack of affordable housing across the borough as required by Policy HOU13. Furthermore, the type of affordable housing proposed to be provided by the application is not in line with the identified need for the area. This would conflict with the NPPF's emphasis on creating sustainable, inclusive and mixed communities by planning for a mix of housing based on local needs and demand and weighs against the proposal in the overall planning balance.

10.0 Open Space, Outdoor Recreation and Sports Facilities

10.1 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, policy RCN1 requires the provision of easily accessible outdoor playing space at a standard of 2.43ha per 1000 population.

10.2 The proposal for 38 dwellings would generate a requirement for 0.22ha of open space, of which 0.11ha should be playing pitches in accordance with the requirements of Local Plan Policy RCN1. However, the Council's more recent and up to date Playing Pitch and Outdoor Sports Assessment and Strategy indicate a higher local standard for playing pitches (1.51ha per 1000 population). Based on this higher local standard, there is a requirement for 0.13ha of playing pitches.

10.3 With regards to playing pitches and changing facilities, these are not being provided on site and therefore an off-site contribution would be required. Based on the sports facility costs from Sport England for Q1 of 2015 £58,851 would be required for playing pitches and changing facilities. This would go towards improvements to the adjacent playing pitches and infrastructure at nearby Woodmancote Recreation Ground.

10.4 In terms of the balance of open space required (0.09ha); the illustrative layout identifies an area of open space around the northeast perimeter of the site. This area is however too steep to be considered usable public open space. It will therefore be necessary for an off-site contribution to be provided towards the LEAP at Woodmancote Recreation Ground. In line with the Council's Schedule of Rates 2014/15 a figure of £769 per household is recommended amounting to a total of £29,222.

10.5 In addition to sports pitches, the proposed development would create a demand for other sports facilities (i.e. swimming pools, artificial pitches, sports halls). The specific demand for this development is to be identified using the Sports Facility Calculator which is an interactive tool developed by Sport England. At the time of writing officer are unable to advise on the required contributions towards local sports facilities. **An update will be provided at Committee.** For indicative purposes however, the previous (refused) proposal for 41 dwellings required £15,308 towards Cascades Swimming Pool, £2,410 towards the Astro turf at Bishops Cleeve and £17,587 towards sports halls within Bishops Cleeve or for upgrading or providing equipment at Woodmancote Village Hall.

10.6 At the time of writing the applicant has not agreed to the contributions set out above. It can only therefore be concluded at this stage that the application does not make adequate provision for on-site or off-site playing pitches with changing facilities and sports facilities to meet the needs of the proposed community. The application therefore conflicts with Policy RCN1 of the Tewkesbury Borough Local Plan and section 8 of the NPPF (Promoting healthy communities).

11.0 Community, Education, Library and Medical Provision

11.1 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 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.

11.2 With regards to education, following consultation with Gloucestershire County Council, it is advised that the proposed development would generate demand for 9.5 primary pupils and 5.7 secondary pupils. Consequently, a contribution of £117,411 would be required for Woodmancote Primary School and £107,434 for Cleeve School in Bishop Cleeve. Woodmancote and Bishops Cleeve School are all forecast to be at capacity in coming years. The primary contributions would therefore be used to expand places at one of these schools. The Secondary contribution would be used to increase education provision at Cleeve School.

11.3 Gloucestershire County Council has also identified a need for contributions towards public libraries. Based on the scale of the proposal and the requirements necessary to serve the new population, there is a requirement to provide an extension to the local service to meet the new demand and maintain the welfare of any new community. In order to meet this requirement, a contribution of £7,448 is sought which would be used for the local library at Tobyfield Road in Bishops Cleeve.

11.4 At the time of writing the applicant has not agreed to the contributions set out above. It can only therefore be concluded at this stage that the application does not make provision for the delivery of primary and secondary education infrastructure and library provision and therefore the proposed development is contrary to Policy GNL11 of the Tewkesbury Borough Local Plan to 2011 and section 8 of the NPPF (Promoting healthy communities).

11.5 It is noted that many of the objections to the application are based on concerns over existing medical facilities in the area already being oversubscribed and thus unable to cope with the increased demands arising from new housing developments. In response to such concerns NHS England have been consulted on the application and advise that patients from the proposed development are likely to flow to Stoke Road surgery in Bishops Cleeve. There are plans for Stoke Road surgery to have an additional 1,596 patients by 2031 resulting from housing developments. A large extension to this surgery to accommodate this population growth has recently been agreed. The cost of the extension is £1.18m. The proposed development of 38 dwellings will create 83 patients which is 5% of the forecasted 1,596 patients. A 5% contribution towards the £1.18m cost of the extension is therefore required. This equates to £59,250.

11.6 At the time of writing the applicant has not agreed to the contributions set out above. It can only therefore be concluded at this stage that the application does not make provision for medical facilities to mitigate the demand arising from the proposal. The proposed development is therefore contrary to Policy GNL11 of the Tewkesbury Borough Local Plan to 2011 and section 8 of the NPPF (Promoting healthy communities).

11.7 Based on the Gloucestershire Infrastructure Delivery Plan assessment formula, £20,806 is required for community buildings. Based on a consultation response made by Woodmancote Parish Council in the event that the planning application were to be permitted, in terms of community buildings it has been identified that there is a need for Woodmancote Village Hall to be refurbished and expanded. It has also been identified by the Parish Council that there is a local demand for a scout hut. At this stage there is insufficient evidence to establish whether or not contributions towards these community buildings would be CIL compliant. **An update will be provided at Committee.**

12.0 Flood Risk and Drainage

12.1 The NPPF aims to direct development away from areas at highest risk. Development itself should be safe and should not increase flood risk elsewhere. Policy EVT5 reflects this advice and 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.

12.2 The site is located in Flood Zone 1 as shown on the Environment Agency's (EA) indicative flood map indicating that it is at a low risk of flooding from fluvial sources. The EA's updated Flood Map for Surface Water identifies a relatively low risk of surface water flooding associated with surface water runoff from the escarpment to the east of the site.

12.3 The Lead Local Flood Authority (LLFA) at Gloucestershire County Council has objected to the application based on insufficient detail being provided. Since this objection there has been considerable dialogue between the LLFA and the applicant's flood risk consultants and further information has been submitted in relation to the surface water drainage strategy for the site. At the time of writing however there were still outstanding issues in respect of drainage matters and thus officers are unable to conclude that the proposal will be acceptable with regard to drainage/flood risk matters. Further advice is awaited from the LLFA on the revised information and **an update will be provided at Committee.**

13.0 Ecology and Nature Conservation

13.1 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.

13.2 A Phase 1 Habitat Survey has been submitted with the application which indicates that overall the site is considered to be of low ecological value. As set out above, the survey recommends that the hedgerows should be retained but where removal is necessary can be compensated for through the planting of new hedgerows. Habitat enhancement measures are recommended including new native hedgerow, tree and shrub planting. Bat boxes and bird nesting boxes should also be installed throughout the site. With these measures in place the survey concludes that the development of the site will offer an ecological enhancement and overall benefits for biodiversity. On this basis officers consider that the proposal would accord with Policy NCN5 of the TBLP and be consistent with the advice on biodiversity within the NPPF.

14.0 Archaeology and Cultural Heritage

14.1 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty on local planning authorities to pay special regard to the desirability of preserving the setting of listed buildings. The NPPF sets out that great weight should be given to the conservation of heritage assets. 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. Paragraph 133 of the NPPF advises that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Paragraph 134 advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

14.2 In this instance it is considered that the main heritage asset affected by the proposal is Brook Cottage which is a Grade II Listed Building. It is considered that the open setting of the field rising up behind the cottage provides this characteristically rural building with an appropriately rural setting, which enhances its character and significance.

14.3 Having regard to the advice of the Conservation Officer it is considered that the proposed development would detract from this rural backdrop which would consequently cause harm to its setting. It is acknowledged however that the scheme provides an open buffer zone to the north of the cottage which reduces the prominence and proximity of the proposed development. It is considered that as a result of this mitigation the harm to the heritage asset would be characterised as less than substantial. This remains an objection in conservation terms but having regard to paragraph 134 of the NPPF, this harm must be weighed in the overall planning balance against the other public benefits the scheme may represent.

14.4 Consultation with the County Archaeologist identifies that the site contains significant archaeological remains. These comprise a scatter of worked flint dating to the Mesolithic period and two pit like features dating back to the Anglo-Saxon period. The identified remains are not however considered to be of national importance and thus the County Archaeologist raises no objection to the proposal subject to a condition to secure further investigation and recording.

15.0 Overall Balancing Exercise and Conclusions

15.1 Paragraph 14 of the NPPF states 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.

15.2 As set out previously, the Council's relevant policies for the supply of housing are not considered up-to-date due to the inability to demonstrate a 5-year supply of deliverable housing sites. However, there is a specific policy in the Framework which indicates that this development should be restricted. Specifically, paragraph 116 of the NPPF states that permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated that they are in the public interest.

15.3 With regard to the need for the development, in general terms the proposal would meet the Government's stated intention of boosting the supply of housing nationally and would contribute towards addressing the Council's current five year housing land supply shortfall. The development would also provide affordable housing (albeit below the level and type sought by the Council) and would provide direct and indirect contributions towards economic growth, including to the local economy. These are all positive benefits which weigh in favour of the proposal.

15.4 In environmental terms the proposal involves major development within the Cotswolds AONB. There would be significant and demonstrable harm to the character and appearance of the landscape within the AONB and there are no exceptional circumstances in this case that would warrant granting permission for major development in the AONB. Even if the judgement is ultimately made that the development does not constitute 'major development', the significant and demonstrable harm to the AONB weighs heavily against permission being granted.

15.5 In addition to the significant and unjustifiable harm to the AONB, the proposal would be unacceptable in urban design terms and would cause harm to the setting of a Grade II Listed Building. Furthermore the proposal would not provide sufficient and suitable affordable housing to address an identified local need, and would not provide measures to mitigate the impact of the development on social and community infrastructure. There is also insufficient evidence at the time of writing to demonstrate that the proposed development would not be at an unacceptable risk of flooding or increase the risk of flooding to third parties.

15.6 In weighing up the planning balance, it is considered that the harms identified above significantly and demonstrably outweigh the benefits of the proposed development and as such the proposal is not considered to represent sustainable development in the context of the NPPF. Furthermore, as set out in the report, at this stage there is no signed Section 106 Agreement and as such these matters constitute reasons for refusal. As such it would not be in the public interest to permit the application and the proposal is therefore recommended for **Refusal**.

RECOMMENDATION Refuse

Reasons:

- 1 The proposed development would result in a significant and unwarranted intrusion into the Cotswold Area of Outstanding Natural Beauty at a transitional point where the built development of Woodmancote gives way to a predominantly rural landscape beneath and leading up to the Cotswold escarpment. The proposed development would therefore result in significant and demonstrable harm to the qualities and intrinsic character of the Cotswold Area of Outstanding Natural Beauty, contrary to section 11 the NPPF (Conserving and enhancing the natural environment).
- 2 The proposal would have an urbanising effect on a semi-rural transitional part of the village which would adversely affect the character of the village. Furthermore, it is considered that the proposal would be poorly integrated with the village and would fail to establish or improve a sense of place. The proposed development would not therefore achieve high quality and inclusive design contrary to section 7 of the NPPF (Requiring good design).
- 3 The undeveloped and open setting of the land rising up behind the Grade II listed Brook Cottage provides an appropriate rural setting which enhances the character and significance of this designated heritage asset. The proposed development would destroy this rural backdrop and therefore would result in harm to the setting of a designated heritage asset contrary to section 12 of the NPPF (Conserving and enhancing the historic environment).
- 4 The applicant has failed to provide sufficient information to demonstrate that the proposed development would not be at an unacceptable risk of flooding or increase the risk of flooding to third parties. Furthermore, the applicant has failed to provide sufficient information to demonstrate that the proposed drainage strategy is acceptable. The proposed development is therefore contrary to Policy EVT5 and EVT9 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and section 10 of the NPPF (Meeting the challenge of climate change, flooding and coastal change).
- 5 The application does not make adequate provide for housing that would be available to households who cannot afford to rent or buy houses available on the existing housing market. As such the proposed development conflicts with Policy HOU13 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 6 The application does not make adequate provision for on-site or off-site playing pitches with changing facilities and sports facilities to meet the needs of the proposed community. The application therefore conflicts with Policy RCN1 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and section 8 of the NPPF (Promoting healthy communities).

- 7 The application does not make provision for the delivery of primary and secondary education infrastructure and library provision and therefore the proposed development is contrary to Policy GNL11 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and section 8 of the NPPF (Promoting healthy communities).
- 8 The application does not make provision for the delivery of medical facilities to meet the demand arising from the proposal. The proposed development is therefore contrary to Policy GNL11 of the Tewkesbury Borough Local Plan to 2011 and section 8 of the NPPF (Promoting healthy communities).

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.



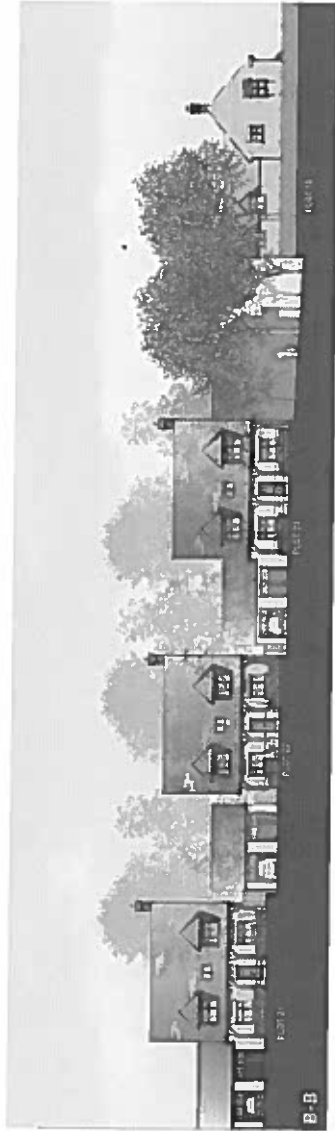
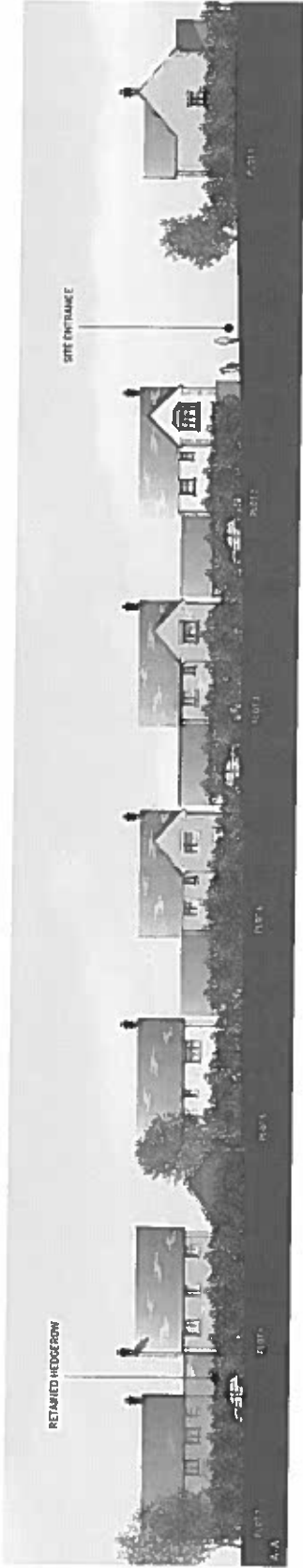
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KEY
 SITE LOCATION

BUTTS LANE, WOODMANCOTE, CHELTENHAM - SITE LOCATION PLAN



387/A



LOCATION PLAN (M/S)

387/C

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15/00907/FUL

The Uplands, Dog Lane, Witcombe

6

Valid 17.08.2015

Replacement of two existing dilapidated sheds & barn with a single skin low level workshop (for private use)

Grid Ref 391990 216271

Parish Badgeworth

Ward Badgeworth

Mr Stephen Hawkins

The Uplands

Dog Lane

Witcombe

RECOMMENDATION Refuse

Policies and Constraints

NPPF

Planning Practice Guidance

Tewkesbury Borough Local Plan to 2011 - March 2006 - HOU8, GRB1

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)

AONB

Green Belt

Consultations and Representations

Parish Council - Object as it would be overdevelopment and it will have an adverse impact on the AONB.
Local residents - no letters received.

Planning Officers Comments: Mrs Sarah Barnes

1.0 Application Site

1.1 This site relates to The Uplands, a detached replacement dwelling located along Dog Lane in Witcombe (site location plan attached). The site falls within the Green Belt and AONB.

2.0 Recent Planning History

2.1 Permission was granted in 1958 for the erection of a private double garage and change of use of an access for domestic use (Ref: - T.2259/C).

2.2 In 1970 permission was granted for alterations and extensions to the existing dwelling to provide an enlarged living room and utility room, with enlarged bedroom and additional bedroom on the first floor (Ref: - T.3771/A).

2.3 Permission for the erection of a conservatory to the front of the dwelling was granted in 1990 (Ref: - 90T/3771/01/02).

2.4 An application for a replacement dwelling, garage and hot tub chalet was refused by Committee in 2006 (Ref: - 06/00623/FUL). The proposed dwelling was significantly larger than the dwelling it would replace and represented an increase in floor space of 115% over the existing dwelling. It was considered that the replacement dwelling represented inappropriate development in the Green Belt and would have a detrimental impact on the AONB.

2.5 An application for a replacement dwelling was also refused at Committee in 2008 (Ref: - 08/00335/FUL). The proposed dwelling was also significantly larger than the dwelling it would replace and consequently, the proposal was considered to represent inappropriate development in the Green Belt. It was also considered that that the replacement dwelling, by virtue of its size, would have a detrimental impact on the AONB.

2.6 A subsequent application for a replacement dwelling was again refused at Committee in 2009 (Ref: - 08/01618/FUL). It was considered that the proposed replacement dwelling would be materially larger than the dwelling it would replace. The proposal was therefore considered to represent inappropriate development in

the Green Belt and would have a detrimental impact on the AONB. The application was also dismissed at appeal.

2.7 Permission was granted at planning committee for the erection of a replacement dwelling with integral garage in 2011(Ref: - 10/00693/FUL).

2.8 In 2013 permission was granted for the 'Erection of replacement dwelling with integral garage (revised scheme Ref: - 10/00693/FUL to incorporate minor changes to the siting). A condition was attached to the permission removing permitted development rights for extensions, outbuildings, gates, fences, walls, other means of enclosure or structures of any kind. The reason for this was 'to ensure that the new development will be visually attractive in the interests of amenity and to protect the openness of the Green Belt.'

3.0 Current Application

3.1 The current application is for a workshop building (**plans attached**). It would replace two existing dilapidated sheds and a lean-to barn. The proposed workshop would be used for private purposes ancillary to the enjoyment of the main dwellinghouse. It would be sited within the residential curtilage of 'The Uplands.' in the lower parking area to the west of the site adjacent to Dog Lane.

4.0 Policy Context

4.1 Policy HOU8 of the Local Plan conveys that any development should respect the character, scale and proportion of the existing house, compliment the design and materials of the existing dwelling and should not have an unacceptable impact on adjacent property in terms of bulk, massing, size and overlooking. The reasoned justification clarifies that garages and outbuildings ancillary to the dwelling will similarly be treated as extensions and assessed against this policy, with particular emphasis placed on siting and design.

4.2 Policy HOU7 sets out that amongst other things, that replacement dwellings must be of similar size and scale to the existing dwelling it replaces.

4.3 The NPPF states that the Government attached great importance to Green Belts. As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. '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. Section 9, paragraph 89 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are: 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, and the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.

4.4 Policy GRB1 of the Tewkesbury Borough Council Local Plan to 2011 - March 2006 sets out that in the Green Belt planning permission will only be granted for limited extensions or replacement of dwellings provided that any extension or alteration does not result in disproportionate additions over and above the size of the original building and that any replacement is not materially larger than the dwelling it replaces.

5.0 Analysis

5.1 The main issues for consideration in this application are: whether the proposed garage comprises a proportionate addition to 'The Uplands' and its impact on the openness of the Green Belt and the surrounding AONB; the size and design of the proposal; and the impact on the residential amenity of neighbouring properties.

Green Belt / AONB

5.2 In assessing the current application consideration must be given to the previous permission for the replacement dwelling. It is the case that the dwelling allowed under planning reference 10/00693/FUL was materially larger than the original dwelling it replaced representing a 48% increase in floor area (including the existing detached garage) over and above the existing dwelling.

5.3 Members determined to permit the application however, reasoning that very special circumstances existed insofar as the replacement dwelling would be of an improved design to that of the existing dwelling and therefore would have a more acceptable impact upon the Area of Outstanding Natural Beauty. It was a condition of that permission (and the subsequent 2013 revision) that the dwelling and a number of

outbuildings (including the original garage) and areas of hardstanding were to be removed. A further condition remove permitted development rights for any further extensions to the property.

5.4 The workshop building currently proposed would have a floorspace of approximately 77sq.m which would add significantly to the overall floorspace of the replacement dwelling and would be very similar to that of the original garage that was removed as part of the justification for allowing the replacement dwelling. Although the workshop would replace some existing sheds, it would have almost double their footprint and would be taller and consequently more visually intrusive. Officers therefore consider that the proposed workshop when considered in the context of the original approvals (10/00693/FUL and 13/00105/FUL) would constitute a disproportionate addition to the dwelling and would therefore be inappropriate development contrary to paragraph 89 of the NPPF and Local Plan Policies GRB1 and HOU7. The applicant has not provided any very special circumstances to outweigh the harm, and it is not considered there are any.

5.5 As referred to above, the proposed garage would be a far more substantial structure than the existing sheds and would appear more prominent. The submitted details indicate that materials would match those of the existing dwelling and although the white UPVC windows and up-and-over metal door would not be sympathetic to the rural AONB setting, given that the garage would be set back from the road and behind existing trees along the western boundary, it is not considered the building would be sufficiently harmful to the character of the AONB to justify refusal on these grounds.

Residential Amenity

5.6 Policy HOU8 also states that development will only be permitted if the proposal does not have an unacceptable impact on adjacent property in terms of bulk, massing, size and overlooking.

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

6.0 Conclusion

6.1 Overall, it is considered that the proposal would comprise a disproportionate addition to the dwelling and is therefore contrary to both Green Belt policies and replacement dwelling policies at both local and national level. The proposed development represent inappropriate development in the Green Belt and it is considered that no very special circumstances exist which would outweigh the harm to the Green Belt. The proposed development is therefore recommended for **Refusal**.

RECOMMENDATION Refuse

Reason:

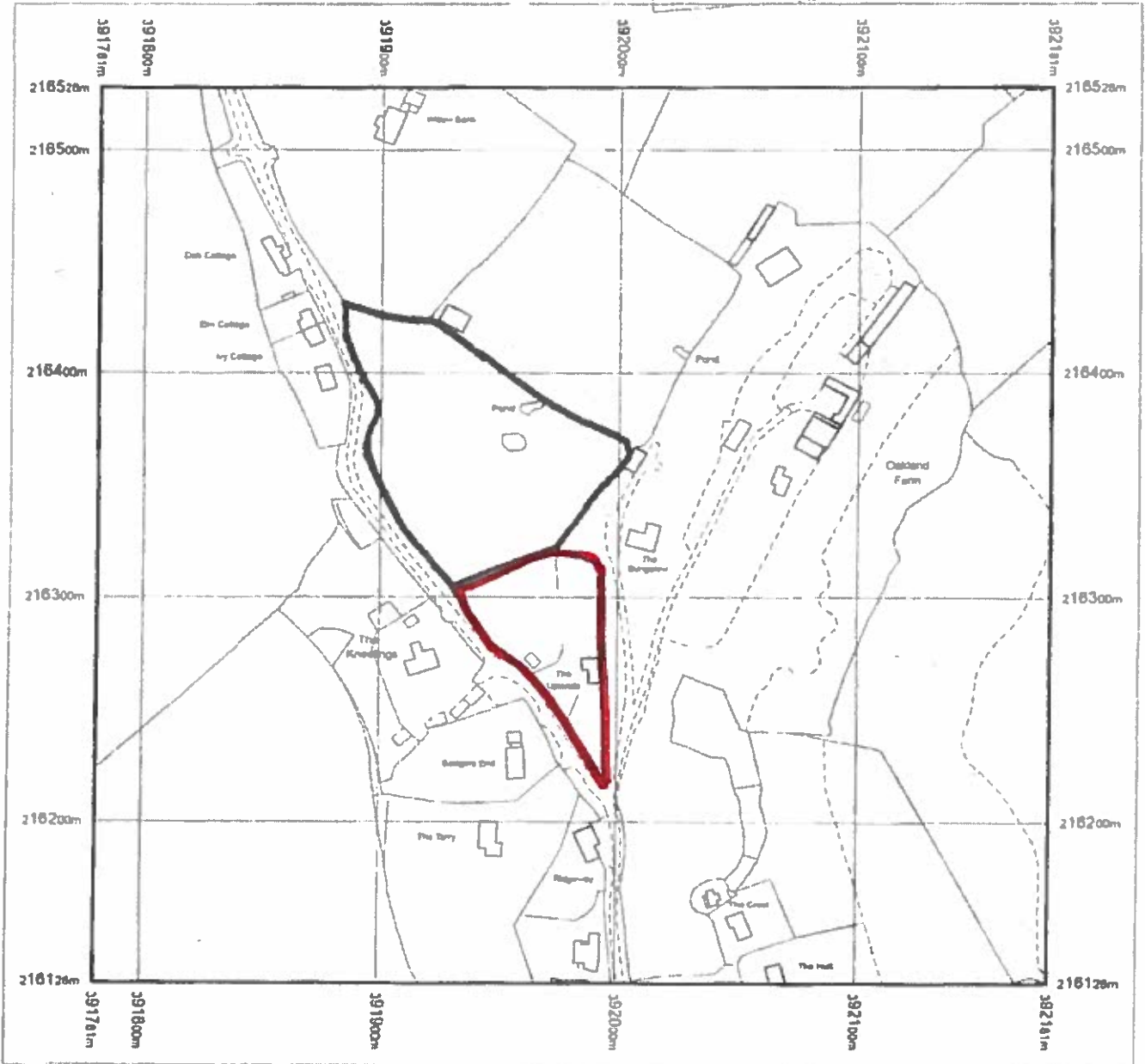
The proposed workshop comprises a disproportionate addition to the dwelling and therefore represents inappropriate development in the Green Belt which would be detrimental to its open character and would conflict with the purposes of the Green Belt, in conflict with the NPPF and Policy GRB1 of the Tewkesbury Borough Local Plan to 2011 - March 2006.

15/00907/hel

PLANNING
DEVELOPMENT
Road U4 F20 200
Ask
Year
Date



OS Sitemap®



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The representation of a road track or path is no evidence of a right of way

The representation of features as lines is no evidence of a property boundary



Scale 1:2500

Supplied by: Axworthys
Serial number 00273100
Centre coordinates 391981 216328

Further information can be found on the OS Sitemap information leaflet or the Ordnance Survey web site www.ordnancesurvey.co.uk

The Uplands
Dog Lane
GL3 4UG

390/A

15/00907/Rev

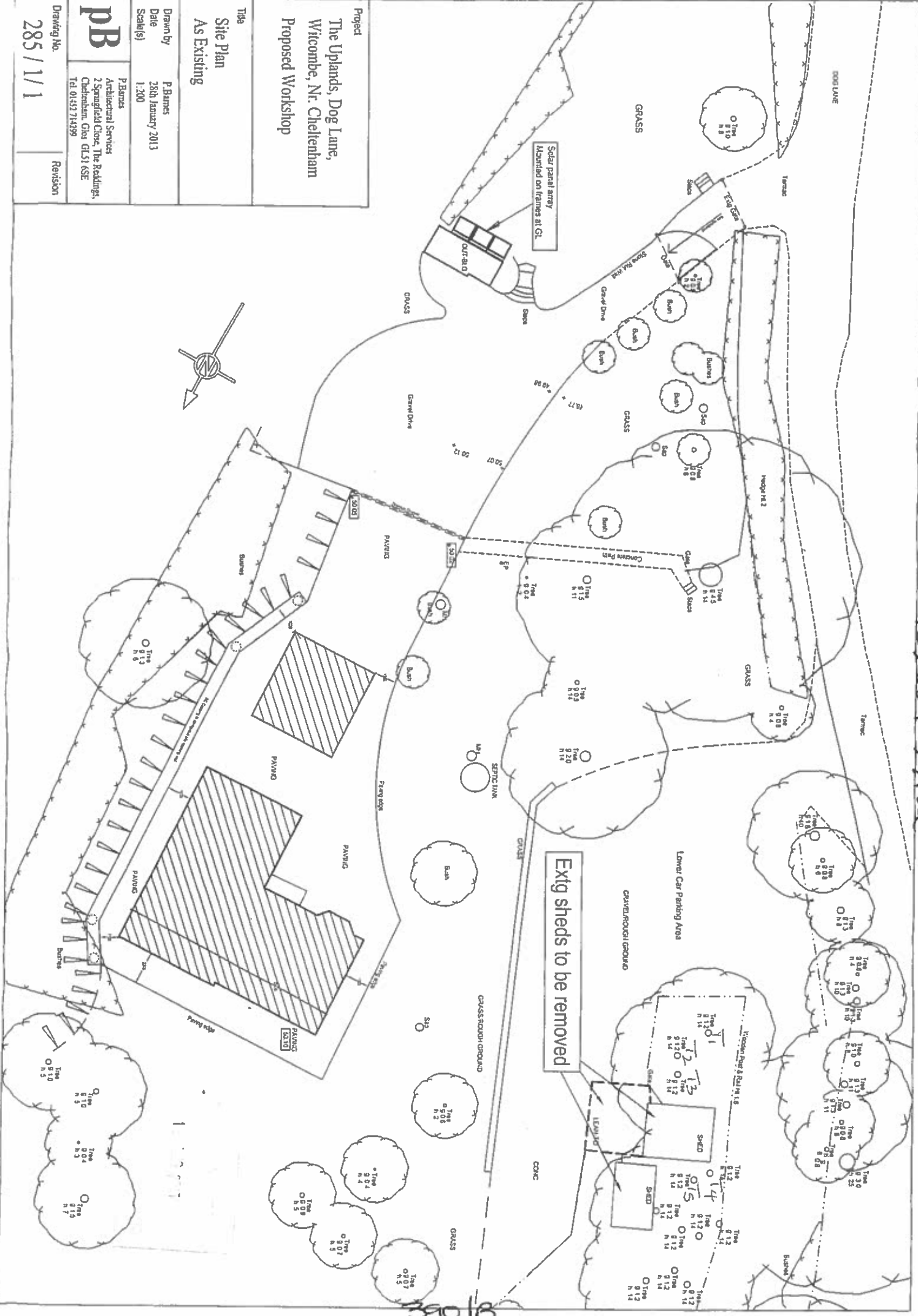
Project
 The Uplands, Dog Lane,
 Wicomb, Nr. Cheltenham
 Proposed Workshop

Title
 Site Plan
 As Existing

Drawn by P. Barnes
Date 28th January 2013
Scale(s) 1:200

pB
 Architectural Services
 2 Springfield Close, The Reddings,
 Cheltenham, Glos GL51 6SE
 Tel: 01452 714399

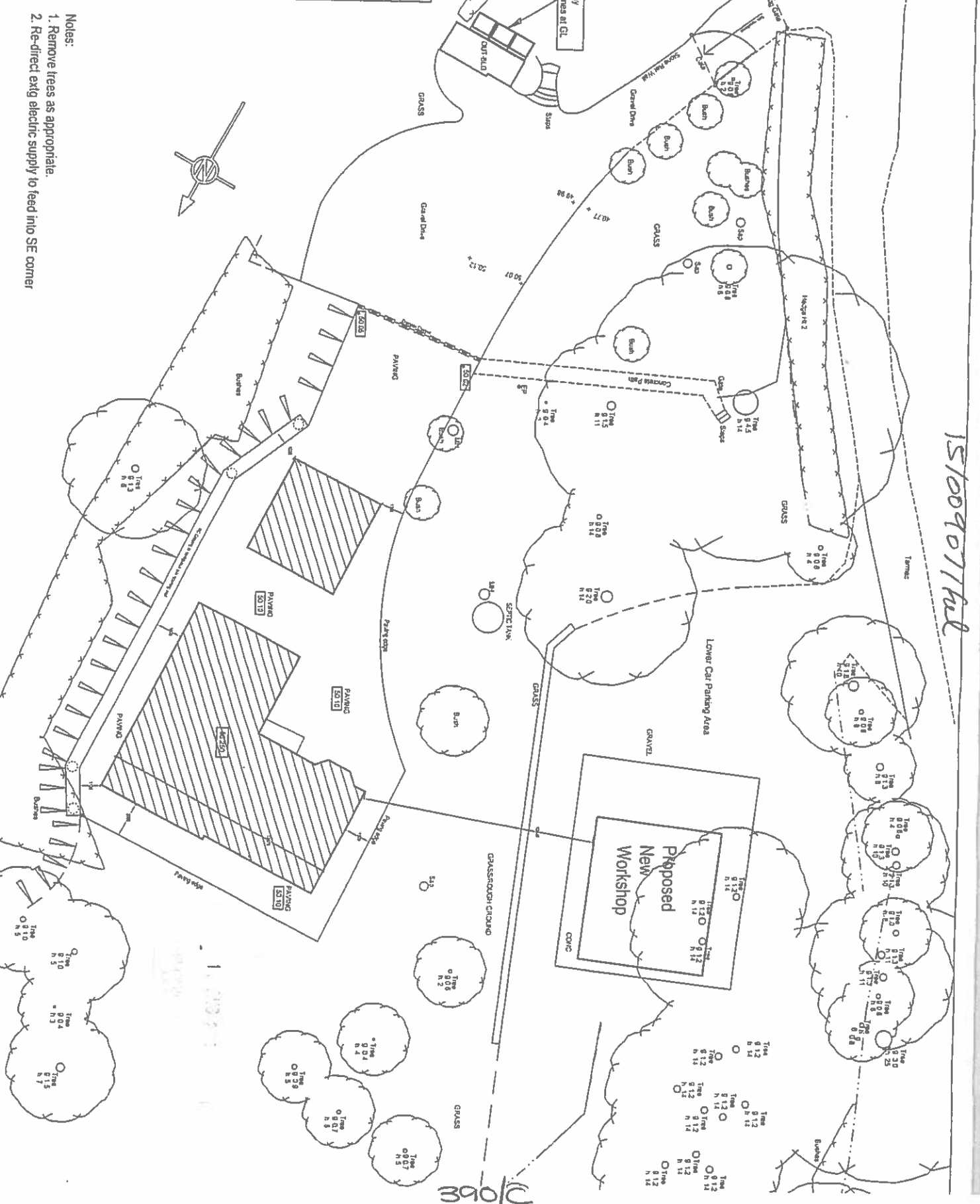
Drawing No. 285/1/1
Revision



350/8

15/009071 full

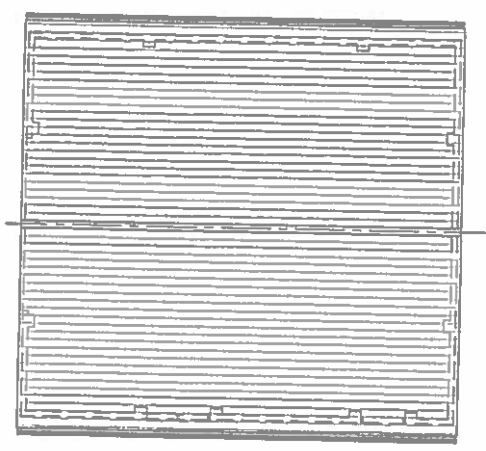
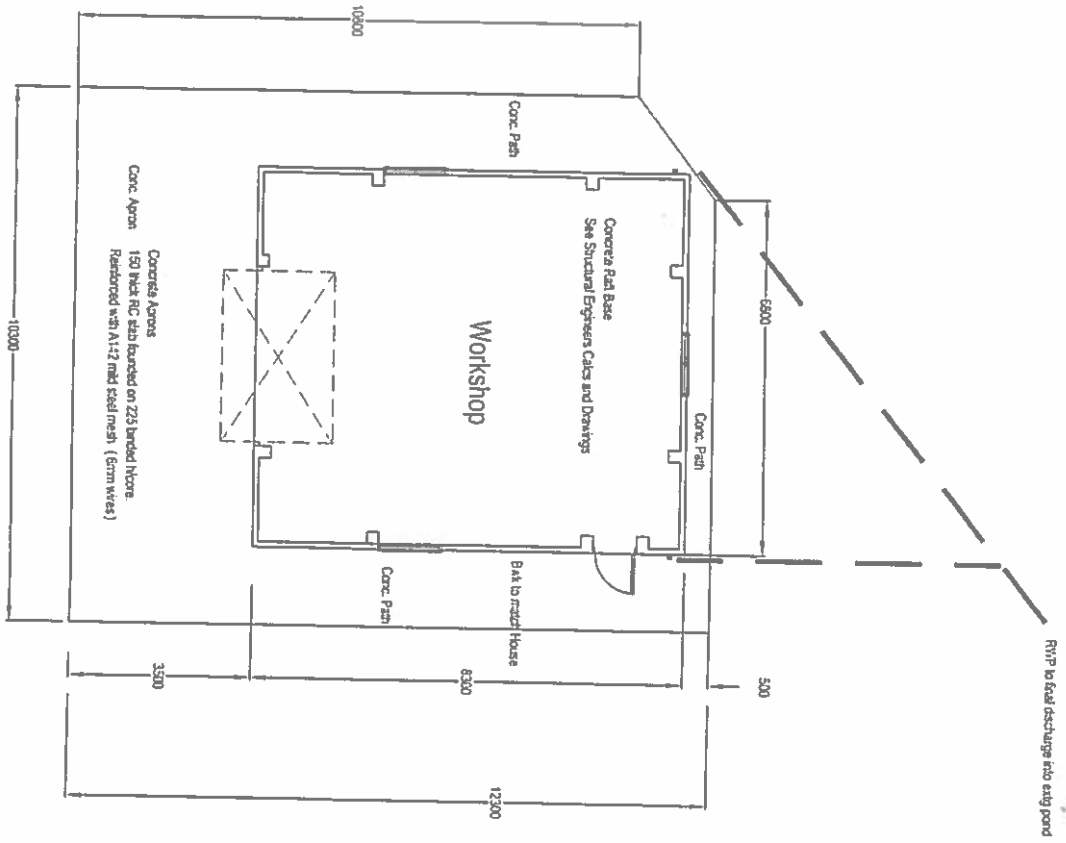
A. 23/5/15 Concrete paths amended.	
Revisions	
Project The Uplands, Dog Lane, Witcombe, Nr. Cheltenham Proposed Workshop	
Title Site Plan As Proposed	
Drawn by Date Scale(s)	P. Barnes 13th April 2015 1:100
<p>PB Architectural Services 2 Springfield Close, The Reddings, Oxford, Oxon OX1 5SE Tel 01457 719399</p>	
Drawing No. 285/1/2	Revision A



390/C

- Notes:
1. Remove trees as appropriate.
 2. Re-direct exit electric supply to feed into SE corner

15/00907/Rev



Best PVCu gutters to match house
While PVCu soffits to match house

Roof Tiles to match house

Notes
1. Roof tiles: Fired Sigma

Revisions
A. 15/15
Windows to North & West elevations added
B. 28/15
Concrete paths amended.
Pier sizes increased to 225x225

Project
The Uplands, Dog Lane,
Witcombe, Nr. Cheltenham
Proposed New Workshop

Title
Floor and Roof Plan
As Proposed

Drawn by P Barnes
Date 13th April 2015
Scale(s) 1:100

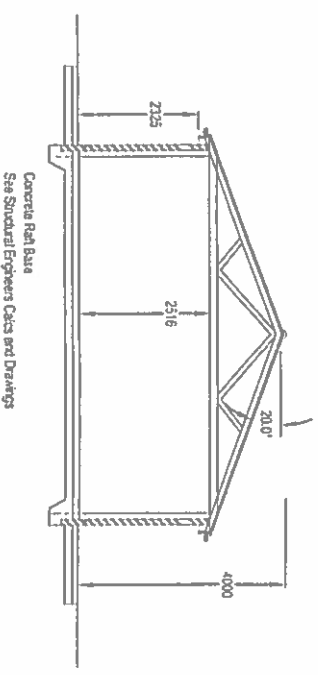
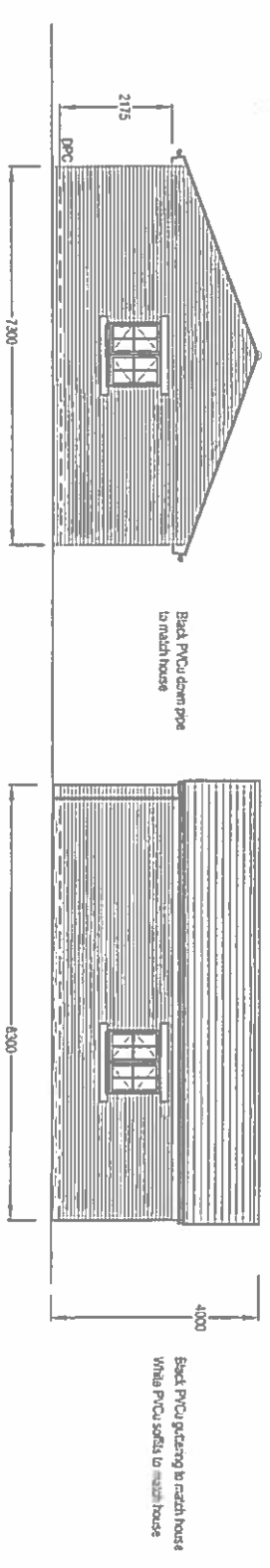
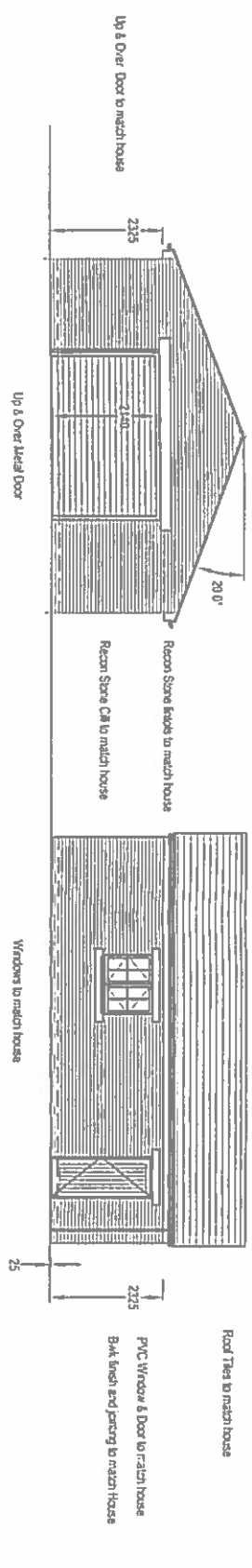
PB
P Barnes
Architectural Services
1 Springfield Chase, The Reddings,
Cheltenham, Glos GL51 6SE
Tel. 01452 714299

Drawing No. 285/1/3
Revision B

390/D

15/100907/Rev

Notes
1. Roof tiles: Fired Sierra



Revisions	
A. 15/115	Windows to North & West elevations added.
B. 25/5/15	Section amended to show raft foundation as shown on Structural Engineers Office

Project
The Uplands, Dog Lane,
Wiccombe, Nr. Cheltenham
Proposed Workshop

Title
Elevations and Section
As Proposed

Drawn by
Date
Scale(s)

P. Barnes
13th April 2015
1:100

PB
Architectural Services
2 Springfield Close, The Redding
Cheltenham, Glos GL51 6SE
Tel. 01452 714299

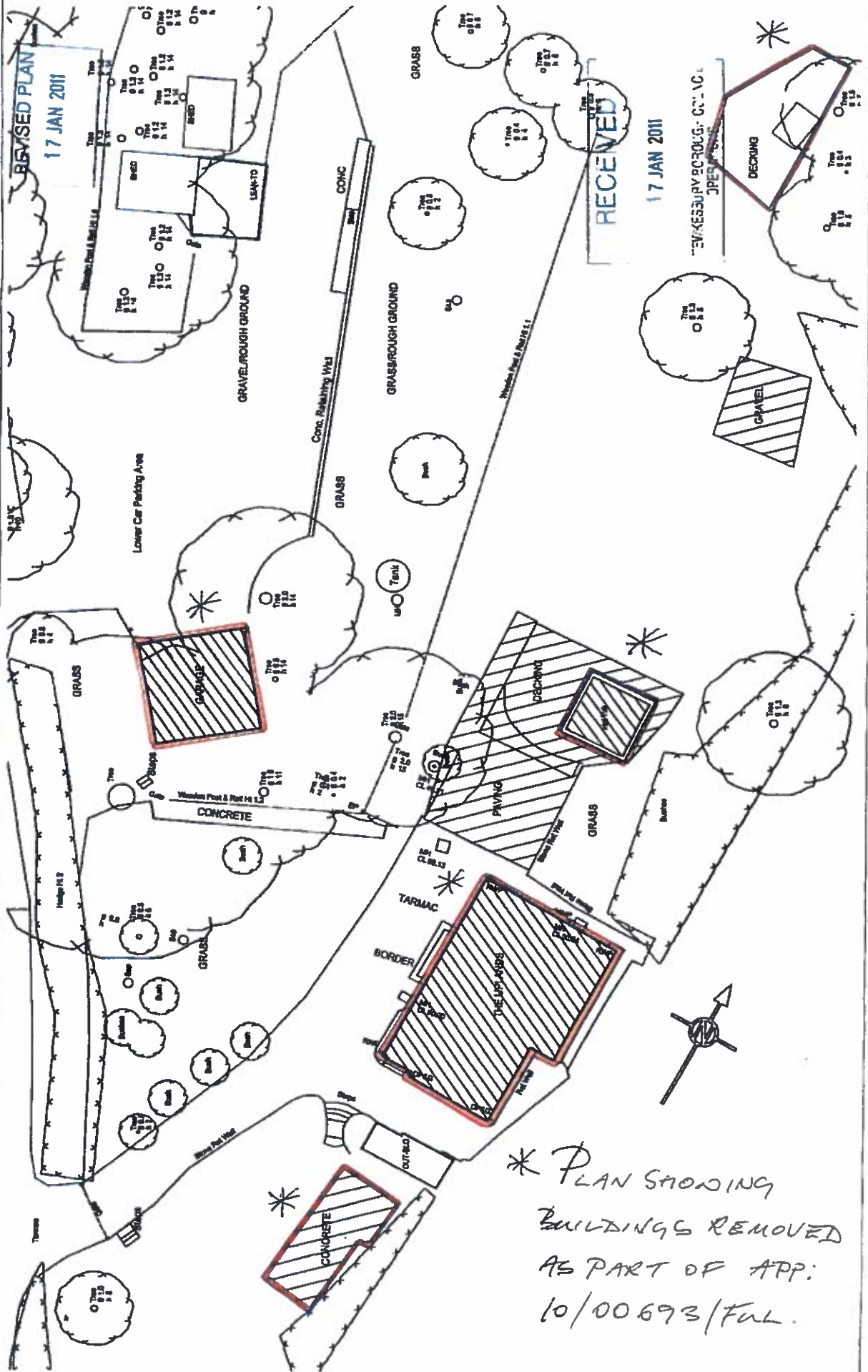
Drawing No. **285/1/4** Revision: **B**

390/E

M McMahon
BSocSc; MRUP; DHS, MRTPI
Corporate Head of Borough Development

Title:
The Uplands
Dog Lane
Bentham

Application No: 10/00693/FUL
Condition: 9
Scale: 1:100
TP3681



390/f

Valid 28.01.2015
Grid Ref 387531 221448
Parish Churchdown
Ward Churchdown St Johns

Erection of 4 terraced dwellings

Town Cars
65 - 75 Cheltenham Road East
Churchdown
Gloucester
Gloucestershire
GL3 1JN

RECOMMENDATION Permit

Policies and Constraints

NPPF

Planning Practice Guidance

Tewkesbury Borough Local Plan to 2011 (March 2006) - Policies HOU2, HOU5, TPT1 and TPT9

The Joint Core Strategy (JCS) is at Examination and therefore can be given limited weight. The Relevant aspects of the JCS - SP2, SD1, SD5, SD11, SD15 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

County Council Highways - No objection subject to conditions.

Churchdown Parish Council - Object - the proposals are an overdevelopment and not in keeping with the streetscene and concern regarding the height of the properties. Concern was also raised with regard to vehicular access onto a busy highway. Noted that the application site is run-down.

1 general comment received from a local resident raising no objection and stating that this development is attractive and will enhance the streetscene but highlighting the need to safeguard protected species and enhance biodiversity.

1 letter of objection from Gloucestershire Airport objecting that the proposed development lies some 400m from the end of the main runway at Gloucestershire Airport, the UK's busiest general aviation airport, handling up to 90 000 flights per annum. It is adjacent to the projected 57 dBA noise contour for the Airport. In the UK, Leq noise contours are normally plotted at levels from 57 to 72 dBA, in 3 dB steps. The 57 dBA level denotes the approximate onset of significant community annoyance.

Planning Officers Comments: Mr Andrew Thompson

1.0 Application Site

1.1 The application site is located on the west side of Cheltenham Road East and currently includes a two storey building. The site is located within the defined Churchdown settlement boundary. The land is relatively flat. Gloucestershire Airport is to the northeast with the end of the runway being approximately 390m to the northeast with the main airport buildings being approximately 1.5km to the east. Brockhampton Golf Course is located to the west/rear boundary. Opposite the application site are established residential properties and there are bus stops within close proximity of the site.

2.0 Planning History

2.1 Permission was granted in 2003 for 14 apartments and associated parking to the south west of the site (Ref: - 03/10166/1036/FUL).

3.0 Current Application

3.1 The application proposes a terrace of four properties together with associated car parking areas at the front of the properties and gardens to the rear. The proposals would be two and a half storeys with rooms in the roofspace and dormer windows to the rear.

4.0 Principle of Development

The Development Plan

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

Tewkesbury Borough Local Plan to 2011 - March 2006

4.2 The application site lies within the recognised settlement boundary of Churchdown as defined by the Tewkesbury Borough Local Plan to 2011 - March 2006. Consequently, the application is subject to policies HOU2 and HOU5 and is located in a sustainable location and would utilise previously developed land.

4.3 It is noted that the Council cannot at this time demonstrate a five year supply of deliverable housing sites and therefore under national guidance there is a need to promote and deliver sustainable developments 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. The policies are:

Emerging Development Plan

4.4 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.

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

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

4.6 The Submission version of the JCS was approved by the three JCS authorities in April 2014 for pre-submission publication. The JCS is now under examination in public and as such neither document can be given full weight.

National Policy/Guidance

4.7 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. The NPPF also sets out a presumption in favour of sustainable development and states that development proposals that accord with the development plan should be approved without delay. The NPPF goes on to say that where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or where specific policies in the Framework indicate development should be restricted.

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

4.9 In this case, the proposed development would be situated on previously developed land, close to existing facilities and within the settlement boundary of Churchdown and having regard to these factors, the proposals are considered to be in a sustainable location.

5.0 The relationship of the proposed development to the street scene and character of the area

5.1 The application proposals are considered to be of similar size and scale to existing properties on Cheltenham Road East and are of modern design with features that would provide an active and interesting frontage.

5.2 The proposals to the rear would overlook the existing golf course which give an open outlook and would not result in unacceptable overlooking as a result of the proposals that would be generated by the additional storey.

5.3 The proposals would be set back from the road further than existing properties to the north and would be approximately 1.7m higher than the existing properties however there is a staggered building line and the proposals would fit in with the street scene, reflecting the terraced character of other properties in the vicinity.

5.4 Whilst the comments of the Parish Council are noted it is not considered that the proposals would result in an overdevelopment of the application site and the proposals would be in keeping with the area.

6.0 The impact of the proposals on Gloucestershire Airport

6.1 The application site is approximately 390m from the end of the runway of Gloucestershire Airport and approximately 1.5km from the main airport buildings. The comments of the Airport have been carefully considered and there is a need to ensure that the amenities of future residents are carefully considered, particularly having regard to paragraph 123 of the Framework and the need to ensure that businesses are not affected or restricted by new development.

6.2 In this instance, the distances from the airport are noted as are the residential properties that are adjacent to and in some cases closer to the airport. With appropriate noise attenuation and glazing specifications, the scheme would be able to deliver an appropriate level of amenity. It is noted that residential properties are closer to the airport and other developments have been approved in the area.

6.3 Therefore the noise environment and any potential impact needs to be considered in the planning balance.

7.0 The impact on the amenities of residents

7.1 The application proposes no side facing windows with privacy screens to balconies to the rear which would prevent any overlooking. Therefore there would be no impact in terms of the loss of privacy from the proposals.

7.2 The neighbouring property has a garage on the boundary and therefore there is a separation between the existing properties and the application proposals. The existing buildings are also of substantive scale and mass. The proposals would therefore result in a different relationship but would be on balance acceptable.

8.0 Highways and parking provisions

8.1 The proposals provide two parking spaces for each dwelling proposed and the comments of the County Council are also noted. The proposals are considered to be acceptable and would not result in an adverse impact on highways safety.

9.0 The planning balance

9.1 Whilst the comments of Gloucestershire Airport have been carefully considered the lack of housing land supply carries significant weight with the use of previously developed land and the site being in a sustainable location also being positive factors. The proposals would be an enhancement to the application site and provide a development that would be in keeping with the area. The impact on the airport and the noise environment are also noted however the impacts are outweighed by the positive benefits of the proposals with noise mitigation and appropriate glazing specifications also capable of being implemented. Overall, having carefully considered all matters and the comments of local residents discussed above, the proposals are considered 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 The development hereby permitted shall be carried out in accordance with the approved plans reference TCT-2412/14; DH001 Rev A and Street Scene/Slab Level Plan, received on 1 September 2015.
- 3 Following site clearance but before built development commences, a schedule of materials to be used on the development shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.
- 4 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The 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;
 - viii specify the access points to be used and maintained during the construction phase(s);
- 5 None of the buildings hereby permitted shall be occupied until the vehicular parking facilities have been provided in accordance with the submitted drawing no DH001 and shall be maintained available for that purpose thereafter.
- 6 No beneficial occupation of the approved building(s) shall occur until the vehicular accesses from B4063, Cheltenham Road East has been laid out and completed the with visibility splays extending from a point 2.4 m 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 at least 54 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.
- 7 Prior to the commencement of development a scheme of noise mitigation and glazing specification shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), no private car garages, extensions, garden sheds, gates, fences, walls, other means of enclosure or structures of any kind (other than any hereby permitted) shall be erected or constructed on this site without the prior express permission of the Local Planning Authority.

Reasons:

- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
- 2 In order to define the permission and to ensure the satisfactory development of the application site.
- 3 In order to ensure that the development is in keeping with the character of the area.
- 4 To reduce the potential impact on the public highway and in accordance with paragraph 35 of the NPPF and TBC LP Policy TPT1.
- 5 To reduce potential highway impact in accordance with paragraph 39 of the NPPF and TBC LP Policy TPT12.

- 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 paragraph(s) 32 and 35 of the NPPF and TBC LP Policy TPT1.
- 7 To safeguard the amenities of future residents and having regard to the relationship of the application site to Gloucester Airport.
- 8 Having regard to the character of the area, the size of rear gardens and the future relationship between residents.

Notes:

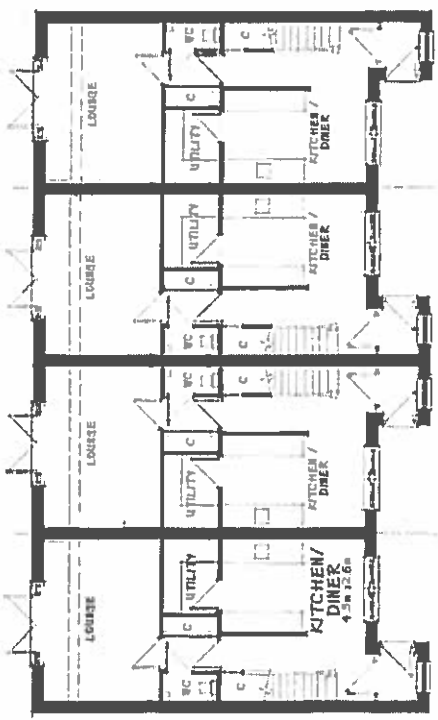
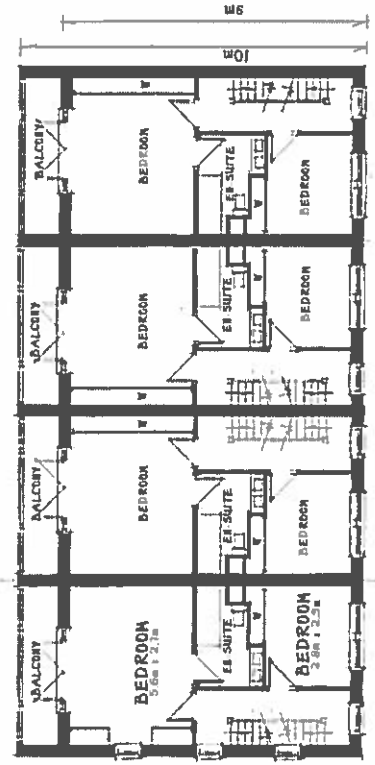
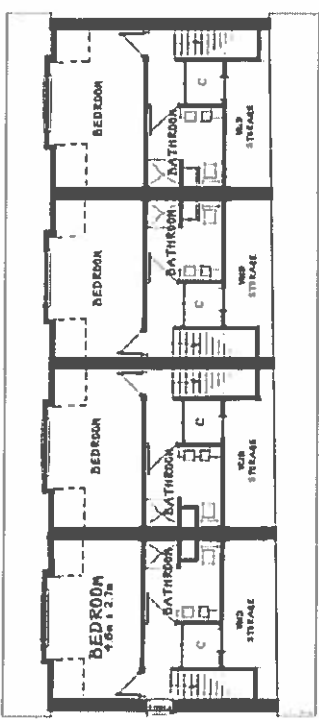
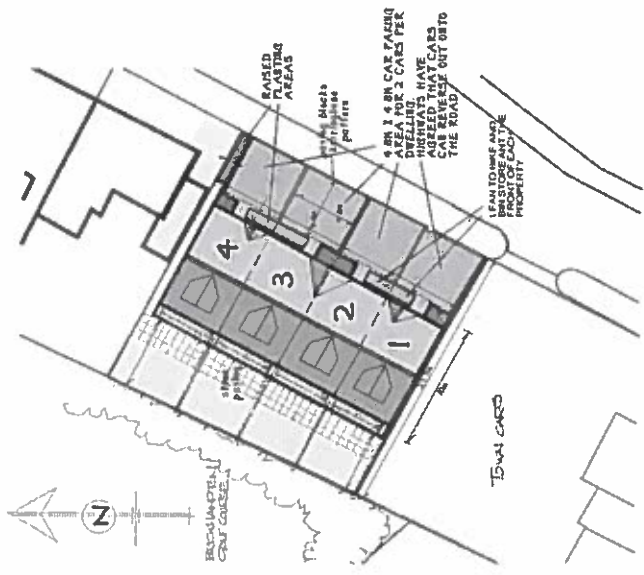
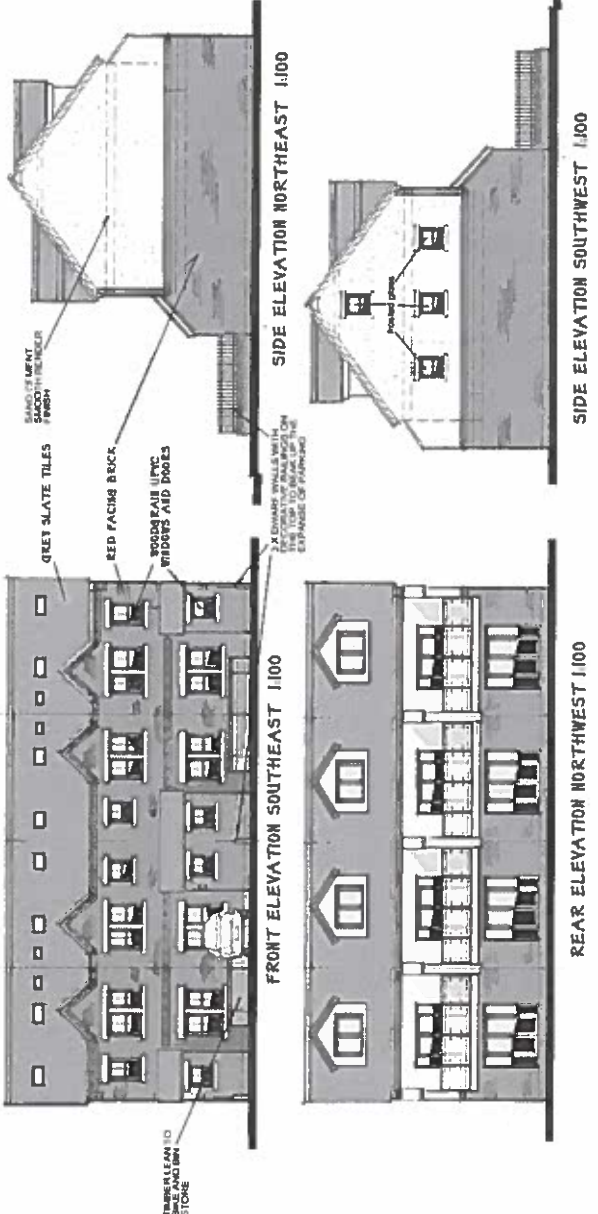
1 **Statement of Positive and Proactive Engagement**

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 Improvement to the design and relationship to the street scene.

- 2 The proposed development will require works to be carried out on the public highway together with providing dropped kerbs for 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>.

14/011691/FUL

<p>HVS HVS ARCHITECTURE</p>	<p>FOR ARCHITECTURAL SERVICES DRAWINGS AND DOCUMENTS FOR THE DEVELOPMENT OF A RESIDENTIAL DEVELOPMENT ON THE GROUNDS OF THE CAR, CHILTERN ROAD EAST, CHILTERN, BUCKINGHAMSHIRE</p>
	<p>Client: DRUG HARVEST</p>
<p>Site: The PROPOSED DEVELOPMENT OF A RESIDENTIAL DEVELOPMENT ON THE GROUNDS OF THE CAR, CHILTERN ROAD EAST, CHILTERN, BUCKINGHAMSHIRE</p>	<p>Drawn: PROPOSED ELEVATIONS AND FLOOR PLANS</p>
<p>Date: 175 1 100 1 200 1 1250</p>	<p>Drawn: DRUG HARVEST</p>



305/A

Valid 22.07.2015
 Grid Ref 388851 220120
 Parish Churchdown
 Ward Churchdown Brookfield

Erection of 1 no 1 bedroom single storey dwelling.

Mr George Williamson
 11 Kaybourne Crescent
 Churchdown
 Gloucester
 GL3 2HL

RECOMMENDATION Permit

Policies and Constraints

NPPF

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

JCS Submission Version November 2014.

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

The First Protocol, Article 1 (Protection of Property)

Consultations and Representations

Parish Council – Object for the following reasons:

- The plot is too small, it would result in overcrowding of this area and set a precedent for similar development.
- Concern was also expressed about the vehicular access, being next to the lay-by, as it will limit visibility for cars using the turning space.

Two letters of neighbour objection received raising the following concerns:

- Over development of the site.
- The proposal would result in a highway safety issue.
- Inadequate parking provision.
- A previous application was refused.

Planning Officers Comments: Mr Ciaran Power

1.0 Application Site

1.1 The application site relates to part of the residential garden of no. 11 Kaybourne Crescent, Churchdown. The site is located within an established residential area, which is wholly within the Churchdown Residential Development Boundary as defined by the Tewkesbury Borough Local Plan to 2011 - March 2006.

2.0 Planning History

2.2 Outline Planning Permission (Ref 89G/23074/01/01) for the erection of an elderly persons bungalow was refused on 1st September 1989 for the following reason:

"In the opinion of the Local Planning Authority the proposed site is too small for the erection of a dwelling thereon, having regard to the necessity to comply with planning, highway and parking requirements, and would result in insufficient open space remaining around the dwelling for amenity and other essential purposes."

2.3 This application was submitted in outline form with all matters reserved. In 1989 applications were only required to be submitted with a red line plan and therefore the level of detail submitted clearly did not persuade the LPA at the time that a residential unit could be accommodated at the site. However this decision was made under a different planning regime which predates the current adopted local plan. The current application is a full planning application with full details of access, layout and the design included. As such the current application should be considered on its own merits having regard to the current planning context.

2.4 Planning permission (Ref: 89G/23074/01/01) was granted in 1990 for alterations and extension to provide enlarged living accommodation.

3.0 Current Application

3.1 The current proposal seeks full planning permission for the erection of a single storey dwelling to the north of the dwellinghouse of no. 11 Kaybourne Crescent within part of the existing garden. The application has been amended since its original submission to reduce the size of the dwelling and it now proposes the erection of a single storey 1 bedroomed dwelling with on off street parking space and associated amenity space.

4.0 Policy Context

4.1 The site is located within the Residential Development Boundary of Churchdown, as defined by the Tewkesbury Borough Local Plan to 2011 - March 2006. Policy HOU2 of the Local Plan states that new housing development within such areas is acceptable in principle provided that the development can be satisfactorily integrated within the framework of the surrounding development. Furthermore, Policy HOU5 of the Local Plan requires new housing development to respect the existing form and character of the adjacent area; not result in unacceptable loss of amenity; be of high quality design and make provision for appropriate access and parking.

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

4.3 Policies HOU2 and HOU5 of the Local Plan are therefore considered to be consistent with the provisions of the NPPF and should therefore carry considerable weight in the determination of the application. In view of the above, the principle of residential development on the site is acceptable provided that the development can be satisfactorily integrated within the framework of the surrounding development, subject to other local plan policies and material considerations. The Council's housing land supply position is also a material consideration although it is noted that the application only proposes a single dwelling.

5.0 Analysis

5.1 The main issues to be considered in this application are the impact of the development on the character and appearance of the area and street scene; the impact on the living conditions of neighbouring properties and the resulting residential unit and highway safety.

Impact on living conditions

5.2 Policy HOU5 sets out that new housing development within existing residential areas must not result in an unacceptable loss of amenity for existing and proposed dwellings. The proposed dwelling would not have an undue impact on the residential amenity of existing neighbouring properties in terms of overlooking, loss of light or overbearing impacts. This is reflected in one of the NPPF's 'Core Principles', which is to ensure a good standard of amenity for all existing and future occupants of land and buildings.

5.3 The proposed dwelling would be located to the north of No. 11. There is no immediate neighbour to the north and properties to the west are located on the opposite side of Kaybourne Crescent. The grounds of Chosen Hill School are located to the east. Having regard to the sites location it is not considered that there would be any significant overlooking or loss of light to adjacent residential properties as a result of the proposal.

5.4 The proposed dwelling would incorporate an area of residential garden to the south which measures approximately 44 square metres. A larger residential curtilage would also remain available for the existing dwelling. The proposed dwelling incorporates one double bedroom, an open plan living room, dining area and kitchen as well as a separate entrance hall and bathroom. The room sizes are all reasonable and it is considered that an appropriate level of accommodation and amenity space is included as part of the development.

5.5 Overall, it is not considered that the proposed development would have a detrimental impact on the residential amenities associated with adjacent dwellings. It is also considered that the proposal would provide an appropriate level of amenity for the proposed dwelling. The proposal would satisfactorily integrate the development within the surrounding settlement and the proposal is therefore considered acceptable in light of policies HOU2 and HOU5 of the Local Plan and one of the Core Principles of the NPPF in respect of living conditions.

Design and Street scene Impact

5.6 Policy HOU5 requires new housing development to respect the existing form and character of the adjacent area and be of high quality design. Policy SD5 of the submission version of the JCS requires proposals for all new development to clearly demonstrate that a number of design principles have been reflected in proposals.

5.7 It is noted that Churchdown generally comprises a mix of house types, styles and heights. Kaybourne Crescent is predominantly bungalows or chalet style bungalows with rooms in the roof. Dwellings are generally located close together with limited separation between them and because of the location of the resultant garden areas associated with the application site and no.11 and the turning head to the north it would not appear as a cramped infill although located in close proximity to the highway. The plot is currently enclosed by a 2 metre (approx.) high boundary fence and the proposed development would open up the frontage of the site. Whilst the application site is limited in size, the dwelling has been designed to limit the land take required as well as reflecting the general design of dwellings in the area. On balance it is considered that the proposed development would accord with Policies HOU2 and HOU5 of the Local Plan and SD5 of the Submission Joint Core Strategy (November 2014) in terms of design.

Highway Safety

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. The relevant test set out in the NPPF is that development should only be refused on safety grounds where the cumulative impacts of development are severe. 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.

5.9 The Parish Council and a local resident have objected to the application on highway safety grounds. They are particular concerned about the lack of parking provision for the proposed dwelling as well as the sites location in close proximity to the cul-de-sac's turning head. Whilst it is acknowledged that the off street car parking space would be located in close proximity to the turning head the proposed development would actually result in an improvement in visibility given that it would require the removal of the existing 2 metre high boundary treatment. Further the application site already has an access in this vicinity which, although it may not be regularly used by the current occupiers, is still in existence.

5.10 Parking space is proposed within the site for one car. Whilst there is only provision for one off-street parking space it is considered that this is appropriate given the small size of the proposed dwelling. Whilst the proposal would potentially result in additional cars parking on the street, numbers of vehicles associated with the development is likely to be limited and therefore it is not considered that the additional parking pressure from the development would result in significantly demonstrable harm to warrant refusal on these grounds. In term of visibility from the proposed access it is considered that appropriate visibility could be achieved.

5.11 Having regard to the above it has not considered that the proposed development would be detrimental to highway safety and the proposal would therefore accord with Development Plan Policy TPT1 of the Tewkesbury Borough Local Plan to 2011 - March 2006, emerging Policy INF1 of the Submission Joint Core Strategy (November 2014) and the provisions of the NPPF.

6.0 Conclusion

6.1 For the reasons set out above, it is considered that the erection of a detached single storey dwelling on this site would not unacceptably impact on the residential amenity space enjoyed by the occupiers of adjacent premises as well as the future occupiers of the proposed dwelling. In addition, the development would integrate well within the street scene and on balance would not have a significantly demonstrable impact

upon the character and appearance of the area to warrant refusal. Adequate levels of parking are proposed and the resulting development would actually improve visibility at the turning head. The fact that the proposed dwelling would contribute towards addressing the housing land supply shortfall, albeit in a very small way, is an additional benefit to the proposal.

6.2 The development would therefore accord with relevant Policies of the Tewkesbury Borough Local Plan, and emerging Policies of the Submission version of the Joint Core Strategy (November 2014) and the advice contained within 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 The development hereby permitted shall be carried out in accordance with the approved plans received by the Local Planning Authority on 5th October 2015 unless otherwise agreed in writing with the Local Planning Authority.
- 3 Unless otherwise agreed in writing the finished floor level of the dwelling to which this permission relates shall remain in accordance with the site plan received by the Local Planning Authority on 5th October 2015.
- 4 Prior to the first occupation of the proposed dwelling the car parking facilities shall be completed in all respects in accordance with the submitted details and shall be similarly maintained thereafter for that purpose.
- 5 Notwithstanding the submitted details, no development shall take place until samples of all external facing and roofing materials has been submitted to and been approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved samples.
- 6 Notwithstanding the provisions of Classes A, B and E of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order), no development shall take place other than that expressly authorised by this permission.
- 7 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building is occupied. Development shall be carried out in accordance with the approved details.
- 8 The area of driveway within 5 metres of the carriageway edge of the public road shall be surfaced in bound material, and shall be maintained thereafter.

Reasons:

- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To define the extent of the permission for avoidance of doubt.
- 3 To protect the amenity of adjoining occupiers in accordance with Policy HOU5 of the Tewkesbury Borough Local Plan to 2011 and the Core Planning Principles of the National Planning Policy Framework 2012
- 4 To enable vehicles to enter and leave the highway in forward gear in the interests of highway safety, in accordance with the provisions of the NPPF and Policy TPT1 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 5 To ensure that the external appearance of the building is satisfactory.
- 6 In the interests of visual amenity and the character of the area.

7 To ensure that the appearance of the development is satisfactory.

8 In the interests of highway safety.

Note:

Statement of Positive and Proactive Engagement

In accordance with the requirements of the NPPF the Local Planning Authority has 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 reduce the scale of the dwelling.

15/00374/FUL



Mr George Williamson
 Proposed New Dwelling at
 11 Kaybourne Crescent
 Churchdown
 Glos.

Mar 2015 1:100 PK

15007

Kaybourne Crescent

SITE PLAN AS PROPOSED

400/A

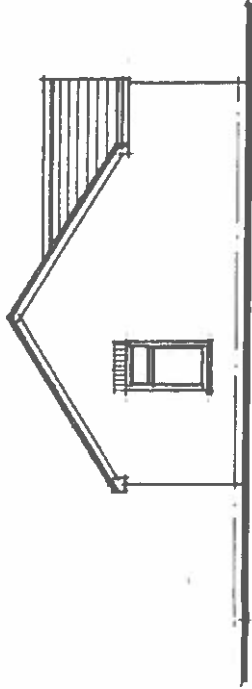
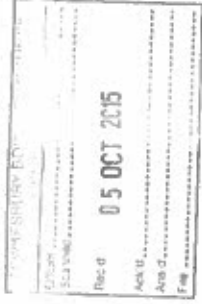
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architect

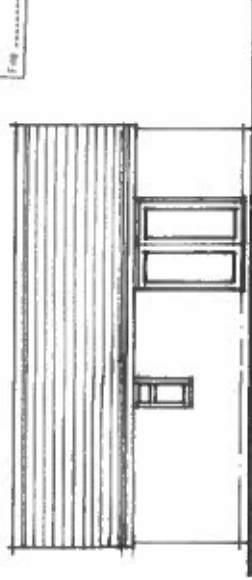
01452 714596

pskarchitect@btinternet.com
www.psk-architect.co.uk

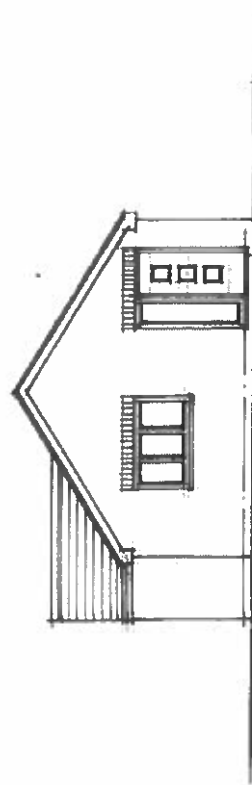
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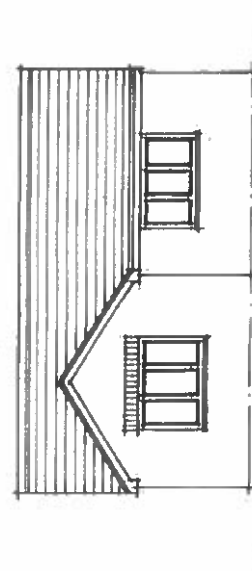
Rear Elevation as Proposed



Side Elevation as Proposed



Front Elevation as Proposed



Side Elevation as Proposed

Mr George Williamson
Proposed New Dwelling at
11 Kaybourne Crescent
Churchdown
Glos.

ELEVATIONS

Mar 2015 1:100 PK

15007

400/B

PSK

architect *PSK*

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RIBA *W* *ac* *b*

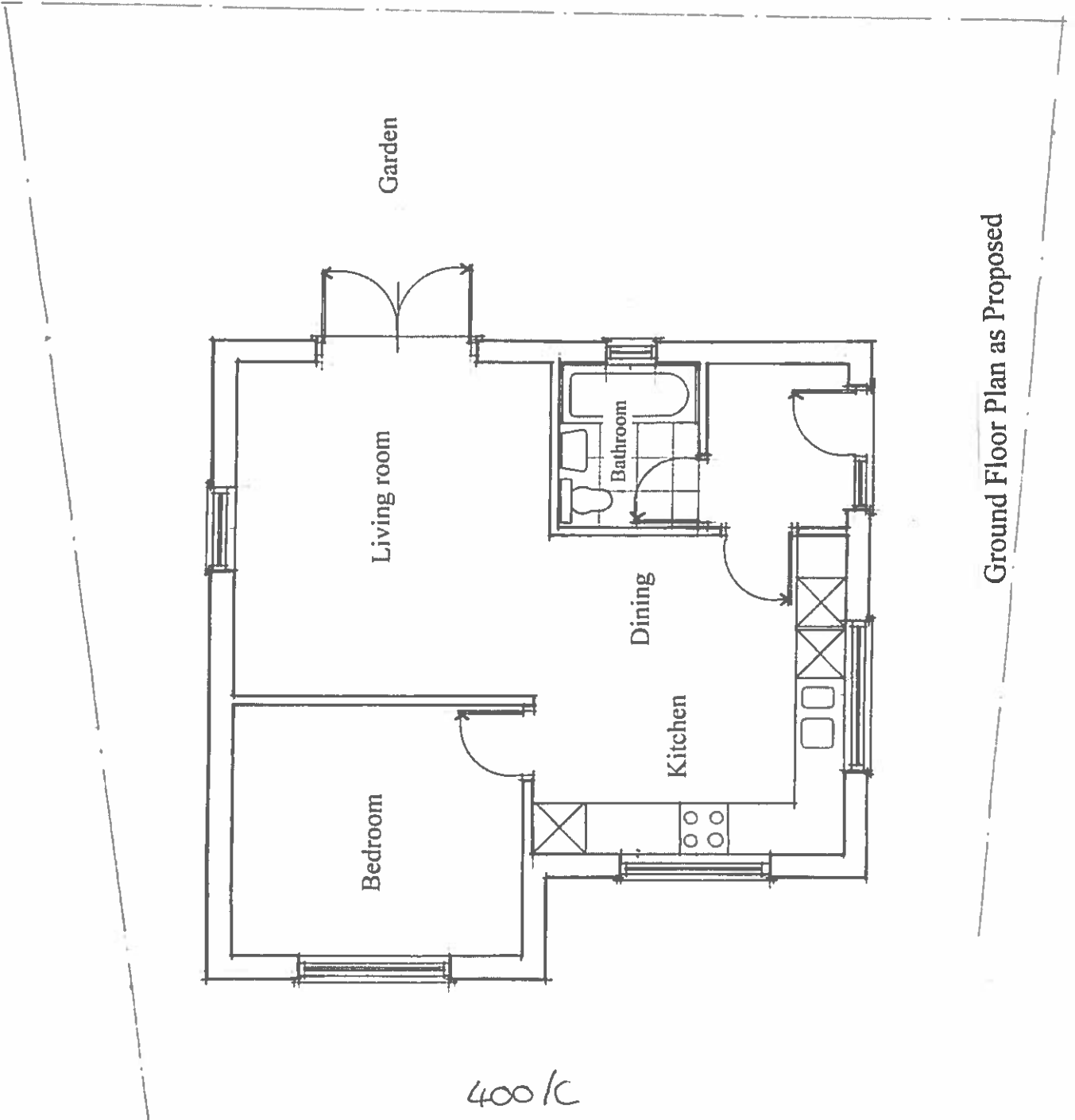
TEWKESBURY BOROUGH COUNCIL	
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Date	05 OCT 2015
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Mr George Williamson
Proposed New Dwelling at
11 Kaybourne Crescent
Churchdown
Glos.

FLOOR PLAN

Mar 2015 1:50 PK

15007



400/c

Ground Floor Plan as Proposed

Valid 10.07.2015
 Grid Ref 397125 227935
 Parish Woodmancote
 Ward Cleeve Hill

Erection of three bay oak framed detached garage

Mr Fitton
 The Meadows
 Butts Lane
 Woodmancote

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
 Area of Outstanding Natural Beauty (AONB)

Consultations and Representations

The Parish Council objects to this application:

- The proposed garage & room above can be clearly seen AWO10 footpath.
- There are already large barns and garage on the site.
- First floor is open to abuse by changing from large open space to dwelling.
- The visual impact on the AONB.
- Poor drawings which do not give an accurate view of the building in relation to the adjoining properties and road.
- Over development of the existing site.
- Description is misleading 3 bay detached garage, there is no mention of room above with dormer windows.

Local Residents - None received.

Planning Officers Comments: Mr John Hinett

1.0 Application Site

1.1 A detached dwelling, formerly known as Poplin Peace, located in a semi-rural area on the edge of Woodmancote. The site is positioned in an elevated position from the road with a long driveway providing vehicle access. Further residential properties are located to the north and south all have a frontage/access to Butts Lane. The site is surrounded by open fields to the east and located within the Cotswolds Area of Outstanding Natural Beauty.

2.0 Relevant Planning History

2.1 Planning permission granted for the erection of a replacement building to be used as an ancillary residential annex under reference no. 12/00171/FUL.

2.2 Previous applications to extend the dwelling have been permitted over the years and in 1997 permission was granted for the erection of garages and a stable block(97/00542/FUL) - not implemented.

3.0 Current Application

3.1 Erection of three bay oak framed detached garage. The proposed garage would have a first floor with dormer windows and an external staircase and located towards the western boundary of the site. The garage would have a ridge height of 5.8m with eaves at 2.4m. An additional plan has been submitted which shows that an existing pitched roof garage with a similar footprint (albeit a lower ridge height) would be removed.

4.0 Policy Context

NPPF

Planning Practice Guidance

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

Tewkesbury Borough Local Plan to 2011 - March 2006 - HOU8

Area of Outstanding Natural Beauty (AONB)

5.0 Analysis

5.1 Policy HOU8 of the Local Plan provides guidance on domestic extensions and sets out that proposals should respect the character, scale, and proportion of the existing or where appropriate, the original dwelling, should not result in inadequate car parking or manoeuvring space and should not have an unacceptable impact upon neighbouring properties in terms of bulk, massing, size and overlooking.

5.2 The Parish Council have objected to the proposal on the grounds that the proposed garage would be very large (containing first floor accommodation) and add to the existing accumulation of buildings on site. The Parish therefore consider the garage would have a harmful visual impact on the AONB and would constitute overdevelopment.

5.3 In response to the Parish's concerns the applicant has confirmed that it is the intention to demolish the existing garage. A plan has also been submitted clearly showing this. Whilst proposed garage would be taller than the existing garage (which is single storey), it is considered that its removal would be beneficial in terms of reducing the general accumulation of buildings on-site.

5.4 Given the generous size of the application site it is considered that the proposed garage would respect the character, scale and proportion of the existing dwelling and the surrounding ancillary buildings. As there are no other dwellings in close proximity to the site of the proposal it is considered that their amenity would not be unduly effected.

5.5 With respect to views from public footpaths the nearest are Woodmancote Footpaths Nos. 8 and 10. PROW No.8 runs on a west to east line and is positioned well beyond to the south of the application property. PROW No. 10 runs north to south beyond the eastern boundary of the application site. Given the topography of the surrounding land and the location of the proposed garage in the front garden of the site, surrounded by mature trees, it is considered that views of the proposed development from public footpaths would be limited.

5.6 The main impact of the proposal would be on views from Butts Lane. By virtue of its height and elevated position above the road the proposed garage would appear prominent. However, the siting would be behind a row of tall and mature trees and vegetation that would effectively screen the garage in the summer months, and which would also providing some screening in the winter months. The low eaves heights of the garage would also help to reduce its impact. Given the limited views of the proposed garage from wider locations, it is therefore concluded that the impact on the special character of the AONB would be limited and the existing natural beauty of the landscape setting would not be unduly harmed.

5.7 Given the size of the proposed development, with its first floor accommodation, it is considered necessary to impose a condition to ensure occupation is ancillary to the main use of the dwelling house. A condition requiring the removal of the existing garage is also considered necessary.

6.0 Conclusion and Recommendation

6.1 It is concluded that the garage would be of an acceptable size, scale and design, and due to the topography of the land and distances to existing PROWS, would not have an adverse impact on the wider landscape area. The application is therefore recommended for Permission.

RECOMMENDATION Permit

Conditions:

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

- 2 Building operations shall not be commenced until samples of the facing 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.
- 3 The development hereby approved shall only be used for ancillary purposes in relation to the main use of the application site as a dwelling house.
- 4 Within one month of the new garage being brought into beneficial use, the existing garage shown edged red on attached plan No. TP3741 shall be demolished and all resulting materials and debris removed from the site.

Reasons:

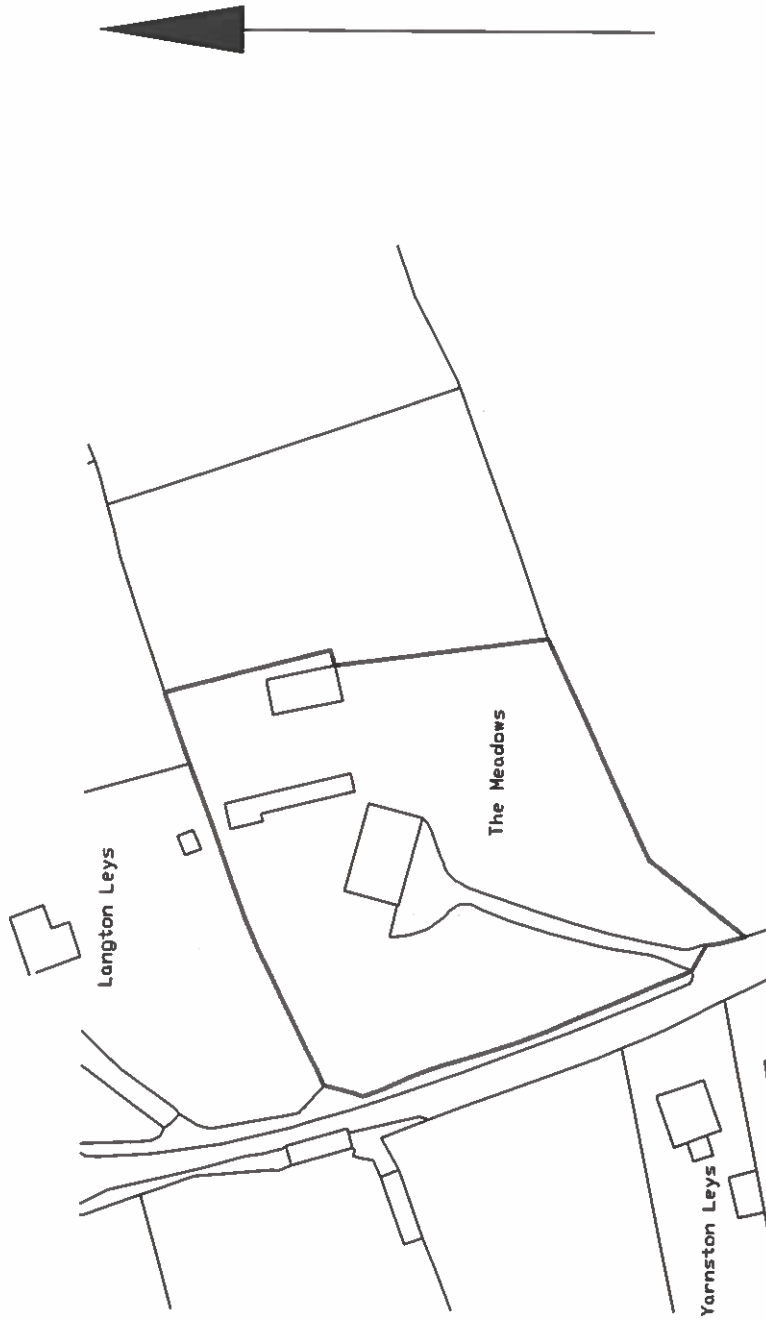
- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
- 2 To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity in accordance with the NPPF.
- 3 In order to secure the most appropriate development of the application site in accordance with Policy HOU8 of the Tewkesbury Borough Council Local Plan.
- 4 To conserve and enhance the scenic beauty of the Area of Outstanding Natural Beauty in accordance with the aims and objectives 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.

Location Plan



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CLIENT: Mr Fitton

JOB No. :220615/01

DRAWING No. :PT2

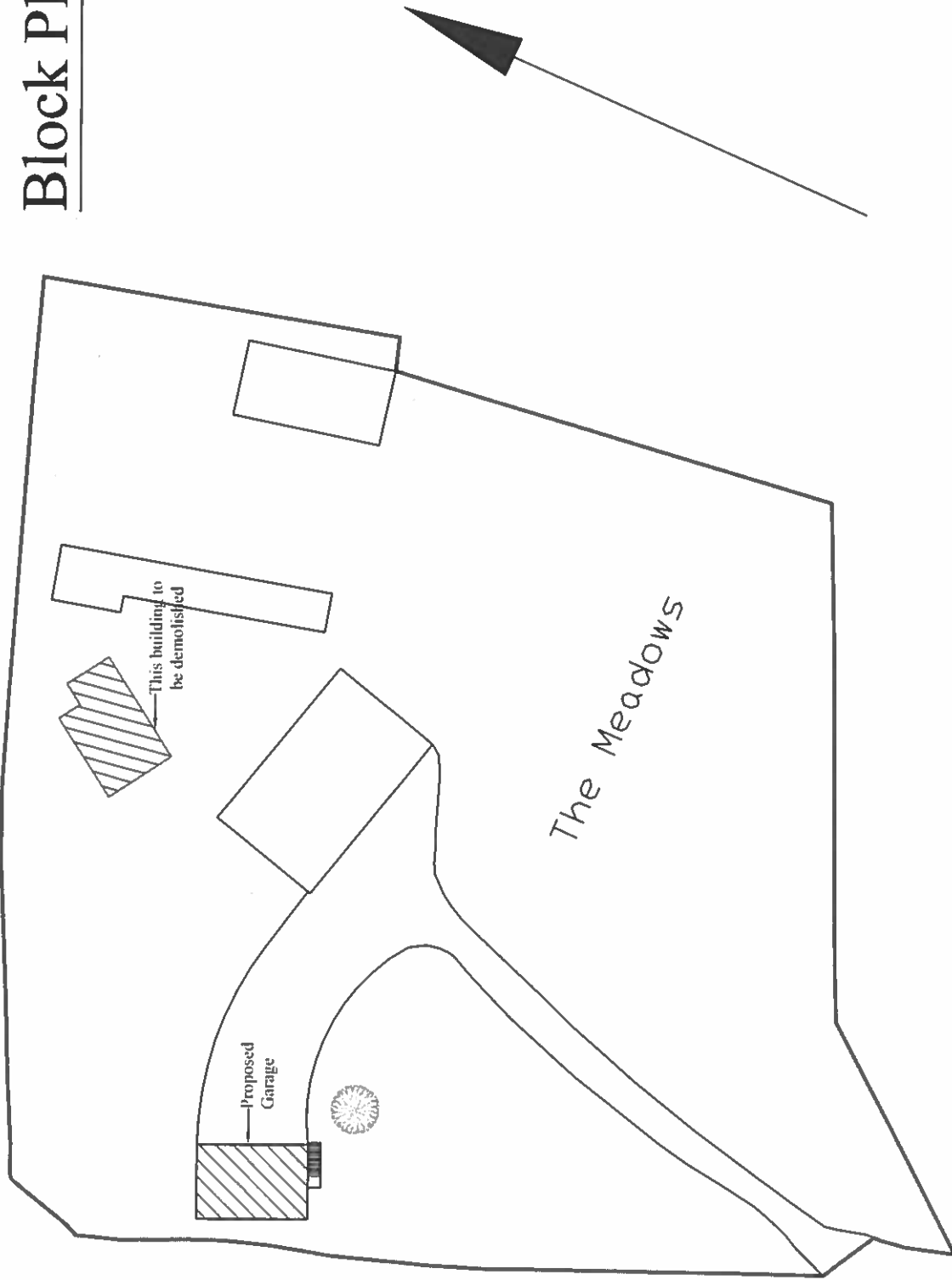
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DATE: 22nd June 2015

Mitre
Oak

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W: www.mitreoak.co.uk

Block Plan



CLIENT: Mr Fitton

JOB No.: 220615/01

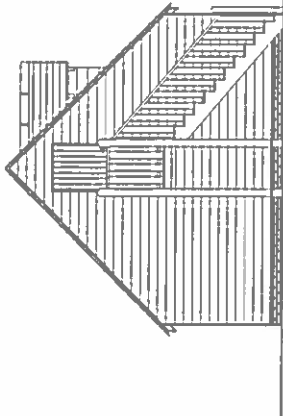
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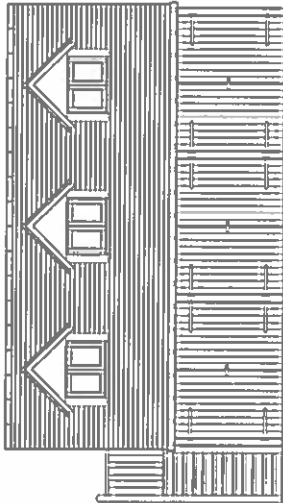
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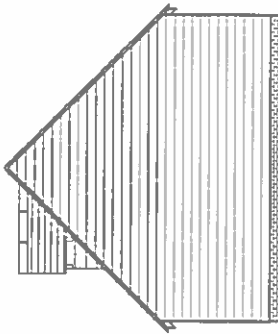
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W: www.mitreoak.co.uk



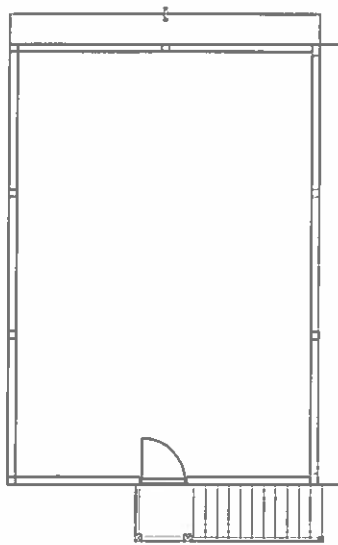
SIDE VIEW



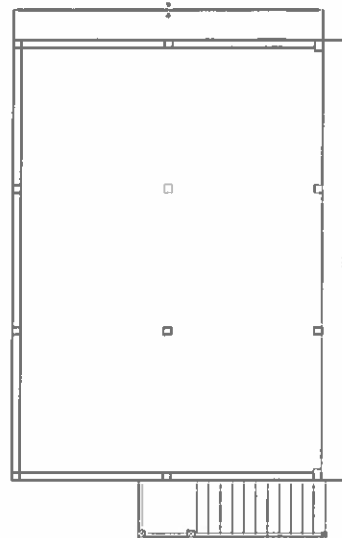
FRONT VIEW



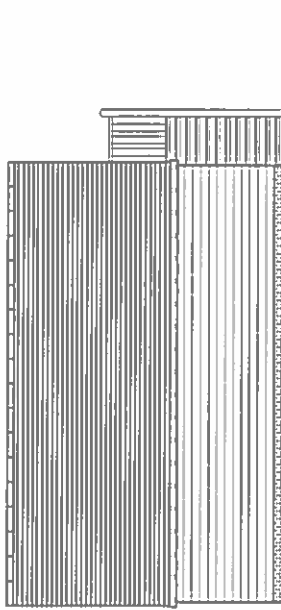
SIDE VIEW



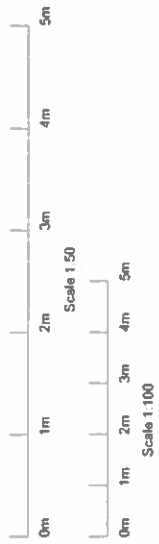
FIRST FLOOR PLAN



GROUND FLOOR PLAN



REAR VIEW



CLIENT: Mr Fitten
 JOB No.: Z2061501
 DRAWING No.: PT1A
 SCALE: 1:100 @ A3
 DATE: 10th July 2015

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BOROUGH COUNCILLORS FOR THE RESPECTIVE WARDS 2015-2019

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

11 May 2015

Please destroy previous lists.