



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

**TEWKESBURY BOROUGH COUNCIL**

Schedule of Planning Applications for the consideration of the **PLANNING COMMITTEE** at its meeting on 2 August 2016

	<b>(NORTH)</b>	<b>(SOUTH)</b>
General Development Applications Applications for Permission/Consent	(110 - 122)	(91 – 109 & 123 - 155)

**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. ( 91 - 155 )**

### 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) 2nd August 2016

<b>Bishops Cleeve</b> 16/00227/APP <a href="#">Click Here To View</a>	Cleevelands Evesham Road Bishops Cleeve Cheltenham	Delegated Approve	8
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<b>Churchdown</b> 16/00589/TPO <a href="#">Click Here To View</a>	1 Southfield Court Churchdown Gloucester	Consent	7
<b>Highnam</b> 16/00179/FUL <a href="#">Click Here To View</a>	12 Long Field Highnam Gloucester	Permit	4
<b>Hucclecote</b> 16/00292/APP <a href="#">Click Here To View</a>	Land Parcels 1 & 3 Brockworth Airfield Brockworth	Approve	6
<b>Southam</b> 16/00417/OUT <a href="#">Click Here To View</a>	Land Rear Of Dormans Mill Lane Prestbury	Refuse	1
<b>Teddington</b> 16/00610/FUL <a href="#">Click Here To View</a>	Land Opposite The Orchard Alstone Tewkesbury	Refuse	2
<b>Twynning</b> 16/00532/FUL <a href="#">Click Here To View</a>	Churchend House Church End Twynning Tewkesbury	Permit	3
<b>Woodmancote</b> 16/00499/FUL <a href="#">Click Here To View</a>	The Meadows Butts Lane Woodmancote Cheltenham	Permit	5

Valid 15.04.2016

Residential development of up to 76 dwellings with the creation of a new access to Southam Road (B4632), together with an emergency, pedestrian and cycle link to Mill Lane, associated landscaping, and public open space

Grid Ref 397448 224014

Parish Southam

Ward Cleeve Hill

Mr M Jackson

Gleeson Developments Ltd

C/o Agent

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

Planning Practice Guidance

Tewkesbury Borough Local Plan to 2011 - March 2006 - Policies GNL2, GNL8, GNL11, HOU1, HOU4, HOU13, HEN2, TPT1, TPT3, TPT5, EVT2, EVT5, EVT9, LND2, LND7, RCN1, RCN2, NCN5.

JCS (Submission Version) - SP1, SP2, SD1, SD4, SD5, SD8, SD9, SD10, SD11, SD13, SD15, INF1-8

SPG Affordable Housing

Flood and Water Management Supplementary Planning Document

Special Landscape Area (SLA)

Adjoining Cotswolds AONB and Green Belt

Flood Zone 2

Heritage assets - Prestbury Conservation Area to east of site and within close proximity to listed buildings.

Public Right of Way

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****Southam Parish Council - Object on following grounds:**

- Traffic and Transport - The application makes reference to traffic moving to Junction 10 of the M5. Such a journey takes place along New Barn Lane or Southam Lane and is for North Bound traffic only. Both roads are seriously congested at peak times and the impacts of the current building at Bishops Cleeve and Furlongs Rise have not yet been absorbed. This highlights how impractical this location is for development. Prestbury High Street cannot cope with more traffic. Shaw Green Lane and Mill Lane are inaccessible during peak times. Queues to Newlands traffic lights at Southam Lane are becoming unmanageable. There is a need for a more comprehensive travel plan before agreeing this application.
- Adverse Impact on the Landscape (Policy LND4) The site is within the locally designated special landscape area. The proposal claims to be offering a suitable landscape scheme to Policy LND2. However, the visual attractiveness of the site will be destroyed and the public right to roam seriously restricted from a walk in the open countryside to a walk through an urban housing estate packed with a conglomeration of play equipment, seating and bins. This detracts from the open parkland origins of the land.
- The application also assumes a population of 176 persons at 2.32 per dwelling. This does not fit with the housing provision and that figure could be easily doubled. Therefore there is lack of open green space. The proposal site is within Southam Parish. If this development is permitted, the Parish Council would prefer to see a community benefit which will bring the inhabitants of Southam together, either in the enjoyment of open parkland with sculptures and planting which capture the beauty of the AONB or a village facility such as a cricket field/pavilion which brings a social aspect to the development and can truly be multi-functional. Rural atmosphere rather than tasteless play equipment.
- Setting and Impact - The proposal suggests the enhancement of the village lane. The Parish Council objects to the introduction of low stone walls and tree planting and demands the retention of all hedgerow to maximise the potential of retaining wildlife. The Green will not serve as a social hub as suggested but may have the reverse effect. Consideration of the close proximity of the conservation is inadequate. Unfortunately the landscape experts have looked at the impact of this site in isolation and have not considered the sprawl of Bishops Cleeve. The extent of Bishops Cleeve has impacted on the visual enjoyment of views from Cleeve Hill. Views towards the application site are therefore even more precious and worth preserving for future generations.

- Flooding - The application fails to recognise the flooding history of Mill Lane. The addition of an attenuation pond appears to recognise the flood potential but is seriously inadequate and situated next to an electricity substation?

The Parish Council strongly objects to this proposal and its adverse impact on the AONB, special landscape, already congested roads and risk of flooding.

**Prestbury Parish Council** - Objects as it does not conform to planning policies as listed below:

- Policy LND4 - This beautiful area has always been parkland, adjoining the AONB. Thus development will change its character for ever and impinge on the AONB and the approach to an historic village and its buildings in a conservation area.
- Policy HEN2 - Any development will have a detrimental impact on this landscape, but this application fails to meet the requirements of this policy as no details of design or materials are given.

**Cheltenham Borough Council** - Objects to the application on the grounds of landscape and heritage impacts and are of the view that the proposal site is not in an appropriate location to meet either Cheltenham or Tewkesbury's housing needs.

1. The land that is subject to this planning application is not currently allocated for development. From a planning policy perspective the decision on this application should therefore be based on an assessment of whether proposals meet the requirements of paragraph 14 of the National Planning Policy Framework (NPPF): presumption in favour of sustainable development. The interpretation and application of paragraph 14 will depend on whether policies for the supply of housing in the adopted Tewkesbury Borough Local Plan (2006) are considered up-to-date in the context of the NPPF.
2. Although the land is not allocated for housing or employment use, it also is not designated either as Green Belt or as part of the Cotswolds Area of Outstanding Beauty (AONB). These designations, which surround the town of Cheltenham and are a significant constraint to development of the area, are afforded protection by national and local policies including NPPF paragraph 14. Although the land is not designated, AONB policies are nevertheless relevant to the decision on this planning application as the site is located in close proximity to the AONB and is therefore part of the setting of the AONB. The development would detract from the natural beauty of the AONB, contrary to paragraph 115 of the NPPF, by materially harming its setting.
3. The site is currently designated as a Special Landscape Area under policy LND2 of the Tewkesbury Borough Local Plan to 2011. The emerging replacement Local Plan proposes to retain this protection on the site and does not seek to allocate any housing here.
4. The land does not contain any heritage assets but is adjacent and relevant to the setting of Prestbury Conservation Area as well as several nationally listed buildings. The NPPF places significant weight on the protection of heritage assets, including their setting. This development would cause a significant negative impact on its character and setting of Prestbury Conservation Area. It would be out of character with the conservation area in terms of size and density and out of character with the morphology of the settlement.
5. The development is outside the Principal Urban Area of Cheltenham, is in Tewkesbury Borough and would not meet Cheltenham's housing needs. Cheltenham's housing needs will be met through Cheltenham Borough's strategic allocations and urban capacity as identified by the JCS inspector's interim findings of May 2016. These do not include contribution from this site.
6. Sites meeting Tewkesbury's housing needs will be allocated in the emerging Tewkesbury Borough Plan in accordance with the JCS spatial strategy and settlement hierarchy. This proposal runs ahead of that consideration, including strategic planning of appropriate infrastructure to support development. The proposal is not required to meet Tewkesbury Borough's need and is not in a suitable location for this purpose. The proposal therefore does not accord with emerging JCS Policies SP2 or SD11.

**Gloucestershire County Council Highways** - Formal comments awaited.

**Environmental Health** - No adverse comments on noise/air pollution. No record of tipping/landfill on the land but as an historical map indicates a Council Depot to the North within 250m, conditions are recommended to deal with possible contamination on the site.

**Severn Trent Water** - No objections to the proposals subject to the inclusion of drainage conditions.

**Environment Agency** - has concerns relating to the close proximity of the proposed development to Mill Stream and the fact that it has not been demonstrated that the proposed development can be accommodated on the site to address their concerns relating to access to the watercourse for maintenance and ability to maintain the Prestbury Flood Alleviation Scheme. The detailed layout would need to accommodate the siting of attenuation basins and any other SuDS outside of the floodplain.

**Lead Local Flood Authority** - No objections to this application based upon the surface water management proposals for the site which should be subject of drainage conditions.

**Natural England** - Satisfied that the proposed development would not damage or destroy the interest features for which Cleeve Common SSSI has been notified. In terms of protected species they refer to its standing advice.

**County Archaeological Officer** - Recommend that no further archaeological investigation or recording should be required in connection with this planning application.

**Cotswold Conservation Board** - Raise an objection to this proposal on the basis of the impact from the scheme on the setting of the nationally protected AONB. The application site is outside but adjoins the boundary of the Cotswolds AONB and is therefore considered to be within its setting. At paragraph 113 the NPPF states that "Local planning authorities should set criteria based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged." Further to this the National Planning Policy Guidance (NPPG 2014) also confirms in relation to the Section 85 duty that "The duty is relevant in considering development proposals that are situated outside National Park or Area of Outstanding Natural Beauty boundaries, but which might have an impact on the setting of, and implementation of, the statutory purposes of these protected areas."

The Cotswolds Conservation Board have initially assessed this proposal in respect of land viewed in conjunction with the AONB from the AONB in relation to Paragraph 115 of the NPPF. The site is highly visible at present from within the AONB from numerous well used and publically accessible viewpoints from example from the Cleeve Common escarpment and Prestbury Hill Reserve. The application site actually forms a continuation of the quality of the wider landscape into the settlement edge and its Special Landscape Area designation and proximity to the Conservation Area is noted.

Following the pre-application stages a 10m wide landscape buffer has been provided along the eastern edge of the development (Queenwood Grove) and other landscaping is being provided or retained. However, due to the elevated and extensive views into the site, landscape mitigation in this case will only have limited benefit. Existing views of an open valued landscape, leading up to the edge of the existing settlement, will be replaced by 76 dwellings and associated street lighting, new roads and associated works. The open character of the site makes an important contribution in restricting the encroachment of the town into the countryside. The development would neither protect nor enhance an area of land whose features are characteristic of the landforms on the edge of the Cotswolds landscape and whose proximity to it contributes to the setting of the AONB.

In respect of views back to the AONB from outside the AONB other landscape policies are relevant. Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by "protecting and enhancing valued landscapes." In this case therefore, in addition to the setting harm to the AONB, there would be harm to the character and appearance of the local area through the loss of a valued landscape (recognised through the Special Landscape Area designation). The site occupies the only remaining area where the eastward historic relationship of the village to the scarp, with the various lanes and paths leading through largely intact hedged fields is still clearly legible. This site is therefore also of local visual and landscape value in the interrelationship between the wider surrounding landscape of the Cotswolds AONB and the Prestbury Conservation Area.

**CPRE** - Objects for the following reasons.

1. The site borders the Cotswolds AONB and is within the SLA defined in the Tewkesbury Local Plan to 2011. In the absence of any approved current plan it is therefore governed by Retained Policy LND2 of that Plan which states that "... proposals must demonstrate that they do not adversely affect the quality of the natural and built environment, its visual attractiveness, wildlife and ecology, or detract from the quiet enjoyment of the countryside". SLAs were created to protect both high quality countryside of local significance in its own right and the setting of the AONB.
2. The site is not allocated for housing in either the draft Joint Core Strategy to 2031 (currently nearing the end of its Examination) or the emerging Tewkesbury Local Plan which is at a very early stage.
3. The site is part of a highly sensitive landscape. Its development would interrupt important views both up to the Cotswold escarpment and down from it, including from public roads and footpaths and from Cleeve Common. Its development would destroy the current historic boundary of Prestbury, including of the Prestbury Conservation Area. CPRE is in full agreement with the views expressed by the Cotswolds Conservation Board.
4. Accordingly, development of the site would be contrary to Section 11 of the National Planning Policy Framework, which in particular requires 'protecting and enhancing valued landscapes' (paragraph 109), and that 'Great weight should be given to conserving landscape and scenic beauty in ... Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty' (paragraph 115).
5. Noting that this is an Outline application, the proposed form and materials proposed for the development are inappropriate. In particular:
  - The self-contained layout is uncharacteristic of historic Prestbury and would in no way fit in with the neighbouring built environment. Moreover it would isolate, rather than integrate, the development from the rest of the settlement.
  - Extensive use of stone walling is proposed. Such walling does not occur historically on the lower slopes of the Cotswolds (where hedging predominates) and would only serve to accentuate the alien nature of the development.

**CoRADICAL Action Group - Objections summarised as follows:**

- CoRADICAL maintains a very strong objection to any development which threatens the highly attractive rural area to the north of Mill Lane. The primary objection must relate to the very significant adverse effects which this proposal will have on the locally valued countryside. The objection relates specifically to this important open area which is largely uninfluenced by any urbanising effect and also to its important status as a setting for the AONB. Reflecting the sites specific importance of this location, is the policy designation which it has in the Tewkesbury Local Plan (2005) as a Special Landscape Area. Policies in the emerging JCS replicate protection for the AONB and its surroundings (Policy SD8) and it is proposed that the Special Landscape Area status is continued in the emerging Tewkesbury Local Plan Review.
- Even if both site specific considerations and policy issues are required to be placed in the planning balance because of the existence of a 5 Year land supply deficit, this site is of very substantial importance in protecting the AONB setting and should remain open countryside for the benefit of local and visiting residents. However, we note that, even though the Borough Council has previously accepted a 5 Year land supply deficit the recent Local Plan Inspector's "findings" suggests that this no longer holds good. Therefore there are no grounds on which either policy or site specific considerations should be set aside.
- The impact on the Heritage Assets is also substantial and needs to be taken into account; but it is the visual impact which is unacceptable and provides the main reason why this application should be refused.
- The landscape features are distinctive and contribute to a distinctive landscape character which forms a natural continuation of the escarpment landscape of the AONB. The views afforded across and through the site are long established and contribute significantly to the setting of the village and the sense that Prestbury remains a rural village. The western part of the site should be considered valuable for its contribution to the historic landscape characteristics on the SLA and seen in context of both of the Conservation Area, local listed building and the AONB. The proposed development would be harmful to the character and setting of the AONB, the setting of Prestbury on its northern gateway with the B4632 and to the immediate and wider setting of Prestbury Conservation Area and a number of local heritage assets. This would be caused by a loss of views and introduction of urbanising features with significant damaging effects on landscape character. This would be exacerbated by the way that the development does not form a logical extension of the present settlement pattern and would be seen as an isolated development encroaching into the rural landscape.

The development does not offer any enhancement at a site level or to the SLA or AONB through restoration or introduction of new features which would be recognised as desirable within the recognised landscape character and breaks a long established, well defined and robust interface between the existing settlement edge and the open countryside. The development would conflict with local plan policy LND2 and would be contrary to the Landscape Strategy and Guidelines for the Cotswolds AONB which are intended to prevent harm to the nationally important landscape of the Cotswolds AONB.

**415 letters of objection, many raising similar objections to CoRADICAL summarised below:-**

- Council has a 5 year housing land supply and there is no reason to disregard planning policies
- Harmful to landscape setting of AONB
- Harmful to SLA
- Would prejudice setting of adjacent Green Belt
- Would sever village of Prestbury from its natural, historic, cultural and rural setting
- Harmful to setting of The Hayes and other heritage assets
- Undesirable precedent
- Detailed application should have been submitted given sensitivity of location
- Poor illustrative layout which fails to integrate with village
- Harmful to amenity of users of public rights of way
- Inadequate traffic calming/ speed mitigation measures
- Local schools at capacity
- Lack of necessary infrastructure ( e.g. Doctors surgery)
- Will exacerbate existing flooding problems in the area
- Highway concerns given additional traffic
- Loss of attractive gateway to town
- No need for further housing
- Lack of environmental survey
- Harmful to health of local residents
- Harmful to flora and fauna
- Brownfield land preferable to greenfield land

1 letter has been received making the following comments:

- A form and appearance that reflects the character of nearby properties and the surrounding area is required. Any outline permission should be conditioned such that it is tied to a detailed design brief or code.
- Important hedgerows should be retained with a landscape buffer provided along Mill Lane
- The layout should be revised to include POS on the eastern parcel of the proposed development site.
- Affordable housing should be pepper-potted throughout the site
- Need to ensure residential amenity is protected - no 3 storey development should be permitted
- Suggest the emergency access should be positioned further west.

1 letter of support has been submitted commenting that:

- There are no flood risks associated with the land;
- Traffic would be minimal;
- The site is not parkland;
- The development will provide community amenity and affordable housing.

## **Planning Officers Comments: Miss Joan Desmond**

### **1.0 Introduction**

1.1 The site is located to the east of Prestbury village, to the north of Mill Lane and east of Southam Road. The site measures approximately 5.25ha and comprises an area of part semi-improved grassland and part arable farmland.

1.2 The site occupies two parcels of land, known for the purposes of this application as Parcel A and Parcel B. Parcel A is bounded by Mill Lane to the south, and Southam Road to the west and is open to the north, where the land takes on a parkland character. The northern part of the site is intersected by a public right of way. Gravel Pit Lane bounds the parkland to the north. Parcel B is an enclosed arable field, bounded by a mix of mature native hedgerow and trees.

1.3 Two residential properties located on Mill Lane adjoin the site to the south and other residential properties lie on the opposite side of the Lane. The site lies within the Special Landscape Area and is adjacent to the Cotswolds Area of Outstanding Natural Beauty to the north and east and Green Belt to the west. The site is also adjacent to the Prestbury Conservation Area to the west where there are also a number of listed buildings, including the Grade II Listed Prestbury Manor, in the vicinity of the site. Mill Lane to the south of the site is designated as Flood Zone 2, although the site for the proposed new development is located outside of the flood zone **See attached location plan.**

### **2.0 History**

2.1 An Environmental Impact Assessment (EIA) Screening Opinion was sought for residential development on the site in November 2015 (Ref: 15/00024/SCR) and it was confirmed that the development did not constitute EIA development and therefore an EIA was not required.

2.2 Pre-application advice was sought for up to 100 units, a mix of market and affordable, along with open space with access either off Mill Lane or alternatively off the B4632 Southam Road in 2015.

2.3 The proposed development site was submitted to the Strategic Assessment of Land Availability (SALA) and is identified as site SUB 141, as part of a wider site that includes land to the north.. The latest 2014/15 SALA reports that this site is suitable, available and achievable. However, the report notes that that site is within the SLA and adjoining the AONB and therefore development would need to be sensitive to the protection and enhancement of the landscape. It also recognises the potential impact on the Grade II listed Prestbury Manor House grounds.

### **3.0 Current Application**

3.1 The application seeks outline planning permission for the erection of up to 76 dwellings with the creation of a new access to Southam Road, and an emergency, pedestrian and cycle link to Mill Lane, associated landscaping, and public open space. The outline application reserves most matters for later approval apart from the proposed means of access to the site.



3.2 A single point of vehicular access is proposed off the B4632 towards the north western edge of Parcel A. An emergency access is proposed within Parcel B along the southern boundary of the site onto Mill Lane, which would also provide access for pedestrians and cyclists. Two further pedestrian and cycle connections are proposed, one to the north-eastern corner of the site (Parcel B) and another in the south western corner of the site to connect to Mill Lane. Both these access points would utilise existing field gates (see illustrative layout plan). (Plans will be displayed at Committee).

#### **4.0 The Community Infrastructure Levy Regulations**

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

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

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

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

#### **5.0 Principle of Development**

##### **The Development Plan**

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

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

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

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

##### Emerging Development Plan

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

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

5.6 Within the rural areas of Tewkesbury Borough, approximately 2,612 dwellings are proposed to be delivered in the plan period to 2031. Approximately two thirds of this rural development has already been committed through planning permissions already granted, including 133 dwellings permitted at the former CRE site in Stoke Orchard. The remainder of this requirement will be allocated at rural service centres and service villages through the Tewkesbury Borough Plan and neighbourhood plans.

5.7 The site is not identified as an allocation in the JCS and therefore Policy SD11 applies which sets out that, on sites not allocated through a plan, housing development will only be permitted on previously developed land in the existing built up areas of cities, towns, service centres and service villages. Residential development on other sites will only be permitted where it is for affordable housing on a rural exception scheme, infilling within existing built up areas, brought forward through Community Right to Build Orders, or through specific exceptions defined in district or neighbourhood plans.

5.8 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)

5.9 On 20 November 2014 the JCS was submitted for examination; the Examination in Public (EiP) commenced in May 2015. The main hearing sessions are now closed and the Inspector's interim findings have recently been published. A final hearing session took place in July to discuss main modifications to the plan based on discussions at all hearing sessions and her interim findings. 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 need and distribution of housing (policies SP1 and SP2) there are significant objections to these policies and discussion continues through the EiP process.

### **Other Material Considerations**

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

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

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

5.12 The NPPF requires local planning authorities to demonstrate an up-to-date five year supply of deliverable housing sites. Where there has been a persistent under-delivery of housing, a 20% buffer is applied, effectively making the requirement a six year supply. Where local authorities cannot demonstrate a five year supply of deliverable housing sites, paragraph 49 of the NPPF sets out that relevant policies for the supply of housing contained within development plans should not be considered up-to-date. In this respect a recent Court of Appeal decision has judged that Paragraph 49 should be interpreted widely and it applies to all policies which are restrictive of where housing development can go. This would include settlement boundary policies and countryside protection policies. However, this does not mean that such policies are rendered ineffective. It remains the case that the weight to be attached to such policies remains a matter for the decision-maker.

5.13 The Council cannot currently demonstrate a five year supply of deliverable housing sites and on that basis, the Council's relevant policies for the supply of housing are out-of-date.

5.14 The application therefore falls to be considered against paragraph 14 of the NPPF, which advises that 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 development should be restricted.

#### Conclusions on the principle of residential development

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

### **6.0 Landscape and Visual Impact**

6.1 The application site is located within a Special Landscape Area (SLA), as designated in the Local Plan. The Cotswold Area of Outstanding Natural Beauty (AONB) lies to the north and east. One of the core planning principles of the NPPF sets out that the planning system should recognise the intrinsic character and beauty of the countryside. Section 11 of the NPPF sets out that the planning system should contribute to and enhance the local environment by, amongst other things, protecting and enhancing valued landscapes.

6.2 Saved Local Plan Policy LND2 states:

*'In the assessment of proposals for development special attention will be accorded to the protection and enhancement of the landscape character of the special landscape area which are of local significance. Within this area proposals must demonstrate that they do not adversely affect the quality of the natural and built environment, its visual attractiveness, wildlife and ecology, or detract from the quiet enjoyment of the countryside.'*

The reasoned justification qualifies that whilst the quality of the landscape is worthy of protection in its own right it also plays a role in providing the foreground setting for the adjacent AONB. A previous Appeal Inspector has taken the view that the second part of the policy is not consistent with the Framework as any development would be likely to have an adverse effect on the quality of the natural and built environment. Consequently less weight can be attached to the second part of the policy than to the first part, which is considered to be consistent with the Framework.

6.3 The application Site is generally flat and lies within the valley at the foot of the scarp slope associated with the major ridgeline associated with Cleeve Common to the east. Surrounding land uses are represented predominately by farmland interspersed with woodland to the north and east, urban areas of Prestbury and Cheltenham to the south-west. The site itself comprises agricultural farmland divided into two parcels to the east and west. Individual mature trees are interspersed throughout the north of the western site parcel and contributes to its parkland character.

6.4 A Landscape and Visual Impact Assessment (LVIA) has been submitted with the application which identifies that the site is visible from receptors predominantly to the north and east, particularly from the scarp top along the Cotswolds Way National Trail and when dropping down from the ridgeline along the scarp slopes becoming more enclosed towards the vale. Visual receptors include those from existing residences; statutory and non- statutory listed buildings; Public Rights Of Way; road corridors and associated footways; and existing commercial premises. It is suggested that the location and height of the development has been landscape led and the masterplan developed through the iterative process. Mitigation measures have been designed into the scheme. Development has been restricted to the south of the site relative to the existing built edge of Prestbury, retaining the open character of the landscape to the north and east. The landscape treatment to the eastern edge of the proposed development parcels includes a substantial landscape buffer to set the development into a landscape framework characteristic to the edge treatment to Prestbury. Further mitigation measures have also been identified in terms of addressing detailed design points (such as the height and colour of contractors' cabins; protective fencing; and lighting).

6.5 The LVIA identifies that the proposed development would see the minor expansion of residential development further north of the existing edge of Prestbury in physical terms. As with any greenfield development, a number of impacts arise from the proposed development during the construction and first year of operation. These range from neutral to major adverse on the local landscape receptors through to negligible to moderate adverse with some effects considered moderate beneficial on the site landscape

receptors; and minor to major adverse on visual receptors within the vale / local landscape; neutral to moderate adverse on visual receptors along the mid-scarp / middle distance; and moderate to major on a number of visual receptors along the scarp top / distant receptors as a result of the change in the character and amenity of the view (from agricultural greenfield to that of a small amount of residential development directed to the south relative to the existing residential edge of Prestbury).

6.6 The LVIA concludes that the proposed development would not significantly extend the current visual envelope associated with the existing northern village edge in views towards the site from the AONB. The significance of these visual effects would diminish over time as the planting matures, particularly along the eastern boundary. Whilst landscape mitigation measures have been designed into the scheme, there are other measures that are proposed to minimise the landscape and visual effects to provide a soft green edge to the new development. Overall, whilst some negative landscape and visual effects would arise from the proposed development as it emerges through the construction period, the development of this land forms a logical expansion to the village; limits impacts on the wider population; does not extend the existing visual envelope; nor does it detract from the wider setting of the AONB. Furthermore, the landscape and visual effects identified in the LVIA would reduce over time as the proposed planting matures.

6.7 The Council's Landscape Consultant (LC) has assessed the proposal and submitted LVIA and comments that the site is undoubtedly a "valued" landscape in the context of the NPPF. He concludes that the site does perform a valuable function in making a positive contribution to the setting of the AONB and to the Prestbury Conservation Area. From the surrounding lanes and along some streets within Prestbury, views into and across the site provide very distinctive and pleasant views. The steeply rising ground of the AONB forms a backdrop to many of these views. The LC concludes that the loss of these open views into and across the parkland landscape would have a significantly detrimental impact in many of these views. The significance of this effect is compounded and amplified by the role these views currently play in providing a distinctive edge to the town, the setting of the Conservation Area and most importantly, the setting to the AONB on the eastern edge of Cheltenham.

6.8 The site contributes to a clear sense of separation between the lower slopes of the escarpment and the settlement edge. In many of these elevated views, the site can be seen effectively separated from the urban edge by a very strong tree belt. The site appears conspicuous and separate from the existing settlement and the LC concludes that despite the obvious care that has been taken in the design process, the proposed outline scheme by virtue of its scale, the elevated nature of the available views and the obvious open parkland characteristics of the site, would have a significant and adverse impact. In this respect, the scheme would also have an adverse impact on the setting of the AONB by harming valued views from it.

6.9 In terms of landscape character, the parkland character of the site is distinctive and intact. The existing settlement edge exerts very little influence here. The quality of the site makes a positive contribution to the rural character of this edge of the settlement as it washes up against the AONB. The introduction of new residential development would harm the local landscape character and as a consequence would harm the setting to the AONB.

6.10 In conclusion whilst it is acknowledged that the outline proposals for development are clearly thoughtful and have sought to respond to the very sensitive landscape context, the proposed development would deliver significant harm to the local landscape character as a result of the loss of open parkland and increased urban influences on and immediately adjacent to the site. The proposals would harm the established urban edge. As a consequence of the development being conspicuous in elevated views and truncating views towards the escarpment, it would have a significant detrimental effect upon the setting of the AONB. This substantial harmful landscape impact weighs significantly against the application 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 (paragraph 56). Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. At paragraph 57 the NPPF advises that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Similarly Policy SD5 of the JCS (Submission Version November 2014) seeks to encourage good design and is consistent with the NPPF and so should be accorded considerable weight.

7.2 As previously advised all matters relating to design and layout are reserved for future consideration. The application has been supported with an indicative layout which illustrates how the site could be developed; a Design and Access Statement (DAS) and illustrative street scenes (see plans displayed at Committee).

7.3 The residential scheme proposes a mix of dwelling units consisting mainly of 2, 3 and 4 bedrooms properties. The proposal includes up to 40% affordable housing with the remainder comprising open market housing. The concept for this site is to create a development with a garden village feel integrating residential dwellings within natural surroundings, and creating a strong sense of place. The urban design approach includes the creation of a part tree lined avenue acting as a spine route through the development. Houses are proposed with generous sized gardens throughout and the scheme proposes 1.09 hectares of open space, set within the existing retained and supplemented vegetated structure.

7.4 The residential development is proposed to be made up of four different character areas, each with individual characteristics but with common design themes running throughout to ensure a cohesive development. The character areas are:

- 1.) The Gateway;
- 2.) The Village Lane;
- 3.) The Square; and
- 4.) The Grove.

7.5 The residential units would be provided with enclosed private amenity space. Allocated parking provision in the form of driveways and/or garages is proposed, or in the case of "The Square" a parking court would be provided. Some limited visitor parking is proposed on-street throughout the development, as shown indicatively on the Concept Plan.

7.6 It is stated that the proposed dwellings would adopt a form and appearance reflective of the character of nearby properties and the surrounding area, representing a high quality design, with the use of local materials and detailing. Proposed dwellings would generally be detached or semi-detached. Coach house forms are also proposed, providing smaller units of accommodation.

7.7 The Urban Design Officer (UDO) has concerns about the principle of development on this site given its location on the edge of the settlement, adjacent to the conservation area and within a special landscape area. Currently development along Mill Lane is piecemeal wayside development with a dispersed urban grain. This dispersed character of development creates the transition from the bulk of the settlement into open countryside. Developing on the other side of the lane to the extent that is proposed would dramatically alter that character and goes against the dispersed rural nature of development along the lane. The strong enclosure from hedgerows on the eastern parcel of the site prevents the new development integrating with the existing settlement and it would read as a separate and isolated enclave. The strong hedgerows along Mill Lane also serve to separate the proposed development from the existing community. The UDO considers that development on this site would be out of character with the morphology of the settlement and would have a negative impact on the character of the conservation area and the special landscape area. As it is an outline application the UDO comments that it is difficult to afford any weight to the quality of architecture that is suggested.

7.8 In light of the above, whilst all matters relating to design and layout are reserved, it is considered that the illustrative layout fails to demonstrate that development on this site would be in character with the urban morphology of the settlement. Consequently, the proposal does not adequately demonstrate that any subsequent reserved matters application would achieve good design. This weighs significantly against the proposal in the planning balance.

## **8.0 Accessibility and Highway Safety**

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

8.2 The NPPF also requires safe and suitable access to all development sites for all people. Policy TPT1 of the Local Plan requires that appropriate access be provided for pedestrians, cyclists and vehicles, and that appropriate public transport services and infrastructure is available or can be made available. It further requires that traffic generated by and/or attracted to the development should not impair that safety or satisfactory operation of the highway network and requires satisfactory highway access to be provided.

Similarly policies INF1 and INF2 of the JCS (Submission Version) seek to provide choice in modes of travel and to protect the safety and efficiency of the transport network.

8.3 Whilst the application is in outline form, the means of access is unreserved. A new access is proposed off Southam Road; an emergency link is proposed to Mill Lane and a pedestrian / cycle link is proposed to the south and Mill Lane to connect the site with surrounding developments. A Transport Assessment (TA) and Travel Plan have been submitted in support of the application and a Road Safety Audit of the proposed access junction and highway works has also been undertaken.

8.4 The TA concludes that the site has good links to public transport in particular access to local bus services located on High Street, south of the proposed site. Cheltenham Spa railway station is outside of the preferred walking and cycling distance from the development site. However, it is accessible by bus from the site to the bus station and then by a short walk or cycle. Access from the proposed site to the wider highway network is considered to be of a high standard with good pedestrian, cycle and public transport facilities and within walking distance of a number of local services and facilities.

8.5 A review of historic personal injury data on the local highway network has shown that there only two recorded collisions locally, both of which were as a result of driver error and not through highway design issues. The proposed development would provide safe and efficient access for all modes, with the appropriate car and cycle parking provision subject to further negotiation with the local highway and planning authority. The TA concludes that the proposed development would be likely to generate around 41 vehicle trips in both the morning and evening peak hours. The analysis undertaken has shown that the proposed development traffic generation would have a negligible impact on the operation of the local highway network. The percentage impact on the local highway would be 3.6% in the AM peak hour and 4.6% in the PM peak hour. The junction assessment undertaken for the site access shows the junction would operate well within capacity. There are no queues forecast in either of the AM or PM peaks. As such the TA concludes that it has shown that the proposed residential development can be accommodated safely and efficiently on the local highway network.

8.6 County Highways (CH) has considered the TA and has queried the survey work undertaken for the visibility splays from the proposed site access. Further survey work has been undertaken and the submitted Speed Survey Technical Note concludes that the required visibility splay can be satisfactorily achieved. The formal comments of County Highways on the latest information submitted are still awaited and **Members will be updated at Committee.**

## 9.0 Residential Amenity

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

9.2 The site surrounds two semi-detached properties located off Mill lane (Dormans and Woodgreen). The illustrative plan indicates dwelling units backing onto the rear boundary of these properties with new/enhanced hedge planting to be provided along the boundary. Layout details and landscaping are however reserved for later consideration and would be dealt with at the reserved matters stage.

## 10.0 Affordable Housing

10.1 Local Plan Policy HOU13 provides that the Council will seek to negotiate with developers to provide affordable housing and is supported by an Affordable Housing Supplementary Planning Guidance (SPG) which was adopted by the Council in August 2005. 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 The applicant proposes that 40% of the proposed dwellings would be provided as affordable units and whilst the precise mix would be determined at Reserved Matters stage, it is noted that a high proportion of the housing need within the Borough seeks small units of accommodation, primarily 2 bedroom homes. The tenure split of the affordable units would provide a mix of both affordable rented and shared ownership homes.

10.3 The Council's Strategic Housing & Enabling Officer (HEO) confirms the contribution proposed would meet the policy requirement of 40%. The site would deliver the recommended mix of Affordable Housing of 70:30 Affordable Rent to Shared Ownership respectively. The HEO would like to see a commitment to the provision of no less than 3 clusters of Affordable Housing; National Space Standards and an appropriate mix

to meet the identified housing needs of the area. All such matters could be addressed at reserved matters stage. In conclusion the proposed affordable housing is considered to be acceptable in principle and could be secured through a Section 106 Agreement.

## 11.0 Flood Risk and Drainage

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

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

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

11.4 A Flood Risk Assessment (FRA) has been submitted with the application which identifies that the main site area is in Flood Zone 1, an area where there is a less than a 1 in 1,000 (0.1%) chance of flooding from rivers or the sea in any one year. According to the NPPF all uses of land are acceptable in this flood zone. A small area in the south west corner of the site is identified as being in Flood Zone 2 and this coincides with the route of the river. The FRA identifies that the development would introduce approximately 2.1 ha impermeable surfaces to what is currently a Greenfield site. It is preferable for the site to manage its surface water runoff within the boundary of the application site but based on the expected ground conditions infiltration is not expected to be feasible, therefore surface run off would need to be attenuated on site. On-site surface water attenuation measures would include balancing ponds and a hydrobrake to ensure the discharge rate is adhered to. All of the surface water runoff from the non-permeable surface would be managed at source through the use of permeable paving, swales and detention basins, before being discharged to the river to the south of the site. The surface water drainage system would be designed to cater for 1 in 100 year storm event with 30% allowance for climate change. In the case of excessive rainfall that exceeds the drainage design criteria, all floods would be conveyed to the soft landscaping areas and dealt with within the curtilage of the site. Careful flood routing would be incorporated into detailed design to ensure that buildings would not be affected by flooding and the site could be safely navigated by users. A safe means of escape would be achievable in all times. Foul drainage would be drained to the Severn Trent Water sewer on Mill Lane.

11.5 The Environment Agency has some concerns over the proposed development including the close proximity of a number of properties in relation to Mill Stream. This would significantly impinge upon the availability of access to the watercourse for maintenance. It could also hinder their ability to maintain the Prestbury Flood Alleviation Scheme. The EA would require further details about the access as it is unclear whether it is proposed to alter ground levels to accommodate the main access road. Given the lack of detail submitted in relation to this access point, it is unclear how the road may impact the availability of access to the watercourse. Whilst the EA recognise that the Illustrative Plan is indicative at this stage and that siting/layout is a reserved matter they feel that it is important to highlight their concerns to ensure it would be possible to alter the layout at the detailed stage. They recommend that it is considered whether there would be any wider impacts on the development proposals as a result of their concerns and condition recommended which would restrict certain works within 8 metres of the top of the bank of the watercourse. The concerns raised by the EA would have an impact on the proposed layout and it is unclear at this stage whether the site could accommodate the development proposed in a manner which would satisfactorily address the EA concerns raised.

11.6 In terms of Flood Risk, the EA has commented that given the relative size of the catchment upstream of the site there is no Flood Zone modelling in this location. The EA note there is limited detail within the FRA relating to the potential for flooding from surface water and groundwater. With regards to

surface water drainage, the attenuation basin to the south west of the site has been located within a known flood risk location (i.e. within the historic flood outline, which is also Flood Zone 2). As such this location is inappropriate. The pond could fail to function as it has been designed in high risk events and this in turn could increase the risk of flooding elsewhere. The detailed layout would need to accommodate the siting of attenuation basins and any other Sustainable Drainage Systems (SuDS) outside of the floodplain. SuDS features would also need to be designed in line with the latest climate change guidance, which has recently changed. It is noted that a 30% increase in precipitation rates has been included within the FRA. This appears to relate to the previous guidance and a higher figure now applies.

11.7 The Lead Local Flood Authority (LLFA) had previously objected to the application due to insufficient detail provided in the FRA and Drainage Strategy. Following further discussion with the applicant the LLFA now confirm that the proposal meets the requirements of a major application. The LLFA have no further objections to the application based upon the surface water management proposals for the site but recommend drainage conditions should be attached to any permission granted. The LLFA comments on the concerns raised by the EA have been requested and they have commented that they whilst they also have some concerns they do not object to the application due to its outline status subject to conditions. The LLFA has two concerns:

1. The location of attenuation basin is in south west side of the site and very near to Mill stream and is in flood zone 2. This location is prone to fluvial flooding.
2. The submitted layout identifies that suitable non-return valve should be refitted to any outflow. Flap valve could retain volume of water within the proposed attenuation until the high level in the river subsides. In that respect it is essential to assess the critical storm duration to accommodate attenuation for the prolonged period of time. The attenuation needs to be provided during the time of high water levels in the river so the developer needs to obtain these times and levels from the EA. Also the developer needs to propose attenuation during critical rainstorm. Nevertheless the LLFA is of the position that these issues could be addressed by condition. Severn Trent Water raise no objection to the proposal subject to drainage conditions.

11.8 In conclusion, whilst the LLFA now raises no objection to the application, the EA has concerns relating to the close proximity of the proposed development to Mill Stream and the fact that it has not been demonstrated that the proposed development can be accommodated on the site to address their concerns relating to access to the watercourse for maintenance and ability to maintain the Prestbury Flood Alleviation Scheme. The EA has also commented that the detailed layout would need to accommodate the siting of attenuation basins and any other SuDS outside of the floodplain. These unresolved issues weigh against the development in the planning balance.

11.9 The applicant is attempting to address the concerns raised by the EA and **Members will be updated at Committee.**

## 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 0.4ha of open space of which 0.27ha should be playing pitches. The proposal provides for 1.09 ha of open space, set within the existing retained and supplemented vegetated structure. As part of the landscape masterplan, the proposals include a central area of open green space (the Green - 0,31ha) which alongside providing informal play and recreation, incorporates a LEAP providing formal play. An off-site contribution is proposed to meet the requirement for Playing Fields.

12.3 Southam Parish Council has suggested the provision of a cricket field/pavilion and wish to keep a parkland/natural environment. They have indicated that they do not wish to see a new play area on-site, or investment and new equipment for existing play facilities.

12.4 The Council's Community and Economic Development Manager had advised that the following contributions are required:



- £28,800 off-site contribution for playing pitches (Prestbury Playing Fields);
- £93,040 off site contribution for changing facilities;
- £25,622 contribution for sports hall at Cleeve Sports Centre;
- £31,370 contribution for leisure@cheltenham swimming pool;
- £3,295 contribution towards astroturf at Cleeve Sports Centre.
- As the parish council has requested that no play facilities are provided on-site it is recommended that £776 per household would be required for improving current play/teenage provision off-site within the Southam/Prestbury parishes (£58,976 in total).

12.5 The Planning Statement advises that the applicant is willing to enter into a S106 agreement to secure appropriate on-site provision of open space and to make reasonable, necessary and proportionate contributions to off-site infrastructure to mitigate the impact of the development but as yet no legal agreement to provide the required Public Open Space/Outdoor recreation and sports facilities has been agreed.

### 13.0 Community, Education and Library Provision

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

13.2 Gloucestershire County Council has considered the impact upon, and necessary mitigation, for the provision of pre-school / early years, education and library services. In this respect the following contributions are recommended: Pre-school - £72,893; Primary - £228,569; Secondary - £213,944 and Libraries - £14,896. In terms of the need for other community facilities, the Council's Community Planning and Partnerships Officer has been in consultation with a number of community bodies, including the Parish Council's.

13.3 Prestbury PC has commented that there would need to be a significant s106 contribution to make this proposed development acceptable to the residents of Prestbury and has requested the following:

1. Mitigation measures to significantly reduce the traffic speed in the area of the proposed site entrance.
2. The footfall from this proposed development could be considerable, and measures to mitigate the risk would be essential.
3. Flooding is an ever present problem in Mill Lane, and even the application's flood assessment indicates that the proposed balancing ponds may not be capable of coping with exceptional rainfall. Measures will need to be put in place to manage the existing flood alleviation scheme, as this regularly silts up.
4. The village infrastructure is in desperate need of support, particularly the availability of school places and the access to a doctors surgery. Despite repeated requests for a bus stop at the end of Shaw Green Lane, which could also service the proposed application, nothing has been provided.

13.4 The applicant has indicated that they are willing to enter into a s106 agreement to secure appropriate on-site provision of open space and affordable housing, and to make any reasonable, necessary and proportionate contributions to off-site infrastructure to mitigate the impact of the development. The views on the highway mitigation works have been requested from County Highways and if necessary would be expected to be provided as part of the development. In terms of any contributions requested they would need to satisfy the tests are set out in paragraph 4.1 above and as such should not be used to resolve existing problems in the area as suggested by Prestbury Parish Council. Any contributions would need to be necessary to make this development acceptable in planning terms. The Council's Community and Development Officer has advised that based on calculation using the Gloucestershire Infrastructure Delivery Plan assessment formula, £32,739 would be required for community buildings within Prestbury /Southam parishes. A contribution towards recycling/refuse facilities would also be required.

### 14.0 Cultural Heritage/ Archaeology

14.1 Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 requires Authorities to have special regard to the desirability of preserving any listed building or its setting or any features of architectural or historic interest. This requirement is also set out at paragraphs 126 and 131 of the new NPPF. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of the Conservation Area. This requirement is reflected in Policy HEN2 of the Local Plan.

14.2 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. It advises that any harm or loss should require clear and convincing justification.

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

14.4 The site is located in proximity to a number of sensitive, designated heritage assets which include the Prestbury Conservation Area (which encompasses two buildings listed at Grade II\* and fifty at Grade II, the scheduled Monument known as 'Moated Site 5780m west of Laxton Meadow Farm (National Heritage List ref: 1018448), and a number of grade II listed buildings to the north-east and south-east of the proposed development. Cheltenham Borough Council's 2009 conservation area character appraisal identifies the connection with the open space to the north, and the longer range views to the Cotswold escarpment, as being a positive characteristic, which reinforces Prestbury's identity as a distinct village, even though it is now contiguous with Cheltenham's built-up area. Furthermore the site forms a continuation of the parkland setting of The Hayes (Grade II listed), the isolated high status house some 340m to the west, which was orientated to exploit views eastwards to the Cotswolds.

14.5 The application has been supported with a Built Heritage Statement which has considered the potential impacts of development of the site on the historic built environment. The statement concludes that the development of the site would have no direct impacts on the nearby listed buildings. Any likely indirect harmful impacts (on the settings of built heritage assets) would be less than substantial to those assets' significance. The impacts on the setting of the heritage assets vary from negligible to moderate, and as such the total impact on the significance as a whole is considered to result in minor harm, as there is no direct impact caused on any of the heritage assets. Some impact mitigation measures and design considerations could further reduce any harmful impacts. Despite the minor harm identified the Statement fails to provide clear and convincing justification for the development.

14.6 The Conservation Officer at Cheltenham Borough Council has commented that the conservation area is characterised by its distinctive village character and semi-rural setting. The Conservation Area is semi-rural and provides a gradual transition, from the development Cheltenham and its suburbs to the south and east to the green space of the north and west and beyond. The substantial development proposed would fundamentally change this. Prestbury would no longer be a distinctive semi-rural village, but a community that is part of a larger urban sprawl. The substantial development proposed so close to the border of Prestbury's Conservation Area would erode its semi-rural setting and impact on its character. Prestbury would no longer be distinctive village that provides the transition from urban to rural, it would still be an historic settlement, but one that is increasingly enclosed, and one whose historic nature and individual distinctiveness significantly undermined.

14.7 It is also felt that the structured nature of the new development, which would be in stark contrast to Prestbury's irregular and piecemeal historic evolution, would impact detrimentally on the setting of the conservation area. In addition to the size of the proposed new development it is the density and structure of the proposed development that is also of concern. Key views as outlined in Prestbury Conservation Area Appraisal form an important part of this setting. Important views include the view east from Grade II listed The Hayes overlooking open fields, the AONB and up to Cleeve Hill. Furthermore, views from Southam Road looking out of the conservation area would be detrimentally impacted by the development. Instead of overlooking open fields with panoramic views of the Cotswold Escarpment, views would be prevented as a result of the encroaching houses. As a result this would have an impact on the appearance and setting of the conservation area.

14.8 The Council's Conservation Officer (CO) has commented that although Prestbury has been partially absorbed by C20 suburban growth to the south and west, Mill Lane and the B4632 have been maintained as distinct boundaries with the surrounding countryside, and there is a risk that in breaching these lines, the proposed development would further erode the village's setting, to the detriment of both the conservation area generally and The Hayes in particular. It is likely that the position of The Hayes within the plot is orientated east in order to maximise the views of Cleeve Hill and open fields. The proposed development would affect how the building is experienced, which since its construction in 1840 has been set within open fields. This wider rural setting makes an important contribution to the significance, the loss of which would affect how the building is experienced. As such the CO objects to the application.

14.9 In accordance with the NPPF (paragraph 134), where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. Public benefits are defined in PPG and can be anything that delivers economic, social or environmental progress as described in the NPPF. The public benefits of this proposal are detailed below in the conclusion/planning balance section of the report. In this case it is considered that the public benefits which would derive from the development would not outweigh the harm to the setting of the Prestbury Conservation area and The Hayes, a Grade II listed property.

14.10 An archaeological evaluation has been undertaken on the site and the report concludes that with the exception of an undated, single linear feature and an upstanding ridge and furrow cultivation, no archaeological features or deposits were identified in association with any of the trenches. The trial trenching also corroborated the evidence of the geophysical survey in suggesting that the site is of limited archaeological potential. The County Archaeological Officer has commented that the proposed development is unlikely to have any adverse impact on significant archaeological remains and as such recommends that no further archaeological investigation or recording should be required in connection with this planning application.

14.11 In conclusion, the proposed development would have an adverse impact on the setting of the Prestbury Conservation Area and 'The Hayes', a Grade II listed property in conflict with Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990, the NPPF and Policy HEN 2 of the local plan.

## 15.0 Ecology and Nature Conservation

15.1 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.

15.2 An Ecological Impact Assessment (EclA) has been submitted which identifies that the site does not lie within or adjacent to any designated sites of nature conservation value. A single European Designated Site, Dixton Wood Special Area of Conservation (SAC), occurs 7.5km from of the site boundary. Two statutory sites of nature conservation interest: Cleeve Common Site of Special Scientific Interest (SSSI) and Puckham Woods SSSI lie within 5 km of the site boundary and six (non-statutory) Key Wildlife Sites (KWS) lie within 2 km of the site.

15.3 The site comprises a poor semi-improved grassland (pasture) field with scattered mature parkland trees and small arable field separated by a hedge and tree lined track. In terms of protected/notable species, the EclA identified a low population of slow worm; that the site provided suitable nesting habitat for widespread and common bird species and 15 trees within the site were categorised as being of 'High' or 'Moderate' bat roost potential. The activity surveys found the site to be used by at least 10 species of bat with activity dominated by common and widespread species, common pipistrelle and soprano pipistrelle. Low numbers of rarer bat species, including greater horseshoe bat, lesser horseshoe bat, barbastelle and Nathusius' pipistrelle were recorded. The levels of bat activity recorded were high, with bat activity concentrated along the hedgerows and tree lines forming the field boundaries. No evidence of dormouse, badger, otter or water vole was recorded within the site.

15.4 The EclA concludes that the development could result in an increase in disturbance and damage to Cleeve Common SSSI through increased recreational activity. However, the proposed public open space includes areas suitable for dog walking and recreation in order to mitigate potential impacts on the SSSI. No impacts on any other designated site of nature conservation value are predicted. Based on the indicative masterplan, the proposed development would provide a net biodiversity gain for plants, invertebrates, reptiles, and neutral impacts for amphibians and birds. Whilst residual impacts on bats and badgers are assessed as adverse and long-term, these would be at the Sub-Parish level and are not significant. All habitats would be managed during the pre-construction, construction and post-construction phases in accordance with a Landscape and Ecological Management Plan (LEMP).

15.5 Natural England has assessed the application and is satisfied that the proposed development would not damage or destroy the interest features for which Cleve Common SSSI has been notified. In terms of protected species NE refers to its standing advice.

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

## **17.0 Other matters**

### Loss of agricultural land

17.1 The proposed development would lead to the permanent loss of agricultural land but the Land Classification Maps show that the site is partly grade 4 (Poor) and partly grade 3 (Good to Moderate) land. The applicant has confirmed that is not the best and most versatile agricultural land (BMV) as defined in the NPPF.

## **18.0 Conclusion/ Planning Balance**

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

18.2 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.

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

18.4 With regards to the social dimension, it is considered that the proposal would achieve a good mix of housing and would deliver much needed affordable housing. The additional increased patronage from the development would be beneficial to the ongoing support for the local services and facilities. In addition, the proposal would include provision of public open space. It must also be recognised that through a Section 106 Agreement, developer contributions would provide for education and library facilities, improved recreational facilities and open space provision which are necessary to mitigate the impacts of the development.

18.5 In terms of accessibility, the site is adjacent to the settlement of Prestbury and as such would have good access to local and wider facilities and services. The sites location means that future residents would not be reliant on the private car and the provision of a Framework Travel Plan encourages use of sustainable modes of transport. The site is also well located to maximise opportunities to utilise public transport, and the nearest public bus stop would be a 200m walk from the site.

18.6 With regards to the environmental dimension, the proposed development would result in significant harm to the local landscape character due to the loss of open parkland and increased urban influences on and immediately adjacent to the site. The proposals would harm the established urban edge and as a consequence of the development being conspicuous in elevated views and truncating views towards the escarpment, it would have a significant detrimental effect upon the setting of the AONB. This substantial harmful landscape impact weighs significantly against the application in the planning balance.

18.7 Whilst all matters relating to design and layout are reserved, it is considered that the illustrative layout fails to demonstrate that development on this site would be in character with the urban morphology of the settlement. Consequently, the proposal does not adequately demonstrate that any subsequent reserved matters application would achieve good design. The proposed development would also have an adverse impact on the setting of heritage assets including the Prestbury Conservation Area and 'The Hayes', a Grade II listed property. These identified harms weigh significantly against the proposal in the planning balance.

18.8 It has not been demonstrated that the proposed development can be accommodated on the site to address the concerns raised by the EA relating to access to the watercourse for maintenance and ability to maintain the Prestbury Flood Alleviation Scheme. The scheme also fails to demonstrate that attenuation basins and any other SuDS can be accommodated outside of the floodplain. These unresolved issues weigh against the development in the planning balance.

18.9 The development would not have an unacceptable impact in terms of contamination of land or soil and would not raise any air quality issues. Any potential noise issues could be addressed by the imposition of appropriate conditions. In terms of ecology and nature conservation, it has been demonstrated that the development would not have a detrimental impact upon biodiversity. The development would not result in the loss of agricultural land which comprises BMV farmland.

18.10 The NPPF sets out at paragraph 14 that in the context of the presumption in favour of sustainable development, proposed development that accords with the development plan should be approved without delay. For the reasons discussed above, the proposals do not accord with the development plan. Where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless, inter alia, any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted. Given the current shortfall in terms of the 5 year supply of deliverable housing sites, this "planning balance" must be carried out in respect of the proposals.

18.11 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, at this stage, constitute reasons for refusal.

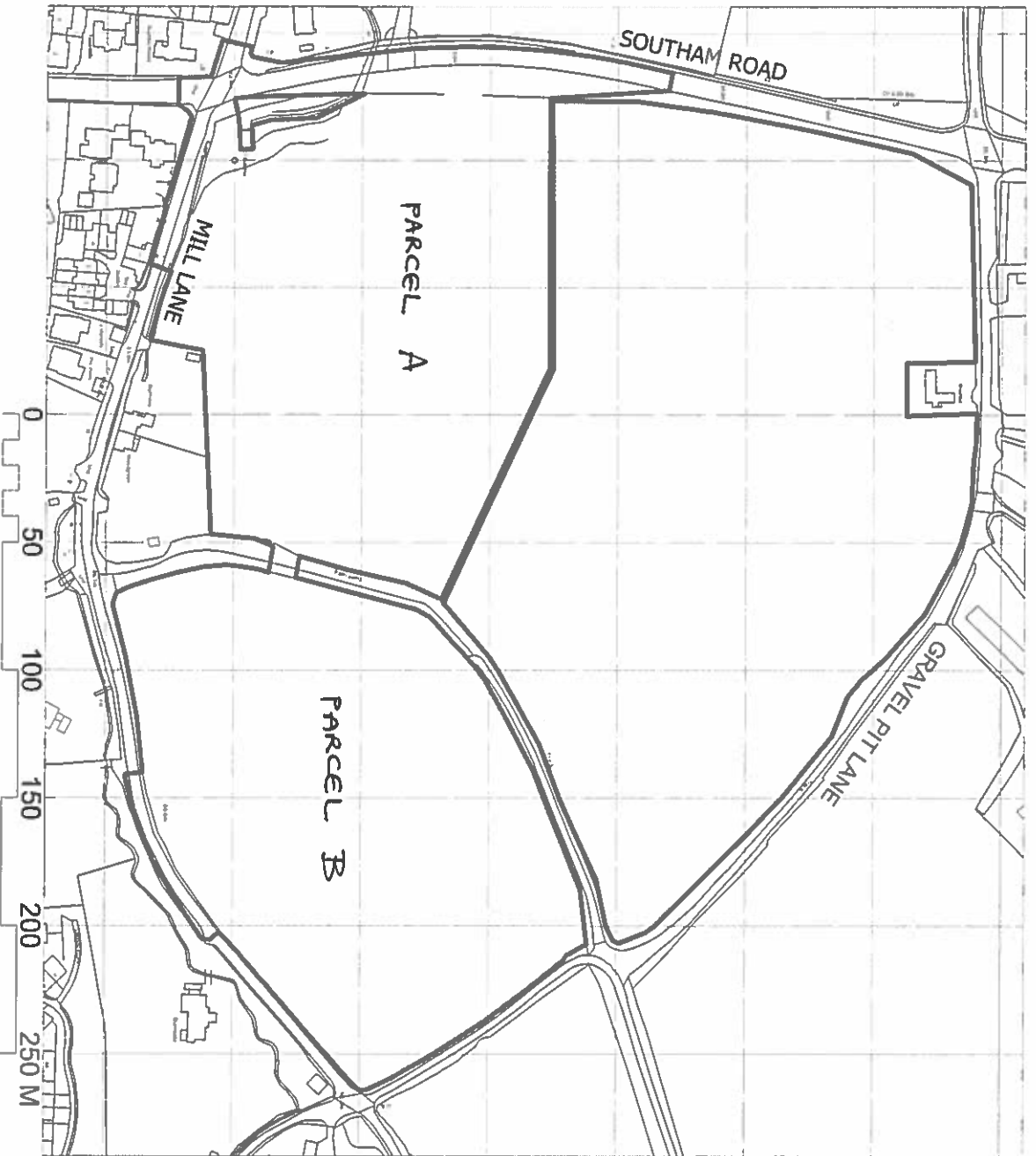
## **RECOMMENDATION Refuse**

### **Reasons:**

- 1 Whilst all matters relating to design, layout and landscaping are reserved for future consideration, the proposal would result in significant harm to the local landscape character as a result of the loss of open parkland and increased urban influences on and immediately adjacent to the site and as a consequence of the development being conspicuous in elevated views and truncating views towards the escarpment, it would have a significant detrimental effect upon the setting of the AONB. The illustrative layout also fails to demonstrate that development on this site would be in character with the urban morphology of the settlement. Consequently, the proposal does not adequately demonstrate that any subsequent reserved matters application would achieve good design. It has also not been demonstrated that the proposed development can be accommodated on the site to ensure access to the watercourse for maintenance and ability to maintain the Prestbury Flood Alleviation Scheme. The scheme also fails to demonstrate that attenuation basins and any other SuDS can be accommodated outside of the floodplain. The proposed development would therefore be contrary to the core principles of land-use planning set out at paragraph 17 of the NPPF, section 7 (Requiring good design), section 10 (Meeting the challenge of climate change, flooding and coastal change) and section 11 (Conserving and enhancing the natural environment) of the NPPF, Policies LND2 and EVT5 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and emerging policies SD5, SD7 and SD8 of the Joint Core Strategy Submission Version November 2014.
- 2 The proposed development would have an adverse impact on the setting of the Prestbury Conservation Area and 'The Hayes', a Grade II listed property in conflict with Sections 16, 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990, the NPPF and Policy HEN 2 of the local plan and emerging policy SD9 of the Joint Core Strategy Submission Version November 2014.
- 3 In the absence of an appropriate planning obligation, 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.

- 4 In the absence of an appropriate planning obligation, 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) and policies INF5 and INF7 of the Joint Core strategy Submission Version November 2014.
  
- 5 In the absence of an appropriate planning obligation, the application does not make provision for the delivery of education and community 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.

16/00417/OUT



REV	DATE	DESCRIPTION	DRAWN	CHECKED

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109 / A

**CLIENT:**  
Gleeson Developments Ltd

**PROJECT:**  
Land North of Mill Lane,  
Prestbury

**DRAWING:**  
Location Plan

**SCALE: 1:2500 @ A4 DWG NO: 1867 P 01**

**DATE:** April'16      **REV#**      **#**



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A	SINGLE ACCESS OPTION	16/10/15	MIR	PW

ORIGINATOR

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CLIENT:  
**GLEESON STRATEGIC LAND**

CONTRACTOR/CLIENT

PROJECT:  
**MILL LANE, PRESTBURY  
 CHELTENHAM  
 PROJECT NAME & LOCATION 3**

TITLE:  
**PRIMARY SITE ACCESS  
 AND PEDESTRIAN CROSSING  
 POINT**

DRAWN BY: MR SCALE: 1:200 @ A3

DESIGNED BY: PW DATE: 07/04/2016

STATUS: PRELIMINARY

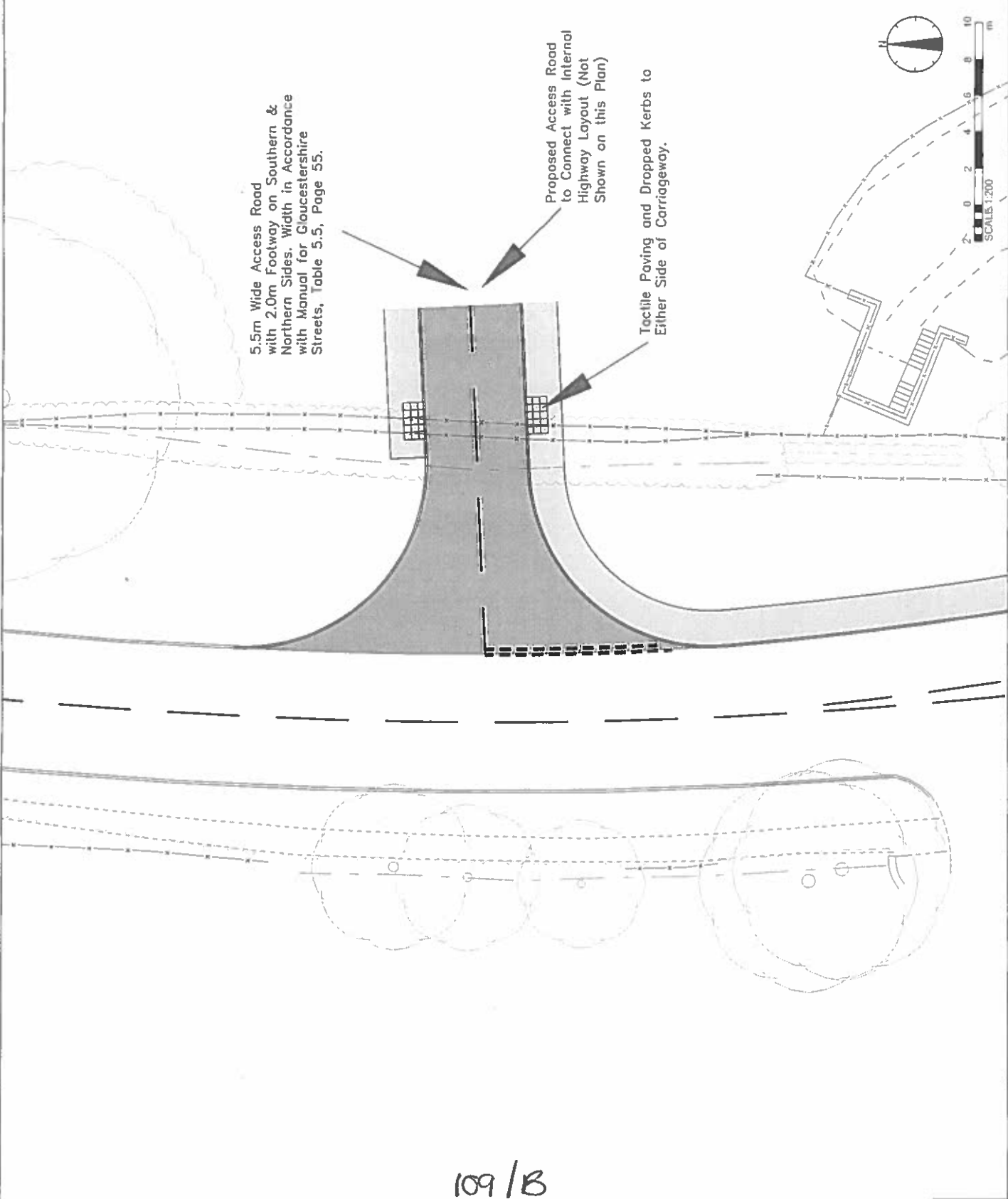
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JOB NO.: XX

TYPE: XX

SCALE NUMBER: C

REV: 0504



109/B





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**CLIENT:**  
 GLEESON STRATEGIC LAND

**CONTRACTOR CLIENT:**

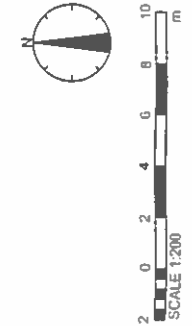
**PROJECT:**  
 MILL LANE PRESTBURY  
 CHELTENHAM

**TITLE:**  
 EMERGENCY SITE ACCESS  
 / SHARED PEDESTRIAN &  
 CYCLE ACCESS

**DRAWN BY:** MR  
**CHECKED BY:** PW  
**SCALE:** 1:200  
**DATE:** 07/04/2016  
**STATUS:**

**DRAWING NO.:** 151904  
**JOB NO.:** RDG  
**DATE:** XX  
**TYPE:** XX  
**ROLE:** XX  
**REVISION:** C  
**NO.:** 0505

**PRELIMINARY**



109 / 0

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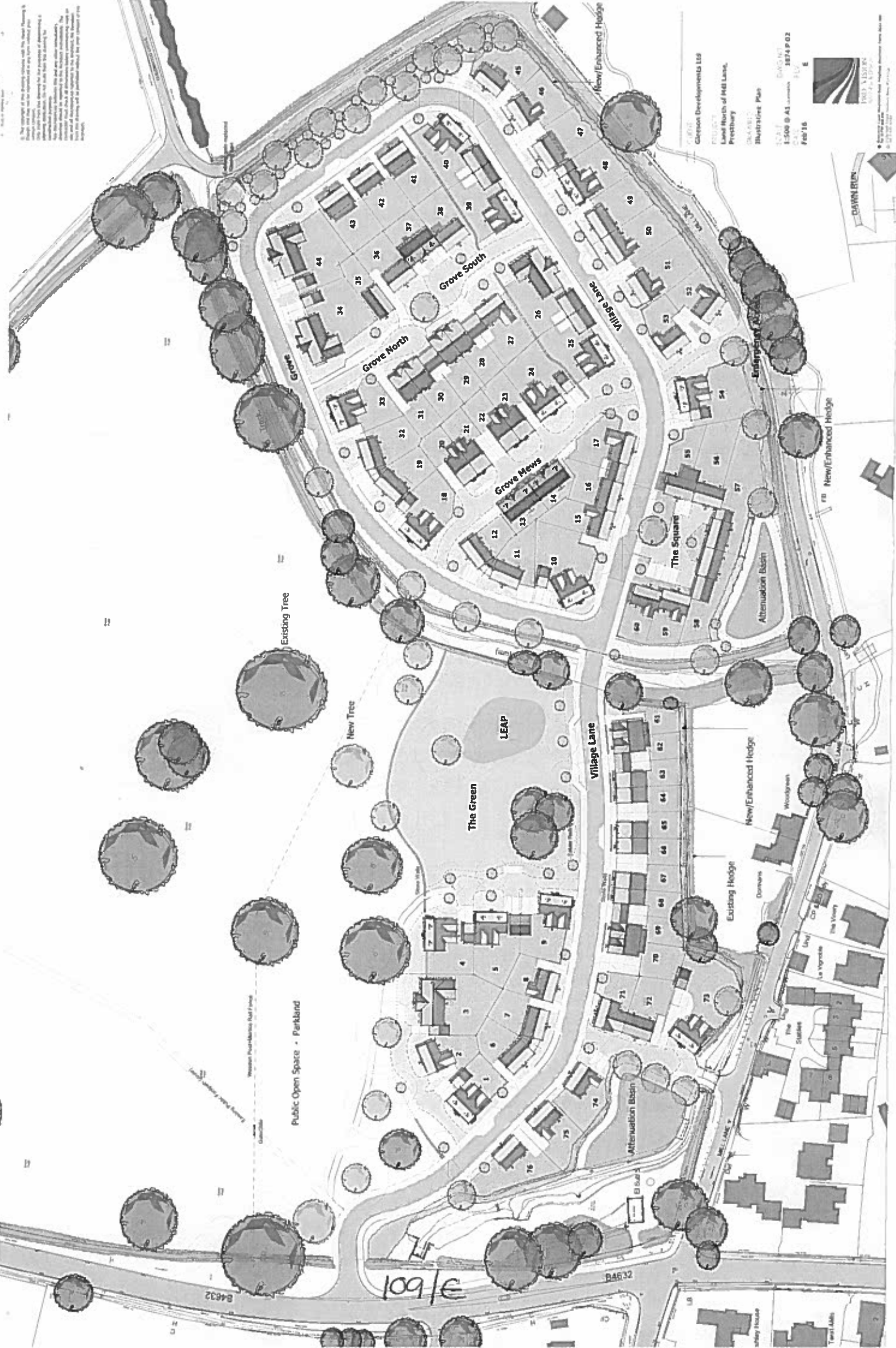
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- 1. 1:1000 Scale
  - 2. 1:500 Scale
  - 3. 1:250 Scale
  - 4. 1:100 Scale
  - 5. 1:50 Scale
  - 6. 1:25 Scale
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PROJECT: Garrison Developments Ltd  
 Land North of Hill Lane,  
 Pritchery  
 DRAWING: Masterline Plan  
 SCALE: DRAWING: 1:500 @ A1  
 DATE: 18/11/2015  
 FILE: 18749.P02  
 FEB 15

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16/00610/FUL

Land Opposite The Orchard, Alstone, Tewkesbury

2

Valid 31.05.2016

Erection of two new dwellings with garages including altered vehicle access, drives, turning, parking spaces and landscaping.

Grid Ref 398411 232289

Parish Teddington

Ward Isbourne

M Gore & D Fisher & S Fisher

33 The Lawns

Gotherington

GL52 9QT

## RECOMMENDATION Refuse

### Policies and Constraints

#### NPPF

Planning Practice Guidance

Submission Version JCS (November 2014)

Tewkesbury Borough Local Plan to 2011 (March 2006) - HOU4, HOU13, TPT1, LND2

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

The First Protocol, Article 1 (Protection of Property)

Special Landscape Area (SLA)

Adjacent to Cotswold Area of Outstanding Natural Beauty

### Consultations and Representations

Parish Council - Objection raised on the following grounds:

- The Parish Council strongly opposes this planning application which is merely a repeat of the previous application, minus one dwelling, which was rejected at appeal in December 2015.
- The proposed dwellings remain extremely large and imposing in this special landscape area adjacent to the AONB.
- The views into and out of the area remain compromised.
- It is still isolated countryside. There remains no sustainable travel in the village.
- There is the added concern that further dwellings could be added at a later date, either as infill, or further into the field with the newly created access.

Gloucestershire County Highways - No comments offered

6 Letters of support

- This development would be for local families.
- There will be no adverse effects on the local community services as all family members are using these already.
- There will be no visibility or dangerous aspects to their driveways.
- This ground is not top quality or highly productive for farming use.
- Good design
- Village not isolated

3 letters of objections have been received. The concerns raised are summarised below:

- The development would result in a significant adverse impact on the AONB.
- It would result in an adverse impact on the street scene and visual amenity of the AONB by virtue of its design and massing.
- It would be detrimental to the amenity of adjacent properties.
- Highway safety concerns.
- The increase in traffic.
- It would set a precedent for further development in the area.
- It would devalue nearby properties.
- The village has inadequate facilities to support three new dwellings.
- It could affect local wildlife.
- Would result in flooding and drainage issues.

This application has been reported to the Planning Committee as one of the applicants is a Tewkesbury Borough Councillor.

Planning Officers Comments: Mr Ciaran Power

## 1.0 Application Site

1.1 The application relates to part of a large field which is used for agricultural purposes. The application site falls within the Special Landscape Area (SLA) and the opposite side of the road is within the Cotswold AONB.

## 2.0 Planning History

2.1 In 2001 (00/107/1449/OUT), outline planning permission was refused for the erection of 2 dwellings on the same site.

2.2 In 2002 (01/10725/1567/OUT), a similar outline application was refused for the erection of 2 single storey dwellings on the same site. The application was refused on landscape, accessibility and highway safety grounds. The application was later dismissed at appeal with the Inspector concluding, amongst other things, that the development would *"be a significant visual intrusion into open countryside and materially undermine its character"* and that future occupants would be heavily reliant on the private car.

2.3 In 2014 Planning permission was refused for the erection of 3 two storey dwellings (Application 14/00299/FUL). It was refused for the following reasons:

1. The proposed development conflicts with paragraph 55 of the NPPF in that the application site is in isolated countryside location and there are no special circumstances in this case that would justify supporting the development.

2. The site is within an attractive rural area which is designated as a Special Landscape Area, where special attention is given to the protection of the landscape. The site is also adjacent to the Cotswolds AONB. The proposed development would result in significant and demonstrable harm to the landscape qualities and character of the Special Landscape Area, contrary to one of the core principles of the NPPF which seeks to recognise the intrinsic character and beauty of the countryside and saved Policy LND2 of the Tewkesbury Borough Local Plan to 2011.

3. By reason of their general design, bulk and massing, the proposed dwellings would result in incongruous buildings, alien to their surroundings, which do not complement or reflect its surroundings. The proposed development would therefore not constitute the high quality design required by the core principles and Section 7 of the NPPF.

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.

The applicants subsequently appealed the above decision however the appeal was dismissed in 2016.

## 3.0 Current Application

3.1 This application seeks planning permission for the erection of 2 detached dwellings with associated garages, access drives and parking spaces. Each dwelling would be set back from the main road and would face west. Rear gardens for each dwelling would be provided. **(See attached plans)**

## 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.

4.2 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.

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

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

4.6 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.

4.7 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).

4.8 The Submission version of the JCS was submitted to the Secretary of State in November 2014 for public examination which is currently taking place. 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. 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 is at a much earlier stage of development than the JCS and thus can only be given very limited weight at this stage. *National Policy/Guidance*

4.9 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.

4.10 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.

4.11 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 and therefore is not considered to be isolated. This matter was clarified in the recent planning appeal (2016) on the site where the inspector concluded that the site was not isolated in the context of the NPPF. Nevertheless, the inspector went on to conclude that the village is served by limited public transport links or other facilities which would allow travel by sustainable modes of transport and would thus be contrary to Local Plan policy (see paragraph 7.2 below).

#### *Benefits of the development*

4.12 There would be some benefits arising from the proposal. The development would contribute towards housing need, would contribute towards the local economy and result in New Homes Bonus. Given the small scale of the proposed development these contributions to the economic and social dimension of sustainability as defined in the NPPG would be very limited. These matters weigh in favour of the development and must be weighed against any identified harms. It is noted of course that the benefits of the scheme are reduced when compared to the proposals dismissed at appeal, given that the current application proposes a lower number of dwellings

### **5.0 Landscape and visual impact**

5.1 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.

5.2 The character of the area in the immediate vicinity of the site is predominantly that of open countryside, despite the presence of adjacent dwellings. The application site is within the SLA and the AONB is located on the opposite side of the road. The application site is very open to views when approaching the village from the South and the open field, which includes the application site, are visually very distinct from the village itself. When viewed from the West, the open fields provide a very attractive open view with long distance views of the Cotswold escarpment. It is not considered that landscape screening would successfully mitigate this harm.

5.3 The previous appeals on this site were for two single storey dwellings (2002) and 3 three storey dwellings (2016). In dismissing the appeal in 2002, the Inspector noted that the site is *"on slightly rising ground from north to south and is very open to views when approaching the village from the south. When viewed from the south, the open fields including the appeal site are visually very clearly distinct from the village itself. When viewed from the west, the open fields including the appeal site provide a very attractive open prospect with long distance views of the Cotswold escarpment. I conclude that the proposed development would be a significant visual intrusion into the open countryside and materially undermine its character."* The Inspector went on to consider the appellants contention that the appeal development would not extend beyond the built up area (i.e. taking into account the two dwellings opposite) and commented *Whilst the proposed development would not go further south than Lamorna, it would mean that the village would be extended to the east, beyond the current limits of residential development, into open fields."*

5.4 In the most recent planning appeal (2016) the inspector concluded that the proposed development would be likely to result in substantial harm to the character and appearance of the surrounding area and found it contrary to saved policy LND2 of the Tewksbury Borough local Plan 2011 which seeks to preserve and enhance the character of the Special Landscape Area. Whilst the current proposal involves one less dwelling than the scheme dismissed at appeal, it is not considered that this alters the conclusion that there would be significant harm to the landscape of the SLA.

5.5 It is therefore considered that the proposed development would result in significant visual intrusion into the open countryside and this would undermine the character of this part of the SLA. As such the proposed development conflicts with advice set out in the NPPF.

### **6.0 Design**

6.1 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.

6.2 On the whole, Alstone is characterised by residential development of a range different architectural styles. Although some detailing would vary between each of the proposed dwellings, each would be of a substantial size and of a similar design approach. The proposed dwellings are similar to the house types considered as part of the 2016 planning appeal. Whilst the council had raised concerns regarding the design the Inspector concluded, *"The existing dwellings surrounding the site are a mixture of ages and styles. While I note that the Council has concerns regarding poor design, the proposed dwellings would be of a similar size to the neighbouring properties and would use materials which complement and integrate well with them. Accordingly, I regard this as unlikely to result in a development which would be alien to the village or which would result in a poor quality appearance to the street scene"*. Having regard to this it is not considered that a reason for refusal could be reasonable sustained at any subsequent appeal.

## **7.0 Accessibility and Highway Safety**

7.1 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.

7.2 The site is not well served by facilities and services. Whilst the Design and Access Statement submitted with the application highlights that some bus services are available on request, 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, another point made by the applicants, 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. In determining the most recent appeal on the site earlier this year the Inspector concluded *"Although I note that the Framework recognises that opportunities to maximise sustainable transport solutions will vary from urban to rural areas, I regard the location of the site with its limited transport links, limited provision for pedestrian and cyclist access and lack of transport choice for potential occupiers as contrary to saved policy TPT1 of the Tewkesbury Borough Local Plan to 2011."* The locational disadvantages of the site therefore weigh significantly against the application and the proposal conflicts with saved policy TPT1 of the Local Plan in this regard.

7.3 In highway safety terms, the roads approaching the village and application site are mostly single carriage ways with passing points. The speed limit along the stretch of road which serves the application site is 30mph. Whilst the proposed development would generate additional trips, it is not considered that two new dwellings would add significantly to traffic flows. Further, the submitted plans show that safe access points could be achieved for the scale of development proposed and speed limit of the lane. Satisfactory access can therefore be provided in accordance with Policy TPT1. This is consistent with the Inspectors conclusions in determining the previous appeals.

## **8.0 Flood Risk and Drainage**

8.1 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.

8.2 With regards to flood risk, 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 confirms that foul drainage would connect to an existing mains foul manhole and surface water drainage would utilise soakaway and SuDs techniques. The principle of these arrangements are considered acceptable subject to a relevant drainage condition.



## 9.0 Other matters

9.1 Some concerns have been expressed with regard to the impact of the proposed development on local wildlife and biodiversity. The site is not located within a key wildlife site and the Councils' ecological records do not highlight that there are protected species on or near to the site. Consequently, although the site is within a rural setting, from the evidence available, it is not considered that the proposed development would result in an adverse impact on protected species or habitats.

9.2 The concerns expressed about the loss of property value and precedents are matters that cannot be taken into consideration when deciding planning issues.

## 10.0 Overall Balancing Exercise and Conclusions

10.1 Policy HOU4 of the Local Plan is out of date and in accordance with paragraph 49 of the NPPF the proposal must be considered in the context of the presumption in favour of sustainable development. Further, there are social and economic benefits to the proposal in that the proposal would contribute to the supply of housing which would in turn create benefits for the local economy, both through construction and following occupation. These matters weigh in favour of the proposal.

10.2 However, the proposed development would cause significant environmental harms including the harm to the open countryside within the SLA, and would result in reliance on the private car. In themselves, these harms are considered to significantly and demonstrably outweigh the benefits of the proposal. A similar proposal was refused and dismissed on appeal earlier this year and whilst that proposal was for three dwellings as opposed to the two proposed here, the principles and policy context are the same. With the exception of the omission of one dwelling there has been no change in material planning circumstances since the previous refusal and dismissed appeal.

10.3 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

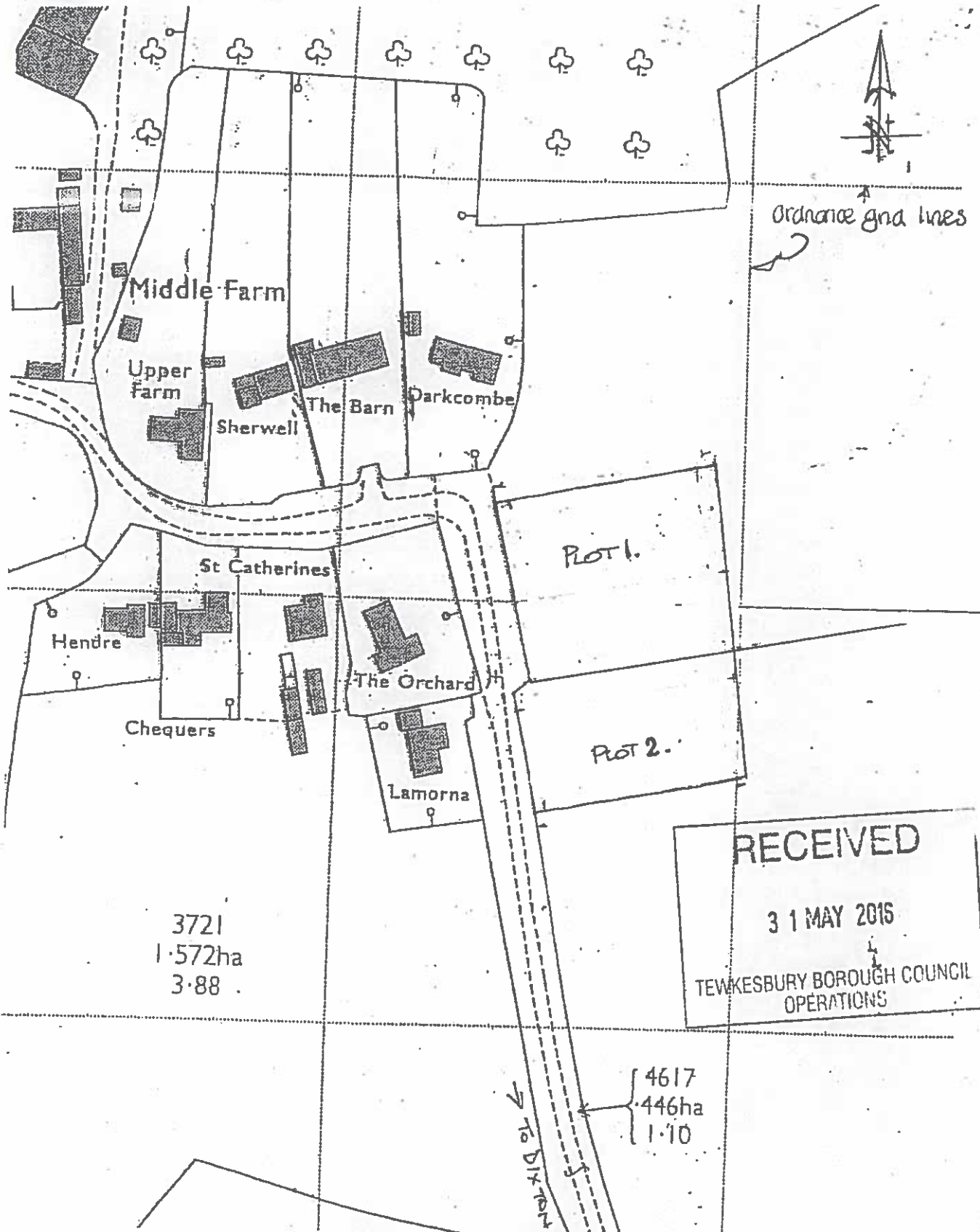
Reasons:

- 1 The site is within an attractive rural area which is designated as a Special Landscape Area, where special attention is given to the protection of the landscape. The site is also adjacent to the Cotswolds AONB. The proposed development would result in significant and demonstrable harm to the landscape qualities and character of the Special Landscape Area, contrary to one of the core principles of the NPPF which seeks to recognise the intrinsic character and beauty of the countryside, saved Policy LND2 of the Tewkesbury Borough Local Plan to 2011 and emerging Policy SD8 of the Submission version of the Joint Core Strategy.
- 2 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, Policy TPT1 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and Policy INF1 of the submission version of the Joint Core Strategy.

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.

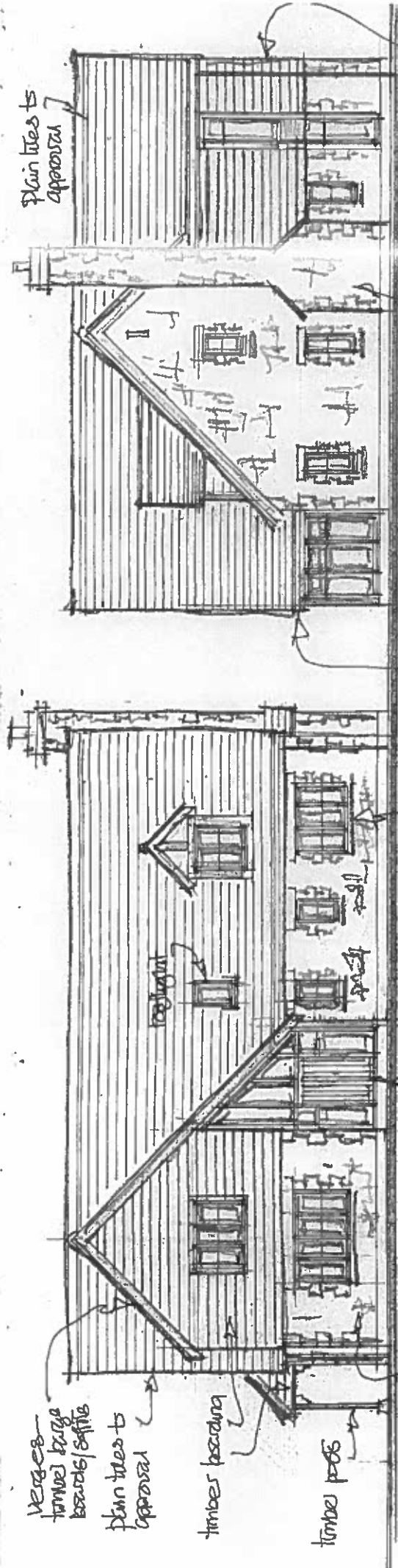


LAND OPPOSITE THE ORCHARD & LAMORNA  
 DIXTON ROAD. ALSTONE. TEWKESBURY. GL52 8JD.

SITE PLAN AS PROPOSED 1:1250

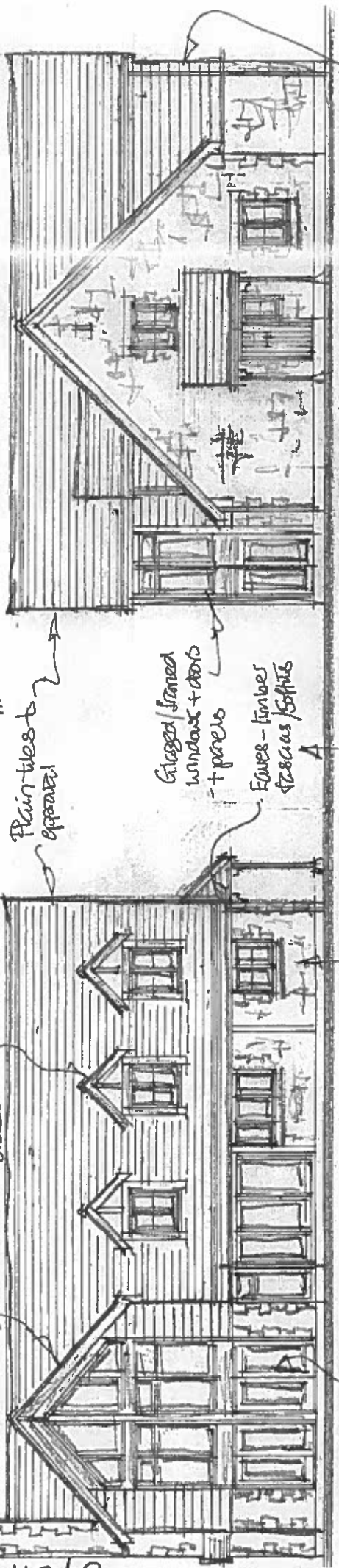
14:1714:03 MAY 2016.

Dennis L Rayton tel 01242 620818.



FRONT ELEVATION

SIDE ELEVATION



REAR ELEVATION

SIDE ELEVATION

115/B

LAND OPPOSITE THE ORCHARD & LA MORNA,  
 DIXON ROAD, ALSTON, TEWKESBURY, GLOUCESTERSHIRE, GL20 8JD.  
 PLOT 1 - ELEVATIONS 1:100  
 14:1714:05 MAY 2016  
 Domic 1 Raution BA 01242 622818

RECEIVED  
 31 MAY 2016  
 TEWKESBURY BOROUGH COUNCIL  
 OPERATIONS

PLOT 1

RECEIVED

31 MAY 2016

TENNESSEE BROWN STONE

Glazed framed roof panels

Plain tiles to  
apex  
Black w goods  
+ timber fascia  
+ soffit  
Iron dressed  
+ random coursed  
stone

FRONT ELEVATION

vert boarded  
garage door +  
frame

casement  
windows

timber doors,  
glazed and  
framed side lights

Timber - timber  
framed + roofed  
+ timber board  
sides

SIDE ELEVATION

iron. dressed  
+ random coursed  
stone

SIDE ELEVATION

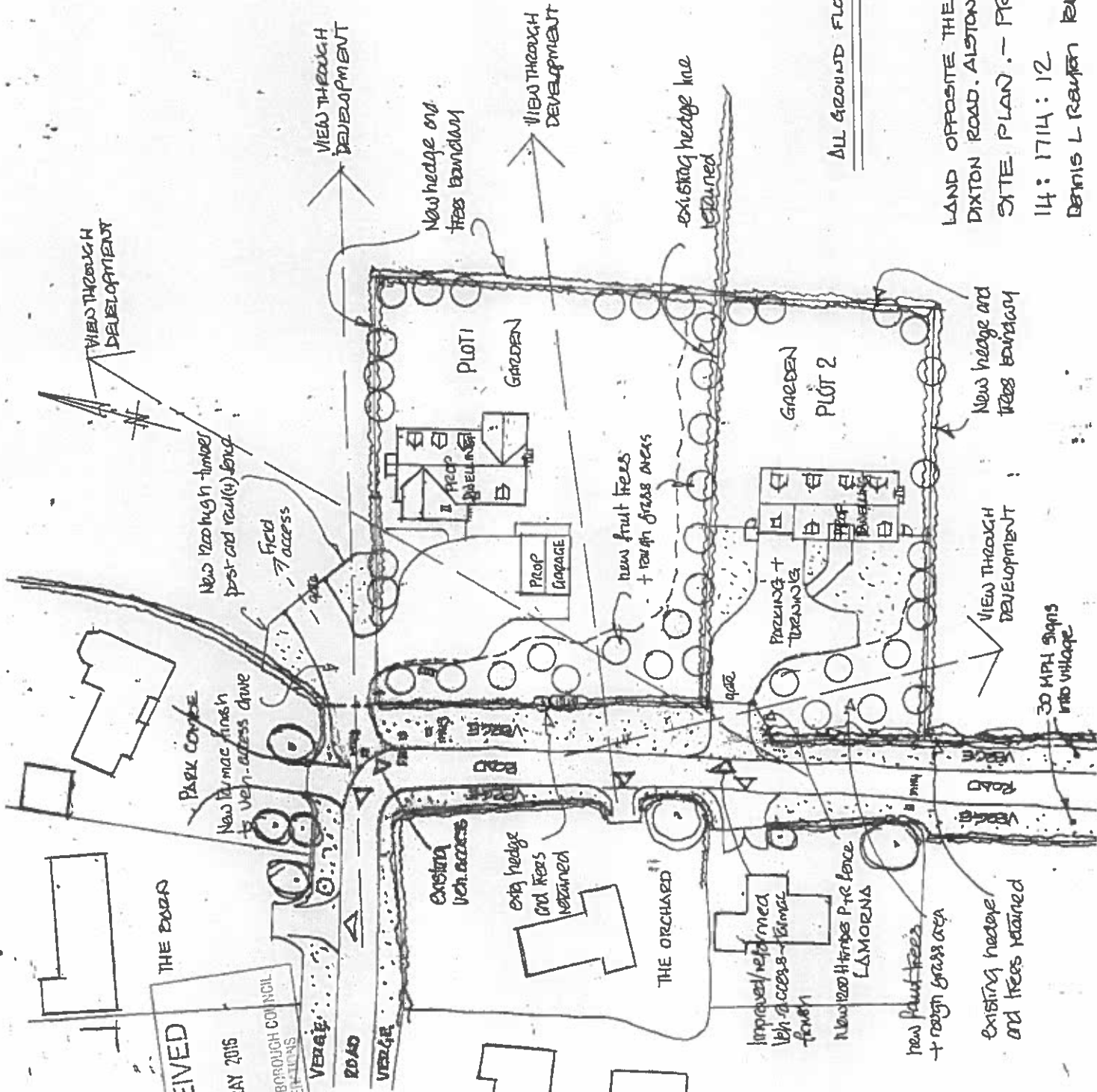
REAR ELEVATION

glazed framed  
doors + side  
lights

LAND OPPOSITE THE ORCHARD & LAMORCA  
DIXON ROAD - ALSTONE, TENNESSEE, G1208TD.  
PLOT 2 - ELEVATIONS 1:100  
14:1714: 08. MAY 2016  
DENNIS L RAUFER TA 01242 620818

PLOT 2

115/k

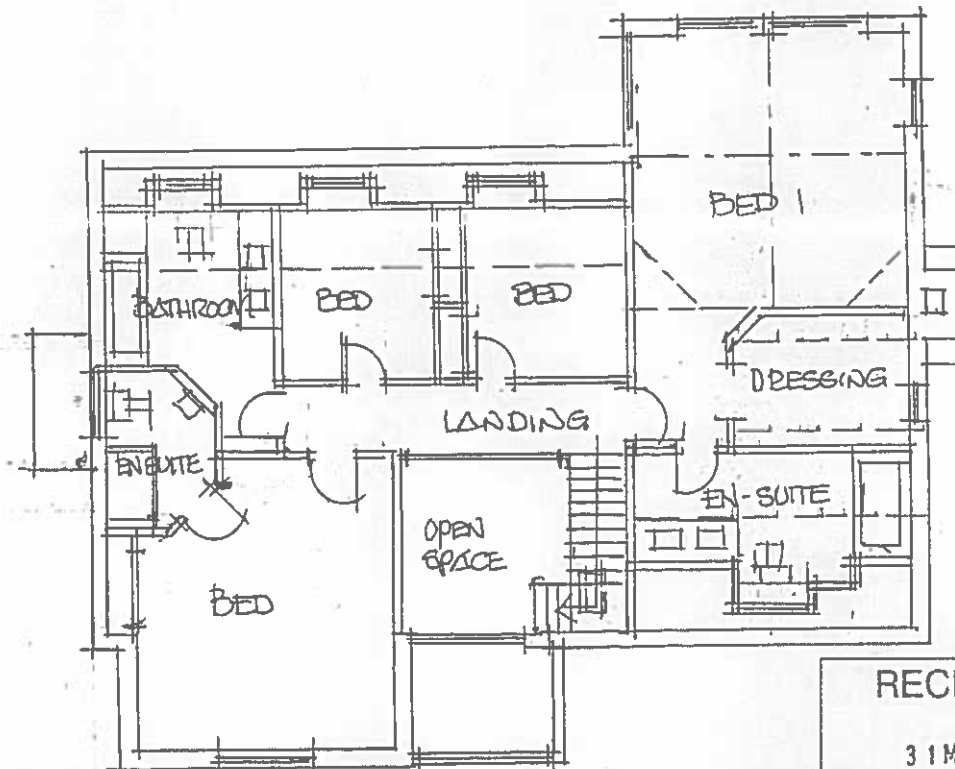


ALL GROUND FLOOR LEVELS 1.00-1.100

LAND OPPOSITE THE ORCHARD & LAMORNA -  
 DIXON ROAD, ALSTONE, TENKESSEY, GLOS. GL20 8TD.  
 SITE PLAN - PROPOSED. 1:500.  
 14: 1714: 12 MAY 2016.  
 DENNIS L REAYEN BA 01242 620318

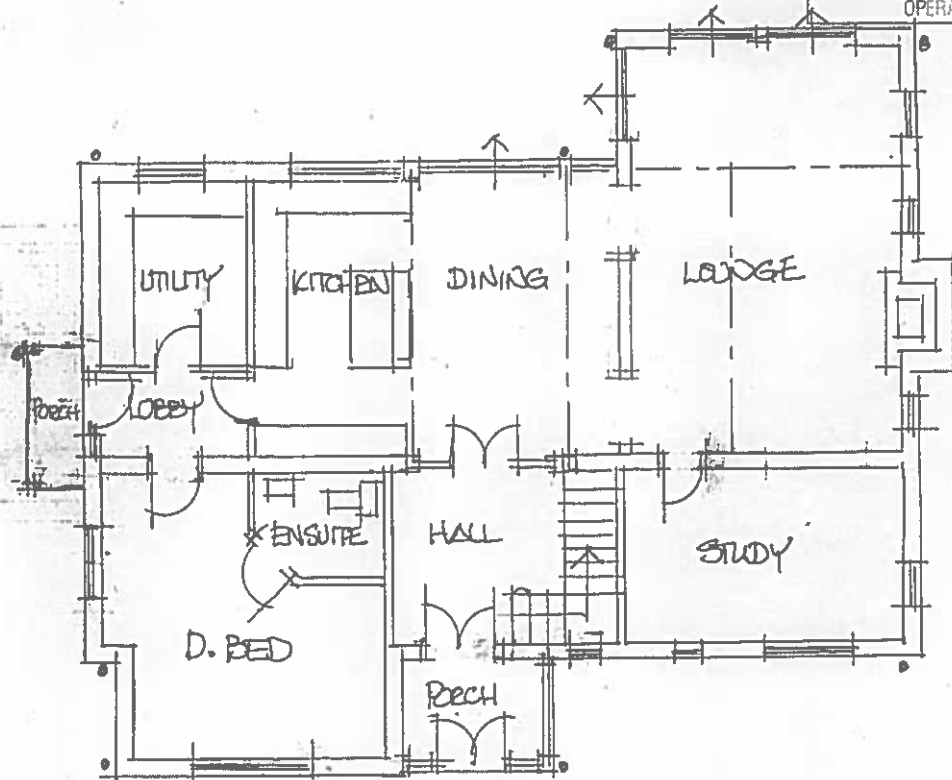
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 1 MAY 2016  
 TENKESSEY BOROUGH COUNCIL  
 OPERATIONS

115/D



FIRST FLOOR PLAN

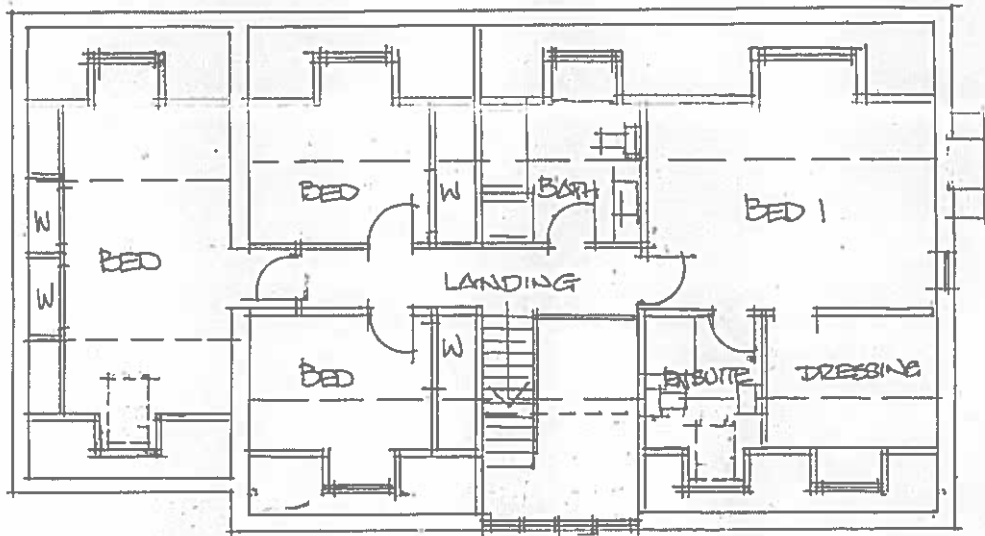
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 TEWKESBURY BOROUGH COUNCIL  
 OPERATIONS



GROUND FLOOR PLAN

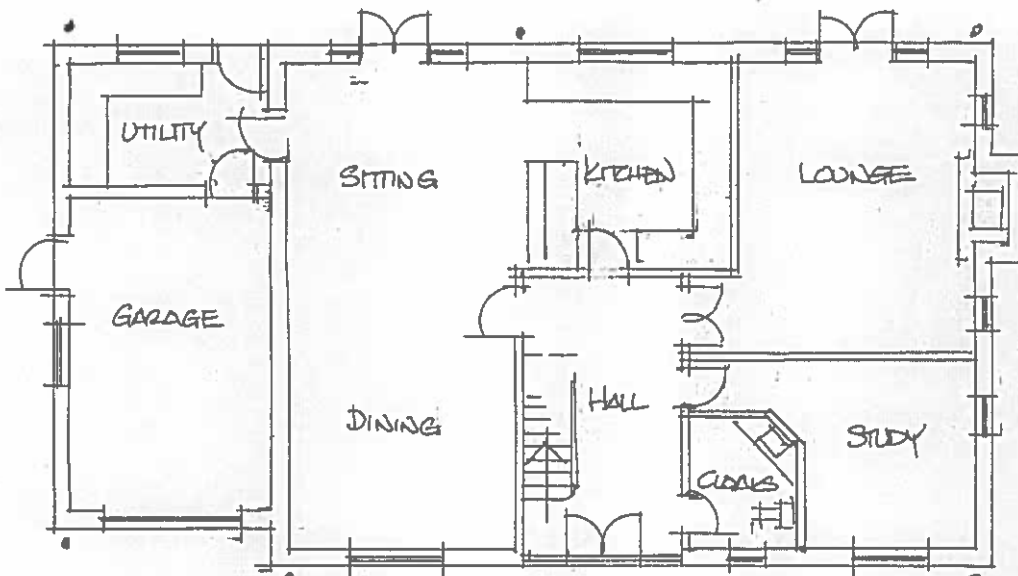
LAND OPPOSITE THE ORCHARD & LAMCENAS.  
 DIXTON ROAD, ALSTONE, TEWKESBURY GL20 8JD.  
 PLOT 1 - FLOOR PLANS. 1:100  
 14:1714:04 MAY 2016.  
 DENIS L RAYTON TEL 01242 620818  
 115/E

PLOT 1.



FIRST FLOOR PLAN

RECEIVED  
 31 MAY 2016  
 TEMESBURY BOROUGH COUNCIL  
 OPERATIONS

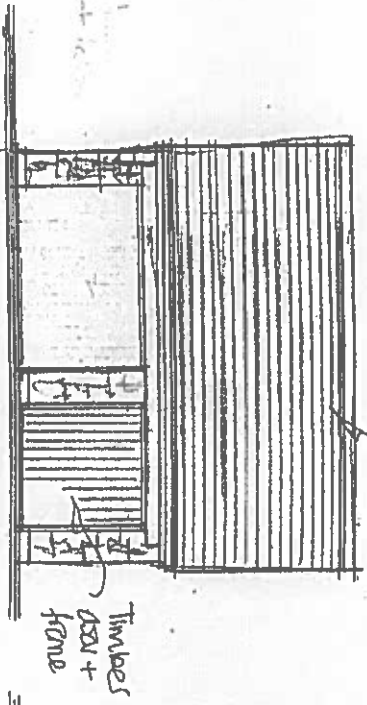


GROUND FLOOR PLAN

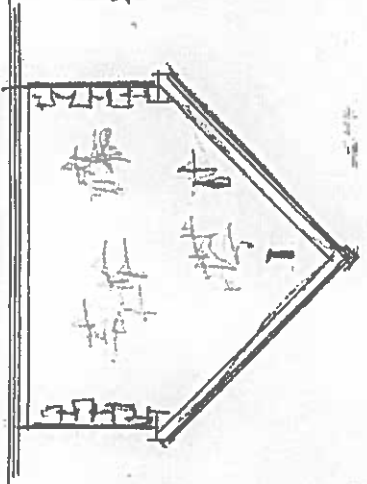
LAND OPPOSITE THE ORCHARD & LAMORNA  
 DIXON ROAD, ALSTONE, TEMESBURY GU20 8JD  
 PLOT 2. - FLOOR PLANS 1:100  
 14:1714: 07. MAY 2016  
 Dennis L Rayton tel 01242 620818  
 115/F

PLOT 2.

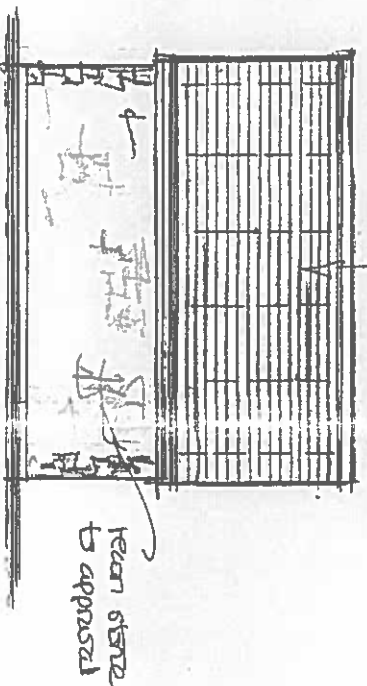
RECEIVED  
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 01782 71115



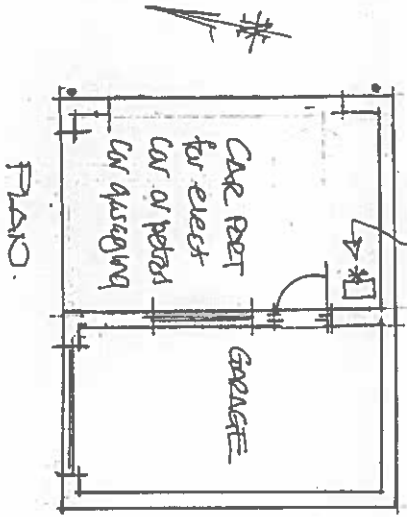
FRONT ELEVATION  
 (NORTH)



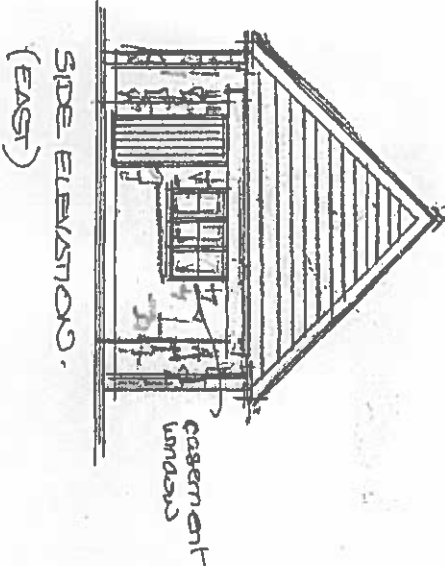
SIDE ELEVATION  
 (WEST)



REAR ELEVATION  
 (SOUTH)



FLOOR PLAN



SIDE ELEVATION  
 (EAST)

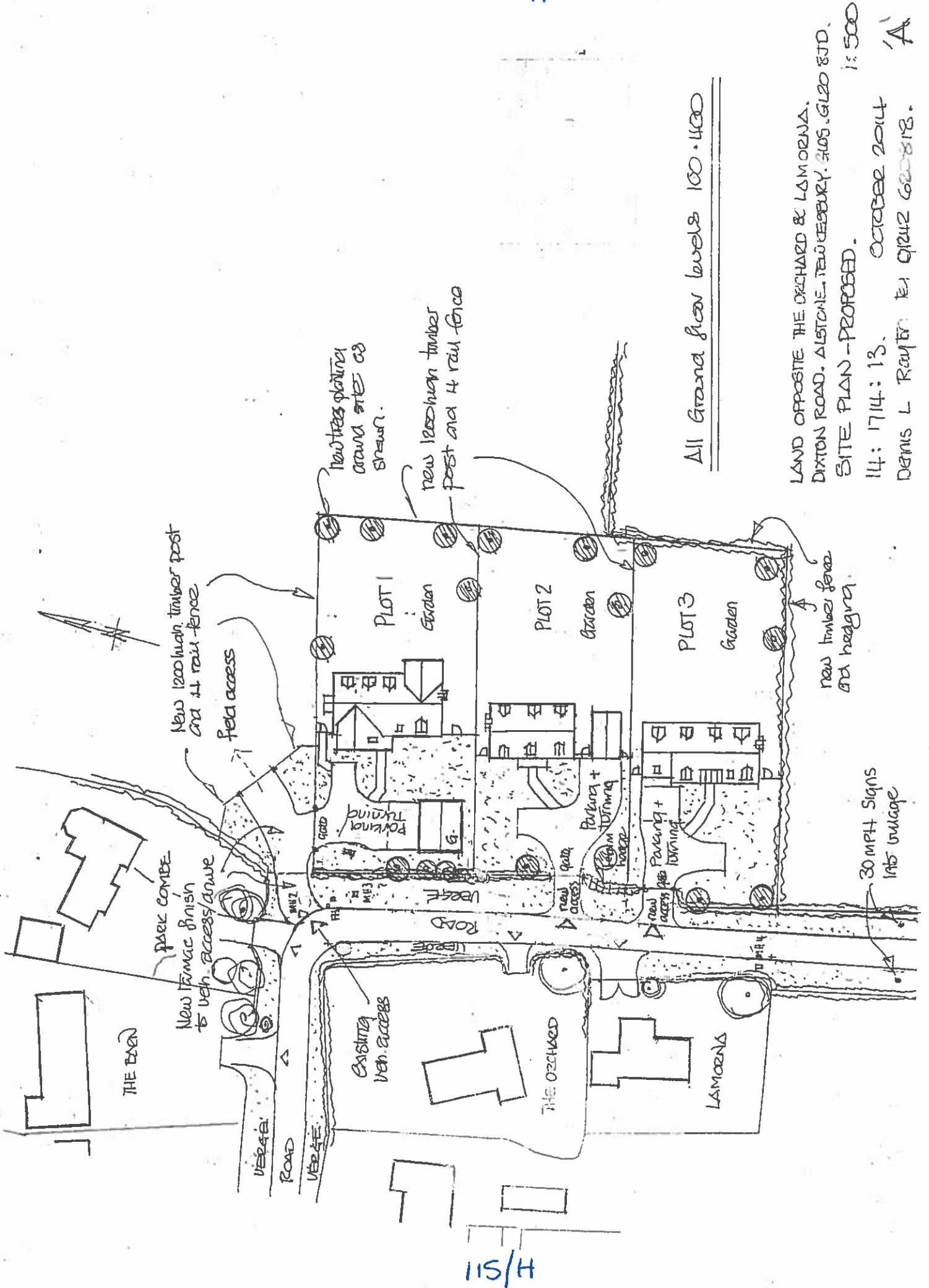
115/9

PLOT 1

LAND OPPOSITE THE OBTAINED & LAM DENVA.  
 DIXON ROAD. ALSTON. TADKESBURY. GLOS. G120 8JD.  
 PLOT 1 - GARAGE . 1:100.  
 14: 1714: 06. MAY 2016  
 Dennis L Raupen tel 01212 620378.



Previous scheme - dismissed appeal, ref 14/01286/FUL

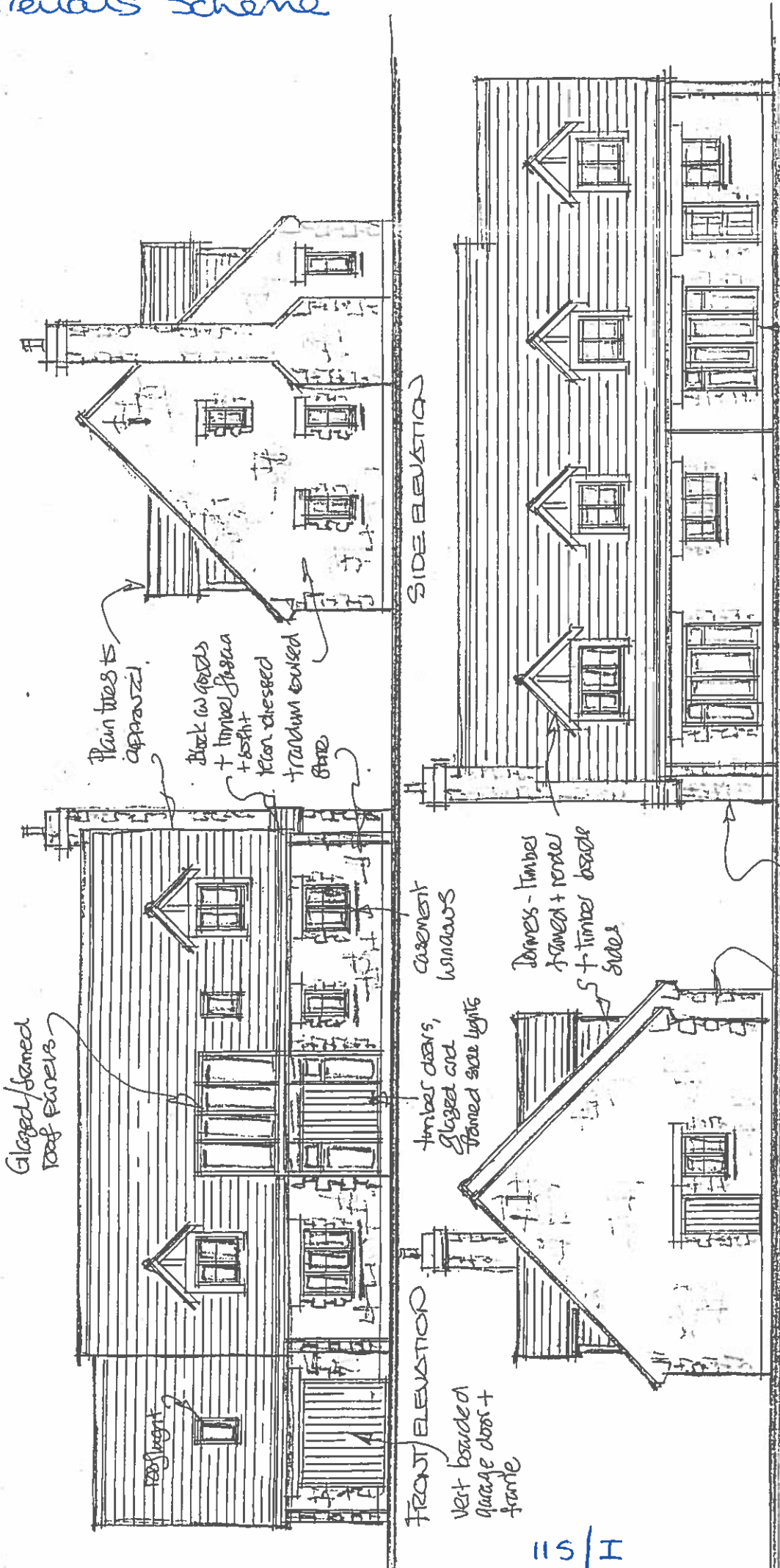


All Ground floor levels 100.400

LAND OPPOSITE THE ORCHARD & LAMORNA,  
 DIXTON ROAD, ALSTONE, TOWCESTER, GLOS, GL20 8JD.  
 SITE PLAN - PROPOSED.  
 1:500  
 14: 1714: 13, OCTOBER 2014  
 DENNIS L RAYTON E1 Q1242 620818. 'A'

115/H

# Previous Scheme

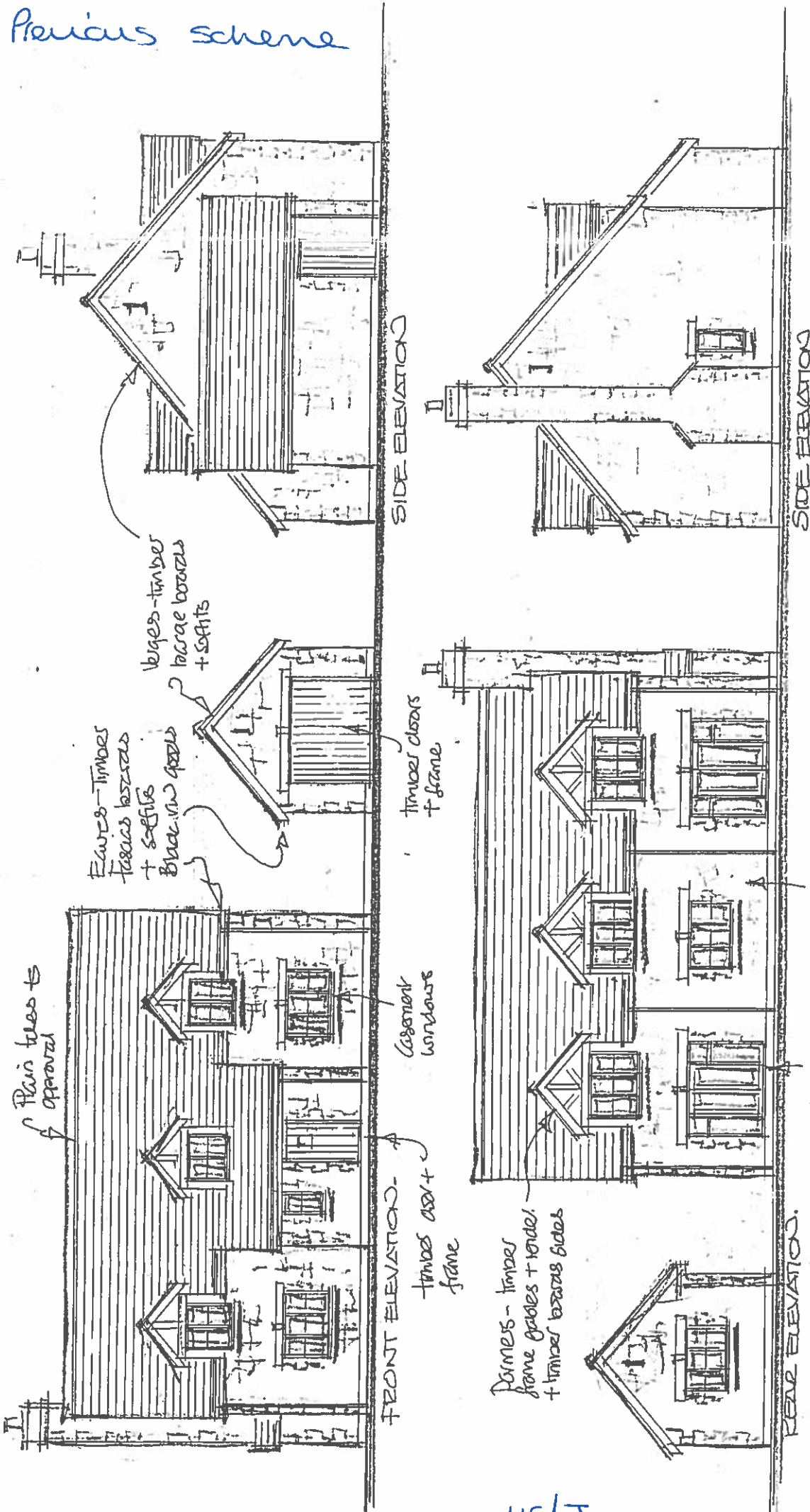


115/I

LAND OPPOSITE THE ORCHARD & LAMORNA  
 DIXTON ROAD - ALSTONE, TENKESBURY, GLOUCEST.  
 PLOT 3 - ELEVATIONS 1:100  
 14/11/14: 10 OCTOBER 2014  
 DENNIS L RAYTON BA 01242 620818 'A'

PLOT 3

Precious scheme



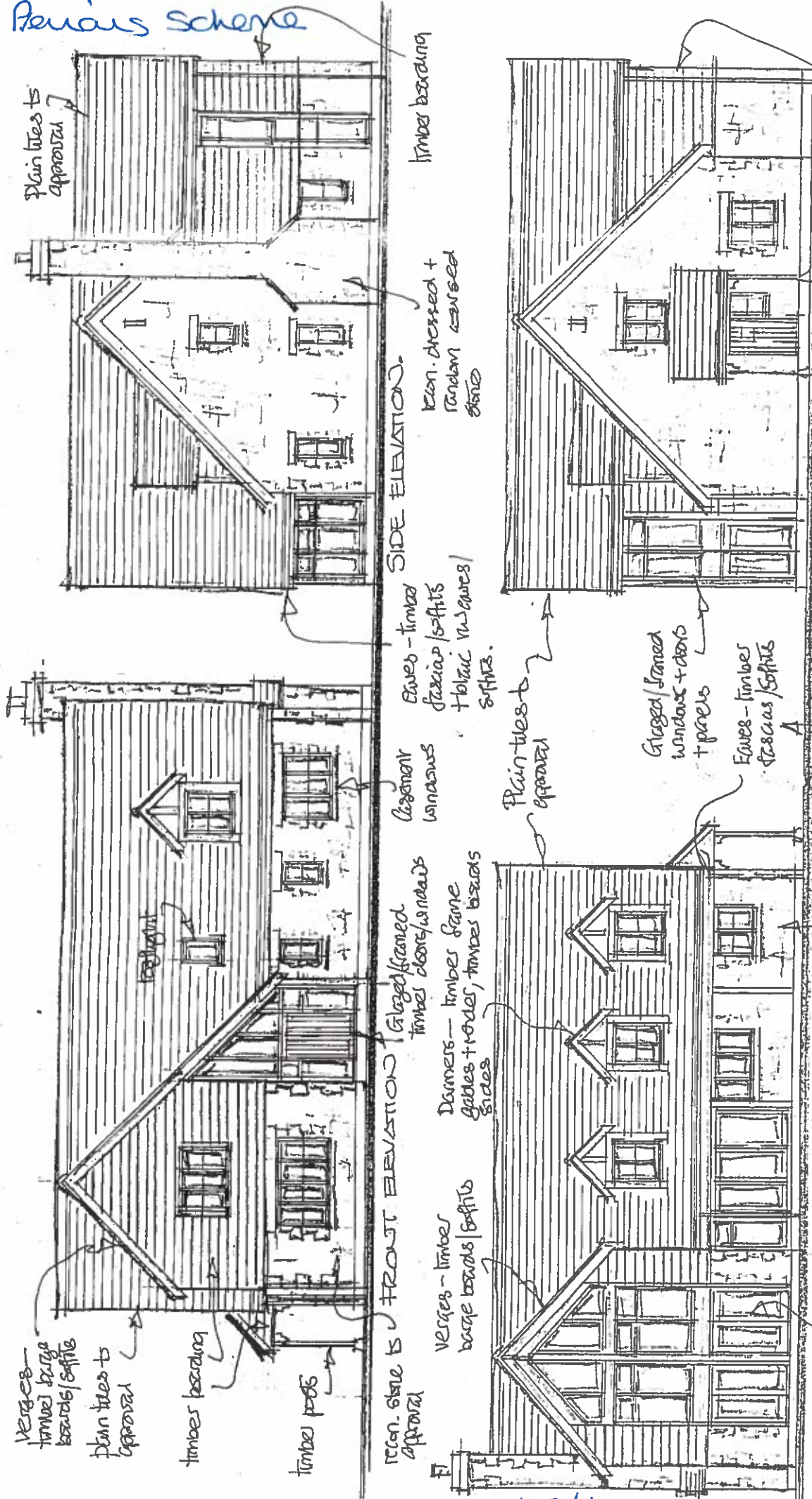
115/J

LAND OPPOSITE THE ORCHARD BY LAMBONA  
 DIXON ROAD. ALSTONE, TROCKSBURY. G120 8JP  
 PLOT 2 - ELEVATIONS 1:100  
 14:17:14:08. OCTOBER 2014  
 DENNIS L RAYSON TEL 01242 620818

PLOT 2.

'A'

*Previous scheme*



Verges - timber barge boards/soffits  
 plain tiles to approval  
 timber boarding  
 timber posts

**FRONT ELEVATION**

**SIDE ELEVATION**

**REAR ELEVATION**

**SIDE ELEVATION**

115/K

LAND OPPOSITE THE ORCHARD & LANDS, DIXON ROAD, ALSTON, LEICESTERSHIRE, LE20 8JD.  
 PLOT 1 - ELEVATIONS 1:100  
 14:1714: 05 OCTOBER 2014  
 DENNIS L RAYTON BA 01242 620818  
 'A'

**PLOT 1**

16/00532/FUL

Churchend House, Church End, Twyning

3

Valid 13.05.2016

Erection of a dwelling, alterations to roof structure of modern extension attached to existing dwelling. Demolition of flat roofed garage.

Grid Ref 389355 236157

Parish Twyning

Ward Twyning

Mr & Mrs T Lewis  
Churchend House  
Church End  
Twyning  
Tewkesbury  
Gloucestershire

## RECOMMENDATION Permit

### Policies and Constraints

NPPF

Planning Practice Guidance

Tewkesbury Borough Local Plan to 2011 (March 2006) - Policies HOU4, HOU8, HEN2, TPT1

Joint Core Strategy Submission Version (November 2014) - Policies SD1, SD9, SD11

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)

Church End Conservation Area

Within 50m of listed buildings

### Consultations and Representations

Twyning Parish Council - Object as proposal is considered to be wholly out of character with the location in the conservation area

Conservation Officer - No objection - The revised proposal has made efforts to minimise the scheme's bulk and its impact on the streetscape will be further mitigated by its set back position. In terms of design, conservation practice does not preclude working in contemporary idioms and the palette of materials, predominantly render, true slate and timber, compliments the materials found in the village. The impact of the scheme is therefore considered to be acceptable.

Local residents - 7 objections have been received which are summarised as follows:

- There are parking limitations in the area that would be made worse by the proposal. Parking on the roadside verge will cause an obstruction to traffic;
- It would cause a loss of privacy to neighbouring properties;
- It would have an overbearing impact and cause a loss of light to the neighbouring property;
- The design of the proposal does not respect the Conservation Area and the setting of neighbouring buildings of merit including the Grade II\* Listed Church;
- It is noted that the Council doesn't have a 5 year housing supply but there are significant environmental impacts which outweigh the economic and social contribution this application would make to the Council's housing supply.
- There may be archaeological remains on the site.

### Planning Officers Comments: Mr Matthew Tyas

#### 1.0 Site

1.1 The application site relates to Church End House; a C19th, tall detached dwelling. The property has been previously added to somewhat unsympathetically with a 1960s flat roofed two storey extension located to the east and a detached flat roofed garage building located within its curtilage.

1.2 The site is located in Church End's Conservation Area and is located opposite St Mary Magdalene's Church; a Grade II\* Listed Building.

## **2.0 History**

2.1 A planning application for the erection of a cottage style dwelling, alterations to roof structure of modern extension attached to existing dwelling and demolition of the flat roofed garage was withdrawn in December 2015 following officer concerns over the design of the new dwelling and its impact on the Conservation Area.

## **3.0 Application**

3.1 This is a revised application for the erection of a new dwelling within the curtilage of Church End House. The application also proposes alterations to the roof structure of the 1960s extension attached to the dwelling and the demolition of the flat roofed garage.

## **4.0 Planning Policy Context**

4.1 Policy HOU4 of the Tewkesbury Borough Local Plan to 2011 (TBLP) seeks to prevent new residential development outside of the residential development boundaries of defined settlements unless they are essential for agriculture or forestry, involve the acceptable conversion of an existing building, or the provision of affordable housing in accordance with HOU14.

4.2 The application would conflict with this policy as it involves new build general market housing on a site not located within one of the settlements defined in the policy.

4.3 However, the advice in the NPPF is a significant material consideration in decision making and states at paragraph 49 that housing applications should be considered in the context of the presumption in favour of sustainable development. 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.

4.4 In this instance the Council cannot demonstrate a five year supply of housing land and thus Policy HOU4 should not be considered as up to date. The proposal should therefore be considered in the context of the presumption in favour of sustainable development as defined at paragraph 14 of the NPPF.

4.5 For decision taking this means that proposals that accord with the development plan should be approved without delay and, where the development plan is absent, silent or its relevant policies are out of date, granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole, or where specific policies in the Framework indicate development should be restricted. This includes the policies relating to designated heritage assets (e.g. Conservation Areas and Listed Buildings).

4.6 With regard to the location of new housing the NPPF advises at paragraph 17 that planning should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable. Furthermore, paragraph 55 of the NPPF advises that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Isolated new homes in the countryside should be avoided unless special circumstances apply.

4.7 Policy HEN2 of the TBLP relates specifically to development in the Conservation Area and requires that (inter alia) proposals are of a high standard of design and preserve or enhance the character or appearance of the Conservation Area in terms of scale, form, materials and quality. This policy is considered to be broadly consistent with the NPPF's guidance on the historic environment which advises at paragraph 133 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 of the NPPF states 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.

4.8 Other relevant local plan policies include Policy HOU8 which relates to domestic extensions and Policy TPT1 which relates to access for development.

4.9 The emerging development plan is the Joint Core Strategy (JCS) Submission Version November 2014 and the draft Tewkesbury Borough Plan. The JCS is now at an advanced stage of preparation and in light of the recent Inspector's Interim Findings can be afforded some weight. Relevant JCS policies include SD1, SD9 and SD11. Where relevant the implications of these policies will be considered below. The draft Tewkesbury Borough Plan is at a very early stage of adoption and very little weight can be given to its policies.

## 5.0 Analysis

5.1 Having regard to the policy framework set out above and the views of consultees and local residents it is considered that the main issues are:

- The principle of development
- The impact on designated heritage assets
- Residential amenity impacts
- Parking/access/highway safety issues

### The principle of development

5.2 As noted above, the Council cannot demonstrate a five year supply of housing land and thus the proposal should therefore be considered in the context of the NPPF's presumption in favour of sustainable development. For the reasons set out in the section below, it is not considered that the NPPF's policies relating to designated heritage assets indicate in this instance that development should be restricted.

5.3 Church End is not a Service Village but does benefit from some service provision. It has a church, a village hall and bus stops providing a bus service (no. 351) to Twyning, Tewkesbury and Gloucester and the services and employment opportunities that they provide. Furthermore, the site is located approximately 1 km away from the Service Village of Twyning which is accessible by walking and cycling via a public right of way. On balance it is considered that the site is accessible enough to support a single new dwelling without this resulting in any significant unsustainable travel impacts.

5.4 Regard has been paid to emerging Policy SD11 of the Submission JCS which provides that residential development on sites not allocated or on previously developed land in cities, towns, rural service centres and service villages, will only be permitted where (inter alia) it involves infilling within the existing built up area of villages. In this instance Church End is considered to be a hamlet rather than a village and thus it would not necessarily fall within this category. It must however be acknowledged that Policy SD11 of the JCS can still only be given relatively limited weight given its emerging status and the Council's current inability to demonstrate a 5 year supply of housing land. The identified conflict with the policy does not override the NPPF's presumption in favour of sustainable development.

5.5 On the above basis it is considered that Church End is reasonably sustainable to the extent where it can support some limited, small scale residential development. On the above basis the proposed dwelling is considered to be acceptable in principle.

5.6 With regard to Policy HOU8 of the TBLP, the proposed alterations to Church End House are considered to be acceptable in principle but consideration is required in relation to the design of the proposal and their impact on the visual amenity of the area and the residential amenity of neighbours.

### Impact on designated heritage assets

5.7 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that, in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 of the Act states that, with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

5.8 In this instance the proposed development could potentially affect the setting of the nearby Grade II\* Listed Church, and the character and appearance of the Conservation Area. Special regard has been paid to these matters as required by the legislation cited above.

5.9 With regard to the Conservation Area, this part of the designated area has a varied character with a mixture of older and more modern properties and a mixture of materials including red brick, white render and expressed timber framing. The proposed dwelling would be of a traditional form but with contemporary detailing. As indicated by the Conservation Officer the palette of materials used in the proposal, predominantly render, true slate and timber, would compliment the materials found in the village.

5.10 The proposed dwelling would be set back from the road and would not occupy a prominent position in the street scene. It would not compete with the neighbouring buildings visually and it is considered that it would have a relatively discreet presence.

5.11 The proposal would also involve alterations to the roof structure of the 1960s flat roofed extension to Church End House. The proposal would involve a gable roof with dormer windows which is considered to be far more sympathetic to the character of the main house. It is considered that this feature would enhance the character and appearance of the Conservation Area, and would accord with the requirement of Policy HOU8 for extensions to respect the character of the existing dwelling.

5.12 It is also considered that the demolition of the existing flat roofed garage would represent an enhancement to the character and appearance of the Conservation Area.

5.13 On the above basis and having regard to the views of the Conservation Officer and the it is considered overall that the proposal would at least preserve and in some parts enhance the character and appearance of the Conservation Area.

5.14 With regard to the setting of the Grade II\* Listed Church, given the siting of the proposed dwelling in a relatively discreet position set back from the road it is not considered that any adverse impact on the heritage asset would result.

5.15 The comments made by a local resident that the site may contain Archaeological remains are noted but there is no evidence to confirm that this is the case. The County Archaeologist screens all applications submitted to the Council and has not raised this site as being one which may be of archaeological interest.

#### Residential amenity impacts

5.16 The proposed dwelling would not contain any windows in its east elevation and thus would cause no overlooking to 'Monkspool'. There would be two rooflights in the west elevation but if planning permission is granted a condition can be imposed requiring that the sill height of these is no lower than 1.7m above floor level. This would prevent any overlooking of the garden to Church End House. The loss of privacy concerns raised by the occupiers of Woodbine Cottage have been taken into account but it is noted that the windows in the front of the proposed dwelling would be approximately 28 metres away from its garden which is considered to be an acceptable distance in planning terms.

5.17 The concern raised by the occupier of Monkspool that the proposal would be overbearing has been considered. The proposed dwelling has however been designed to be at a single storey at the part of the site adjacent to Monkspool. The two storey part of the building would be approximately 11.5 metres away from the side of Monkspool's conservatory and at an oblique angle to its nearest rear windows. It is not therefore considered that an overbearing impact would occur. Furthermore, the spacing between the two properties would be sufficient enough to avoid an adverse loss of light impact.

5.18 It is not considered that the proposed extension would result in any adverse residential amenity impacts and would therefore be in accordance with Policy HOU8.

5.14 Taking the above matters into account it is considered that the residential amenity impacts of the proposal will be acceptable.

#### Parking/access/highway safety issues

5.15 The plans feature on site parking space for two vehicles to serve the new dwelling and an informal parking area to serve the existing dwelling. It is understood that the parking area to serve the existing dwelling would be sufficient for the parking of three vehicles. This is considered to be sufficient and it is considered that the parking limitations in the area would not be made worse by the proposals.



## Other matters

5.16 A number of small to medium sized trees would be removed as part of the proposal. The largest of these appears to be a Wellingtonia which is small in relative terms. Although this is considered to be unfortunate, the large mature trees at the rear of the site and the ornamental trees at the front of the site would all be retained and officers consider that the verdant setting of the Conservation Area would be maintained. It should also be appreciated that the Wellingtonia, although currently relatively small, is likely to grow to a significant height in the future and this may have an impact on nearby buildings. Its removal in future may therefore be inevitable in any event. The proposed parking area to serve the existing property would require extending the existing gravelled area beneath the ornamental trees referred to above. It is therefore recommended that an arboricultural method statement is secured by condition so to ensure that the construction of the parking area does not harm the health of the trees, which are considered to make a contribution to the setting of the Conservation Area.

## **6.0 Conclusion**

6.1 Paragraph 49 of the NPPF requires that housing applications should be considered in the context of the presumption in favour of sustainable development. This means approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

6.2 In this instance the proposed alterations to Church End House would accord with policies HOU8 and HEN2 of the TBLP. Having regard to the NPPF's presumption in favour of sustainable development it is therefore concluded that this part of the proposals is acceptable and can be approved.

6.3 The proposed new dwelling would conflict with Policy HOU4 however this policy is considered to be out of date as the Council cannot demonstrate a 5 year supply of housing land. It is therefore necessary to consider the benefits and impacts of the proposal and the overall planning balance. In this instance it can be identified that the proposed dwelling would produce some benefit in that it would make a small, but nonetheless valuable contribution to the supply of housing in the Borough. Furthermore, paragraph 55 of the NPPF recognises the contribution that new housing makes to the vitality of rural communities. It is considered that the proposed dwelling would bring new residents into the community and help to ensure that it doesn't risk becoming stagnant. The proposal would also bring some economic benefit insofar as its contribution to maintaining construction jobs is concerned.

6.4 The site is considered to be accessible enough to support a single new dwelling without this resulting in any significant travel by unsustainable modes. Special regard has been paid to the proposal's effect on heritage assets including the Grade II\* Listed Building and the Conservation Area and no adverse impacts have been identified. Sufficient on-site parking is provided and the proposal would not conflict with highway safety. No unacceptable residential amenity impacts would result and the required tree removal would be acceptable. On the above basis and on balance, it is considered that the adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits. It can therefore be concluded that the proposal would represent sustainable development and it is therefore recommended that planning permission is granted.

## **RECOMMENDATION Permit**

### Conditions:

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Numbers 1824- LOC rev B, 1824-02, 1824-03, Alterations to Church End House Drawing.
- 3 Building operations shall not be commenced until samples of the external materials proposed to be used for the proposed new dwelling and the alterations to Church End House have been submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the sample(s) so approved.

- 4 No work shall start until detailed drawings and materials details for the proposed new and replacement windows and doors, including elevations and sections, have been submitted to and approved in writing by the Local Planning Authority. The fitted windows shall be in accordance with the approved drawings. The elevations shall be at a minimum scale of 1:20 and the sections shall be at a minimum scale of 1:5 and shall indicate moulding profiles at full size.
- 5 Notwithstanding the details on the approved drawings, the timber cladding featured on the proposed dwelling and alterations to Church End House shall not be treated in any way and shall be left to weather naturally.
- 6 No development shall take place until details of existing and proposed ground levels and ground floor slab level of the dwelling hereby permitted, relative to Ordnance Datum Newlyn, have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.
- 7 The sill height of the proposed roof lights on the west elevation of the new dwelling hereby approved shall be located no lower than 1.7 metres above the floor level of the room in which the roof lights are located.
- 8 The dwelling hereby permitted shall not be occupied until the vehicular parking facilities to serve both the existing and proposed dwellings have been provided in accordance with the submitted plans and those facilities shall be maintained available for those purposes thereafter.
- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, re-enacting or modifying that Order), no development specified within Classes A, B, C, D, E, F and G of Part 1 of Schedule 2 to that Order shall be carried out without the prior written approval of the Local Planning Authority.
- 10 No development shall take place in pursuance of the new dwelling hereby permitted until an Arboricultural Method Statement to address the construction of the parking area to serve the existing dwelling has been submitted to and approved in writing by the local planning authority. The statement shall accord with BS 5837: Trees in Relation to Construction. All approved tree and hedge protection measures shall be in place prior to the commencement of construction and shall be retained thereafter until construction has been completed.

Reasons:

- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interest of proper planning.
- 3 To preserve the character and appearance of the Conservation Area in accordance with Policy HEN2 of the Tewkesbury Borough Local Plan to 2011 (TBLP) and the advice on the Historic Environment within the NPPF.
- 4 To preserve the character and appearance of the Conservation Area in accordance with Policy HEN2 of the Tewkesbury Borough Local Plan to 2011 (TBLP) and the advice on the Historic Environment within the NPPF.
- 5 To preserve the character and appearance of the Conservation Area in accordance with Policy HEN2 of the Tewkesbury Borough Local Plan to 2011 (TBLP) and the advice on the Historic Environment within the NPPF.
- 6 To ensure that the development integrates harmoniously with the surrounding development and to safeguard the amenities of residents of adjoining properties.
- 7 To protect the amenity of the adjoining occupier in accordance with the Core Planning Principles of the NPPF 2012.
- 8 To ensure that adequate off street parking is provided so to avoid highway safety conflicts in accordance with Policy TPT1 of the TBLP and the transport advice in the National Planning Policy Framework.

- 9 To preserve the character and appearance of the Conservation Area in accordance with Policy HEN2 of the Tewkesbury Borough Local Plan to 2011 (TBLP) and the advice on the Historic Environment within the NPPF, and to protect the amenity of nearby residents in accordance with the Core Planning Principles of the NPPF.
- 10 In order to protect trees which are considered to make a valuable contribution to the character and appearance of the Conservation Area.

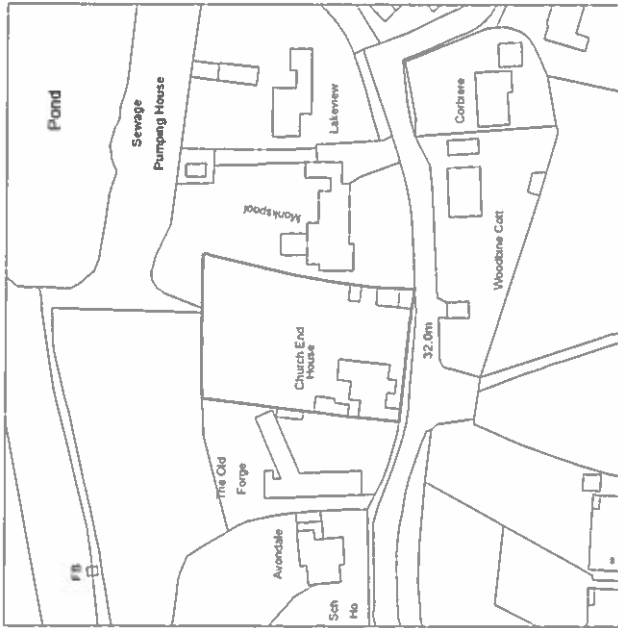
Note:

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

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

Note! Refer to drawing 1824-02 for accurate setting out of proposals.

16/00532/FUL

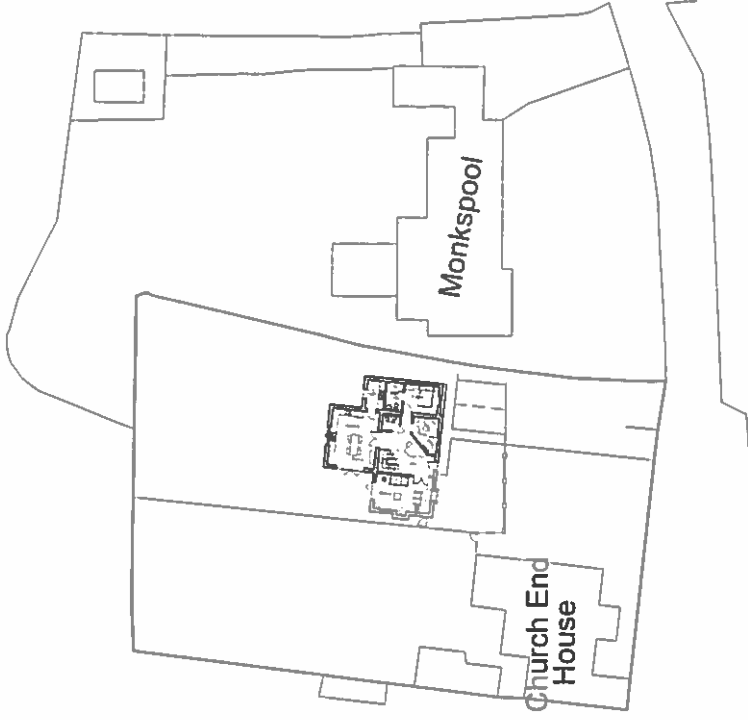


Location Plan  
scale 1:1250



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122/A



Block Plan  
scale 1:500



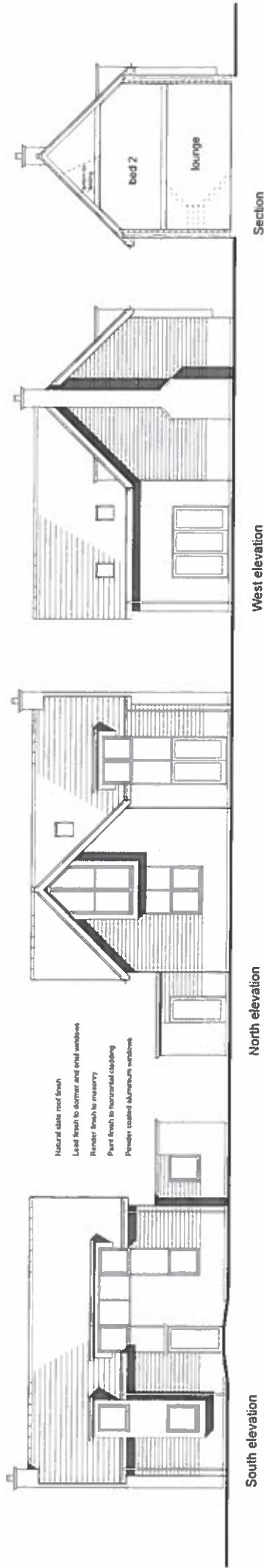
<p><b>NICK JOYCE ARCHITECTS LTD</b>  <b>ARCHITECTS AND HISTORIC BUILDING CONSULTANTS</b>          Company No 0524006 Registered in England and Wales</p> <p>3 BARBOURNE ROAD WORCESTER WR1 1BS          TELEPHONE 01903 726307/79911 FAX 01903 726307</p>	<p>CHURCH END HOUSE, CHURCH END, TWYNING.</p>		
	<p>Location plan</p>	<p>SCALE - 1:1250 @ A3 DRAWN - AAS</p>	<p>DRG No - 1824- LOC rev B</p>
	<p>DATE - April 2016</p>	<p>CHECKED -</p>	

**NOTES-**  
 Rev A 20-06-16 Conservatory added to Monkspool (AAS).  
 Rev A 14-07-16 Red line around boundary (AAS).

**DO NOT SCALE OFF THIS DRAWING**

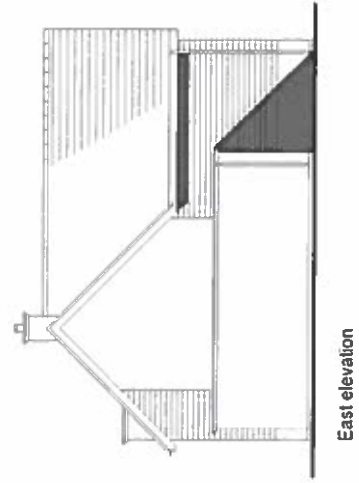
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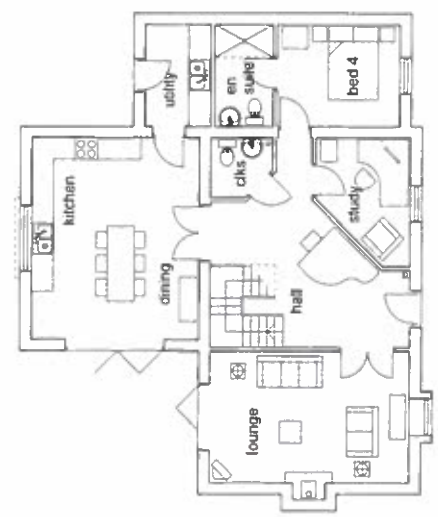


Natural slate roof finish  
 Lead finish to dormer and small windows  
 Render finish to masonry  
 Paint finish to horizontal cladding  
 Powder coated aluminium windows

*Proposed new dwelling*



First floor plan



Ground floor plan

<b>NICK JOYCE ARCHITECTS LTD</b> <b>ARCHITECTS AND HISTORIC BUILDING</b> <b>CONSULTANTS</b> <small>Company No 01247496 Registered in England and Wales</small>	
<small>5 BARRINGTON ROAD WOLCOSTE WOL 146</small> <small>TELEPHONE 01865 725257 / 725251 FAX 01865 725269</small>	
<b>CHURCH END HOUSE, CHURCH END,</b> proposed dwelling house	
plans and elevations.	
SCALE - 1:100@ A1	DRAWN - AAS
DATE - Apr 2016	CHECKED -
	DRG No - 1824-03

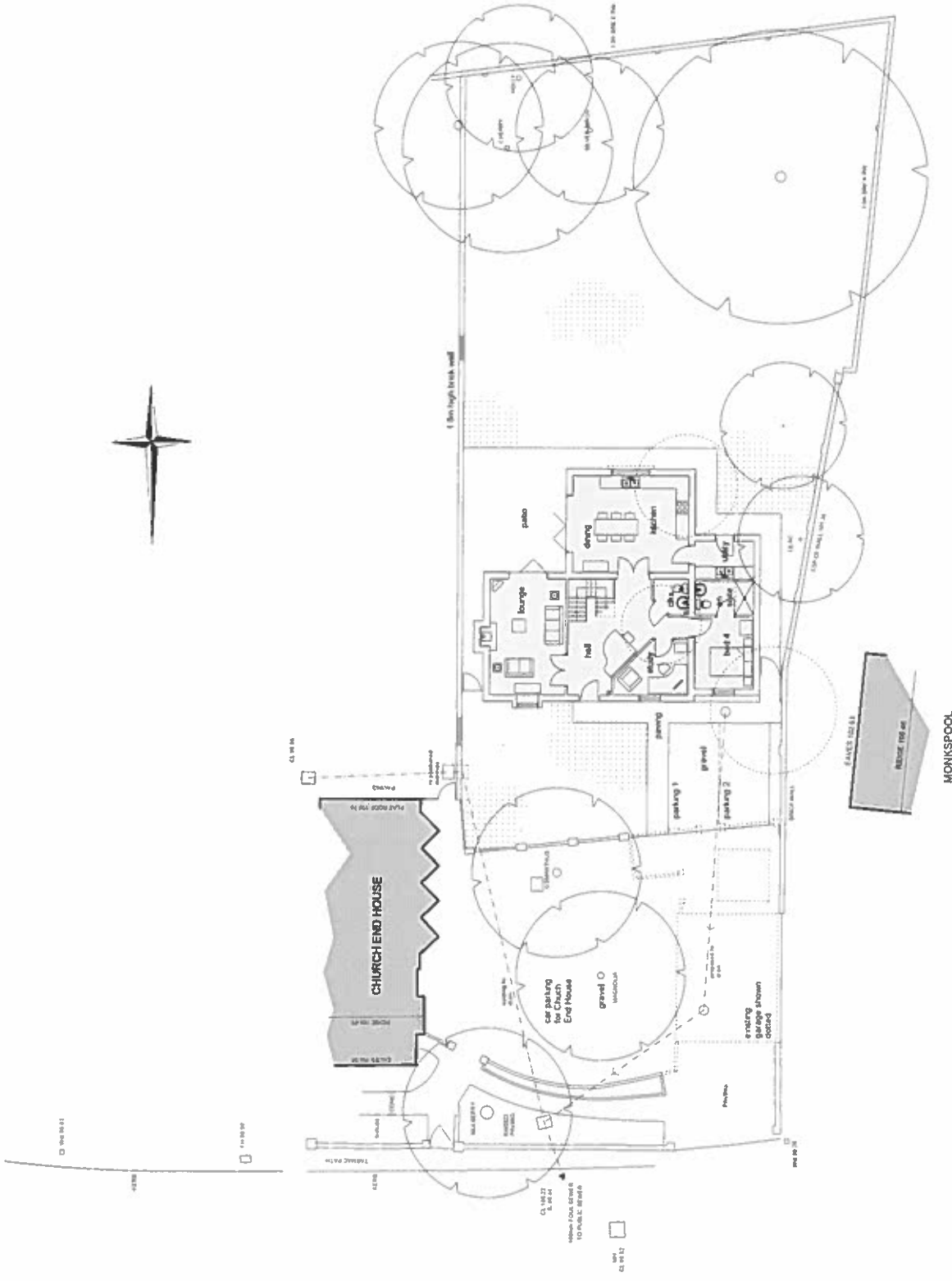
122/B

NOTES -

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 © 2011 SCALE OFF THE PLAN GROUP



SCALE  
 1:1000

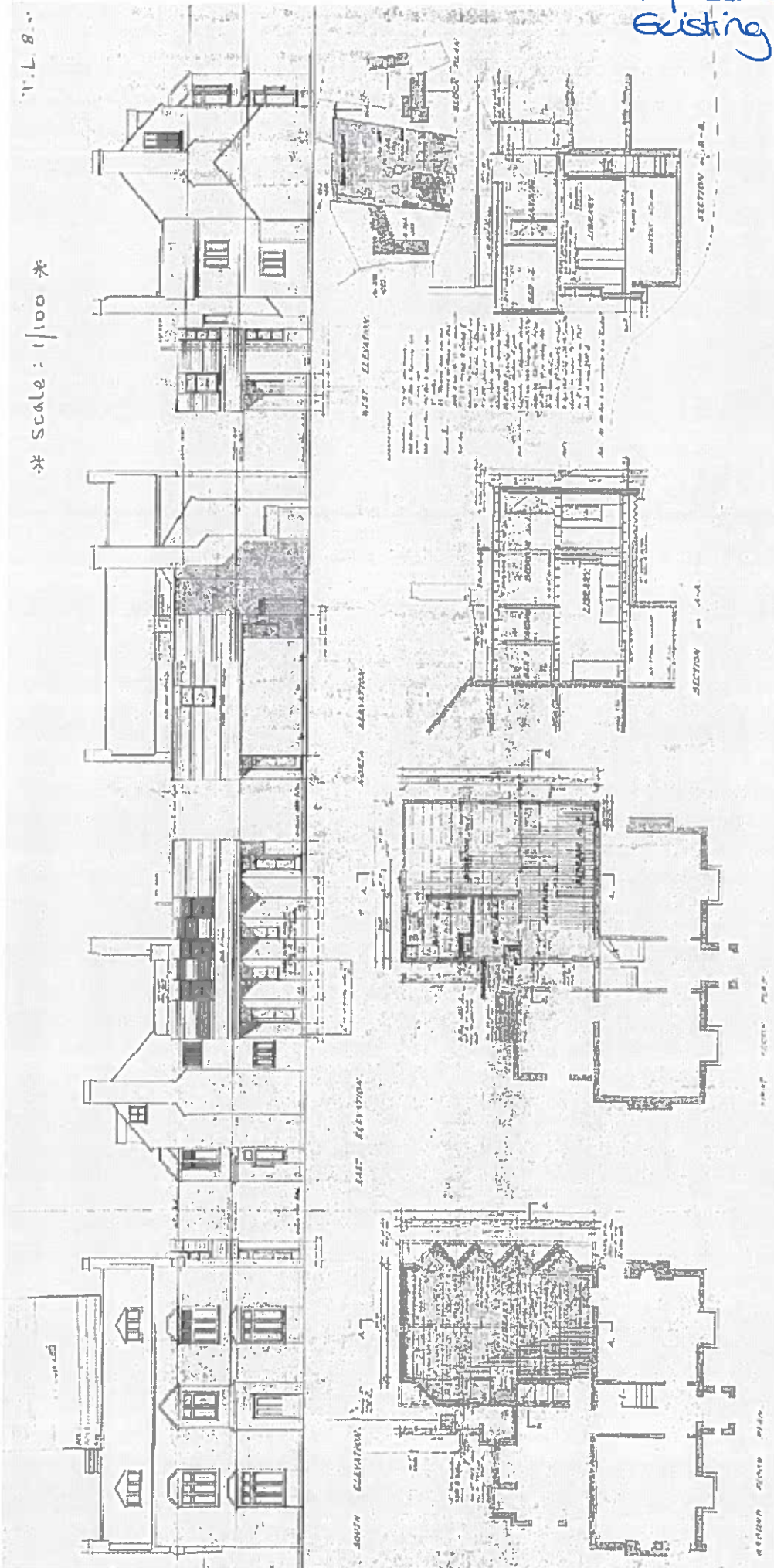


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CHURCH END HOUSE, CHURCH END.

122 K

Proposed alterations to Existing dwelling

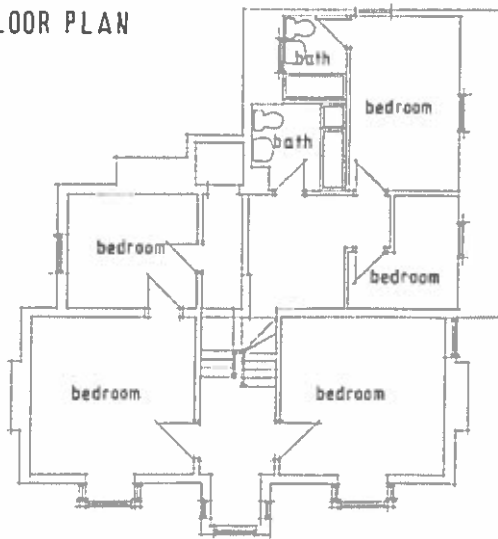




EAST ELEVATION

NORTH ELEVATION

FIRST FLOOR PLAN



PLANNING AND DEVELOPMENT SERVICES	
Client:	.....
Scheme:	.....
Recd:	17 JUN 2015
File:	.....

CHURCH END HOUSE, CHURCH END, TWYNING, GLOS.  
 PROPOSED ALTERATIONS

SCALE 1-100

727  
 Gp

122/E



16/00179/FUL

12 Long Field, Highnam, Gloucester

4

Valid 20.04.2016  
Grid Ref 379973 220589  
Parish Highnam  
Ward Highnam With Haw  
Bridge

Retention of 1m high fence along side of public footpath

Ms Rachael Lugg

12 Long Field  
Highnam  
Gloucester  
Gloucestershire  
GL2 8LT

## RECOMMENDATION Permit

### Policies and Constraints

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

### Consultations and Representations

Parish Council - strongly object. First it needs to be established that the fence has been built on land owned by the resident and not on community land. Second the fence is considered to be too high and not in keeping with other boundary fences in the village. The village was built with an open plan aspect and this fence detracts from that.

Local residents - One letter of support has been received from the neighbours at 8 Long Field. The reasons are as follows:

- the fence has made an improvement to the look of the close.

One letter of observation has been received from a local resident with regards to land ownership and the history of the site:

- According to the original site plan no 12 Long Field owns the land going from a straight line from the garden fence to the footpath running from Long Field to Poppy Field.

- When the property was built in the 1980's there was a fence along the footpath about 300mm high but this was removed.

**Planning Officers Comments:** Mrs Sarah Barnes

### 1.0 Application Site

1.1 This application relates to 12 Long Field, a detached brick property located in the corner of a cul-de-sac in Highnam (**site location plan attached**).

### 2.0 Planning History

2.1 Planning permission reference TG.2822/D/2/B was the original permission for the estate and removed permitted development rights for, amongst other things, garden fences. The reason for the condition was "To preserve and enhance the visual amenities of the locality."

### 3.0 Current application

3.1 The current application is for the retention of a 1 metre high post and rail style fence located along the front / side of their property boundary (**see attached plans**). There is a public footpath that runs along the side and to the rear of the house. Permitted development rights were removed from this area when permission was originally granted for the estate hence why permission is required for the fence.

## 4.0 Policy Context

4.1 Section 7 of the NPPF makes it clear that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning. Paragraph 69 of the NPPF sets out that planning policies and decisions, in turn, should aim to achieve places which promote: safe and accessible developments, containing clear and legible pedestrian route, and high quality public space, which encourage the active and continual use of public areas.

## 5.0 Analysis

5.1 The main issue for consideration in this application is the impact of the fence on the visual amenity of the area.

### Visual amenity

5.2 The Parish Council have raised strong objections to the proposal. Their main reason for objection is that the fence is considered to be too high and not in keeping with other boundary fences on the estate. The estate was built with an open plan aspect and they consider that the new fence detracts from that.

5.3 The fence falls within the ownership of the applicant and within their residential curtilage. The fence also does not encroach on the adjacent footpath. The fence is only 1 metre in height and a fence of this height would not usually require planning permission. As set out above, the only reason why permission is required is due to permitted development rights having been removed.

5.4 In terms of visual amenity, it is considered that the 1 metre high post and rail style fencing creates a fairly open appearance and does not look out of keeping with the surrounding area nor other boundary treatments in the vicinity. It also does not encroach onto the adjacent footpath nor does it create a hazard to those using the footpath.

## 6.0 Conclusion

6.1 In light of the above, whilst the comments of the Parish Council are noted, it is considered that the 1 metre high boundary fence is in-keeping with other boundary treatments within the vicinity and is not harmful to the visual amenity of the area. As such, the proposal is considered to accord with the NPPF and is accordingly recommended for **permission**.

## RECOMMENDATION Permit

Conditions:

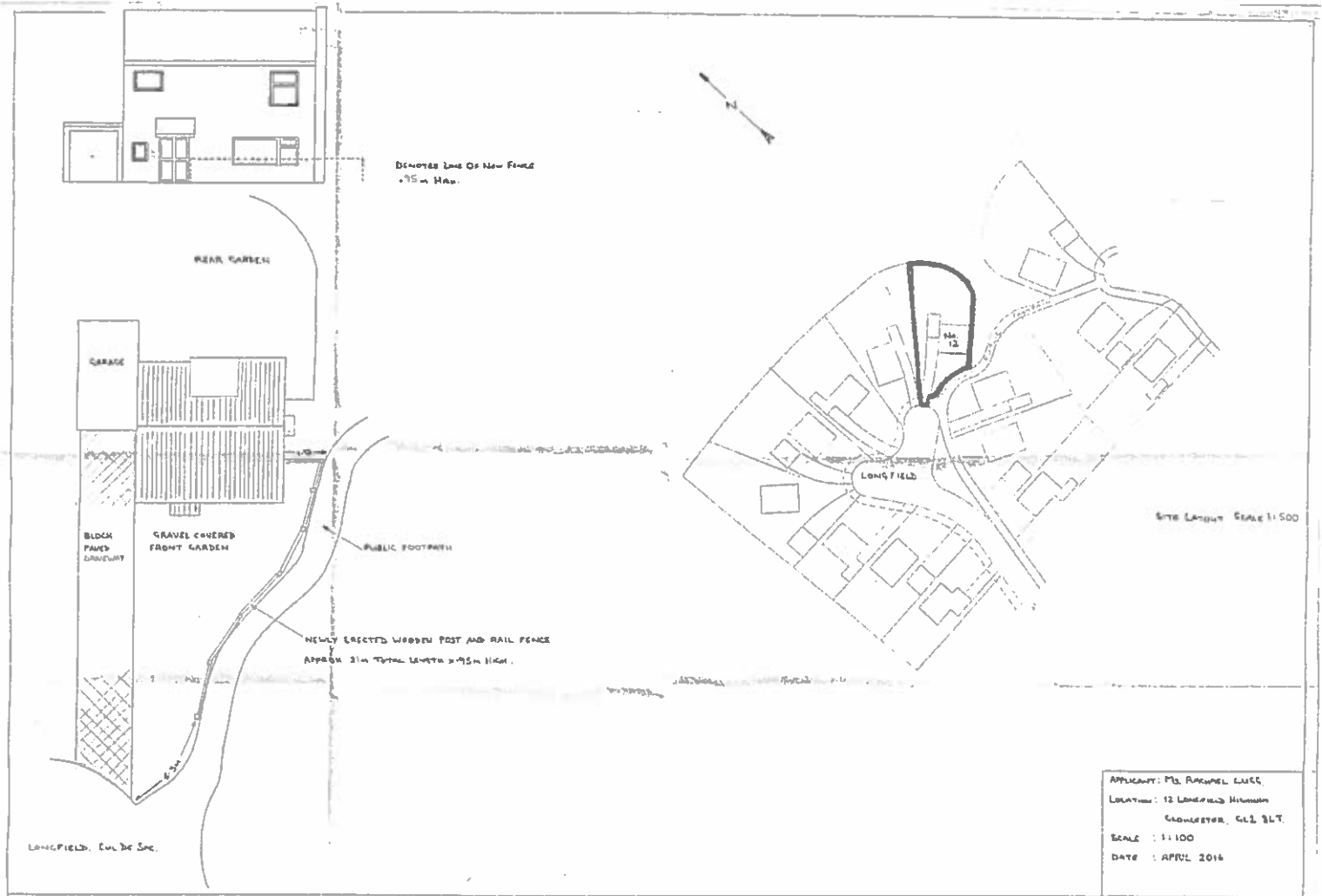
Nil

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.

16/00179/fal



Valid 06.05.2016

External alterations to existing house including single storey side extension and link to proposed swimming pool building with associated landscaping works.

Grid Ref 397088 227863  
Parish Woodmancote  
Ward Cleeve Hill

Mr & Mrs Fitton  
The Meadows  
Butts Lane  
Woodmancote  
Cheltenham  
GL52 9QH

## RECOMMENDATION Permit

### Policies and Constraints

National Planning Policy Framework (NPPF)  
Planning Practice Guidance (PPG)  
Tewkesbury Borough Plan to 2011 (March 2006) - Policies HOU8, TPT1, EVT2, LND2, LND4, RCN2  
Submission Version Joint Core Strategy (November 2014) -Policies SD7, SD8  
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  
Special Landscape Area 20 metre buffer

### Consultations and Representations

*Woodmancote Parish Council* - Objects for the following reasons (summarised):

- AONB should be protected and this is overdevelopment which will have an urbanising effect
- Substantial local visual impact, especially from footpath AWO10
- Substantial visual impact from other viewpoints in AONB
- Potential commercial use
- Question whether a pool can be considered under policy HOU8 and therefore the new link between the house and pool to distinguish between old and new is not required
- Details of materials for new pool building is missing
- This is not an inclusive design
- The proposal will have a significant environmental impact.
- The site is on a gradient and the excavation of earth will have an environmental impact
- An archaeological survey may be required due to the amount of earth being moved, close to Nottingham fort
- The scheme involves a great amount of (chlorine or treated) water and a water processing plant
- New water plant may give cause unnecessary noise pollution. NPPF para 123 states that decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development
- The D&A statement states a low energy demand house is proposed. The pool is not mentioned. A pool is one of the highest energy demand builds.
- The proposal does not minimise waste and pollution or adapt to climate change including moving to a low carbon economy.
- Details of proposed new vehicle access to and from the public highway is missing
- New vehicular access raises the question of commercial use of annexes and pool
- Materials of new vehicle access should be more porous to soak up the runoff from surrounding AONB hills
- Light pollution - Woodmancote in liaison with AONB is a dark zone and street lighting is turned off at midnight. Anticipated that the pool build will require a lot of lighting especially within winter.
- Access to the site is along a substandard track road and may prohibit access by large construction vehicles. Butts Lane is effectively a cul-de-sac and this Lane is the only access to their homes. Planning conditions would need to be applied and adhered to if applicant application permitted.

*No comments have been received from local residents*

## **Planning Officers Comments: Paul Instone**

### **1.0 Application Site**

1.1 The application relates to The Meadows, a dwelling 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 and 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 (AONB).

### **2.0 Relevant Planning History**

16/00063/FUL - External alterations to existing house including single storey side extension and link to proposed rear swimming pool complex with associated landscaping works. This scheme was similar to the current application but for a larger swimming pool building. Planning officers advised the applicant that the pool building was too large for the AONB location and the applicant withdrew the application. Withdrawn March 2016.

15/00744/FUL - Erection of three bay oak framed detached garage (and removal of existing pitched roof garage). Permitted October 2015. Condition 4 of the permission requires the existing pitched roof garage to be demolished and the resulting materials removed from site.

12/00171/FUL - Erection of a replacement building to be used as an ancillary residential annex. Permitted April 2012.

10/00208/FUL - Demolition of existing barn and erection of enlarged barn for the storage of shavings, hay, straw, tractor and machinery (Revised scheme Ref: - 09/00778/FUL). Permitted April 2010.

09/00778/FUL - Demolition of existing barn and erection of enlarged barn for machinery/haystore/livestock. Refused October 2009.

97/1390/0542/FUL - Erection of garages. Erection of stable block. Permitted August 1999

Various permissions have also been permitted to extend the dwelling over the years

### **3.0 Current Application**

3.1 The application proposes external alterations to the existing house including a single storey side extension, the construction of a gym/swimming pool building, the erection of link between the dwelling and the proposed swimming pool and the construction of a new access. It is proposed that the existing stable block will be demolished. The application is submitted further to withdrawn application 15/00744/FUL and seeks to respond to comments from Officers.

3.2 The proposed swimming pool building would have a footprint of 13.6 metres by 9 metres (reduced from 19.4 metres by 9.7 metres from withdrawn application 15/00744/FUL). The swimming pool building would be sunk into the hillside and have a pitched roof and would have the appearance of a ridge height of approximately 4 metres when viewed from the most prominent south viewpoint. This is a reduction of 2.1 metres from the withdraw application. The height of the ridge of the proposed swimming pool building when viewed from the south west to the rear of the existing dwelling would be approximately 5.5 metres. It is proposed that the pool building would have horizontal timber cladding with a tile roof. The applicant has confirmed that the swimming pool would be used in association with the dwelling and not for commercial purposes. This matter can be controlled by condition. The swimming pool would be linked to the existing house by a glazed walkway with a pitched tiled roof with a ridge height of approximately 3.1 metres.

3.3 The application also proposes alterations to the existing dwelling including the removal of existing conservatory and the construction of single storey flat roof dining/day room, additional windows serving a bedroom and bathroom on the east elevation, the installation of bi-fold doors on the south elevation and the installation of a new door and window on the north elevation.

3.4 The application also proposes the creation of a new access from Butts Lane providing a separate access to the retained stable and paddocks.

## 4.0 Policy Context

4.1 The application is a domestic extension. Local Plan Policy HOU8 provides guidance on domestic extensions and sets out that proposals will be permitted provided:

- The proposal respects the character, scale and proportion of the existing dwellings, or, where appropriate, the original dwelling
- Complement the design and materials of the existing dwellings
- Does not result in adequate parking or manoeuvring spaces
- Does not have an unacceptable impact on adjacent property and the protection of residential amenity, in terms of bulk, massing, size, and overlooking
- Respects the character and appearance of surrounding development

4.2 Local Plan Policy TPT1 relates to access for developments and states that development will be permitted where, inter alia, it would not impair the safety or satisfactory operation of the highway network; and highway access can be provided to an appropriate standard which would not adversely affect the safety or satisfactory operation of the highway network, nor cause an unacceptable loss of amenity to users of adjacent land.

4.3 Policy SD8 of the JCS Submission Version states that all development proposals in or adjacent to the AONB will be required to conserve and, where appropriate, enhance its landscape, scenic beauty, wildlife, cultural heritage and other special qualities. Proposals are required to be consistent with the policies set out in the Cotswolds AONB Management Plan.

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

## 5.0 Analysis

5.1 The main planning issues to be considered in this application are the size, scale and design of the proposal and the impact on the character of area and the AONB, impact on residential amenity of neighbouring properties and access.

### *Impact on Character of Area and AONB*

5.2 The application site is located in the AONB and the Parish Council have objected on the grounds that this is overdevelopment which will have an urbanising effect and will have a substantial visual impact on the AONB.

5.3 The existing dwelling is located in an elevated position from the access road and the natural topography rises to the east behind the property. There are a number of existing buildings on the site including the dwelling, the stable block which is proposed to be demolished, and two barns. The stables and the barns are located to the north east of the dwelling on higher land. The application site is part of a large plot of land and the buildings are relatively contained within the wider setting.

5.4 The proposed single storey swimming pool building would be located on the approximate site of the existing stables building, which is to be demolished and would be located between the existing barn and the dwelling. The existing stable building which is to be demolished is single storey with a mono-pitch roof. The existing barn which sits behind the proposed swimming pool and is located on higher ground has a pitched roof with a ridge height of approximately 4.4 metres when viewed from the most prominent viewpoint to the south.

5.5 The proposed swimming pool building would be situated between the dwelling and the existing barn and would have a ridge height, when viewed from the south, approximately 1.8 metres lower than the dwelling and 3 metres lower than the adjacent barn.

5.6 It is considered by virtue of the scale and mass of the building and the architectural approach, including the low eaves, that the scale of the proposed building is acceptable as it is subservient to the existing buildings on the site. The proposed building would appear as part of the existing accumulation of buildings and would not extend into the wider AONB landscape.

5.7 In regard to the proposed alterations to the dwelling, it is considered that amendments respect the character and scale of the existing building and do not detrimentally impact on the character of the area and the AONB.

5.8 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 existing buildings, it is considered that views from public footpaths would be limited.

5.9 On balance, due the architectural approach and the location of the proposed development, set against a backdrop of existing buildings, it is considered that the proposal respects the character and appearance of the area and it is 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.

#### *Design and Impact on Character and Proportion of Existing Dwelling*

5.10 Given the generous size of the application site, the principal dwelling house and the surrounding outbuildings, it is considered that the proposed swimming pool building would respect the character, scale and proportion of the existing dwelling and the surrounding ancillary buildings. It is also considered that the proposed materials of horizontal timber cladding with a slate roof would respect the location of the building as a transition between the dwelling and the agricultural buildings and are considered appropriate for the context.

#### *Impact on Residential Amenity*

5.11 As there are no other dwellings in close proximity of the application site, it is considered that their amenity would not be unduly affected.

#### *Access, car parking and manoeuvring space.*

5.12 The application proposes a new access onto Butts Lane to serve the existing stables and paddock. The access road is 3.5 metres in width and the entrance onto Butts Lane is onto a straight section of road with clear visibility in each direction.

5.13 In respect of parking and manoeuvring space, following implementation of the proposal there would remain adequate parking and manoeuvring space on site to accommodate vehicles associated with the use of site.

#### *Other Matters*

5.14 Concerns have been raised by the Parish that an archaeological survey may be required due to the amount of earth being moved, close to Nottingham Hill Camp. The County Archaeologist has checked the application site against the County Historic Environment Record and there is no archaeology known there, and in the view of the County Archaeologist there is a very low risk of any adverse impact on archaeological remains arising from this development. It is therefore recommended that no archaeological investigation or recording should be undertaken in connection with this scheme.

5.15 In the wider landscape the Scheduled Monument of Nottingham Hill Camp is located approximately 1 kilometre to the north-east of the application site and it is considered by the County Archaeologist that there will be no significant impact on the Scheduled Monument or its setting arising from this scheme.

5.16 Concerns have also been raised in respect of noise and light pollution associated with the use. There are already domestic uses on the application site and it is not considered that internal lighting in the swimming pool building, which would have a slate roof with roof lights, would result in a material increase in light pollution over and above existing levels. However, to control potential external light pollution arising from the swimming pool building it is recommended a condition is imposed to control external lighting. In respect to noise pollution, it would not be expected that plant associated with the swimming pool would raise concerns, however if necessary any noise pollution could be controlled by Environmental Health through separate legislation.

5.17 The application does not seek the use of the swimming pool for commercial purposes, however it is considered necessary to impose a condition to ensure the use is ancillary to the main use of the dwelling house.

5.18 Concerns have also been raised about the effects of construction traffic along Butts Lane which may hinder access for residents due to size of the carriageway. Due to the limited width of Butts Lane and the absence of parking control on the carriageway it is considered reasonable to impose a condition to ensure that provision is made for all construction and site operative vehicles to be accommodated on site.

## 6.0 Conclusion

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

### RECOMMENDATION Permit

#### Conditions:

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:
  - PL100A Existing Block Plan
  - PL103 Proposed Site Layout
  - PL104 Ground/First Floor Proposed
  - PL105 Proposed Pool Elevations
  - PL105 A Proposed Elevations (1)
  - PL107 Proposed Site Views
  - PL108 Proposed Elevations (2)
  - PL109 Proposed Elevations (3)
- 3 Notwithstanding any indication of materials which have been given in the application, a schedule and/or samples of the materials and finishes for the development shall be submitted to and approved in writing by the Local Planning Authority before any development takes place. The development shall be carried out in strict accordance with the approved details.
- 4 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.
- 5 The development hereby permitted shall not be brought into beneficial use, until the existing stable building shown edged red on plan No. PL104 has been demolished and all resulting materials and debris removed from the site.
- 6 No work shall commence on site until details of existing and proposed levels with reference to a fixed datum point, to include details of finished floor and ground levels, have been submitted to and approved in writing by the Local Planning Authority. All development shall be carried out in accordance with the approved details.
- 7 The development shall not begin until provision has been made to accommodate all site operatives', visitors' and construction vehicles; loading, off-loading, parking and turning within the site, during the construction period in accordance with details to be submitted and agreed in writing by the Local Planning Authority.
- 8 No external lighting shall be installed on the swimming pool building unless the details have first been approved in writing by the Local Planning Authority.

#### Reasons:

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



- 3 To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity in accordance with the NPPF
- 4 In order to secure the most appropriate development of the application site in accordance with Policy HOU8 of the Tewkesbury Borough Council Local Plan.
- 5 To conserve and enhance the scenic beauty of the Area of Outstanding Natural Beauty in accordance with the aims and objectives of the NPPF.
- 6 To conserve and enhance the scenic beauty of the Area of Outstanding Natural Beauty in accordance with the aims and objectives of the NPPF.
- 7 To minimise danger and inconvenience for highway users
- 8 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:

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



**Project** Extension and internal alterations  
- The Meadows, Bull's Lane,  
Cheltenham

**Scale:** 1:200 @ A1

**Date:** April 2016

**Drawn by:** PL103

**Drawing title** Proposed Site Layout

**Client:** M and Mrs Farn

**Drawn by:** JF

**Checked:**

**Job number:** 15.10.013

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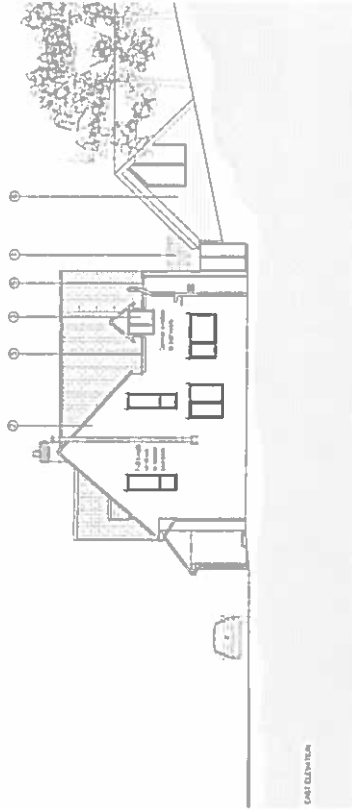
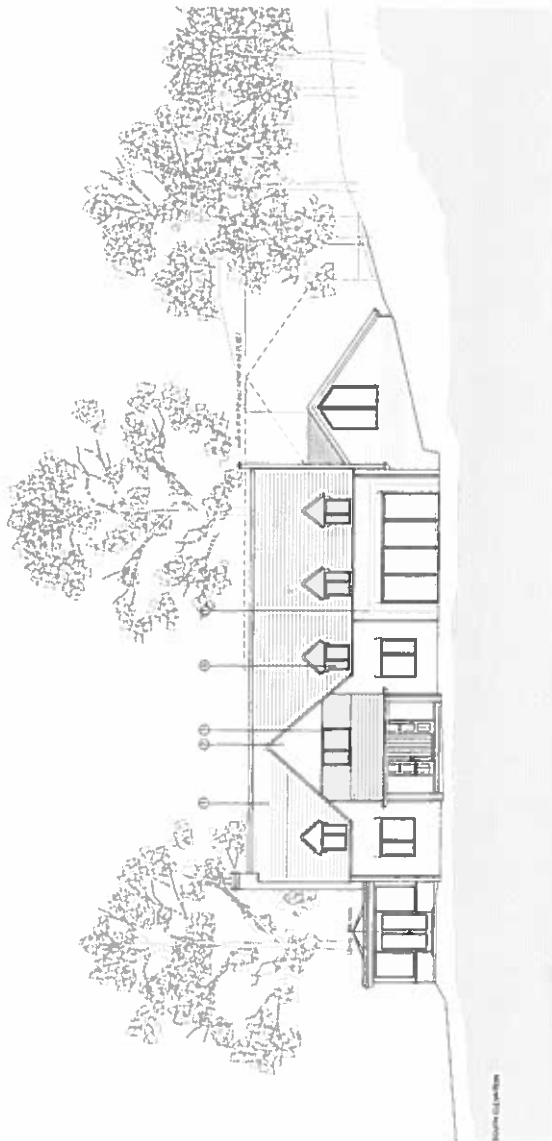
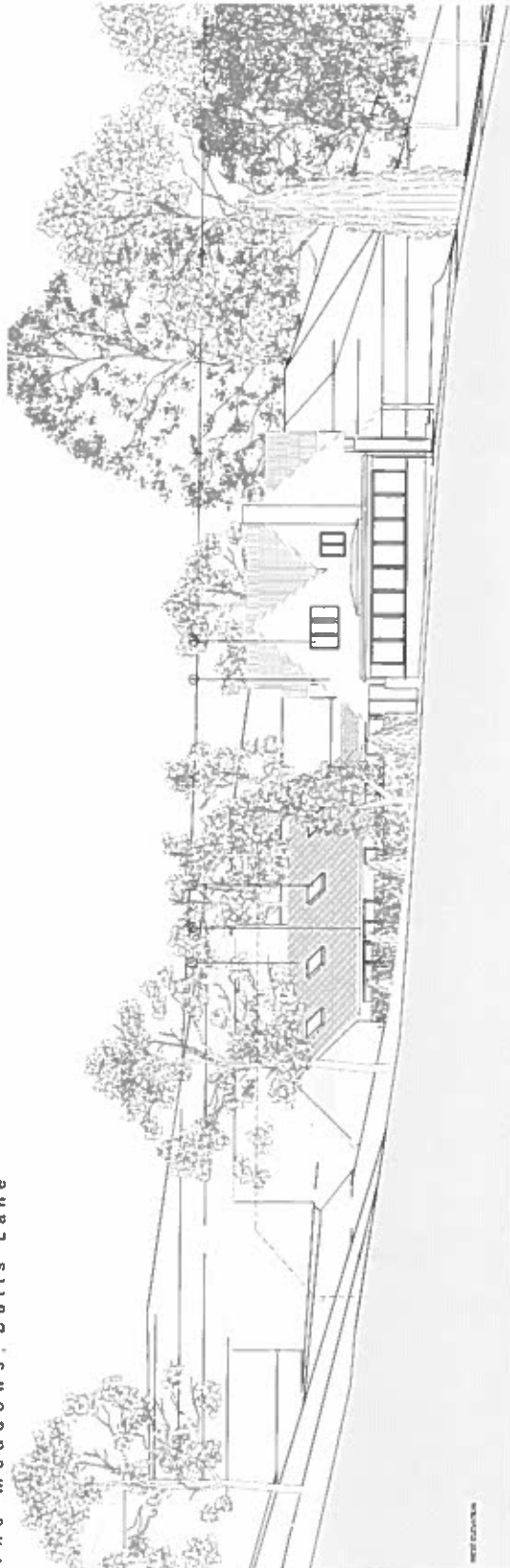


- Preliminary
- Feasibility
- Planning
- Building Regulations
- Tender
- Construction issue
- As Built

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The Meadows, Bulls Lane

- 1- PLANT TILE ROOF
- 2- CLAY TILE ROOF
- 3- PVC ALUMINUM RAINWATER GUTTERS
- 4- TIMBER DOORS
- 5- PVC ALUMINUM RAINWATER GOODS
- 6- HORIZONTAL TIMBER CLADDING
- 7- TIMBER PORCH



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- Preliminary
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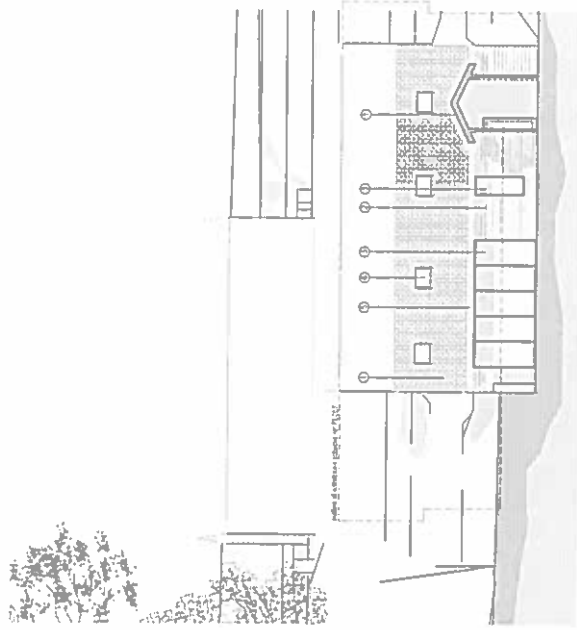
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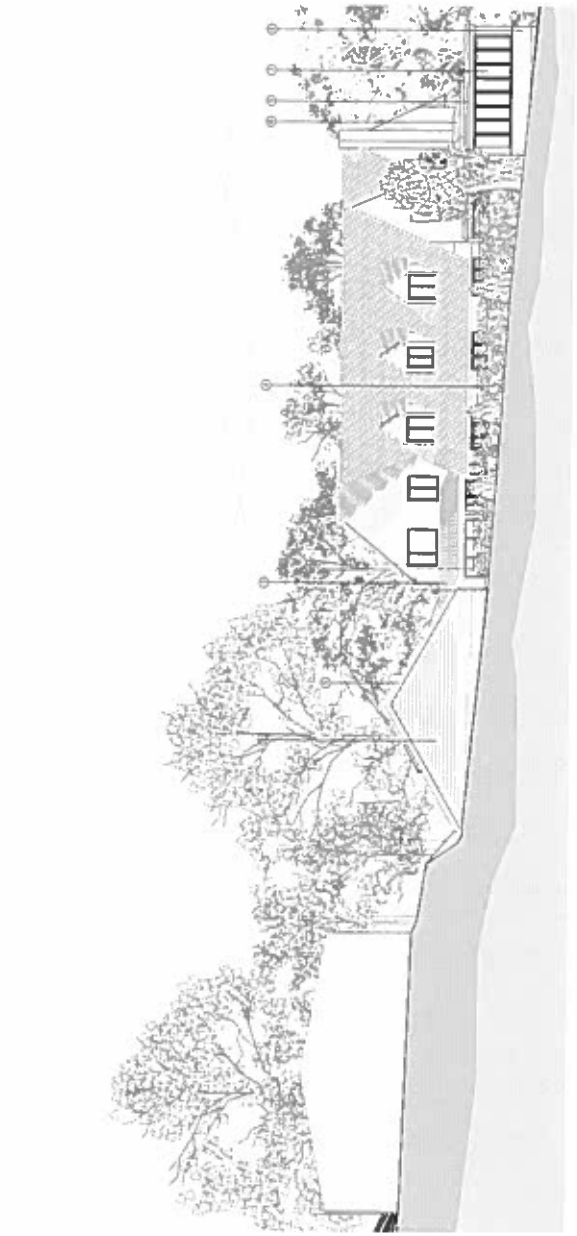
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 Client: Mr and Mrs Fison  
 Drawn by: JR  
 Job number: 15.10.013  
 Project: Extension and internal alterations - The Jacobsons, Bulls Lane, Cheltenham  
 Scale: 1:100 @ A1  
 Date: April 2016  
 Order no: Pt.105 A

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130/B

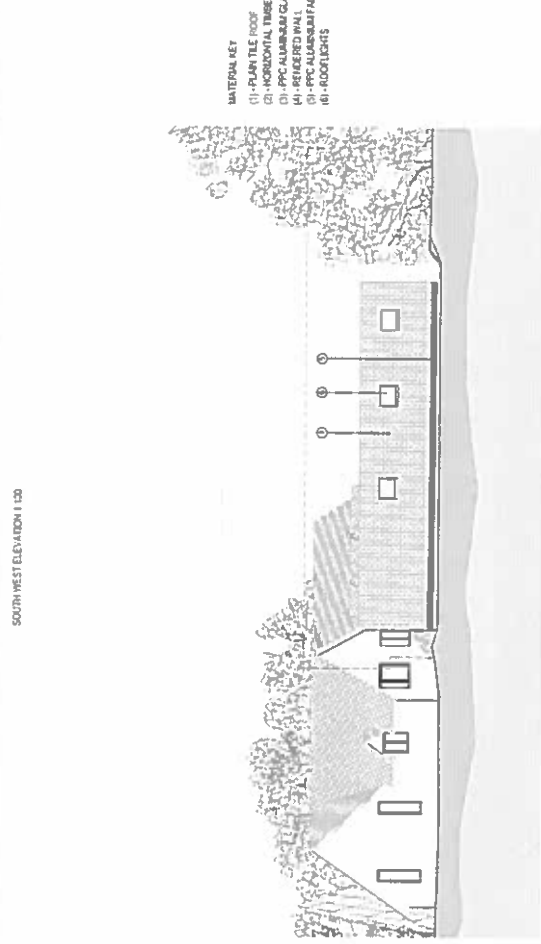


SOUTH WEST ELEVATION 1:100

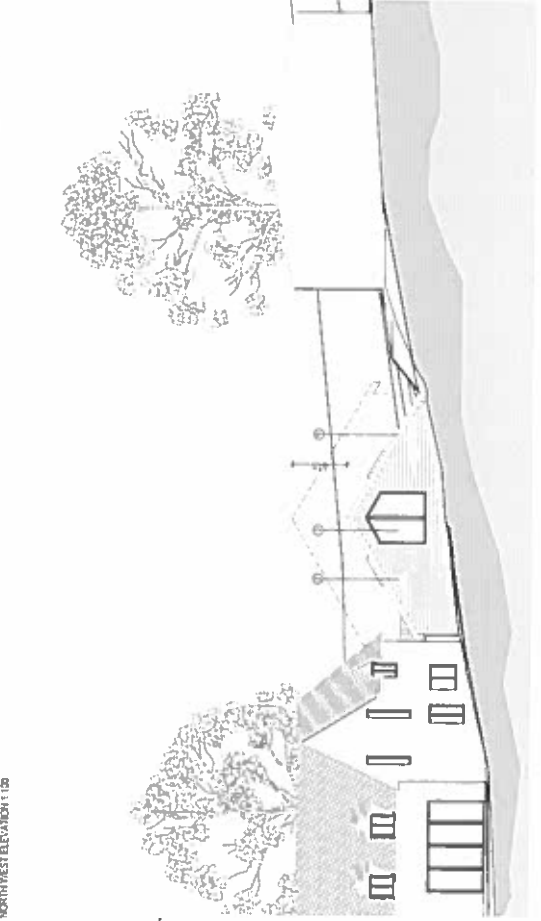


NORTH WEST ELEVATION 1:100

130/C



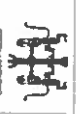
SOUTH EAST ELEVATION 1:100



NORTH EAST ELEVATION 1:100

- MATERIAL KEY**
- (1) - PLAIN TILE ROOF
  - (2) - HORIZONTAL TIMBER CLADDING
  - (3) - PPC ALUMINIUM GLAZING
  - (4) - RED BRICK WALL
  - (5) - BRICK PAVING
  - (6) - CONCRETE PATIOLAS AND RAINWATER GOODS
  - (7) - ROOFLIGHTS



<p>coombes - eventit architects limited          Unit No.1, The Old Dairy          Rushley Lane          Winchcombe          Gloucestershire          GL54 5JE          t: 01242 80727 f: 0845 5575833          e: info@co-architects.co.uk          www.co-architects.co.uk</p>		<p><input type="checkbox"/> Preliminary  <input type="checkbox"/> Feasibility  <input checked="" type="checkbox"/> Planning  <input type="checkbox"/> Building Regulations  <input type="checkbox"/> Tender  <input type="checkbox"/> Construction Issue  <input type="checkbox"/> As Built</p>		<p>The client and I undertook a strategic fit of services - would it include listed?          2. Client has a range of documents to be checked for use prior to commencement any          documents should be checked for compliance</p> <p><b>RIBA</b>          Chartered Practitioner</p> 		<p><b>Project</b> Extension and internal alterations          - The Meadows, Bur's Lane,          Cheltenham</p> <p><b>Scale:</b> 1:100 @ A1</p> <p><b>Date:</b> April 2016</p> <p><b>Drawn by:</b> JR</p> <p><b>Checked:</b></p> <p><b>Job number:</b> 15.10.013</p> <p><b>Drawn ref:</b> PL105</p>	
<p><b>Drawing title</b> Proposed Flood Elevations</p>		<p><b>Client</b> Mr and Mrs Farnon</p>		<p><b>Project</b> Extension and internal alterations          - The Meadows, Bur's Lane,          Cheltenham</p>		<p><b>Scale:</b> 1:100 @ A1</p>	
<p><b>Drawn by:</b> JR</p>		<p><b>Checked:</b></p>		<p><b>Date:</b> April 2016</p>		<p><b>Drawn ref:</b> PL105</p>	

Valid 06.04.2016

Proposed development of 113 residential dwellings with associated roads, footways, parking, drainage and landscaping.

Grid Ref 387601 216165

Parish Hucclecote

Ward Hucclecote

Bovis Homes LTD

Cleeve Hall

Cheltenham Road

Bishops Cleeve

**RECOMMENDATION Approve****Policies and Constraints****NPPF**

Planning Practice Guidance

The Tewkesbury Borough Local Plan to 2011 - March 2006 - BR1, GNL2, GNL8, HOU1, HOU5, HOU13, TPT1, TPT5, LND7, EVT9

Joint Core Strategy (Gloucester Cheltenham Tewkesbury) Submission Version November 2014 - SD4, SD5, SD7, SD11, SD13, INF1 and INF3

Flood and Water Management SPD

Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life) The First Protocol, Article 1 (Protection of Property)

**Consultations and Representations****Hucclecote Parish Council:** - The Parish Council has no objection to this application; however it would like to make the following comments:

- Concerned that further strain will be put on the local GP surgeries.
- The existing footpaths and road surfaces on Coopers Edge are in a very poor condition and are a health and safety concern.
- Designated on-site parking should be provided for contractors and they should adhere to the Considerate Constructors Scheme.
- During the current construction of Parcel 5b, vehicles (contrary to planning conditions) are at times using Lancaster Road as an access point causing disruption and traffic congestion. We would recommend that Yew Tree Way is used for access to both sites during construction.
- There is a need for a local convenience store on Coopers Edge and we would urge the developers to look into providing this on the available land.
- Both parcels are adjacent to POS1 and therefore could potentially have issues with parking especially on weekends and match days.

**Brockworth Parish Council** - Parish Council have no objection to this application, conditional on Environment Agency and Severn Trent Water compliance.**Environmental Health** - No objections.**Housing Enabling and Policy Manager** - No objections.**County Highways** - No formal response at the time of writing the report. An up-date will be provided at Committee.**Severn Trent Water Ltd** - No objection.**Stroud District Council** - No response at time of writing report.**Local residents:** - One letter has been received from a local residents raising the following concerns:

- It is great to see that some of the concerns about parking have been addressed however parking on Chestnut Road is already packed and the additions of the large 2 bed flats on the corners of parcel 3 and 1 in the centre and the ratio of 1 parking spot for a 3 bed along with 2 spots for a 4 bed are not sufficient. Also the removing of the off street parking spots will only hamper the situation.
- Also have concerns with regards to emergency services access to houses across the whole site.

**Planning Officers Comments:** Mr John Hinett

## 1.0 Introduction

1.1 The site forms part of the Coopers Edge development and is located at its northern edge (as shown on the original masterplan). The development parcels to the east of the site have been developed out with most of the parcels also having been constructed. To the west of the site lies the Public Open Space and playing fields serving the Coopers Edge development. The site measures 2.9 ha and comprises Parcels 1 and 3. It is a relatively flat site.

## 2.0 Relevant planning history

2.1 In January 2005, outline permission Ref: - 01/10875/01124/OUT was granted for a new residential neighbourhood comprising approximately 1900 homes on 70 hectares of land located to the south and west of Gloucester Business Park.

2.2 A large number of reserved matters applications have been received since this time.

## 3.0 Current application

3.1 The current proposal is for reserved matters approval for 113 no. dwellings comprising a range of sizes and tenures including a mix of detached, semi-detached and terraced properties (see layout plan).

3.2 The application comprises the following mix of dwellings:

### *Market Housing - 91 units*

- o 1 x 2 bed flat
- o 18 x 2 bed apartments
- o 49 x 3 bed houses
- o 23 x 4 bed houses

### *Affordable Housing - 22 units*

- o 2 x 2 bed bungalows
- o 12 x 2 bed houses
- o 4 x 3 bed houses
- o 4 x 4 bed 4 houses

## 4.0 Analysis

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

### Design and Layout

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

4.3 Policy GNL2 requires the provision of design statements for major new developments indicating how the development addresses key points of urban design. A Master Plan and Design Code have been approved as part of the outline planning permission to establish design principles for the development. An Area Master Plan has also been approved for this part of the development.

4.4 Condition 19 of the outline planning permission requires that each application for approval of reserved matters accord with the Design Code. The Code divides the site into 5 character areas to help create a distinctive and legible environment. Parcels 1 and 3 (subject of the current application) fall within three character areas: 'General Residential'; and 'Development Edge'.

### *General Residential*

4.5 The majority of the proposal comprises 'General Residential'. The key elements of the character area are described below:

- Well defined street frontages with predominantly terraced and semi-detached buildings
- A variety of 2 and 3 storey buildings with a limited quantity of 1 and 1.5 storey dwellings
- A varied urban form provided by varying widths between frontages and gently curving building lines
- Backland areas within the block with courtyards linked by narrow lanes
- Variation in roof forms
- Buildings predominantly close to back of footway with little or no front garden
- A varied palette of materials

#### *Development Edge*

4.6 The application site's southern and eastern boundaries comprise 'Development Edge'. The key elements of the character area are described below:

- Varied building line with setbacks and relatively long front gardens
- Varied building form with a number of detached buildings
- Space for tree planting within plots, highway and open spaces
- Use of hedges and picket fences to enclose front gardens

#### *Street Hierarchy*

4.7 The Design Code also sets out a hierarchy of roads within each of these areas comprising: Primary; Secondary; Tertiary; and Parking Courts (Mews). The Design Code sets out a number of key design characteristics for each of these streets, for example frontage depths, parking characteristics and key design features.

#### *Density*

4.8 Parcel 1 falls entirely within the 'low density' area which permits a density between 25-35 dwellings per hectare. Parcel 3 falls entirely within the 'medium density' area which permits a density between 35-45 dwellings per hectare.

#### Application proposal

4.9 There were a number of issues with the layout as originally proposed. Parcels 1 and 3 have large areas which front onto the areas of Public Open Space to the north and west and it was not considered that the type and arrangement of the dwellings along these important frontages reflected the requirements of the Design Code which calls for a varied building line with setbacks and with detached, semi-detached properties and a generally more spacious layout with relatively long front gardens with space for tree planting within plots, highway and open spaces and the use of hedges and picket fences to enclose front gardens. It was considered that the original layout included too many terraced units and lacked the soft spacious edge and soft landscaping the Code requires. It was also considered that there was little to differentiate the layout and character of the dwellings along the secondary streets and the tertiary streets - or between the two character areas: General Residential Character area and Development Edge. In addition, the area in the south western corner of the parcel 3 should be a Key Space 'Square'. This was not evident in the original layout. There were also concerns that the proposed 'Mews' lacked any distinction or character.

4.10 Officers also had concerns regarding the back-to-back separation distances of dwellings in some parts of the layout which were below the normally accepted standards.

#### *Revised Layout*

4.11 In response the applicant has submitted a revised proposal which has sought to address these issues. Along the 'Development Edges' of Parcel 1 the majority of dwellings would now be detached or semi-detached properties with a more varied building line with large front gardens and a generally looser layout (see revised layout). Within Parcel 2 a 'Square' has been introduced in the south western corner (in accordance with the Design Code) by stepping the units back off the highway and utilising a block paving material for the road surface. In addition to these amendments the arrangement of house types within the 'Mews' has been changed and a section of the road surface is now proposed to be blocked paved with increased tree planning and landscaping that would result in a more attractive environment and help to give the Mews its own distinct character. The amendments have also allowed for improved back-to-back distances between the dwellings with the majority of dwellings are being between the 20-22m ranges.

4.12 In addition to the above, the design of the proposed bungalows has been improved.

#### Building Heights

4.13 Condition 7 of the outline planning permission requires that each application for approval accords with the building heights indicated on the Land Use Master Plan approved as part of the outline planning permission. The Masterplan restricts the ridge heights of parcels 1 and 3 to 10.5m - except where dwellings front onto the 'secondary street' (along the eastern edges) where ridge heights can be up to 11.8. All the proposed dwellings fall within these ranges and the proposal is acceptable in this regard.

#### Density

4.14 The approved Master Plan indicates six broad density bands and provides a strategy for locating different types of development. The application site comprises two density zones: Low Density along the southern edge where density should fall within the 25 - 35dph range: and Medium Density for the remainder of the site where densities should fall within 35 - 45dph. The proposed densities for the current application are at the upper ranges of these densities, but do comply with the Code and Masterplan.

#### Materials

4.15 The Code sets out a strategy for the application of facing materials which focuses on the distinction between character areas and encourages local distinctiveness and respect to local context. The majority of the site falls with the 'Vale Palette' area where the range of materials should predominantly comprise brick with a minimum of 10 per cent of the units comprising render. The materials layout submitted with the application complies with these requirements.

### **5.0 Vehicular Access and Parking**

5.1 Policy TPT1 requires that highway access be provided to a safe and appropriate standard for proposed development.

5.2 The County Highways Authority (CHA) have assessed the revised layout and have confirmed that the main carriageways are of sufficient width for HGVs and private estate cars to pass without conflict on the straight alignment, and the shared surface streets are of an acceptable width which can adequately accommodate the passing of vehicles and pedestrians without conflict. Internal junction visibility is similarly considered to be acceptable.

5.3 The CHA consider that due to some sections highway having long and straight alignment, some traffic calming measures would be required to slow vehicles. A condition requiring this is recommended. All issues raised in the applicant's Road Safety Audit have now been addressed, or justified through an exceptions report.

5.4 In terms of parking, a total number of 190 spaces and 73 garages are proposed - making a total number of 263. In addition to these, there would 16 visitor spaces. The CHA consider that this level of parking provision is sufficient for the number of dwellings proposed and indeed exceeds the levels anticipated in the Design Code (which was drafted at a time when maximum parking spaces were set in Government Guidance).

### **6.0 Affordable Housing**

6.1 Local Plan Policy HOU13 provides that provision will be made for affordable housing on appropriate sites. The Area Master Plan indicates affordable housing numbers for each parcel. For Parcels 1 and 3 and for the proposed number of 113 dwellings, a total of 22 affordable homes is required.

6.2 The application makes provision for 22 affordable housing units comprising:

- 2 x 2 bed bungalows
- 12 x 2 bed houses
- 4 x 3 bed houses
- 4 x 4 bed 4 houses

6.3 The Councils Strategic Housing and Enabling Officer (HEO) confirms that the required number and type of affordable housing units is met by this application. In addition, the HEO confirms that the proposed house types all meet the minimum standards set out in the Section 106 Agreement. Similarly, the proposed layout is



in accordance with the s106 Affordable Housing provision regarding clustering of units. The proposal is therefore considered acceptable in this regard.

## 7.0 Drainage Issues

7.1 Policy EVT9 requires that development should make appropriate provision for sustainable urban drainage. Condition 42 of the outline planning permission requires the approval of a sustainable urban strategy for the whole site and that no dwelling shall be occupied until sustainable urban drainage measures have been provided in accordance with the agreed strategy and agreed.

7.2 The applicant has clarified that the storm sewer network would connect to the overall drainage system at the existing manhole SB3/7 on Bowthorpe Drive. The Storm pipe network would direct storm water to Pond B. The foul sewer network would connect to the overall drainage system at the existing manhole FB3/8 on Chestnut Road. From here the system would flow to the North before connecting to an existing foul sewer [MH 7601] on Bird Road.

7.3 Severn Trent have confirmed that they have no objection to the proposal.

7.4 All finished floor levels are in accordance with the approved levels drawing.

## 8.0 Residential Amenity

8.1 Local Plan Policy HOU5 relates to new housing development and includes a requirement that proposals should not result in an unacceptably low degree of residential amenity for existing or proposed dwellings.

8.2 As discussed above, the original layout has been amended to increase the back-to-back distances of the dwellings which are now within the normally accepted standards. The proposal is considered acceptable in residential amenity terms.

### *Noise*

8.3 Condition 9 of outline permission Ref: - 01/10875/01124/OUT stipulates that each application for approval of reserved matters for housing in the Noise Abatement Zones shall include a scheme of noise attenuation to protect proposed houses from noise from the M5 motorway. A significant portion of the dwellings currently proposed lie within the Noise Abatement Zone and the applicants have therefore submitted a Noise Assessment. The Councils Environmental Health Officer has assessed the Noise Assessment and confirms that subject to a condition requiring that the mitigation measures outlined in the Noise Assessment are implemented they have no objection.

## 9.0 Landscaping

9.1 The Design Code sets out that the relationship between green spaces and the built environment are important elements of the public realm and will contribute significantly to the success of the scheme. Additional planting has been provided along the streets and development edges in accordance with the requirements of the Code.

## 10.0 Conclusion

10.1 The proposal, as amended, is considered to be of an appropriate layout and design and would have an acceptable impact upon the appearance of the area and accords with the approved Area Master Plan and Design Code. It is therefore recommended that the approval be **Approved**.

## RECOMMENDATION Approve

### Conditions:

- 1 The development hereby approved shall be implemented in accordance with the plans and information detailed on the approved Drawing Register Lob No. 0140 July 2016.

Reason: To clarify the terms of the approval.

- 2 The noise attenuation measures shall be implemented in accordance with the Noise Assessment (Hepworth Acoustics Ltd - Report No: P16-177-R01 April 2016) and maintained as such therefore after unless otherwise agreed in writing by the Local Planning Authority.

Reason: To minimise the effect of noise within the proposed dwellings (with windows closed) in the interests of the amenities of future occupiers in accordance with and Policy EVT3 of the Tewkesbury Borough Local Plan to 2011 - March 2006.

- 3 Prior to works commencing on site a scheme of traffic calming on the estate road between plots 1001-1025 shall be submitted to and agreed in writing by the Local Planning Authority, the works shall then be laid out and constructed in accordance with the approved plan before first occupation of the dwellings hereby permitted.

Reason: In the interests of highway safety and to create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians in accordance with Paragraph 35 of the NPPF.

Notes:

- 1 **Statement of Positive and Proactive Engagement**

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

- 2 To be read in conjunction with outline planning permission 01/1087/01124/OUT.

- 3 Please note for the use or reuse of sewer connections either direct or indirect to the public sewerage system the applicant will be required to make a formal application to the Company under Section 106 of the Water Industry Act 1991. Copies of Severn Trent's current guidance notes and application form can be obtained from either their website ([www.stwater.co.uk](http://www.stwater.co.uk)) or by contacting their New Connections Team (Tel: 0800 707 6600).

Key:

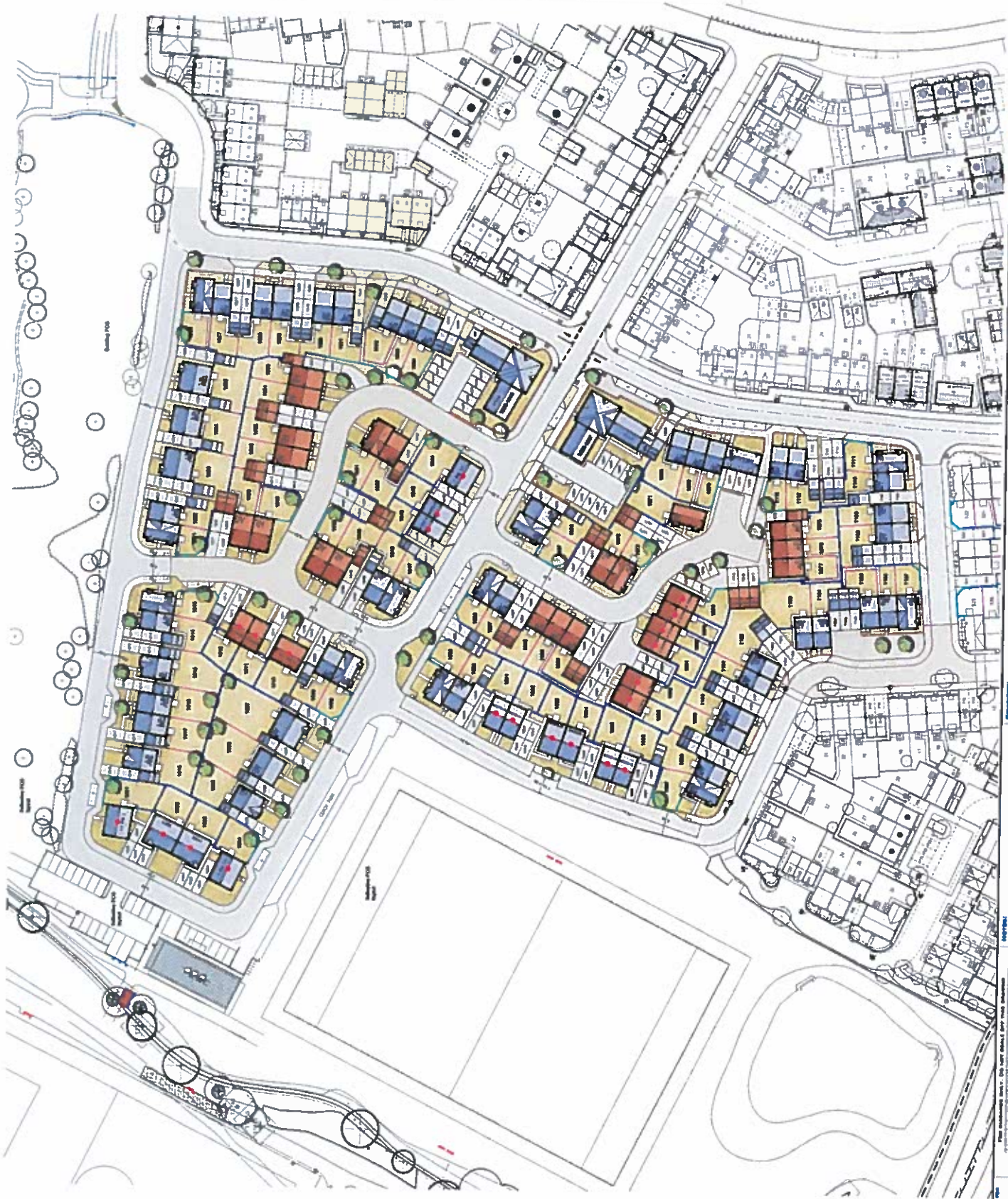
- 1.5m Thinner Glass Impact fence
- 1.5m Panel Fence
- 1.5m Screen Wall
- 1.2m Pathings
- Over/Partially over by garage
- Vehicle parking spaces
- Footway
- 1:00:1
- Accessible Housing

House Type Mix - GTE1

Type	Count	Area (sqm)	Volume (cu m)
1 Bed	4	100	100
2 Bed	10	200	200
3 Bed	10	300	300
4 Bed	10	400	400
5 Bed	10	500	500
6 Bed	10	600	600
7 Bed	10	700	700
8 Bed	10	800	800
9 Bed	10	900	900
10 Bed	10	1000	1000
<b>Total</b>	<b>100</b>	<b>10000</b>	<b>10000</b>

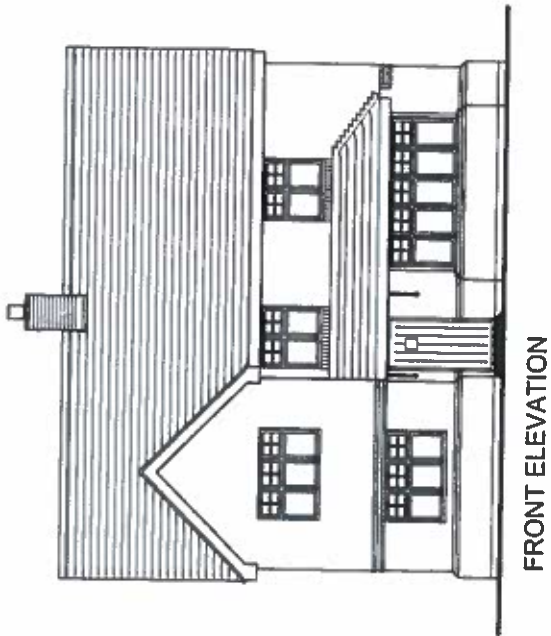
House Type Mix - GTE3

Type	Count	Area (sqm)	Volume (cu m)
1 Bed	4	100	100
2 Bed	10	200	200
3 Bed	10	300	300
4 Bed	10	400	400
5 Bed	10	500	500
6 Bed	10	600	600
7 Bed	10	700	700
8 Bed	10	800	800
9 Bed	10	900	900
10 Bed	10	1000	1000
<b>Total</b>	<b>100</b>	<b>10000</b>	<b>10000</b>

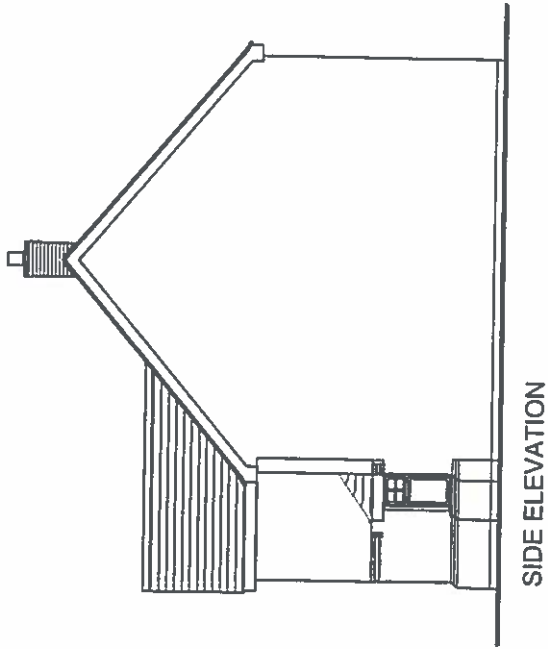


**STATION:** BRACKEN BTY  
**SCALE:** @ A11  
**DATE:** 11/08/2015  
**JOB REF:** 0131  
**PROJECT:** BRICKWORTH PARCELS 1 & 3  
**TITLE:** PLANNING LAYOUT  
**DATE:** NOV 2015  
**REV:** 0

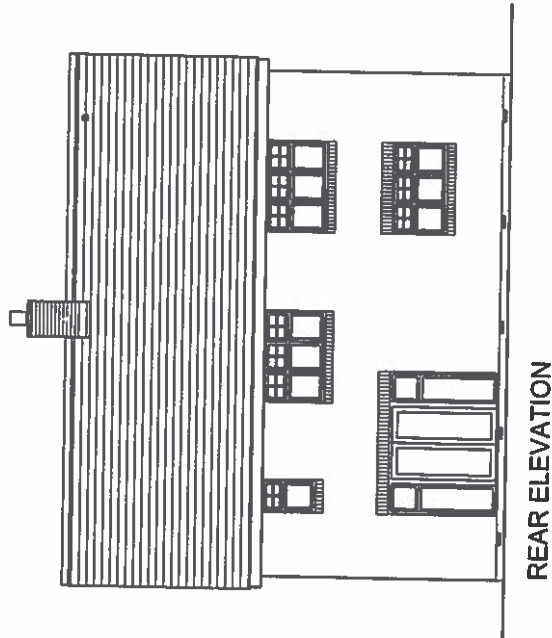
Refer to site scenes / materials plan for elevational treatment and entry style



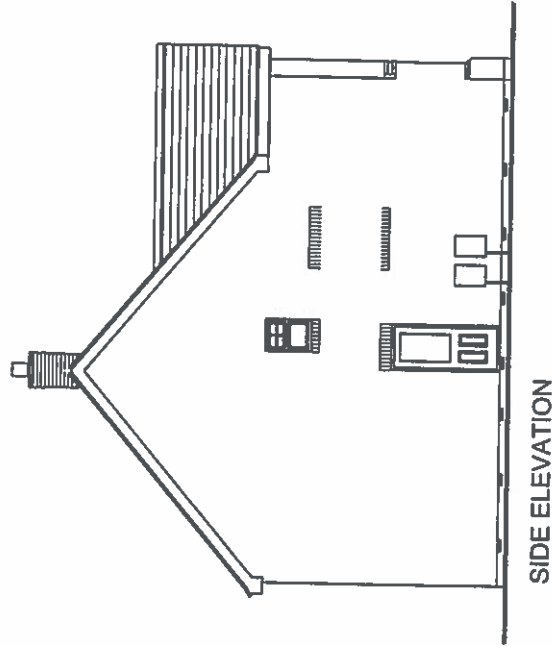
FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION

136/B

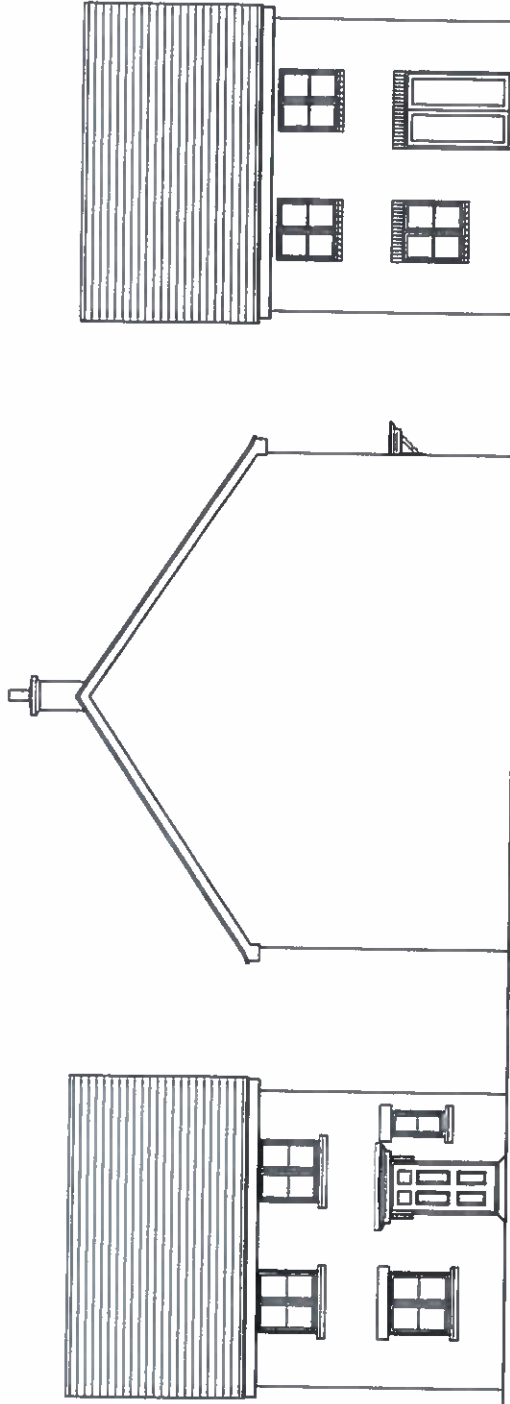
PLOT 1024

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Project: Brockworth Parcels 1 & 3  
Drawing Title: Housetype P501 Elevations  
Drawn By: ZT Checked: - Date: 02/16 Scale: 1:100@A3



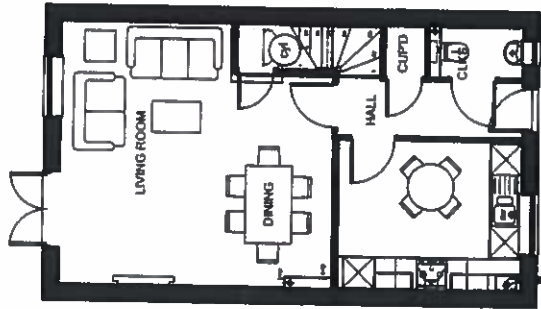
Refer to streetscenes / materials plan for elevational treatment and entry style



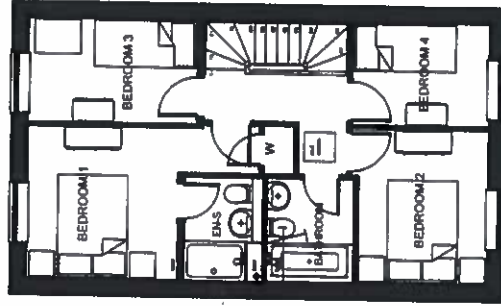
FRONT ELEVATION

SIDE ELEVATION

REAR ELEVATION



GROUND FLOOR



FIRST FLOOR

PLOTS 1008, 1009, 1017, 1018, 1019, 1020, 1028, 1029, 1030, 1031, 1049, 1050, 1053, 1054, 1055, 1056, 1057, 1058, 1076, 1077, 1081, 1082, 1085, 1086, 1083, 1094

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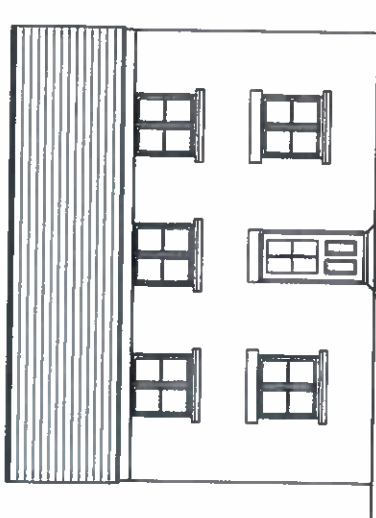
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 Drawing Title: Housetype P401  
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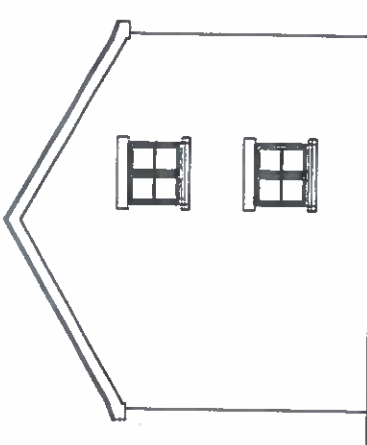
136/c

16/00292/AP1

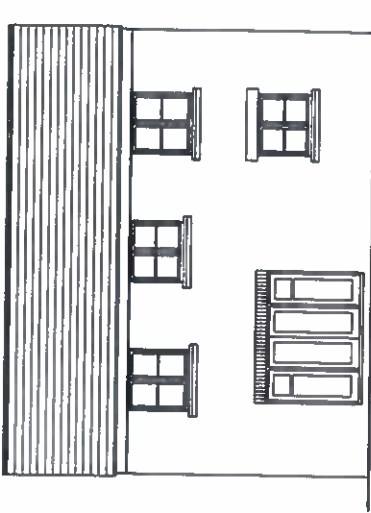
Refer to streetscenes / materials plan for elevational treatment and entry style



FRONT ELEVATION



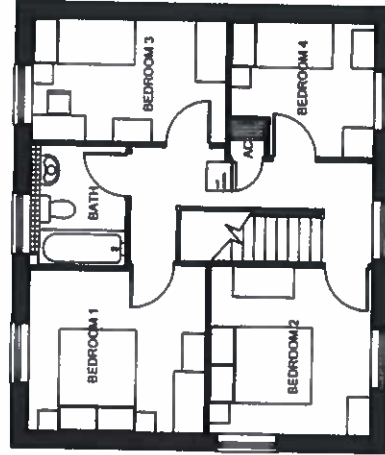
SIDE ELEVATION



REAR ELEVATION



GROUND FLOOR



FIRST FLOOR

PLOTS 1013, 1014, 1102,  
1110

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Project: Brockworth Parcels 1 & 3  
Drawing Title: Housetype 4 Bed  
Drawn By: ZT    Checked: -    Date: 11/15    Scale: 1:1000A3



136/10

16/00292/APP

16/00589/TPO

1 Southfield Court, Churchdown

7

Valid 23.05.2016

Grid Ref 387374 220871

Parish Churchdown

Ward Churchdown St Johns

Sycamore tree to be felled. (TBC Tag number 1637).

Tewkesbury Borough Council

Council Offices

Gloucester Road

Tewkesbury

Gloucestershire

GL20 5TT

## **RECOMMENDATION Consent**

### **Policies and Constraints**

National Planning Policy Framework

Planning Practice Guidance

Joint Core Strategy Submission Version November 2014

Tewkesbury Borough Local Plan to 2011 - March 2006

OPDM Circular 06/2005 (Paragraph 91)

Tree Preservation Orders: A Guide to the Law and Good Practice

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 - It was noted that there is no objection from the Tree Wardens. It was agreed that there is no objection to the felling, but the Council wonders whether:- (1) a replacement tree will be planted (2) the correct procedure has been followed, ie, has the tree been inspected by a person professionally qualified in these matters, and (3) will the works themselves be carried out by Ubico (or, as the Council considers would be more appropriate a person/organization which is independent from the process used to decide to fell the tree).

Local residents - no responses received.

**Planning Officers Comments:** Mrs Sarah Barnes

#### **1.0 Application site**

1.1 This application relates to a TPO'd sycamore tree to be felled. The tree has a 40% die back in its crown. The tree is sited on the grass verge near to the footpath junction of South Field Court in Churchdown (**site plan attached**).

#### **2.0 Recent / Relevant History**

2.1 In 2011 consent was granted to fell one willow tree and crown reduce one willow tree (11/00630/TPO).

#### **3.0 Current Application**

3.1 This application seeks consent to fell a TPO'd sycamore tree that is dying.

3.2 The Tree Preservation Order (TPO) is an area order which was made under delegated powers to protect all the trees within Westfield and Southfield House, St Johns Avenue, Churchdown. The TPO was confirmed on 30.11.98. The TPO consists of a number of Norway Maples, Sycamore trees and Willow trees throughout the site. The current application refers to the sycamore tree located on the attached plan.

3.3 As the public open space was adopted by the Borough Council back in 2010, this application has been made by the Tewkesbury Borough Council and requires a committee determination.

#### **4.0 Policy Context**

4.1 Section 198 of the Town and County Planning Act 1990 provides Local Planning Authorities with the powers for the making of Tree Preservation Orders, where it is expedient in the interests of amenity to protect trees. Such powers prohibit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of trees except with the consent of the local planning authority. This advice is reiterated in the Town and County Planning (Trees) (Amendment) (England) Regulations 2008.

4.2 Government guidance set out in 'Tree Preservation Orders - a Guide to the law and Good Practice' sets out that, in considering applications for works to TPO trees, local planning authorities should:-

- assess the amenity value of the tree and the likely impact of the proposal on the amenity of the area;
- in light of that assessment to consider whether or not the proposal is justified, having regard to the reason put forward in support of it;
- whether any loss or damage is likely to arise if consent is refused or granted subject to conditions; and
- whether replacement planting is necessary or practical.

## 5.0 Analysis

5.1 A visual tree inspection has been carried out and it is considered that the proposed felling is necessary as the tree has a 40% die back in its crown and is becoming dangerous.

5.2 No objections have been received from the Parish Council nor local residents although the Parish council have requested that a replacement tree be planted. A condition would be attached to the consent requiring details of the exact location and species of a replacement tree which would be required to be planted in this area within two growing seasons following the felling of the sycamore tree.

## 6.0 Conclusion

6.1 Overall, the proposed felling is considered to be necessary. **Consent** is therefore recommended subject to the specified conditions.

### RECOMMENDATION Consent

Conditions:

- 1 The permission hereby granted shall be completed within two years of the date of this notice.
- 2 All arboricultural work shall comply with BS 3998:2010 British Standard: Recommendation for Tree Work.
- 3 A replacement tree shall be planted on this grass verge within two growing seasons following the felling of the sycamore tree. The exact species and location to be agreed and approved in writing by the Local Planning Authority.

Reasons:

- 1 To comply with the requirements of the Town and Country Planning Act 1990
- 2 To protect the health of the tree and to ensure that the works are carried out in such a manner to maintain the amenity value of the tree.
- 3 In the interests of local visual amenity.

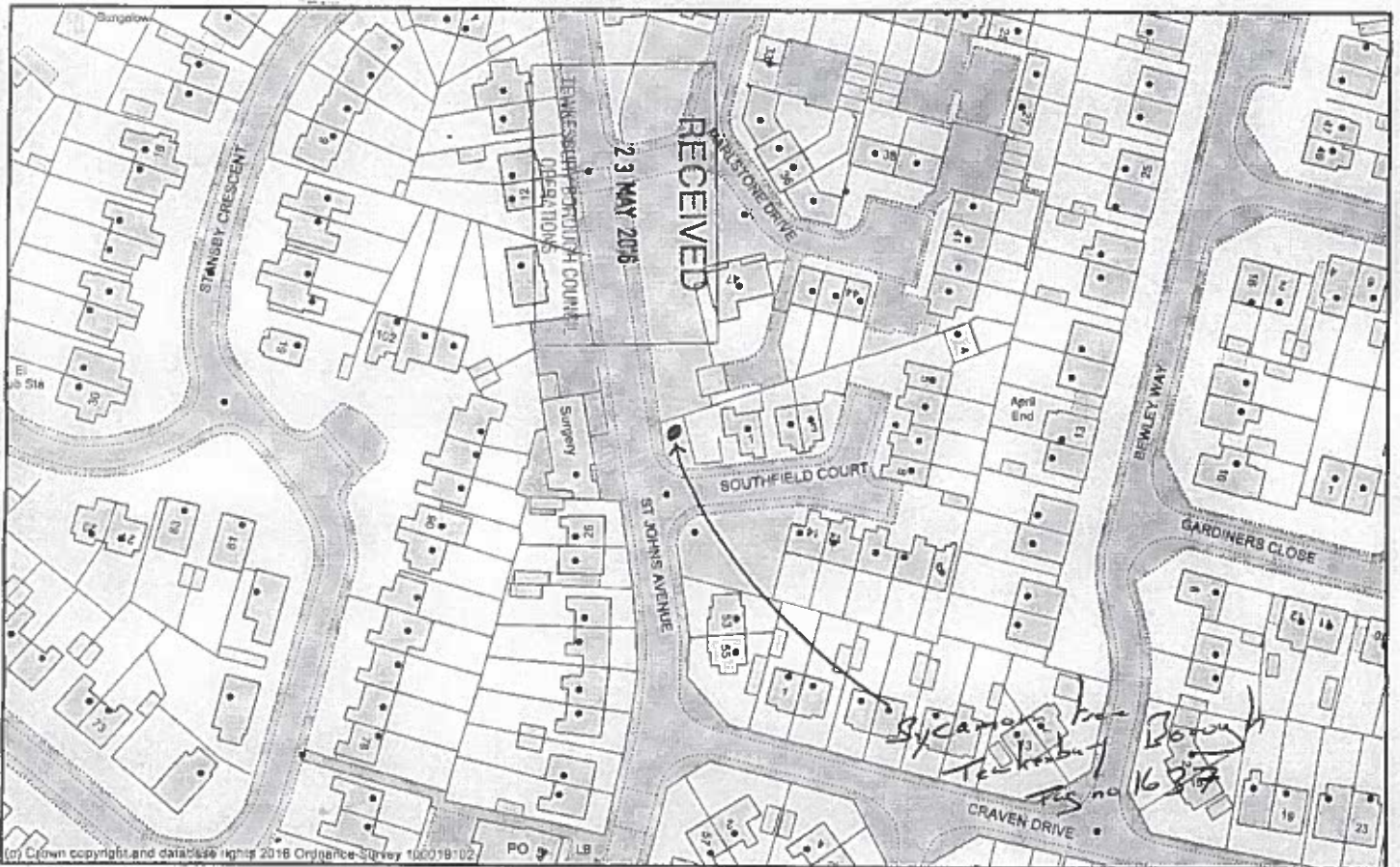
Notes:

- 1 If at any time nesting birds are observed on site then certain works which might affect them should cease and advice sought from a suitably qualified ecological consultant or Natural England. This is to comply with the Wildlife & Countryside Act 1981 (as amended) and avoid possible prosecution. You are additionally advised that tree or shrub removal works should not take place between 1st March and 31st August inclusive unless a survey to assess nesting bird activity during this period is undertaken. If it is decided on the basis of such a survey to carry out tree or shrub removal works then they should be supervised and controlled by a suitably qualified ecological consultant. This advice note should be passed on to any persons/contractors carrying out the development.



- 2 The Wildlife and Countryside Act 1981 (as amended) makes it an offence to kill, injure or take any wild bird, and to intentionally take, damage or destroy the nest of any wild bird while that nest is in use or being built. It is also an offence to take or destroy any wild bird eggs. In addition the Act states that it is an offence to intentionally or recklessly disturb any wild bird listed in Schedule 1 while it is nest building, or at (or near) a nest containing eggs or young, or disturb the dependent young of such a bird. This advice note should be passed on to any persons/contractors carrying out the development.

16/00589/TPO



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Scale: 1:1000

17 May 2016



1391A

Valid 04.04.2016

Reserved matters application for residential development for 234 dwellings to phases 4 & 5 and associated works relating to the outline application 10/01216/OUT.

Grid Ref 395167 228225  
Parish Bishops Cleeve  
Ward Cleeve West

Miss Elizabeth Woods  
Persimmon Homes Ltd  
Aspen House  
Birmingham Road  
Studley  
Warwickshire

## RECOMMENDATION Delegated Approve

### Policies and Constraints

#### NPPF

Planning Practice Guidance

Tewkesbury Borough Local Plan to 2011 - March 2006 - Policies GNL2, GNL8, HOU13, TPT1, TPT3, EVT2, EVT3, EVT5, EVT9, LND4, LND7, RCN1, RCN2, NCN5

Pre-submission JCS June 2014 - Policies SP1, SP2, SD5, SD7, SD10, INF3, INF4.

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

The First Protocol, Article 1 (Protection of Property)

Public Rights of Way

### Consultations and Representations

**Bishops Cleeve Parish Council:** As a matter of principle, the Parish Council object to this large scale development. At a detailed level, the Parish Council is pleased to have been reassured by the developer that there is a parking allocation of two spaces per property. The Parish Council has no further observations.

**Stoke Orchard and Tredington Parish Council:** Object most strongly on the matter of Storm Water Drainage adversely affecting land and residential property downstream of the said development. Have photographic evidence of the dramatic effect of the increased flow in The Dean due to recent upstream development. Request a s106 contribution from the developer to combat this effect within the Parish.

**Gotherington Parish Council:** The proposal has been allowed by the Secretary of State. However, a re-assessment of the Consequences of traffic on the A435 and Malleson Road is requested.

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

**County Archaeologist** - No objection. A programme of archaeological mitigation is already secured by a condition attached to the outline permission for development.

**Environmental Health Officer** - No objections.

**Environment Agency** - Note that the submitted details are in accordance with the outline drainage strategy and flood risk assessment and as such make no detailed comments on the reserved matters application.

**Flood Risk Management Engineer** - No Objections.

**Housing Enabling and Strategy Officer** - No objections.

**Leisure and Culture Manager** - No objections subject to alterations to the proposed LEAP.

**Natural England** - Make no observations.

**Local Residents** - No comments received.

**Planning Officers Comments:** Mr John Hinett

### 1.0 Introduction

1.1. The site comprises a number of agricultural fields associated with Dean Farm which is accessed via a farm track from the A435 located on the north western edge of Bishops Cleeve, approximately 800m from its centre (see location plan). The site was formerly in agricultural use but development of part of the site for housing is now well under way.

1.2 The A435 runs adjacent to the eastern boundary of the site with residential areas on the periphery of Bishops Cleeve to the south and east. Dean Brook forms the northern boundary of the site with hedges comprising the western boundary. Allotment gardens lie adjacent to the eastern site boundary.

1.3 A number of public rights of way (ABC1/2/3) crisscross the site, running generally north to south and east to west. The site is generally level (see location plan attached).

## 2.0 Relevant planning history

2.1 An outline planning application for approximately 550 dwellings (including 30 units for retired people) and ancillary development including access proposals was submitted in November 2011. All matters apart from access were reserved for future consideration. The application also proposed:

- A high street comprising 4 units with a gross retail floor space of 475sqm, plus ancillary accommodation of 475sqm (classes A1, A2, A3, A4 & A5),
- 15 units with a floor space of 3,750sqm for class B1 and D1 uses
- 16 live/work units;
- A community facility with a hall (circa 300sqm);
- extension to allotments;
- open space provision including changing rooms;
- sustainable drainage provisions and accesses from the A435

2.2 A non-determination appeal was Allowed by the Secretary of State in July 2012.

2.3 Planning application 12/00903/FUL seeking to vary condition 23 of planning application 10/01216/OUT to reduce the amount of energy to come from decentralised and renewable or low carbon sources from the 20% to 'at least 10%' was refused at Planning Committee in April 2013.

2.4 Planning application 12/00904/FUL seeing to remove condition 24 of planning permission reference 10/01216/OUT which requires a 30% improvement in carbon reduction above 2010 Building Regulations requirements for the residential development was also refused at Planning Committee in April 2013.

2.5 Reserved matters application 14/00390/APP for the residential development for 160 dwellings (comprising phases 1A and 2A), together with all associated highways, access, landscaping and other infrastructure works was approved in November 2014.

2.6 Reserved matters application 16/00379/APP for residential development for residential development comprising of 126 dwellings (phase 3A) has been submitted and also appears on this schedule.

## 3.0 Current application

3.1 This current application is a reserved matters application (RMA) pursuant to the outline permission mentioned above (Ref: - 10/01216/OUT) and seeks approval for appearance, landscaping, layout and scale (see attached plans). Access was determined at outline stage. The RMA comprises phases 3 and 4 of the site and proposes 234 dwellings. Infrastructure required by the approved phasing plan to the outline consent is also proposed. The proposals are summarised below:

### *Residential*

- The **Market Housing** would comprise 140 units including a mix of 18 two bedroomed dwellings, 75 three bedroomed dwellings and 47 four bedroomed dwellings.
- The **Affordable Housing** would comprise 94 units in the following mix and tenureship:
  - *Shared ownership* - 47 units: 29 two bedroomed units and 18 three bedroomed units
  - *Rented* - 47 units: 10 one bedroomed flats, 18 two bedroomed dwellings, 15 three bedroomed dwellings, 4 four bedroomed dwellings.

### *Open Space and other infrastructure*

- A number of 'Greenways' through the housing areas;
- A large buffer area along the northern edge of the development referred to as 'Dean Meadows'; and
- An equipped area for children's play.

## Conditional Requirements

Condition 2 - A phasing plan for the whole site;

Condition 3 - Design Principles Document setting out how the RMAs accord with the original Masterplan and Design and Access Statement.

Condition 10 - Details of the surface water drainage scheme for the whole development

**These Conditional requirements were approved as part of Reserved Matter Approval 14/00390/APP.**

3.3 Other conditions required other information to be submitted with each phase RM including:

- Landscaping;
- Noise;
- Sustainability Statement;
- Details of external lighting; and
- Highways specifications.

3.4 These details have been submitted with the current application and are assessed in the relevant sections of the report.

3.5 The outline permission was also subject to Section 106 Agreements with the Borough Council and Gloucestershire County Council. These also need to be taken into account when considering this reserved matters application and are also discussed under the relevant sections in this report.

## **4.0 Analysis**

4.0.1 The key issues to be considered in relation to this reserved matters application are considered to be layout, house types, scale, residential amenity, landscaping, highway and parking issues, public open space, affordable housing provision and drainage. Furthermore, whether these matters accord with the Outline Consent and its supporting documents.

### **4.1 Layout**

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

4.1.2 A Masterplan layout was agreed as part of the outline consent (10/01216/OUT). A number of important principles of good design and appropriate parameters were also established during the determination of the outline application which were encapsulated in the final Consolidated Design and Access Statement (CDAS) and final layout plan. The 'vision' outlined in the CDAS was for a development that respected its wider context and worked within the surrounding landscape - essentially a landscape led scheme. As set out above, it is a conditional requirement that the reserved matters application accords with the approved layout plan and the principles and parameters described and identified in the DAS.

4.1.3 In addition, a condition required a Design Principles Document (DPD) to be submitted with the first reserved matters application for the whole site. The requirement for the DPD was to set out in more detail the principles set out in the Outline DAS and to ensure that design quality and design parameters are coordinated between different phases of development - to ensure that each subsequent phase of development relates to the one that has gone before. The DPD was approved as part of the first reserved matters application 14/00390/APP).

4.1.4 The original layout did not accord with the DPD in a number of areas. In particular, the layout and distribution of houses on the various roads and streets did not reflect the guiding principles of the DPD. As a consequence, the scheme failed to provide a layout that was legible through its hierarchy of streets. There were other concerns relating to the prevalence of long runs of frontage parking on the Main Street (which should have parking to the sides). A number of back-to-back distances were below acceptable standards.

4.1.5 Following negotiations a revised and substantially improved layout has been submitted. Two of runs of frontage parking have been omitted and replaced with parking to the sides of dwellings (of an equal amount) which significantly improves the streetscene and accords with the Design Principles Document. The majority of properties fronting the Main Street are now either terraced, semi-detached or linked by a contemporary style carport - which is consistent with other phases. The sizes of the front gardens and the use of railings and hedges are now consistent with the requirements of the DPD. Along the northern edge of

the phases a number of the semi-detached dwellings have been substituted for detached units which has resulted in a lower density and looser edge - as required by the DPD. The front gardens of the properties fronting the open space have also been increased in size.

4.1.6 The widths and layout of all the roads and streets now accord with the DPD. Back-to-back distances similarly reflect the document with all dwellings meeting the minimum separation distances set out in the DPD. To conclude, it is considered that the revised layout is now in accordance with the Design Principles Document and is of an acceptable design.

## 4.2 House types

4.2.1 The CDAS for the Outline application sets out a commitment "...to create a new 21st Century neighbourhood for Bishop's Cleeve...". It also set out that "Cleevelands specifically does not seek to recreate, or generate a pastiche of what has gone before, but instead to look forward to contemporary sustainable design solutions". The Design Principles Document takes forward this design aesthetic and promotes the use of "simple, elegant and contemporary styles...in order to create a place that is both distinctive and individual without creating a pastiche of what has gone before."

4.2.2 The first 160 dwellings (permitted under 14/00390/APP - phases 1A and 2A) approved dwellings that were fairly traditional in form with standard internal layouts, but which incorporated more contemporary architectural detailing of windows, porches and other features and comprising a mix of brick and render evenly distributed throughout the site.

4.2.3 The current application adopts the same principle and continues this contemporary approach. A mix of 1 and 2 bedroom apartments and 2, 3 and 4 bedroom detached, semi-detached and terraced properties (see typical house types attached). The DAS states that the design features such as the use of pitched roofs and chimneys reflect existing architectural features found within the site's surrounding context. These have been balanced with well-proportioned fenestration and a contemporary palette of materials to create a suite of modern housing used consistently throughout the development. Similar to the previous phases (1a and 1b), the design of the dwellings are based on fairly traditional forms with standard internal layouts, pitched roofs and some chimneys, but incorporating more contemporary architectural detailing of windows, porches and other features. The designs are very similar to those on the adjacent phase 3a (application 16/00379/APP - also appearing on this schedule) and given the close proximity of these two phase would provide consistency. The dwellings would comprise a mix of brick and render evenly distributed throughout the site.

4.2.4 In conclusion, it is considered that the architectural treatment of the buildings is consistent with aims of the DPD - and the previously consented phases (1a and 1b) and, in combination with the proposed landscaping and layout, would provide for a coherent and cohesive scheme. Subject to a condition requiring the submission of materials samples and window details, the proposal is considered to be acceptable in this regard.

4.2.5 A 'Lifetime Homes Statement' has been submitted with the application which confirms that proposed house types are lifetime homes compliant.

## 4.3 Scale and density

4.3.1 The CDAS sets out that the residential buildings within the development will not exceed 2.5 storeys with a maximum height of 9.5m with the majority of houses being 2 storey with a ridge height of 8.5m. With regard to the current phase the heights parameters indicate a predominance of two storey units with the occasional use of 2.5 storey dwellings proposed in certain locations elsewhere. This accords with the CDAS and DPD.

4.3.2 For the current phases the approved parameters plan indicates densities of 30-35dph along the western and northern boundaries, rising to 35-40dph for the more central areas. The current scheme for 234 dwellings would result in a density of around 36 dph. The submitted plans show that the density of units along the edges of the development would be looser, with more detached units. The proposed development is therefore considered to be acceptable in this regard.

## 4.4 Energy Efficiency

4.4.1 Condition 23 attached to the Outline permission stipulates that at least 20% of energy used should come from decentralised and renewable or low carbon sources. Condition 24 of the same permission stipulates that a 30% improvement in carbon reduction above the 2010 Building Regulations requirements shall be secured across the development as part of the reserved matters submissions. Condition 25 then requires each home be awarded a Code for Sustainable Homes Level 4 rating, equivalent to a 25% reduction over Part L1A 2010.

4.4.2 The applicants' Energy Statement (ES) sets out that a number of measures will be used to reduce the overall energy demand of the dwellings, including: the use of high levels of insulation in the ground floor, external walls and roof spaces; the installation of efficient gas condensing combination boilers, and A+/A rated white goods in each property. In addition to this, it is proposed to install PV arrays on each property to reduce CO<sub>2</sub> emissions by 74,367.06kg/year such that each home will achieve Code for Sustainable homes Level 4 and the site as a whole will achieve a 30% betterment over Part L1A. The ES concludes that:

- The site's Part L 2010 energy requirement is 1,742,877.22kWh/year target emission rate is approximately 386,302.66kg/year.
- The inclusion of fabric efficiency measures will shrink the site's emission rate by 10.74% and energy requirement by 12.03%.
- The installation of PV arrays capable of generating 140,580.45kWh/year of electricity will shrink the site's emission rate by a further 19.26%.
- The constructed site will have an emission rate 30% below Part L and an energy requirement 20.10% below Part L.
- Each home will achieve Code for Sustainable Homes Level 4.

4.4.3 The proposal therefore satisfies the energy conditions and the proposal is considered acceptable in this regard. The submitted example types of solar panels include an in-roof 'integrated' design (where panels would sit flush with roof tiles). Officers consider the use of these panels would be preferable to on-roof fixed bracket projecting panels which can detract from the appearance of a building.

#### 4.5 Residential amenity

4.5.1 Policy HOU5 of the Local Plan stipulates that new housing developments should not result in an unacceptably low degree of residential amenity for existing properties in the area and the proposed new dwellings. It is considered that the revised layout and the relationship between the proposed dwellings are acceptable in terms of residential amenity and would provide for acceptable living conditions.

4.5.2 The Cleavelands site does not lie immediately adjacent to any existing residential development and there would be no detrimental impact in terms of overlooking or loss of light. As discussed above, the front-to-front and back-to-back distances between properties all accord with the parameters set out in the DPD - which themselves meet accepted standards. The proposal is therefore considered acceptable in this regard.

#### 4.6 Landscaping

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

4.6.2 As set out above, the whole approach underpinning the Cleavelands proposal is 'landscape led'. The approach advocates retention of much of the existing landscape features including the hedgerows and some of the existing trees, hedgerows and field patterns. The current application includes an area of Open Space along the northern boundary (Dean Meadows) and retains a number of existing hedges and includes two 'greenways' that link up with a series of such footways that crisscross the site. An equipped play area is also proposed.

4.6.3 The Council's Landscape Specialist is currently assessing the submitted details and **an up-date will be provided at Committee.**

#### 4.7 Sports Pitches and Equipped Areas for Play

4.7.1 The approved Masterplan for the Outline permission included a Locally Equipped Area for Play (LEAP) to be located adjacent in an area of Public Open Space (POS) at the eastern end of the site. Provision is also a requirement of the Section 106 Agreement. Details of the applicant's proposed LEAP have been provided. The Council's Community and Economic Development Manager and the Project Officer

have assessed those details and have suggested some changes to the type of equipment proposed. Discussions are on-going **An up-date will be provided at Committee.**

4.7.2 There are a number of paths/walkways that are proposed through the extensive areas of POS that link up with the others that link all the areas of POS throughout the site - as was proposed on the Outline Masterplan. The Councils Project Officer has assessed the submitted details and confirms that the specifications for these paths are acceptable.

#### **4.8 Highway and parking issues**

4.8.1 Policy TPT1 of the Local Plan highlights that development will be permitted where provision is made for safe and convenient access and where an appropriate level of public transport service and infrastructure is available. The resulting development should also not adversely affect traffic generation, safety and satisfactory operation of the highway network.

4.8.2 The County Highways Authority (CHA) are currently assessing the proposal and have confirmed informally that they are generally happy with the proposed layout. However, additional information has been requested with regard to vehicle tracking and junction visibility. **An up-date will be provided at Committee.**

##### *Car parking provision*

4.8.3 A specific car parking plan has been provided which demonstrates that 465 spaces would be provided for the 234 dwellings plus an additional 122 garages (making 587 car parking spaces in total). In addition, 48 designated visitor spaces are provided plus some limited opportunities for casual on-street parking (see revised layout).

##### Other Conditional requirements.

4.8.4 Similarly the CHA will provide up-dates on the following Conditional requirements:

- Location and design of bus stops
- Provision of highway drainage
- Street lighting
- Location and design of bus stops
- Provision of highway drainage
- Street lighting

#### **4.9 Affordable housing provision**

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

4.9.2 The application proposes 94 affordable homes comprised of the following:

- *Shared ownership* - 47 units: 29 two bed roomed units and 18 three bed roomed units
- *Rented* - 47 units: 10 one bed roomed flats, 18 two bed roomed dwellings, 15 three bed roomed dwellings, 4 four bed roomed dwellings.

4.9.3 The affordable units adopt the same contemporary architectural style and utilise the same materials as the market housing and consequently would not be readily distinguishable from them. The affordable units would therefore be well integrated with the market housing.

4.9.4 The Strategic Housing and Enabling Officer has been consulted and confirms that the 94 affordable homes provided on the development equates to 40% affordable housing. Furthermore, that the units are Housing Quality Indicators (HQI) compliant as required and are in accordance with the clustering requirements of the Section 106 legal agreement.

#### **4.10 Flooding and drainage**

4.10.1 Policy EVT9 of the Local Plan requires that development proposals demonstrate provision for the attenuation and treatment of surface water run-off in accordance with sustainable urban drainage systems (SUDS) criteria.



4.10.2 The issue of flooding was addressed at outline stage. However, condition 10 of the outline permission requires details of the surface water drainage scheme for the whole development to be submitted with the first reserved matters application.

4.10.3 The scheme was submitted with application 14/00390/APP (phases 1A and 2A) and in summary proposed a surface water management strategy that utilised a series of 'pipe-swale-ponds'. Both the Environment Agency and the Council's Flood Risk Management Engineer accepted that the proposals would attenuate surface water to the 1-100 year design standard including an allowance for climate change and proposals would not increase surface water flood risk off site. The site wide strategy was therefore approved with that application.

4.10.4 The submitted plans demonstrate that all the dwellings would be 300mm above surrounding ground levels as required by Outline Co Condition 7.

#### 4.11 Noise

4.11.1 Condition 19 of the Outline Consent requires details setting out how any dwellings within certain areas of the development that would be affected by traffic noise would mitigate for potential noise nuisance.

4.11.2 In accordance with the requirements of Condition 19 the applicant has submitted a Noise Assessment which identifies the dominant noise source being from traffic on the A435. The assessment shows that some high specification glazing would be required to a limited number of units facing the A435 to mitigate road traffic noise at night-time.

4.11.3 Subject to a condition requiring that the mitigation is implemented in accordance with the suggestions of the Noise Assessment, it is considered that the proposed development would have an acceptable impact on existing noise and that future occupiers would have an acceptable level of residential amenity in accordance with Policy EVT3 of the Tewkesbury Borough Local Plan.

#### 4.12 External Lighting

4.12.1 Condition 7 of the Outline permission required details of external illumination, including street lighting, and measures to control light pollution. The Council's Environmental Health Officer confirm that the proposed lighting scheme would be unlikely to produce any obtrusive light which would have an effect on residential amenity, or produce excess sky glow to have an adverse effect on the surrounding environment. The levels of lighting proposed would be consistent with a medium district brightness area as expected in an environment such as this. The proposal is therefore considered acceptable in this regard.

### 5.0 Conclusion

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

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

5.3 In light of the above, it is considered that the proposal accords with the relevant policies of the Development Plan and is in accordance with the principles and parameters described and identified in the consolidated design and access statement and design principles document. It is accordingly recommended that **Approval be delegated to the Development Manager subject to the Council's Community and Economic Development Manager being satisfied with the specification of the equipped play area, to the Council's Landscape Advisor being satisfied with the landscape specifications, and the County Highways Authority be satisfied with the proposed road layout, and additional planning conditions as necessary**

**RECOMMENDATION Delegated Approve**

Conditions:

- 1 Other than where varied by the conditions below the development hereby approved shall be implemented in accordance with the plans and details set out on the approved Planning Site Drawings Sheet (reference to be up-dated)

Reason: To clarify the terms of the approval.

- 2 Notwithstanding the submitted details, building operations shall not be commenced until samples of all external walling and roofing materials proposed to be used have been submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the sample(s) so approved.

Reason: In the interests of visual amenity in accordance with the NPPF.

- 3 Notwithstanding the submitted details, before work starts, the design and details of the doors and windows (external Joinery - including finished colour) shall be submitted to and approved in writing by the Local Planning Authority. The elevations shall be at a minimum scale of 1:20 and the sections shall be at a minimum scale of 1:5 and shall indicate moulding profiles at full size. The works and the fitted joinery shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity in accordance with the NPPF.

- 4 All door and window frames shall be recessed into the external walls of the building a distance to be first agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity in accordance with the NPPF.

- 5 The noise attenuation measures shall be implemented in accordance with the Noise Assessment (SLR Ref: 403.05790.00004 - Version 1 - July 2016) and maintained as such therefore after unless otherwise agreed in writing by the Local Planning Authority.

Reason: To minimise the effect of noise within the proposed dwellings (with windows closed) in the interests of the amenities of future occupiers in accordance with and Policy EVT3 of the Tewkesbury Borough Local Plan to 2011 - March 2006.

Notes:

- 1 **Statement of Positive and Proactive Engagement**

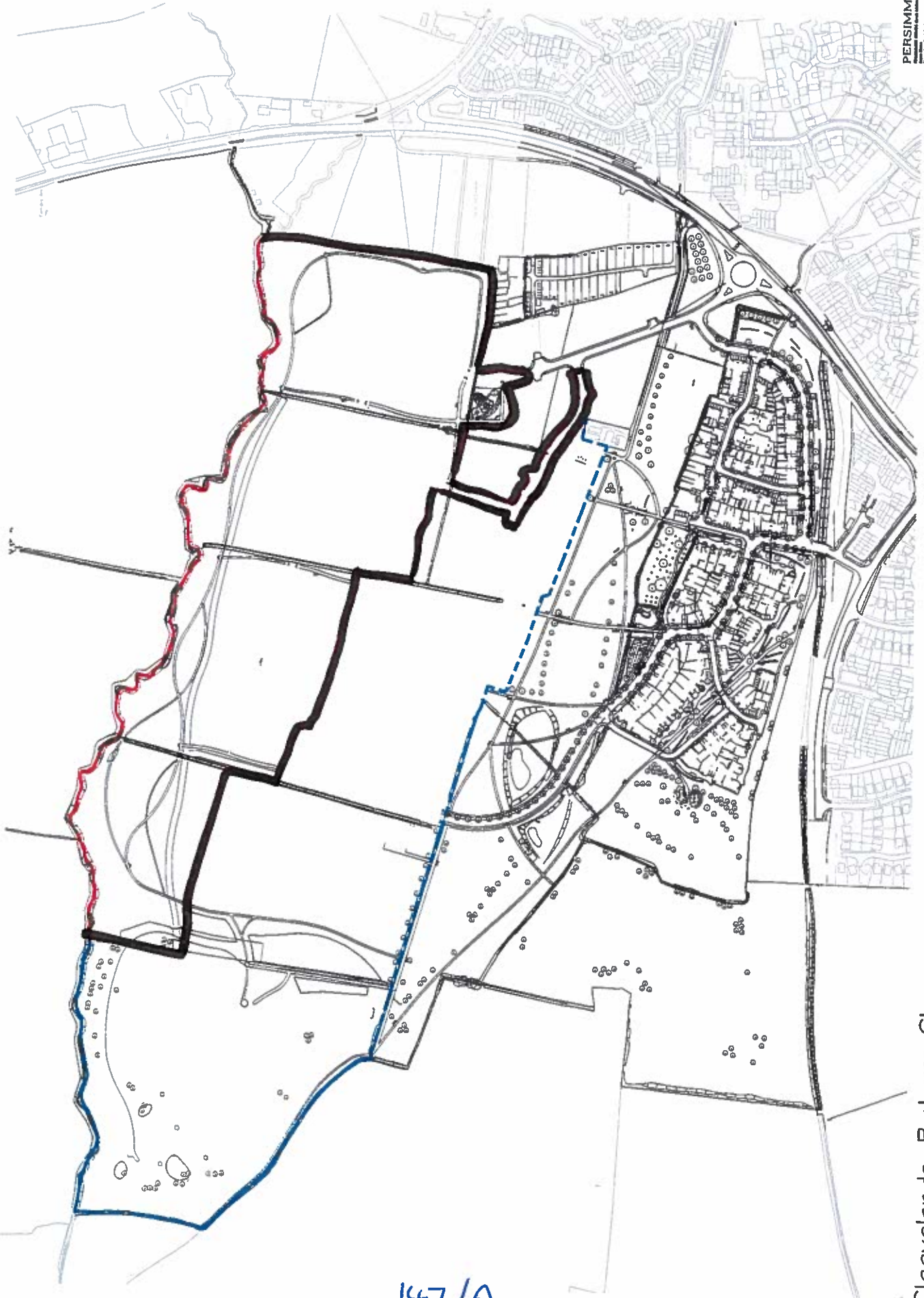
In accordance with the requirements of the NPPF the Local Planning Authority has worked with the applicant in a positive and proactive manner in order to secure sustainable development which will improve the economic, social and environmental conditions of the area by negotiating to improve the site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

- 2 This decision is to be read in conjunction with planning permission 10/01216/OUT.



PERSIMMON  
RESIDENTIAL DEVELOPMENTS LTD  
100, BRISTOL ROAD, BIRMINGHAM, B2 4BJ  
Tel: 0121 717 0000

16/00227/APP

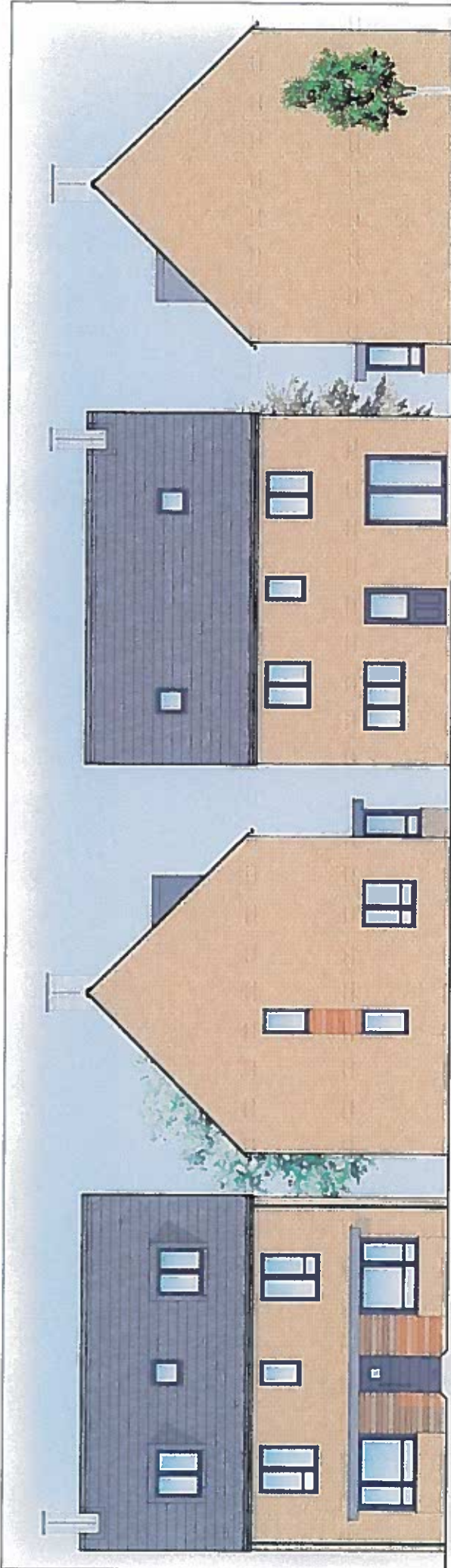


147/A

Cleavelands, Bishops Cleeve



16/00277/APP

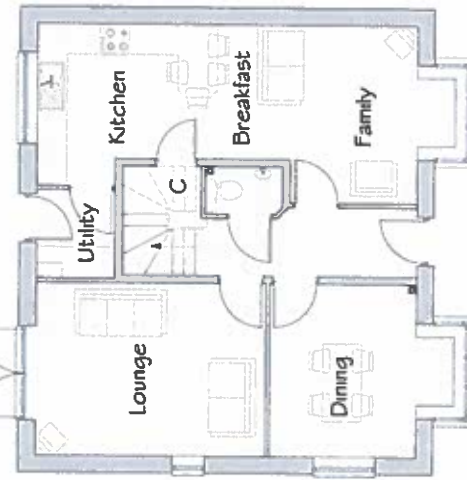


Front Elevation

Side Elevation

Rear Elevation

Side Elevation



Ground Floor Plan.



First Floor Plan.



Second Floor Plan.

# Cleevelands, Bishops Cleeve



**PERSIMMON**

PERSIMMON HOMES (South Midlands) LTD  
 Aylesham House, Quality  
 Birmingham Road, Quality  
 Warwickshire, CV35 9EG  
 Tel: 01527 851280 Fax: 01527 851222

Newton House type scale: 1:1000(AJ)  
 drawing reference: P-H-01

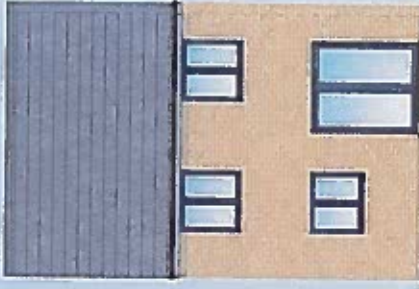
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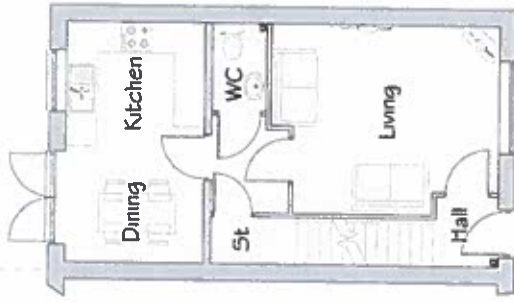
Front Elevation



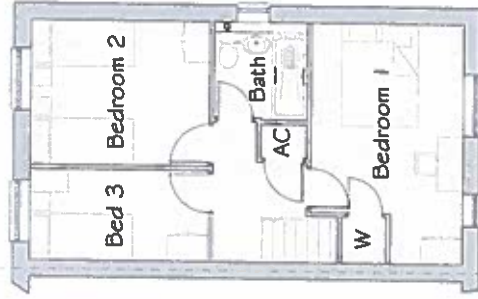
Side Elevation



Rear Elevation



Ground Floor



First Floor



**PERSIMMON**  
RESIDENTIAL HOMES (Great Midlands) LTD  
One Persimmon Way,  
Worcestershire, B60 7DQ  
Tel: 01527 81200 Fax: 01527 81222

draughting reference: P-H-12-1

HQI 79 House Type scale: 1:1000/A3

# Cleevelands, Bishops Cleeve

147/D



View east towards plot 101



View north towards plots 216 and 210



View north towards plots 60 and 1



View west towards plots 187 and 169



View west towards plots 177 - 169



View west towards plots 72 and 110

**PERSIMMON**  
RESIDENTIAL HOUSING GROUP LIMITED  
100, Cannon Street, London, EC6A 3DF  
Tel: 020 7733 0000

Perspectives - 3.1/11/16 Street View 01.16.16

P3D-1

147/E

# Cleevelands, Bishops Cleeve

Valid 25.04.2016

Phase 3A reserved matters application for residential development comprising of 126 dwellings, landscaping and associated works relating to the outline application 10/01216/OUT.

Grid Ref 395167 228225

Parish Bishops Cleeve

Ward Cleeve West

Miss Elizabeth Woods  
Charles Church Developments Ltd  
Aspen House  
Birmingham Road  
Studley  
Warwickshire

## RECOMMENDATION Delegated Approve

### Policies and Constraints

#### NPPF

Planning Practice Guidance

Tewkesbury Borough Local Plan to 2011 - March 2006 - Policies GNL2, GNL8, HOU13, TPT1, TPT3, EVT2, EVT3, EVT5, EVT9, LND4, LND7, RCN1, RCN2, NCN5

Pre-submission JCS June 2014 - Policies SP1, SP2, SD5, SD7, SD10, INF3, INF4.

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

The First Protocol, Article 1 (Protection of Property)

Public Rights of Way

### Consultations and Representations

**Bishops Cleeve Parish Council:** As a matter of principle, the Parish Council object to this large scale development.

- However, at a detailed level, the Parish Council would comment positively with regard the integrated layout of affordable housing across the development.
- The Parish Council are concerned by the poor layout of some houses, for example, PH22 Moseley Plus House Type, with the ground floor WC being situated in the centre of the open plan space and opening directly onto the breakfast and living area.

**Stoke Orchard and Tredington Parish Council:** Object most strongly on the matter of Storm Water Drainage adversely affecting land and residential property downstream of the said development. Have photographic evidence of the dramatic effect of the increased flow in The Dean due to recent upstream development. Request a s106 contribution from the developer to combat this effect within the Parish.

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

**Environmental Health Officer** - No objections.

**Environment Agency** - Note that the submitted details are in accordance with the outline drainage strategy and flood risk assessment and as such make no detailed comments on the reserved matters application.

**Flood Risk Management Engineer** - No Objections.

**Housing Enabling and Strategy Officer** - No objections subject to a Deed of Variation.

**Leisure and Culture Manager** - No objections subject to alterations to the proposed LEAP.

**Natural England** - Make no observations.

**Local Residents:** No comments received.

**Planning Officers Comments:** Mr John Hinett

### 1.0 Introduction

1.1. The site comprises a number of agricultural fields associated with Dean Farm which is accessed via a farm track from the A435 located on the north western edge of Bishops Cleeve, approximately 800m from its centre (see location plan). The site was formerly in agricultural use but development of part of the site for housing is now well under way.



1.2 The A435 runs adjacent to the eastern boundary of the site with residential areas on the periphery of Bishops Cleeve to the south and east. Dean Brook forms the northern boundary of the site with hedges comprising the western boundary. Allotment gardens lie adjacent to the eastern site boundary.

1.3 A number of public rights of way (ABC1/2/3) crisscross the site, running generally north to south and east to west. The site is generally level (see location plan attached).

## 2.0 Relevant planning history

2.1. An outline planning application for approximately 550 dwellings (including 30 units for retired people) and ancillary development including access proposals was submitted in November 2011. All matters apart from access were reserved for future consideration. The application also proposed:

- A high street comprising 4 units with a gross retail floor space of 475sqm, plus ancillary accommodation of 475sqm (classes A1, A2, A3, A4 & A5),
- 15 units with a floor space of 3,750sqm for class B1 and D1 uses
- 16 live/work units;
- A community facility with a hall (circa 300sqm);
- Extension to allotments;
- Open space provision including changing rooms;
- Sustainable drainage provisions and accesses from the A435.

2.2 A non-determination appeal was Allowed by the Secretary of State in July 2012.

2.3 Planning application 12/00903/FUL seeking to vary condition 23 of planning application 10/01216/OUT to reduce the amount of energy to come from decentralised and renewable or low carbon sources from the 20% to 'at least 10%' was refused at Planning Committee in April 2013.

2.4 Planning application 12/00904/FUL seeking to remove condition 24 of planning permission reference 10/01216/OUT which requires a 30% improvement in carbon reduction above 2010 Building Regulations requirements for the residential development was also refused at Planning Committee in April 2013.

2.5 Reserved matters application 14/00390/APP for the residential development for 160 dwellings (comprising phases 1A and 2A), together with all associated highways, access, landscaping and other infrastructure works was approved in November 2014.

2.6 Reserved matters application 16/00227/APP for residential development for 234 dwellings to phases 4 & 5 has been submitted and also appears on this schedule.

## 3.0 Current application

3.1. This current application is a reserved matters application (RMA) pursuant to the outline permission mentioned above (Ref: - 10/01216/OUT) and seeks approval for appearance, landscaping, layout and scale (see attached plans). Access was determined at outline stage. The RMA comprises phase 3A of the site and proposes 126 dwellings. Infrastructure required by the approved phasing plan to the outline consent is also proposed. The proposals are summarised below:

### *Residential*

- The **Market Housing** would comprise 76 units including a mix of 11 two bedroomed dwellings, 21 three bedroomed dwellings and 44 four bedroomed dwellings.
- The **Affordable Housing** would comprise 50 units in the following mix and tenureship:
- *Shared ownership* - 24 units: 16 two bedroomed units and 8 three bedroomed units.
- *Rented* - 26 units: 8 one bedroomed flats, 1 two bed flat, 4 two bedroomed dwellings, 9 three bedroomed dwellings, 4 four bedroomed dwellings.

### *Open Space and other infrastructure*

- A number of 'Greenways' through the housing areas; and
- An area of Public Open Space (including an Equipped Play Area).

## Conditional Requirements

Condition 2 - A phasing plan for the whole site

Condition 3 - Design Principles Document setting out how the RMAs accord with the original Masterplan and Design and Access Statement.

Condition 10 - Details of the surface water drainage scheme for the whole development

**These Conditional requirements were approved as part of Reserved Matter Approval 14/00390/APP.**

3.3 Other conditions required other information to be submitted with each phase RM including:

- Landscaping;
- Noise;
- Sustainability Statement;
- Details of external lighting; and
- Highways specifications.

3.4 These details have been submitted with the current application and are assessed in the relevant sections of the report.

3.5 The outline permission was also subject to Section 106 Agreements with the Borough Council and Gloucestershire County Council. These also need to be taken into account when considering this reserved matters application and are also discussed under the relevant sections in this report.

## **4.0 Analysis**

4.0.1 The key issues to be considered in relation to this reserved matters application are considered to be layout, house types, scale, residential amenity, landscaping, highway and parking issues, public open space, affordable housing provision and drainage. Furthermore, whether these matters accord with the Outline Consent and its supporting documents.

### **4.1 Layout**

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

4.1.2 A Masterplan layout was agreed as part of the outline consent (10/01216/OUT). A number of important principles of good design and appropriate parameters were also established during the determination of the outline application which were encapsulated in the final Consolidated Design and Access Statement (CDAS) and final layout plan. The 'vision' outlined in the CDAS was for a development that respected its wider context and worked within the surrounding landscape - essentially a landscape led scheme. As set out above, it is a conditional requirement that the reserved matters application accords with the approved layout plan and the principles and parameters described and identified in the DAS.

4.1.3 In addition, a condition required a Design Principles Document (DPD) to be submitted with the first reserved matters application for the whole site. The requirement for the DPD was to set out in more detail the principles set out in the Outline DAS and to ensure that design quality and design parameters are coordinated between different phases of development - to ensure that each subsequent phase of development relates to the one that has gone before. The DPD was approved as part of the first reserved matters application 14/00390/APP).

4.1.4 The proposed layout was subject to pre-application discussions and Officers had a number of concerns relating to non-compliance with the DPD. The layout now proposed is generally reflective of the advice offered during those pre-application discussions. In particular, the arrangement of house types along the Main Street have a variety of roof heights and some car ports linking dwellings (as advocated in the DPD) and is reflective of the 'Main Street' characteristics approved on phases 1a and 1b. The layout of the 'Side Streets' and 'Mews' now also reflects the DPD and there is a clear distinction between the hierarchy of the roads within the development that would help with the legibility of scheme.

4.1.5 The majority of the units on the southern boundary are arranged such that they face onto the central spine of Public Open Space providing attractive frontage and avoiding the need for long runs of fences. Where fences are proposed onto open space, the landscape plans show hedging would be planted to screen them from public views. Properties facing the open space are served by a combination of shared surface roads and private drive/lanes.

4.1.6 In terms of parking, all elements of courtyard parking have been removed from the pre-application layout proposal with parking provided via a combination in-curtilage side parking and small elements of frontage parking. This is intended to provide the required standards of parking in locations that are convenient to occupiers and yet do not dominate the street frontage. Properties along the main side road have been arranged to benefit from front gardens up to 3.5m in depth. The applicant suggests that this depth would ensure that whilst providing generous private spaces they are too small to be paved over and converted to additional parking in the future which would weaken the carefully considered layout and design. A number of visitor parking spaces are provided along the main road, side roads and private drives/lanes (for total numbers of parking spaces see paragraph 4.8.3 below).

4.1.7 The widths and layout of all the roads and streets accord with the DPD. Back-to-back distances similarly reflect the document with all dwellings meeting the minimum separation distances set out in the DPD (with more generous separation being provided in some parts). To conclude, it is considered that the layout is in accordance with the Design Principles Document and is of an acceptable design.

## 4.2 House types

4.2.1 The CDAS for the Outline application sets out a commitment "...to create a new 21st Century neighbourhood for Bishop's Cleeve...". It also set out that "*Cleevelands specifically does not seek to recreate, or generate a pastiche of what has gone before, but instead to look forward to contemporary sustainable design solutions*". The Design Principles Document takes forward this design aesthetic and promotes the use of "*simple, elegant and contemporary styles...in order to create a place that is both distinctive and individual without creating a pastiche of what has gone before.*"

4.2.2 The first 160 dwellings (permitted under 14/00390/APP - phases 1A and 2A) approved dwellings that were fairly traditional in form with standard internal layouts, but which incorporated more contemporary architectural detailing of windows, porches and other features and comprising a mix of brick and render evenly distributed throughout the site.

4.2.3 The current application adopts the same principle and continues this contemporary approach. A mix of 1 and 2 bedroom apartments and 2, 3 and 4 bedroom detached, semi-detached and terraced properties are proposed (**see typical house types attached**). Similar to the previous phases (1a and 1b), the design of the dwellings are based on fairly traditional forms with standard internal layouts, pitched roofs and some chimneys, but incorporating more contemporary architectural detailing of windows, porches and other features. The designs are, however, different to the previous phases and would result in a different appearance and character to this part of the development. Given that the two parcels would be separated by a large swathe of public open space that runs through the centre of the development, this subtle change in design and character is considered to be appropriate and would avoid monotony and repetition of house typology and is considered to be beneficial. The dwellings would comprise a mix of brick and render evenly distributed throughout the site.

4.2.4 In conclusion, it is considered that the architectural treatment of the buildings across phase (3A) is consistent with aims of the DPD - and the previously consented phases (1a and 1b) and, in combination with the proposed landscaping and layout, would provide for a coherent and cohesive scheme. Subject to a condition requiring the submission of materials samples and window details, the proposal is considered to be acceptable in this regard.

4.2.5 A 'Lifetime Homes Statement' has been submitted with the application which confirms that proposed house types are lifetime homes compliant.

## 4.3 Scale and density

4.3.1 The CDAS sets out that the residential buildings within the development will not exceed 2.5 storeys with a maximum height of 9.5m with the majority of houses being 2 storey with a ridge height of 8.5m. With regard to the current phase the heights parameters indicate a predominance of two storey units with the occasional use of 2.5 storey dwellings proposed in certain locations elsewhere. This accords with the CDAS and DPD.

4.3.2 For the current phase the approved parameters plan indicates that the densities should vary, with the western parcels having a density of 30-35dph with the more central parcels having a density of circa 35 - 40dph. The current scheme for 126 dwellings would result in a density of around 37 dph. Whilst the density of dwellings across the scheme is not immediately apparent from the layout plan, it is true to say that the density of units within the western parcels and edges of the development would be looser, with more detached units. The proposed development is therefore considered to be acceptable in this regard.

## 4.4 Energy Efficiency

4.4.1 Condition 23 attached to the Outline permission stipulates that at least 20% of energy used should come from decentralised and renewable or low carbon sources. Condition 24 of the same permission stipulates that a 30% improvement in carbon reduction above the 2010 Building Regulations requirements shall be secured across the development as part of the reserved matters submissions. Condition 25 then requires each home be awarded a Code for Sustainable Homes Level 4 rating, equivalent to a 25% reduction over Part L1A 2010.

4.4.2 The applicants' Energy Statement (ES) sets out that a number of measures will be used to reduce the overall energy demand of the dwellings, including: the use of high levels of insulation in the ground floor, external walls and roof spaces; the installation of efficient gas condensing combination boilers, and A+/A rated white goods in each property. In addition to this, it is proposed to install PV arrays on each property to reduce CO2 emissions by 74,367.06kg/year such that each home will achieve Code for Sustainable homes Level 4 and the site as a whole will achieve a 30% betterment over Part L1A. The ES concludes that:

- The site's Part L 2010 energy requirement is 1,069,291.47kWh/year target emission rate is approximately 237,676.45kg/year.
- The inclusion of fabric efficiency measures will shrink the site's emission rate by 12.09% and energy requirement by 13.57%.
- The installation of PV arrays capable of generating 80,458.50kWh/year of electricity will shrink the site's emission rate by a further 17.91%.
- The constructed site will have an emission rate 30% below Part L and an energy requirement 21.10% below Part L.
- Each home will achieve Code for Sustainable Homes Level 4.

4.4.3 The proposal therefore satisfies the energy conditions and the proposal is considered acceptable in this regard. The submitted example types of solar panels include an in-roof 'integrated' design (where panels would sit flush with roof tiles). Officers consider the use of these panels would be preferable to on-roof fixed bracket projecting panels which can detract from the appearance of a building.

## 4.5 Residential amenity

4.5.1 Policy HOU5 of the Local Plan stipulates that new housing developments should not result in an unacceptably low degree of residential amenity for existing properties in the area and the proposed new dwellings. It is considered that the revised layout and the relationship between the proposed dwellings are acceptable in terms of residential amenity and would provide for acceptable living conditions.

4.5.2 The Cleavelands site does not lie immediately adjacent to any existing residential development and there would be no detrimental impact in terms of overlooking or loss of light. The front-to-front and back-to-back distances between properties all accord with the parameters set out in the DPD - which themselves meet accepted standards. The proposal is therefore considered acceptable in this regard.

## 4.6 Landscaping

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

4.6.2 As set out above, the whole approach underpinning the Cleavelands proposal is 'landscape led'. The approach advocates retention of much of the existing landscape features including the hedgerows and some of the existing trees, hedgerows and field patterns. The current application includes a small area of public open space along the northern boundary that would separate it from phases 4 and 5 (see layout plan). The layout also retains a number of existing hedges and includes a 'greenway' that links up with a series of such footways that crisscross the site. An equipped play area is also proposed in the north-west corner.

4.6.3 The Council's Landscape Specialist is currently assessing the submitted details and an **up-date will be provided at Committee.**

## 4.7 Equipped Areas for Play

4.7.1 The approved Masterplan for the Outline permission included a Locally Equipped Area for Play (LEAP) to be located adjacent in an area of Public Open Space (POS) at the western end of the site. This provision is also a requirement of the Section 106 Agreement. Details of the applicant's proposed LEAP have been provided. The Council's Community and Economic Development Manager and the Project Officer have assessed those details and have suggested some changes to the type of equipment proposed. Discussions are on-going **An up-date will be provided at Committee.**

4.7.2 There are a number of paths/walkways that are proposed through the extensive areas of POS that link up with the others that link all the areas of POS throughout the site - as was proposed on the Outline Masterplan. The Council's Project Officer has assessed the submitted details and confirms that the specifications for these paths are acceptable.

#### 4.8 Highway and parking issues

4.8.1 Policy TPT1 of the Local Plan highlights that development will be permitted where provision is made for safe and convenient access and here an appropriate level of public transport service and infrastructure is available. The resulting development should also not adversely affect traffic generation, safety and satisfactory operation of the highway network.

4.8.2 The County Highways Authority (CHA) are currently assessing the proposal and have confirmed informally that they are generally happy with the proposed layout. However, additional information has been requested with regard to vehicle tracking and junction visibility. **An up-date will be provided at Committee.**

##### *Parking provision*

4.8.3 A specific car parking plan has been provided which demonstrates that 253 spaces would be provided for the 126 dwellings plus an additional 72 garages (making 325 car parking spaces in total). In addition, 39 designated visitor spaces are provided at various locations along the main road and side streets (see **layout**).

##### Other Conditional requirements.

4.8.4 Similarly the CHA will provide up-dates on the following Conditional requirements:

- Location and design of bus stops
- Provision of highway drainage
- Street lighting
- Location and design of bus stops
- Provision of highway drainage
- Street lighting

#### 4.9 Affordable housing provision

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

4.9.2 The application proposes 50 units in the following mix and tenureship:

##### *Shared ownership - 24 units:*

- 16 two bedroomed units; and
- 8 three bedroomed units.

##### *Rented - 26 units:*

- 8 one bedroomed flats;
- 1 two bed flat;
- 4 two bedroomed dwellings;
- 9 three bedroomed dwellings; and
- 4 four bedroomed dwellings.

4.9.3 The affordable units adopt the same contemporary architectural style and utilise the same materials as the market housing and consequently would not be readily distinguishable from them. The affordable units would therefore be well integrated with the market housing. The Strategic Housing and Enabling Officer (SHEO) confirms that the house types meet the current requirements for unit size. It is noted however that

the clustering of some of the affordable units does not match the requirements of the Section 106 Agreement. Whilst the SHEO does not have any issues with the applicants clustering arrangements, it will be necessary to apply for a deed of variation to the original agreement.

4.9.4 Subject to the Deed of Variation being completed, the Strategic Housing and Enabling Officer has no objections to the proposal.

#### **4.10 Flooding and drainage**

4.10.1 Policy EVT9 of the Local Plan requires that development proposals demonstrate provision for the attenuation and treatment of surface water run-off in accordance with sustainable urban drainage systems (SUDS) criteria.

4.10.2 The issue of flooding was addressed at outline stage. However, condition 10 of the outline permission requires details of the surface water drainage scheme for the whole development to be submitted with the first reserved matters application.

4.10.3 The scheme was submitted with application 14/00390/APP (phases 1A and 2A) and in summary proposed a surface water management strategy that utilised a series of 'pipe-swale-ponds'. Both the Environment Agency and the Council's Flood Risk Management Engineer accepted that the proposals would attenuate surface water to the 1-100 year design standard including an allowance for climate change and proposals would not increase surface water flood risk off site. The site wide strategy was therefore approved with that application.

4.10.4 The submitted plans demonstrate that all the dwellings would be 300mm above surrounding ground levels as required by Outline Condition 7.

#### **4.11 Noise**

4.11.1 Condition 19 of the Outline Consent requires details setting out how any dwellings within certain areas of the development that would be affected by traffic noise would mitigate for potential noise nuisance.

4.11.2 In accordance with the requirements of Condition 19 the applicant has submitted a Noise Assessment which identifies the dominant noise source being from traffic on the A435. The assessment shows that some high specification glazing would be required to a limited number of units facing the A435 to mitigate road traffic noise at night-time.

4.11.3 Subject to a condition requiring that the mitigation is implemented in accordance with the suggestions of the Noise Assessment, it is considered that the proposed development would have an acceptable impact on existing noise and that future occupiers would have an acceptable level of residential amenity in accordance with Policy EVT3 of the Tewkesbury Borough Local Plan.

#### **External Lighting**

4.11.4 Condition 7 of the Outline permission required details of external illumination, including street lighting, and measures to control light pollution. The Council's Environmental Health Officer confirm that the proposed lighting scheme would be unlikely to produce any obtrusive light which would have an effect on residential amenity, or produce excess sky glow to have an adverse effect on the surrounding environment. The levels of lighting proposed would be consistent with a medium district brightness area as expected in an environment such as this. The proposal is therefore considered acceptable in this regard.

#### **5.0 Conclusion**

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

5.2 Subject to a Deed of Variation or similar variation to the Outline Section 106, it is considered that an acceptable affordable housing proposal has been provided in terms of the amount, tenure, mix and distribution across the site. A suitable sustainable drainage scheme and management strategy can be secured, as well as good quality on-site public open space.

5.3 In light of the above, it is considered that the proposal accords with the relevant policies of the Development Plan and is in accordance with the principles and parameters described and identified in the consolidated design and access statement and design principles document. It is accordingly recommended that **Approval be delegated to the Development Manager subject to completion of a Deed of Variation to the Section 106 Agreement to allow amendments to the affordable housing clustering arrangement, to the Council's Community and Economic Development Manager being satisfied with the specification of the equipped play area, to the Council's Landscape Advisor being satisfied with the landscape specifications, and the County Highways Authority be satisfied with the proposed road layout and additional planning conditions as necessary.**

#### **RECOMMENDATION Delegated Approve**

Conditions:

- 1 Other than where varied by the conditions below the development hereby approved shall be implemented in accordance with the plans and details set out on the approved Planning Site Drawings Sheet (reference to be up-dated)

Reason: To clarify the terms of the approval.

- 2 Notwithstanding the submitted details, building operations shall not be commenced until samples of all external walling and roofing materials proposed to be used have been submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the sample(s) so approved.

Reason: In the interests of visual amenity in accordance with the NPPF.

- 3 Notwithstanding the submitted details, before work starts, the design and details of the doors and windows (external Joinery - including finished colour) shall be submitted to and approved in writing by the Local Planning Authority. The elevations shall be at a minimum scale of 1:20 and the sections shall be at a minimum scale of 1:5 and shall indicate moulding profiles at full size. The works and the fitted joinery shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity in accordance with the NPPF.

- 4 All door and window frames shall be recessed into the external walls of the building a distance to be first agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity in accordance with the NPPF.

- 5 The noise attenuation measures shall be implemented in accordance with the Noise Assessment (SLR Ref: 403.05790.00004 - Version 1 - July 2016) and maintained as such therefore after unless otherwise agreed in writing by the Local Planning Authority.

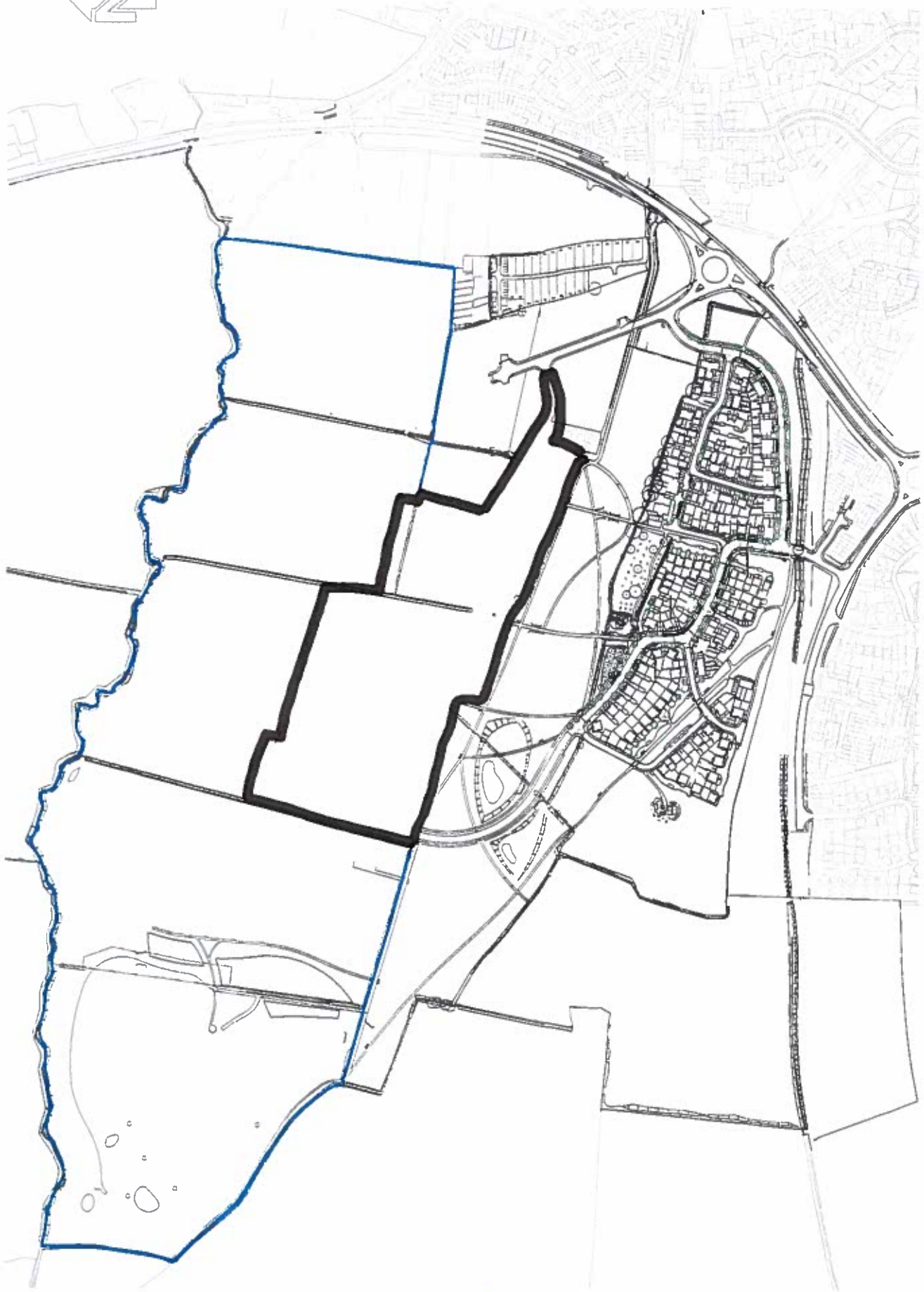
Reason: To minimise the effect of noise within the proposed dwellings (with windows closed) in the interests of the amenities of future occupiers in accordance with and Policy EVT3 of the Tewkesbury Borough Local Plan to 2011 - March 2006.

Notes:

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

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

- 2 This decision is to be read in conjunction with planning permission 10/01216/OUT.



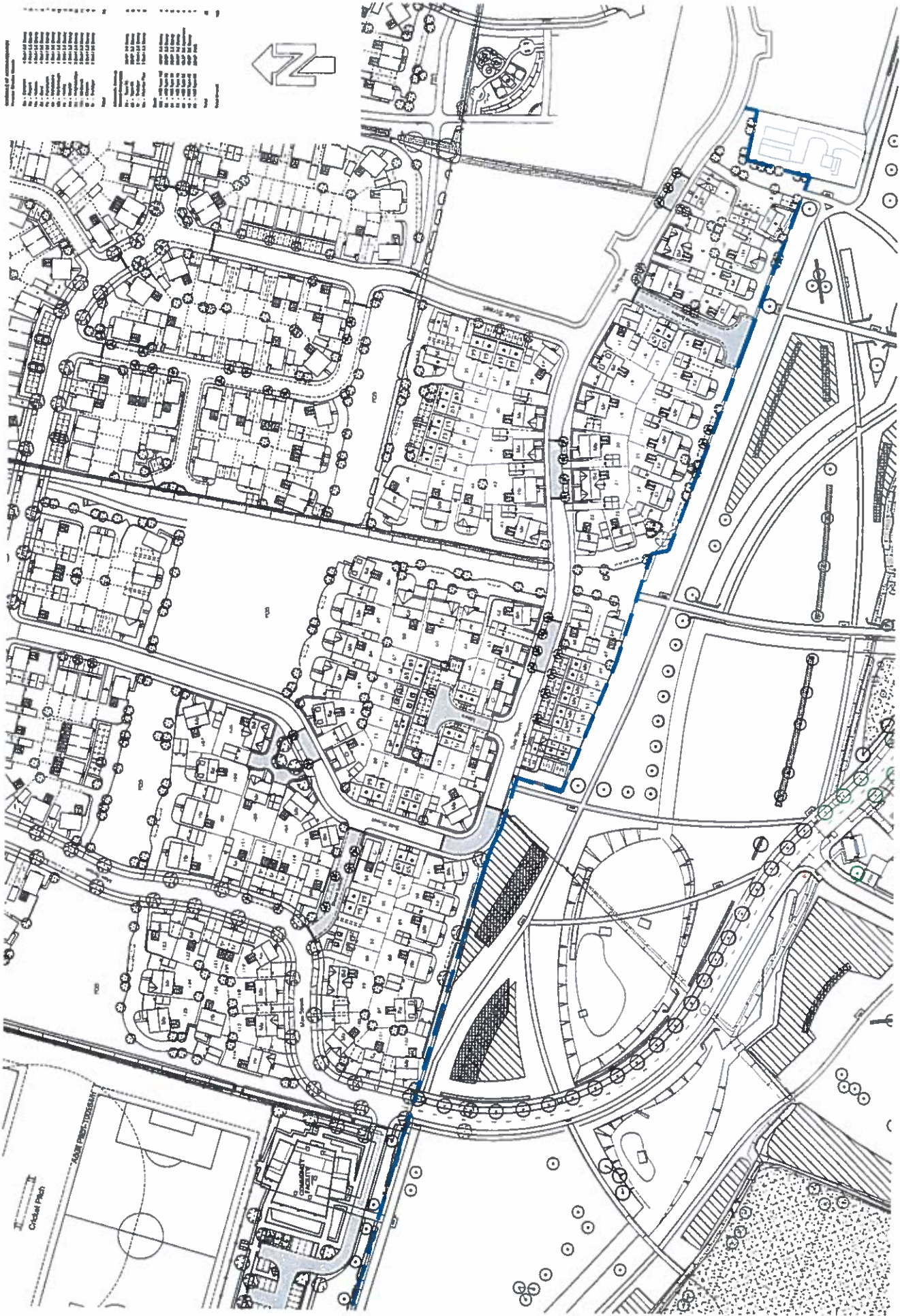
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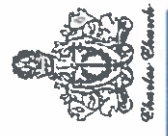
16/00379 (APP)  
16/00379 (APP)  
16/00379 (APP)

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[Symbol]	Proposed Roads
[Symbol]	Proposed Footpaths
[Symbol]	Proposed Cycleways
[Symbol]	Proposed Green Spaces
[Symbol]	Proposed Water Features
[Symbol]	Proposed Landscaping
[Symbol]	Proposed Fencing
[Symbol]	Proposed Gates
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[Symbol]	Proposed Electricity
[Symbol]	Proposed Telecommunications
[Symbol]	Proposed Other Services

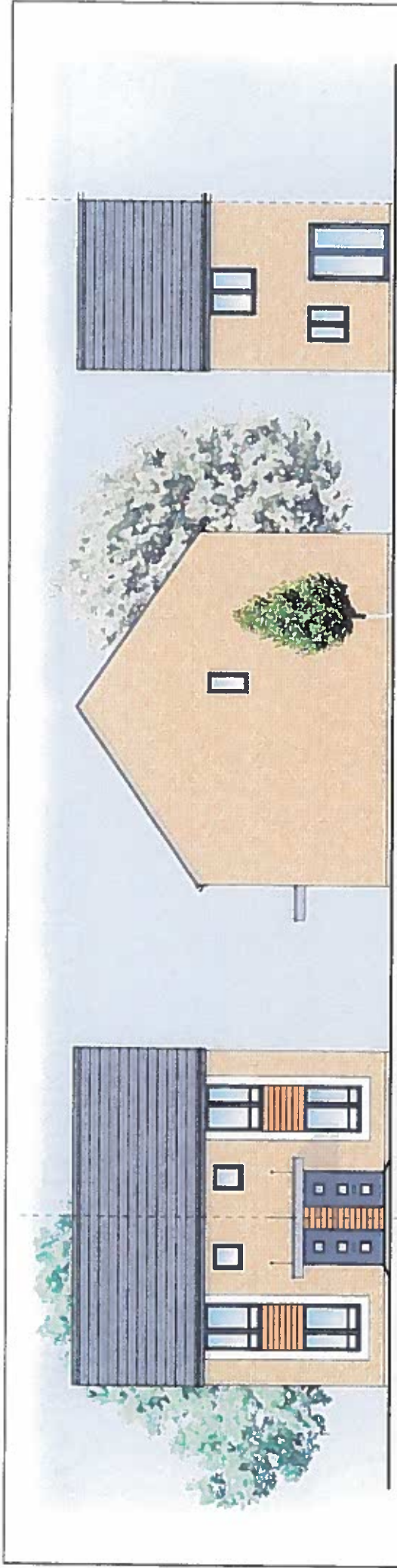


Cleavelands, Bishops Cleeve

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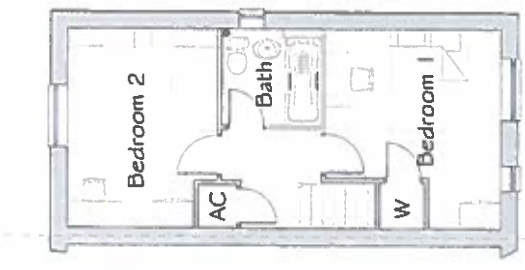
CHARLES CLEAVE (South Midlands) LTD  
Agents (lease)  
Birmingham Road, Smalley  
Warwickshire, CV35 9DG  
Tel: 01527 811200 Fax: 01527 811222



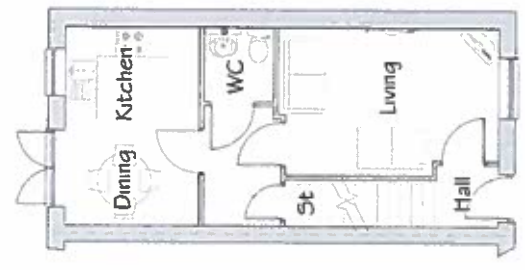
Rear Elevation

Side Elevation

Front Elevation



First Floor



Ground Floor

155/C

# Cleevelands, Bishops Cleeve

16/00379/APP



CHARLES CHURCH (South Midlands) LTD  
Apex House  
Birmingham Road, Studley  
Warwickshire, B80 7NS  
Tel: 01527 871200 Fax: 01527 871222

Charles Church

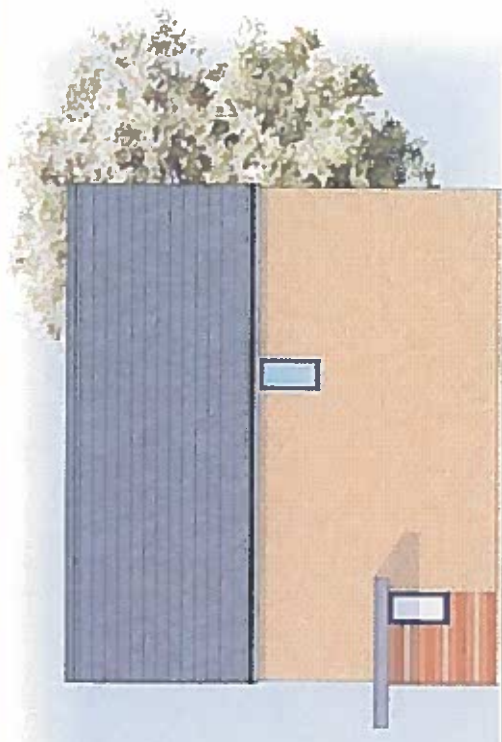
H01 50 House Type Scale: 1:500 @ A3 P-H-20-2



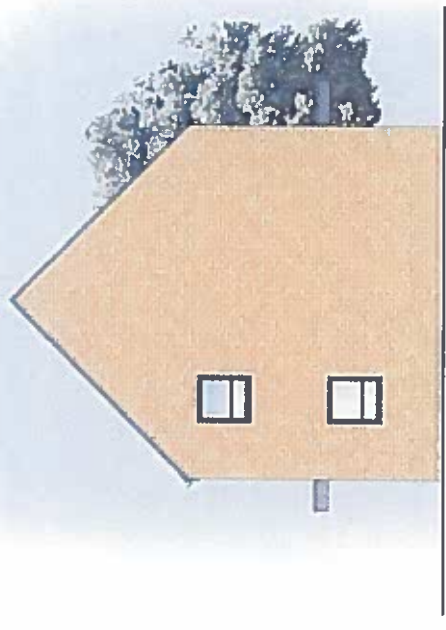
Front Elevation



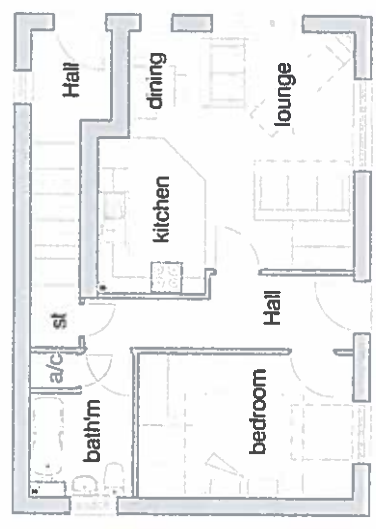
Side Elevation



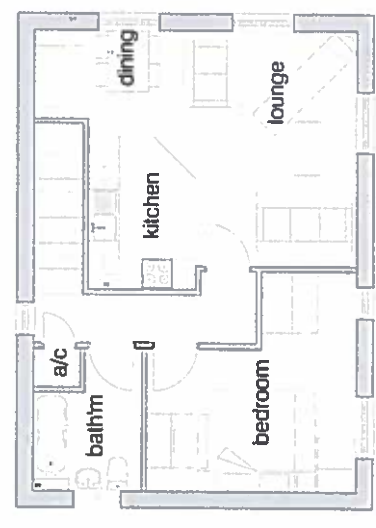
Rear Elevation



Side Elevation



Ground Floor Plan.



First Floor Plan.

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# Cleevelands, Bishops Cleeve

16/00379/APP



View west towards plots 17 and 39



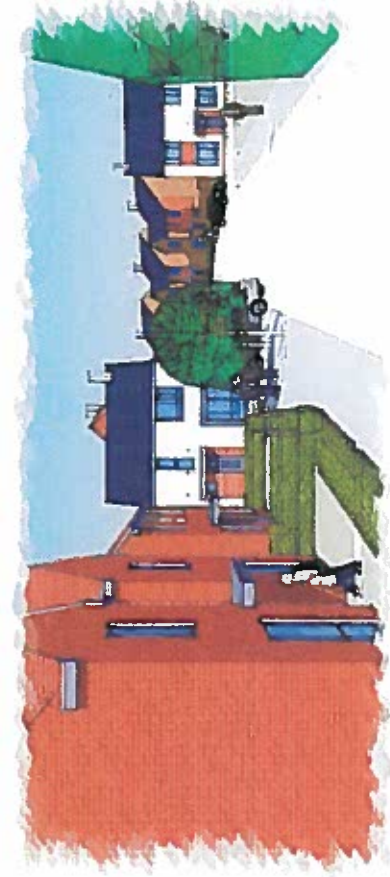
View west towards plots 40 - 43



View north towards plots 106



View north towards plots 104 - 106



View west towards plot 17



View west towards plots 63 - 64 and 48 - 55

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# Cleevelands, Bishops Cleeve

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

11 May 2015

Please destroy previous lists.