



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

**TEWKESBURY BOROUGH COUNCIL**

Schedule of Planning Applications for the consideration of the **PLANNING COMMITTEE** at its meeting on 14 February 2017

	<b>(NORTH)</b>	<b>(SOUTH)</b>
General Development Applications Applications for Permission/Consent	(613 - 693)	(694 - 743)

**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. ( 613 – 743 )**

### 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) 14th February 2017

Ashchurch Rural 16/01280/FUL <a href="#">Click Here To View</a>	Orchard Cottage Aston Carrant Road Aston-On-Carrant Tewkesbury	Refuse	4
Badgeworth 15/00751/OUT <a href="#">Click Here To View</a>	Bentham Country Club Bentham Lane Bentham	Refuse	9
Badgeworth 16/01211/FUL <a href="#">Click Here To View</a>	Rowan Cottage Dog Lane Witcombe	Permit	15
Bishops Cleeve 16/01335/FUL <a href="#">Click Here To View</a>	44 Meadoway Bishops Cleeve	Permit	17
Gotherington 16/00901/OUT <a href="#">Click Here To View</a>	Parcel 1441 Cobblers Close Gotherington	Delegated Permit	3
Gotherington 16/01075/FUL <a href="#">Click Here To View</a>	Red Roofs Shutter Lane Gotherington	Permit	2
Highnam 16/00486/OUT <a href="#">Click Here To View</a>	Land South Of Oakridge Highnam	Delegated Permit	11
Highnam 16/01232/FUL <a href="#">Click Here To View</a>	36 Farthing Croft Highnam	Permit	10
Norton 16/01348/FUL <a href="#">Click Here To View</a>	Brookelands Tewkesbury Road Norton	Permit	18
Prescott 16/01457/FUL <a href="#">Click Here To View</a>	The Old Vicarage Stanley Pontlarge	Permit	1
Sandhurst 15/00941/FUL <a href="#">Click Here To View</a>	Part Parcel 7200 Sandhurst Lane Sandhurst	Refuse	12
Sandhurst 16/00012/FUL <a href="#">Click Here To View</a>	6 Alcotts Green Sandhurst	Permit	13
Stoke Orchard And Tredington 16/00995/FUL <a href="#">Click Here To View</a>	The Range The Park Bishops Cleeve Cheltenham	Permit	14

<p>Tewkesbury 16/00324/FUL <a href="#">Click Here To View</a></p>	1 Swilgate Road Tewkesbury	Delegated Permit	8
<p>Tewkesbury 16/01256/FUL <a href="#">Click Here To View</a></p>	24 Elmbury Drive Newtown Tewkesbury	Permit	6
<p>Tewkesbury 16/01306/FUL <a href="#">Click Here To View</a></p>	30 Bramley Road Mitton Tewkesbury	Permit	7
<p>Wheatpieces 16/00771/FUL <a href="#">Click Here To View</a></p>	2 Cherry Gardens Walton Cardiff	Permit	5
<p>Woodmancote 16/01271/FUL <a href="#">Click Here To View</a></p>	11 Bushcombe Close Woodmancote	Permit	16

Valid 23.12.2016  
Grid Ref 399944 230191  
Parish Prescott  
Ward Cleeve Hill

Proposed garage/store & increased parking & turning area

Mr & Mrs Dean  
The Old Vicarage  
Stanley Pontlarge  
Winchcombe  
Gloucestershire  
GL54 5HD

## **RECOMMENDATION Permit**

### **Policies and Constraints**

National Planning Policy Framework (2012)  
Planning Practice Guidance  
JCS (Submission Version) November 2014  
Tewkesbury Borough Local Plan to 2011 (March 2006) - Policies, HOU8 and LND7  
Flood and Water Management Supplementary Planning Document  
Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)  
The First Protocol, Article 1 (Protection of Property)

**Cllr Dean is the applicant and therefore this application is required to be considered at Planning Committee**

### **Consultations and Representations**

**Parish Council** - No comments received.  
**Conservation Objection** - No objection subject to conditions.

No letters of neighbour representation received.

**Planning Officers Comments:** Mr Ciaran Power

### **1.0 Introduction**

1.1 The site is located within the hamlet of Stanley Pontlarge which lies within the Cotswolds AONB. The dwellinghouse associated with the application site is The Old Vicarage and within the site is a Grade II listed outbuilding. The outbuilding has planning permission to be converted into residential accommodation and form its own associated curtilage. The site adjoins the church which is Grade II\* listed to the west. The site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB).

### **2.0 Relevant Planning History**

2.1 16/00207/FUL and 16/00208/LBC - Planning application and associated Listed Building Consent for Alterations and conversion of outbuildings to self-contained dwelling, permitted June 2016.

2.2 16/00915/CLP - Certificate of lawfulness (Proposed) for garaging and parking area, Certificate granted August 2016

### **3.0 Current Application**

3.1 This application seeks planning permission for a detached outbuilding which would include a garden equipment store, garaging and first floor storage area. The proposed garage would measure a width of 10m, a depth of 6.7, an eaves height of 3.2m and a ridge height of 6.9m.

## **4.0 Policy Context**

4.1 Policy HOU8 of the Tewkesbury Borough Local Plan to 2011 states that development must respect the character, scale and proportion of the existing dwelling and the surrounding development. The detailed design, materials and layout of buildings and structures must be appropriate to their setting and the character of the surrounding area. Policy HOU8 is considered to be consistent with the National Planning Policy Framework (NPPF) and should therefore be afforded full weight when determining this application in accordance with Paragraph 215 of Annex 1 of the NPPF.

4.2 Section 15 of the NPPF states that great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty which has the highest status of protection in relation to landscape and scenic beauty.

4.3 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. These requirements are also set out at paragraphs 126 and 131 of the NPPF. The NPPF advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It also advises that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Furthermore, the NPPF states that, where development will lead to substantial harm to or total loss of significance of a designated heritage asset, LPAs should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits. Paragraph 134 adds that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

## **5.0 Analysis**

5.1 The main material considerations in respect of this application are considered to be the design of the building, the impact of the development on nearby heritage assets, adjacent residential amenity and the landscape.

### *Design and Impact on Heritage Assets*

5.2 The Old Vicarage is a substantial vernacular house of at least C18 origins, which stands due east of the Grade II\* undedicated C12 church at Stanley Pontlarge. Although unlisted, the former vicarage is well-preserved traditional building which amply fulfils the NPPF's definition of a heritage asset.

5.3 The Council's Conservation Officer comments that "the proposed outbuilding would be sited is within the vicarage's extensive grounds, just to the north east of the curtilage farm buildings of the Grade II C19 Manor Farm. However it is a relatively secluded location in itself, with little public visibility from the lane or PROW to the south. The proposed garage is a 1.5 storey building, loosely based on granary/cartshed typologies and executed in local traditional materials. Its design displays a low key, respectful approach, appropriate to its ancillary function, and overall it is unlikely to have any demonstrable impact on the character or significance of the surrounding heritage assets".

5.4 The Council's Conservation Officer raises no objection to the proposal subject to conditions in respect of materials and details of rainwater goods and doors and windows.

### *Effect on landscape character and visual amenity of the area*

5.5 The garage and parking area are located in a well screened part of the curtilage well related to existing built development. Given the existing use of the land, sympathetic built form and the existing dense boundary associated with the site it is not considered that the proposed development would have an adverse impact on the character and appearance of the area or the AONB.

## *Residential amenity*

5.6 The neighbouring dwelling is located approximately 14 metres to the west of the application site. The proposed garage would incorporate an upper floor window in the western gable and two rooflights in its southern roof slope. In respect of the upper floor window proposed in the western gable it is considered that this could result in some overlooking and whilst there is some intervening planting it is not considered that this could be relied on in the long-term to prevent overlooking resulting from this opening. It is therefore considered that a condition should be imposed requiring this window to be obscure glazed and fixed shut. In respect of the rooflights in the southern elevation, there is potential that this could allow some overlooking of the adjacent private residential amenity space. Having regard to this it is considered reasonable to condition the height of the rooflights to be a minimum of 1.7m above floor level.

## **6.0 Conclusion**

6.1 Having regard to the above it is considered that the proposed development would be of an acceptable size, scale and design and would have an acceptable impact on nearby heritage assets and the character and appearance of the area within the Cotswolds AONB. The impact of the proposal on the residential amenity of neighbouring property has been carefully assessed and it is considered that, subject to appropriate planning conditions, the proposed development would be unacceptable in terms of bulk, massing, size and overlooking. For these reasons the proposal is considered to accord with the National Planning Policy Framework and Policy HOU8 of Tewkesbury Borough Local Plan and is recommended for **Permission**.

## **RECOMMENDATION Permit**

### Conditions:

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Numbers 16:1774: G02 and 16:1774:SP04.
- 3 Building operations shall not be commenced until samples of the facing materials and roofing tile proposed to be used have been submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the sample(s) so approved.
- 4 No development shall take place until details of proposed ground levels including finished floor levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 5 No work shall start until detailed drawings and materials details for the proposed new windows and doors, including elevations and sections, have been submitted to and approved in writing by the Local Planning Authority. The fitted windows and doors 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.
- 6 The rooflights in the southern roof slope of the garage hereby permitted shall be a minimum of 1.7 metres above the floor of the room in which the window is installed.
- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the proposed upper floor window in the western elevation shall be non-opening and glazed with obscure glass and shall be permanently maintained thereafter as non-opening and obscure glazed.

### Reasons:

- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
- 2 For the avoidance of doubt and in the interests of proper planning.

- 3 To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity in accordance with the NPPF.
- 4 To ensure that the development integrates harmoniously with its surroundings in accordance with the NPPF.
- 5 To preserve the special interest of the adjacent listed buildings and non-designated heritage assets in accordance with the advice on the Historic Environment within the National Planning Policy Framework 2012 (NPPF).
- 6 In the interests of residential amenity.
- 7 To safeguard the amenities of the adjoining premises from overlooking and loss of privacy.

Note:

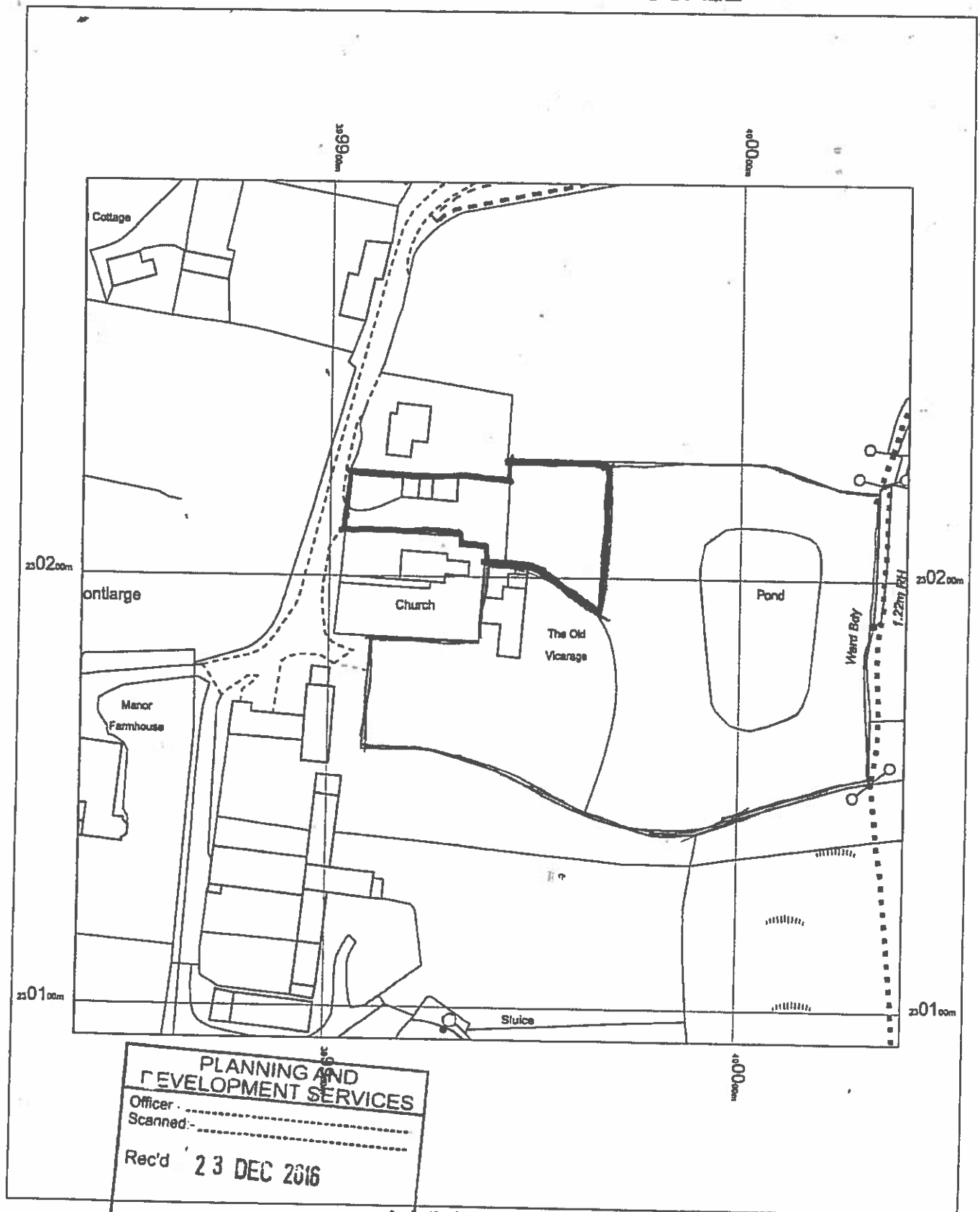
#### **Statement of Positive and Proactive Engagement**

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.



16/01457/KUL

# O.S. MASTERMAP - 1:1250 SCALE



**PLANNING AND DEVELOPMENT SERVICES**

Officer: .....

Scanned: .....

Rec'd 23 DEC 2016

Ack'd: .....

Ans'd: .....

File: .....

THE OLD VICARAGE  
 STANLEY PONTLARGE  
 CHELTENHAM  
 GL54 5HD

OS MasterMap 1250/2500/10000 scale  
 13 August 2015, ID: CM-00454909  
 www.centremapslive.co.uk

1:1250 scale print at A4, Centre: 399940 E, 230192 N

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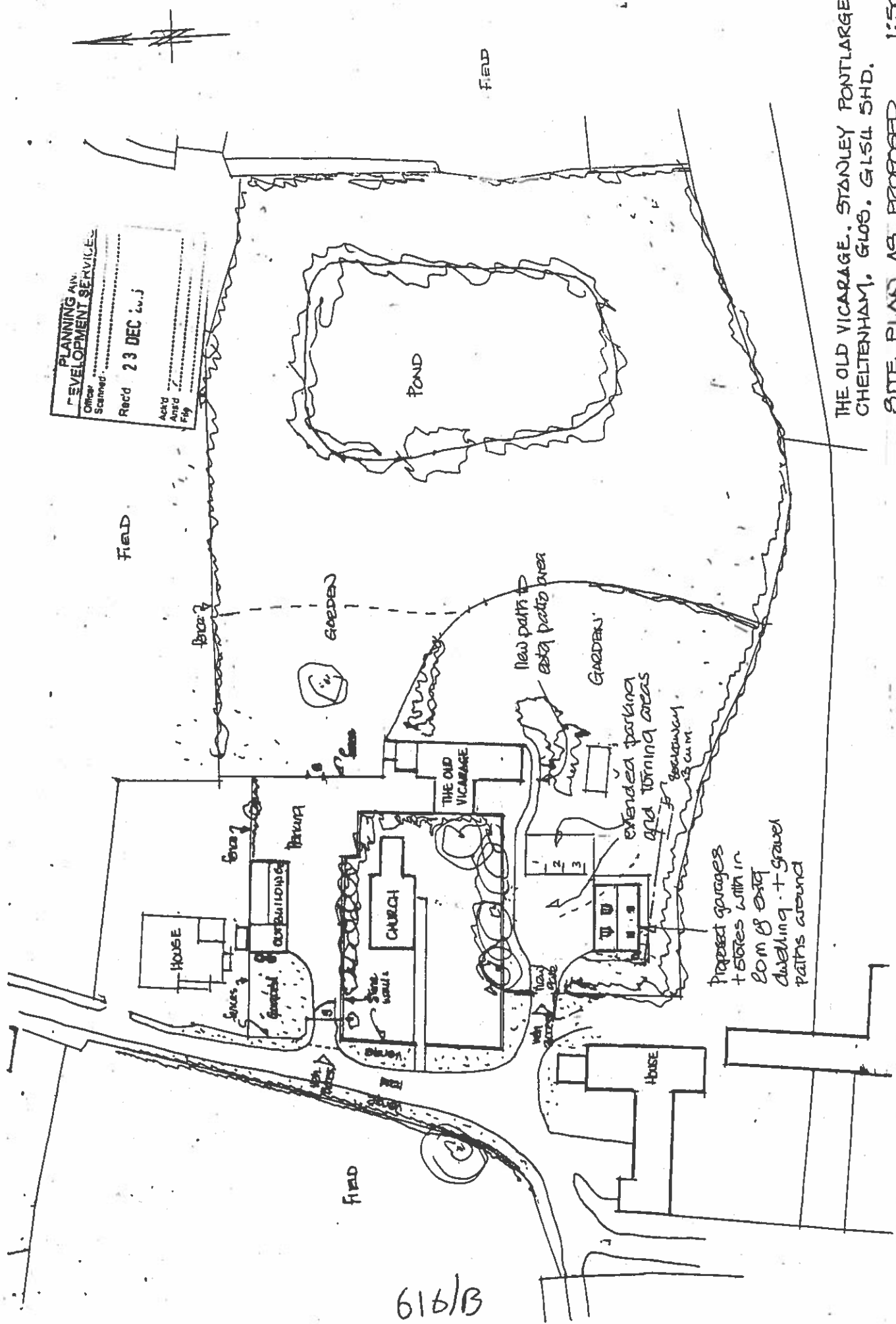


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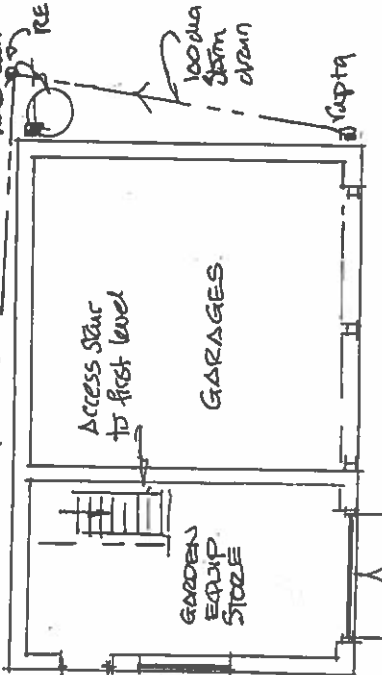
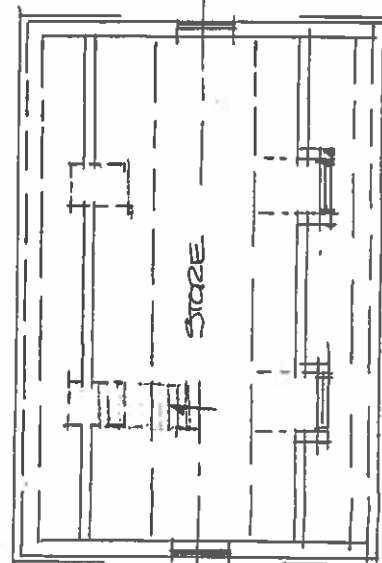
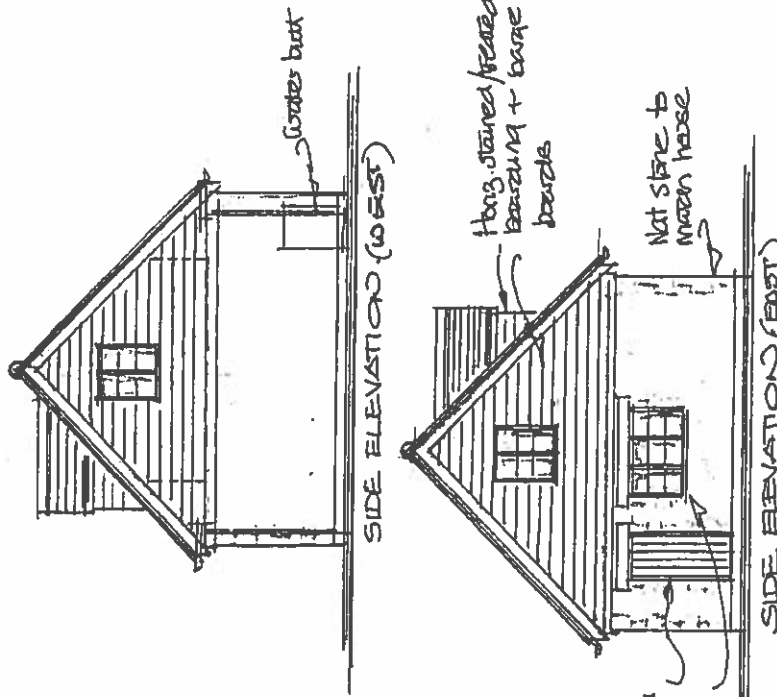
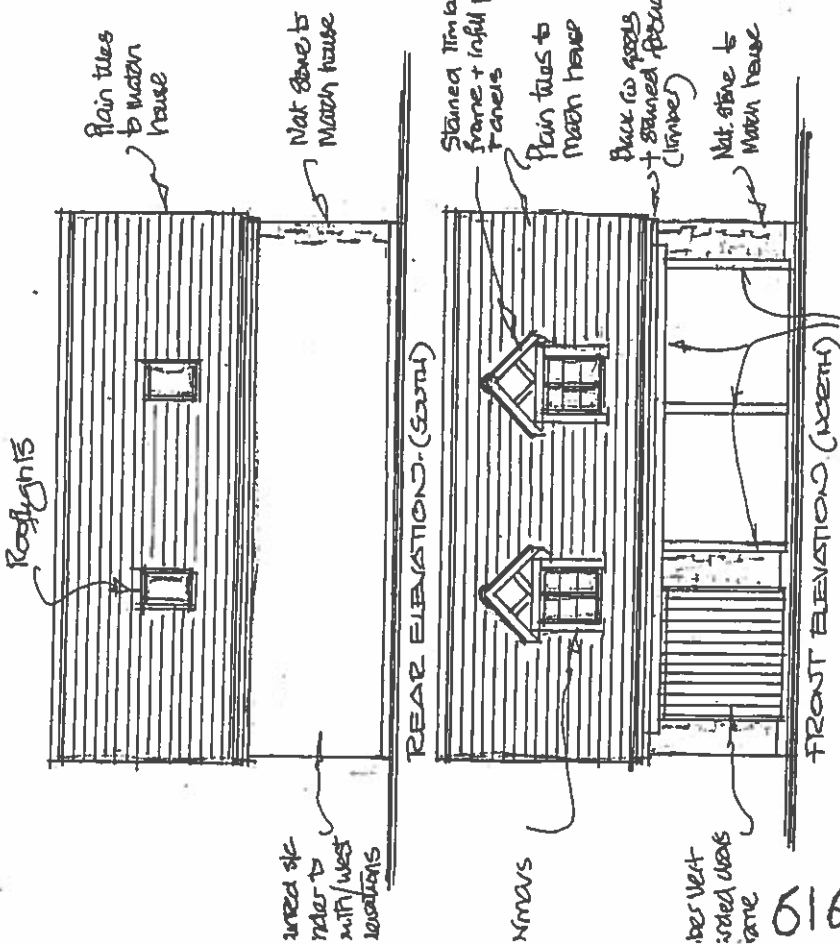
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PLANNING AND DEVELOPMENT SERVICE  
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Recd 23 DEC 2010  
Archd And Fly



THE OLD VICARAGE, STANLEY PONTLARGE.  
CHELTENHAM, GLOS. GL54 5HD.  
SITE PLAN AS PROPOSED 1:500  
16:1774: SPO4, DECEMBER 2010.  
DENNIS L Rayton BA.01242620818.

616/B



PLANNING AND DEVELOPMENT SERVICES  
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THE OLD VICARAGE, STANLEY PONTLARGE,  
 CHELTENHAM, GLOS. GL51L 5HD  
 PROPOSED GARAGES / STORES  
 1:100 DECEMBER 2016  
 16: 1774: 602  
 DENNIS L Rayton Tel 01242 620818

016

Valid 03.10.2016  
 Grid Ref 395903 229455  
 Parish Gotherington  
 Ward Oxenton Hill

The Construction of 2 No. 4 bed dwellings

Centaur Homes Ltd  
 Willow End  
 Stoke Orchard Road  
 Bishops Cleeve  
 CHELTENHAM  
 Gloucestershire

## RECOMMENDATION Permit

### Policies and Constraints

Tewkesbury Borough Local Plan to 2011 (March 2006) - Policies HOU4, TPT1, LND 2 and LND4.  
 Gotherington Parish Plan  
 Gotherington Village Design Statement  
 JCS Submission Version (November 2014) - Policies SD5, SD6, SD8, SD9, SD10, INF1, INF2

### Consultations and Representations

**Parish Council:** Objection on the grounds that:

- The affect the additional two x 4 bedroom dwellings will have on the provision of services and particularly sewerage.
- Access to this site is a narrow lane with a sharp turn off Shutter Lane. They question whether there is suitable access for construction vehicles initially and emergency vehicles and refuse lorries in the future.
- The site is within 50metres of a listed building.

County Highways - Standard advice applies.

Urban Design Officer -The revised drawings address my previous comments and on balance the proposals are now considered to be acceptable in design terms.

**Landscape Officer** - No objection to the revised scheme subject to conditions.

**Conservation Officer** - No objection to the amended scheme for 2 dwellings.

**Environmental Health** - No adverse comments.

**Severn Trent** - No objection subject to conditions.

**Natural England** - No objection.

**Four letters of objection** have been received that are summarised as follows:

- Longfurlong Lane and Mobile home site are at breaking point. Wrongly served by contractors and further development will add to this problem.
- Listed building would be squeezed.
- Detrimental to the village.
- Proposal does not form part of the neighbourhood plan.
- Houses too big for the plot.
- Set a precedent.
- Impact on character of the area.
- Impact on amenities of the area.
- Noise, disturbance and odour.
- Traffic and parking.

**Planning Officers Comments:** Mr Lloyd Jones

### 1.0 Application Site

1.1 The application site comprises the property known as Red Roofs and its garden area. The site is fairly level and extends to an overall area of approximately 0.3 hectares. The host property, a two-storey detached dwelling is located to the north east corner of the site. A significant proportion of the site consists of amenity grassland, but a pond is present within the garden area. Access to the site is off a private drive which extends off Shutter Lane.

1.2 The application site is bounded by properties either side of the access drive, with the property known as The Butts forming the western boundary. The Homestead that is a grade II Listed Building flanks the eastern boundary of the site and beyond this is a residential development of 17 dwellings is under construction (planning reference:14/00432/FUL). A residential park home sited is located to the south. A public right of way leads to the south of the site along Long Furlong Lane.

## **2.0 Planning History**

2.1 No recent relevant planning history.

## **3.0 Current Application**

3.1 The scheme as initially submitted detailed the provision of three detached dwellings. Following concerns in relation to the provision of two dwellings at the rear of the application site, the applicant revised the scheme, so full planning permission is sought for two dwellings. Plot 1 would be sited towards the northern periphery of the site, some 6.0m to the west of the host property. The remaining plot would be sited to the southern section of the site facing a turning/parking area. Access to the development would be off the private drive with the plot at the rear accessed off a central driveway, which would lead between plot 1 and the host property.

## **4.0 Policy Context**

4.1 Paragraph 14 of the NPPF indicates that sustainable development should be approved without delay, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits; or where specific policies within the Framework indicate that development should be restricted.

4.2 Policy HOU4 of the local plan seeks to promote sustainable development. Policy HOU4 advises, inter alia, that residential development outside of a residential development boundary will only be permitted where essential to the efficient operation of agriculture or forestry or the provision of affordable housing in accordance with Policy HOU14.

4.3 Policy LND4 provides that in rural areas regard will be given to the need to protect the character and appearance of the rural landscape.

4.4 Policy TPT1 of the local plan seek to reduce the need to travel by car and promote alternative modes of transport and Policy TPT1 seeks to ensure that highway access can be provided to an appropriate standard which would not adversely affect the safety or satisfactory operation of the highway network, nor cause an unacceptable loss of amenity to users of adjacent land.

4.5 Policy NCN5 of the local plan seeks to protect and, wherever possible enhance biodiversity, including wildlife and habitats.

## **5.0 Analysis**

### *Principle of development*

5.1 A significant proportion of the application site is located outside of a recognised settlement boundary of Gotherington. The proposal is therefore contrary to policy HOU4 of the Local Plan which sets out that new residential development will only be permitted where such dwellings are essential to the efficient operation of agriculture or forestry or the provision of affordable housing in accordance with policy HOU14 of the Local Plan.

5.2 However, paragraph 49 of the NPPF sets out the 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. With this in mind, and in the absence of any locally derived housing requirements to date, policy HOU4 cannot be considered to be up-to-date given the Council's current shortfall in housing provision. HOU4 is also out of date as it was based on the now revoked Structure Plan's housing requirement.

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

5.4 With regards to sustainable development, the NPPF 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 our natural, built and historic environment. These roles should not be undertaken in isolation, because they are mutually dependant.

5.5 An Inspector has been appointed to examine the Gotherington Neighbourhood Plan 2011-2031 (NDP). Given that the examination has not yet taken place, it is considered that limited weight can be afforded to the emerging policies of the NDP.

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

#### *Landscape impact*

5.7 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. Policy LND4 of the Local Plan states that in considering proposals for development in rural areas, regard will be given to protect the character and appearance of the rural landscape.

5.8 The application site comprises the garden area of Red Roofs, which is located to the southern end of the village. The site falls outside the Special Landscape Area. The Landscape Officer has been consulted and commented that the original proposals for three dwellings would create a dense and inappropriate scale of infill development within the village edge. Following this, the number of units has been reduced from three to two, which alleviates the concerns in respect of density. Further to this, the presence of the residential development under construction to the east, as well as the residential park homes to the south means that the application site would be relatively well confined. Any long distant views of the site would be viewed in the context of the existing village of Gotherington.

5.9 Overall, it is considered that the proposal would have a limited landscape impact, which would be confined to its immediate surroundings. Subject to an appropriate scheme of landscaping that could be secured by condition, the landscape impact of the proposal is considered to be acceptable.

#### *Design and Layout*

5.10 The NPPF sets out at paragraph 56 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. At paragraph 57, the NPPF advises that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities.

5.11 The Council's Urban Design Officer raised concerns that the original scheme for three dwellings appeared cramped and would have a detrimental impact on the character of the host property. Following the reduction in number of units and resultant increased sense of openness the Urban Design Officer has no objection to the revised proposal. The design approach that has been adopted follows the design of the host property. The dwellings would have ridge heights of 8.5m that are consistent with the host property. The palette of external materials includes stone/render and slate/tiled roofs.

5.12 Overall, the removal of one unit from the scheme ensures that the development responds positively to the surrounding pattern and form of development. The design and layout of the development is therefore considered to be acceptable.

### *Designated Heritage Assets*

5.13 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to have special regards to the desirability of preserving a listed building or its setting and this requirement is also set out at paragraphs 126 and 131 of the NPPF.

5.14 The Council's Conservation Officer notes that there are three designated heritage assets within 150m of the application site. The nearest is The Homestead, which is a grade II listed building that is sited adjacent to the eastern boundary of the site. In respect of the effect on the setting of this heritage asset the Conservation Officer highlighted that the original scheme resulted in the heritage asset being squeezed from both sides. The reduction in the number of units from the scheme has addressed this matter and the Conservation Officer now considers that the amended proposal would preserve the setting of the adjacent listed building.

### *Residential Amenity*

5.15 Paragraph 17 of the NPPF identifies that one of the core principles is to ensure a good standard of amenity for all existing and future occupants of land and buildings.

5.16 Apart from the host property the nearest properties to the development are The Butts to the west and The Homestead to the east.

5.17 In relation to the impact on the Homestead, the dwelling on plot 2 would be sited 7.5m off the eastern boundary. No windows are proposed in the side elevation of the main body of the dwelling. Due to the separation distance and the orientation of the proposed dwelling in relation to the Homestead, it is considered that it would not result in any direct overlooking of private amenity space or any conflict between habitable room windows. The proposal would therefore not have a detrimental impact on the residential amenity enjoyed by occupants of the Homestead.

5.18 Turning to The Butts, the nearest part of the development would be the dwelling referenced as plot 1. This dwelling would be sited 1.5m off the boundary of this property, but a band of trees under the control of The Butts form the western boundary. Windows are proposed in the side elevation of the dwelling that would serve a first floor landing area and master en-suite. Whilst the nature of the boundary treatment currently suggests that there would not be an issue of overlooking, there is no guarantee that this would be in place in perpetuity, as such it is considered that these windows should be obscure glazed and of restricted opening to ensure there would be no unacceptable loss of privacy.

5.19 Finally, the relationship between plot 1 and the host property is considered to be acceptable. Similarly, given the separation distance between the rear elevation of plot 2 and the property known as the Gothic House would also ensure that there is not any detrimental impact on residential amenity.

### *Access*

5.20 The NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Paragraph 32 specifically requires safe and suitable access to all development sites for all people. Policy TPT1 of the Local Plan requires that appropriate access be provided for pedestrians, cyclists and vehicles, and that appropriate public transport services and infrastructure is available or can be made available. It further requires that traffic generated by and/or attracted to the development should not impair the safety or satisfactory operation of the highway network and requires satisfactory highway access to be provided.

5.21 The Parish Council and local residents have objected to the application on highway safety grounds. A Transport Statement has been submitted in support of the application. In respect of three additional dwellings this equated to one new vehicle trip every 30 minutes during peak hours. As a result, that for two additional dwellings the level of traffic generated would not have any significant impact on the surrounding highway network. With regards the concerns relating to construction traffic this is a matter that can be resolved through the provision of a construction method statement.

5.22 The statement acknowledges that access would be off Shutter Lane and along a private access driveway, which benefits from informal passing bays. Within the site itself, sufficient levels of parking are proposed and vehicles will be able to manoeuvre within the site to ensure that vehicles can enter and exit in a forward gear. Given that Shutter Lane is lightly trafficked it is considered that the access arrangements are acceptable.

5.23 With regards refuse vehicles the statement identifies that they currently reverse along Shutter Lane to the access point with the private driveway. The County Highway Authority has been consulted on the application and advised that their standing advice applies. Manual for Streets advises that residents should not residents should not be required to carry waste more than 30 m. In this case, plot 2 would have to carry waste approximately 130m. In this case, given that the host property has to carry waste a distance of 100m, although not desirable, it is considered to be acceptable.

5.24 Finally, with regards emergency vehicles, Manual for Streets identifies that to reach a fire a minimum carriageway width for the access route is 2.75m over short distances, provided the pump applicant can get to within 45m of dwelling entrances. In this case the driveway has a width of 2.9m. As a result, if required emergency vehicles could obtain access.

5.25 Having regard to the above it is considered that the proposed development would not be detrimental to highway safety. The proposal would therefore accord with Development Plan Policy TPT1 of the Tewkesbury Borough Local Plan to 2011 - March 2006.

### *Ecology*

5.26 The NPPF stipulates 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. In addition, planning permission should be refused for development that results in the loss or deterioration of irreplaceable habitats.

5.27 A Habitat Walkover Report (May 2015) and Great Crested Newt Survey (June 2015) has been submitted in support of the application. The Great Crested Newt Survey of the pond within the site found that Great Crested Newts are likely to be absent and as a result no mitigation measures are proposed.

5.28 Natural England has made no comment on the application and provided standing advice in respect of protected species.

5.29 Overall, it is considered that the proposal would not have a detrimental impact on biodiversity.

### *Overall balancing exercise and conclusions*

5.30 Policy HOU4 of the Local Plan is out of date and in accordance with paragraph 49 of the NPPF the proposal must be considered in the context of the presumption in favour of sustainable development. There are social and economic benefits to the proposal in that the proposal would contribute to the supply of housing which would in turn create benefits for the local economy, both through construction and following occupation. Additionally, the development is sited adjacent to the defined settlement boundary with a good level of accessibility to primary services within easy walking distance of the site. These matters weigh in favour of the proposal.

5.31 Turning to the environmental aspect, the proposed development would have a limited landscape impact, but this would be confined to the immediate area of the site. Furthermore, in respect of the impact on the setting of the adjacent grade II listed building, the reduction in the number of units has minimised the impact on the setting of this heritage asset. With regards to biodiversity, there would not be any significant adverse impact

5.32 Overall, it is considered that the proposal represents sustainable development and that there are no adverse impacts that would significantly and demonstrably outweigh the benefits of the development.

## **6.0 Conclusion**

6.1 Taking into account all of the above, the proposal is considered to be acceptable and in accordance with the Tewkesbury Borough Local Plan to 2011 and the National Planning Policy Framework. It is therefore recommended that planning permission be 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 approved shall be carried out strictly in accordance with the following plans/drawings: 09-006/SL/001; C.0565 Sheet No.1 Rev F; C.0565 04 Sheet 6 Rev L; C.0565 ; and C.0565 05 Rev L 06 Sheet No5 Rev L.
- 3 No development shall take place until details of all external materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 4 No development shall take place until details of all walls, fences and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 5 No development shall take place until details of the existing and proposed levels across the site and relative to adjoining land, together with the finished floor levels of the dwelling hereby approved have been submitted and approved in writing by the Local Planning Authority
- 6 No development shall take place until a comprehensive Landscaping Scheme has been submitted to and approved in writing by the local planning authority. The Landscaping Scheme shall include details of all existing trees (including spread and species) and hedgerows on the land, and details of any to be retained, together with measures for their protection during the course of construction. The Landscaping Scheme shall also include details of all proposed planting, including species, density, and the height and spread of trees; and details of the design, position, height and materials of all the proposed boundary treatments.
- 7 All soft landscape works shall be carried out in accordance with the approved details and to a standard in accordance with the relevant recommendations of British Standard [4428 : 1989]. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season thereafter.
- 8 The development hereby permitted shall not be brought into use until the access, turning space and parking facilities shown on the approved plan have been provided in accordance with the approved plans. These areas shall thereafter be retained and kept available for those uses at all times.
- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification), no development as specified in Part 1 Class(es) A, B, C, D and E other than those expressly authorised by this permission, shall be carried out without express planning permission first being obtained from the Local Planning Authority.
- 10 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall:
  - i. specify the type and number of vehicles;
  - ii. provide for the parking of vehicles of site operatives and visitors;
  - iii. provide for the loading and unloading of plant and materials;
  - iv. provide for the storage of plant and materials used in constructing the development;
  - v. provide for wheel washing facilities;
  - vi. specify the intended hours of construction operations;
  - vii. measures to control the emission of dust and dirt during construction.

- 11 The first floor level landing window proposed to be installed on the west elevation of the proposed Plot 1 facing the property known as The Butts as shown on drawing no. C.0565\_5 REV L shall be constructed so that no part of the framework less than 1.7m above finished floor level shall be openable. Any part below that level shall be fitted with, and retained in, obscure glazing.

**Reasons:**

- 1 To comply with Section 91(1) of the Town and Country Planning Act 1990.
- 2 In the interests of clarity and in order to define the permission.
- 3 To ensure that the external appearance of the development is satisfactory .
- 4 To provide adequate privacy and an acceptable external appearance.
- 5 In order to ensure the satisfactory appearance of the development and its relationship to adjoining properties, in accordance with the NPPF.
- 6 To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policy LND7 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 7 To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs in accordance with the NPPF.
- 8 To ensure that adequate off street parking is provided and retained, in the interests of highway safety and in accordance with Policy TPT1 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 9 To enable the Local Planning Authority to control the development and to safeguard the character and visual amenities of the area, and to ensure that adequate private open space is retained within the curtilage of the building. In accordance with Policy HOU5 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 10 To reduce the potential impact on the public highway, in accordance with paragraph 32 of The Framework.
- 11 To safeguard the living conditions of the neighbouring dwelling.

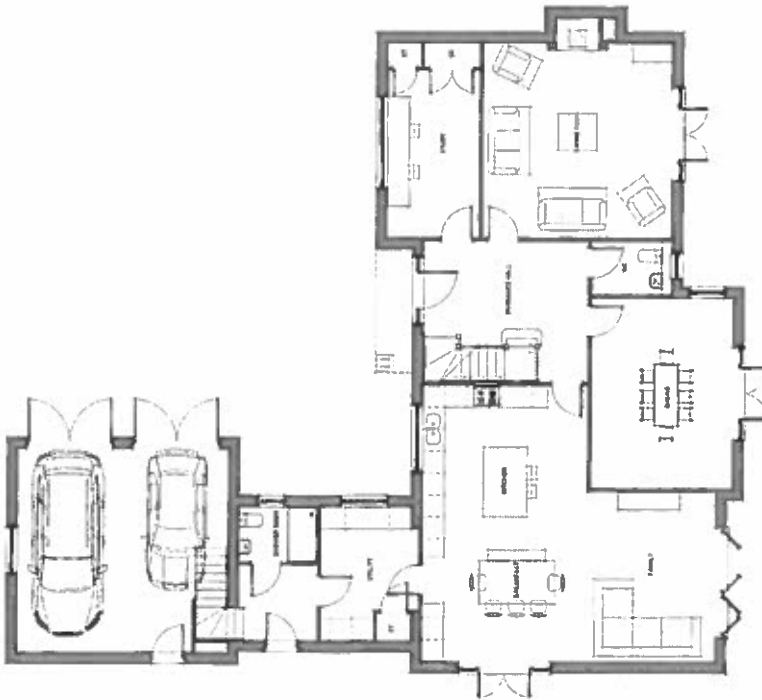
**Note:**

**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 engaging in pre-application advice, offering 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



16/01075/FUL



GROUND FLOOR PLAN



1ST FLOOR PLAN

3233 SQFT

RED ROOFS, GOTHERINGTON - PLOT 02 FLOOR PLANS Pegasus Design



PLANNING | DESIGN | ENVIRONMENT | ECONOMICS | WWW.PEGASUSPG.CO.UK | TEAM/DRAWN BY E.J./J.W. | APPROVED BY P.M. - E.J. | DATE 07/11/16 | SCALE 1:100 @ A2 | DRAWING C-0545-04 SHEET NO 5 REV. 1 | CLIENT CENTAUR HOMES

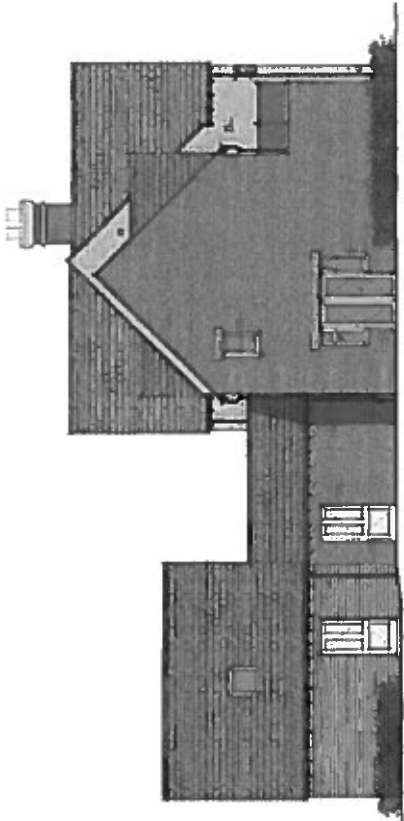
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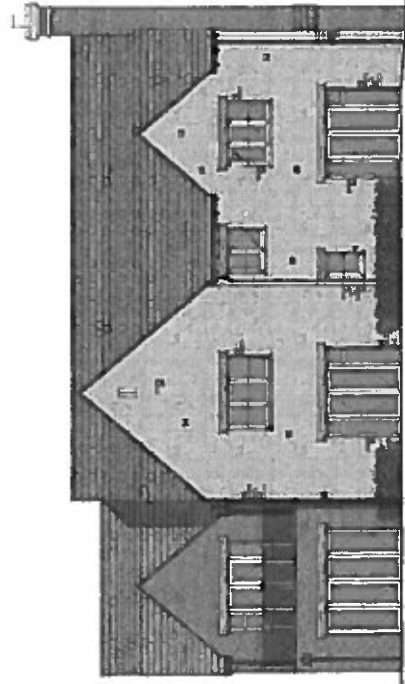
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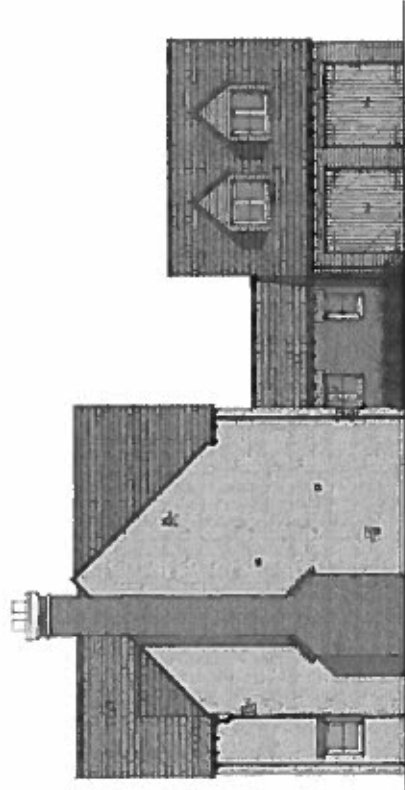
FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION

623/C



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16/00901/OUT

Parcel 1441, Cobblers Close, Gotherington

3

Valid 22.11.2016

Outline planning application with means of access from Ashmead Drive to be determined (all other matters reserved for subsequent approval), for the erection of up to 50 dwellings (Class C3); earthworks; drainage works; structural landscaping; formal and informal open space; car parking; site remediation; and all other ancillary and enabling works.

Grid Ref 396177 229445

Parish Gotherington

Ward Oxenton Hill

J J Gallagher Limited And Mr Richard Cook  
c/o Agent

## **RECOMMENDATION Delegated Permit**

### **Policies and Constraints**

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

NPPF

Planning Practice Guidance

Joint Core Strategy - Submission Version (November 2014)

Gotherington Neighbourhood Development Plan 2011-2031 Regulation 16 Submission Consultation Draft

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**

**Parish Council** - Strongly objects to the proposed development of 50 dwellings on the following grounds:

- There are some inaccuracies in the submitted documentation.
- The proposal is contrary to the GNDP.
- There would be significant landscape harm and visual amenities of the area.
- Gotherington has already seen numerous development of significant scale granted. Enough is enough.
- The proposal would result in a significant increase in houses in Gotherington
- Development would result in possible coalescence with the Homelands development at Bishops Cleeve only half a mile away.
- Existing facilities and infrastructure are unable to cope with the proposed development.
- The highway infrastructure would be unable to cope with the increased traffic movements associated with the development.
- The density of the proposed layout the proposed dwellings is totally out of character with the rest of the village.

**Gloucestershire County Council Highways** - No highway objection subject to conditions.

**Severn Trent Water** - No objection subject to drainage conditions.

**Lead Local Flood Authority** - No objection subject to drainage conditions.

**Natural England** - No objection and refers to standing advice for protected species.

**County Archaeological Officer** - No objection, subject to condition.

**Environmental Health Officer** - No objections

**Urban Design Officer**- No objections.

**Landscape Consultant** - No objections

**Local community representations** - Overall 168 objections have been made to this application based on the following areas of concern:

- Highway safety concerns
- Too many houses
- Concerned about sewerage capacity
- Conflicts with NDP
- Loss of good productive farmland
- No source of local employment so people will commute

- No bungalows despite need for residents to 'downsize'
- Unsuitable development which would be out of character with the village
- No need for this scale of development
- Loss of community feel
- Transport links cannot sustain growth
- Village has inadequate facilities and infrastructure to cope with this development
- Would adversely impact on wildlife
- Concerned about lack of parking and access to POS
- Concerned about loss of privacy
- Loss of village identity
- Adverse impact on adjoining residential properties
- Out of keeping with linear form of village
- Adverse visual impact
- Light and air pollution
- Site is not well served by local amenities
- Contrary to NPPF
- Loss of views
- Detrimental Impact of PROW

**Planning Officers Comments: Mr Ciaran Power**

### **1.0 Introduction**

1.1 The application site comprises of agricultural fields located at the south western edge of Gotherington. The site is located, adjacent to residential uses to the north and east. The western boundary abuts an existing Caravan Park and residential development off Shutter Lane, which is currently under construction.

1.2 The site is located within the Special Landscape Area (SLA). The site is located outside of, but immediately adjacent to, the Residential Development Boundary of Gotherington as defined in the Tewkesbury Borough Local Plan to 2011 (TBLP).

### **2.0 Relevant Planning History**

2.1 Outline Planning applications ref: T.4832/A and T.4832/B on a smaller part of the current site were refused for Residential development in 1972 and 1973 on grounds that the proposals were a departure from the County plan; outside the village development limits; further residential development in the village was not needed; and precedent. Following this some of the land was developed creating the housing south of Pullen Court on Cleeve Road. There has clearly been a significant shift in planning policy since these decisions and therefore it is not considered that these are relevant to the determination of the current application.

2.2 There have been a number of recent planning applications for residential development in the village. These are discussed in detail below.

### **3.0 Current Application**

3.1 The application originally proposed 90 dwellings however has been amended and outline permission is sought for up to 50 dwellings. The application seeks approval of the proposed access to the highway but reserves detailed matters relating to the scale, layout, appearance and landscaping of the development for future consideration.

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

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

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

4.2 As a result of these regulations, local authorities and applicants need to ensure that planning obligations are genuinely 'necessary' and 'directly related to the development'. As such, the Regulations restrict local authorities' ability to use Section 106 Agreements to fund generic infrastructure projects, unless the above tests are met.

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

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

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

## **5.0 Principle of Development**

### *The Development Plan*

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

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

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

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

### *Emerging Development Plan*

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

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

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

5.7 Paragraph 216 of the NPPF sets out that decision-takers may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given); the extent to which there are unresolved objections to relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF.



5.8 The JCS was submitted to the Secretary of State on 20 November 2014. Its Examination in Public commenced in May 2015 and is still ongoing. The plan is however at an advanced stage of examination with the Inspector publishing her Interim Report in May 2016. The JCS authorities are now developing main modifications to the plan based on evidence and discussions heard throughout the hearings and the recommendations in the Interim Report. Tewkesbury Borough Council approved the main modifications to the pre-submission version of the JCS for consultation at full council on 31st January 2017. Gloucester City and Cheltenham Borough Councils are due to consider the same on 6th and 10th February respectively. Whilst the emerging plan is now at an 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 considered having regard to the criteria set out above. Relevant JCS policies and the weight that can be attributed to them will be considered in the appropriate sections of this report.

5.9 The Tewkesbury Borough Plan (2011-2031) will sit beneath the JCS. A draft Site Options and Policies document has been published and was the subject of six weeks of public consultation, which closed on 13th April 2015. The draft plan invited views on possible site options for development at the rural service centres and service villages. The draft plan is at a much earlier stage of development than the JCS and thus can only be given very limited weight at this stage. It is relevant to note that Policy HOU1 of the Site Option and Policies document does not include an estimate of numbers required for each settlement. Following the consultation, the Council will refine these potential options before narrowing the number of proposed allocations, which will then be included as proposed allocations in the next stage of the plan. The 'Approach to Rural Sites' Background Paper which supports the plan process includes within it a disaggregation process which provides an indicative figure for Gotherington of 71 dwellings. However, there is an existing plan period delivery/commitment of 22 dwellings and a recent resolution to grant planning permission at Malleson Road (16/00965/OUT) for 50 dwellings which together would meet this indicative number. Although the indicative figure for Gotherington is 71 dwellings, the number of dwellings identified for all Service Villages needs to be accommodated within the 12 Service Villages and is dependent upon the suitability and availability of sites at each. Therefore, this figure is indicative only and could go up or down. It should also be stressed however that this is just part of the evidence base to the emerging plan which will eventually include specific allocations, and should not be afforded weight but does give some indication of the sort of numbers which may be allocated by the Borough Plan.

5.10 The consultation draft of the Gotherington Neighbourhood Development Plan (GNDP) has now been published. The draft plan has undergone its first phase of consultation which closed in March 2016. The plan was formally submitted to the Local Planning Authority and its public consultation (Regulation 16) commenced on 12th September 2016 and closed on 21st October. When made the plan will form part of the statutory development plan for the area. Whilst the plan is now at a fairly advanced stage of preparation, it must still undergo independent examination before it can proceed to local referendum and its ultimate making. The Regulation 16 consultation on the plan has attracted some objections and the plan and its policies could be subject to change as a result of its examination. The PPG confirms that an emerging neighbourhood plan may be a material consideration and that paragraph 216 of the NPPF (see above) also applies to the weight that may be given to its policies. Paragraph 49 of the NPPF also applies as regards made neighbourhood plans in that relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites. Relevant GNDP policies and the weight that can be attributed to them will be considered in the appropriate sections of this report.

#### *National Policy/Guidance*

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

5.12 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.

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

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

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

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

5.16 As set out above, footnote 9 to paragraph 14 gives examples of where policies in the Framework indicate that development should be restricted. In this instance the site is not subject to any specific policies within the framework that indicate that development should be restricted. It is therefore considered that the presumption in favour of sustainable development is engaged in this instance. In view of the above it is clear that the decision-making process for the determination of this application is therefore to assess whether the adverse impacts of granting planning permission for the proposed development would significantly and demonstrably outweigh the benefits.

## **6.0 Landscape and Visual Impact**

6.1 One of the core planning principles of the NPPF is that the planning system should recognise the intrinsic character and beauty of the countryside. Paragraph 109 of the NPPF sets out that the planning system should contribute to and enhance the local environment by, inter alia, protecting and enhancing valued landscapes.

6.2 In this instance the site is located within the SLA; a local landscape designation. Policy LND2 of the TBLP provides that special attention will be accorded to the protection and enhancement of the Special Landscape Area and that proposal must demonstrate that they do not adversely affect the environment, its visual attractiveness, wildlife or ecology or detract from the quiet enjoyment of the countryside. The reasoned justification to Policy LND2 explains that the identification of the Special Landscape Area aims to protect the foreground setting of the AONB where the topography of the area is a continuation of the AONB and/or where the vegetation associated features are characteristic of the AONB. The Special Landscape Area is of a high landscape quality that is worthy of protection in its own right, but it also protects the setting of the nationally designated AONB. It is considered that policy LND2 is consistent with the NPPF and should be afforded considerable weight.

6.3 Other landscape policies of relevance include Policy SD7 of the submission version JCS and Policies GNDP7 and GNDP9 of the draft GNDP. Policy SD7 provides that development will seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being; and requires that proposals demonstrate how the development will protect or enhance landscape character and avoid detrimental effects on types, patterns and features which make a significant contribution to the character, history and setting of a settlement or area. This policy is not subject to unresolved objections in light of the Inspector's interim report and is considered to be consistent with the NPPF. Having regard to paragraph 216 of the NPPF, Policy SD7 of the submission version JCS can therefore be afforded some weight. Policy GNDP7 seeks to protect and enhance local green spaces. The Northern part of the application site forms an identified local green space on the GNDP proposals map. Policy GNDP9 of the GNDP requires that development should not have a detrimental impact on the views to and from surrounding hills or the Area of Outstanding Natural Beauty, in addition to preserving mature trees and hedgerows, maintaining separation from Bishops Cleeve and preserving existing settlement patterns. Whilst it is not considered that there would be any particular conflict between this policy and the NPPF, there is some objection to parts of the policy raised in the Regulation 16 consultation. On this basis and given the stage of preparation only limited weight can be given to the policy.

6.4 The application is accompanied by a Landscape and Visual Appraisal (LVA). This considers the key landscape resources and visual issues and the likely effects of development on the character of the area and views. The LVA states that the site relates very well in both landscape and visual terms to the existing landscape, and that the site represents a logical and easily assimilated development into this part of the countryside and it would result in a very limited number of material landscape or visual effects and it would not result in any policy contraventions.

6.5 The Council has sought advice on the proposal from an independent Landscape Consultant (LC). In summary the LC identifies that the site forms a large field, bordered by existing house to the north, east and west. The proposed housing development would form an extension to Gotherington village. The LC concludes that the proposed development would not extend inappropriately into the surrounding open countryside nor would it unduly affect the setting of the AONB. The proposal to develop the site for housing, is not detrimental to the landscape setting of the AONB. Within this setting, there is a requirement to have a high quality of design and a landscape led approach. The LVA landscape strategy and the Design and Access Statement which indicate the general design approaches are considered to be appropriate. Further, whilst the northern part of the application site is identified as Local Green Space (LGS) in the GNDP, development would not occur within this area and it would remain open. It is also relevant that the land is in private ownership and that current access to this area is restricted to a couple of PROW's which cross the site. The application would result in access across the whole on the LGS being available for Gotherington Community which is considered to be a benefit of the proposals.

6.6 Notwithstanding the above, it is clear that the development of an open agricultural field to provide 50 dwellings would inevitably have an urbanising effect and would cause some erosion of the area's rural landscape. However having regard to the LC's advice it is considered that these effects would be localised in nature and would not adversely affect the landscape character of the SLA and adjacent AONB. The harm is not considered to be significant and demonstrable in the context of the NPPF. Nevertheless, there is some harm which weighs against the proposal in the overall planning balance.

## **7.0 Design and Layout**

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

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

7.3 Relevant local design policies include Policy SD5 of the submission version JCS and Policy GNDP7 of the draft GNDP. Policy SD5 requires that development proposals incorporate key urban design principles. This policy can be afforded some weight as it is not subject to unresolved objections and is consistent with the NPPF. Policy GNDP7 seeks to apply a number of specific design principles to development proposals and is not considered to present any particular conflict with the NPPF. Furthermore, this policy has not attracted objection through the Regulation 16 consultation. On this basis it is considered that some weight can be given to the policy.

7.4 In this instance, the Council's Urban Design Officer (UDO) comments that Gotherington is a generally linear settlement, with units one plot deep to the north of the main road. To the south of the main road development does extend beyond frontage development with a series of small cul-de-sacs and more recent infill development. The core of the village is located around the cross roads with Cleeve Road. The UDO had raised a number of concerns in respect of the size of development and the access arrangements to it as well as the integration of the site with the existing settlement. Further the UDO raised some concerns in respect of the street hierarchies, character of streets and general design principles of the development. In response to these concerns an amended scheme was submitted which amongst other things reduced the proposed numbers of dwellings down from 90 to 50.

7.5 The UDO has considered the amended plans and comments that the proposed open space respects the desires of the neighbourhood plan and adds a valuable facility for the wider community. There would be a good choice of pedestrian connections through the site, ensuring that this scheme would be well integrated into the existing settlement. The UDO raises no objection to the proposed scheme as amended.

7.6 Whilst noting that design related matters are reserved for future consideration, on the above basis it is considered that the proposal is capable of meeting the design principles set out at Policy SD5 of the submission version JCS. The local specific design principles set out at Policy GNDP7 of the draft GNDP (i.e. the requirements for new buildings to enhance the distinctive village character of Gotherington and for proposals to use features to minimise light pollution) can be reasonably achieved through the approval of reserved matters and through conditions attached to any outline planning permission.

7.7 Overall, it is considered that the proposal is capable of achieving a good design and integration with the built and natural environment of the village, consistent with relevant emerging policy and the advice on requiring good design within the NPPF.

## **8.0 Accessibility and Highway Safety**

8.1 Section 4 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Paragraph 32 specifically requires safe and suitable access to all development sites for all people. Paragraph 34 states that decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes maximised. This must however take account of policies elsewhere in the framework, particularly in rural areas. In such regards, paragraph 29 recognises that opportunities to maximise sustainable transport solutions will vary from urban to rural areas.

8.2 Policy TPT1 of the Local Plan requires that appropriate access is 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. These national and local policy requirements are generally reflected at Policies INF1 and INF2 of the submission version JCS.

8.3 With regard to accessibility, Gotherington is considered to have reasonably good access to both primary and secondary services, including a shop, a village hall, a primary school, a church and recreational facilities. Furthermore, whilst there has been a reduction in services recently, Gotherington has some public transport provision with links to the surrounding areas and with bus stops located within reasonable walking distance of the site. Indeed, Gotherington is identified as a 'Service Village' in the emerging JCS meaning that it is considered to be a suitable location for some limited residential development on the basis of its availability of services. It is therefore considered that the proposed development would have reasonably good access to local services and facilities proportional to its rural location. The proposal is therefore considered to be consistent with the accessibility related provisions of the relevant transport policies within the adopted and emerging Development Plan and the NPPF.

8.4 With regard to traffic and highway safety impacts, vehicular access to the proposed development would be provided vehicular access by way of extension to the existing Ashmead Drive cul-de-sac with a 5.5m access road with 2.0m footways. The new estate road would adjoin the existing Ashmead Drive. The County Highway Authority (CHA) has confirmed that the tracking information has demonstrated that the access can suitably accommodate a range of vehicles. The CHA also confirm that whilst it is not possible to pass a refuse vehicle and private motorcar at the site access, there is sufficient inter-visibility for approaching vehicles to see one another and to give way without causing conflict. Pedestrian access would be provided by a continuation of the existing footway into the development site. The existing PROW links through the development site would be maintained.

8.5 In terms of trip generation resulting from the proposed development the CHA identify the 50 dwellings would generate approximately 43 two-way vehicle trips in the AM peak consisting of 10 arrivals and 33 departures. The PM peak would generate 35 additional two-way vehicle trips consisting of 25 arrivals and 10 departures.

8.6 Whilst the flow volume of the Malleson Road arm of the Gotherington Cross junction is low, the CHA raise safety concerns with the current configuration of this junction. The percentage impact from the additional development traffic has been established as 28 AM peak movements through the Malleson Road arm, a 25.2% increase. Likewise in the PM peak the development would generate an additional 9 movements through the Malleson Road arm resulting in a 10.1% increase. The percentage increases are significant, therefore the development would be required to mitigate for their impact at the Gotherington Cross junction, and this can be dealt with by way of planning condition.

8.7 The CHA confirm that they do not raise any objection to the proposed development subject to conditions.

## **9.0 Affordable Housing**

9.1 Local Plan Policy HOU13 provides that the Council will seek to negotiate with developers to provide affordable housing. Furthermore, Affordable Housing Supplementary Planning Guidance (SPG) was adopted by the Council in August 2005. The purpose of the SPG is to assist the implementation of affordable housing policies contained within the Local Plan and it is a material consideration in the determination of planning applications. Policy SD13 of the emerging JCS provides a 40% affordable housing requirement on sites of 10 dwellings or more. Policy GNDP4 of the draft GNDP seeks to apply a lower threshold which may give rise to discussion at Examination given it is not in conformity with current government policy, however given the number of dwellings proposed here, this is not an issue in this case.

9.2 In this instance the Council's Housing Enabling and Policy Officer has advised that a 40% affordable housing requirement would be required amounting to 20 dwellings. The Council's Housing Enabling and the Parish Council consider that the provision of 40% of on-site affordable homes would over-supply and it is therefore proposed that half of the affordable housing contribution is a financial one and a half delivered on-site. Therefore up to 10 homes would be on-site and required to be a mix of 1 and 2 bed bungalows and 2 and 3 bed houses for rent and for sale. The remaining contribution (up to 10 homes) would be received in the form of financial contribution that will benefit the wider area where there is little or no affordable housing provision or to support the delivery of specialist housing where the funds are not available otherwise.

9.3 Should planning permission be granted it is recommended that the specific requirements expressed by the Housing Enabling and Policy Officer are secured through a Section 106 obligation and the future approval of reserved matters.

9.4 Subject to the completion of a S106 obligation to secure the required quantum and type of affordable housing as well as the required financial contribution it is considered that the proposal would provide sufficient affordable housing to address local needs and satisfy the Council's adopted and emerging planning policy requirements.

## **10.0 Open Space, Outdoor Recreation and Sports Facilities**

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

10.2 The Council adopted a Playing Pitch and Outdoor Sports Assessment and Strategy in 2009. This outlines the council's requirements for playing pitch provision, either on-site or off site, for a new development based on the new population generated. It calculates the hectares required, as well as the changing facility provision or contribution. It indicates a higher local standard for playing pitches than RCN1 (1.51ha per 1000 population).

10.3 Based on Policy RCN1 and the Playing Pitch Assessment and Strategy, 0.18ha should be playing pitches to be provided either on or off site, or the equivalent financial contribution for an existing provision. In this instance the application does not propose to provide playing pitches on site although the Parish Council have expressed a need for a MUGA (Multi Use Games Area) in the village. A financial contribution towards existing provision in the village or towards new provision off site is required instead. To meet the need expressed by the Parish Council it is recommended that this includes the opportunity for a MUGA to be provided off site should suitable land become available.

10.4 The cost of playing pitches and associated changing facilities are based on the sports facility costs from Sport England for Q1 of 2015. Based on Sport England figures a 0.74 hectare adult pitch costs £80,000 and a two team changing room costs £255,000. Based on the 0.18ha requirement for the proposed development a contribution of £81,486 would be required. This would contribute towards the improvement of the playing pitches and changing facilities at Gotherington Playing Fields, Malleson Road and/or new provision within the parish.

10.5 The remainder of outdoor playing space required Policy RCN1 related to play facilities. The Parish Council has requested that no play facilities are provided on-site. Therefore, £776 per household will be required for improving current play/teenage provision off-site within the Gotherington parish this equates to £38,450.

10.6 In addition to sports pitches, the proposed development would create a demand for other sports facilities (i.e. swimming pools, artificial pitches, sports halls). The specific demand for this development is to be identified using the Sports Facility Calculator which is an interactive tool developed by Sport England. This generates a total contribution for sports facilities of £39,735. As Gotherington does not host these facilities, the request is towards sporting improvements within the community facilities that Gotherington Parish operate.

10.7 The applicant has been made aware of this obligation and has informally confirmed their agreement. The required affordable housing contribution can be secured by a Section 106 obligation should planning permission be granted.

## **11.0 Community, Education and Library Provision**

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

11.2 With regard to education, Gloucestershire County Council (GCC) have advised that there is no additional forecast capacity at the nearest primary school (Gotherington Primary School) and therefore a contribution of £176,449 is required to increase capacity based on the 13.36 additional primary school places generated by the development. It is also advised by GCC that Cleeve Secondary School is the secondary school for the catchment and is forecast to be over capacity. The scheme would generate 6.99 additional secondary school places requiring a contribution of £140,752 towards increasing capacity. Furthermore, GCC have identified that the scheme would generate a need for 3.63 additional pre-school places. There is no additional capacity at local pre-schools and therefore a contribution of £47,956 is required.

11.3 With regard to library provision, GCC have advised that the scheme would be required to contribute towards improving library resources at Bishops Cleeve Library. A contribution of £9,800 is requested.

11.4 Further based on calculation using the Gloucestershire Infrastructure Delivery Plan assessment formula, £22,735 is required for community building improvements within Gotherington Parish.

11.5 The applicant has been made aware of these obligations and has informally confirmed their agreement. The required contributions can be secured by a Section 106 agreement should planning permission be granted.

## 12.0 Flood Risk and Drainage

12.1 The NPPF aims to direct development away from areas at highest risk. Development itself should be safe and should not increase flood risk elsewhere. Policy EVT5 reflects this advice and Policy EVT9 of the Local Plan requires that development proposals demonstrate provision for the attenuation and treatment of surface water run-off in accordance with sustainable drainage systems (SUDS) criteria. Policy INF3 of the submission version JCS goes further and provides that minimising the risk of flooding will be achieved by (inter alia) requiring new development to, where possible, contribute to a reduction in existing flood risk. This policy is not subject to unresolved objection and is consistent with the NPPF.

12.2 The site is located in Flood Zone 1 as shown on the Environment Agency's (EA) indicative flood map indicating that it is at a low risk of flooding from fluvial sources. The EA's updated Flood Map for Surface Water indicates that there is low risk of flooding from surface water within the existing site. The application has been accompanied with a Flood Risk Assessment (FRA). The submitted FRA concludes that the proposed development would not be affected by current or future flooding from any source and the development would not increase flood risk elsewhere. The FRA also confirms that surface water from the site would be attenuated using SuDS storage.

12.3 The Lead Local Flood Authority (LLFA) comment on the management of surface water and are satisfied that the development should not increase flood risk to any existing development downstream and there would not be any risk of internal flooding of property within the proposed site subject to planning conditions requiring details and implementation of a drainage strategy and SUDS management plan.

12.4 On the above basis and subject to the conditions recommended by the LLFA and described at paragraph 12.6 above being included on any planning permission granted, the flood risk impacts of the proposed development are found to be acceptable having regard to policies EVT5 and EVT9 of the TBLP, Policy INF3 of the JCS and the advice on flood risk in the NPPF.

## 13.0 Ecological Impacts

13.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires planning to seek to minimise impacts on biodiversity and provide net gains in biodiversity where possible. Furthermore, the Conservation of Habitats and Species Regulations 2010 (the Habitat regulations) provide that a competent authority (including a planning authority) must, in the exercise of any of their functions, have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions. Government Circular 06/05 states that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. Paragraph 118 of the NPPF sets out a mitigation hierarchy to be applied in cases where biodiversity would be affected and states that (inter alia) if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

13.2 Local Plan Policy NCN5 is broadly consistent with this guidance and provides that, where development unavoidably necessitates the removal of such features, replacement features of equivalent value should be provided. Emerging JCS policy SD10 expands on the provisions of the NPPF and requires (inter alia) that European Protected Species (EPS) and National Protected Species are safeguarded in accordance with the law. Policy GNDP12 essentially reflects the NPPF's avoid/mitigate/compensate hierarchy but seeks to apply this where development is likely to have a 'direct or indirect adverse impact' rather than where it results in 'significant harm' as required by the NPPF. It is considered that Policy SD10 can be afforded weight in accordance with paragraph 216 but it is considered that any weight that can be afforded to Policy GNDP12 may be limited at this stage due to its potential inconsistency with the NPPF.

13.3 The Ecological Assessments submitted with the application confirm that there are no statutorily protected nature conservation interests within the proposed development site and none nearby that would be materially affected by the proposals. However, the submitted surveys have identified a small number of habitat features and protected species that would need to be respected and embedded into any future reserved matters applications. Specific proposals for the avoidance, mitigation and compensation of any predicted impacts are considered and include:

- Mowing and weed control in seeded grassland areas on boundaries of F1 post development to aid establishment;

- Trimming of hedgerows, with selected hedgerows in informal open spaces cut on a 3-year rotation (with no more than one third cut any one year) to increase value to wildlife; Long-term low level-grazing or annual hay-cut of the semi-improved grassland field to promote botanical diversity within the orchard.
- Requirements for an Ecological Management Plan (EMP) to be submitted prior to the commencement of the development

13.4 Natural England have also been consulted on the application and confirm that they raise no objection to the proposed development

13.5 Having regard to the above it is considered that the proposed development would have an acceptable impact on protected species and their habitats.

#### **14.0 Archaeology and Cultural Heritage**

14.1 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty on local planning authorities to pay special regard to the desirability of preserving the setting of listed buildings. The NPPF sets out that great weight should be given to the conservation of heritage assets. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Paragraph 133 of the NPPF advises that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Paragraph 134 advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. The NPPF's advice is reflected at Policy SD9 of the submission version JCS which provides that (inter alia) designated and undesignated heritage assets and their settings will be conserved and enhanced as appropriate to their significance. It is considered that Policy SD9 can be afforded weight in accordance with paragraph 216.

14.2 In this instance the submitted heritage assessment considered the potential impacts upon the settings of nationally designated heritage assets in the wider area. Detailed assessment focussed on the Grade II listed buildings of The Holt, located approximately 25m south east of the site; The Homestead, located approximately 60m north west of the site; and the Grade II\* listed Church of St Martin de Tours, located approximately 730m north of the site. In addition, the Scheduled Nottingham Hill Camp, located approximately 1.7km south east of the application site was subject to detailed assessment. The assessment concludes that the implementation of the proposed development will not result in an adverse impact on, harm to, or loss of significance from any of the identified designated heritage assets, either in terms of an effect on their physical fabric or through changes to their wider setting. The Council's Conservation Officer has also confirmed that he agrees with the conclusion of the heritage assessment, in respect of heritage assets, and raises no objection to the proposed development.

14.3 The applicants have also carried out an archaeological assessment of the site which has been considered by the County Council's Archaeologist (CCA). The CCA confirms that the site is located in an area which is known to contain extensive archaeological remains relating to prehistoric and Roman activity and settlement. However the application has been accompanied with a report on an archaeological field evaluation undertaken by Rubicon Archaeology (report dated June 2016).

14.4 The result of the investigation was positive, in that the northern part of the application site was found to contain recti-linear settlement enclosures associated with post-built structures and pits. Several phases of activity were found to be present, and the dating evidence indicates that the site was occupied between the later Bronze Age and Middle Iron Age periods.

14.5 The archaeological field evaluation has therefore demonstrated that the application site contains significant archaeological remains relating to later prehistoric settlement. However, the archaeology is not of the first order of preservation, since it has undergone erosion from later ploughing with the result that all surfaces formerly associated with the remains have been removed. For that reason the CCA considered that the archaeology present on this site is not of the highest archaeological significance, therefore no objection is raised subject to the imposition of a planning condition requiring an appropriate programme of archaeological work.



## 15.0 Social Cohesion

15.1 A resolution to grant planning permission for 50 dwellings at land at Malleson Road (16/00965/OUT) was recently made by the Planning Committee subject to a s106 agreement being signed. In addition planning permission for 10 dwellings (ref 16/00336/OUT) on land adjacent to 59 Gretton Road has recently been granted.

15.2 A number of recent appeal decisions locally have demonstrated that a sizeable expansion of a village in a relatively short space of time could take the community some time to adapt to and there could be adverse consequences for the social and cultural wellbeing of existing residents. The effect of a development upon the vitality and social inclusivity of a local community has been shown to be a material planning consideration that is rooted in planning policy guidance. Paragraph 7 of the NPPF states that the planning system performs a social role; supporting strong, vibrant and healthy communities. More specifically, paragraph 69 states that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Further to this the PPG advises that local planning authorities should ensure that health and wellbeing, and health infrastructure are considered in local and neighbourhood plans and in planning decision making.

15.3 In March 2015 an appeal against the Council's refusal of 60 dwellings on Land east of St Margarets Drive, Alderton (ref. APP/G1630/A/14/2222147) was dismissed for reasons including that the proposed development would have a disproportionate effect on the village in terms of the cumulative impact of development and also on the social wellbeing of the community. Here the Inspector found that the appeal proposals together with a recently permitted scheme for 47 dwellings would represent a 39% increase in the number of dwellings in the village. This was considered to have a disproportionate effect on the village and have a harmful impact on the social wellbeing of the community. A further decision in July 2015 against the Council's refusal of up to 53 dwellings on land to the west of Willow Bank Road, Alderton (APP/G1630/W/15/30032/78) found that the appeal proposal and recently permitted scheme would result in 100 new dwellings, an approximate increase of the community of 36-37%. For a relatively modest rural village it was considered that such an increase was substantial and consequently it was considered that the proposal would in combination with the permitted scheme represent a substantial expansion of the village, causing harm to the social well-being, community cohesion and therefore to some degree the vitality of Alderton. In both of the Alderton appeal decisions, the identified harm to the social wellbeing of the community together with other identified harms was considered to outweigh the identified benefits.

15.4 In this instance the proposed 50 dwellings alone would result in an 11% increase to the 463 existing dwellings in Gotherington. When considered cumulatively along with the permitted 17 dwellings at Shutter Lane, the resolution to permit 10 dwellings at Gretton Road and the resolution in respect to the 50 dwellings at Malleson Road, the proposal would result in a 27.4% increase to the number of houses in the village

15.5 It is also relevant the Planning Permission was recently refused for a development at Trumans Farm (16/00539/OUT) for up to 65 dwellings and in that case Members considered the proposal would result in significant landscape harm as well as cumulative development of the village which would be of a scale disproportionate to the existing settlement. It is however relevant that the current proposed development was larger than that proposed in the current application and very much on the edge of the settlement in a location which members considered it to be disconnected from the main village centre and its social infrastructure.

15.6 Having regard to the appeal precedent provided by the Alderton decisions and the Council's previous decision in respect of the Trumans Farm application, it is considered that the cumulative increase resulting from this development could negatively impact on community cohesion. However size increases greater than this have been permitted in other Service Villages including Alderton (27%), Maisemore (29%) and Norton (33%) and therefore it is not considered that this level of growth is of a size that would significantly impact on the social wellbeing of the community to a degree which on its own would warrant refusal of planning permission. Nevertheless this is an issue which needs to be weighed against the development in the planning balance.

## **16.0 Other material considerations**

16.1 It is noted that the Parish Council and a number of local residents are concerned that the proposed development would conflict with and undermine the emerging NDP. The site is not included as a housing allocation in the emerging NDP and Policy GNDP3 of the plan provides that proposals for new housing development outside of the settlement boundary, and not on allocated sites, in the open countryside will only be permitted in certain circumstances; none of which apply to the proposed development. The plan's housing allocation policy (GNDP2) does however provide some flexibility in the event that the JCS identifies an additional need for further strategic housing development in Gotherington (as a service village) beyond the allocations in this plan. It requires that any such proposals meet the following criteria:

- Adjoin the defined settlement boundary;
- Maintain the village's east-west linear form;
- Not have an adverse impact on the Area of Outstanding Beauty;
- Maintain the separation of Gotherington village from Bishops Cleeve and Woolstone; and
- Not be in conflict with any of the other policies and proposals in the Gotherington Neighbourhood Development Plan.

16.2 In response to these concerns it is important to note that, as set out above, the NDP is at a fairly advanced stage of preparation. However, Policy GNDP3 of the plan seeks to restrict the supply of housing in a Borough that does not currently have a five year supply of deliverable housing sites. This would conflict with the NPPF's objective to boost significantly the supply of housing and its advice at paragraph 49 that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. On this basis and having regard to the advice at paragraph 216, it is considered that little weight can be given to Policy GNDP3 of the NDP at this stage.

16.3 With regard to Policy GNDP2, again in light of the Borough's five year supply shortfall, the NPPF's objective to boost significantly the supply of housing and its requirement for housing applications to be considered in the context of the presumption in favour of sustainable development, in addition to the limited weight that can be given to the draft Tewkesbury Borough Plan and the 'indicative' housing requirement for Gotherington, the draft housing allocations within the GNDP cannot at this stage be viewed as a limit to new housing development within the village. At this stage therefore, housing proposals over and above those featured in the GNDP must be considered on their merits and in the context of the presumption in favour of sustainable development. In any event and notwithstanding this position, for the reasons set out in this report it is considered that the proposed development would be in accordance with the criteria set out at Policy GNDP2.

16.4 On the above basis, whilst the concerns of the local community are noted, the potential conflict between the proposal and the draft NDP can only be given very little weight in this decision.

## **17.0 Overall Balancing Exercise and Conclusions**

17.1 Paragraph 14 of the NPPF sets out a presumption in favour of sustainable development which means that development proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or where specific policies in the Framework indicate development should be restricted. In this instance, policy HOU4 of the TBLP seeks to restrict the supply of housing in a Borough that currently has a shortfall of deliverable housing sites. Furthermore the policy was based on the now revoked Structure Plan requirement. For these reasons policy HOU4 is therefore out of date and the application should be determined in the context of the presumption in favour of sustainable development described above.

17.2 The proposal would produce clear social benefits insofar as it would provide much needed housing and help the Council meet the NPPF's requirement to maintain a 5 year supply of housing land. The proposal would also provide affordable housing for which there is a need both locally and borough wide. In addition the LGS identified in the GNDP would be retained as open space and access to the space for the community would be enhanced. The proposal would also produce economic benefits during the construction phase and through the additional spending power in the local economy as a result of the increased population. These benefits should be given significant weight in the overall planning balance.

17.3 The proposal is considered to be capable of achieving a good design and integration with the built and natural environment of the village. The proposal would by its very nature result in some harm to the landscape however the extent of this harm is considered to be relatively minor and limited to the immediate area. The landscape strategy and DAS indicate that development can be delivered in an appropriate way without undue harm to the setting of the AONB. The proposal could also cause some harm to the social wellbeing of the community given the proportion of development already permitted of with a resolution to grant planning permission, however it is not considered that this would give rise to significant and demonstrable harm in the context of the NPPF.

17.4 Subject to the conditions recommended by the LLFA the flood risk impacts of the proposed development are found to be acceptable and it is not considered that proposal would cause harm to the setting of the identified heritage assets. The County Highways Authority have confirmed that subject to conditions, including highway improvements, the development would be acceptable.

17.5 Overall, it is concluded that the economic and social benefits arising from the proposed development would outweigh the limited landscape and social harms identified. As such, based upon the three-stranded definition of Sustainable Development within the NPPF, the proposal would represent a sustainable form of development. It is therefore recommended that the decision is **DELEGATED to the Development Manager to permit the application subject to the completion of a section 106 legal agreement to secure the following heads of terms:**

- **Affordable dwellings - 40% (Including 20% off-site contribution)**
- **A contribution of £81, 486 towards improvements to the playing pitches and changing room facilities at Gotherington Playing Field and/or the provision of a MUGA off site.**
- **A contribution of £38,450 towards improving current play/teenage provision off-site at Gotherington Playing Fields and/or the provision of a MUGA off site.**
- **A contribution of £39,735 towards required improvements of sporting provision in Gotherington at Gotherington Playing Fields and/or the provision of a MUGA off site.**
- **A contribution of £22, 735 towards funding an extension to Gotherington Village Hall**
- **A contribution of £176, 449 is required to increase capacity at Gotherington Primary School**
- **A contribution of £140, 752 towards increasing capacity at Cleeve School**
- **A contribution of £47, 956 is required towards pre-school provision**
- **A contribution of £9, 800 towards library provision**

## **RECOMMENDATION Delegated Permit**

### Conditions:

- 1 The development for which permission is hereby granted shall not be begun before detailed plans thereof showing the layout, scale and appearance of the buildings and the landscaping of the site (hereinafter referred to as "the reserved matters") have been submitted to and approved by the Local Planning Authority.

Reason: The application is in outline only and the reserved matters referred to in the foregoing condition will require further consideration.

- 2 Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3 The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 4 The reserved matters submitted pursuant to condition 1 above shall include details of existing and proposed ground levels and finished floor levels of the buildings relative to Ordnance Datum Newlyn. The development shall be carried out in accordance with the approved details.

Reason: In the interests of amenity to accord with the NPPF.

- 5 Applications for the approval of the reserved matters shall be in accordance with the principles and parameters described in the approved updated design and access statement dated November 2016. Any reserved matter application shall include a statement providing an explanation as to how the design of the development responds to the Illustrative Site Layout Plan reference number RG-M-15 REV E.

Reason: To ensure the development is carried out in accordance with the agreed principles and parameters and to ensure that the new development will be visually attractive in the interests of good design and amenity.

- 6 Existing trees and hedgerows that are to be retained shall be protected during the course of construction in accordance with the submitted Arboricultural Baseline Assessment (Incorporating Arboricultural Impact Assessment and Tree Protection) received on 2nd August 2016. 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.

Reason: To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policy LND7 of the Tewkesbury Borough Local Plan to 2011 - March 2006.

- 7 The reserved matters submitted pursuant to condition 1 shall be accompanied by full details of both hard and soft landscape proposals. These details shall include:

- (i) Positions, design, materials and type of boundary treatment to be erected;
- (ii) Hard surfacing materials; and

Soft landscape details shall include:

- a. Planting plans including positions for all tree, hedge and shrub planting;
- b. Written specifications (including cultivation and other operations associated with plant and grass establishment);
- c. Schedules of plants, noting species, planting sizes and proposed numbers;
- d. Densities where appropriate; and
- e. Implementation timetables including time of planting.

Reason: To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policy LND7 of the Tewkesbury Borough Local Plan to 2011 - March 2006.

- 8 If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place.

Reason: To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policy LND7 of the Tewkesbury Borough Local Plan to 2011 - March 2006.

- 9 No external lighting shall be erected on any part of the site without the prior express permission of the Local Planning Authority.

Reasons: In the interests of amenity and ecology.

- 10 The reserved matters submitted pursuant to condition 1 above shall include details of surface water attenuation/storage works. The submitted details shall include the volume balance requirements for the development, discharge rate and the extent of impermeable areas and runoff to be generated. The scheme shall subsequently be completed in accordance with the approved details before the development is first brought into use/occupied.

Reason: To prevent the increased risk of flooding, It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage in the locality.

- 11 Prior to the commencement of the development hereby permitted an exceedance flow routing plan for flows above the 1 in 100+ climate change event shall be submitted to and approved in writing by the Local Planning Authority. The proposed scheme shall identify exceedance flow routes through the development based on proposed topography with flows being directed to highways and areas of public open space. Flow routes through gardens and other areas in private ownership will not be permitted. The scheme shall subsequently be completed in accordance with the approved details before the development is first brought into use/occupied.

Reason: To ensure satisfactory drainage of the site and avoid flooding. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage in the locality.

- 12 The reserved matters submitted pursuant to condition 1 above shall include details for surface water drainage. The proposed scheme shall reduce the surface water discharge rate as close as practicable to the Greenfield runoff rate, i.e. equivalent to the previously undeveloped character of the site. Any attenuation feature should be designed to attenuate all flows up to and including the 1 in 100 year event +40% for climate change. The scheme shall subsequently be completed in accordance with the approved details before the development is first brought into use/occupied.

Reason: To reduce the impact of this development on the surrounding surface water infrastructure. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage in the locality.

- 13 Prior to first occupation of the development hereby permitted a SUDS maintenance plan for all SuDS/attenuation features and associated pipework has been submitted to and approved in writing by the Local Planning Authority. The approved SUDS maintenance plan shall be implemented in full in accordance with the agreed terms and conditions.

Reason: To ensure the continued operation and maintenance of drainage features serving the site and avoid flooding.

- 14 No external construction works, deliveries, external running of plant and equipment or internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1400 on Saturday. There shall be no such working Sundays, Public or Bank Holidays without the prior written permission of the Local Planning Authority.

Reason: To ensure that the proposed construction work does not cause undue nuisance and disturbance to nearby properties at unreasonable hours.

- 15 No works shall commence on site (other than to satisfy this condition) until the site access has been provided in accordance with the submitted plan W15183\_SK\_006. The first 20m of the access road from Ashmead Drive surfaced in a bound material. The access shall be retained and maintained in that form until and unless adopted as highway maintainable at public expense.

Reason- To ensure that there is safe access to the site for construction works and thereafter and to ensure that the access is maintained in that form in accordance with TPT1 of the Tewkesbury Borough Local Plan to 2011 and paragraphs 32 and 35 of the NPPF.

- 16 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall:
- i. specify the type and number of vehicles;
  - ii. provide for the parking of vehicles of site operatives and visitors;
  - iii. provide for the loading and unloading of plant and materials;
  - iv. provide for the storage of plant and materials used in constructing the development;
  - v. provide for wheel washing facilities;
  - vi. specify the intended hours of construction operations;
  - vii. include measures to control the emission of dust and dirt during construction
  - viii. Consideration into the location and use of heavy machinery, plant or material in areas where infiltration has been proposed, and avoid soil compaction of such locations.

Reason: To reduce the potential impact on the public highway and accommodate the efficient delivery of goods and supplies in accordance paragraph 35 of the National Planning Policy Framework. and to ensure that during the construction phase heavy machinery, plant or material is not stored/used inappropriately in the areas where infiltration SuDS are proposed, to avoid soil compaction and severely impacting infiltration rates.

- 17 No dwelling on the development shall be occupied until the carriageway(s) (including surface water drainage/disposal, vehicular turning head(s) and street lighting) providing access from the nearest public Highway to that dwelling have been completed to at least binder course level and the footway(s) to surface course level.

Reason: To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with the NPPF.

- 18 No development shall commence on site until a scheme has been submitted to and agreed in writing by the Local Planning Authority for the provision of fire hydrants (served by mains water supply) and no dwelling shall be occupied until the hydrant serving that property has been provided in accordance with the scheme so approved.

Reason: To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire.

- 19 The details to be submitted for the approval of reserved matters shall include vehicular parking and turning facilities within the site. The buildings hereby permitted shall not be occupied until those facilities have been provided in accordance with the approved plans and those facilities shall be maintained available for those purposes for the lifetime of the development.

Reason: To ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the NPPF.

- 20 No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as either a dedication agreement has been entered into or a private management and maintenance company has been established.

Reason: To ensure that safe, suitable and secure access is achieved and maintained for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with the NPPF and to establish and maintain a strong sense of place to create attractive and comfortable places to live, work and visit as required by paragraph 58 of the Framework.

- 21 No works shall commence on site until details of a highway safety improvement scheme on the Gotherington Cross junction has been submitted to and approved in writing by the Local Planning Authority and no more than 15 dwellings shall be occupied until the highway safety scheme has been completed in accordance with the approved plan.

Reason: To reduce potential highway impact by ensuring cost effective improvements are provided in accordance with Paragraph 32 of the NPPF and TPT1 of the Tewkesbury Local Plan.

- 22 Prior to the commencement of the development hereby permitted details of upgraded bus stop facilities on Malleson Road to the west of Ashmead Drive shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall then be completed prior to occupation of any dwelling on the development.

Reason: To ensure that the opportunities for sustainable transport modes have been taken up and access to high quality public transport facilities is provided in accordance with paragraph 32 and 35 of the NPPF.

23 Prior to the commencement of the development hereby permitted, details of an uncontrolled pedestrian tactile crossing point on Malleson Road and improvements to the existing pedestrian crossing facilities at Ashmead Drive and Aggs Lane to facilitate pedestrian access to the bus stops west of Ashmead Drive shall be submitted to and approved in writing by the Local Highway Authority and the crossing points shall be constructed in accordance with the approved details prior to first occupation of the dwellings hereby permitted.

Reason: To ensure that the opportunities for sustainable transport modes have been taken up in accordance with paragraph 32 of the National Planning Policy Framework.

24 The approved Travel Plan shall be implemented in accordance with the details and timetable therein, and shall be continued thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the opportunities for sustainable transport modes are taken up in accordance with paragraphs 32 and 36 of the National Planning Policy Framework.

25 No development shall take place within the application site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

Reason: It is important to agree a programme of archaeological work in advance of the commencement of development, so as to make provision for the investigation and recording of any archaeological remains that may be destroyed by ground works required for the scheme. The archaeological programme will advance understanding of any heritage assets which will be lost, in accordance with paragraph 141 of the National Planning Policy Framework

26 No development shall take place until an Ecological Management Plan (EMP) has been submitted to and approved in writing by the Local Planning Authority. The EMP shall be in accordance with the recommendations set out in section 5 of the Ecological Appraisal by EDP dated June 2016. The EMP shall include a timetable for implementation, details for monitoring and review and how the areas concerned will be maintained and managed. Development shall be carried out only in accordance with the approved EMP.

Reason: To ensure proper provision is made to safeguard protected species and their habitats, in accordance with the guidance set out in the NPPF and Policy NCN5 of the Tewkesbury Borough Local Plan to 2011 - March 2006.

Notes:

**1 Statement of Positive and Proactive Engagement**

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

2 Severn Trent Water advise that there may be a public sewer located within the application site and encourage the applicant to investigate this. Please note that public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. If there are sewers which will come into close proximity of the works, the applicant is advised to contact Severn Trent Water.

3 This decision is issued pursuant to the signing of a Section 106 legal agreement.

16/00901/OUT

The scaling of this drawing cannot be assured  
Revision B  
Boundary Updated  
Date 21.11.16  
Dm K.D.  
Ctd T.L.

Legend  
Site boundary - 6.28Ha / 15.52Ac



Project  
**Gotherington**  
Drawing Title  
**Site Boundary Plan**

Date 14.10.15  
Project No 25212  
Scale 1:2500@A3  
Drawing No RG-M-00  
Drawn by MB  
Checked by TL  
Revision B



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641/A








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1:25000 - 2599925200 - 2529925212 - Gotherington V4 - Dept. B. Expansion V4 - Dept. B. Expansion V4 - Site Boundary Plan (11-2009A1)



16/00901/OUT

The scaling of this drawing cannot be assured  
Revision E Illustrative Layout Updated 22.11.16 J.W. TL

Site boundary  
- 6.28Ha / 15.52Ac

-  Building
-  Garage
-  Main Road
-  Side Street
-  Lane / Private Drive
-  Footpath
-  Play Area

Project  
Gothingington




Drawing Title  
Illustrative Site Layout

Date	Scale	Drawn by	Check by
16.06.16	1:1,250@A2	RD	TL
Project No	Drawing No	Revisions	
25212	RG-H-15	E	

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Valid 14.11.2016

Demolition of existing detached garage and outbuildings, erection of 1 no. two storey detached dwellinghouse, and alterations to and extension of existing driveway and parking area to include provision of vehicular access to adjacent paddock

Grid Ref 394682 234628

Parish Ashchurch Rural

Ward Ashchurch With Walton

Cardiff

Mr &amp; Mrs Gregg

C/o Agent

**RECOMMENDATION Refuse****Policies and Constraints****DEFERRED AT LAST COMMITTEE (Item No 2, Page No 585)**

National Planning Policy Framework (2012)

Planning Practice Guidance

JCS (Submission Version) November 2014

Tewkesbury Borough Local Plan to 2011 (March 2006) - policies HOU4, EVT5, EVT9, LND4 and TPT1

Flood and Water Management Supplementary Planning Document

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

The First Protocol, Article 1 (Protection of Property)

**Consultations and Representations**

**Ashchurch Rural Parish Council** raises an objection and recommends that Tewkesbury Borough Council refuses the application on the grounds that the proposal would involve (i) building on a flood plain; and ii) a back garden development which would set a precedent for the area.

**Local Highway Authority** has been consulted but has not provided comments within the 21 day statutory consultation period or since, and has not requested further time for the submission of comments.

**Landscape Officer** raises no objection.

**Flood Risk Management Engineer** objects to the proposed development on the grounds that the application fails to demonstrate that surface water and foul drainage could be appropriately controlled.

**Severn Trent Water** - no comments received

**The Conservation Officer** raises an objection on the grounds that this scheme is an awkward, contrived design which falls short of the NPPF's design aspirations.

The application has been publicised through the posting of 2 site notices and 4 letters of objection have been received in the 21 day statutory consultation period or since. The main points raised relate to:

This development was refused in March 2006 and since that date nothing has changed. An application was also submitted in May 2016 which was withdrawn, pending refusal. The latest application does not fully address previous objections

- As noted in the previous similar application (reference 05/01568/FUL) the site lies in open countryside and the new buildings proposed are not essential to the efficient operation of agriculture or forestry. This statement remains true.
- It is not in keeping with the linear structure of other properties in Aston on Carrant
- It is a back/rear development with no frontage onto the village road and would not be visible from the road. The majority of old farm buildings mentioned were demolished some fifty years ago including the site at 4.9(fig.4) on the Design and Access statement. All new build developments at least since that time have visible frontages and driveways on to the village road (including "The Pippins" and "The Laurels" site). The proposed development would not enhance the character of the present village in any way.
- It would create a precedent for rear development in the village;
- Shared driveways are impractical and can only lead to disputes as to ownership and right of access.

This is a single width drive with a narrow gated entrance with limited visibility that does not offer any significant widening due to existing boundaries with Ivy Cottage/Carrant Brook Cottage. The proposed family property would inevitably bring an increase in traffic movement.

- The rear development would infringe on Ivy Cottage, the rear garden of Carrant House, Upper Farm House, High Gables and Brensham House
- Loss of privacy to occupiers of High Gables and Brensham House, Aston Carrant Road
- Direct impact on outlook from High Gables, Aston Carrant Road, due to its large dimensions directly opposite High Gables.
- Impact on residential amenity of occupiers at Ivy Cottage. "The Pippins", a property built in 2010 (reference 10/00153/FUL), which still does not appear on the submitted Site Plan, is sited directly opposite Ivy Cottage. To have another modern property directly facing the rear of Ivy Cottage would have a significant impact on outlook from Ivy Cottage and would constitute a loss of amenity.
- It would be pushing development towards the flood plain and, when taken together with other recent developments on the site, the proposal would dramatically reduce the ability of the site to cope with run-off/surface water.
- There are no amenities in the village or a bus that services the village: the only daily public bus services available are from Ashchurch Station (2 miles), Bredon (2 miles) and Northway (1.8 miles); there are no pathways in this village or along the lane to Northway; there is not a pathway on the B4079 to Bredon until you reach Kinsham (1 mile); the only available pathway is to Ashchurch Station along the B4079 from the exit of the village to Aston Cross then along the A46, and; there is no street lighting in the village or along the above routes except at Aston Cross/A46. The development would therefore depend heavily on private vehicles, and provision has been made for the parking of seven vehicles of the application site.
- The Design and Access Statement (paragraph 3.6) specifies that the proposed dwelling ridge height would be 6.9 metres. However, this does not necessarily mean that the dwelling would be only 0.9 metres higher than Orchard Cottage, as no account has been taken of the footing/base height of the proposed dwelling relative to Orchard Cottage.
- It is considered that the social benefits are not relevant to the application as the applicant's mother already has family members who live and work in the village and have homes within close proximity of Orchard Cottage

**The application has been called into the Planning Committee by Councillor McLain, who considers that there are a few issues, but in particular flooding, setting a precedent and backland development.**

**Planning Officers Comments:** Emma Blackwood

## **1.0 Application Site**

1.1 Orchard Cottage is a two storey detached dwelling located on the northern side of Aston Carrant Road. Orchard Cottage was present on 1880s OS maps, and was originally associated with the Upper Farm complex on the north side of the main east-west axis through the village. It is a double pile building and, whilst the brick front range visible from the street is ostensibly mid C19, the stone rear range with its massive gable stack is indisputably earlier. The Conservation Officer advises that it therefore fulfils the National Planning Policy Framework's (NPPF) definition as an (undesigned) heritage asset for planning purposes.

1.2 The existing dwelling is set back some 28 metres from the front boundary, and the front garden area and access driveway are located towards the front (south) of the dwelling. The dwelling is located towards the eastern side of the site, and the driveway extends past its western side elevation, providing vehicular access to 2 no. existing detached garages. At this part, the site widens, and there is a reasonably generous garden area to the rear (north) and western side of the dwelling. The site is not subject to any landscape designations, and is not located within a Residential Development Boundary.

1.3 The Environment Agency (EA) flood zone maps indicate that the application site is located within flood zone 1 (land having a less than 1 in 1,000 annual probability of river or sea flooding).

## **2.0 Relevant Planning History**

2.1 Planning permission was refused on 27th March 2006 for the erection of a detached dwelling to the side of the existing dwelling at Orchard Cottage, and a replacement garage for Orchard Cottage (reference 05/6502/1568/FUL). The reasons for refusal were as follows:

- 1) *The proposed development conflicts with Policies S4 and H6 of the Gloucestershire Structure Plan Second Review and Policy HOU4 of the Tewkesbury Borough Local Plan to 2011 (Third Proposed Modifications) in that the site lies in the open countryside, outside any recognised settlement in a location where new housing is strictly controlled and it is not essential to the efficient operation of agriculture or forestry.*
- 2) *The location of the site is in the open countryside and divorced from the main settlements, and would be likely to result in the development being heavily reliant on the use of the private motor vehicle contrary to Policy T1 of the Gloucestershire Structure Plan Second Review and the aims of the current national planning policy guidance.*

2.2 Planning permission was granted on 18th September 2013 for an open store in a paddock, used to store a grass cutter and two trailers (reference 13/00400/FUL).

2.3 An application for the proposed demolition of existing detached garages and outbuildings, the erection of 1 no. two storey detached dwellinghouse and 2 no. detached garages, and alterations to and extension of the existing driveway and parking area, to include the provision of a vehicular access to the adjacent paddock, was withdrawn on 6th August 2016 (reference 16/00612/FUL).

2.4 Planning permission was granted on 9th August 2016 for the erection of a single storey extension comprising storage space to an existing building located towards the south-eastern corner of land immediately to the rear (north) of the residential curtilage and rear garden area of Orchard Cottage, and the conversion of part of the existing building into stables (reference 16/00611/FUL).

### **3.0 Current Application**

3.1 Planning permission is sought for the erection of a detached two storey 4-bed dwellinghouse in the garden area of Orchard Cottage, some 11 metres to the north-west of the existing dwelling. At the closest point, the proposed dwelling would be set back 1.2 metres from the western side boundary, which, at this point, is shared with the rear garden area of the dwelling known as "Carrant House".

3.2 The proposed dwelling would have an L-shaped footprint, covering approximately 140 square metres in area (or some 255 square metres across both floor levels), and would be designed with brickwork facing materials with a stone plinth, with timber doors and painted timber or coated aluminium framed windows.

3.3 The principal element of the dwelling would be designed with a dual-pitched roof, measuring 4.6 metres in height to eaves and 6.9 metres in height to ridge. There would be 2 no. projecting gable elements at first floor level on the rear (northern) elevation and 1 no. two storey projecting gable element towards the western side of the front elevation, with a single storey wrap-around element towards the front (south) and east of this. The roof of the proposed dwelling would be covered in plain tiles.

3.4 An existing detached garage to the south of the proposed dwelling would be retained, to provide parking for occupiers of the proposed dwelling. The existing driveway would be extended to the area between this detached garage and the proposed dwelling to provide an additional 3 no. parking spaces. The driveway would also be extended to the rear of the existing dwelling to provide 2 no. parking spaces for occupiers of the existing dwelling and vehicular access to the paddock immediately to the north (rear) of the site. Consequently, both dwellings would be served by a shared access drive.

3.5 The rear garden for the existing dwelling would be towards the north-eastern corner of the site, separated from the associated dwelling by the proposed vehicular parking spaces. This would measure approximately 18.5 metres in length and 14 metres in width. The rear garden for the proposed dwelling would be towards the north-western corner of the site immediately to the north (rear) of the proposed dwelling, and would measure approximately 14 metres in length and 16 metres in width.

### **4.0 Policy Context**

#### *National Planning Policy Framework*

4.1 The National Planning Policy Framework, 2012 (NPPF) promotes sustainable development, of which there are three dimensions: economic, social and environmental. It does not change the statutory status of the development plan as the starting point for decision making but emphasises the desirability of local planning authorities having an up-to-date plan.

4.2 According to paragraph 215 of Annex 1 of the NPPF, due weight should be given to relevant policies in existing development plans according to their degree of consistency with the framework (the closer the policies in the plan to the policies in the framework, the greater the weight that may be given). Where the development plan is out of date, the NPPF advises that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework as a whole; or where specific policies in the Framework indicate development should be restricted.

#### *The Development Plan*

4.3 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).

#### *Emerging Development Plan*

4.4 The emerging development plan will comprise the Joint Core Strategy (JCS), Tewkesbury Borough Plan and any adopted neighbourhood plans.

4.5 The Submission Version of the JCS (November 2014) is the latest version of the document and sets out the preferred strategy over the period of 2011-2031. Policies SD1 (Presumption in Favour of Sustainable Development), SD7 (Landscape), SD11 (Residential Development), SD12 (Housing Mix and Standards), INF1 (Access to the Transport Network), INF2 (Safety and Efficiency of the Transport Network) and INF3 (Flood Risk Management) of the JCS relate to the development currently proposed under this application.

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

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

4.7 The Submission version of the JCS was 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.

4.8 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.

## **5.0 Analysis**

### *Principle of Development*

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

5.2 The NPPF specifies 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.

5.3 Paragraph 55 of the NPPF sets out that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Furthermore, paragraph 55 specifies that new isolated homes in the countryside should be avoided unless there are special circumstances, none of which apply in this case.

5.4 In this regard, the submitted Design and Access Statement (DAS) refers to application reference 08/01380/FUL under which planning permission was granted in 2009 for the erection of a detached two-storey dwelling in the side garden of Upper Farm, which is located towards the eastern end of Aston Carrant Road on the southern side of the highway, opposite the application site. However, the significant planning history of the site was a material consideration when assessing the development proposed under reference 08/01380/FUL, critically the fact that permission was originally granted on the site when Aston on Carrant was identified in the emerging development plan as a suitable location for development when permission was originally granted in 1992.

5.5 There are, however, no such planning history exists in the case of Orchard Cottage. In contrast, the history of the site shows that planning permission was refused on 27th March 2006 under application reference 05/6502/1568/FUL for the erection of a detached dwelling to the side of the existing dwelling at Orchard Cottage (see reasons for refusal under paragraph 2.1).

5.6 The submitted DAS further refers to application reference 14/00925/FUL under which planning permission was granted on 16th November 2015 for the erection of a dwelling at The Laurels, Aston Carrant Road, which is located towards the far western end of Aston Carrant Road immediately adjacent to the B4079. Under this application it was considered that, whilst local plan policy HOU4 must be considered out of date and the NPPF includes a specific policy which seeks to avoid isolated new dwellings in the countryside, given the proposal's context adjacent to a proposed strategic housing allocation, and the other dwellings within Aston-on-Carrant the site was not isolated and as such the principle of residential development in this location was considered to be acceptable.

5.7 Orchard Cottage does lie over half a kilometre further to the west which does mean it would be more remote from services than the dwelling permitted at The Laurels and there would to a degree be reliance on the private car. Nevertheless, given that previous decision, the proximity to the emerging housing allocation at MOD Ashchurch, on balance it is not considered that this factor weighs significantly and demonstrably against the grant of permission in this case.

#### *Flood Risk and Drainage Issues*

5.8 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.

5.9 Policy EVT5 of the Local Plan requires that certain developments within Flood Zone 1 be accompanied by a flood risk assessment and that developments should not exacerbate or cause flooding problems. Furthermore, Policy EVT9 of the Local Plan requires that development proposals demonstrate provision for the attenuation and treatment of surface water run-off in accordance with sustainable drainage systems (SUDS) criteria. Both these policies are consistent with the aims of the NPPF and are therefore afforded due weight. The Councils Flood and Water Management SPD supplements the above policies, providing advice to help applicants submit better applications.

5.10 The submitted DAS makes the case that, whilst the northern part of the site is within flood zone 2, its southern part and, most importantly, that part within which operational works are proposed, is entirely within flood zone 1. It therefore makes the case that a FRA is not required for the proposed development. Nevertheless, the FRA that accompanied the previous application has been submitted with the current application for information purposes.

5.11 The Council's Flood Risk Management Engineer advises that, although the EA maps may be less refined than the SFRA flood zone maps, they are likely more up-to-date. The EA flood zone maps indicate that the proposed dwelling would be located within flood zone 1 (land having a less than 1 in 1,000 annual probability of river or sea flooding). The Council's Flood Risk Management Engineer further advises that, whilst the red line boundary of the site does encroach into Flood Zone 2, the sequential approach to the development appears to indicate that the built form lies inside Flood Zone 1.

5.12 However, the Flood Risk Management Engineer raised concern that there were no details supplied in relation to how both the surface water and foul water were to be adequately managed. Details were sought from the Agent to specify how or where drainage infrastructure is to be implemented, and details of mitigation measures designed to control the increase in runoff. This information is particularly important for a full application which would result in an increase to the impermeable area. Without this information it was considered that the application failed to satisfactorily demonstrate how both the surface water and foul water would be adequately managed.

5.13 Additional details and plans were submitted throughout the application process, including a Water Management Statement and plans showing the existing and proposed drainage system. This proposes the harvesting of all rainwater from the existing and proposed buildings on the application site, with the harvesting tank to be located under the parking area to the front of the proposed house. Calculations regarding attenuation volumes (based on a 1.9l/s discharge rate) were included with the submission. The Flood Risk Management Engineer queries why this rate was chosen; the Agent advised that it is proposed to discharge to the sewer that runs under the road.

5.14 The Flood Risk Management Engineer has reservations regarding the quality of the submission, and suggests that there has been no correspondence with Severn Trent Water to support the application as to whether the connection to the sewer (for surface water or the foul discharge) is acceptable. It is therefore recommended that the application be refused on the basis that the application fails to demonstrate that the surface and foul drainage arising from the development could be appropriately managed in conflict with national and local planning policies. This weighs against the proposal.

#### *Design and Impact on Character and Appearance of Area*

5.15 Paragraph 17 of the NPPF identifies a set of 12 core land-use planning principles which should underpin both plan-making and decision-taking. These principles specify that planning should, inter alia, always seek to secure high quality design. Section 7 of the NPPF relates to "Requiring good design" and specifies that the Government attaches great importance to the design of the built environment, and that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

5.16 When compared to the dwelling previously proposed under application reference 16/00612/FUL, the scale of the dwelling currently proposed has been reduced. The submitted DAS advises that the proposed dwelling has been carefully designed in terms of scale, design and massing, and that its L-shape plan and low roof work to minimise its bulk. The proposed dwelling would have one and a half storeys, but would exceed the height of the existing two storey dwelling at Orchard Cottage by 0.9 metres. The Conservation Officer does not consider that the proposal takes its cues from surrounding development as should be the case, and that the proposals fall short of the aspirations of the NPPF in terms of design quality.

5.17 The submitted DAS makes the case that the location of the proposed dwelling would be characteristic of the historic layout of the settlement, which comprised clusters of buildings located at various angles to the road, rather than a continuous built up road frontage. The DAS specifies that, throughout the 20th century, the settlement developed in a ribbon form. It further advises that outbuildings and barns of houses, which do not actively address the road, have been converted into dwellings themselves, but that these contribute to the character of the area and are evidential of the historic layout of the settlement.

5.18 Nevertheless, such outbuildings and barns, whether converted or not, are typically smaller in scale than their associated principal dwelling and, by virtue of their original use, would typically be located to the rear of dwellings. The existing morphology of the settlement along Aston Carrant Road is loosely linear and largely of single plot depth, with principal dwellings being directly related to and supportive of the street scene. The front elevation of the proposed dwelling would be set back from the rear elevation of the existing dwelling at Orchard Cottage, and some 27 metres to the rear of the existing dwelling at Ivy Cottage. As such, this would not create any active frontage to the street scene and would do little to positively contribute to the character or functionality of the place, and it is considered that the proposed development would not appropriately reflect the existing morphology of the settlement, therefore detracting from the character of the area.

5.19 In light of the above, the proposed development would be contrary to paragraphs 17, 56 and 58 of the NPPF which require high quality design and for account to be taken of the character of different areas. This weighs against the proposal in the overall planning balance.

*Landscape Impact:*

5.20 Policy LND4 of the Local Plan specifies that, in considering proposals for development in rural areas other than the Area of Outstanding Natural Beauty, Special Landscape Area, and Landscape Protection Zone, regard will be given to the need to protect the character and appearance of the rural landscape. The NPPF reflects this advice and states that the planning system should contribute to and enhance the natural and local environment by, inter alia, protecting and enhancing valued landscapes. Policy SD7 of the JCS Submission Version (November 2014) reiterates this advice.

5.21 There are no landscape designations affecting the site, but the surrounding area is semi-rural in character. The site itself sits in relatively close proximity to existing residential development. It is not considered that the proposal would cause undue visual intrusion into the surrounding landscape. The Landscape Officer raises no objection to the proposal, and it is considered that the proposed development would protect the character and appearance of the rural landscape.

*Impact on Residential Amenity:*

5.22 One of the defined 'Core Principles' of the NPPF is that a good standard of amenity for all existing and future occupants of land and buildings be achieved. Policy SD5 of the JCS Submission Version (November 2014) closely reflects this advice.

5.23 The proposed dwelling would be set back some 1.2 metres from the western site boundary, which, at this point, is shared with the rear garden area of the dwelling known as "Carrant House". This adjacent dwelling has a generous rear garden area, and the proposed dwelling would be set back some 25 metres from the principal dwelling at Carrant House. The proposed dwelling would be set back approximately 7 metres from the site boundary shared with the rear garden area of the dwelling known as "Upper Farm House" and 30 metres from the principal dwelling at this adjacent site. Further, the front elevation of the dwelling would be set back some 12.5 metres from the southern site boundary shared with the rear garden area of the dwelling known as "Ivy Cottage" and approximately 27 metres from the principal dwelling at this adjacent site.

5.24 By virtue of the scale and form of the proposed dwelling, the extent of existing screening in the form of boundary treatments, vegetation and adjacent outbuildings, and the proximity of the proposed dwelling to adjacent dwellings, it is considered that the proposal would not unreasonably affect the amenity of adjoining occupiers in terms of overbearing impact or overshadowing.

5.25 The rear elevation fenestration would not directly overlook adjacent sites. Only 1 no. window is proposed for installation on the eastern side elevation, which would be a ground floor level secondary window serving the lounge. Only 1 no. first floor level window is proposed for installation on the western side elevation, which would serve a bathroom (an example of a non-habitable room), and a condition could be attached to any approval of planning permission to ensure this is installed and retained as obscurely glazed. It is proposed to install 3 no. windows at ground floor level on this side elevation. There is existing boundary treatment along the western boundary in the form of fencing and vegetation, to provide some extent of screening. This boundary treatment also extends along the southern boundary of the site. Further, the existing garage within the application site would be retained to provide additional screening from the proposed ground floor level front elevation fenestration. The 1 no. window on the front elevation at first floor level serving a habitable room (a bedroom) would be set back some 15 metres from the southern site boundary shared with the rear garden area of the dwelling known as "Ivy Cottage". By virtue of the extent of screening and the proximity of windows to adjacent sites, it is considered that there would be no significant detrimental impact on adjoining occupiers in terms of loss of privacy.

5.26 By virtue of the location of the proposed dwelling, the floor space provided in the proposed dwelling, and the size of garden area for both the existing and proposed dwelling, it is considered that the proposed development would provide an acceptable living environment for future occupiers.



## *Impact on highway safety*

5.27 In terms of the proposed vehicular access and parking arrangements and the accessibility of the site, policy TPT1 of the Local Plan relates to "Access for Development". The aims of policy TPT1 are consistent with paragraph 32 of the NPPF which specifies that plans and decisions should take account of whether:

- The 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;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

5.28 The vehicular parking area associated with the proposed dwelling would be accessed via the existing access and driveway serving Orchard Cottage. The principal of vehicular access has already been established in this location. Aston Carrant Road is a no-through road, serving only the properties along this road, and it is considered that the number of vehicular movements associated with one additional dwelling would be acceptable on highway safety grounds. A shared access drive would be provided and 6 vehicular parking spaces would be provided in total; 3 for each dwelling. A vehicular turning area would also be provided between the two dwellings, to enable vehicles to enter and exit the site in a forward gear. Therefore it is considered that the residual cumulative impact of the proposed development on highway safety would not be severe.

## **6.0 Overall Balancing Exercise and Conclusions**

6.1 The proposal would contribute, albeit in a small way, towards providing much needed housing in the Borough and it is recognised that housing development is an important economic driver. It is considered that the proposed development would not unreasonably affect the amenity of adjoining occupiers, and would provide an acceptable living environment for future occupiers. It is further judged that the proposed development would protect the character and appearance of the rural landscape, and that the residual cumulative impact of the proposed development on highway safety would not be severe.

6.2 It is accepted that there has been a material change in circumstances since the previous refusal on the site given recent and planned developments in the locality. On that basis it is not considered that the locational disadvantages of the site justify refusal in this case.

6.3 Nevertheless, the proposed dwelling, by virtue of its location set back from the rear elevation of the existing dwelling at Orchard Cottage and to the rear of the existing dwelling at Ivy Cottage, would not appropriately reflect the existing morphology of the settlement along Aston Carrant Road, which is loosely linear and largely of single plot depth, and would therefore detract from the character of the area. As such the proposed development would be contrary to paragraphs 17, 56 and 58 of the NPPF which require high quality design and for account to be taken of the character of different areas), and emerging Policy SD5 of the Joint Core Strategy Submission Version (November 2014). Furthermore, the application fails to demonstrate that surface water and foul drainage could be appropriately controlled contrary to national and local planning policy.

6.4 Overall it is considered that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits, and, for these reasons, it is recommended that planning permission is refused.

## **7.0 UPDATE**

### **Flood Risk**

7.1 The application was deferred at the January 2017 Planning Committee meeting, to allow the applicant to submit further information to try and address reason for refusal 2 (drainage). A revised Foul and Surface Water Drainage Strategy ("Drainage Strategy" )was subsequently submitted along with amended plans which show other land owned by the applicant close to or adjoining the application site edged in blue. The red line boundary of the site encroaches into flood zone 2, and the blue line boundary is in flood zone 3. However, as noted above, the proposed built form skirts just inside flood zone 1.

**7.2 The Drainage Strategy advises that Severn Trent Water have been contact with regards to viability of the connection to their sewer system, and have given the written assurance. This therefore addresses concerns in respect of foul sewage.**

**7.3 However, the FRME raises concern that the details supplied do not inspire confidence that the applicant has supplied sufficient evidence to allay the concerns as stated previously. In his view, the application fails to demonstrate that the proposed development would be provided with a satisfactory means of drainage or would reduce the risk of flooding, both on the site itself and the surrounding area, or would minimise the risks of pollution. Any increase in impermeable surfacing can increase flood risk. The FRME advises that it is not acceptable to dismiss the potential to increase flood risk on the basis of scale of development; the wider context of cumulative impact of increases in impermeable area has to be considered.**

**7.4 The Flood Risk Management Engineer strongly advises that the industry standard design approach found in the most relevant and updated CIRIA publication 'The SuDS Manual 2015' (C753) should be integrated and adhered to. Similarly, there is also no evidence that the proposal is in accordance with Defra Technical Guidance on SuDS (published March 2015), especially on the critical matters of peak flow control standards, volume control standards and the minimising of risks to people and property from exceedance routes (whilst also avoiding creating hazards to access and egress routes).**

**7.5 In addition, The Flood Risk Management Engineer specifies that the application fails to incorporate the most up to date account of climate change allowances (as published February 2016), and advises that this would seem particularly pertinent given the proximity of Flood Zone 3 to the built form as well as access and egress routes.**

**7.6 For these reasons it is considered that the submitted "Foul and Surface Water Drainage Strategy" fails to address reason for refusal 2 below.**

#### **Design**

**7.7 The Agent has submitted a report to address the issues raised in the letters of representation which have been received by the Local Planning Authority, and the reasons for refusal presented in the January 2017 Planning Committee report.**

**7.8 In terms of reason for refusal 1, regarding the impact of the proposed development on the character of the area, the Agent specifies that the proposed development would not address the road, but considers that this is not something that is out of character with the area. In supporting this statement, the Agent refers to the DAS which traces the morphology of the settlement, as detailed in paragraph 5.27 above. The Agent's report notes that, throughout the 20th Century, the form of the hamlet changed, with the areas in between the historic clusters being infilled with ribbon development, with those dwellings to the north of the road being set-back almost in a line fronting it (albeit at a distance). As noted in paragraph 5.28 above, the existing morphology of the settlement along Aston Carrant Road is loosely linear and largely of single plot depth, with principal dwellings being directly related to and supportive of the street scene.**

**7.9 The report submitted by the Agent includes a plan to show dwellings with a road frontage coloured in green, and those with no frontage coloured in red. This clearly shows the majority of dwellings coloured in green. This plan also includes a "line of projection of existing dwellings into the open countryside" as indicated by a black line, and the location of the proposed dwelling circled in red. This clearly shows that the proposed dwelling would be set back further than any other dwelling to the west of the site along Aston Carrant Road.**

**7.10 The Report also refers to a "modern cul-de-sac development" to the east of the site. Planning permission was granted on 27th June 1995 for the erection of these 7 dwellings (reference 95/6771/0406/FUL). These dwellings were constructed on the former transport depot in Aston-On-Carrant, which extended further back than the building line formed by other existing dwellings along Aston Carrant Road. This site is not representative of the morphology of the settlement along Aston Carrant Road.**

**7.11 For these reasons, it is considered that the proposed development would not appropriately reflect the existing morphology of the settlement, therefore detracting from the character of the area, and would consequently be contrary to paragraphs 17, 56 and 58 of the NPPF which require high quality design and for account to be taken of the character of different areas.**

#### **RECOMMENDATION Refuse**

##### **Reasons:**

- 1 The proposed dwelling would not create any active frontage to the street scene and would do little to positively contribute to the character or functionality of the place, and would not appropriately reflect the existing morphology of the settlement, which is loosely linear and largely of single plot depth, with principal dwellings being directly related to and supportive of the street scene. As such the proposed development would fail to respect the character of the area, and would be contrary to paragraphs 17, 56 and 58 of the National Planning Policy Framework (2012), and emerging Policy SD5 of the Joint Core Strategy Submission Version (November 2014).
- 2 The application has failed to demonstrate that surface water and foul drainage could be appropriately managed. The proposed development therefore conflicts with the National Planning Policy Framework (Section 10), saved policies EVT5 and EVT9 of the Tewkesbury Borough Local Plan to 2011 (March 2006) and emerging policy INF3 of the Joint Core Strategy Submission Version (November 2014).

##### **Note:**

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

In accordance with the requirements of the National Planning Policy Framework (2012) the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing 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 relevant Development Plan Policies no direct negotiation during the consideration of the application has taken place.

Valid 26.07.2016

Grid Ref 390515 231636

Parish Wheatpieces

Ward Ashchurch With Walton  
Cardiff

Brick up garage door, install window for room to be a habitable space

Ms Linda Rimmer

2 Cherry Gardens  
Walton Cardiff  
Tewkesbury  
GL20 7DX**RECOMMENDATION Permit****Policies and Constraints**

National Planning Policy Framework

Planning Practice Guidance

Tewkesbury Borough Local Plan to 2011 - March 2006 - Policy HOU8

Joint Core Strategy (Submission Version) November 2014

**Consultations and Representations****Wheatpieces Parish Council** - Objection - reasons for objection are summarised below:

- Loss of a parking facility.
- The appearance would be out of keeping with neighbouring properties which could set a precedent for future alterations.

**Local residents** - No representations received.**Planning Officers Comments:** Mr James Lloyd**1.0 Application Site**

1.1 This application relates to a semi detached coach house apartment located in Cherry Gardens within the Wheatpieces Estate, Tewkesbury. **See attached location plan**

1.2 The building comprises of two coach houses, each with three garages located underneath (six in total) and a corresponding front door. The two coach houses benefit from a garage and parking space, the remaining garages and parking spaces are associated with other properties located within Cherry Gardens (See attached photo).

**2.0 Relevant Planning History**

2.1 There is no relevant planning history pertaining to this application

**3.0 Current Application**

3.1 This application seeks planning permission to brick up a garage door and install a window in its place to form a habitable space. The applicant proposes to use red brick to match the existing building and install a window opening with a three section casement window to match the designs of the existing windows on the building. The applicant has advised that the resulting space will continue to be used as storage space at this time. (see attached plans).

**4.0 Policy Context**

4.1 Section 7 of the NPPF states that the Government attaches great importance to the design of the built environment. Policy HOU8 of the Local Plan sets out, amongst other things that extension's to existing dwellings will be permitted provided that the proposal respects the character, scale, and proportion of the existing dwelling. The policy also requires that proposals must not have an unacceptable impact on adjacent properties in terms of bulk, massing, size and overlooking. The proposal must also respect the character and appearance of the surrounding area.

## 5.0 Analysis

5.1 The main issues for consideration are the impact of the proposed works on the residential amenity of neighbouring properties in terms of loss of light and the design of the proposal and its impact on the character and appearance of the area.

### *Visual Impact*

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

5.3 The proposal is for the conversion of an existing integral garage into additional living accommodation in connection to the coach house above. The Parish Council have raised concerns about the design of the in-fill not being in-keeping with the existing street scene.

5.4 The property is situated within a cul-de-sac surrounded by a mixture of properties from townhouses to apartments, all built in the same period. The front elevation of the property is not visible from the road or from any public footpaths and fronts onto a turning area and small green space.

5.5 Whilst the change from a garage door to a window would alter the appearance of the front of the building it would still retain a domestic, residential façade associated with buildings in the immediate vicinity. It is considered that this change will not cause a harmful impact on the surrounding area and there would not be an unacceptable visual impact caused.

5.6 The proposed external alterations would be minimal and external materials used to infill the existing garage door would match the appearance of the existing dwelling (red brick). Therefore, the proposal would have an acceptable impact on the character of the area and complies with the requirements of Policy HOU8 in this regard. Furthermore there are examples of existing properties within the surrounding area that have undertaken the same works.

### *Residential Amenity*

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

5.8 The proposed window is located on ground level to the front of the property overlooking existing parking spaces and an open green space. The proposal is small in scale and it is considered that the replacement garage door with a window would not cause an unacceptable impact in terms of residential amenity.

### *Other Matters*

5.9 The Parish Council have also raised concerns regarding the loss of a parking space. Parking provided by the existing garage would be lost as part of the proposal though it is considered that there would still be adequate off road parking onsite following the proposed works.

5.10 No additional residential units are to be created as a consequence of the proposed scheme. The number of units would remain unaltered and the proposed garage conversion and internal alterations to the layout of the coach house would remain the same. It is considered that the resulting allocated parking space available to No. 2 Cherry Gardens would be sufficient to accommodate the occupiers of the building without detriment to highway safety.

5.11 The original planning permission (93/8163/0120/OUT) has a condition which requires that *"No dwelling shall be occupied until it has been provided with parking space, sited, laid out and surfaced in accordance with details to be submitted to and approved by the Local Planning Authority and thereafter kept available at all times for such use"*

5.12 Given that the parking space to the front of the garage would be retained, there would be no conflict with the above condition as a result of this proposal.

5.13 The Parish are also concerned that granting permission could set a precedent for future alterations. However, each application is assessed on its own merits.

## **6.0 Conclusion**

6.1 In light of the above, whilst the comments of the Parish Council are noted, it is considered that the proposal would not result in an unacceptable loss of residential amenity to neighbouring dwellings, would be of an acceptable design and there would not be a harmful impact on the surrounding area. The proposal would therefore accord with the NPPF and Policy HOU8 of the Local Plan and is recommended for permission 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:
  - Details within the application form received by the Local Planning Authority on 6th July 2016
  - The approved drawings; 'Existing & Proposed First Floor Plan' & 'Existing & Proposed Ground Floor Plan' received by the Local Planning Authority on 26th July 2016
- 3 The external materials of the proposed brick infill shall match as near as possible the materials of the existing dwelling.

#### **Reasons:**

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

#### **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.



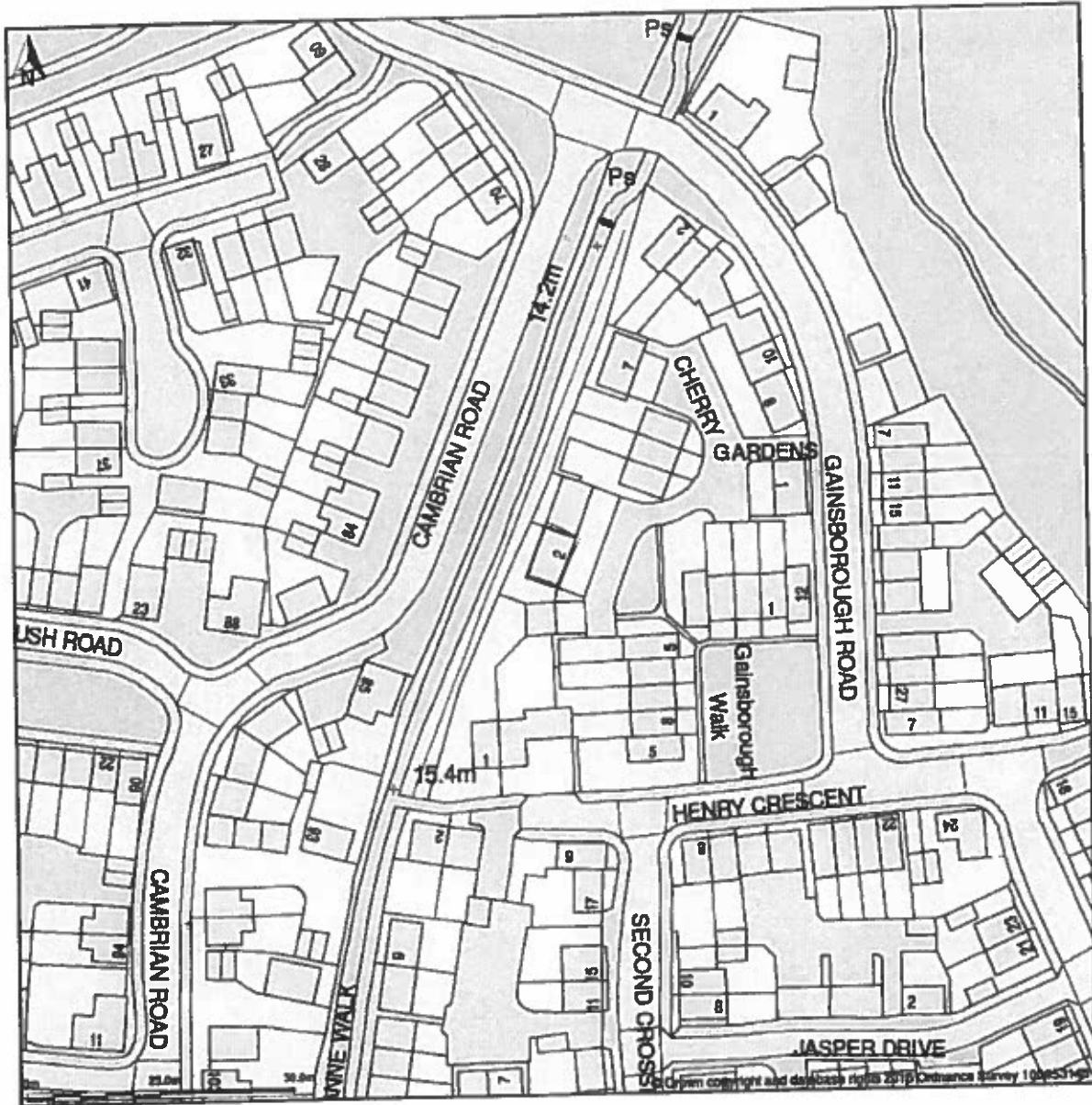
# Buy A Plan

UK's Fastest and Easiest Planning Site

APPLICATION  
16/00771/FUL



## 2, Cherry Gardens, Walton Cardiff, Tewkesbury, Gloucestershire, GL20 7DX



Site Plan shows area bounded by: 390414.83, 231835.78 390614.83, 231735.78 (at a scale of 1:1250) The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

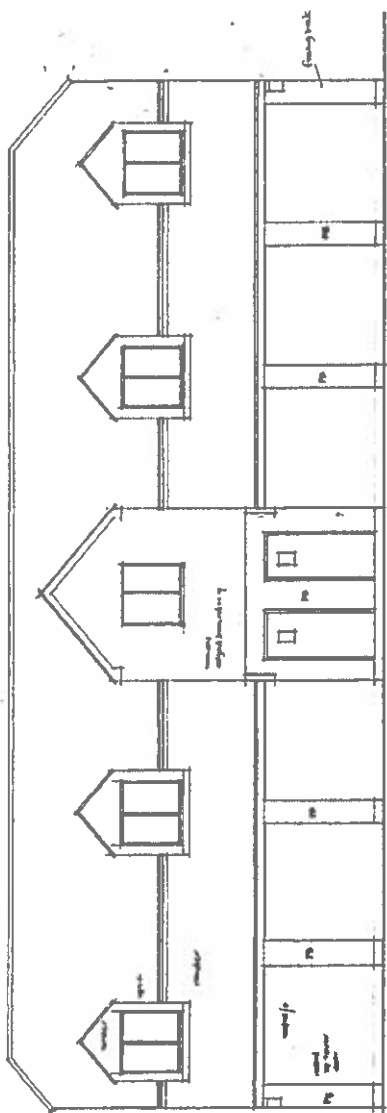
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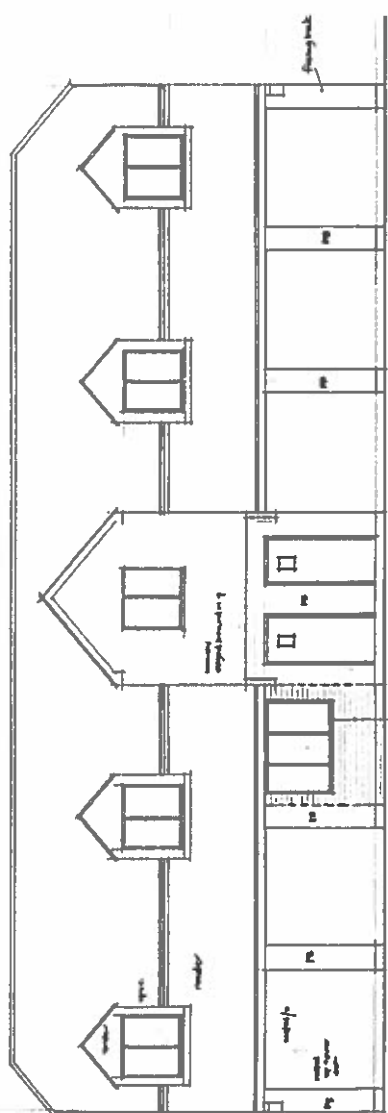
RECEIVED  
26 JUL 2016  
TEWKESBURY BOROUGH COUNCIL  
OPERATIONS

654/A

16/20771/FUL



EXISTING FRONT ELEVATION



PROPOSED FRONT ELEVATION

2 CHERRY GARDENS  
WALTON CARDIFF  
TEWKESBURY  
GL20 7DX

BRICKING UP EXISTING GARAGE DOOR  
AND INSERTION OF A WINDOW

EXISTING AND PROPOSED  
FRONT ELEVATIONS

DRAWING NO 2017/1215/01  
SCALE 1:100 @ A3  
JANUARY 2017

APPLICATION REFERENCE 16/00771/FUL

654/B



Valid 08.11.2016  
 Grid Ref 390908 233024  
 Parish Tewkesbury  
 Ward Tewkesbury Newtown

New Dwelling  
 Mr Booth  
 24 Elmbury Drive  
 Newtown  
 Tewkesbury  
 GL20 8DQ

## RECOMMENDATION Permit

### Policies and Constraints

**DEFERRED AT LAST COMMITTEE FOR COMMITTEE SITE VISIT (Item No 4, Page No 5990)**

#### Policies

Tewkesbury Borough Local Plan to 2011 (March 2006) - Policies HOU2, HOU5 and TPT1  
 NPPF  
 Planning Practice Guidance

### Consultations and Representations

#### Tewkesbury Town Council - Objection:

- Proposal is against TTC policy on garden grabbing.
- Proposal does not appear to conform to Manual for Streets guidance on refuse collection on dragging distance. Page 76 indicates a maximum distance of 25m for bin collection.
- Proposal is a concern in terms of its impact on a Sycamore tree covered by site TPOs.

#### County Highways - Standard advice.

**Conservation Officer** - No comments received - no objection to previous applications.

**Landscape Officer** - No objection subject to condition safeguarding TPOd Sycamore tree.

**Environmental Health Officer** - No comments received.

Two letters of objection have been received, that are summarised as follows:

- Garden grabbing would have a detrimental effect;
- Set a precedent for future development;
- Dwelling visible from Walton House and adjacent green;
- Bungalow will be shoe horned into small garden;
- Insufficient level of amenity space for existing and proposed dwelling;
- Trust officer responsible for TPO will deal with matter effectively;
- Cannot see how removal of Leylandi will not damage boundary fence or TPO tree;
- Few metres from bedroom window with window facing property;
- Increase in noise from bedroom;
- Spoil enjoyment from property
- Devalue property;
- Against the interest of local community and Parish Council;
- Within row of small gardens;
- Is development in permitted in-fill zone; and
- Detrimental to amenity of properties in Walton House and Elmbury Drive.

### Planning Officers Comments: Mr Lloyd Jones

#### 1.0 Application Site

1.1 The application site relates to the rear garden of No.24 Elmbury Drive. The host property is a semi-detached dwelling sited within the residential development boundary of Tewkesbury. The garden is bounded by a 1.8m high fence. An area of open space falls to the west.

1.2 Walton House, which is a Listed Building is sited to the south and accommodates 10 flats. A terrace of 4 two-storey dwellings are sited to the south east of the rear boundary. A communal bin store and parking area flanks the southern boundary of the site. A Sycamore tree (TPO ref TR/114) that is located adjacent to the southern boundary of the site is covered by a Tree Preservation Order (TPO).

1.3 The application was deferred from the previous Committee to allow for a site visit to be undertaken.

## **2.0 Planning History**

2.1 The existing property was originally permitted as part of a large residential estate by virtue of planning permission T1592/A.

2.2 Planning application 08/00542/FUL for a single storey rear extension was approved in April 2008.

2.3 Planning application 11/00413/FUL for a bungalow and access drive in the rear garden was approved in March 2012.

2.4 Planning application 12/00852/FUL for an application for a bungalow in the rear garden of 24 was refused in October 2012. The bungalow was larger than the scheme permitted by planning permission 11/00413/FUL was refused on the grounds that it would result in a cramped form of development and a poor level of outlook for future residents.

2.5 The most recent planning application 16/00505/FUL for the provision of a bungalow was refused in June 2016. The application was refused on the basis that the proposal would not allow for the safe turning of vehicles within the site; impact on the residential amenity of future occupants; and insufficient information to demonstrate that there would be no impact on the tree covered by a TPO.

## **3.0 Current Application**

3.1 The current proposal seeks full planning permission for the erection of a single storey dwelling within the rear garden of No.24 Elmbury Drive. The dwelling would have a footprint of 10.2m by 6.5m. A hipped roof is proposed that would rise from an eaves height of 2.1m to a ridge height of 4m. The exterior would be finished in facing brick, while the roof would be finished in concrete tiles.

3.2 Access would be off Elmbury Drive. The existing garage would be demolished to facilitate this. A turning area is proposed in front of the proposed dwelling, while a parking area for the host property would be in front of the existing dwelling.

## **4.0 Policy Context**

### *Tewkesbury Borough Local Plan to 2011 (March 2006)*

4.1 Policy HOU2 of the Local Plan sets out that residential development within the settlement boundary will be supported.

4.2 Policy HOU5 supports new housing within residential areas provided that they respect existing form and character of the area; do not result in loss of residential amenity; is of high quality design and appropriate access and parking arrangements are made.

4.3 Policy TPT1 seeks development where safe and convenient provision is made for safe and convenient access and where there is an appropriate level of public transport service and infrastructure available.

## **5.0 Analysis**

### *Principle of Development*

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

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

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

#### *Character and Appearance*

5.4 The surrounding area is predominantly characterised by a mix of semi-detached bungalows and two-storey dwellings. The host property is a semi-detached dwelling with a ridge height of approximately 4.5m.

5.5 The design and layout of the previously refused planning application (16/00505/FUL) that comprised an 'L' shaped dwelling was considered to be unacceptable, as provision was not made for a turning area within the site that would lead to the reversing of vehicles on to the highway network. This current application has sought to address this reason for refusal. The proposed dwelling would be of a simple design and form that would sit discretely at the rear of the plot. The design and layout is consistent with the dwelling that was approved under planning reference: 11/00413/FUL in 2012 and is not considered to represent overdevelopment.

5.6 The 4.0m high roof would be visible rising above the parapet of the boundary fence from the adjoining public open space, but it is considered that due to the modest size of the dwelling, as well as the separation distance off the rear elevation of the host property it would not be viewed as an incongruous element in the street scene.

5.7 The Conservation Officer previously raised no objections in respect of the impact on the setting of the Listed Building (Walton House). Given the nature of the development it is considered that the proposal would not have any detrimental impact on the setting of the nearby heritage asset.

5.8 Overall, it is considered that the character of the area would be maintained. The proposal is therefore compliant with Policy HOU5 of the Tewkesbury Local Plan.

#### *Residential Amenity*

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

5.10 There is an existing row of two-storey dwellings sited to the south east of the proposed dwelling. At its closest point the dwelling would be some 9.0m off the north eastern corner of the nearest part of the row of terraces to the south east. In the assessment of the previous application this relationship was deemed unacceptable as the upper floors of the adjacent terrace would overlook the private amenity space and there would be direct views into the proposed dwelling. In this current application the dwelling has been re-sited so that the amenity space is provided at the front of the dwelling. Additionally, no habitable room windows are proposed in the rear elevation. Due to the siting of the dwelling and the positioning of habitable room windows there would be no detrimental impact on the level of amenity for any future occupants. This application has therefore addressed the previous reason for refusal in this regard.

5.11 Turning to the impact on the residential amenity of neighbouring dwellings, the relationship with the properties in Walton Court was previously considered to be acceptable. The dwelling would be sited a minimum of 9.0m off the nearest dwelling at Walton House. Representations have been received that the proposal would result in an increase in noise and disturbance and a loss of outlook. The nearest window would be at ground floor serving a kitchen. Due to the orientation of the property, as well as it having a maximum height of 4.0m it is considered that the proposal would not have an overbearing impact, result in a loss of privacy or result in any significant increase in noise and disturbance that would justify the refusal of the application on this basis.

5.12 With regards the impact on No.22 Elmbury Drive and the host property, it is considered that due to the single-storey nature of the development, the positioning of windows, and the existing boundary treatments there would be no detrimental impact on the residential amenity of these properties. However, to safeguard the amenity of these properties, a condition removing permitted development right for rooflights is recommended.

5.13 Finally, a bin store serving Walton House forms the southern boundary. The Environmental Health Officer has confirmed previously that they have no objection to this, and their legislation could be used if the area was being used inappropriately.

#### *Impact on Protected Tree*

5.14 A Sycamore tree (TPO reference TR/114) covered by a Tree Preservation Order is sited adjacent to the southern boundary of the application site. An Arboricultural Report (November 2016) has been submitted in support of the application. It demonstrates that the dwelling will encroach into less than 1% of the root protection area of the protected trees. With the removal of the band of conifers the level of light will be increased. The Council's Landscape Officer has no objection to the proposal, subject to conditions to safeguard the integrity of the protected sycamore.

5.15 Since, the application was deferred from Committee, further representations have been received from the neighbour regarding the impact the development will have on the protected tree. Further clarification has been sought from the Council's Landscape Officer, who has recommended that condition 10 be revised to require the provision of a scheme of tree protection that ensures during construction of the dwelling there is no construction within the tree protection zone. Condition 10 has been revised to reflect this, as well as the provision of an additional condition retracting certain works within the root protection zone.

5.15 Overall, it is considered that subject to conditions the proposal would not undermine the integrity of the root system of the protected tree.

#### *Highways*

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

5.17 As touched upon above, the layout has been revised to provide a turning area that would enable vehicles to manoeuvre safely within the site and enter/exit the site in a forward gear. The proposal for one additional dwelling would not result in any significant increase in the level of traffic generated to and from the site. The Town Council has raised concerns in respect of the distance to carry waste. Manual for Streets at paragraph 6.8.9 advises that residents should not be required to carry waste more than 30 m. In this case the distance from the bin store to the highway is approximately 48m. Any future occupants would be aware of this distance and on balance it is considered that the bin store is appropriately sited. Overall, the proposal is therefore considered to be acceptable on highway grounds.

## **6.0 Conclusion**

6.1 For the reasons set out above, it is considered that the application has addressed the previous reasons for refusal and is consistent with the dwelling approved in 2012. Taking into account all of the above, the proposal is considered to be acceptable and in accordance with the Tewkesbury Local Plan to 2011 and The National Planning Policy Framework. It is therefore recommended that planning permission be 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 approved shall be carried out strictly in accordance with the following plans/drawings: 1019.01; 1019.02C; DMC-8 24 ED 01; DMC- 24 ED02; and DMC-824 ED 03;
- 3 No development shall take place until details of all external materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 4 No development shall take place until details of all walls, fences and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 5 No development shall take place until details of the existing and proposed levels across the site and relative to adjoining land, together with the finished floor levels of the dwelling hereby approved have been submitted and approved in writing by the Local Planning Authority.
- 6 The development hereby permitted shall not be brought into use until the access, turning space and parking facilities shown on the approved plan have been properly consolidated and surfaced. These areas shall thereafter be retained and kept available for those uses at all times.
- 7 Prior to the first occupation of the dwelling hereby approved the access facilities necessary to serve the site shall be laid out and constructed in accordance with the submitted details with any gates hung so as not to open outwards and the area within 5m of the carriageway edge surfaced in bituminous macadam or other approved material and thereafter similarly maintained
- 8 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 extensions or outbuildings shall be erected without the prior express permission of the Local Planning Authority.
- 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 windows or roof lights other than those expressly authorised by this permission shall be installed or constructed above ground floor ceiling height without the prior express permission of the Local Planning Authority.
- 10 Prior to the commencement of the development hereby approved, details of the form and position of fencing, which shall comply in full with BS5837:2012 Trees in relation to design, demolition & construction - Recommendations, for the protection of those trees, shrubs and natural features not scheduled for removal shall be submitted to and be to the written approval of the Local Planning Authority, and such fencing shall be erected in the positions approved before the development is commenced and thereafter retained until such completion of the development, to the approval of the Local Planning Authority.
- 11 The following work shall not be carried out within the approved protection zone of any tree or hedgerow, except with the consent of the Local Planning Authority:-
  - (i) Levels shall not be raised or lowered in relation to the existing ground level within the approved protection zone of the tree or hedgerow.
  - (ii) No roots shall be cut, trenches dug or soil removed within the approved protection zone of the tree or hedgerow.
  - (iii) No buildings, roads or other engineering operations shall be constructed or carried out within the approved protection zone of the tree or hedgerow.
  - (iv). No fires shall be lit within the approved protection zone or in a position where the flames could extend to within 5 metres of the foliage, branches or trunk of the tree or hedgerow as per the requirements of BS5837:2012 Trees in relation to design, demolition & construction - Recommendations.
  - (v) No vehicles shall be driven over the area within the approved protection zone of the tree or hedgerow.

(vi) No materials or equipment shall be stored within the approved protection zone of the tree or hedgerow as per the requirements of British Standard 5837:2009 'Trees in Relation to Construction'.

**Reasons:**

- 1 To comply with Section 91(1) of the Town and Country Planning Act 1990.
- 2 In the interests of clarity and in order to define the permission.
- 3 To ensure that the external appearance of the development is satisfactory in accordance with the NPPF.
- 4 To provide adequate privacy and an acceptable external appearance in accordance with the NPPF.
- 5 In order to ensure the satisfactory appearance of the development and its relationship to adjoining properties, in accordance with the NPPF.
- 6 To ensure that adequate off street parking is provided and retained, in the interests of highway safety and in accordance with Policy TPT1 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 7 To ensure that adequate off street parking is provided and retained, in the interests of highway safety and in accordance with Policy TPT1 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 8 In order to avoid a cramped form of development and in the interests of securing a good standard of amenity for adjoining occupiers in accordance with the provisions of the NPPF and Policy HOU5 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 9 To safeguard the amenities of residents of adjoining properties in accordance with the provisions of the NPPF and Policy HOU5 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 10 To safeguard the integrity of the root system of the protected tree and in accordance with the NPPF.
- 11 To safeguard the integrity of the root system of the protected tree and in accordance with the NPPF.

**Notes:**

**1 Statement of Positive and Proactive Engagement**

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

16/01306/FUL

30 Bramley Road, Milton, Tewkesbury

7

Valid 25.11.2016

Grid Ref 389890 233500

Parish Tewkesbury

Ward Tewkesbury Town With  
Milton

Two storey side extension and single storey rear extension alterations.

Mr & Mrs Matthew Fitch

30 Bramley Road  
Milton  
Tewkesbury  
Gloucestershire  
GL20 8AQ

## **RECOMMENDATION Permit**

### **Policies and Constraints**

National Planning Policy Framework

Planning Practice Guidance

Tewkesbury Borough Local Plan to 2011 - March 2006 - Policy HOU8

Joint Core Strategy (Submission Version) November 2014

### **Consultations and Representations**

**Tewkesbury Town Council** - Objection - Concerns over daylight impact on neighbouring property.

**Local residents** - No representations received.

**Planning Officers Comments:** Mr James Lloyd

### **1.0 Application Site**

1.1 This application relates to 30 Bramley Road, a semi-detached brick property with a part-rendered front elevation. The property is located within an established residential estate of similar dwellings (see attached site location plan).

### **2.0 Planning History**

2.1 71/04764/FUL - Extension to existing dwelling house to provide a new kitchen - Permitted 1971

### **3.0 Current Application**

3.1 The current application is for the erection of a two storey side extension, with single storey front element & the erection of a single storey rear extension (see attached plans).

3.2 The proposed two storey side extension would project approximately 2.5 metres from the side of the building extending 8.8 metres to the rear. A single storey extension is proposed to the rear of the property that would replace the existing single storey extension. This extension would project approximately 2.8 metres into the rear garden and would span the width of the house and proposed rear extension.

3.3 Both extensions are proposed to be constructed with materials to match the existing building.

### **4.0 Policy Context**

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

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

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

## 5.0 Analysis

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

### *Design & visual impact*

5.2 The proposed two-storey side extension would not result in a disproportionate addition to the existing property. The proposed side extension would have a pitched roof to replicate the pitch of the existing property and the materials are also proposed to match. The extension would be set slightly forward from the original building line, to provide access into a store, whilst this not ideal in design terms it is considered acceptable and not at odds with properties within the street scene that have benefited from similar extensions. Taking into account the size and design of the existing property the proposed extension is considered to be of an appropriate form and design and would be in-keeping with the surrounding development.

5.3 The proposed single-storey rear extension would replace an existing flat roof extension and would be constructed with a mono-pitch roof. This extension would be located to the rear of the property, largely screened from views to the rear and side of the site by existing boundary treatments.

5.4 Both extensions are proposed to be constructed from materials that match the existing dwelling.

5.5 Overall, it is considered that the proposed extensions would be of a suitable size and design and would not be out of character or proportion with the existing dwelling.

### *Residential Amenity*

5.6 The Town Council have objected to the proposal on the grounds that the proposed two storey side extension would have a daylight impact on neighbouring property.

5.7 With regards to residential amenity, the side extension would run close to the party boundary with number 28 Bramley Road. There are three existing windows to the side (ground floor level) of number 28 which serve an inner porch, staircase and downstairs window; these windows are all obscure glazed. Whilst there may be a loss of light to these windows, it is considered that given the nature of the rooms they serve, any loss of light would not be so detrimental as to warrant a refusal. Furthermore, the stairs and inner hallway are also served by another window on the front elevation (landing). The proposal would therefore have an acceptable impact upon neighbouring property.

5.8 No windows are proposed in the side elevation of the two-storey extension and therefore no overlooking would occur to the neighbouring property. The neighbouring properties to the rear which front onto Stanton Road are in excess of 25 m from the existing dwelling, so there would be no loss of privacy.

5.9 With the above in mind, it is considered that there would not be a significant loss of residential amenity in terms of loss of light and overbearing impact to no.28 Bramley road and consequently it is not considered that there would be an undue impact upon their amenity in accordance with Policy HOU8.

## 6.0 Conclusion

6.1 Whilst the Town Councils comments have been taken into account, it is considered that the proposal would not result in an unacceptable loss of residential amenity to neighbouring dwellings, would be of an acceptable size and design and there would not be a harmful impact on the surrounding area. The proposal would therefore accord with the NPPF and Policy HOU8 of the Local Plan and is recommended for permission 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 details within the application form and approved plans/drawings Nos. 2016/1201/101, 2016/1201/102, 2016/1201/103, 2016/1201/104, 2016/1201/201 received by the Local Planning Authority on 18th November 2016
- 3 The external materials of the proposed extensions shall match as near as possible the materials of the existing dwelling house.

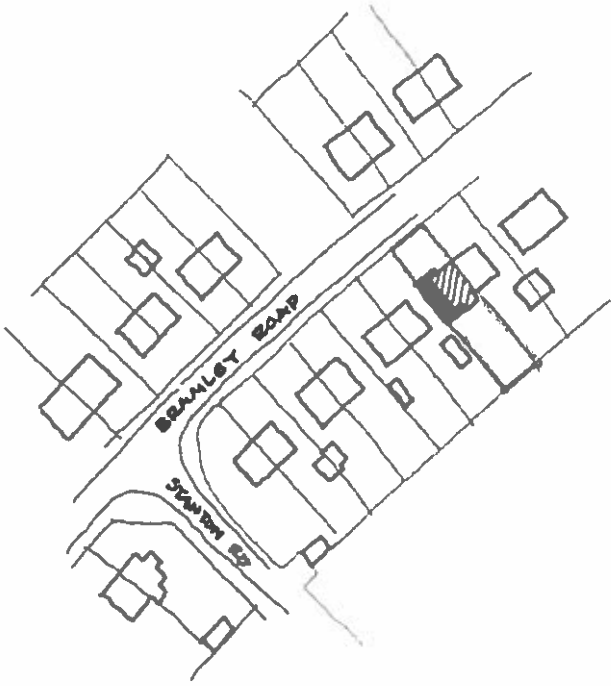
### **Reasons:**

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

### **Notes:**

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

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



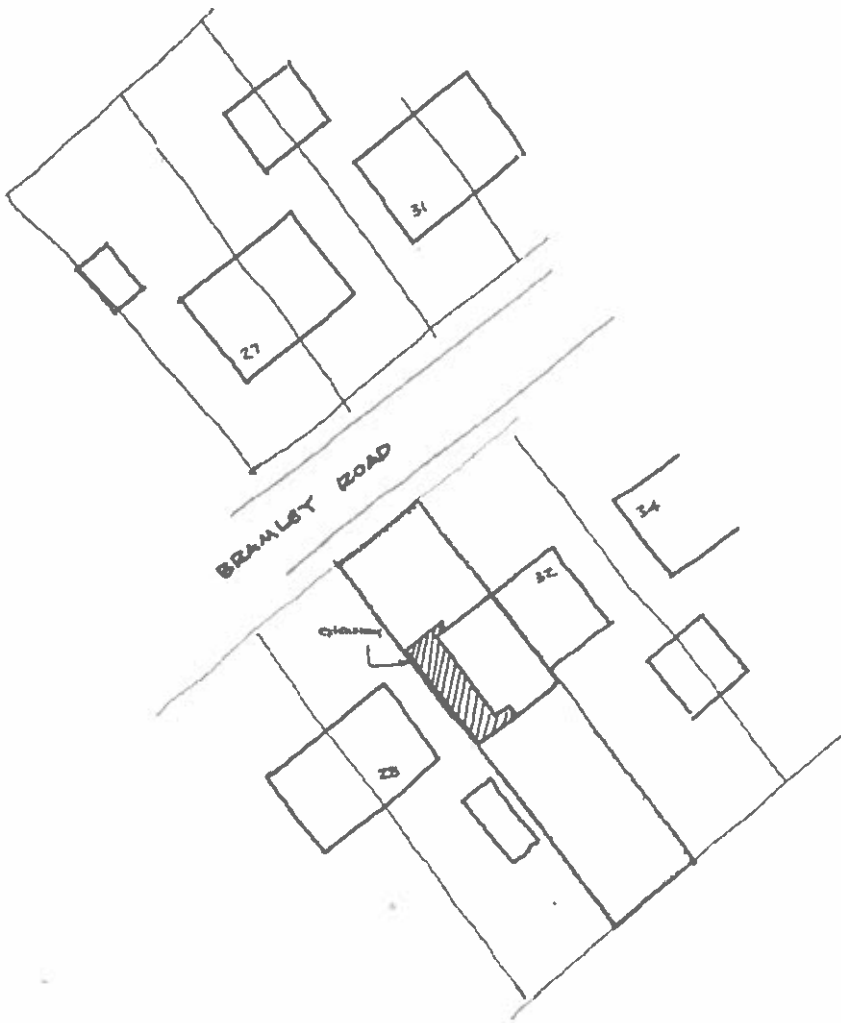
LOCATION PLAN  
1:1250 @ A4

**30 BRAMLEY ROAD  
MITTON  
TEWKESBURY  
GL20 8AQ**

**PROPOSED ALTERATIONS  
AND EXTENTIONS**

**SITE AND LOCATION PLANS**

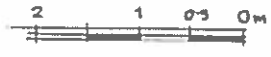
**DRAWING NO 2016/1201/201  
SCALE 1:500 1:1250 @ A4  
NOVEMBER 2016**



SITE PLAN 1:500 @ A4

663/A

16/01306/FUL



REAR ELEVATION



FRONT ELEVATION

30 BRAMLEY ROAD  
MITTON  
TEWKESBURY  
GL20 8AQ

SURVEY AS EXISTING  
FRONT AND REAR ELEVATIONS

DRAWING NO 2016/1201/03  
SCALE 1:50 @ A3  
NOVEMBER 2016

663/B

16/01306/FUL



REAR ELEVATION



FRONT ELEVATION

RECEIVED  
18 NOV 2016  
TEWKESBURY BOROUGH COUNCIL  
30 BRAMLEY ROAD

MITTON  
TEWKESBURY  
GL20 8AQ

PROPOSED ALTERATIONS  
AND EXTENTIONS

FRONT AND REAR ELEVATIONS

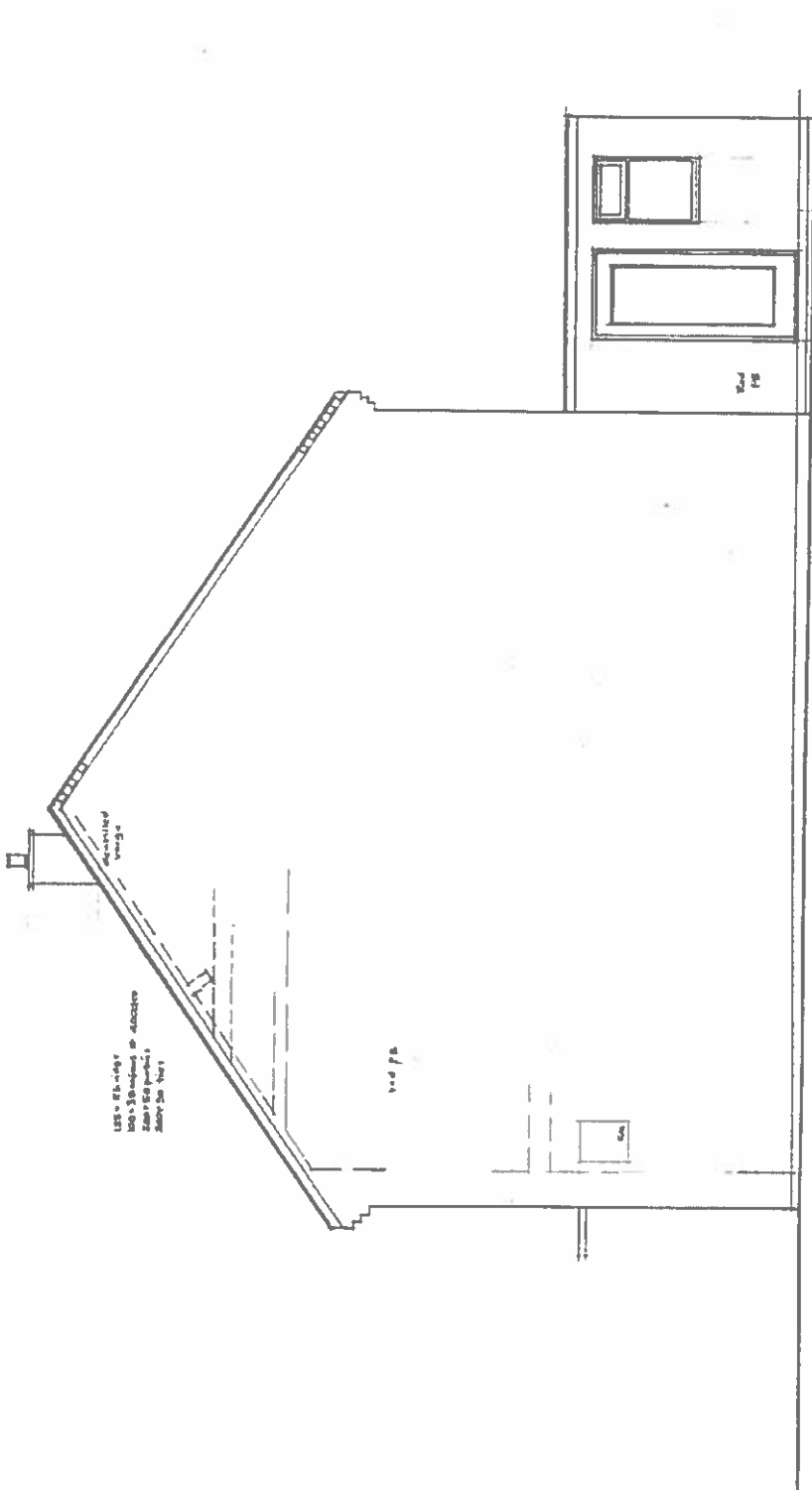
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NOVEMBER 2016

663/C

16/01306/SUL

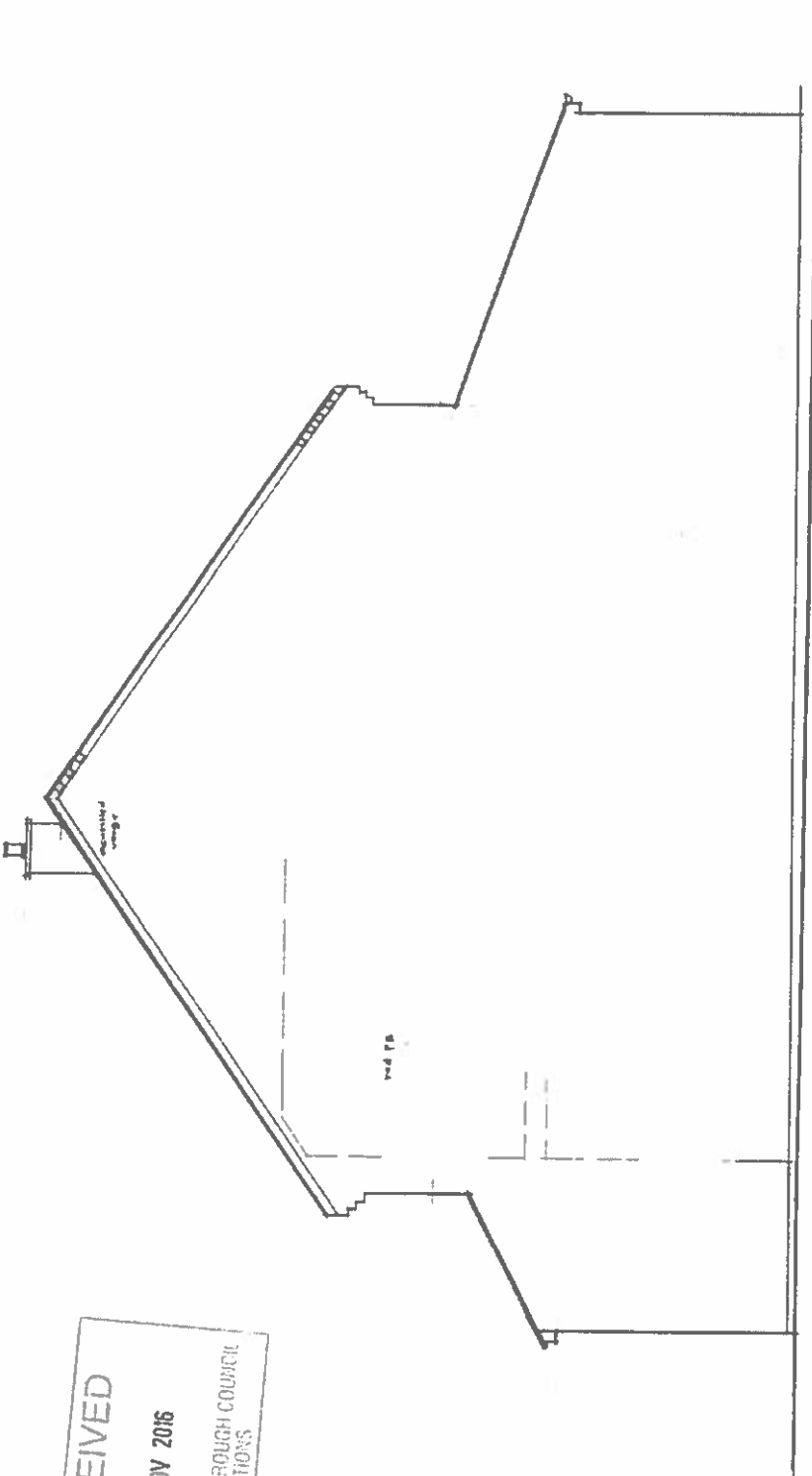


30 BRAMLEY ROAD  
 MITTON  
 TEWKESBURY  
 GL20 8AQ  
 SURVEY AS EXISTING  
 SIDE ELEVATION  
 DRAWING NO 2016/1201/04  
 SCALE 1:50 @ A3  
 NOVEMBER 2016



663/0

1610A306/FUL



30 BRAMLEY ROAD  
MITTON  
TEWKESBURY  
GL20 8AQ  
PROPOSED ALTERATIONS  
AND EXTENTIONS  
SIDE ELEVATION  
DRAWING NO 20161201104  
SCALE 1:50 @ A3  
NOVEMBER 2016

RECEIVED  
18 NOV 2016  
TEWKESBURY BOROUGH COUNCIL  
OPERATIONS

663/E

16/00324/FUL

1 Swilgate Road, Tewkesbury,

8

Valid 10.11.2016

Redevelopment of existing dwelling and car park to provide 9No. apartments

Grid Ref 389249 232559

Parish Tewkesbury

Ward Tewkesbury Town With  
Mitton

JJH (Building Developments) Ltd

And Caudle International Trading  
C/o Agent

## RECOMMENDATION Delegated Permit

### Policies and Constraints

#### NPPF

Planning Practice Guidance;

Tewkesbury Borough Local Plan to 2011 (March 2006) - Policies TY6, TPT1, HEN2, HOU5 and EVT5

The Joint Core Strategy (JCS) Submission Version November 1014

Flood and Water Management Supplementary Planning Document

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

The First Protocol, Article 1 (Protection of Property)

Flood Zone 2

Tewkesbury Conservation Area

Adjacent to Listed Building - Avonbrook House (Grade II Listed).

### Consultations and Representations

**Tewkesbury Town Council** - No objection.

**Conservation Officer** - The present scheme has made a conscious effort to analyse and understand the area's characteristics and to reflect them in its language, massing and materials, but without falling into the trap of historicist pastiche. This approach is considered to fulfil the objectives for modern development in sensitive historic contexts, in line with national conservation guidance and the provisions of the NPPF.

**Urban Design Officer** - No objection. There is a clear design rationale, the scale, character and appearance of this proposed block is considered appropriate for the area.

**Flood Risk Management Officer** - On balance no objection subject to planning conditions to reduce the risk to people in times of flood.

**Environment Agency** - No objection subject to conditions. It has been demonstrated that the significant flood risk at this location could be mitigated for in terms of the built development. However concern raised at the increase in the number of residential units and thus intensification of a more vulnerable use on a site impacted upon by flooding, and including an area of functional floodplain.

**Historic England** - The amended designs to be a marked improvement. Having raised concerns regarding the lack of response to the surrounding context - in particular the evident historic burgage plot layout - the submitted elevations and Design and Access Statement display an interesting, contemporary acknowledgment of this form. We welcome the design enhancements, notably the articulated southern elevation broken up through the use of 4 gabled bays each stepped slightly apart from its neighbour.

**Tewkesbury Civic Society** - Recommend refusal. Welcome the redesign however question whether previous reasons for refusal have been addressed. Previous objection on the basic grounds of site over-development remain.

**County Highways** - No objection subject to conditions.

**County Archaeologist** - No objection.

There have been no written objections to the application from members of the public.

**Planning Officers Comments:** Mr Paul Skelton

## 1.0 Application Site

1.1 The application site overlooks playing fields and is located within the main Tewkesbury Town Centre, within the Conservation Area. It is rectangular in shape and extends to approximately 0.1 hectares. The site fronts onto Swilgate Road and comprises a detached residential property, No 1 Swilgate Road, a hard surfaced private parking area and part of the rear garden that formerly belonged to No 18 Church Street. The surrounding area is predominantly residential with areas of commercial development mixed in. The properties to the west consist of the former and now vacant magistrates courts and former Abbey school (Avonbrook House), which is Grade II listed (**See attached location plan**) which is under redevelopment and refurbishment under the development known as Abbey Gardens.

1.2 The site also lies within the flood plain of the River Swilgate. Properties to the rear of the site, which front onto Church Street are listed. The site is mainly enclosed by high brick walls on three sides (north, east and west). To the south where the site fronts onto Swilgate Road, the property is set back from the road and has a small terraced garden area; wooden fencing has been erected to enclose the parking area to the west.

## 2.0 Planning History

2.1 Planning application reference 11/00585/FUL (for 12 dwellings) was refused and subsequently dismissed on appeal in January 2013.

2.2 Planning application reference 15/01271/FUL for the redevelopment of the existing dwelling and car park to provide 9 No. apartments was refused by the Planning Committee on 16.02.2016 for the reason that the proposal did not represent sustainable development given that it had not been adequately demonstrated that there are no sequentially preferable sites reasonably available for the proposed development within sites of lower flood risk probability (i.e. Flood Zone 1); and that there would be an increased risk to residents and emergency personnel as a result of the location of the site within an area susceptible to flooding.

## 3.0 Current Application

3.1 The current application originally proposed the same scheme as had been refused in 2016. Following detailed negotiations with officers the scheme now proposes 9 apartments with parking provision. The development would be of a more contemporary design than previously proposed.

3.2 The application is supported by a Design and Access Statement (DAS), Heritage Statement, Flood Risk Assessment and Biodiversity Survey

3.3 The submitted DAS sets out that the *"...amended design is based on breaking the historic footprint down to the original 5 burgage plots across the rear of the site. This allows 4 narrow building forms and a new site access to the West which reflects the open space of the adjacent gardens and forms a large opening in the street frontage. The Eastern boundary is then closer to the adjacent more recent residential development and this proximity forms an alleyway typical of this part of Tewkesbury. The layout of the buildings to the street frontage allows the parking to be located at the rear of the site maintaining both the front building line and the openness to the heart of the site. The built form is then animated in plan with a variety of building lines to reflect the historical form of this type of development. This also serves to break down the impact of the development on the street view. The vertical scale then comprises of 2 full storeys with the top floor being rooms in the roof to maintain the scale in line with the adjacent properties."*

3.4 The proposed design takes a contemporary approach with vertical fenestration and limited eaves overhangs, a linking feature band which forms balcony bases, projecting eaves and vertical separation which serves to tie the elevation together. The feature band would be clad in a metal finish. The design also includes a brickwork plinth with a mix of brickwork and timber cladding.

## 4.0 Analysis

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



### *Principle of development*

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

### *Design and Impact on heritage assets (setting of listed building / conservation area)*

4.3 Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 requires Authorities to have special regard to the desirability of preserving any listed building or its setting or any features of architectural or historic interest which it processes. Section 72 of the Act also requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. This duty is reflected in the NPPF and Policy HEN2 of the local plan.

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

4.5 Whilst the previous application was considered to be acceptable in design terms and would not in officer's view have an unacceptable impact on the setting of the various local heritage assets, it was not considered to be inspiring and attracted objection from the Civic Society and Historic England. The current scheme is however considered to be a considerable improvement on the previous proposals which would make a positive contribution to the character and appearance of the area. The Conservation Officer (CO) comments that, in accordance with national guidance, the assessment of an asset's significance and its relationship to its setting will usually suggest the forms of development that might be appropriate. In his view the current scheme has used the very strong grain of the burgage plots as a design generator, so whilst the proposed building remains a single block, its massing is broken up to suggest a sequence of parallel linear ranges, reflecting the historic plot boundaries, and the street elevation has a vertical emphasis for the same reason. The CO considers that this elevation is further modelled as a series of planes and projections to avoid any monolithic quality, and the effectiveness of this technique is especially apparent in the 3D streetscene simulations (**these will be displayed at Committee**). Within this framework, the building's language and detailing are unashamedly modern, but it uses a palette of traditional materials to establish continuity with its context.

4.6 The CO concludes that, the present scheme has made a conscious effort to analyse and understand the area's characteristics and to reflect them in its language, massing and materials, but without falling into the trap of historicist pastiche. This approach is considered to fulfil the objectives for modern development in sensitive historic contexts, in line with national conservation guidance and the provisions of the NPPF.

4.7 Both the Civic Society and Historic England have welcomed the improved design which it is considered would enhance the conservation area and would not harm the setting of neighbouring listed buildings. Whilst the previous scheme was not refused on design grounds, the significantly improved design of the current proposal is considered to be an additional benefit which weighs in favour of the scheme in the overall planning balance.

### *The relationship to the amenities of occupiers of neighbouring properties*

4.8 The previous scheme did not give rise to any concerns in respect of the living conditions of neighbouring property. However the revised schemes moved the proposed development closer to the neighbouring property to the east, known as Cricketer's View. Whilst the proposed development does not extend as far back into the plot as the previous scheme (on which no amenity objection was raised), it is higher and, as set out above would be closer to Cricketer's View. Following submission of the amended scheme therefore, concerns were raised with the applicant in respect of the potential loss of light and overbearing impact on Cricketer's View.

4.9 In response to these concerns the applicant's agent submitted a sun-path analysis (SPA) which extracted various times throughout the day roughly between the two equinoxes. The SPA did not include winter months - the agent advises that this is because people do not tend to use their gardens in the winter and the sun is low, so relatively tight town centre locations like this are lucky to benefit from sunlight anyway. The agent also notes that there is a tall wall marking the boundary of the garden to Cricketer's View that would impact on shading in the winter.

4.10 The agent considered it was only correct to use the two main extremes of when people start using their gardens in March, and when they probably start to finish using their gardens in the Autumn. The SPA also generated the sun-path analysis for the summer solstice to give an impression for the best case scenario in between the two equinoxes. Although the agent noted there is no objective measure in relation to whether or not a proposal is 'oppressive' or 'overbearing' he considers that access to sunlight and daylight is in many ways linked to that feeling.

4.11 It is accepted that the SPA indicates that there would be no undue loss of sunlight to the garden of Cricketer's View. Whilst it is accepted that this is in some ways linked to the sense of overbearing impact, it is by no means determinative. Officers do consider that the relationship between the proposed development and the garden of Cricketer's View would result in some overbearing impact and thus have a negative effect on the living conditions of its occupiers. This is a matter which weighs against the proposal in the overall planning balance.

#### *Flood Risk*

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

4.13 In order to direct development away from areas at highest risk of flooding, the NPPF includes a 'sequential test' for assessing applications for new development, which aims to steer new development to Flood Zone 1. Where there are no reasonable available sites in Flood Zone 1, decision makers should take into account the flood risk vulnerability of land uses and consider reasonably available sites in Flood Zone 2, applying the Exception Test if required. For the exceptions test to be passed, wider sustainability benefits must be demonstrated which outweigh flood risk and a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

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

4.15 The proposed development would be located within Flood Zone 2 (FZ2) (medium risk of fluvial flooding (between 1 in 100 and 1 in 1000 annual probability of fluvial flooding) and a Flood Risk Assessment (FRA) and Sequential Test have been submitted.

4.16 The Sequential Test does not require sites to be comparable and does not limit the test to land which the applicant has an interest in. It seeks to demonstrate that there are no reasonably alternative sites appropriate for the proposed development in areas within a lower probability of flooding. The applicants sequential test report considers potential alternative sites identified in the Council's current Strategic Housing Land Availability Assessment and whilst some of these sites lie wholly or partly within Flood Zone 1 (at a lower risk of flooding) these are ruled out principally on the grounds that the applicant does not have an interest in the land.

4.17 The Sequential Test to be applied under the NPPF does not require sites to be comparable and does not limit the test to land which the applicant has an interest in. As set out above, the sequential test seeks to demonstrate that there are no reasonably alternative sites appropriate for the proposed development in areas within a lower probability of flooding, however the applicants own evidence clearly identifies that such sites exist. It is therefore not considered that the sequential test is passed in this case. On that basis the exception test does not apply.

4.18 In terms of flood risk the FRA has been supplemented by an addendum which reflects the amended design. The addendum notes that the access road has been moved from the centre of the site to the left boundary, with the car park area remaining at the rear of the site. Pedestrian access into the property is from the rear. The pathway at this location would be slightly elevated above the car park at a minimum level of 13.0mAOD to ensure it would remain dry during even extreme (1 in 1000 annual probability) flood events. This raised pathway would also provide access to the pedestrian access route through to Church Street which leads from the rear right corner of the site (as indicated on Figure 1). The threshold level of the property is proposed to be at 13.4mAOD (600mm above the design 1 in 100 annual probability event flood level with consideration of climate change of 12.8mAOD) consistent with the previous design.

4.19 The FRA advises that the primary existing flood risk to the site comes from fluvial flooding of the River Swilgate and back water from the River Severn. The site is located within Flood Zone 2 indicating a medium probability of flooding; however the site has historically flooded to a level of approximately 12.8mAOD affecting the front section of the site and making a safe access and egress along Swilgate Road during these events unviable. The 2007 flood event also caused flooding on Church Street. Other sources of flooding are not deemed to pose a significant risk of flooding to the site. In terms of post Development Flood Risk, the FRA has determined that the flood risks within the development site can be managed within acceptable levels and that the development would not increase flood risk elsewhere. The addendum updates the FRA in respect of the flood water compensation storage and surface water management strategy both of which are accepted and the The Flood Risk Management Officer (FRMO) welcomes the small increase in flood compensation volume which represents a betterment in flood risk terms.

4.20 The FRA acknowledges that it is unlikely to be possible to maintain safe vehicular and pedestrian access and egress to the site along Swilgate Road at times of flood, but it is stated that residents would be able to remain dry and safe within their property. The pedestrian route to Church Street from the rear of the site would still provide safe access to the centre of Tewkesbury.

4.21 When considering this issue at the previous appeal, the Inspector noted that the pedestrian access route from the rear of the site giving access to Church Street was at a point where historically, flooding has been to a depth of 210mm. He concluded that *"...anyone requiring emergency medical help and associated evacuation by ambulance during a flood event would be placed at considerable risk, as would the emergency services personnel...Increasing the number of dwellings on the site from one detached dwelling to 12 two-bedroom apartments would represent a marked increase in risk at times of flooding."* This position still applies in this case although it is noted that the current proposal is reduced to 9 dwellings from the 12 considered by the Inspector.

4.22 The FRMO has considered the addendum FRA and is not convinced about the flood levels on Church Street provided by the applicant, particularly having regard to the revised climate change levels published by the EA in February 2016. Nevertheless, it is accepted that this application has been subject of lengthy dialogue and on balance, the FRMO raises no objection subject to a requirement that occupants subscribe to the Environment Agency Flood Warnings service, so that advance warning of potential flooding is received and appropriate and proportionate action is taken. In addition, as well as all future occupiers being provided with a Flood Management Plan (including detailed evacuation procedures which are to be triggered early enough so as people would not have to wade through deep flood water), clear and concise warning signs and evacuation routes to a safe location in the event of flooding should be permanently displayed for public information and safety.

4.23 In light of the above, the sequential test is not passed and as such there is conflict with the NPPF and local plan policy. This is a matter which weighs against the proposal in the overall planning balance. There would be a residual risk to the safety of occupiers of the proposed dwellings as the access as the application cannot demonstrate that a safe access or exit route is a route for use by occupiers without the intervention of the emergency services or others, however in light of the FRMOs comments above, this is, on balance, capable of being addressed by suitable planning conditions.

#### *The impact of the development on highway safety*

4.24 As stated above, the proposals are located in the Town Centre and close to public transport. Swilgate Road is a narrow road and therefore traffic is naturally slowed by the nature of the road. The proposals indicate adequate visibility splays and considering the site's location an appropriate level of car parking. The proposals also include cycle parking and show the bin enclosures which would be easily accessible to waste collection whilst not being dominant to the street scene.

4.25 County Highways raised no objection to the original scheme subject to conditions relating to access; visibility splays and parking provision. No response has been received to date on the amended scheme and an update will be provided at Committee.

## 5.0 Overall Planning balance and Conclusion

5.1 The economic, social and environmental roles for the planning system, which derive from the three dimensions to sustainable development in the Framework, require that a balancing exercise be performed to weigh the benefits of the proposed development against their disadvantages.

### *Benefits*

5.2 The site lies close to the centre of Tewkesbury and within policy area TY6 where a mix of uses including small scale residential development is supported. In terms of proximity to retail and other local services and facilities the site is a sustainable location. The proposal would also result in the provision of 9 additional dwellings which has positive weight in economic and social terms. The improved design of the proposal would enhance the Conservation Area and would not result in any harm to the setting of nearby listed buildings. In flood risk terms the proposal would result in a small betterment in terms of flood compensation volume. These are all factors which weigh in favour of the proposal.

### *Harms*

5.3 The development is located within Flood Zone 2 and it is not considered that the sequential test is passed. This is a clear conflict with the NPPF and local planning policy.

5.4 There would also be harm to the living conditions of the occupiers of the neighbouring property in that the garden would be subject to a degree of overbearing impact.

### *Neutral*

5.5 Whilst there would be an increased risk to residents and emergency personnel as a result of the location of the site within an area susceptible to flooding, on balance it is accepted that this is capable of being addressed by suitably worded planning conditions.

### *Conclusion*

5.6 The benefits of the scheme are significant, particularly having regard to the improved design over and above the previous applications which would have a beneficial impact on the qualities of the conservation area. Whilst the harms arising in respect of flood risk due to the failure to pass the sequential test are considerable, on balance, it is considered that the benefits arising from the scheme would outweigh this harm and the harm to the living conditions of the neighbouring property. On balance therefore, it is recommended that **Permission is delegated to the Development Manager subject to the comments of the County Highways Officer and to add/amend conditions as appropriate.**

## **RECOMMENDATION Delegated Permit**

### Conditions:

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 Building operations shall not be commenced until samples of the 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.
- 3 Before work starts, the design and details of all external joinery shall be submitted to and approved in writing by the Local Planning Authority. Drawings shall be submitted to a minimum scale of 1:5 with full size moulding cross section profiles. The works shall be carried out in accordance with the approved details.
- 4 Flood warning notices shall be erected in numbers, positions (including the car park area) and with wording all which shall first be approved in writing by the Local Planning Authority. The notices shall be kept legible and clear of obstruction for the lifetime of the development.

- 5 Floor levels should be set at least 600mm above the current modelled 1 in 100 flood level (including an allowance for climate change) of 12.80 metres above Ordnance Datum.
- 6 No development approved by this permission shall be occupied until the scheme for compensatory flood storage works, as set out on drawing CIV\_001/P1 (dated: 12/11/15), has been completed.
- 7 All future occupiers of the dwellings hereby permitted shall subscribe to the Environment Agency Flood Warnings service (or any service replacing that service) for the duration of their occupation of the dwelling.
- 8 All future occupiers of the dwellings hereby permitted shall be provided with a Flood Management Plan which shall first be submitted to and approved in writing by the Local Planning Authority. The Flood Management Plan shall include, but not be limited to a detailed evacuation procedure with appropriate triggers.
- 9 The proposed development shall be carried out in strict accordance with details of existing and proposed levels which have first been submitted to and 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 To ensure that the external appearance of the proposed development will respect the character of the conservation area and adjoining buildings (including listed buildings) in the interests of visual amenity in accordance with the NPPF.
- 3 To ensure that the external appearance of the proposed development will respect the character of the conservation area and adjoining buildings (including listed buildings) in the interests of visual amenity in accordance with the NPPF.
- 4 To ensure that owners and occupiers of premises are aware of the risk of flooding in accordance the NPPF.
- 5 To protect the development from flooding for its lifetime.
- 6 To alleviate the increased risk of flooding.
- 7 To ensure that occupiers of the proposed dwellings have access to advance warning of potential flooding to allow appropriate and proportionate action to be taken.
- 8 To ensure that occupiers of the proposed dwellings are fully aware of the potential flood risk and to allow appropriate and proportionate action to be taken.
- 9 In the interests of general amenity.

Note:

In accordance with the requirements of the NPPF, the Local Planning Authority has worked with the applicant in a positive and proactive manner in order to seek solutions to overcome the planning objections and the conflict with Development Plan Policy by seeking to negotiate with the applicant to address identified issues of concern and providing on the council's website details of consultation responses and representations received.

New Residential Development  
1 Swilgate Road, Tewkesbury



670/A

Existing Site Plan

coombes - eventit architects limited

Unit No.1, The Old Dairy  
Rushley Lane  
Witchcombe  
Gloucestershire  
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t 01242 807727 f 0845 575433  
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- Preliminary
- Feasibility
- Planning
- Building Regulations
- Tender
- Construction Issue
- As Built

1. This drawing and content is subject to its conditions, which include liability.  
2. Do not scale drawings. All dimensions are to be taken as they apply to construction and any  
approximations are to be taken as such.



Drawing title: Site Location and Existing Block Plan

Client: JKH Building Developments  
Drawn by: RCM Checked by: [blank]  
Job number: 11620020

Project: 1 Swilgate Road  
Tewkesbury

Scale: 1:200 / 1:1250 @ A1  
Date: 20.07.2016  
Draw no: PL001



Site Location Plan  
@ 1:1250

Valid 24.07.2015

Outline planning application for the redevelopment of Bentham Country Club to include the erection of 39 dwellings, associated parking, public open space, landscaping and associated works.

Grid Ref 391260 216302

Parish Badgeworth

Ward Badgeworth

Mr Terry Hopley  
C/O Agent

## RECOMMENDATION Refuse

### Policies and Constraints

#### NPPF

#### Planning Practice Guidance

Tewkesbury Borough Local Plan to 2011 - March 2006 - GNL2, GNL8, GNL11, GNL15, GRB1, HOU1, HOU4, HOU13, EMP5, TPT1, TPT3, TPT5, TPT6, EVT1, EVT3, EVT5, EVT9, LND7, RCN1, RCN2 and NCN5

Joint Core Strategy - submission version November 2014 - SD1, SD4, SD5, SD6, SD8, SD9, SD10, SD11, SD13, SD15, INF1, INF3, INF5 and INF8

Affordable Housing Supplementary Planning Guidance

Flood and Water Management SPD

AONB Management Plan

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

The First Protocol, Article 1 (Protection of Property)

The Community Infrastructure Levy Regulations - 2010

Town and County Planning (Trees) (Amendment) (England) Regulations 2008

British Standard BS5837:2005 - Trees in Relation to Construction

British Standard BS7445:1991 'Description and Management of Environmental Noise'

Green Belt

Cotswolds AONB

Grade II listed St. Peter's Church

Public Right Of Way (PROW)

### Consultations and Representations

**Badgeworth Parish Council** - Have submitted a 7 page objection to proposal. In summary, the Parish Council strongly objects to this application for the following reasons:

- The application proposals constitute inappropriate development in the Green Belt and there are no very special circumstances established which would outweigh the harm to the Green Belt functions arising from the development.
- The existing buildings on this site are temporary structures. The site is therefore not brownfield land on which redevelopment might be considered appropriate. The full weight of Green Belt policy therefore applies.
- The site is within an isolated rural area lying within the Cotswold AONB which enjoys the highest status of policy protection in relation to landscape and scenic beauty. The serious harm that would be caused by the proposals to the setting of the escarpment which is protected by AONB policy both in NPPF and in Local Plans makes the proposals unacceptable and any benefits, if indeed any apply, are far outweighed by the serious harm caused.
- Bentham is a village devoid of services. It has no primary or secondary services and the new development would not benefit from sustainable transport. The development is therefore not sustainable, contrary to what is asserted, and represents an isolated development in a rural area wholly dependent on the private car.

- The removal of the sports and recreational facilities provided by the Bentham Country Club contravenes policies laid down in NPPF relating to the retention of existing sports facilities (para.74). This existing facility clearly meets NPPF requirement (para.28) to support leisure developments that benefit business in rural areas. No alternative provision is specified clearly as part of the application proposals so that the redevelopment of the site would mean the total loss of an important sports facility of both strategic and local importance, a matter of objection for Sport England.
- The development would result in an increase of almost 75% in the number of dwellings in Bentham if the recently approved Bentham Works development, situated opposite is taken into account. The two sites are so close that they must be considered as one development. Such an increase in housing in the rural community of Bentham would constitute a major development and irretrievably alter the nature and character of this small hamlet which sits within the protection of the Green Belt and AONB.
- Bentham lane is a single-track, winding country lane with no pavement which meets the busy A46 Shurdington Rd at a partially-sighted junction. Neither Bentham Lane, nor its junction with the A46, is suitable for any additional traffic flow so does not provide safe and suitable access (NPPF paras. 17 and 32)
- Local public opinion is almost totally united against the proposed development.
- Agree with the concerns expressed by the Council's Environmental Health Officer in respect to the proximity to the poultry units. Despite the submission by the applicant quoting case law and referring to the subjectiveness of measuring odour levels, the Parish Council considers that the Borough Council cannot ignore the advice of an Environmental Health Officer who concludes 'that permitting houses to be built in such close proximity to an intensive chicken unit is not sustainable development'.

**Highways Agency** - No objection.

**County Highways Authority** - No objection subject to conditions.

**County Council** - No objections subject to contributions towards Education and Libraries.

**County Archaeology** - No objections.

**Natural England** - No objection, subject to the potential impact on the Cotswold Beechwood Special Area of Conservation being mitigated.

**Borough Environmental Health** - Object on the ground that insufficient information has been submitted to demonstrate there would not be an issue resulting from odour from the adjacent Poultry Buildings.

**Borough Housing Enabling Officer** - No objection, subject to the completion of a Section 106 Agreement to secure affordable housing.

**Severn Trent Water** - No objection, subject to SuDS condition.

**Cotswold Conservation Board** - Object for the following reasons:

- The Board does note the previously developed nature of the site. However, this proposal will essentially result in a new housing estate of 40 dwellings in the countryside of the nationally protected AONB (and Green Belt) in an unsustainable location unrelated to any existing settlement and will result in a negative urbanising change of character. The Board therefore does not consider this form of development to be compliant with the requirements of the NPPF.

**National Farmers Union** - Object to the proposal for the following reasons:

- The NFUs role is to promote agricultural development and help to sustain the rural economy and to improve the nation's food security. Farming therefore needs to be protected from development which will inhibit its ability to grow to meet our current and future needs.
- The owner of the adjacent Chicken sheds who is a member of the NFU has contacted us to express his concern that allowing the creation of dwellings on this site would threaten the farm's ability to sustain and grow the business.
- The farmer's business is well established and successful and makes an important contribution to the local economy and employs 21 people.
- We have a number of members who have struggled to grow their business when they have had recent housing developments or new residential occupants move into close proximity, and then subsequently object as a matter of principle to any residential development.

**Local Representations** - 45 letters of objection have also been received from local residents. The reasons for objection are summarised below:

- Permission has already been granted for 49 houses on the brownfield site in Bentham Lane. A further development of this size would bring a disproportionate number of dwellings to greenbelt land and an Area of Outstanding Natural Beauty. Would create a satellite village.
- Bentham is not listed as a settlement area or service village within the Joint Core Strategy.



- Each case must be considered on its own merits. Just because approval was given to redevelop the brown field factory site does not lessen the case to be made for redeveloping the domes site. Quite the contrary as the cumulative impact would exacerbate the impacts.
- The Bentham Factory site is an eyesore and is becoming in a dangerous state quite different to the Bentham Country Club which provides football/tennis/netball. The community fought for many years to get the density of housing on the Bentham Factory Site reduced from 101 to 40 odd.
- Would set a precedent for further land such as Galtec to come forward.
- 100 additional dwellings in this location is completely inappropriate. 2011 Census states that the village comprises 131 houses. Including the Bentham Factory site would be 68% increase in the size of the village.
- There is no infrastructure to support it: Schools (both Brockworth and Shurdington Primary Schools are 2 miles away); GP Surgeries (Abbotswood Surgery is already overstretched and Bentham is outside the Leckhampton area) No Shop or Post Office, the nearest being Brockworth or Shurdington.
- The loss of Bentham Country Club would be a significant loss of sporting facility for the area: the Council should be supporting exercise and fitness in the community.
- 75 teams (600 users) use the netball facilities on a weekly basis at the moment
- Roads - Bentham Lane is narrow with squeeze by places and a ridiculous derestricted speed limit bounded by ancient hedgerows; the junction with the A46 is not adequate for additional traffic, being at the top of a slow rise with inadequate view of approaching traffic; the A46 is already struggling during rush hours.
- There is also a shortage of employment land in the JCS area.
- There is a steady volume of walkers, cyclists, horse riders and joggers who use these lanes to enjoy the countryside. With the huge increase in traffic there is obvious potential for accidents.
- The roads are narrow with no passing places, footpaths / verges or street lighting. Therefore will be a danger to users.
- There is no public transport in the area and no facilities in walking distance;
- The proposal is within 100m of a chicken shed and would not be conducive to building houses next door to it. There is a well-known scenario of town dwellers coming to live in the country and then complaining of country noise and smells, making it difficult to run a business.
- Although this would bring new people that would rejuvenate the village, 40 dwellings seems excessive.
- Need to assess the impact on local doctors surgeries and schools, particularly as 1500 new dwellings have been permitted at Brockworth.
- The square footage of the Domes is 70%-80% greater than the hatchery buildings they replace. It would appear the current proposal square footage would increase yet again.
- My son regularly plays football in the Domes and it is used for childrens parties. What will replace these facilities?

66 letters have also been received from users of the netball facility supporting the application for the following reasons:

- Support the latest revised plans which include a replacement sports dome at Millbrook Academy. However, acceptability depends on: -

Developers contributions and commuted sums for an alternative facility at Millbrook Academy;

- 1) There is a planning condition that the proposed Community Use Agreement in association with the replacement facility at Millbrook Academy be written into the plan so that Gloucestershire County Netball Association and affiliated netball clubs are given priority booking status for the site for use during after school hours and weekends.
  - 2) That the new dome planning application should go hand in hand with the house building plans at the same time.
  - 3) The build of the new dome at Millbrook Academy should take place after the first house is built with the use of section 106 monies in order to fulfil the urgency required by the netball community.
- Netball is growing at a staggering rate. To lose our facilities without replacement would be detrimental to the counties netball fraternity.
  - Millbrook Academy would provide a superb indoor netball facility and is ideally placed as a central venue for Gloucestershire clubs.
  - Much needed for the Gloucestershire area due to the planned closure of Bentham. The need for this venue, for netball in particular, is huge and we should not be going backwards with the support of grassroots level sport.
  - We need more places for sport; netball needs support.

- As Head of PE at Millbrook Academy I see this proposal as a positive means of promoting netball not only within school, but across the city. With a venue that can support local schools to home a higher degree of competition, and with local and regional leagues able to access the facility, we can only grow netball at its best from grassroots right the way through to fun leagues.

**Galtec Ltd** - A letter of support has been received from Galtec Ltd, owners of a site to the south-west of the application site.

- The letter expresses support for the principle of redevelopment of the application site for residential purposes, but considers that a more comprehensive redevelopment involving the application and the Galtec land - when considered with the consented residential scheme on the Bentham international site, would facilitate a comprehensive, connected and visually attractive form of development at Bentham. It would also act as a focal point or village centre, linking together additional sites and creating a real sense of place.
- It is also commented that the application has been submitted in outline form and it is considered questionable whether the material submitted with the application gives the Authority the necessary comfort to conclude that the development would have a lesser impact on the Green Belt and Cotswolds AONB than the extant development.
- It is further noted that the applicants have provided volumetric calculations relating to the footprint, volume and height of the existing and proposed development. These indicate that the proposed development would lead to a decrease in all three. If this is crucial to the success of the scheme we would suggest that these measurements, together with a firm commitment to providing the highest quality building materials, should be fixed by way of planning condition should the Council resolve to grant permission

**Planning Officers Comments:** Mr John Hinett

## **1.0 Application Site**

1.1 The application site is the 'Bentham Country Club' with an overall area of approximately 2.4 hectares. The facility currently comprises indoor and outdoor sports and leisure facilities, including a clubhouse and two white domes that house indoor sports pitches. The domes are 12m and 10m high respectively. The site boundaries consist of mature trees and hedgerows.

1.2 Bentham Lane runs along the north-eastern boundary. A large building (Galtec Limited) is located to south-eastern boundary and open fields to the north-western boundary. Two large active poultry buildings are located immediately beyond the south-western boundary.

1.3 There is an existing point of access from Bentham Lane, which connects to Shurdington Road to the north, and Little Witcombe and Brockworth to the south.

1.4 The site is situated within the Cotswold Area of Outstanding Natural Beauty (AONB) and the Green Belt. The site is not covered by any historic designations and there are no listed buildings on or abutting the site, although the Grade II listed St Peter's church is nearby.

1.5 Existing Public Rights of Way cross the site (FP57 and 58) and connect to the footpath network in the vicinity.

## **2.0 Planning History**

2.1 In 1990, outline permission was granted for the erection of a building for indoor bowls and 28 hotel bedrooms with ancillary facilities (Reference: 90T/3347/02/01).

2.2 Planning applications 98/00364/FUL and 99/00708/FUL applications were submitted in 1998 and 1999 to vary the conditions of the above planning permission to allow other indoor sports uses in the bowls dome, namely tennis, bowls, indoor football hockey and netball as well as additional parking.

2.3 An application was submitted in 2003 for the demolition of the Bentham Works, together with the Bentham County Club to provide a total of 83 dwellings (Reference: 03/1445/0833/FUL). The application was refused on the basis of conflict with a series of planning policies relating to the Green Belt, Area of Outstanding Natural Beauty (AONB) and the location of the site. An appeal was subsequently submitted, but was withdrawn prior to determination.

2.4 A further application for the demolition of the Bentham Works and Bentham Domes was submitted in 2004 for 101 dwellings and approximately 607sqm of B1 office development with associated public open space and infrastructure (Reference: 04/1445/0559/FUL). An appeal was submitted against the non-determination of the application; however, this appeal was subsequently dismissed. Whilst the Secretary of State highlighted the removal of the domes would be beneficial to the AONB, it was concluded that the proposal represented inappropriate development in the Green Belt, very special circumstances could not be demonstrated.

2.5 Whilst not at the application site, in April 2014 application 13/00794/FUL was permitted for the demolition of existing buildings and the redevelopment of the Bentham Works site to provide 49 dwellings with associated public open space, play area and access.

### **3.0 Current Application**

3.1 The current proposal seeks outline planning permission for the demolition of the existing domes and other buildings and redevelopment of the site to provide up to 40 new dwellings with associated vehicular access, associated landscaping and Public Open Space. The application proposes that the layout, scale and access be determined at this stage, with appearance and landscaping reserved for future consideration. The main vehicular access serving the residential development would be via the existing point of access off Bentham Lane

3.2 The Design and Access Statement states that the properties would comprise primarily 2 storey with many single storey garages and parking barns which would adopt a 'barn like aesthetic' **see proposed layout.**

3.3 The applicant has offered to provide 40% affordable housing (or 16 units) by a combination of on-site and off-site provision comprising the following mix:

- 8 intermediate affordable houses to be provided on site comprised of 6 x 2 bed houses and 2 x 3 bed houses.
- A commuted sum for 8 social rented affordable houses.

### **4.0 The Community Infrastructure Levy Regulations - 2010**

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.

### **5.0 Policy Context**

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.

5.2 Other material policy considerations include National Planning Guidance contained within the National Planning Policy Framework (NPPF), and the emerging Cheltenham, Tewkesbury and Gloucester Joint Core Strategy. Paragraph 215 of the NPPF provides that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given).

5.3 The application site lies outside any established residential development 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 must be considered out of date in the context of the NPPF.

5.4 Local Plan Policy GRB1 (Green Belts) provides that the construction of new dwellings is inappropriate development in the Green Belt.

5.5 Policy EMP5 of the Local Plan relates to existing employment uses outside settlements, allocated sites and rural business centres. It states that proposals for the change of use or redevelopment of existing employment sites in rural areas will be encouraged where they reduce the adverse environmental impact caused by the existing use on the amenity of users of the surrounding land. Proposals which create or exacerbate adverse environmental impact will be resisted.

#### *Emerging Joint Core Strategy*

5.6 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.

5.7 The Submission version of the Joint Core Strategy (November 2014) is the latest version of the document and sets out the preferred strategy over the period of 2011-2031. This document, inter alia, sets out the preferred strategy to help meet the identified level of need. Policy SP2 of the Submission JCS sets out the overall level of development and approach to its distribution. The policy states that to support their economic roles as the principle providers of jobs, services and housing, and in the interests of prompting sustainable transport, development will be focused at Gloucester and Cheltenham, including urban extensions to those settlements. Approximately 8,565 new homes are to be provided within Tewkesbury Borough - to be met through Strategic Allocations and through smaller scale development meeting local needs at Tewkesbury town in accordance with its role as a 'Market Town'. A certain quantum of housing is also to be provided at the 'Rural Service Centres' and 'service villages' identified in the JCS.

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 The JCS was submitted to the Secretary of State on 20 November 2014. Its Examination in Public commenced in May 2015 and is still ongoing. The plan is however at an advanced stage of examination with the Inspector publishing her interim report in May 2016. Whilst the emerging plan is now at an 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 considered having regard to the criteria set out above. Relevant JCS policies and the weight that can be attributed to them will be considered in the appropriate sections of this report.

#### **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. Where local authorities cannot demonstrate a five year supply of deliverable housing sites, paragraph 49 of the NPPF sets out that housing policies contained within development plans should not be considered up-to-date. Paragraph 49 also states that housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 14 sets out that, for decision taking, the presumption in favour of sustainable development 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 permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted.

Footnote 9 clarifies that such restricted development included inappropriate forms of development within the Green Belt and major development within AONB, unless there are exceptional circumstances that outweigh any harm caused.

5.13 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.

5.14 As set out above, the Council cannot currently demonstrate a five-year supply of deliverable housing sites. On that basis, the Council's relevant policies for the supply of housing are out-of-date. In accordance with paragraph 14 of the NPPF (subject to the stipulations at footnote 9), the presumption in favour of sustainable development therefore applies and permission should be granted unless there are any adverse impacts of doing so which would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole.

#### *Conclusions on the principle of residential development*

5.15 In view of the above, 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, unless there are specific policies that indicate development should be restricted - as set out in footnote 9 of paragraph 14 of the NPPF. These matters are considered further below.

## **6.0 Principle of Development**

6.1 The main planning issues to be considered in this application are whether the proposal constitutes inappropriate development in the Green Belt; whether there are exceptional circumstances to warrant the granting of major development in the Cotswolds AONB; the loss of the existing Sports Facilities; and the overall sustainability of the proposal, having regard to the benefit of providing housing development balanced against the relatively inaccessible location of the site.

## *Green Belt*

6.2 Local Plan Policy GRB1 (Green Belts) reflects the advice contained within the now superseded national policy PPG2, which defined the construction of new dwellings as inappropriate development in Green Belts. This was one of the key reasons behind previous refusals of planning permission for new housing development on this site over the last 10 years. Previous Planning Inspectors determined that, although the development would have been on previously developed land, such development would have resulted in inappropriate development in the Green Belt, which would have been detrimental to its form and function in this location. In addition, past Inspectors determined that replacing the existing industrial units on the site would effectively replace one type of inappropriate development with another, which would not have constituted the very special circumstances required to justify the granting of inappropriate development.

6.3 However, the NPPF takes a different approach to previous policy guidance. While the NPPF continues to presume against inappropriate development that would compromise the open character of the Green Belt, it allows for the partial or complete redevelopment of previously developed sites (brownfield land), which would not have a greater impact on the openness of the Green Belt than the existing development (paragraph 89). As such, Policy GRB1 is considered to be out-of-date in this regard, insofar as it does not allow for the redevelopment of previously developed sites for housing development that would not have a greater impact on the openness of the Green Belt than present uses. This represents a significant change in planning policy context since the determination of previous housing appeals on this site and the redevelopment of sites within the Green Belt can be appropriate providing that such development does not have a materially greater impact on the openness.

6.4 The applicants supporting statement sets out that the existing structures on site (Domes and Club House) have a footprint of 5,460sq.m and a volume of 54,070 cubic metres. The proposed replacement development would have a combined footprint of 3,510sq.m and a volume of 19,640 cubic metres. In terms of heights, the Domes are 10m and 12m in height, with the Club House measuring 4m. The DAS sets the ridge heights of the dwellings ranging from 7.8m to 8.7m - with garage heights limited to 3.6m. The applicant argues that the footprint, volume and height of the proposed scheme would be significantly reduced over the existing development thereby demonstrating that it would have a lesser impact on the openness and would therefore comprise appropriate development in the Green Belt.

6.5 Whilst footprint, volume and height are relevant to the consideration of openness, the general location of existing buildings and their coverage of the site are also important. The footprint of the domes and associated clubhouse do not cover the entire site. Whilst there is a car park and tennis courts on site, these uses, by their nature, have a lesser impact on the openness of the Green Belt than buildings. By contrast the proposed development would encompass most of the site which has the potential to be more harmful to the openness of the Green Belt.

6.6 The Councils Landscape advisor considered the issue of 'openness' in his consultation response concluding that whilst the proposed housing would result in the loss of openness in some part of the site, the existing dome structures are conspicuous and uncharacteristic features that dominate the site and its immediate surroundings - particularly from elevated positions on the Cotswolds Escarpment. Their replacement with lower, less conspicuous structures, albeit over a wider area, would therefore not increase the perception of development on the site - subject to the proposed landscaping around and within the scheme that would help to mitigate the visual impact. In order to ensure planting within the scheme would be retained, a revised layout has been submitted which now proposes to incorporate and supplement tree planting with the site in areas of public open space - as well as in rear back gardens (although it is acknowledged that post-development little control can be exerted over trees in back gardens). It is considered that the proposal could deliver substantial tree cover within the development that would help to mitigate the perception of openness, and subject to a condition requiring the implementation of an approved landscaping scheme and a mechanism to secure adequate maintenance of the Open Space via a Section 106 Legal Agreement, on balance it is concluded that there would be a neutral impact on the openness of the Green Belt. Conditions would also be required to ensure appropriate non-reflective roof materials. Subject to the above, it is concluded that the proposal would comprise appropriate development in the Green Belt in the context of current guidance in the NPPF.

6.7 Notwithstanding the above, it is the case that the acceptability of the current proposal is to a large extent dependent on the existing facilities being replaced by new facilities of a similar size and scale. The current proposal is that these replacement facilities would be located at the Millbrook Academy in Brockworth, which is also a Green Belt location. The proposal for the replacement facilities would themselves comprise inappropriate development. Whilst it may be possible to demonstrate very special circumstances to justify the harm by reason of inappropriateness, together with an associated loss of openness, it would nevertheless be a harm attributable to the current proposal that would weigh against the development.

#### *Impact on the Cotswolds AONB*

6.8 Paragraph 115 of the NPPF states that great weight should be given to conserving landscape and scenic beauty in AONB's, which have the highest status of protection in relation to landscape and scenic beauty. Paragraph 116 provides that Planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest.

6.9 Policy DTP (1-7) of the AONB Management Plan requires planning decision-making processes to have regard to the statutory AONB Management Plan, and Position Statements, Landscape Strategies and Guidance and sets out a number of criteria developments must satisfy, setting out that it must: be compatible with the distinctive character of the location; incorporate designs and landscaping consistent with the above, respecting the local settlement pattern and building style; be designed to respect local building styles and materials, and respect tranquillity and 'dark skies'. It also encourages sustainable design and patterns of development, reducing dependence on car travel and emphasises that development should support the local economy. The Board's Position Statement 'Housing and Development' reflects these criteria.

6.10 Policy SD8 of the emerging Joint Core Strategy states that all development proposals in adjacent to or within the setting of the Cotswolds AONB will be required to conserve and, where appropriate, enhance its landscape, scenic beauty, wildlife, cultural heritage and other special qualities. Proposals will be required to be consistent with the policies set out in the Cotswolds AONB Management Plan.

#### *Whether Major development within AONB*

6.11 Planning Practice Guidance (PPG) states: "*Whether a proposed development in these designated areas should be treated as a major development, to which the policy in paragraph 116 of the Framework applies, will be a matter for the relevant decision taker, taking into account the proposal in question and the local context.*" Appeal Decisions have also demonstrated that whether a proposal is major is not simply a matter of numbers, but is a judgement that must be based upon the merits of each case, and matters of scale, character and the context of the location are relevant factors to consider. The application site is located in a relatively remote and isolated location some distance from the main cluster of dwellings. Although planning permission for 49 dwellings has been granted on the Bentham International site across the road, it is considered that in the context of the surrounding development, it would be considered major development.

#### *Impact on the AONB*

6.12 Natural England (NE) comment that whilst the site is already developed this does not necessarily mean that a housing in this location would be appropriate and consideration should be given as to whether the proposal impacts significantly on the special qualities of the Cotswolds AONB and the aims and objective of the AONB Management Plan. NE recommends seeking the advice of the AONB Conservation Board.

6.13 The Cotswolds Conservation Board notes the previously developed nature of the site. However, the Board consider the proposal would essentially result in a new housing estate of 40 dwellings in the countryside of the nationally protected AONB (and Green Belt) in an unsustainable location unrelated to any existing settlement and would result in a negative urbanising change of character. The Board therefore does not consider this form of development to be compliant with the requirements of the NPPF.

6.14 The applicants DAS states that the existing site consists of a number of relatively large-scale buildings and "blocks" of land uses. According to the DAS the site is currently 53% open grass, 24% open hardstandings (car parking and courts) and 23% buildings (the Clubhouse and two large inflated structures). The equivalent figures for the proposed development are found in the Planning Statement, which suggests at Page 30 that the total building footprint will reduce to 15% (from 23% of the 2.4Ha site).

6.15 The applicants' Landscape and Visual Impact Appraisal (LVIA) argues that the existing domes have a detracting and harmful impact on the AONB due to their mass, height and white contrasting colour. The LVIA considers that once completed the landscape strategy would break up views from the elevated locations and the muted roof colours and varying roof line would help assimilate the development into the visible landscape pattern. The LVIA concludes that the housing would appear out of character or scale with the dispersed settlements experienced within the views and overall the proposals are considered an appropriate reuse of the site and would have a beneficial impact on the current landscape value, character and views.

6.16 The Council's Landscape Adviser (LA) notes that whilst the relative proportion of built form across the site would be reduced, the proposed development (buildings, open space and gardens, drives and roadways) would be far more fragmented and uniformly distributed across the site than can be observed on the site currently. Whilst this might reduce openness to some extent, the LA considers it would provide the opportunity to remove some conspicuous and incongruous large structures that currently dominate the site and it would also reduce the quantum of built development on the site in terms of footprint and volume. Combined with the retention of effective screening to the edges of the development (poultry sheds and hedges) and effective tree planting within the proposed layout, the proposed development could result in a reduced perception of development from the immediate surroundings. From elevated vantage points within the AONB, the loss of prominent and incongruous structures on the site, combined with effective tree cover within the layout, the scale of development proposed and muted appropriate roof finishes could result in a reduction in the perception of development in views. In terms of landscape character, the expansion of the built footprint across the site and the domestic scale of the development in contrast to the large built blocks of poultry sheds and the Country Club would lead to a somewhat "suburban" local character at odds with its immediate surroundings and somewhat isolated.

6.17 It is clear from the Landscape Adviser's comments that although the proposal would result in the loss of the existing Domes (which themselves are very conspicuous and harmful to the AONB) they would be replaced by a different and very suburban character of development in a rural area that would be harmful in a different way. It is material however, that the redevelopment of the Bentham International site will create a very different context to the immediate surroundings and the proposed residential development would be seen within the context of an already 'suburbanised' setting. The proposal would not therefore be seen as introducing a new isolated block of residential development into an otherwise rural setting. All these matters taken into consideration, it is concluded that a reserved matters application that followed the general layout, landscape strategy and parameters described on the illustrative layout and in the supporting DAS, could be capable of delivering a scheme that could conserve the landscape and scenic beauty in AONB in this location.

6.18 Notwithstanding these conclusions, paragraph 116 of the NPPF states that planning permission should be refused for major developments in the AONB except in exceptional circumstances and where it can be demonstrated they are in the public interest. In terms of the criteria in set out paragraph 116 of the NPPF, the proposal would contribute towards overcoming the shortfall in the housing land supply; a key Government objective. Although there are sites in the emerging Joint Core Strategy outside the AONB that could accommodate housing, this must be balanced against one of the NPPFs core principles that encourage the effective use of land by reusing land that has been previously developed provided that it is not of high environmental value. This matter is considered further in the planning balance.

6.19 However, and as set out above, the acceptability of the current proposal is dependent on the existing facilities being replaced by new facilities of a similar size and scale. The applicant's current proposals are for a replacement dome that would be white in colour at the Millbrook Academy. The Academy is outside the AONB but would be visible from a number of locations outside the site and therefore would have a harmful landscape impact that must be considered to weigh against the current proposal.



## 7.0 Loss of Facilities

7.1 The NPPF states that to deliver the social, recreational and cultural facilities and services the community needs, planning decisions should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs. Of particular relevance is paragraph 74 of the NPPF which states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

7.2 The Planning Practice Guidance states that authorities and developers may refer to Sport England's guidance on how to assess the need for sports and recreation facilities.

7.3 The applicant sets out in the Planning Statement that that football is the primary use (48% of the total turnover), with netball comprising a 21% share. Other uses of the facilities include: Tennis/Skating/Model Club and Children's Sports parties. Rooms are also hired out and there is a food and bar facility. It is commented that footballers that currently use Bentham Country Club tend to be from a very wide catchment area and there are therefore alternative facilities in the local area that could be used by those who currently use Bentham Country Club for football. In respect of netball, the club is the base for Gloucestershire County Netball. However, the applicants consider that the users currently travel from all over Gloucestershire and alternative facilities could be provided in alternative locations across Gloucestershire. As such, the applicant considers that the loss of the existing sporting facility could be compensated by contributions towards existing facilities elsewhere would be acceptable and would satisfy the requirements of paragraph 74 of the NPPF regarding the loss of sporting facilities.

7.4 Sport England (SE) originally objected to the application proposal and considered that the applicants Planning Statement had failed to undertake a robust and up-to-date assessment of needs in accordance with paragraph 73 of the NPPF or following a recognised methodology such as that contained in guidance published by Sport England. SE concluded therefore that it had not been clearly demonstrated that the existing facility is surplus to requirements. Objections were also received from Netball England.

7.5 In response to these concerns the applicant commissioned a further survey which, in summary, concludes that the existing domes are showing significant signs of dilapidation and will require replacement in the short to medium term. The survey suggests that the demand for the indoor football pitches has declined significantly over the recent past and that alternative nearby venues exist that have sufficient spare capacity to absorb the remaining users, meaning that it is now surplus to requirements. With regard to indoor netball facilities the survey recognises that the demand for indoor facilities in the County is undeniably high and replacement with a high-quality alternative venue is required to ensure consistency with the NPPF. It is commented further that the uncertainty with regard to the future of the existing facilities has led to some netball team looking for other venues which has had negative consequences for the current facilities.

7.6 The report therefore proposes replacement facilities at the Millbrook Academy Campus (Brockworth Sports Centre - BSC) which was identified as the preferred new location for the facility following a weighted evaluation process that considered a range of factors including: the drive time from BSC; existing management arrangements; and the availability of an appropriate area within the site. The existing facility is a dual-use community sports facility comprising a range of facilities and has sufficient changing room capacity to support additional use. The report suggests additional investment would comprise:

- A resurfaced extended court area, measuring 77x x 40m. The gradient and slip resistance would meet the requirements for netball and tennis.
- A double-skin inflatable dome with steel cable net; equipped with lighting, back-up generator, emergency exit & heating.
- Additional parking for 20 cars.

7.7 The new facility would be capable of supporting use at Category 2 or Club level, which the report suggests would represent an improvement on the existing netball facilities at BSC. The budget cost for the above would be £472,141.20. Provision would also be made for long-term maintenance through a Commuted Maintenance Sum of £125,250. It is anticipated that the new dome would be managed under the auspices of Brockworth Sports Centre. In common with the existing facilities the courts would be available at evenings and weekends and at selected times during the day, with extended access during the school holidays. Access would be required to be secured by a Community Use Agreement. The report includes an income and expenditure forecast which indicates that the new facility would make a positive revenue contribution to Brockworth Sports Centre. The report concludes that the proposed replacement facilities would result in the proposal being compliant with the requirements of the NPPF.

7.8 Sport England have assessed the revised details and agree that the football use can reasonably be accommodated on other sites. With regard to Netball facilities SE agree that due to the shortage of venues in the County, it is important that the dome is replaced on another site and it is agreed that Brockworth Sports Centre is the most appropriate location for the relocated facilities. It is also considered that likely costs (including the commuted sums) are sound and reasonable. Sport England confirm therefore that in principle, the redevelopment of the Bentham Country Club is acceptable providing the replacement netball facilities at Brockworth Sports Centre are operational first together with the maintenance fund being place. However, it is stipulated that there must be a legal mechanism in place to secure the delivery of the replacement facilities before they would remove their objection to the development. They further suggest that it would be good practice to withdraw the current planning application and then resubmit a new one along with the replacement facilities to avoid any confusion/doubt.

7.9 Whilst it has therefore been demonstrated that replacement facilities could be provided at Millbrook (which could be secured via a legal agreement), that site is in the Green Belt and there is no planning permission in place for those replacement facilities at this time. Therefore only limited weight can be attributed to the applicant's proposal for those replacement facilities at this time.

## 8.0 Accessibility

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

8.2 It has been established through previous planning applications and appeal decisions that the site is fairly remotely located, being some distance from the nearest significant urban area of Brockworth and from the regular bus services that operate along Shurdington Road and Ermin Street. Furthermore, Bentham is not identified as a Service Village in the emerging JCS. On this basis the site could be considered to be inaccessible and unsustainable from a transportation point of view, in that future occupiers would be largely reliant on the use of the private car. However, the applicant's trip generation assessment concludes that although there would be a slight increase in vehicle trips during the peak hours on a daily basis the associated net vehicle trips would be less with the redevelopment proposals, compared to the extant use. The forecast increase in traffic numbers during the peak hours (approximately one additional vehicle every three minutes in the busiest peak hour) are not considered to be significant in real terms.

8.3 As such, the lawful use of the site is considered to represent a valid fall-back position in terms of considering accessibility and sustainability from a transportation point of view.

8.4 It is also material that a single AM and PM peak hour bespoke bus service was agreed as part of section 106 Agreement for the Bentham Factory site residential redevelopment scheme (04/1445/0559/FUL). In addition to this the permitted development included a proposal for a bus shelter for this service along Bentham Lane. The County Highways Authority confirm that the financial contributions for the bus service and bus shelter have been paid and that the bus service is in the process of being commissioned. The contribution would be provided over a period of three years, after which time the operator will determine whether or not the service can continue to run without any developer funding, which will largely depend upon the success of the service and the take up by residents.

8.5 It is the case that residents of the current proposal would be able to use this service once running and would potentially add to its viability and increase its likely continuance post the 3 year funding period would at least ensure that "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", in accordance with paragraph 32 of the NPPF. The development also proposes to provide a footway from the access point along the west side of Bentham Lane to join with the existing footway on the west side of the junction with Dog Lane that would provide the opportunity for future residents to walk to the surrounding area and facilities.

8.6 Therefore, whilst in reality it is likely that residents of the proposed development would be reliant upon the car for most journeys, in the context of the NPPF, overall the remote location of the application site would be insufficient grounds alone to refuse the application. However, the site's rural and remote location is a matter that weighs against the proposal in the planning balance.

## **9.0 Scale of Development and Social Impacts**

9.1 Objections have been received from local residents on the basis that Bentham is not a named service village in the emerging service village. It is pointed out that village comprises 131 houses (based on the 2011 census) and that when considered in conjunction with the permitted dwellings on the Bentham International site there would be an increase of 68% in the size of the village, which residents consider would be disproportionate, particularly in view of the lack of facilities.

9.2 Recent appeal decisions have demonstrated that substantially increasing the number of dwellings in a settlement without proportionate increases in infrastructure, employment opportunities and other local services can risk eroding community cohesion.

9.3 It is the case that the redevelopment of the Bentham Factory site itself represented a substantial increase in the size of the village (approximately 38%). Although Bentham has a Church and Community Hall (located in Witcombe) it lacks other facilities and residents generally have to access services and facilities outside the immediate area. It would therefore be difficult to argue that new residents would put a strain on Bentham's services and facilities. Furthermore, Bentham itself is not a nucleated settlement, with its dwellings dispersed along its roads. The application site is relatively remote from the existing dwellings (see location plan) and it would similarly be difficult to make a case that the development would detrimentally impact on those residents - particularly in view of the extant use of the Domes.

9.4 However, it is also the case that the Bentham Factory application made a contribution towards refurbishment of the Bentham and Witcombe Village Hall which was a direct benefit to the local community. As is discussed below, no such contribution is offered with the current application and this is a matter that weighs against the proposal.

## **10.0 Highway Safety**

10.1 Policy TPT1 of the Local Plan highlights that development will be permitted where provision is made for safe and convenient access and where there is an appropriate level of public transport service and infrastructure available. The resulting development should also not adversely affect the traffic generation, safety and satisfactory operation of the highway network. Paragraph 32 of the NPPF also requires safe and suitable access to be achieved but states that development should only be prevented or refused on transport grounds where the cumulative impacts of development are 'severe'.

10.2 A Transport Assessment (TA) has been submitted with the application which considers the following key transport issues:

- (i) the accessibility of the scheme by non-car travel; and
- (ii) quantification of the likely traffic impact associated with the proposed development.

Trip forecasts carried out as part of the TA suggest that the proposals would be associated with fewer daily vehicle trips compared to the existing land use on the site. The TA therefore concludes that the proposed development could be accommodated without detriment to the operational capacity or safety of the local highway network and that the impact of the development would not be 'severe' in the context of the NPPF and that there are no valid highway or transportation reasons which should prevent the proposed redevelopment of the site.

10.3 Highways England (HE) have no objections to the proposal.

10.4 The County Highways Authority (CHA) notes that the existing access has been used for the existing facility use for a number of years without incident and comment that only minor changes to it would be required to provide for improved pedestrian facilities. It has also been demonstrated that a refuse vehicle could safely access the development to serve the proposed dwellings. In terms of vehicle movements it is confirmed that overall across the day the proposed development would generate 297 fewer vehicle trips than the existing use of the site. Due to the different travel characteristics of the types of use the network peaks see a modest increase in vehicle movements at these times amounting to an additional 21 vehicle movements in the morning peak hour and 15 additional movements in the evening peak hour. The CHA consider that these increases are modest and would not materially impact on the operation of the local network. Local concerns regarding the junction of Bentham Lane and Shurdington Road are noted. However, in view of the relatively small increase in traffic during the network peak hours and the overall reduction in movements across the day, the CHA have no concerns. It is also commented that traffic would be likely to favour Cirencester Road for access to the primary and strategic road network.

10.5 Vehicle tracking has been provided for the revised layout to demonstrate that the internal site layout could provide for a large refuse vehicle to serve the dwellings without unduly impacting on other vehicles. The overall car parking ratio for the development is 2.5 spaces per dwelling which compares favourably with the local car ownership data from the 2011. In addition 9 visitor parking spaces would be provided off-carriageway. The County Highways Authority therefore have no objection to the proposal subject to conditions .

10.6 For these reasons, it is considered that the proposal would not have a 'severe' impact on the safety or satisfactory operation of the highway network, and subject to planning conditions, would accord with Development Plan Policy TPT1 and the NPPF.

## **11.0 Design and Layout**

11.1 The NPPF sets out that the Government attaches great importance to the design of the built environment (paragraph 56). One of the 'core principles' of the NPPF is to seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. The requirements of Policy DTP (1-7) of the AONB Management Plan are set out above. The Boards Position Statement similarly requires that developments should integrate well into the historical pattern or character of the settlement. Building style should respect the local tradition. Inappropriate, particularly suburban, styles and materials should be avoided. Where new building is required, it should be to a high standard of design as befits a nationally designated landscape

11.2 The submitted Design and Access Statement (DAS) states that proposal would equate to a density of 16.6 dwellings per hectare, which it considers is reflective of the sites semi-rural location within the AONB. The scheme provides for a mix of dwelling sizes, including a range of 3 and 4 bed properties with each property having allocated private parking (double and single garages or covered parking bays). Properties would comprise primarily 2 storey with many single storey garages and parking barns which would adopt a 'barn like aesthetic', similar to those in the vicinity. The DAS confirms that whilst appearance is a matter for subsequent consideration, the intention is to create the appearance of a rural community strongly influenced by the form and makeup of the surrounding built environment. The materials whilst yet to be determined, would be similar to the local buildings within the Bentham area. Whilst the basis of the proposed development is heavily influenced by its locality and the familiar materials in the district, it is felt that the fine detailing of the scheme would benefit from individual crafting of key elements of each building type to provide some distinction and individualism of its own.

11.3 Although the application has been made in outline form, the layout is being considered at this time and would be fixed through reserved matters. There were a number of concerns relating to the original layout. The proposed layout was considered to be largely inward looking and did not address the existing public right of way (PROW), particularly along the eastern boundary where properties presented their backs to the Bentham Lane and the PROW. Officers considered that properties along this boundary should front onto the road to create active frontage and a positive street scene. It was also considered that properties in the North West corner should be turned to front the PROW or designed to turn the corner. Officers also had concerns that although the applicants DAS contained a lot of information on the intention for the reserved matters to deliver high quality bespoke architecture incorporating high quality materials, only very limited weight could be attributed to this aspiration. This is in contrast to the redevelopment of the Factory site opposite where Officers negotiated a very high quality scheme through a full, detailed application (13/00794/FUL) which was ultimately a persuasive positive contribution in the planning balance.

11.4 The applicant has chosen not to provide a full detailed application but has provided a revised layout which seeks to address Officer concerns. The layout now proposes dwellings that front onto Bentham Lane and PROW to provide a more attractive and active frontage that would reflect the historic pattern of development in the village. As stated above, the revised layout now also incorporates many of the existing trees and hedgerows within areas of public open space where their retention is more probable and which also assists with providing immediate internal landscaping, whilst also helping to limit the visual impact of the proposal from views without the site.

11.5 In light of the above, and in light of the importance of achieving a very high quality of design that would contribute to and conserve the landscape and scenic beauty of the AONB (as required by the AONB Management Plan and Position Statement), whilst a satisfactory layout has been achieved for the proposed development, little weight can be given to the design of the proposal given that design and appearance are reserved matters. The proposal does not therefore adequately demonstrate that any subsequent reserved matters application would achieve the high level of good design required in this very sensitive location in the AONB. This is a matter that weighs significantly against the proposal in the planning balance.

## **12.0 Landscaping and Arboricultural issues**

12.1 British Standard 5837:2005 (Siting of buildings in relation to trees) requires consideration to be given to possible damage to existing trees and their root systems, and potential damage to buildings through root action. In assessing proposals, planning authorities must ensure that retained and proposed landscaping features have adequate space to allow for their future growth. In addition, Policy LND7 of the Local Plan requires high quality landscaping schemes to be provided, which form an integral part of the overall development. The policy encourages the retention of existing landscape features which are worthy of retention.

12.2 Landscaping is a reserved matter and no detailed landscape plans have been submitted. There are a number of mature trees on the site, including mature tree belts along Bentham Lane and site boundaries, and some within the site. These trees and hedges play an important role in defining the rural character of the lane and contribute to the character of the AONB in this location. As stated above, the retention of trees and hedgerows are integral to the design and to mitigate the landscape impact. A Tree Survey and Constraints Plan has been submitted with the application which demonstrates that the trees could be retained and integrated within the layout of the proposal so as to avoid their root protection zones and enhanced with additional planting.

12.3 Subject to conditions requiring a detailed landscape plan, to include measures for the protection of existing trees during construction, it is concluded that proposal is acceptable in terms of Local Plan Policy LND7.

## **13.0 Flood Risk and Drainage**

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

13.2 Policy EVT5 of the Local Plan requires that certain developments within Flood Zone 1 be accompanied by a flood risk assessment and that developments should not exacerbate or cause flooding problems. Furthermore, Policy EVT9 of the Local Plan requires that development proposals demonstrate provision for the attenuation and treatment of surface water run-off in accordance with sustainable drainage systems (SUDS) criteria. These requirements are reflected in the Council's Flood and Water Management SPD.

13.3 The site is located in Flood Zone 1 (low risk) as defined by the Environment Agency's most up-to-date flood maps, which comprises land assessed as having a less than 1 in 1,000 annual probability of river or sea flooding (0.1%). Such development is considered acceptable in principle, although developments of such scale are required to be accompanied by a detailed Flood Risk Assessment and drainage strategy.

13.4 The submitted Flood Risk Assessment (FRA) notes that there is an Ordinary Watercourse located within the site boundary to the north of the site. Secondary flooding sources were identified within the site, including; groundwater flooding and overland flow flooding. The FRA considers that these sources of flooding could however be mitigated to a low and acceptable level through the adoption of a surface water management strategy. Furthermore, no below ground infrastructure and buildings are proposed for the site. It is recommended that a precautionary approach is taken whereby finished flood levels are located a minimum of +150mm above external levels to mitigate residual flooding and that an 8m easement free from development is provided along the reach of the land drain, which will allow access for observation and maintenance activities.

13.5 The FRA demonstrates that surface water management strategy for the proposed development would manage and reduce the flood risk posed by the surface water runoff from the site. It is anticipated that foul flows from the proposed development will discharge to the existing public foul sewer located to the south-east of the site.

13.6 Severn Trent Water have assessed the proposal and have no objection to the proposal subject to the inclusion of conditions.

13.7 Gloucestershire Lead Local Flood Authority (LLFA) have assessed the submitted FRA and have no objection to the application subject to the addition of a condition requiring the submission of a detailed drainage strategy.

13.8 In view of the above, there is no objection to the application as it would not be at undue risk of flooding or exacerbate flooding problems for third party property. Subject to a detailed drainage scheme based on the principles set out in the FRA and drainage strategy it is considered that the proposal would accord with the NPPF and Policies EVT5 and EVT9 of the Development Plan.

#### **14.0 Affordable Housing**

14.1 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). The purpose of the SPG is to assist the implementation of affordable housing policies contained within the Local Plan and it is a material consideration in the determination of planning applications. Emerging Affordable Housing Policy SD13 of the Submission Version Joint Core Strategy seeks requires 40% affordable housing on development of more than 10 dwellings.

14.2 The applicant has offered to provide 40% affordable housing (or 16 units) by a combination of on-site and off-site provision comprising the following mix:

- 8 intermediate affordable houses to be provided on site comprised of 6 x 2 bed houses and 2 x 3 bed houses.
- A commuted sum for 8 social rented affordable houses equivalent to 6 x 2 bed houses and 2 x 3 bed houses.

14.3 The Council's Strategic Housing and Enabling Officer comments that in view of the site's rural location and the fact that 20 affordable dwellings will be delivered as a result of the Bentham Works application (13/00794/FUL), a financial contribution would help to supply affordable rented housing elsewhere in areas of greater housing need. The Council's housing register for rented affordable housing indicates that family housing is most in demand in our borough. Therefore the financial contribution is proposed to be based on 2-bed and 3-bed dwellings. Using the calculation formulae in the Affordable Housing SPG a contribution of £607,500 is required.

14.4 In terms of on-site affordable housing the SHEO agrees that the proposal for Intermediate Affordable Housing comprising 6x2-bed houses and 2x 3-bed houses is appropriate. There would be a requirement for these units to meet national space standard and that the homes would be seamlessly integrated alongside the open market housing.

14.5 Subject to a Section 106 Agreement requiring the above, the proposal is considered acceptable in this regard.

## **15.0 Open Space, Recreation, Educational and Community Facilities**

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

15.2 The proposal for up to 39 dwellings would generate a requirement for 0.22ha of open space, of which 0.152ha should be playing pitches in accordance with the requirements of Local Plan Policy RCN1 and the Playing Pitch and Outdoor Sports Assessment and Strategy.

15.3 With regards to formal playing pitches and changing facilities, as these are not proposed to be delivered on site, an off-site contribution would be required. Based on Sport England figures, a contribution of £68,810 is required for playing pitches and changing facilities. In addition to sports pitches, demand for other sports facilities has been identified using the Sports Facility Calculator which calculates a contribution totalling £34,863 towards indoor sporting facilities.

15.4 The layout includes a small informal play area comprising approximately 400sq.m which the plans demonstrate could contain a small Locally Equipped Play Area. There are other areas of POS along the PROWS and to the site frontage, but these areas would have little functional value as useable open space and contain trees and SUDs features. The proposal would therefore underprovide for on-site open space.

15.5 The applicant has stated that due to the high cost of the replacement Domes facilities it would not be viable to make further contributions towards open-space or other local facilities. The Council's Community and Economic Development Manager confirms that given the benefits to the wider community for providing replacement facilities, and the likely cost, it would be reasonable to forgo the open space and community contributions which could go instead to the replacement Dome facilities. However, it is the case that the local residents of the Bentham would not benefit directly from the current proposal, in the same way for example that they did for Bentham International application where a financial contribution of £121,165 was agreed to allow the complete refurbishment of the Bentham and Witcombe Village Hall and play area. Indeed, the loss of the existing domes would result in the reduction of facilities (including a Bar) in Bentham itself.

15.6 In terms of the need for other community facilities, NHS England have confirmed that a development of this scale (in the region of 86 residents) is likely to generate additional demand on existing surgeries. Using established NHS England formulas on patient to GP ratio, space and building costs, a contribution of £23,972. This would be paid to the existing practices.

15.7 In terms of education and library provision, the Local Education Authority advises that a development of this size is likely to generate in the region of 2.9 pre-school children 10.68 primary school children and 5.59 secondary pupils based on the most recent demographic data. Gloucestershire County Councils (GGC) assessment as identified no capacity in the pre-school, primary school and secondary school sectors and therefore consider that financial contributions towards those facilities are justified as follows: £38,365 towards Local pre-school places; £141,159 towards Shurdington Primary School; and £112,602 towards Millbrook Academy. A need for extended library services to meet the new demand is also required at a rate of £196 per dwelling (£7,840).

15.8 The applicants accept that the development would give rise to the need for local educational, library and health care provision and have therefore agreed to the above contributions requested by the County Council and NHS. However, as result of the cost of providing replacement facilities, it is the case that other than the provision of on-site affordable housing, there would be no contributions towards facilities in Bentham that would directly benefit its residents. This matter is referred to further in the planning balance.

## **16.0 Noise and Air Quality**

16.1 Local Plan Policy EVT3 sets out that appropriate steps must be taken during construction to reduce levels of noise pollution and planning permission should not be granted for development where noise would cause harm and could not be ameliorated.

16.2 The NPPF provides that the planning system should contribute to and enhance the natural and local environment by, amongst other things, preventing both new and existing development from contributing to or being put at unacceptable risk from air and noise pollution. One of the core planning principles of the NPPF is to ensure a good standard of amenity for all existing and future occupants of land and buildings (paragraph 17 bullet point 4). Paragraph 123 of the NPPF states that planning 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;
- mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;
- recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and

Further guidance is provided in the NPPG.

16.3 A Noise, Air Quality and Odour Assessment has been submitted with the application.

#### *Noise*

16.4 In terms of noise, the assessment notes that the site is set back from the A417 by approximately 80m, and is also screened by the intervening poultry sheds. The Assessment concludes that the dominant noise at all locations remained road traffic noise. The additional noises associated with activities within the yard of the commercial premises were also mainly motor vehicle movements. Even the presence of some audible fan noise close to the poultry sheds was only barely audible over the distant traffic noise and was not sufficient to result in a dominant noise. The noise assessment demonstrates that acceptable external and internal noise levels can be achieved for residents subject to appropriate noise mitigation, which is a matter that can be dealt with by way of planning conditions. The use of passive acoustic ventilators for habitable rooms at the fringes of the development, and for gardens adjacent to the commercial area, the use of 1.8m high close-boarded timber fencing is recommended in order to achieve a noise reduction.

16.5 The Council Environmental Health Officer confirms that the noise report is detailed and comprehensive and confirms that subject to the implementation of the suggested mitigation the proposal would be acceptable in noise terms. Conditions are recommended including a requirement for the submission of a construction management plan.

#### *Odour*

16.6 The application is within close proximity to two poultry buildings that lie along the entirely south-western boundary site boundary, being approximately 6m away at its closest point (see layout plans). The closest dwelling would be located approximately 18m from the poultry buildings, with the majority of the other dwellings along this boundary being within 30m - 35m.

16.7 The applicant's Odour Assessment considers that proximity and on-site assessment undertaken noted that odours were occasionally detected on the site at locations immediately adjacent to the boundary with the poultry sheds. However, these odours were only faint. No odours were detected further into the site at locations where new dwellings would be sited. The Assessment notes that currently full intensive cleaning of the sheds only occurs once a year. During this cleaning when material is brought outside and is exposed to wind effects prior to being contained and exported off-site, odours could be transported across the site but only under south-westerly winds. Therefore, during routine operation of the poultry sheds, odours are not expected to have any significant impact on the neighbouring land to the extent that complaints would arise. Nor would the strength or frequency of odours require any specific mitigation measures, such as a minimum separation distance, to be incorporated in the site layout. Nevertheless, the proposed layout proposes the retention of existing vegetation belt along the site boundary which the Assessment considers would assist with dispersion and dilution of the already weak odour concentrations.

16.8 The Council's EHO has assessed the Odour Assessment and whilst acknowledges that the assessment of odour is one of a subjective nature, notes that the closest proposed house to the poultry units are within 20 metres - with the vast majority of the development within 100 metres. The EHO comments that during a site visit the odour from chickens and chicken manure was quite apparent. The EHO also comments that fly nuisance could also be an issue with dwellings being constructed in such close proximity to poultry buildings. It is commented further that the use of the buildings could change and intensify with, for example, more regular clean outs of the sheds. The EHO is therefore concerned that there would be quite a strong potential for complaints from odour, fly nuisance and perhaps dust and therefore objects to the proposal.



16.9 The existing poultry operation is regulated by the Environment Agency (EA) under the Environmental Permitting Regime. The EA have been consulted and share the EHOs concerns regarding the proximity of the proposed dwellings to the poultry buildings pointing out that Dust/bioaerosols and Noise are also possible issues besides the Odour and Fly nuisance. The EA confirm that they do monitor the site and assess whether adequate dust (including bioaerosols) risk assessments and control measures are in place if a sensitive receptor is situated within 100m of the installation boundary. The EA permit condition covering Odour requires the emissions from the activities to be 'free from odour at levels likely to cause pollution outside the site, as perceived by an authorised officer of the Environment Agency, unless the operator has used appropriate measures, including but not limited to, those specified in any approved odour management plan, to prevent or where that is not practicable to minimise the odour.' However, the EA point out that this does not mean that there will be no odour at any time beyond the site boundary. Furthermore, that the assessments undertaken to-date do not account for the new housing proposed as part of this scheme.

16.10 The applicants are of the opinion that the Environmental Permit should provide sufficient assurance that there would not be any amenity issues arising from the proposal and a further response has been provided from the applicants consultant. However, the Council's advisers do not consider it changes their position and given their opinions stated above, and the very close proximity of proposed dwellings to the poultry units, Officers conclude that there cannot be certainty at this time that the proposal would not result in an unacceptable residential amenity for the occupiers of the proposed dwellings. This is considered to be a matter that weighs significantly against the sustainability of the proposal in the overall planning balance.

#### *Potential impact on the viability of A&A Farms.*

16.11 The NPPF promotes and supports a prosperous rural economy stating at paragraph 28 that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development and that plans should promote the development and diversification of agricultural and other land-based rural businesses.

16.12 It is relevant to the above considerations that an objection has been received from the National Farmers Union (NFU) on behalf of the owner/operator of the Poultry building expressing concern that allowing the creation of dwellings on this site would threaten the farm's ability to sustain and grow the business. The NFU comment that the farmer's business is well established and successful and makes an important contribution to the local economy employing 21 people. The NFU state that they have a number of members who have struggled to grow their business when they have had recent housing developments or new residential occupants move into close proximity, and then subsequently object as a matter of principle to any development on farm.

16.13 Given the concerns expressed by the Council's EHO and the EA relating to potential amenity issues, there is potential that residential redevelopment in close proximity to the poultry enterprise could impact detrimentally on the viability of the farm.

#### *Air Quality (traffic)*

16.14 The applicants Assessment notes that new dwellings would be 120m from the centreline of the A417 which is sufficiently removed from the traffic source to confirm that, after applying appropriate professional judgement, emissions would be much reduced from those adjacent to the road and would be approaching background concentrations. It is also noted that there are existing dwellings closer to the road and there is no AQMA in the location. Therefore the development site would be acceptable for residential development, and no further air quality assessments are required.

16.15 The Council's EHO consider agrees with the conclusion and has no adverse comments in this regard.

### **17.0 Ground Conditions/ Contamination**

17.1 Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by, amongst other things, remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate. Paragraph 121 sets out that planning decisions should also ensure that sites are suitable for new uses taking account of ground conditions resulting from previous uses. Following any necessary mitigation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990.

17.2 Given the previously developed nature of the site, the Council's Environmental Health Officer recommends a precautionary condition requiring an investigation and risk assessment be carried out , together with the provision of any necessary mitigation measures required as a result of that work, prior to the commencement of any development.

## **18.0 Ecology and Nature Conservation**

18.1 The NPPF sets out, inter alia, that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by encouraging opportunities to incorporate biodiversity in and around developments. Furthermore, planning permission should be refused for development resulting in the loss of deterioration of irreplaceable habitats. Local Plan Policy NCN5 seeks to protect and enhance biodiversity in considering development proposals. Policy SD10 of the Joint Core Strategy Submission Version (November 2014) seeks to protect and enhance the biodiversity of the JCS area.

18.2 An Ecological Assessment (EA) has been undertaken which concludes that there are not any significant adverse effects on any statutory and non-statutory sites of nature conservation interest from the development proposals. The impact on bats, badgers and Great Crested and Smooth Newts is assessed and the EA concludes that through the implementation of the safeguards and recommendations set out within the report, the proposals accord with planning policy with regard to nature conservation at all administrative levels.

18.4 Natural England (NE) provide standing advice on Protected Species and the EA confirms that the survey work was undertaken in accordance with their guidance. More specifically, the impact on Great Crested Newts and Badgers has been assessed and the pond and sett would be retained. Mitigation measures during construction and enhancements and monitoring post development is proposed in accordance with NE's Standing Advice. However, NE objected to the original proposal for the reason that the application site is within 2km of the Cotswold Beechwood Special Area of Conservation (SAC) and that no Habitat Regulation Assessment (HRA) of the potential impact on this area had been undertaken. The Council therefore undertook an HRA and a follow on Appropriate Assessment (AA) which concluded that subject to the imposition/incorporation of additional mitigation measures (towards the improved management), the project would not adversely affect the integrity of the Cotswolds Beechwoods. The AA acknowledges that due to the relatively small scale nature of the proposal (40 dwellings) the level of potential impact would be "extremely low" and therefore any mitigation should be proportionate to this.

18.5 The applicant has agreed to make a contribution towards providing leaflets to the occupiers of the proposed new homes highlighting the perceived effects on the SAC site and to include promotion of other recreational areas in the vicinity and a 'code of conduct' for those who may visit the Beechwoods SAC.

18.6 Given the acknowledged "extremely low" potential impact. It is considered that this, or a similar financial contribution towards other management tools (such as an information board in the Beechwoods visitors carpark) would be a proportionate response. Therefore, subject to the above measures and conditions the proposal is considered to accord with Policy NCN5 of the Local Plan.

## **19.0 Archaeology and Heritage Assets**

19.1 Sections 16 and 66 of the Planning (Listed Building and Conservation Areas) Act 1990 require Authorities to have special regard to the desirability of preserving any listed building or its setting or any features of architectural or historic interest. These requirements are also set out at paragraphs 126 and 131 of the NPPF. The NPPF advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It also advises that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Furthermore, the NPPF states that, where development will lead to substantial harm to or total loss of significance of a designated heritage asset, LPAs should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits. Paragraph 134 adds that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

19.2 The significance of a heritage asset is defined in the NPPF as its value to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting. Significance may be harmed by a development and it is necessary to determine the degree of harm that may be caused. With regard to the degree of harm, the Planning Practice Guidance (PPG) sets out that "substantial harm" is a high test and goes on to note that in terms of assessing proposals affecting listed buildings, the key question is whether the adverse impact seriously affects a key element of their special architectural and historic interest.

19.3 *Archaeology* - The application has been accompanied by an Archaeological Desk Based Assessment. There is considered to be a low potential for evidence dating to all periods. The Study Site has also been subject to extensive disturbance by the construction of the Country Club. Given the limited archaeological potential of the site, and the widespread disturbance caused by the construction of the Country Club, the Assessment concludes that no further archaeological work is required to safeguard the heritage interest in this site. The County Archaeologist has been consulted and agrees with the conclusions of the applicant's assessment and as such no further work is required in this respect.

#### *Heritage Assets*

19.4 The site is in proximity to a number of sensitive, designated heritage assets. Historic England comments that they are not concerned about any significant impacts on those designated heritage assets and in their view, the proposal does not have the potential to impact harmfully upon the setting (and thus the significance) of designated assets.

19.5 The Council's Conservation Officer (CO) comments that St Peter's Church, the closest listed building, is approximately 190m south-east of the application site at its closest point. However the church itself is almost entirely insulated from its surroundings by planting around the churchyard boundary, and the intervening lane is heavily vegetated also. Given this screening and the separation distance involved, the presence of the proposed development is unlikely to have anything more than a neutral impact on its significance. The CO considers that the same may be said of the other heritage assets cited above, which are even further away. In the light of the above factors the CO concludes that there is no particular heritage need for mitigation, and considers that the development's heritage impact would be likely to be largely neutral, and that the landscaping design would be able to address any potential conflicts that might occur.

19.6 It is therefore concluded that the harm arising to the significance of the heritage asset would be largely neutral in context of the NPPF.

#### **20.0 Overall Balancing Exercise**

20.1 Paragraph 14 of the NPPF requires that development proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or where specific policies in the Framework indicate development should be restricted.

20.2 In this case the proposal conflicts with policy HOU4 of the local plan. However this policy is out of date for the reasons explained in section 5 of this report. A lack of a 5 year supply would therefore engage NPPF paragraphs 49 and 14 as the relevant policies of the development plan cannot be considered to be up-to-date. For decision-taking this means granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted. Footnote 9 to paragraph 14 includes Green Belt, major development in Areas of Outstanding Natural Beauty, and designated heritage assets as 'specific policies'.

20.3 It is concluded above that the impact on Green Belt would, subject to a suitable landscape scheme, be neutral and therefore would comprise appropriate development. Similarly, the impact Heritage Assets would be neutral. The proposal would comprise 'major development' in the AONB as defined in the NPPF (paragraph 116) which comprises a 'specific policy' that indicates that development should be restricted.

### *Beneficial Effects*

20.4 It is now widely accepted that new housing developments bring economic benefits during the construction phase and through the additional spending power in the local economy as a result of the increased population. The social benefits of providing additional market and affordable housing is also well accepted. In environmental terms, the development would potentially provide some environmental benefits through improved surface water attenuation and enhanced opportunities for bio-diversity.

### *Harmful Effects*

20.5 The site is located in very close proximity to agricultural poultry units and it has not been demonstrated that the odour associated with the current, or future use of those buildings, would not result in an unacceptable and unneighbourly relationship with the residential use of the site. It cannot be certain therefore that future occupiers of the proposal would not object to the continued use of the poultry buildings. Furthermore, it has not been demonstrated that permitting residential development in close proximity to the poultry units would not result in further restrictions being put in place under the Environmental Permitting Regime that could adversely affect the economic viability of the agricultural business. It has not therefore been demonstrated that the proposal would comprise sustainable development in this regard.

20.6 Having regard to the criteria set out in paragraph 116 of the NPPF and Policy DTP of the AONB Management Plan it is not considered that sufficient information has been submitted with the outline application to demonstrate that the scheme would be of a sufficiently high quality in terms of its architecture, materials and detailed design to demonstrate that the proposal would not have a detrimental suburbanising impact on the AONB in this location.

20.7 The site is located in a relatively remote location and is not well served by existing public transport and local facilities, and despite the single peak hour bus service that would provide opportunity for an alternative mode of transport, it is likely that the residents of the development would be reliant on the use of the private motor vehicle. Furthermore, the loss of the Country Club facility would result in fewer facilities (including a Bar) within Bentham itself.

20.8 Whilst a replacement facility is proposed at a different location, it cannot be guaranteed that planning permission would be granted for those facilities and therefore little weight can be attributed to them. Furthermore, the replacement facilities would inevitably have a landscape impact and result in the loss of openness of the Green Belt, albeit in a different location. This too is harm that would result from this development.

### *Neutral Effects*

20.9 As stated above, on balance, the impact on the openness of the Green Belt would be neutral, as would the impact on Heritage Assets. The application demonstrates that other matters such as the impact in terms of flooding, ecology, soil conditions, noise, archaeology are acceptable, or can be made so by planning conditions.

20.10 It is not considered that the development of an additional 39 dwellings could be considered to undermine the emerging Joint Core Strategy or pre-determine the location of strategic development. Furthermore, it is not considered that an objection could be sustained in relation to the possible prejudice to the development of the Tewkesbury Borough Plan or any future Neighbourhood Plans.

### **21.0 Conclusion**

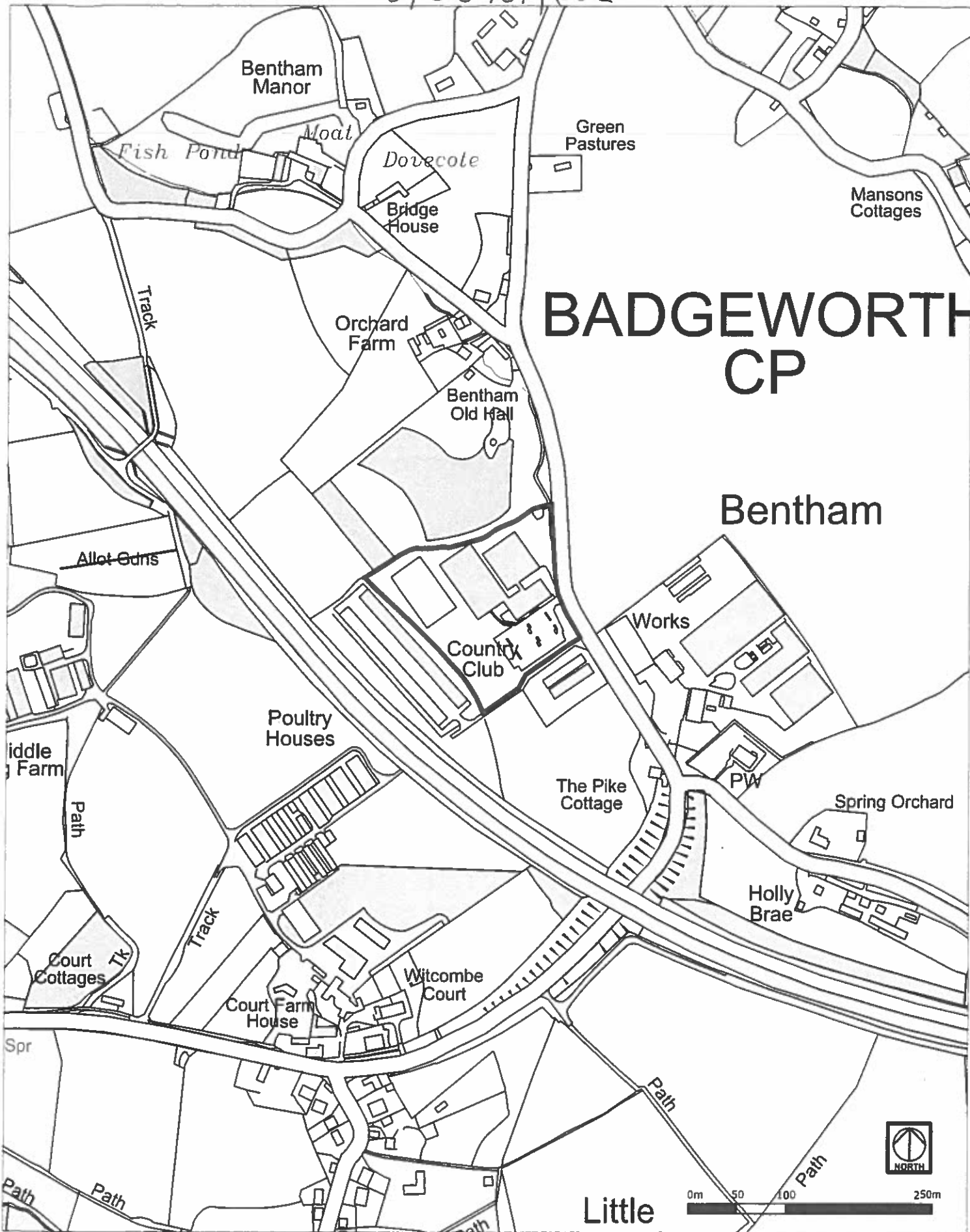
21.1 For the reasons given above, it is concluded that overall the proposal would not comprise sustainable development and the harms resulting from the proposal would outweigh the benefits when assessed against the policies of the Framework as a whole. It is therefore recommended that **Permission be REFUSED**.

## **RECOMMENDATION Refuse**

### **Reasons:**

- 1 The proposed development would be in very close proximity to a working poultry farm and it has not been demonstrated that the amenity of the occupiers of the proposed dwellings would not be adversely affected by odour pollution and fly nuisance. Furthermore, it is likely that allowing residential development in such close proximity to the poultry farm would impact detrimentally on the viability of the farm. As such the proposed development does not represent sustainable development and the risks would significantly and demonstrably outweigh the benefits of the proposal contrary to the core planning principles of the National Planning Policy Framework and its advice at paragraph 28, Policy EVT4 of the Tewkesbury Borough Local Plan and policy SD15 of the emerging Joint Core Strategy (Submission Version - November 2014).
- 2 It has not been demonstrated that the design and appearance of the proposed development would be of a sufficiently high quality design that would conserve the landscape and scenic beauty of the Area of Outstanding Natural Beauty. The proposal is therefore contrary to the National Planning Policy Framework (its Core Principles, Section 7: Requiring Good Design and paragraph 116), Policy DTP (1-7) of the AONB Management Plan and Policy SD8 of the emerging 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 emerging policies SD12 and SD13 of the Joint Core strategy Submission Version November 2014.
- 4 There is no planning consent for suitable replacement facilities to replace the Bentham Country Club and in the absence of an appropriate planning obligation to secure such replacement facilities the application conflicts with paragraph 74 of the National Planning Policy Framework and emerging 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, health and community infrastructure or 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).

15/00751/OUT



# BADGEWORTH CP

## Bentham

Little



693/A

<p><b>FIELD NO.</b> Land at Bentham Country Club, Bentham</p>	<p>Site 71, Street Power Road, Street, Street Chasewater OL3 5JY L 01453 722222 o 01453 722222 w www.d-a.co.uk</p>	
<p><b>DRAWING TITLE:</b> Site Location</p>	<p><b>DATE:</b> June 2015</p>	<p><b>SCALE:</b> 1:5000 @ A4</p>
<p><b>ON BEHALF OF:</b> Terry Hopley</p>	<p><b>JOB NO.</b> 1816</p>	<p><b>DRAWN BY:</b> AH</p>
<p><small>© 2015 DLA 1816.003.01</small></p>		<p><small>REV</small></p>



15/00751/OUT

- Key:**
- Existing public right of way
  - Existing tree/line/foliage
  - Proposed location of new reinforced tree/line/planting
  - LAP - Small informal play area



BENTHAM COUNTRY CLUB  
GLOUCESTERSHIRE  
FEBRUARY 2016

Job No: 1104  
Dwg No: A - P - 100 - 62e

Master Plan - Option K (Boundary & Landscaping)  
Scale 1 : 1000 @ A3



**DUNTON ARCHITECTS**  
Dunton Park, Dunton, Gloucestershire, GL18 3EJ  
Tel: 01286 812345 Fax: 01286 812346  
www.dunton.co.uk

693/B

- e Amendments made to layout 30.11.16 E19
- d Amendments made to layout 30.11.16 E18
- c Amendments made to layout 20.09.16 E18
- b Amendments made to layout 10.06.16 E18
- a Amendments made to layout 08.06.16 E18

16/01232/FUL

36 Farthing Croft, Highnam,

10

Valid 28.10.2016

Rear single storey extension to enlarge kitchen and provide garden room and front two storey extension to provide porch, dining room and enlarged bedroom.

Grid Ref 379709 219842

Parish Highnam

Ward Highnam With Haw  
Bridge

Mr & Mrs Coldridge

36 Farthing Croft  
Highnam  
Gloucester  
Gloucestershire  
GL2 8EQ

## RECOMMENDATION Permit

### Policies and Constraints

#### NPPF

Planning Practice Guidance

Tewkesbury Borough Local Plan to 2011 - March 2006 - Policies 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

Highnam Parish Council - Offer the following comments;

- No objection to the principal
- Careful consideration should be given to the impact on the adjacent neighbour
- The boundary wall will coming within inches of the neighbouring property
- The block plan appears to be out of date (*Officer note: The block plan has been amended and Officers are satisfied that it is correct*)

Representations - 3 letters of objection received, from the same property, raising the following points;

- Block plan does not show neighbouring extension (*Officer note: The block plan has been amended and Officers are satisfied that it is correct*)
- Overshadowing impact on number 35
- Will prevent maintenance of existing extension (*Officer note: This is not a material planning consideration*)
- Question whether it can be built in accordance with building regulations (*Officer note: This is not a material planning consideration*)
- Plans are wholly unacceptable
- Proposed rear extension will result in a terraced appearance
- Adverse impact on the character of the area
- Adverse impact on value of the property (*Officer note: This is not a material planning consideration*)

Planning Officers Comments: Suzanne D'Arcy

### 1.0 Introduction

1.1m36 Farthing Croft is a detached property sited within the housing development boundary of Highnam, sited amongst mixed style detached properties.

### 2.0 Relevant Planning History

2.1 There is no relevant planning history to the site.



### **3.0 Current application**

3.1 The current application is for the erection of a single storey rear extension and a two storey front extension.

3.2 The proposed rear extension would project 2.7m from the rear elevation and be 9.3m wide. It would be 2.7m high to the ridge and rise to a height of 4.5m at the ridge. All materials would match. The proposed rear extension would abut the boundary with number 35.

3.3 The proposed front extension would project 2m from the front elevation and be 5m wide. It would be 5.3m high to the eaves and rise to a height of 7.6m at the ridge. All materials would match.

### **4.0 Policy Context**

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.

#### *Development Plan*

4.2 The development plan comprises the saved policies of the Tewkesbury Borough Local Plan to 2011 - March 2006. Policy HOU8 requires extensions to domestic properties to respect the character, scale and proportion of the existing dwelling and to ensure that there will be no adverse impacts on residential amenity from the proposal.

#### *National Planning Policy Framework*

4.3 Paragraph 17 of the NPPF sets out the core planning principles that should underpin decision-taking. Planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupiers.

### **5.0 Analysis**

5.1 The main issues to be considered are impact on residential amenity and impact on the street scene.

#### *Impact on residential amenity*

5.2 The proposed rear extension would abut the boundary with number 35. Number 35 has an existing side extension, which abuts the boundary with the site. This extension has a secondary, obscurely glazed window that faces onto the boundary. The proposed extension would project as far as the window but would not pass it. As this is a secondary window and the principal window for the room faces towards the rear of the site and it unaffected by this proposal, it is not considered that there would be a significant overshadowing impact to the rear of the property.

5.3 The private amenity space for number 35 is immediately adjacent to the rear of the property. Number 35 is set back from the rear of number 36. In view of this, there would not be any significant adverse impacts on the residential amenity of this property.

5.4 Due to the nature of the front extension and the relationship with the adjacent properties, there would be no significant adverse impacts on residential amenity from this element of the proposal.

5.5 It is therefore not considered that there would be any significant adverse impacts as a result of this proposal.

#### *Impact on the street scene*

5.6 Farthing Croft is characterised by mixed style detached dwellings. Other dwellings within Farthing Croft have a similar front extension to that proposed by this application. The proposed front extension would be set down from the ridge and have a subservient appearance. In view of this, it is not considered that the proposed front extension would have an adverse impact on the street scene.

5.7 The proposed rear extension would be screened from the public realm by the existing dwelling and as such, would not impact on the street scene.

5.8 It is therefore considered that the proposed development would not have an adverse impact on the street scene.

#### *Other matters*

5.9 Concern has been raised by the adjacent neighbour at number 35 regarding the potential impact on their existing extension as a result of this proposal and whether the proposed extension would fall on land outside of the ownership of the applicant. Due to the siting of the proposed extension, it is likely that a Party Wall Agreement would be required. However, this is a civil process that falls outside the planning process. The applicant was asked to confirm the correct certificates have been signed and that the land within the red line is entirely within their ownership. They have confirmed this is the case and matters involving the precise location of the boundary are civil and legal matters that are outside of the planning process and are controlled by other legislation elsewhere. Notwithstanding these issues the applicant has asked for the application to be determined as submitted.

#### **6.0 Conclusion**

6.1 The proposed extensions are not considered to have any significant adverse impacts on residential amenity. The proposed front extension would be characteristic of the street scene and thus would not have an adverse impact upon it. The proposed rear extension would be screened from the street scene by the existing dwelling. The application is therefore recommended for **Permission**

#### **RECOMMENDATION Permit**

##### Conditions:

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

Reason: As required by Section 91 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permission

- 2 The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below.
  - 7 x unnumbered drawings, received by the Council on 28th October 2016
  - Revised ground floor plan, received by the Council on 19th December 2016
  - Revised site location plan, received by the Council on 29th December 2016

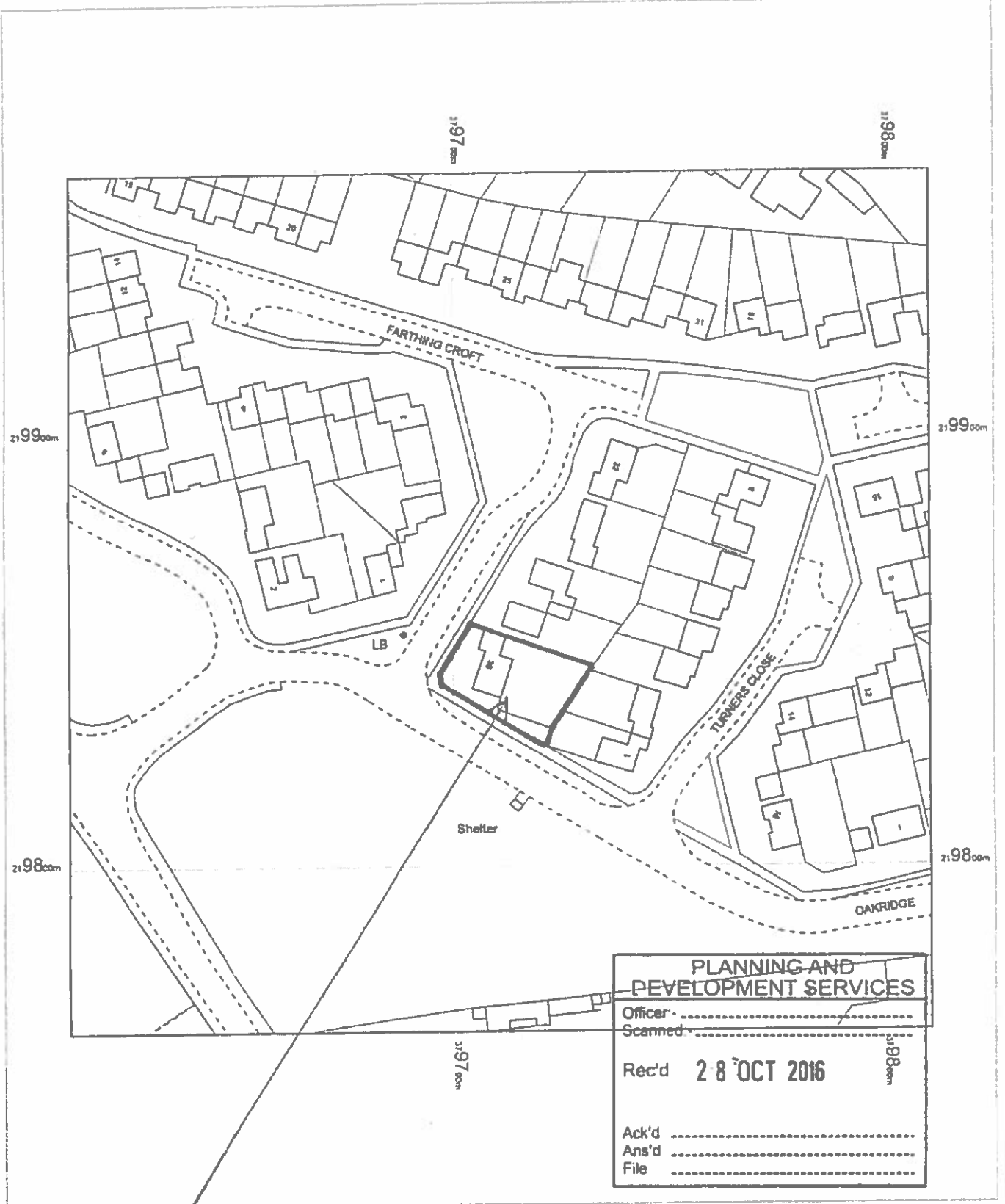
Reason: To define the terms and extent of the permission.

- 3 All external walling and roofing materials to be used shall match those of the existing building in respect of type, size, colour, coursing, profile and texture.

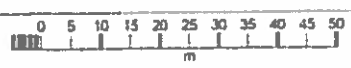
Reason: In the interests of the appearance of the development and the surrounding area

16/01232/FUC

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36 Farthing Croft  
GL2 8EQ

OS MasterMap 1250/2500/10000 scale  
27 September 2016, ID: HMC-00563865  
www.themapcentre.com

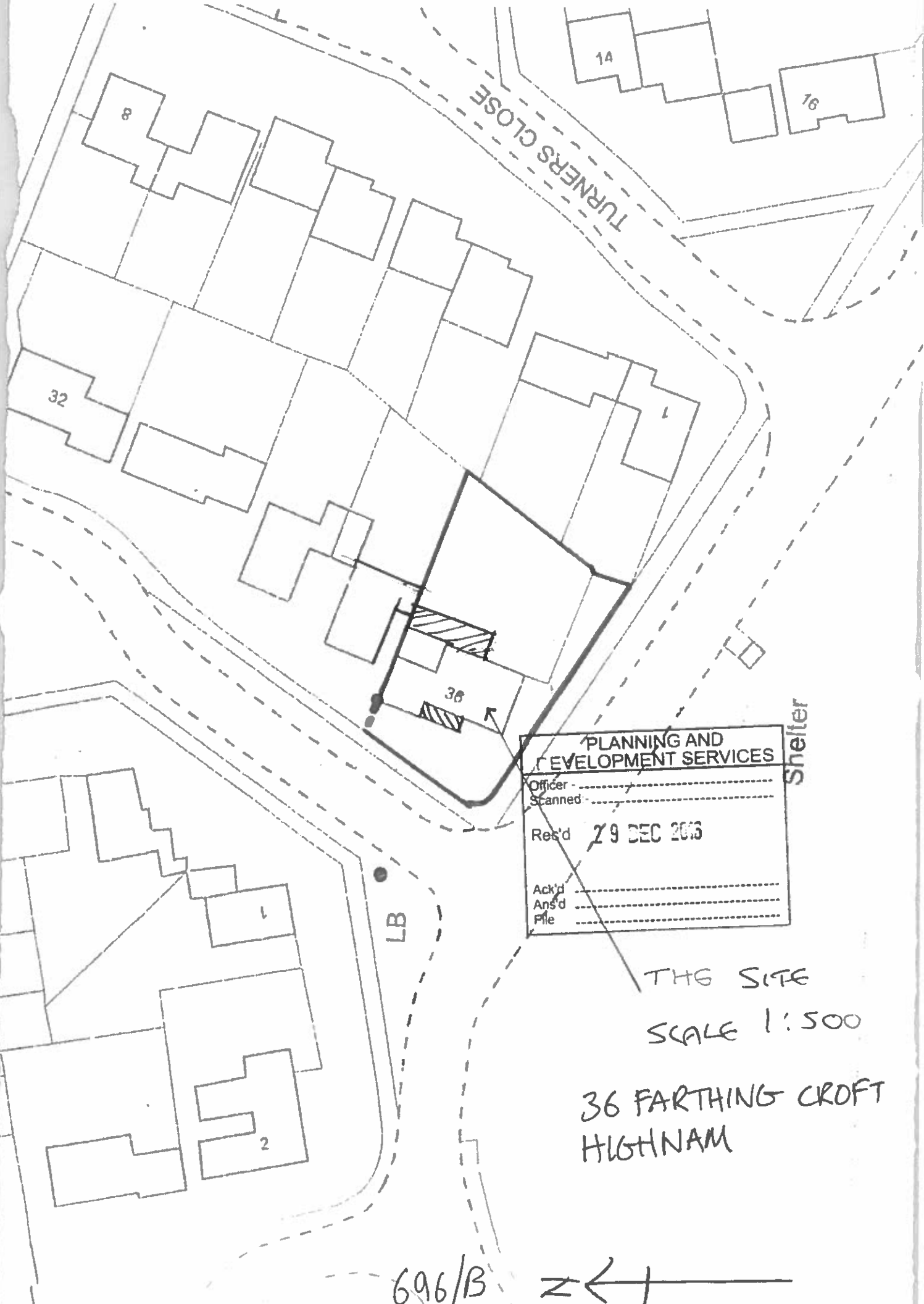
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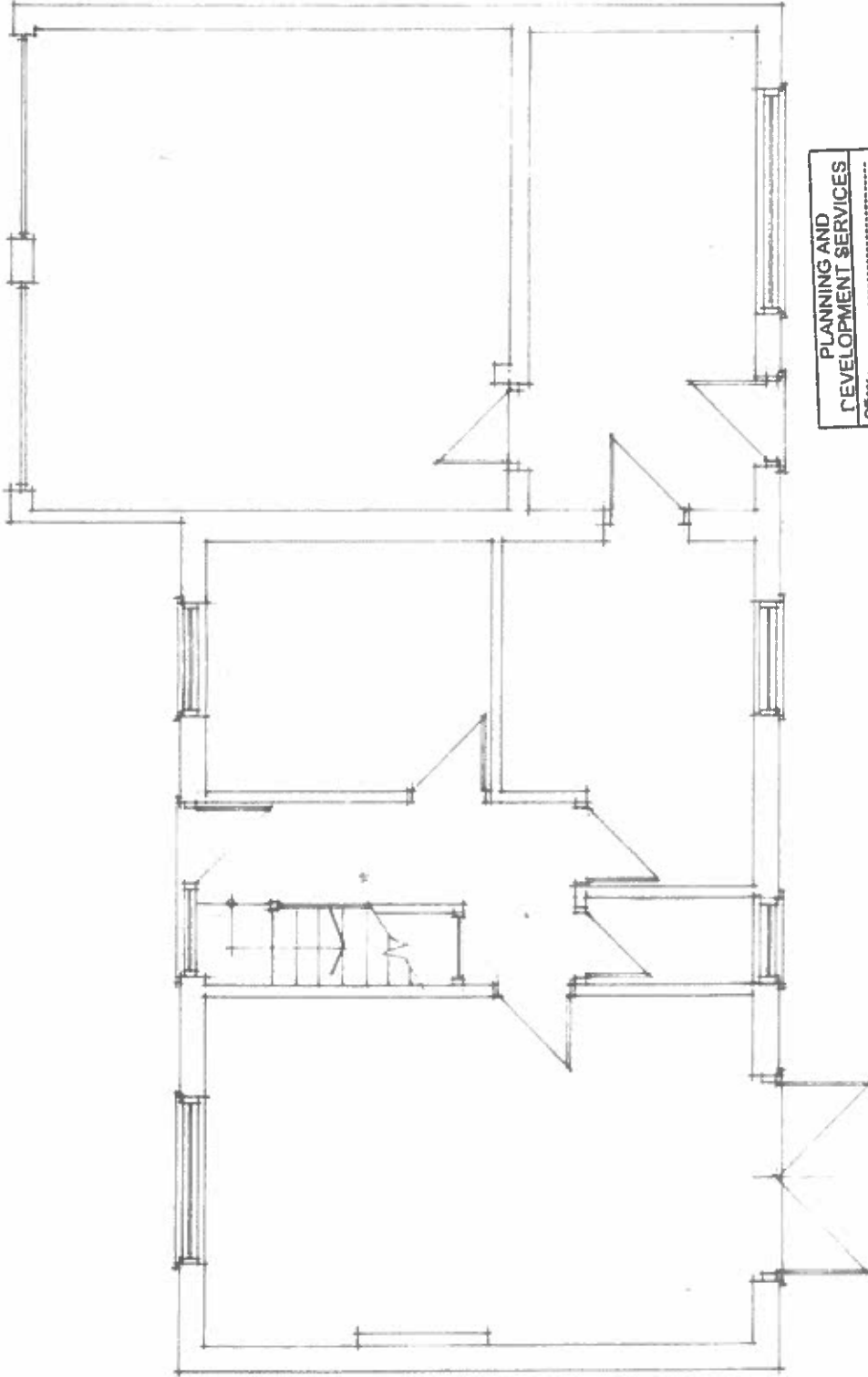
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36 FARTHING CROFT  
HIGHNAM

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16/01232/FUL



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Mr and Mrs J. Coldridge  
Proposed Extension at  
36 Farthing Croft  
Highnam  
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Ground Floor Plan as Existing

696/C

**PSK**

architect

hello@psk-architect.co.uk

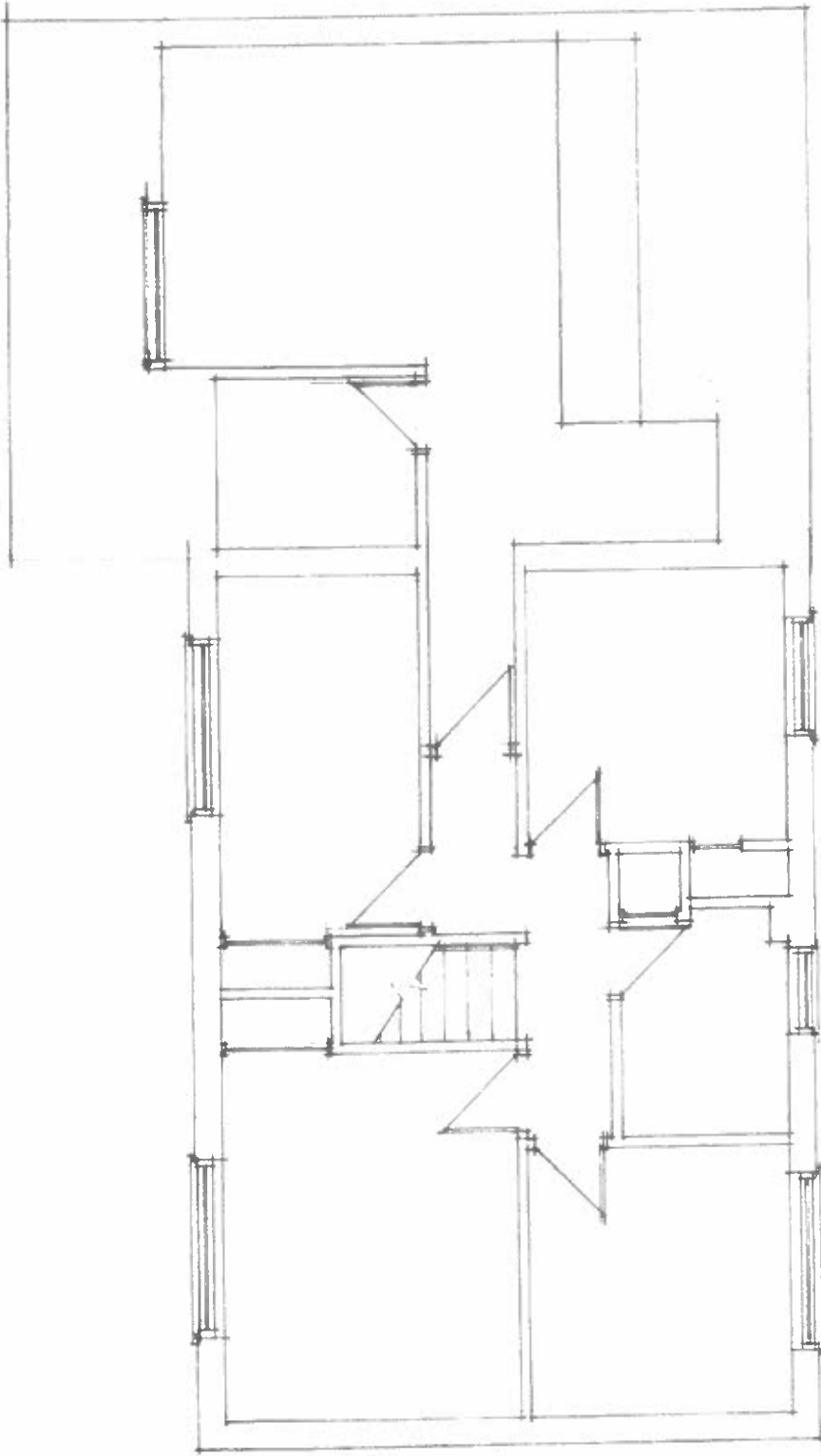
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Mr and Mrs J. Coldridge  
 Proposed Extension at  
 36 Farthing Croft  
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First Floor Plan as Existing

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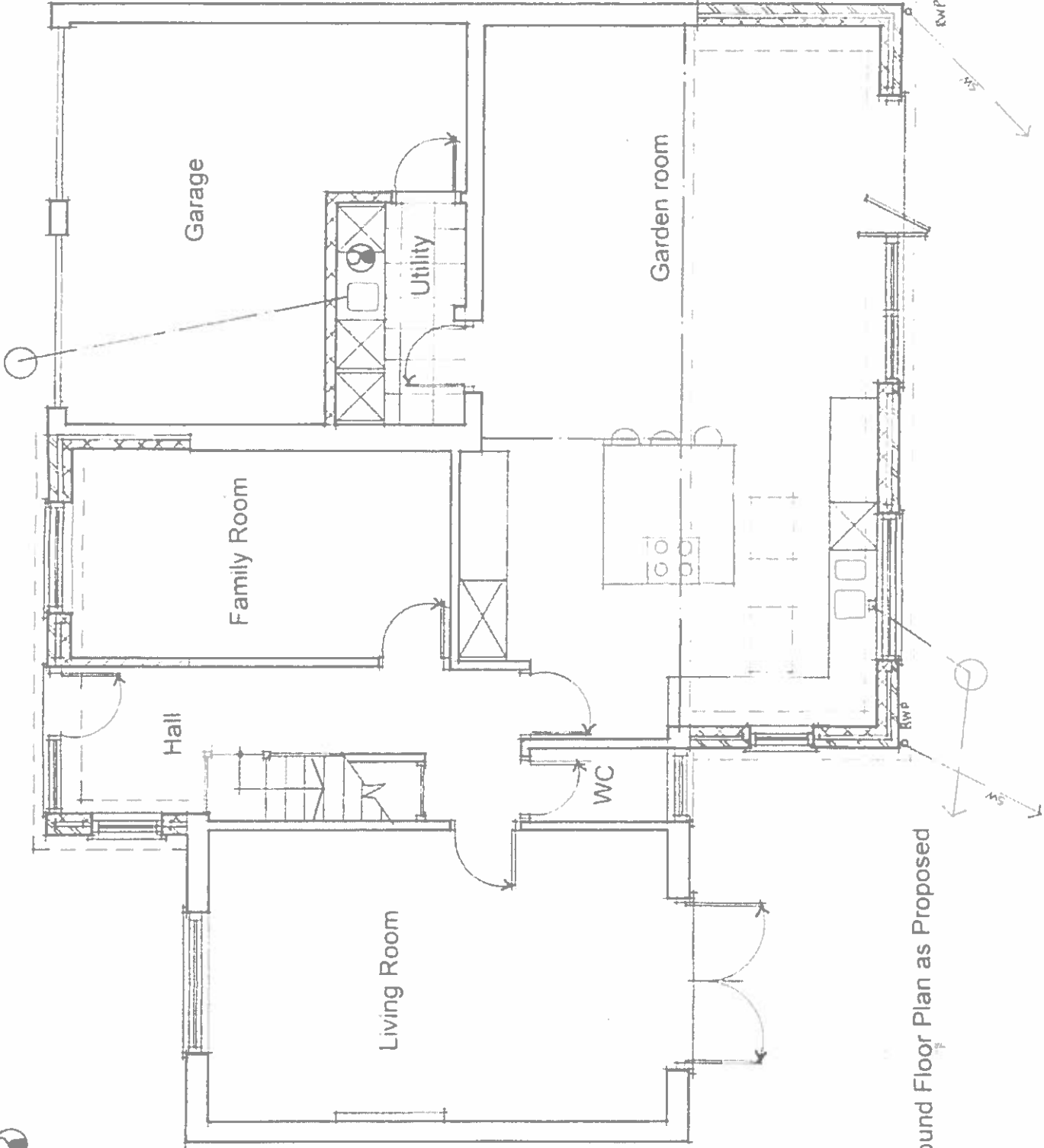
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Ground Floor Plan as Proposed

Mr and Mrs J. Coldridge  
Proposed Extension at  
36 Farthing Croft  
Highnam  
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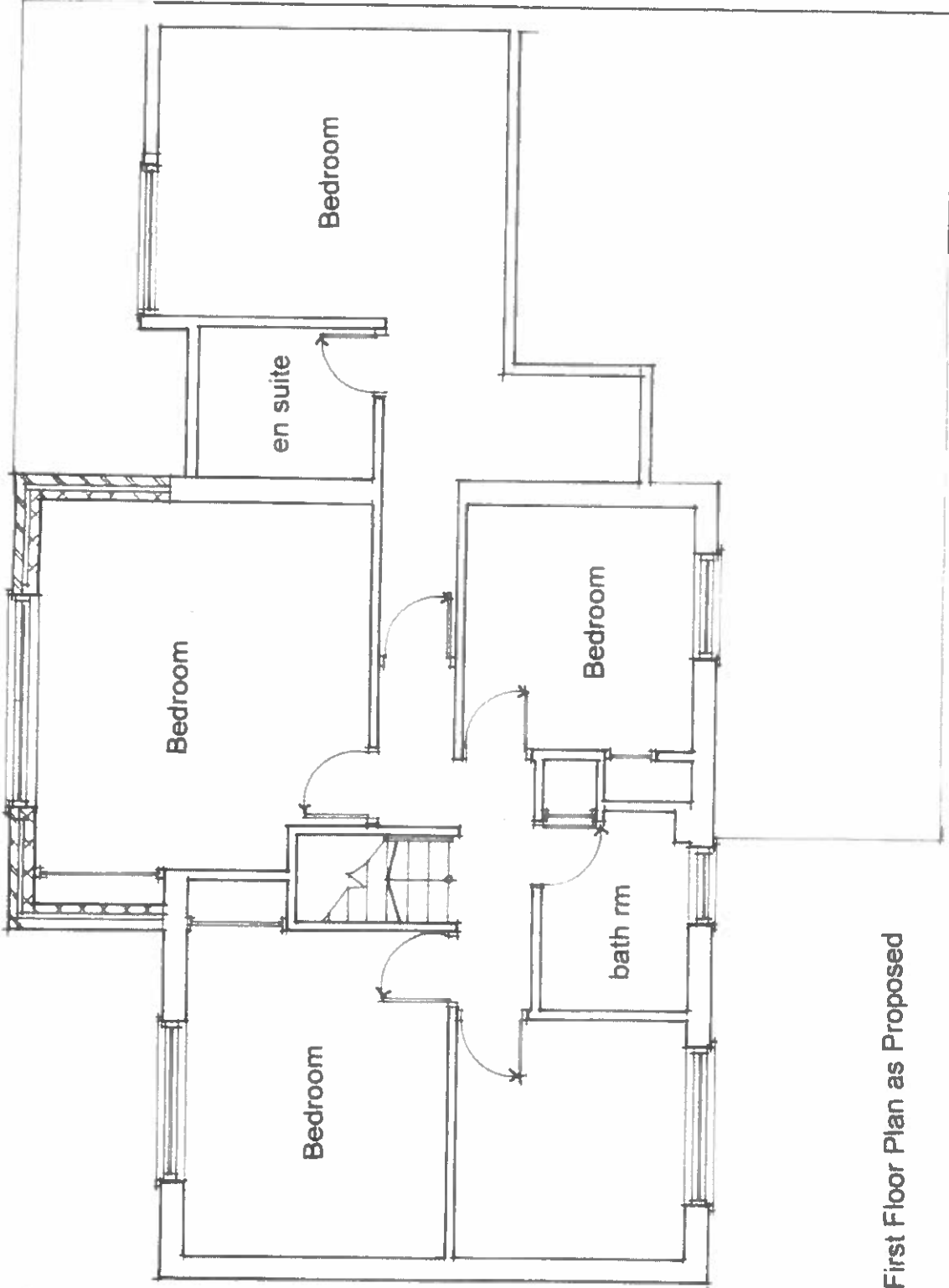
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Mr and Mrs J. Coldridge

Proposed Extension at  
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Highnam  
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First Floor Plan as Proposed

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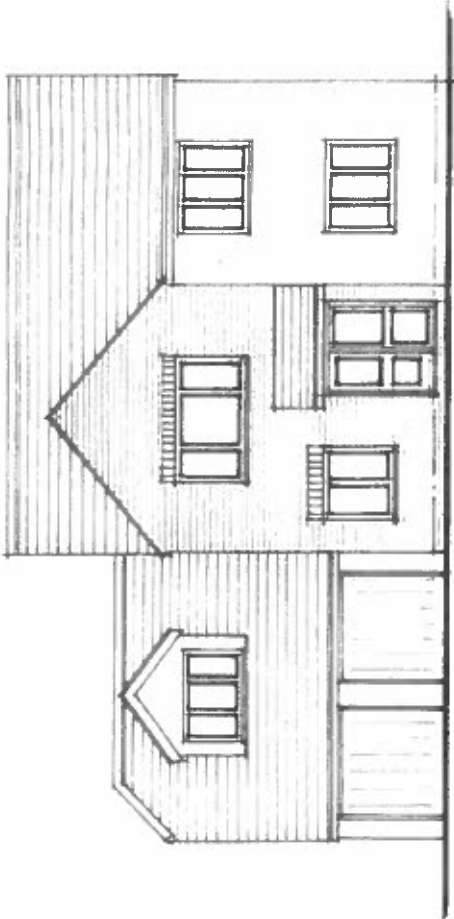
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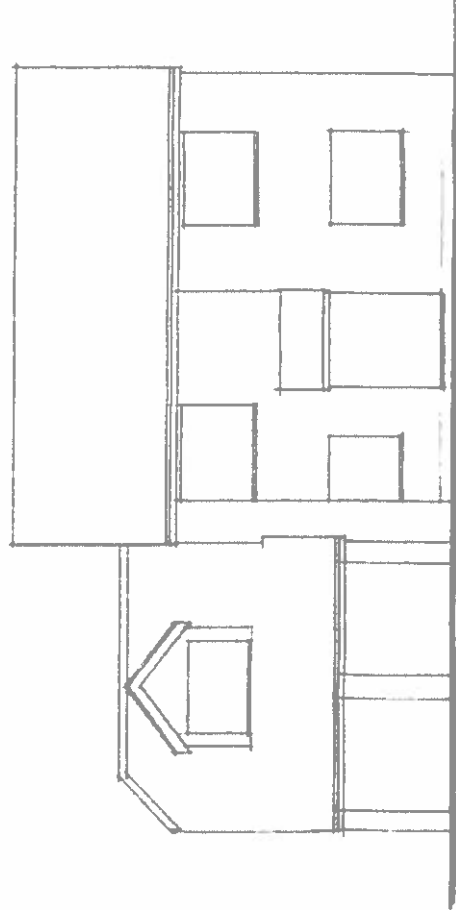
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Front Elevation as Proposed



Front Elevation as Existing

Mr and Mrs J. Coldridge

Proposed Extension at  
36 Farthing Croft  
Highnam  
Glos.

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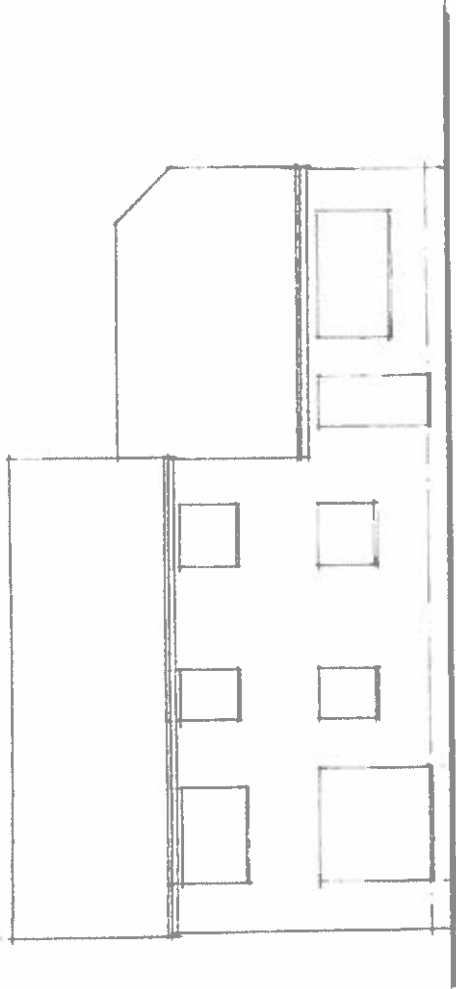
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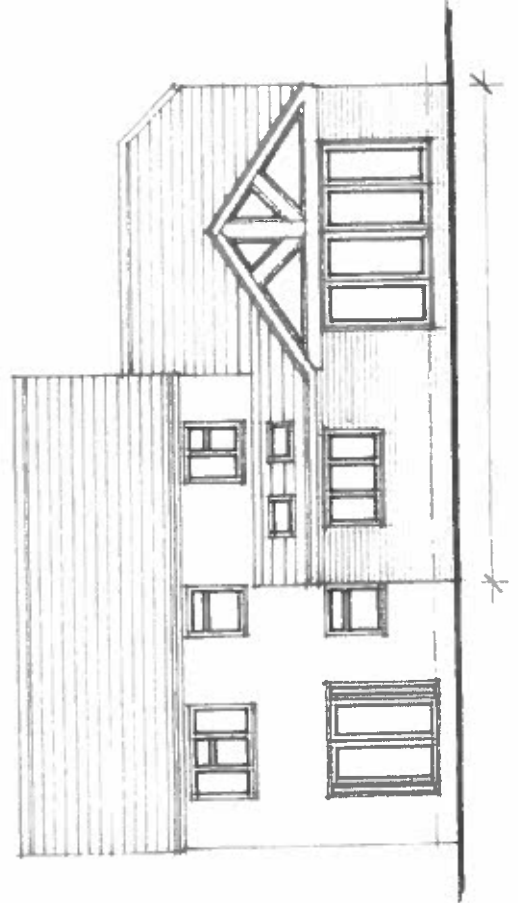
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Rear Elevation as Existing



Rear Elevation as Proposed

Mr and Mrs J. Coldridge

Proposed Extension at  
36 Farthing Croft  
Highnam  
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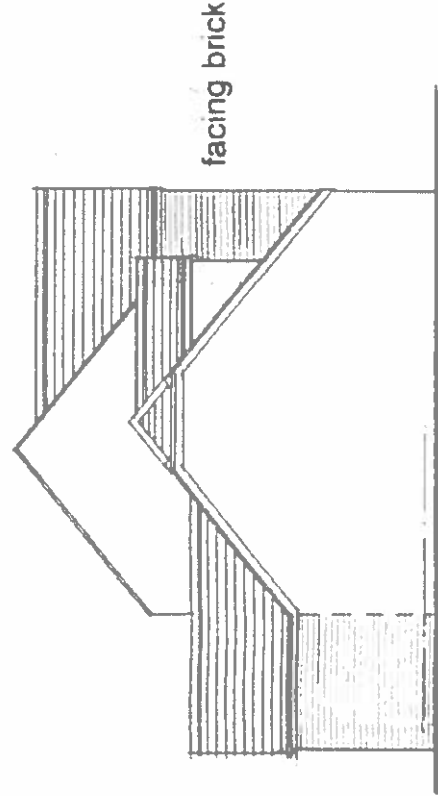
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Mr and Mrs J. Coldridge

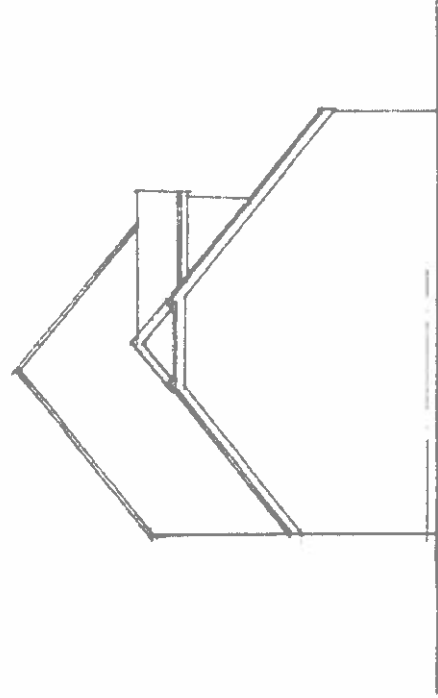
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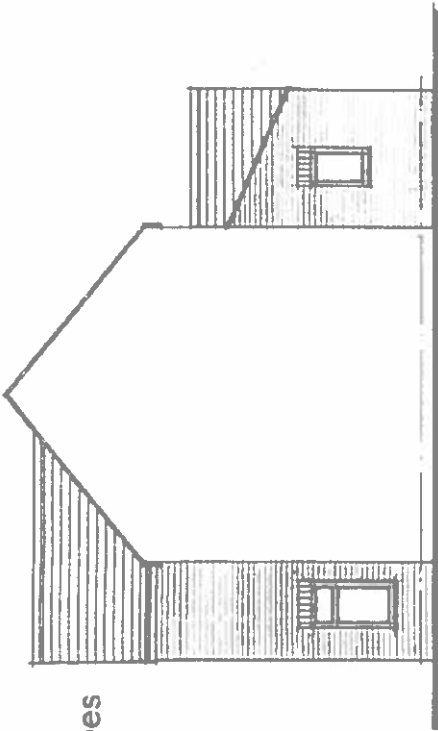
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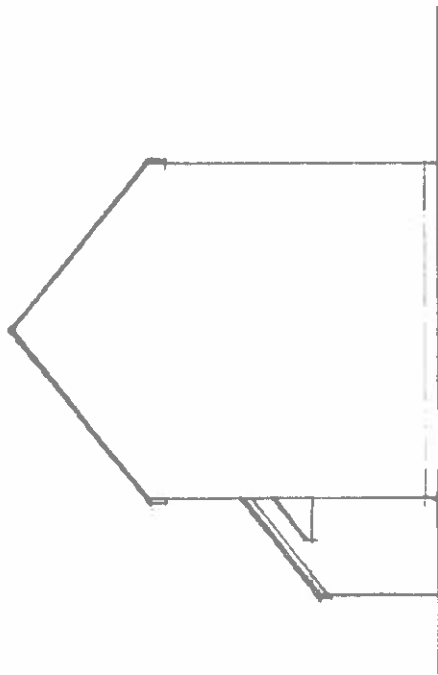
Side Elevation as Proposed



Side Elevation as Existing



Side Elevation as Proposed



Side Elevation as Existing

696/I

Valid 04.05.2016

Outline application for the erection of 40 dwellings with all matters reserved except access.

Grid Ref 379905 219895

Parish Highnam

Ward Highnam With Haw  
Bridge

R Keene and Sons

Over Farm  
Gloucester**RECOMMENDATION Delegated Permit****Policies and Constraints**

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

Tewkesbury Borough Local Plan to 2011 - March 2006 - Policies GNL2, GNL1, GNL11, HOU1, HOU4, HOU5, HOU13, TPT1, TPT3, TPT6, EVT3, EVT5, EVT9, LND4, LND6, LND7, RCN1, RCN2 and NCN5.

Joint Core Strategy (JCS) Pre-Submission version (June 2014)

Highnam Neighbourhood Development Plan 2011-2031 (Referendum Held on 24th November 2016 will subsequently be subject to approval at TBC Full Council) Policies H1, H2, H3 and T2

The Community Infrastructure Levy Regulations - 2010

Affordable Housing Supplementary Planning Guidance (November 2006)

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****Parish Council** - Object for the following reasons:

- The development would breach the well developed Oakridge Road for the first time and set a precedent for further development.
- Would result in significant landscape hard.
- Result in Highway Safety concerns and increase congestion in the area.
- Result in an oversupply of affordable housing in the area.
- There is significant local opposition.
- Granting permission would be contrary to and undermine the Highnam Neighbourhood Plan.

**Landscape Officer** - No objection.**Urban Design Officer** - No objection.**Environmental Health** - No objection.**Conservation Officer** - No objection.**County Highway Authority** - No objection, subject to conditions and legal agreement to secure access visibility.**Lead Local Flood Authority** - No objections, subject to conditions.**GCC Infrastructure** - No objections, education and library contributions sought.**Historic England** - No objection.**Gloucestershire Garden Landscape Trust** - Object, The conifer plantings to the south of this proposal and to the west forming the edge of the Parkland to the Court and the setting of Holy Innocent's Highnam have considerable historic and visual significance, and should not be further eroded by the prospect of a block of suburban housing.**Natural England** - No objection.**Severn Trent Water** - No objections, subject to conditions.

156 Letters of neighbour representation received raising the following material planning issues:

- The proposed development would breach Oakridge.
- There is a lot of property from the village already on the market. It is hard to argue there is a critical unmet need for this property.
- The proposal would have an unacceptable impact on the landscape.
- The development would have a detrimental impact on heritage assets.
- Bungalows should be built to address local need and would free up existing family housing.
- The proposal would result in dangers to highway users.
- Buses find it difficult to manoeuvre on the local road network.
- The proposal is out of context with the local area.
- Layout is not acceptable.
- There is a shortfall of parking provision.
- The development is urban in form.
- The development would have a detrimental impact on protected species.
- Detrimental impact of PROW network.
- Detrimental impact upon listed buildings.
- House types are out of keeping with the local area.
- Concern regarding foul sewage capacity.
- Contributions towards cycle paths should be secured.
- The developers also fail to address the legitimate concerns about traffic, health, schooling and other pressures on the village.
- This development would not accord with the development plan.
- Concern regarding air pollution and flooding resulting from the proposed development.
- Development should be on brownfield land not greenfield
- Existing community infrastructure cannot cope with the proposed level of growth.
- The locality of the gas works should be taken into consideration.
- The present utilities will not cope
- The proposal would not accord with local, Strategic or national Planning Policies

**Planning Officers Comments: Mr Ciaran Power**

## **1.0 Introduction**

1.1 The site is located outside of a residential development boundary abutting the south eastern corner of the village of Highnam. Land levels on the site slope downwards in a southerly direction. The site is currently in agricultural use. The site is not located within any landscape designation.

## **2.0 History**

2.1 No relevant planning history found.

## **3.0 Current Application**

3.1 The proposal seeks outline planning permission for residential development of up to 40 dwellings, public open space, vehicular and pedestrian access and associated infrastructure. All matters are reserved for future consideration except access. The application is supported by an Illustrative Masterplan which shows how a scheme of up to 40 dwellings could be accommodated. Up to 40% affordable housing would be provided. It is proposed that vehicular access to the site would be at the northern part of the site onto Oakridge. Based on the number of 40 residential units, the proposed density equates to 20.3 dwellings per hectare (dph).

## **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 The Development Plan and NPPF**

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 for this area comprises the saved polices of the Tewkesbury Borough Local Plan to 2011 - March 2006 and the Highnam Neighbourhood Development Plan 2011-2031.

### *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.

### *Highnam Neighbourhood Development Plan 2011-2031*

5.4 The Highnam Neighbourhood Development Plan (NDP) was made part of the Development Plan for the area following a resolution by full council at its meeting on 24th January 2017. Relevant NDP policies will be considered with appropriate sections of the report.

### *Emerging Development Plan*

5.5 The JCS was submitted to the Secretary of State on 20 November 2014. Its Examination in Public commenced in May 2015 and is still ongoing. The plan is however at an advanced stage of examination with the Inspector publishing her Interim Report in May 2016. The JCS authorities are now developing main modifications to the plan based on evidence and discussions heard throughout the hearings and the recommendations in the Interim Report. Tewkesbury Borough Council approved the main modifications to the pre-submission version of the JCS for consultation at full council on 31st January 2017. Gloucester City and Cheltenham Borough Councils are due to consider the same on 6th and 10th February respectively. Whilst the emerging plan is now at an 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 considered having regard to the criteria set out above. Relevant JCS policies and the weight that can be attributed to them will be considered in the appropriate sections of this report.

5.6 A key element of the JCS strategy is to identify the objectively assessed need for housing and employment growth in the area. Over the course of the JCS examination further evidence has been undertaken on the housing and employment needs for the area which advance on the need identified with Policy SP1: The Need for New Development in the Submission JCS document. It is also relevant the Highnam is identified as a service village within the JCS where some housing growth can be expected to be accommodated.

### *Other Material Considerations*

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

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

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

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

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

### *Conclusions on the principle of residential development*

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

## **6.0 Landscape and Visual Impact**

6.1 One of the core planning principles of the NPPF 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. Policy LND4 of the Local Plan states that in considering proposals for development in rural areas, regard will be given to protect the character and appearance of the rural landscape. Policy SD7 of the JCS Submission Version (November 2014) states that development will seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being.

6.2 The application has been accompanied by a Landscape and Visual Assessment (LVA), which confirms that although the site is on the edge of the countryside it does not lie within any nationally designated landscapes. The LVA includes analysis of the landscape character of the area, as well as the visual sensitivity of the site from public vantage, both those in close proximity to the site and those further afield.

6.3 The LVA advises that the site forms part of an elevated undulating landscape within the Lassington and Rodway Hills Landscape Character Area. The landscape generally slopes to the south east affording long and expansive views across the vale towards Gloucester and the high ground of the Cotswold Escarpment beyond. The plateau landform of the study site is generally less visually prominent than the adjoining sloping farmland which descends to the east and south. Dense vegetation associated with the landscape adjoining the B4215, Lassington Hill Wood and the existing settlement area bring some visual containment to the site.

6.4 The LVA identifies the application site as having a medium susceptibility to change. It is identified as having some features and value at local level, has landscape characteristics which are able to accommodate some change and has capacity for some development which may not result in significant changes to the landscape character.

6.5 The LVA also assesses the visual sensitivity of the site as having a medium susceptibility to changes in the view, this may include views experienced by road users, users of public rights of way and local residents.

6.6 Mitigation measures are intended to maintain a robust separation of the new development with the open farmland thereby maintaining the character of the existing open countryside adjoining and protect the setting of Highnam Court. In addition, mitigation measures are proposed to protect the visual amenity of residents, walkers and road users with views into the study site. All mitigation measures reflect features found within the local landscape and are in keeping with the recognised and desirable characteristics of the local landscape character type.

6.7 Since the original LVA was completed an appeal has been allowed for a Solar Farm at Over Farm. In response to this the applicants have submitted an addendum the LVA to take account of this development. The addendum determined that the development of the solar farm changes little to the baseline landscape and visual conditions and would not give rise to any significant changes from those identified within the submitted LVA. The Inspector for the solar farm appeal confirmed that effects on landscape character and local visual amenity arising from the solar farm development would be limited. The current application has similarly found that the site is not visually prominent and that landscape character of the adjoining open countryside can be protected by the establishment of new green infrastructure in conjunction with the sites existing containment through natural topography. The addendum goes on to conclude that the two developments have sufficient physical and visual separation that effects arising from features of both sites would not be amplified in terms of impact on local landscape character or visual amenity.

6.8 The Borough Landscape Advisor has considered the scheme and ultimately agrees with the main conclusions of the LVA. The Landscape Advisor concluded that despite the elevation of the site, it occupies a relatively well screened location, shielded from views by complex local topography. Development could be delivered on this site that is not prominent and that fits well with the existing settlement edge. He also suggests that any subsequent or further development to the south or east should be strongly resisted as it would encroach onto prominent and exposed slopes would be highly visible and would be significantly detrimental to the local landscape character. To that end, it would be the responsibility of this development to deliver a very strong and distinctive settlement edge facing out into the countryside.

6.9 In conclusion, it is considered that although the development would cause a degree of harm to the rural landscape, the submitted illustrative Masterplan demonstrates that a sensitively designed form of development could be secured and any significant long- term impacts could be adequately mitigated through future reserved matters applications and planning conditions. The harm caused must be weighed in the overall 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 Policy H2 of the NDP requires new development to make a positive contribution to forming a sense of place which the proposal is considered to do for the reasons set out in the report. Policy H2 also requires the density of new development to reflect that of the existing settlement.

7.3 Policy H3 of the NDP seeks to encourage new housing development to have regard to building performance, space standards and green energy systems.

7.4 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 Parameter Plans detailing land use, access and circulation and maximum residential building heights (see attached plans).



7.5 The DAS sets out the design evolution of the scheme. The DAS sets out the design principles for the site which include:

- Creating a safe and suitable access to the site
- Eliminate impact of the development on heritage assets.
- Retention of green infrastructure
- Connectivity to the adjacent open space improved.
- Maintaining an adequate amount of space between the built environment and this copse landscape feature.
- The scheme should respond to the gentle slope as the land falls to the south west through the appropriate massing of buildings.

7.6 The Urban Design Officer has commented that the proposed development is not out of character with the morphology of the existing settlement and considers that it would add positively to the streetscape along Oakridge, creating active frontage and a positive edge to the settlement. The Design and Access statement provides sufficient parameters to guide any reserved matters application and the Urban Design Officer is confident that 40 dwellings could be delivered on this site to a high design quality.

7.7 With regard to the proposed density, the average density in Highnam is 14 Dwelling per hectare (Dph) and the proposed development is higher than the average at 20.3 Dph. However this is an average across the whole of Highnam and it is notable that the existing residential area adjacent to the application site is, in a number of instances, at a higher density. For instance the development around the block on William Orchard Road, and part of Oakridge equates to approximately 18 Dph and the block around Park Break, Part of Oakridge and Turner's Close is a 22 Dph. Having regard to this it is considered that the proposed development would respect the surrounding density of development in this location.

7.8 The applicant's Design and Access Statement outlines that the technical design of the buildings will seek to achieve best practice in terms of U-value characteristics of the key heat-loss routes, namely windows, doors, walls, floors and roof.

7.9 Recognising that this is an outline application with all matters reserved for later consideration it is considered that the illustrative masterplan and layout plan demonstrates that an acceptable standard of design could be achieved on the site for the development proposed in general accordance with the provisions of the design policies of the NDP.

## **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 The proposed vehicle access includes emerging visibility splays of 2.4m x 52.51m east and 2.4m x 48.28m west of the site access and forward visibility of 50m to a right turning vehicle. The County Highway Authority have confirmed that these visibility splays are suitable and that the proposed access width of 5.5m with 2m footways on either side would allow for suitable inter-visibility for vehicle passing. However part of the land required to achieve the access point and the visibility is over third party land which is under to control of Tewkesbury Borough Council. Having regard to this it is considered that a legal agreement would need to be secured which makes provision for maintenance of vehicle and non-vehicular road and pathway connections between the site and Oakridge road with associated visibility splays and a footway connection with crossings and visibility splays between the site and existing footway on Williams Orchard to Highnam primary school. The applicants argue that this matter could be addressed by a grampian style condition rather than through a legal agreement. However any proposed disposal of Council owned land would need to follow due process including advertising the proposed sale and securing approval from the Executive Committee.

8.4 Having regard to this there remains some uncertainty whether there is a realistic prospect of the land being made available for the proposed purposes. However the applicant points to a number of appeal/High Court precedents in respect of this matter and suggest that it would be wholly appropriate for a grampian condition to be impose. Discussions with the Council's legal team are ongoing and given that this is a technical matter, it is considered that if members are minded to grant planning permission this matter could be delegated to officers to address this matter either through its inclusion on a S106 or the imposition of an appropriately worded grampian-style planning condition.

8.5 In respect of the suitability of the existing highway network to accommodate the additional traffic generated by the development, a Transport Assessment has been submitted in support of the application with modelling of the traffic impact at peak hours of the site. Based on the trip generation from the development combined with existing and committed development it is illustrated the Oakridge/B4215 junction operates within capacity. There have been no recorded collisions on Oakridge in the vicinity of the proposed site access recorded in the past 5 years according to the transport assessment and just one recorded collision on the Oakridge/B4215 mini-roundabout junction in the past 5 years.

8.6 Having regard to the above the County Highway Authority raise no objection to the proposal subject the in imposition of conditions and planning obligations.

## **9.0 Residential Amenity**

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

9.2 The nearest properties are those located to the south and the proposal is approximately 30 metres away at the nearest point with Oakridge (road) between them. The illustrative masterplan indicates some planting along the sites frontages which would also break up the visual impact of the development but layout details would in any case be dealt with at the reserved matters stage. Overall, at this stage and given the relationship between existing dwellings and the proposed development, there would be an acceptable impact on the living conditions of existing residents.

## **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 the Planning Statement informs the council that the applicant is committed to working with the Council to achieve an appropriate clustering and mix. The Council's Strategic Housing & Enabling Officer confirms that the preferred affordable housing type would currently to be split evenly 50:50 between affordable rented and intermediate housing.

10.3 It is also relevant that a number of requests from local residents have been received in respect of the proposed house types and the need for bungalows in the area. The Council's Housing & Enabling Officer identifies the need for the affordable housing to make provision for 2 bungalows based on the current local need which is proposed to be catered for through the s106 obligations.

10.4 The Council's Strategic Housing & Enabling Officer considers the proposed affordable 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 The site is located within Flood Zone 1 (FZ1) and the application has been supported by a Flood Risk Assessment (FRA) which concludes that the development would not cause any adverse impacts to the site or surrounding area in relation to flooding risk. The FRA demonstrates that the proposal would appropriately manage the flooding risk within the site through incorporating SUDS measures to manage surface water appropriately. The attenuation features would be located within FZ1, complying with Sequential Test procedures and recommendations.

11.5 Gloucestershire County Council as the Lead Local Flood Authority (LLFA) has considered the FRA and considers that the proposed development would be acceptable subject to appropriate drainage conditions attached to any planning permission granted. In addition Severn Trent Water raise no objection to the proposals subject to the imposition of a condition relating to foul and surface drainage.

11.6 In light of the above, it is considered that the site is at a low risk of flooding and would not increase the risk of flooding to third parties. An appropriate sustainable drainage strategy could be secured by a planning condition.

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

12.2 The Council adopted a Playing Pitch and Outdoor Sports Assessment and Strategy in 2009. This outlines the council's requirements for playing pitch provision, either on-site or off site, for a new development based on the new population generated. It calculates the hectares required, as well as the changing facility provision or contribution. It indicates a higher local standard for playing pitches than RCN1 (1.51ha per 1000 population).

12.3 Based on Policy RCN1 and the Playing Pitch Assessment and Strategy, 0.1ha should be playing pitches to be provided either on or off site, or the equivalent financial contribution for an existing provision.

12.4 The cost of playing pitches and associated changing facilities are based on the sports facility costs from Sport England for Q1 of 2015. Based on Sport England figures a 0.74 hectare adult pitch costs £80,000 and a two team changing room costs £255,000. Based on the 0.1ha requirement for the proposed development a contribution of £46,900 would be required.

12.5 The remainder of outdoor playing space required Policy RCN1 related to play facilities. Therefore, £776 per household will be required for improving current play/teenage provision off-site within Highnam Parish this equates to £31,040.

12.6 In addition to sports pitches, the proposed development would create a demand for other sports facilities (i.e. swimming pools, artificial pitches, sports halls). The specific demand for this development is to be identified using the Sports Facility Calculator which is an interactive tool developed by Sport England. This generates a total contribution for sports facilities of £31,856.

12.7 Based on calculation using the Gloucestershire Infrastructure Delivery Plan assessment formula, £18,188 is required for community building improvements at Highnam Community Centre.

12.8 The applicant has been made aware of these requirements and has informally confirmed their agreement in principle.

### **13.0 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, education and library services. In this respect the following contributions are recommended: Primary Education - £75,104 and Libraries - £7,840. It is forecasted that there will be a surplus of pre-school and secondary school places and therefore no contribution is sought.

### **14.0 Historic Environment**

14.1 Section 66 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act places a statutory duty on local planning authorities to have special regard to the desirability of preserving listed buildings or their setting, or any features of special architectural or historic interest which they possess. The NPPF includes a core planning principle to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations (para.17 NPPF). 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. No other planning concern is given a greater sense of importance in the NPPF. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

14.2 Highnam Court is a grade II\* registered park and garden surrounding its principal building, Highnam Court, a grade I listed building built in 1658. At the north-eastern corner of the registered park sits the Church of the Holy Innocents, grade I listed and built 1849-51. Other buildings surrounding the church including the lodge, school and vicarage are all grade II listed.

14.3 Historic England have been consulted on the proposed development considers that the application site is reasonably well screened by existing mature trees and local topography and therefore inter-visibility between the development and registered park will be limited. Furthermore, they concur with the application's Heritage Statement that there are no views of the site from within the wider park and garden which incorporate the church, and therefore the site does not form part of the setting or experience of the church and its wider landscape. Additionally the church experienced from the general location of the application site is done so in conjunction with existing residential development; this proposal is not felt to compound that experience. Historic England do however advise that robust screening should be provided to the south and western boundaries of the site to lessen and soften the introduction of the built form to what is currently undeveloped land. The Council's Conservation Officer also raises no objection to the proposed development.

14.4 The Garden Trust have been consulted on this application and raise concerns in respect of the visual impact of the development on the conifer planting to the south of the proposal and to the impact of the proposal on the Parkland setting to the Highnam Court and the setting of Holy Innocent's. However, it is clear from the comments of Historic England that the proposed development could be acceptably accommodated on the site.

14.5 In terms of archaeology, the County Archaeological Officer (CAO) advises that the archaeology present on this site is not of the highest archaeological significance. Nevertheless, the archaeological deposits on this site will make a contribution to our understanding of the archaeology of both the locality and the wider area. Therefore no objection in principle is raised subject to the imposition of an appropriate condition requiring a programme of work to excavate and record any significant archaeological remains to be undertaken prior to the development.

14.6 Overall, it is considered that the proposed development would not result in harm to the setting of heritage assets in line with NPPF advice, local policy and the statutory duty set out at Section 66 of the Listed Buildings Act.

## **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 A Phase 1 Survey and detailed surveys relating to reptiles have been undertaken. The surveys confirm that the habitats recorded on site were assessed as moderate-low conservation value. The current development proposals include the retention of hedgerows, which represent the highest habitat value on site. Overall, the assessment concludes that the proposals would not materially affect the current baseline ecological conditions if the development is undertaken sympathetically to biodiversity. Further Natural England raises no objection to the proposed development.

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

## **16.0 Other matters**

### *Self-build units*

16.1 Policy H1 of the NDP encourages new development to include self-build and/or live/work units. In this instance the applicant has confirmed that they would be willing to consider the inclusion of a suitable worded condition requiring consideration to be given to the provision of self-build units at the reserved matter stage.

### *Healthcare*

16.2 NHS Gloucestershire advise that the development would generate the need to increase existing health care capacity in the area. A contribution of £24,530 is sought by NHS Gloucestershire.

## **17.0 Overall Balancing Exercise**

17.1 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. Nevertheless, as set out above, the Council's housing supply policies are considered out of date and in those circumstances the NPPF 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. As such, in this case and in accordance with paragraph 14 of the NPPF, the development should be permitted unless there are any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

### *Beneficial Effects*

17.2 It is considered that the proposal would achieve a good mix of housing and would deliver much needed affordable housing in a location which is in close proximity to employment, existing housing, community facilities and is well served by public transport. These are benefits which weigh significantly in favour of the development. Further, the additional increased patronage from the development would be beneficial to the ongoing support for the local services and facilities. New employment would also be created during construction and some businesses connected with the construction industry would likely be local suppliers and trades, which would boost the local economy. In addition, it is considered that the proposal would be of an acceptable design and would include provision of public open space. It must also be recognised that through a Section 106 Agreement, developer contributions would provide for education and library facilities, improved recreational facilities, open space and playing pitches.

### *Harmful Effects*

17.3 Whilst the proposal is capable of being mitigated in accordance with the landscape advisers comments, the proposed development would result in some landscape harm as a result of the loss of an undeveloped field.

### *Neutral Effects*

17.4 It is considered that the proposed development would have a neutral impact on nearby heritage assets. In addition the proposed development would not be at an unacceptable risk of flooding and would not exacerbate flooding problems for third party property. In terms of ecology and nature conservation, it has been demonstrated that the development would not have a detrimental impact upon biodiversity.

### *Overall Planning Balance and Conclusion*

17.5 In weighing up the planning balance, it is considered that, based upon the three-stranded definition of Sustainable Development within the NPPF, the proposal would represent a sustainable form of development and it is therefore recommended that the decision is **DELEGATED to the Development Manager to permit the application subject to consideration of how visibility can be secured at the access to the site (i.e Gramplan style condition or S106 obligation) and the completion of a section 106 legal agreement to secure the following heads of terms:**

- Affordable dwellings - 40%
- Library - £7,840 towards local library facilities
- Primary Education - £75, 104
- Sports facilities - £31,856
- NHS England - £24,530
- Playing pitches and pitch provision - £46,900
- Community Infrastructure - £18,188
- Play facilities - £31,040
- Recycling - £73 per dwelling
- Dog bins & signs

## **RECOMMENDATION Delegated Permit**

### Conditions:

- 1 The development for which permission is hereby granted shall not be begun before detailed plans thereof showing the layout, scale and appearance of the buildings and the landscaping of the site (hereinafter referred to as "the reserved matters") have been submitted to and approved by the Local Planning Authority.

Reason: The application is in outline only and the reserved matters referred to in the foregoing condition will require further consideration.

- 2 Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3 The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 4 The reserved matters submitted pursuant to condition 1 above shall include details of existing and proposed ground levels and finished floor levels of the buildings relative to Ordnance Datum Newlyn. The development shall be carried out in accordance with the approved details.

Reason: In the interests of amenity to accord with the NPPF.

- 5 Applications for the approval of the reserved matters shall be in accordance with the principles and parameters described in the approved Design and Access Statement dated April 2016. Any reserved matter application shall include a statement providing an explanation as to how the design of the development responds to the Site Layout Plan - 8081 PL03 REV C.

Reason: To ensure the development is carried out in accordance with the agreed principles and parameters and to ensure that the new development will be visually attractive in the interests of good design and amenity.

- 6 Existing trees and hedgerows that are to be retained shall be protected during the course of construction in accordance with the submitted Tree Constraints, Tree Impact Assessment & Tree Protection Method Statement. 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.

Reason: To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policy LND7 of the Tewkesbury Borough Local Plan to 2011 - March 2006.

- 7 The reserved matters submitted pursuant to condition 1 shall be accompanied by full details of both hard and soft landscape proposals. These details shall include:
- i. Positions, design, materials and type of boundary treatment to be erected;
  - ii. Hard surfacing materials; and

Soft landscape details shall include:

- a) Planting plans including positions for all tree, hedge and shrub planting;
- b) Written specifications (including cultivation and other operations associated with plant and
- c) grass establishment);
- d) Schedules of plants, noting species, planting sizes and proposed numbers;
- e) Densities where appropriate; and
- f) Implementation timetables including time of planting.

Reason: To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policy LND7 of the Tewkesbury Borough Local Plan to 2011 - March 2006.

- 8 If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place.

Reason: To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policy LND7 of the Tewkesbury Borough Local Plan to 2011 - March 2006.

- 9 No external lighting shall be erected on any part of the site without the prior express permission of the Local Planning Authority.

Reasons: In the interests of amenity and ecology.

- 10 No development approved by the permission shall be commenced until a detailed drainage strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy must be compliant with the requirements of the NPPF, PPG, Non-Statutory Technical Standards for Sustainable Drainage, Building Regulation H and local policy. The detailed drainage strategy must consider, but not be limited to, the SUDS discharge hierarchy, a scheme of surface water treatment, management of exceedance flows, a construction method statement and be supported by sufficient evidence to demonstrate it is technically feasible. Where surface water requires disposal off site (i.e. not infiltrated) the applicant must provide evidence of consent to discharge/connect through 3rd party land or to their network, system or watercourse. The drainage scheme shall be carried out in accordance with the approved details.

Reason: To ensure that the development is provided with a satisfactory means of drainage, as well as reducing the risk of flooding both on the site itself and the surrounding area, and to minimise the risk of pollution, all in accordance with Policies EVT5 and EVT9 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and the NPPF.

- 11 No development shall be put in to use/occupied until a SUDS maintenance plan for all SuDS/attenuation features and associated pipework has been submitted to and approved in writing by the Local Planning Authority. The approved SUDS maintenance plan shall be implemented in full in accordance with the agreed terms and conditions.

Reason: To ensure the continued operation and maintenance of drainage features serving the site and avoid flooding to accord with Policies EVT5 and EVT9 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and the NPPF.

- 12 No development hereby permitted shall commence on site (other than those required by this condition) until the first 15m of the proposed access road, including the junction with the existing public road and associated visibility splays, has been completed to at least binder course level.

Reason: To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with the National Planning Policy Framework paragraph 35 and Local Plan policy TPT1.

- 13 The footway connection with crossings from the site to south of the Park Brake junction illustrated on drawing SK03 shall be completed in full prior to the occupation of any dwelling hereby permitted.

Reason: To ensure that the opportunities for sustainable transport modes have been taken up in accordance with paragraph 32 of the National Planning Policy Framework and the development is designed to give priority to pedestrian and cycle movements in accordance with paragraph 35 of the National Planning Policy Framework and Local Plan policy TPT1.

- 14 Prior to occupation of the dwellings hereby permitted details (including construction details) of a footway with crossings from the site to the existing footway on Williams Orchard via the junction with Oakridge in accordance with drawing SK03 shall be submitted and approved in writing by the Local Planning Authority and constructed in accordance with the approved details.

Reason: To ensure that the opportunities for sustainable transport modes have been taken up in accordance with paragraph 32 of the National Planning Policy Framework and the development is designed to give priority to pedestrian and cycle movements in accordance with paragraph 35 of the National Planning Policy Framework and Local Plan policy TPT1.

- 15 Prior to occupation of any dwelling hereby permitted, tactile drop kerb footway crossings shall be provided at the following locations in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority:

- Turners Close adjacent to Oakridge junction
- Between eastbound and westbound bus stops from Oakridge footway nearest Turners Close.
- Connecting footways on Williams Orchard from Williams Orchard/Oakridge junction to footpath through to Brimsome Meadow
- Connecting Brimsome Meadow north and south footways adjacent to Barn Ground junction
  
- Connecting north and south footways Park Brake adjacent to footpath north to Little Lancarridge
- Connecting footpaths on the north and south side of Little Lancarridge



Reason: To ensure that the opportunities for sustainable transport modes have been taken up in accordance with paragraph 32 of the National Planning Policy Framework, give priority to pedestrian movements, provide access to high quality public transport facilities and considers the needs of people with disabilities by all modes of transport in accordance with paragraph 35 of the National Planning Policy Framework and Local Plan policy TPT1.

- 16 Prior to first occupation of any dwelling hereby permitted details (including details of construction) of a footway/cycleway including an uncontrolled tactile crossing from the western boundary of the site to the existing footway alongside Oakridge shall be submitted and approved by the Local Planning Authority and completed in all respects before first occupation.

Reason: To ensure that the opportunities for sustainable transport modes have been taken up in accordance with paragraph 32 of the National Planning Policy Framework, give priority to pedestrian and cycle movements, provide access to high quality public transport facilities and considers the needs of people with disabilities by all modes of transport in accordance with paragraph 35 of the National Planning Policy Framework and Local Plan policy TPT1.

- 17 Prior to occupation of any dwelling hereby permitted details (including details of construction) of a footway/cycleway connection from the site eastern boundary to the existing footway/cycleway to Gloucester shall be submitted and approved in writing by the Local Planning Authority and constructed in all respects.

Reason: To ensure that the opportunities for sustainable transport modes have been taken up in accordance with paragraph 32 of the National Planning Policy Framework, give priority to pedestrian and cycle movements, provide access to high quality public transport facilities and considers the needs of people with disabilities by all modes of transport in accordance with paragraph 35 of the National Planning Policy Framework and Local Plan policy TPT1.

- 18 No dwelling on the development shall be occupied until the carriageway(s) (including surface water drainage/disposal, vehicular turning head(s) and street lighting) providing access from the nearest public Highway to that dwelling have been completed to at least binder course level and the footway(s) to surface course level.

Reason: To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with the National Planning Policy Framework paragraph 35 and Local Plan Policy TPT1.

- 19 The details to be submitted for the approval of reserved matters shall include vehicular parking and turning facilities within the site, and the buildings hereby permitted shall not be occupied until those facilities have been provided in accordance with the approved plans. The facilities so approved shall be maintained available for those purposes for the lifetime of the development.

Reason: To ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework paragraph 35 and Local Plan Policy TPT1.

- 20 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall:
- a) specify the type and number of vehicles;
  - b) provide for the parking of vehicles of site operatives and visitors;
  - c) provide for the loading and unloading of plant and materials;
  - d) provide for the storage of plant and materials used in constructing the development;
  - e) provide for wheel washing facilities;
  - f) specify the intended hours of construction operations;
  - g) measures to control the emission of dust and dirt during construction

Reason: To reduce the potential impact on the public highway and accommodate the efficient delivery of goods and supplies in accordance paragraph 35 of the National Planning Policy Framework paragraph 35.

- 21 No development shall commence on site until a scheme has been submitted to, and approved in writing by the Local Planning Authority, for the provision of fire hydrants (served by mains water supply) and no dwelling shall be occupied until the hydrant serving that property has been provided in accordance with the approved details.

Reason: To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire.

- 22 No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as either a dedication agreement has been entered into or a private management and maintenance company has been established.

Reason: To ensure that safe, suitable and secure access is achieved and maintained for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with the National Planning Policy Framework and to establish and maintain a strong sense of place to create attractive and comfortable places to live, work and visit as required by paragraph 58 of the Framework.

- 23 No external construction works, deliveries, external running of plant and equipment or internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1400 on Saturday. There shall be no such working Sundays, Public or Bank Holidays without the prior written permission of the Local Planning Authority.

Reason: To ensure that the proposed construction work does not cause undue nuisance and disturbance to nearby properties at unreasonable hours.

- 24 No development shall take place until an Ecological Management Plan (EMP) has been submitted to and approved in writing by the Local Planning Authority. The EMP shall be in accordance with the recommendations set out in in section 7 of the Ecological Appraisal by Ethos Environmental Planning dated October 2015. The EMP shall include a timetable for implementation, details for monitoring and review and how the areas concerned will be maintained and managed. Development shall be carried out only in accordance with the approved EMP.

Reason: To ensure proper provision is made to safeguard protected species and their habitats, in accordance with the guidance set out in the NPPF and Policy NCN5 of the Tewkesbury Borough Local Plan to 2011 - March 2006.

- 25 The reserved matters submitted pursuant to condition 1 above shall be accompanied by a written statement which outlines how the applicant has considered the need for the provision of self-build plots within the development to meet any identified local demand.

Reason: To demonstrate that the proposed development would support the provision of homes to meet local need.

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

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

16/00486/OUT



— Indicative red line  
 Site application boundary  
 shown subject to legal and  
 final confirmation

**Roberts Limbrick**  
 ARCHITECTS

Land South of Oakridge, Highnam

Site Location Plan

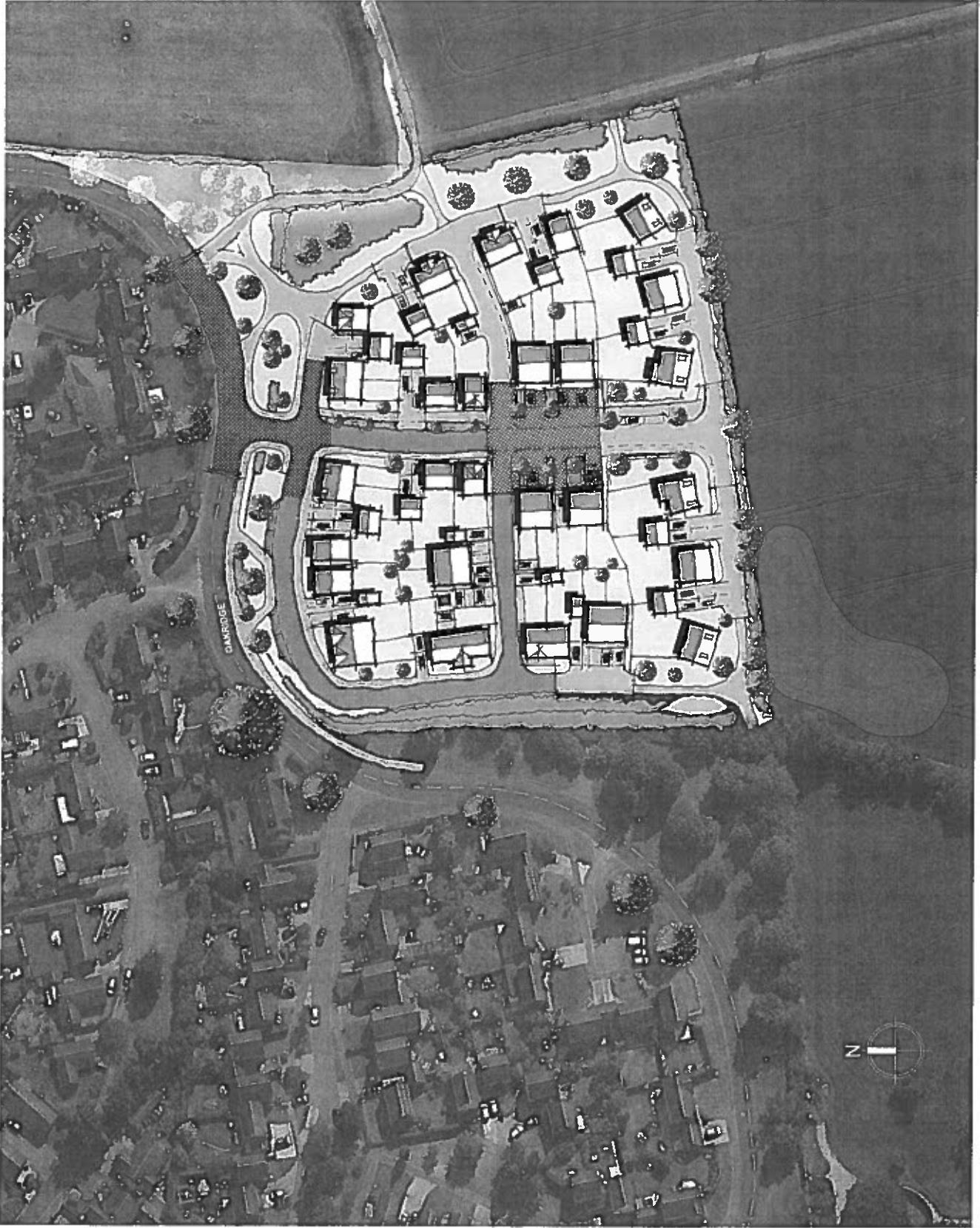
Date JULY '15  
 Scale 1:1250 @A1  
 Subject to council planning. See for site  
 Dwg No: 8081/PL01/Rev C

**Evans Jones**

The Carrage Building, Exton Way, Gloucester GL1 1QG  
 T 01333 455 500 E [info@evansjones.com](mailto:info@evansjones.com)  
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7111/A

16/00486/OUT



Plot 16/00486/OUT

711/B

Land South of Oakridge, Highnam  
Site Layout

Date: March 2016  
Scale: 1:500 @ A1  
Dwg No: 6081 P103 Rev D

Evans Jones  
The Carrage Building, Evelyn Way, Gloucester, GL1 1UG  
T: 01333 425 500 E: oak@evansjones.co.uk

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Valid 25.08.2015

Application for the erection of 16 dwellings (8 affordable and 8 open market sale) with landscaping, access and associated works.

Grid Ref 382837 222995

Parish Sandhurst

Ward Coombe Hill

DB Land And Planning Ltd  
 Hillberry  
 Castlemorton  
 Malvern  
 WR13 6JA  
 F.A.O Mrs Debbie Brookes

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

NPPF

Planning Practice Guidance

JCS (Submission Version) -SP1, SP2, SD1, SD4, SD5, SD7, SD10, SD11, SD12, SD13, SD15, INF1, INF2, INF3, INF4, INF5, INF6, INF7, INF8

Tewkesbury Borough Local Plan to 2011 - March 2006 - Policies GNL2, GNL8, GNL11, HOU1, HOU4, HOU13, HOU14, TPT1, TPT3, TPT6, EVT2, EVT3, EVT5, EVT9, LND3, LND7, RCN1, RCN2, NCN5

SPG Affordable Housing

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)

Flood Zone 2

Public Right of Way ESA/14/2 and ESA/27/1

**Consultations and Representations****Parish Council - Object**

- The road/highway network will not be able to cope with further development
- The current sewerage system will not be able to cope with further development
- There is a risk of flooding to this site
- There is no gas to the village
- There is limited public transport
- There are no amenities
- Loss of good agricultural land
- Concern about access for emergency services at time of flooding

Following this initial objection the Parish submitted a Position Statement summarised as follows:

- The Parish consider a flood risk sequential test should be undertaken and have taken professional advice on this. Within Sandhurst there are 100 acres in flood zone 1 and there is no need to build in flood zone 2
- No major developments should be allowed in Sandhurst or Longford which will add to the existing flooding situation
- A flood risk exception test is also required which should amongst other measures assess off site implications.
- The submitted flood risk statement is not fit for purpose and does not provide any evidence for the conclusions and does not assess all sources of flooding, provide drainage plans or provide details of attenuation holding measures
- The applicant's Design and Access Statement says that shops and schools are 'within an acceptable walking distance'. Neither are in Sandhurst and the nearest shops are 3 miles away and nearest school about 4 miles.
- The viability report which accompanies the application should be made public

**County Highways Authority** - No objection subject to conditions.

**Lead Local Flood Authority** - No objection subject to condition requiring detailed drainage strategy.

**Strategic Housing and Enabling Officer** - Supports the application as the proposals would meet local housing needs on the condition that the open market homes are necessary on the rural exception development through an independent viability assessment.

**S106 Community, Leisure, Play and Grounds Maintenance Contributions**

- £18,107 required towards off-site playing pitches and pitch provision
- £15,802 required for sports facilities
- £776 per household should be provided for off-site play provision
- A commuted sum for on-site maintenance
- £7,275 is required for community buildings.

**County S106 Officer** - Kingsholm Primary is forecast to have limited surplus spaces. Contribution of £39,581 required for secondary education.

**Severn Trent** - No objections subject to conditions to secure and implement drainage plans for the disposal of foul and surface water flows

**Local Residents** - objections have been received from local residents (summarised):

- There are no local amenities in Sandhurst such as shops and doctors surgeries to serve future residents. Future residents would be forced to drive approximately 3 miles.
- The proposed development would increase the number of households in the village by 9% and the infrastructure does not exist to support it.
- There is only a very basic and infrequent bus services to any amenities.
- There is no work in the village besides limited positions in agriculture.
- Broadband within the village should be improved.
- There are insufficient telephone cables to support further expansion of the telephone system.
- 16 houses and potentially 32 vehicles will make the quiet rural area noisier and more polluted.
- The proposal does not accord with the character of the area which is individual houses and not large groups of houses as proposed.
- The proposal would harm the character and appearance of the village.
- The proposed site is outside previous infill areas and its depth and character is inconsistent and out of character with the ribbon development of the rest of the village.
- The visual impact of the development will be significant, the loss of existing views across fields and down to the river will change the character of that part of the village.
- Views of the countryside from Sandhurst Hill will be affected.
- The proposal will cause irreparable damage to the ecosystem of the fields and the ancient hedgerow.
- The development would require levelling of the field which could have an adverse impact on the pattern of flooding and would result in properties being flooded which haven't before.
- Access to the village can be difficult in times of flood.
- There are more reasonably available sites in flood zone 1 whilst part of the application site is in flood zone 2. There are alternative sites in the village which could accommodate smaller proposals and are less likely to flood.
- The roads in the village are inadequate, narrow and already potholed and damaged with heavy agricultural traffic. Increased traffic from future residents and during construction will worsen the situation, make them busier and more dangerous.
- Vehicles often speed on the lane adjacent to the site and more traffic will not help.
- The site access is on a junction of two roads with visibility problems from all angles and there is a history accidents.
- There is no street lighting or pavement in the vicinity of the application site which will cause safety hazards.
- The sewerage system is inadequate and new housing will worsen the situation.
- The density of the proposed development is too high.
- There are no plans for a recreation ground or a playground as previously promised.
- Dwellings opposite the application site currently have an open outlook. This would be severely impacted by the proposal.
- Residential properties in Sandhurst are characterised by their predominant individuality, and the design of the proposed houses are uniform and unsympathetic to the characteristics of the village.
- Sandhurst already has a relatively high proportion of affordable housing and properties can be rented through Severn Vale, the Council and private landlords. The proportion of affordable houses in Sandhurst is higher than other settlements such as Minsterworth.

- The proposed dwellings would overlook windows of existing dwellings; and existing dwellings would overlook the proposed dwellings from first floor level.
- The definition of affordable housing should be defined in any planning permission.
- There is no market demand for dwellings in Sandhurst because of the flood problems. Who would buy these properties.
- The 2010 housing needs survey is out of date and the current need should be ascertained before a decision is made. Objectors have stated that there is nobody on the waiting list in the village and the eligibility rules have been relaxed for that which already exists in the village in order to get it occupied. The application was submitted prior to the updated housing need survey in 2015.
- Existing affordable houses in the village are vacant for long periods.
- If a need for affordable housing is identified, building should be phased as the need arises and not all building done at the same time.
- The nearest gas main which is available for domestic use is some distance away and not adjacent to the site as stated. None of the local properties have a gas main connection.
- Present gas regulations regarding the installation of LPG facilities will render the proposed site layout illegal.
- The village suffers regular power outages usually due to water ingress. The power distribution system would struggle with an additional 16 houses.
- Policy HOU14 of the Local Plan states that affordable houses should be located where there are adequate local facilities, including public transport facilities. This is not the case in Sandhurst.
- Inadequate car parking is provided on the plans.
- The site has been deemed an exception site but does not meet the criteria as the average price of the plot would be in excess of £100,000
- An application for one bungalow was refused as Sandhurst was an unsuitable location. This must set a precedent.
- The developer has not contacted adjacent landowners to get consent for run off through adjacent properties.
- The intention of the proposed drainage strategy is for the surface water from the site to be transferred via a new storm drain to an existing ditch to the east of the site. Local drainage ditches tend to back up and overflow at times of flood.
- The submitted drainage plans show that water will flow directly into the dwelling known as The Reddings to the south.

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

##### **1.0 Application Site**

1.1 The application site comprises part of an agricultural field located to the west of Sandhurst Lane and to the south of Sandhurst. The application site has an area of approximately 0.7 hectares is broadly square and is generally flat. The application site forms part of an agricultural holding leased to a County Council tenant farmer. A public right of way runs to the north of the site.

1.2 The site is bounded to the south by an existing dwelling and farm buildings known as The Reddings. To the north the site is bound by an existing public footpath which sits in the retained access to the fields to the west. Beyond the retained access to the north is a dwelling known as The Paddock. Agricultural fields lie to the west of the application site

1.3 To the east of the site lies Sandhurst Lane and the junction of Sandhurst Lane/Base Lane. There are residential properties on the eastern side of Sandhurst Lane opposite the application site.

1.4 No Residential Development Boundary for Sandhurst is defined in the Tewkesbury Borough Local Plan - March 2006 but it is considered that the site lies outside of the core of the village. This view is shared by the applicant in the Design and Access Statement (DAS). The site is located within a Landscape Protection Zone (LPZ) and the south west corner of the site is located in Flood Zone 2.

##### **2.0 Planning History**

2.1 There is no relevant planning history for the site.

### 3.0 Current Application

3.1 The application is made full and proposes the erection of 16 no. dwellings; 8 no. market and 8 no. affordable dwellings with associated infrastructure and landscaping (see layout plan).

3.2 The 8 affordable housing units proposed are located in the south west portion of the site and comprise:

- 2 no. 2 bedroom dwellings in a semi-detached bungalow
- 4 no. 2 bedroom dwellings in two storey semi-detached houses
- 2 no. 3 bedroom dwelling in two storey semi-detached houses

The 8 market dwellings which make up the remainder of the application site comprise:

- 4 no. 3 bedroom two storey detached dwellings
- 4 no. 4 bedroom two storey detached dwellings

3.3 The proposed density would be 23 units per hectare.

3.4 Access to the site would be via a new access onto Sandhurst Lane and the existing farm access to the north of the site would remain to provide access to the surrounding agricultural land.

3.5 The application has been submitted in response to a Housing Needs Survey of Sandhurst Parish undertaken by Gloucestershire Rural Community Council Rural Housing Needs Enabler. The application seeks to deliver the identified affordable housing need by using market housing to cross subsidise the affordable housing. This is an approach allowed by the NPPF.

3.6 The application is supported by Tewkesbury Council's Strategic Housing and Enabling Officer on the condition that the open market homes are necessary on the rural exception development through an independent viability assessment.

### 4.0 Policy Context National and Local Planning Policy

4.1 At the heart of the NPPF is a presumption in favour of sustainable development, of which there are three dimensions: economic, social and environmental. The NPPF does not change the statutory status of the development plan as the starting point for decision making but emphasises the desirability of local planning authorities having an up-to-date plan. According to paragraph 215 of Annex 1 of the NPPF, due weight should be given to relevant policies in existing development plans according to their degree of consistency with the framework (the closer the policies in the plan to the policies in the framework, the greater the weight that may be given).

4.2 Paragraph 14 of the NPPF indicates that sustainable development should be approved without delay, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits; or where specific policies within the Framework indicate that development should be restricted.

4.3 Paragraph 54 of the NPPF states that *"In rural areas, exercising the duty to cooperate with neighbouring authorities, local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate"*.

4.4 Paragraph 55 of the NPPF states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside; or where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or the exceptional quality or innovative nature of the design of the dwelling

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



4.6 Policy HOU4 of the local plan seek to promote sustainable development. Policy HOU4 advises, inter alia, that residential development outside of a residential development boundary will only be permitted where essential to the efficient operation of agriculture or forestry or the provision of affordable housing in accordance with Policy HOU14.

4.7 Policy HOU14 seeks to provide affordable housing. Policy HOU14 states that the Council will permit, subject to a legal agreement and/or planning condition, residential development which can be demonstrated to meet in perpetuity a particular local need that cannot be met in any other way. Proposed sites should be small in size and located in or adjoining villages or settlements where there are adequate local facilities, including public transport services, for residential schemes where the occupation can be controlled in the long term.

4.8 Local Plan Policy LND3 provides policy on the Landscape Protection Zone (LPZ) and states that within the LPZ special attention will be given to the ecology and visual amenity of the river environment. Development will not be permitted which has a detrimental impact or ecological effect on the character of the river banks or the associated landscape setting of the Severn Vale; or has an adverse impact on the water environment.

4.9 Local Plan Policy LND7 states that new developments will require the provision of high quality landscaping which should form an integral part of the overall development.

4.10 Policy TPT1 of the local plan seeks to reduce the need to travel by car and promote alternative modes of transport and to ensure that highway access can be provided to an appropriate standard which would not adversely affect the safety or satisfactory operation of the highway network, nor cause an unacceptable loss of amenity to users of adjacent land.

4.11 Policy NCN5 of the local plan seeks to protect and, wherever possible enhance biodiversity, including wildlife and habitats.

## **5.0 Analysis**

### *Principle of Development*

5.1 Policy HOU14 is consistent with the NPPF when considering affordable housing exceptions sites however it must be recognised that the NPPF (Paragraph 54) advises that in rural areas, local planning authorities should consider whether allowing some market housing would facilitate the provision of significant additional affordable housing to meet local needs, as is the case in this application.

5.2 The Councils Strategic Housing and Enabling Officer (HEO) has commented that the application has come about following a housing needs survey for Sandhurst and that the application will meet local housing needs. The proposed market housing is intended to facilitate the affordable housing need and NPPF states that local authorities should consider this approach. The amount of market housing required to facilitate the affordable housing provision has been examined by the District Valuer who concluded that the scheme would be unviable without the inclusion of 8no. market housing units to cross-subsidise the proposed affordable units.

5.3 The principle of the application is therefore considered acceptable providing wider planning objectives are met.

### *Access to local services and facilities*

5.4 Local Plan Policy HOU14 states that proposed exception sites should be located in or adjoining villages or settlements where there are adequate local facilities, including public transport services. This is generally consistent with the aims of the NPPF which seeks to promote sustainable modes of transport (Section 4). However, the Framework also recognises the need support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development (paragraph 28) and also that opportunities to maximise sustainable transport solutions will vary from urban to rural areas and that there is a need to balance this against other objectives set out in the Framework - particularly in rural areas.

5.5 Sandhurst is not identified in the settlement hierarchy within the Submission version of the JCS. There are no local service facilities within Sandhurst and the nearest shops are 3 miles away and nearest school about 4 miles. There is a restricted bus service and new residents would to a large extent be reliant on the car. Recent appeal decisions in Alderton and Twynning have made it clear that that neither national nor local planning policy regards this as sufficient reason in itself to prevent any further residential development in such communities. Rather, it is one of the many considerations that need to be taken into account when assessing specific proposals; including the need to provide affordable housing within existing rural communities. Nevertheless, the location of the site remote from primary services is a factor that weighs against the proposal in the overall planning balance.

#### *Layout and Design*

5.6 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. At paragraph 61 the NPPF states that planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

5.7 NPPG advises that local planning authorities should not refuse planning permission for buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns are mitigated by good design. However at paragraph 64, the NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

5.8 Planning decisions should not attempt to impose architectural styles or particular tastes through requirements to conform to certain development forms or styles. It is however, proper to seek to promote or reinforce local distinctiveness and character.

5.9 In terms of character, in the vicinity of the application site along Sandhurst Lane, the prevailing form of development is a loose form of linear development, with detached dwellings fronting onto the main routes, and development extends beyond the main roads to only one plot depth.

5.10 The application site is a prominent gateway site when entering Sandhurst from the south and views are afforded of the whole application site from the public highway. The application site extends to a depth of approximately 85 metres, which is over double that of the dwellings and properties to the north of the application site. The applicant has stated that this depth of development is appropriate as buildings at The Reddings to the south also extend to this depth. However, the single storey low key outbuildings for The Reddings are not considered to be a defining form for the character of Sandhurst in this broad location and are not considered a justification for the proposal extending beyond the predominant linear character of Sandhurst.

5.11 This proposal departs from that structure of the settlement and extends beyond the line of development away from the main road in a traditional cul-de-sac form and there is little or no design rationale for the structure of the layout or the architecture within the Design and Access Statement.

5.12 It is considered that the proposal would conflict with the local distinctiveness and predominant character of the area and would be an incongruous unsympathetic intrusion from the character of the area. The layout and extent of development is considered incompatible with the application site and the immediate surroundings and way it functions in its wider context.

5.13 There is no justification given for diverging away from the predominant linear nature of this part of the village, taking into account that the Housing Need Survey identified a need for 7 affordable houses and 8 are proposed in the scheme and all or part of the identified housing need could be deliverable through a smaller scheme.

5.14 The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. It is considered that the proposed development is out of character with the existing built form of the village and appears incongruous. This would be detrimental to the character of the village and does not represent good quality design and does not take account of opportunities which are available on the site.

5.15 These matters weigh heavily against the proposal in the overall planning balance.

#### *Landscape and Visual Impact*

5.16 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.

5.17 The application site is located within a Landscape Protection Zone (LPZ). Policy LND3 of the Local Plan states that within the LPZ special attention is given to the ecology and visual amenity of the river environments and development will not be permitted which has a detrimental visual or ecological effect on the character of the River Bank or the associated landscape setting of the Severn Vale, or has an adverse impact on the water environment.

5.18 The proposed development would result in harm to the landscape by introducing suburban built form onto agricultural land which is currently free from development and which lies within the Landscape Protection Zone. This harm is exacerbated by the extent of the site and location of proposed buildings, including two-storey dwellings, beyond the line of development adjacent the site. Nevertheless, the Council's Landscape Officer has been consulted and advises that the development could be integrated more effectively into the surrounding countryside by reducing the number of properties and relating the housing layout better in relation to the linear and small scale form of development along Sandhurst Lane.

5.19 The applicant has provided additional information on landscaping, including mitigation measures such as enhanced landscaping on the western boundary of the site, however this does not overcome the landscape harm identified. This is a matter which weighs significantly against the proposal.

#### *Flood Risk and Drainage*

5.20 The site is situated largely within flood zone 1 (low risk) however the south west corner is in flood zone 2 (medium risk). Two affordable bungalow units in the south-western corner of the site would fall within flood zone 2. Section 10 of the NPPF sets out 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. A site specific flood risk assessment is required for all proposals for new development in flood zone 2 and it is also required that a sequential test is undertaken to steer development to areas with a lower probability of flooding. When determining applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding, following the sequential test, if it can be demonstrated that:

- within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
- development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.

#### *The Sequential Approach*

5.21 A Flood Risk Sequential Test was submitted in support of the application in April 2016 and an addendum in January 2017. The sequential test focuses on Sandhurst, given that the development proposed is to meet the identified affordable housing needs of the Parish and considers sites which may be capable of accommodating 16 dwellings given that 8 open market units are required to cross-subsidise the 8 affordable housing units. The sequential test considers a number of sites within Sandhurst, which are discounted by the applicant as set out below:

- Land off Sandhurst Lane (see committee plan). This site extends to 1.34 hectares and the majority of the site is in Flood Zone 1. The site is identified as being suitable, available and viable in the SHLAA and is identified as being available within 5 years. The applicant made an offer for the land in 2014 based on typical housing land values, but this was rejected by the landowner and it is understood the site was subsequently sold for market value. The

applicant therefore considers that the site is not available for a cross-subsidy affordable housing scheme. The applicant also considers that given the narrow frontage of the site any proposal on this site to deliver the affordable housing requirement would not be linear and would not reflect the linear form of the settlement which the planning authority prefers. The applicant also considers that access to the site would need to be located on a narrow part of the highway and the Highway Authority's standards are unlikely to be met. Having regard to the above, and in particular the availability of the site for a cross-subsidy housing scheme, it is not considered that the site is sequentially preferable to the application site.

- Land North of Sandhurst Lane (see committee plan). Whilst this site is in flood zone 1 it is in a peripheral location within the village and is not considered large enough to accommodate 16 dwellings in an acceptable layout. The site is not considered sequentially preferable to the application site
- The Recreation Ground (see committee plan). The site is wholly in flood zone 2 and is not considered sequentially preferable to the application site
- Land at Moat Farm (see committee plan). A large part of the site is in flood zone 2, two public rights of way cross the land and Moat Farm is a Grade II listed building. These parameters would constrain development and the site is not considered sequentially preferable to the application site.

5.22 NPPF states that developments should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. On balance it is not considered that there are available, suitable or viable sites to accommodate the development proposed.

#### *Site Layout and Flooding*

5.23 Paragraph 103 of the NPPF states that when determining planning applications local planning authorities should only consider development appropriate in areas at risk of flooding where informed by a site-specific flood risk assessment following the sequential test, it can be demonstrated that within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location.

5.24 The proposed layout includes 2 no. affordable housing units located on the south-western corner of the site in flood zone 2. Concerns have been raised by Officers about the proposed layout and officers have requested that the applicant consider amending the layout so that dwellings are not located in the flood zone 2. The applicant has not amended the layout of the proposal in response to these concerns and it is not considered that there are overriding reasons for dwellings, and notably bungalows which may accommodate more vulnerable residents, to be located in that part of the site which is within flood zone 2. This weighs against the proposal.

#### *Site Specific Flood Risk Assessment and Drainage Strategy*

5.25 A Flood Risk Assessment and Drainage Strategy was submitted with the application. The Strategy states that generally the existing levels would be maintained on the site with localised modifications to provide the access road vertical alignment and to create the junctions to parking areas and driveways within the site. House floor levels would be set at 150mm above the general ground level and in the south west corner of the site the house floors would be set at 12.35m AOD, which is 650mm above the 100 year flood level including climate change.

5.26 In regard to storm drainage the Strategy states that the adopted section of highway would be drained via deep trapped gullies discharging to a robust storage attenuation system. This would discharge at a restricted rate via an off-site Highway drain to the watercourse at the bottom of the field. Non-adopted driveways and hardstandings would be constructed in permeable paving to reduce the overall area draining to the infiltration systems and to provide water quality improvements to run-off from vehicular areas draining into groundwaters. Roofwater would be directed to shallow soakaway blankets.

5.27 The LLFA originally objected to the application as insufficient information had been submitted to demonstrate the adequacy of the surface water drainage system and compliance with the requirements of standards and guidance.

5.28 At the request of the LLFA supplementary percolation testing was undertaken in May 2016 to establish the depth of the groundwater table on the site and to further characterise the near surface ground profile and soil infiltration properties.

5.29 Further to the supplementary percolation testing the LLFA withdrew their objection based on the surface water management proposals for the site subject to conditions being imposed to secure a Detailed Drainage Strategy, details of surface water attenuation/storage works, a SUDS maintenance plan and details of the location of the proposed soakaway.

5.30 Concerns have been raised by objectors that roads in Sandhurst get blocked at times of flood restricting access to the settlement, but it is noted that access to the application site is within flood zone 1, and the concerns raised by objectors are noted but are not considered a reason to refuse the application.

#### *Flood Risk and Drainage Conclusions*

5.31 In light of the above, it is considered that based on the LLFA comments and subject to the imposition of conditions, that the applicant's FRA/drainage strategy is acceptable. It is also considered that the applicant has demonstrated that there are no sequentially preferable sites that can reasonably accommodate the proposed development.

5.32 However it has not been demonstrated that within the site there are overriding reasons why the most vulnerable development is located in areas of highest flood risk. This is a matter which weighs against the proposal.

#### **Highway Safety**

5.33 The development would be served by the creation of a new bell mouth style priority T-junction with Sandhurst Lane which would require the removal of part of the existing hedge. The proposed access supports two way vehicles movements and includes a 2.0 metre corridor which will be delineated from the rest of the carriageway. On exiting the site there are no footpaths on Sandhurst Lane and the footpath commences approximately 200 metres to the north. The nearest bus stop in relation to the application site is approximately 300 metres north of the application site.

5.34 The development has provision for 30 driveway parking spaces with an additional 12 garage spaces. The suitability of the development has been assessed in relation to the DCLG Residential Car Parking Research Document where by car ownership levels for parking provision are based on the location, tenure, and number of habitable rooms within a dwelling should have a provision to accommodate 28 vehicles. The proposal's parking provision is deemed acceptable.

5.35 Gloucestershire County Highways Authority (CHA) have assessed the proposal and note that that the required emerging visibility splays of 32 metres to the left and 33 metres to the right are achievable. The internal layout contains an adoptable turning head and demonstrates that a 3 axle refuse vehicle can turn without conflict. Subject to conditions the CHA have no highway objections to the proposal.

5.36 Subject to the above, the proposal is considered to be acceptable in terms of Guidance within the NPPF and Local Plan Policy TPT1.

#### **Residential Amenity**

5.37 The impact of the proposal upon the residential amenity of neighbouring properties was given careful consideration as part of the planning merits of the proposal. The nearest residential property to the north of the application site is 'The Paddock'. The dwelling has a rear single storey conservatory with a glass roof and habitable room windows in the rear elevation at ground and first floor level. The rear garden of the dwelling is bounded by a post and wire fence.

5.38 The proposed dwelling in plot 4 is orientated such that the rear elevation of the proposed dwelling, which has habitable room windows in the rear elevation at ground and first floor level faces towards the rear elevation of the Paddock. It is an angled relationship and separation distance between the elevations is approximately 55 metres, whilst the separation distance between the rear elevation of plot 4 and the garden of The Paddock is 40 metres. Given the separation distance and the angled relationship it is considered that the proposal would not result in an unacceptable adverse impact on the residential amenity of existing residents of The Paddock in terms of overlooking, overbearing or overdominating impact.

5.39 The nearest dwelling to the south is The Reddings which is a 2 storey house with single storey agricultural structures to the rear. Whilst the rear elevations of the dwellings in Plots 6 and 7 face towards The Reddings, these units are single storey bungalows and by virtue of the heights of these dwelling it is not considered that the proposed dwellings would give rise to unacceptable adverse impact on the residential amenity of existing residents of The Reddings in terms of overlooking, overbearing or overdominating impact.

5.40 In respect to the amenity of future residents, the layout of the scheme ensures that there would not be unacceptable overlooking between residential properties and each dwelling is provided with its own garden and adequate car parking provision is provided. It is considered that the proposal would provide an acceptable living environment for future occupiers.

#### **Heritage Assets**

5.41 The NPPF sets out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

5.42 The application site is within 250 metres of the following designated heritage assets.

- 1303824 Tarrens Farm Grade II listed building.
- 1091419 The Grove Grade II listed building.
- 1154405 Moat Farm Grade II listed building.
- 1091390 Voyce Cottage Grade II listed building.

5.43 The Conservation Officer has been consulted on the application and considers that apart from Tarrens Farm, the settings of the other assets are not considered to be affected, given their separation distance and lack of intervisibility with the site.

5.44 The application site is approximately 50 metres south of Tarrens Farm at its closest point and both sites are visible simultaneously at certain points along Sandhurst Lane. However given the planting proposed on the eastern roadside boundary of the application site, and the presence of the dwelling to the north acting as a buffer between the two, it is considered that the application proposals are unlikely to have more than a neutral impact on Tarrens Farms significance and the development's heritage impact is largely neutral.

#### *Ecology and Nature Conservation*

5.45 The NPPF sets out, inter alia, that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by encouraging opportunities to incorporate biodiversity in and around developments. Furthermore, planning permission should be refused for development resulting in the loss of deterioration of irreplaceable habitats. Local Plan Policy NCN5 seeks to protect and enhance biodiversity in considering development proposals.

5.46 The application has been supported by a walk-over ecological survey, the purpose of which was to determine the existence and location of any valuable areas and to record any evidence of protected species.

5.47 The Ecological Report confirms that there are no ecological statutory or non-statutory designated sites within or adjacent to the application site. The nearest statutory designated site is 2.5 km away.

5.48 The survey concludes that the site is of limited ecological value and no evidence of badgers, bats, herpetofauna or other species of any note were recorded. The proposed development is considered to accord with the NPPF and policy NCN5 of the Local Plan.

#### *Community, Education and Library Provision*

5.49 Local Plan Policy GNL11 highlights that permission will not be provided for development unless the infrastructure and public services necessary to enable the development to take place are either available or can be provided. This is supported by and consistent with section 8 of the NPPF.

5.50 With regards to education, following consultation with Gloucestershire County Council, it is advised that the development would create a need for addition secondary school places and a contribution of £39,581 has been requested. In addition to the above, contributions have also been requested for off-site playing pitches, off-site sports facilities, off-site play provision and community facilities.

## 6.0 Overall Balancing Exercise and Conclusions

6.1 The NPPF sets out that there are three dimensions to sustainable development: economic, social and environmental. In terms of the social role, NPPF states that planning system should support strong, vibrant and healthy communities, by providing the supply of housing required to meet the need of present by creating a high quality built environment, with accessible local services that reflect the community's needs and support its wealth, social and cultural well-being.

### *Benefits*

6.2 The proposal would provide affordable and open market housing and this is given significant positive weight in line with social dimension of sustainability set out in the NPPF. In terms of the economic benefits it is now widely accepted that new housing developments bring benefits during the construction phase and through the additional spending power in the local economy as a result of the increased population. This weighs in favour of the proposal.

### *Harms*

6.3 It is considered the proposal does not provide a high quality built environment and this weighs significantly against the proposal. Good design is a key aspect of sustainable development and the NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

6.4 Furthermore, it has not been demonstrated that within the site there are overriding reasons why the most vulnerable development is located in flood zone 2. This weighs significantly against the proposal.

### *Neutral*

6.5 There would be no undue impact in terms of residential amenity, heritage assets, biodiversity or the local highway network subject to the approval of technical details.

### *Conclusion*

6.6 Whilst there are benefits to the proposal as set out above, it is considered that the adverse impacts identified significantly and demonstrably outweigh the benefits that would accrue from the development. The proposal therefore does not represent sustainable development in the context of the NPPF and is recommended for refusal.

## **RECOMMENDATION Refuse**

### Reasons:

- 1 The proposed development, by reason of its siting, design and layout fails to respect the local context and would harm the character and appearance of the area. The development would create an incongruous and unsympathetic intrusion and would detract from the character and appearance of the area. As such the proposed development fails to take the opportunities available for improving the character and quality of an area and the way it functions and is contrary to the National Planning Policy Framework and Policy SD5 within the Joint Core Strategy Submission Version (November 2014)
- 2 The proposed development is partially located in Flood Zone 2. The applicant has failed to demonstrate that within the site the most vulnerable development is located in areas of lowest risk of flood. The applicant has also failed to demonstrate that there are overriding reasons for vulnerable development to be located in Flood Zone 2 which is that part of the site most at risk of flooding. For this reason the proposal conflicts with the advice contained in Section 10 of the National Planning Policy Framework.

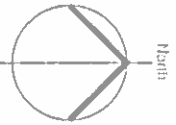
Note:

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



15/00941/FUL



Site Layout Proposals 1:1000

Note: This plan shall be subject to the consideration and testing process.



Site Location Inset Plan 1:1250



- 1:1000 SCALE**
- Plot 1: 1st Floor
  - Plot 2: 2nd Floor
  - Plot 3: 3rd Floor
  - Plot 4: 4th Floor
  - Plot 5: 5th Floor
  - Plot 6: 6th Floor
  - Plot 7: 7th Floor
  - Plot 8: 8th Floor
  - Plot 9: 9th Floor
  - Plot 10: 10th Floor
  - Plot 11: 11th Floor
  - Plot 12: 12th Floor
  - Plot 13: 13th Floor
  - Plot 14: 14th Floor
  - Plot 15: 15th Floor
  - Plot 16: 16th Floor
  - Plot 17: 17th Floor
  - Plot 18: 18th Floor
  - Plot 19: 19th Floor
  - Plot 20: 20th Floor
  - Plot 21: 21st Floor
  - Plot 22: 22nd Floor
  - Plot 23: 23rd Floor
  - Plot 24: 24th Floor
  - Plot 25: 25th Floor
  - Plot 26: 26th Floor
  - Plot 27: 27th Floor
  - Plot 28: 28th Floor
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  - Plot 38: 38th Floor
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  - Plot 40: 40th Floor
  - Plot 41: 41st Floor
  - Plot 42: 42nd Floor
  - Plot 43: 43rd Floor
  - Plot 44: 44th Floor
  - Plot 45: 45th Floor
  - Plot 46: 46th Floor
  - Plot 47: 47th Floor
  - Plot 48: 48th Floor
  - Plot 49: 49th Floor
  - Plot 50: 50th Floor

Project: Proposed Residential Development, 1000, Proposed Site  
 Sandhurst Lane, Gloucester

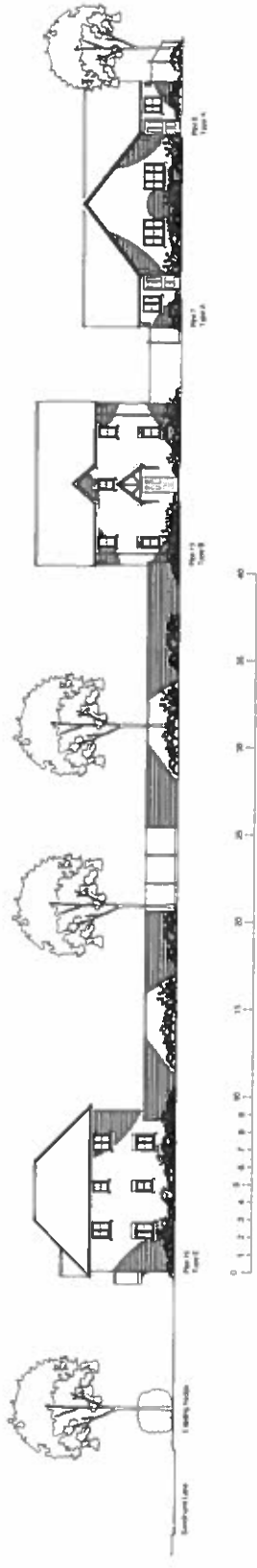
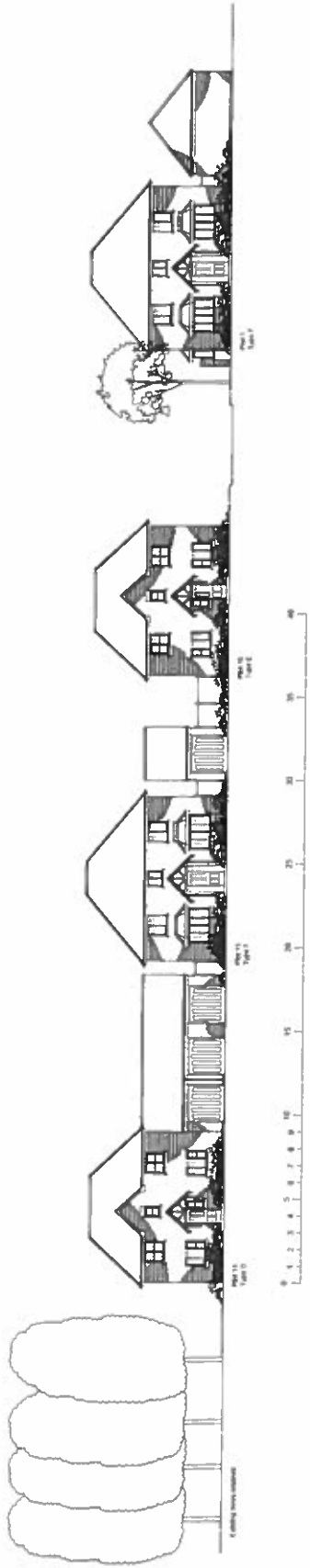
Client: DB Land & Planning Ref: P001 Scale: 1:500 & 1:200 (if any)  
 Date: 21st Aug 2014

**S.T. Salsbury Designs**  
 No. 29 Cornhill Avenue  
 Haverly, Wickford, Gloucester, GWR14 0JZ  
 Tel: 01452 269171 M: 07798 823901  
 E: sales@salsburydesigns.co.uk

723/A



15/00941/KUL



All Plans and Materials shall conform to the Building Regulations 2010.  
 For a full list of materials, finishes and fixtures, see the specification sheet.

Project: Proposed Residential Development, The Proposed Street Scenes  
 Sandhurst Lane, Gloucester

Client: DB Land & Planning, Ref: P011, Scale: 1/200 @ A1  
 Rev: B, Date: 27/08/2015

723/K

Valid 25.07.2016  
 Grid Ref 383068 223072  
 Parish Sandhurst  
 Ward Coombe Hill

Retention of new 1.8 metre boundary fence to property

Mr Stephen Freeman  
 6 Alcotts Green  
 Sandhurst  
 Gloucester  
 Gloucestershire  
 GL2 9PE

## RECOMMENDATION Permit

### Policies and Constraints

National Planning Policy Framework  
 Planning Practice Guidance  
 Tewkesbury Borough Local Plan to 2011 - March 2006 - HOU8, LND3  
 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)  
 Landscape Protection Zone

### Consultations and Representations

**Parish Council** - Object. A condition of the original development was to put up a natural hedge. This fence is not in keeping with the area and is a contravention of a planning condition. The hedge should be reinstated.  
**Local residents** - two letters have been received from local residents. The comments are summarised as follows:

- When additional land was purchased at the rear of property no's 4, 5, 6 and 7 Alcotts Green back in 1992 conditions were attached to the permission regarding the boundary running parallel to the rear of the houses. It was to be a hedge and the varieties to be planted were specified by the Local Planning Authority. The condition was imposed to ensure a natural appearance in keeping with existing hedgerows and providing sanctuary for wildlife.
- The type of fencing used is out of keeping with the rural location.

**Planning Officers Comments:** Mrs Sarah Barnes

### 1.0 Application Site

1.1 This application relates to 6 Alcotts Green a detached property located in Sandhurst (**site location plan attached**).

### 2.0 Planning History

2.1 In 1984 permission was originally approved for the erection of 10 dwellings on the site. Permitted development rights were removed for fences, walls etc.

2.2 In 1992 (92T/7696/01/02) permission was granted for a change of use of land from agriculture to domestic gardens (land adj 5, 6 and 7 Alcotts Green). Permitted development rights were not removed. A landscaping condition was attached to the permission to ensure that a hedge was planted along the north western and north eastern boundaries of the site. The hedge would have had to remain for at least 5 years following the approval of this permission.

### 3.0 Current Application

3.1 The current application is for the retention of a new 1.8 metre high boundary fence around the boundary of the rear garden area **plans attached**.

## 4.0 Policy Context

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

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

## 5.0 Analysis

### *Design and visual impact*

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

5.2 The Parish Council and neighbours have objected on the grounds that a condition of the original 'change of use' development was to put up a natural hedge. The Parish Council and some of the local residents consider that the fencing is not in keeping with the area, that there is a contravention of the planning conditions and that the hedge should be reinstated. The concerns raised are noted, however, permitted development rights were not removed under application 92T/7696/01/02 for the change of use of the land from agriculture to domestic garden. Therefore, the fencing along the rear boundary and for the first 6 metres either side of the rear boundary, would not actually require planning permission. A hedge was there originally but it would only have been required to remain for the first 5 years (following the granting of permission in 1992). That condition is therefore no longer enforceable. Whilst the fencing has a harder edge to the open countryside than the hedge it replaced, on balance, and given that it is at the rear of the site and not overly prominent from public vantage points, it is not considered to be overly harmful to the visual amenity of the area. Therefore, it is considered that the proposal has an acceptable impact on the character of the area and complies with the requirements of Policy HOU8 in this regard.

### *Residential Amenity*

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

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

## 6.0 Conclusion

6.1 Overall, it is considered that the fencing has an acceptable impact on the character of the area and complies with the requirements of Policy HOU8 in this regard. **Permission** is therefore recommended.

## **RECOMMENDATION Permit**

Condition:

Nil

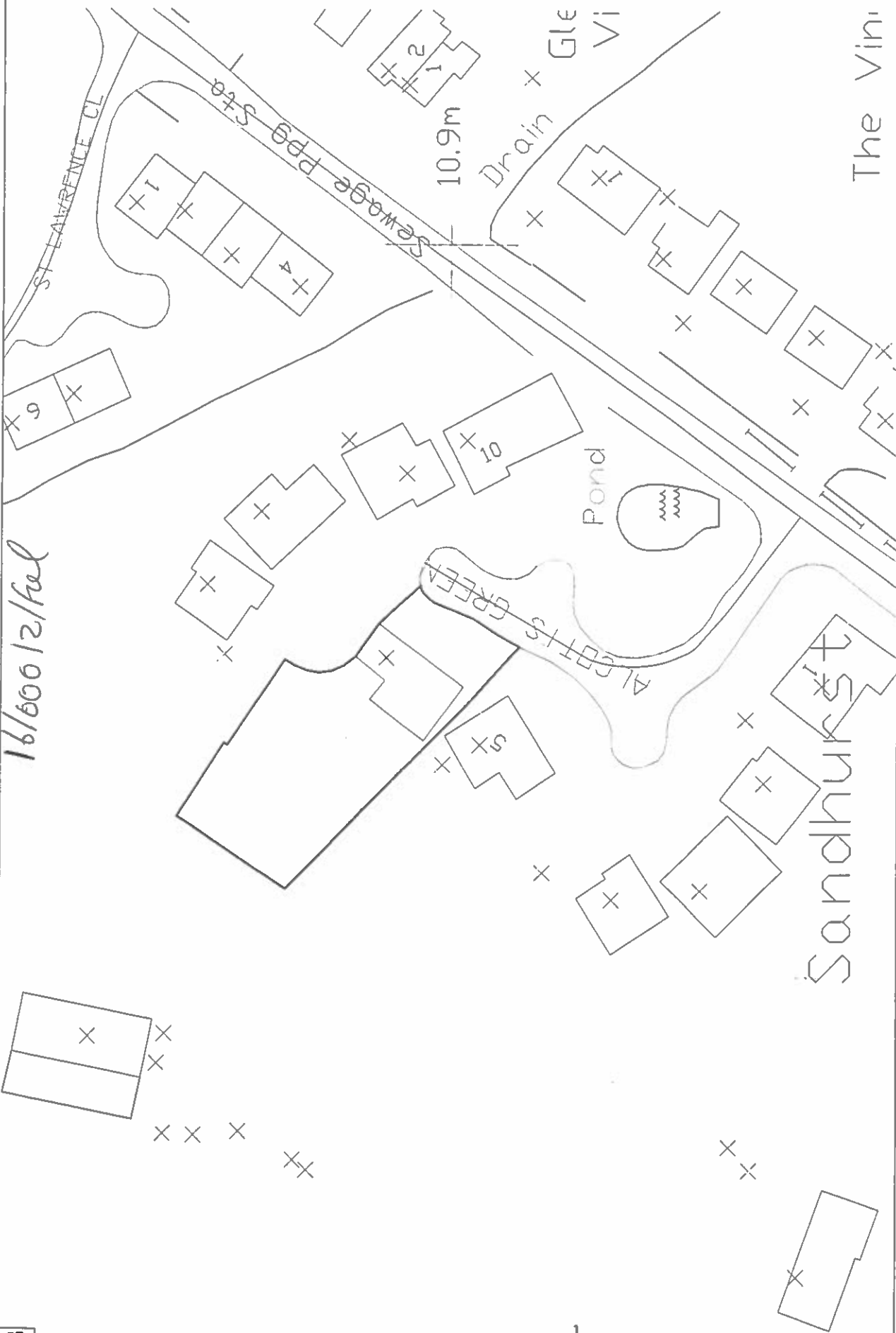
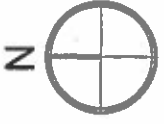
Note:

### **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.



16/600/12/1a/d



A3

725/B

<b>Existing Site Plan</b>	
PROJECT NO	ARC.125B
DATE	04.01.16
AUTHOR	HE
CHECKED	HE
NO	SCALE
	1:500

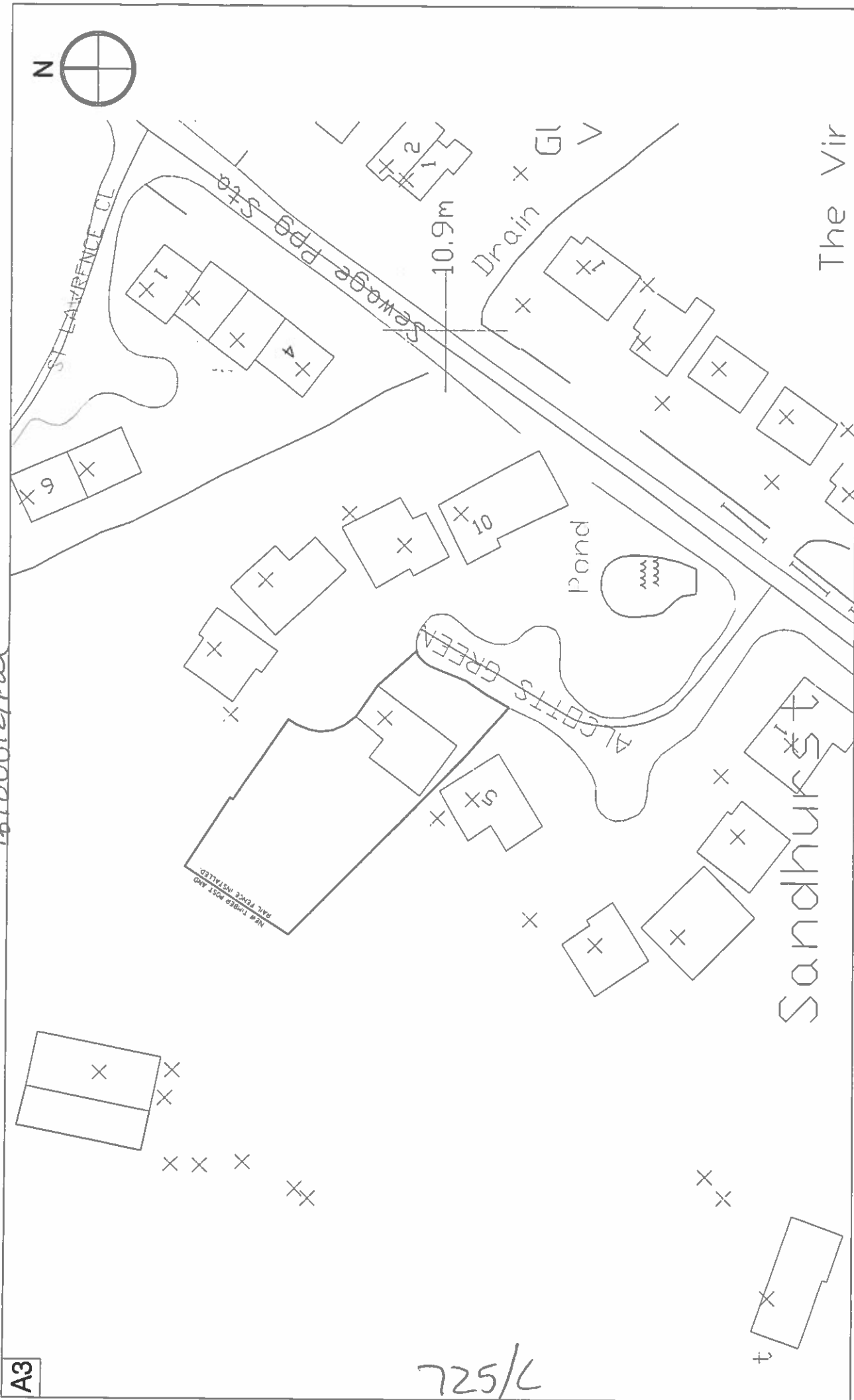
REV	DESCRIPTION	DATE

**Mr Stephen Freeman**  
**6 Alcotts Green**

RES Architecture Ltd  
 Unit 19.4  
 Highnam Business Centre  
 Highnam  
 Gloucester  
 GL2 8DN  
 T: 01452 508079  
 E: mail@researchitecture.co.uk  
 www: researchitecture.co.uk



16/00012/fed



A3

725/C

**Proposed Site Plan**

PROJECT NO	ARC.1259
DATE	04.01.16
AUTHOR	HE
CHECKED	NG
SCALE 1:500	

REV	DESCRIPTION	DATE

**Mr Stephen Freeman**  
**6 Alcotts Green**

**RES ARCHITECTURE**

RES Architecture Ltd  
 Unit 19.4  
 Highnam Business Centre  
 Highnam  
 Gloucester  
 GL2 8DN  
 T: 01452 506079  
 E: mail@researchitecture.co.uk  
 www.researchitecture.co.uk



16/00012/fel



Fencing

725/0

Valid 16.11.2016  
 Grid Ref 393139 227367  
 Parish Stoke Orchard And  
 Tredington  
 Ward Oxenton Hill

Proposed raising of an existing bund to a gun club

Mr Graham Allison  
 Cheltenham And District Clay Club  
 The Park  
 Stoke Orchard  
 Cheltenham  
 GL52 7RS

## **RECOMMENDATION Permit**

### **Policies and Constraints**

National Planning Policy Framework (2012)  
 Planning Practice Guidance  
 JCS (Submission Version) November 2014  
 Tewkesbury Borough Local Plan to 2011 (March 2006) - Policies RCN2, EVT3, TPT1 and GRB1  
 Flood and Water Management Supplementary Planning Document  
 Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)  
 The First Protocol, Article 1 (Protection of Property)

### **Consultations and Representations**

**Parish Council** - No objection.  
**County Highway Authority** - No objection, subject to condition.  
**Environmental Health** - No objection.  
 No letters of neighbour representation received.

**The application is brought to the Planning Committee as the Council owns the entire application site.**

**Planning Officers Comments:** Mr Ciaran Power

### **1.0 Application Site**

1.1 The application site relates to the Gun Club at Stoke Orchard. This application site is located within open countryside in the Green Belt. The site is also located adjacent to Wingmoor Farm site which is a waste management site. A railway line runs along the east of the site.

### **2.0 Relevant Planning History**

2.1 There is no relevant planning history.

### **3.0 Current Application**

3.1 The application for full planning permission to raise an existing bund by 2 metres in height with top soil to provide improved noise attenuation.

### **4.0 Policy Context**

4.1 The National Planning Policy Framework (NPPF) came into force on the 27th March 2012 and largely carries forward previous planning policies and protection, in a significantly more streamlined and accessible form. At the heart of the NPPF is a presumption in favour of sustainable development, of which there are three dimensions: economic, social and environmental. The NPPF does not change the statutory status of the development plan as the starting point for decision making but emphasises the desirability of local planning authorities having an up-to-date plan. According to paragraph 215 of Annex 1 of the NPPF, due weight should be given to relevant policies in existing development plans according to their degree of consistency with the framework (the closer the policies in the plan to the policies in the framework, the greater the weight that may be given).

4.2 The NPPF advises that where the development plan is 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 this Framework as a whole; or specific policies in the Framework indicate development should be restricted (Paragraph 14).

4.3 Policy RCN2 of the Local Plan supports open air sports facilities providing they do not result in:

- An adverse landscape or Environmental Impact.
- An Adverse effect on residential amenity
- The quiet enjoyment of the countryside being prejudiced,
- Significant Local Traffic Problems,
- Preventing access to the countryside by prejudicing existing rights of way without making alternative provision.

4.4 Policy EVT3 of the Local Plan states that developments likely to generate levels of noise which are unacceptable either in volume or frequency of occurrence should, where appropriate, be sited away from people so as to avoid any noise disturbance and new development itself should be sited away from sources of noise.

4.5 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.

4.6 Local Plan Policy GRB1 states that in the Green Belt Planning permission will not be granted for development unless it falls within a number of purposes as defined in the Policy, including essential facilities for outdoor recreation.

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

## 5.0 Analysis

### *Green Belt and Landscape impact*

5.1 The proposals relate to development within the Green Belt. Paragraph 89 of the NPPF states that the provision of appropriate facilities for outdoor sport and outdoor recreation may be permitted where they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. In this instance the bund raising is required to facilitate the continued use of the application site of outdoor sports and improving the existing noise attenuation associated with the site. In addition The Framework also requires that if facilities are appropriate, that they also preserve openness and do not conflict with the purposes of including land within the Green Belt. In terms of openness, the proposed raising of the bunds would have little impact on the openness of the Green Belt which is already impacted upon by the current bunds and the surrounding land uses.

5.2 Having regard to the above it is considered that the proposed development would constitute appropriate development within the Green Belt and have an acceptable impact on the openness of the Green Belt. Further the development would have a limited impact on the landscape beyond those already experienced from the existing bunding and adjacent land uses.

### *Highway Impacts*

5.3 The proposal is set suitably back from the highway resulting in no reduction to existing inter-visibility along the adjacent Stoke Road. The County Highway Authority confirm they have no objection to the proposed development subject a condition requiring details of wheel wash facilities to be employed on the site during in the re-profiling works.

### *Environmental Health*

5.4 Although the site is located with close proximity to potentially contaminated land the proposal is to raise the height of existing bunding and therefore the Council's Environmental Health Officer raise no objection to the development.

## **6.0 Conclusion**

6.1 The proposed development is required in connection with sport and recreation and therefore is considered to constitute appropriate development within the Green Belt and would not have an unacceptable impact upon its openness. The proposal is also considered to have an acceptable impact upon the wider landscape and is acceptable from a highway safety and contaminated land perspective. The bunds would also help to mitigate the noise impact of the gun clubs activities in the area. Having regard to the above it is considered that the application complies with the relevant planning policies set out in this report and it is recommended for **Permit**.

### **RECOMMENDATION Permit**

#### **Conditions:**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan at 1:2500, Drawing Numbers CCC/04 and CCC/05.
- 3 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall:
  - Provide details for wheel washing facilities during the engineering operations associated with the development.

#### **Reasons:**

- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
- 2 For the avoidance of doubt and in the interest of proper planning.
- 3 Reason: To reduce the potential impact on the public highway and accommodate the efficient delivery of goods and supplies in accordance paragraph 35 of the National Planning Policy Framework.

#### **Note:**

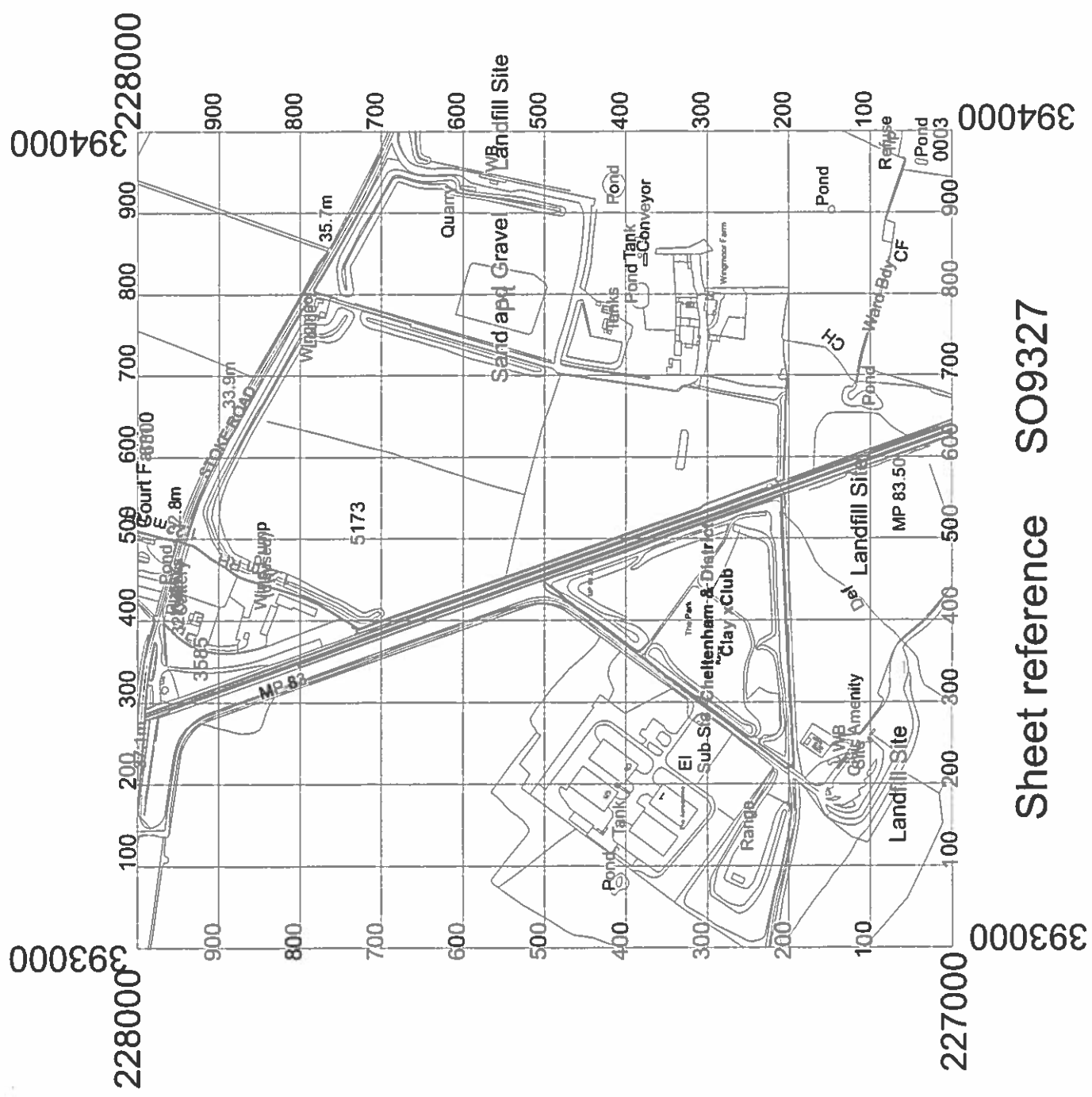
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16/00995/FUL

REVISIONS	PROJECT	LOCATION PLAN
	Cheltenham & District Clay Club Earth Embankment Works	The Park Stoke Orchard Cheltenham GL52 7RS
	CLIENT	DRAWN CHECKED
		AC XXX
		SCALE DATE
		1:2500(A1) Aug 2016

DRAWING NO	REV
CCC 701	



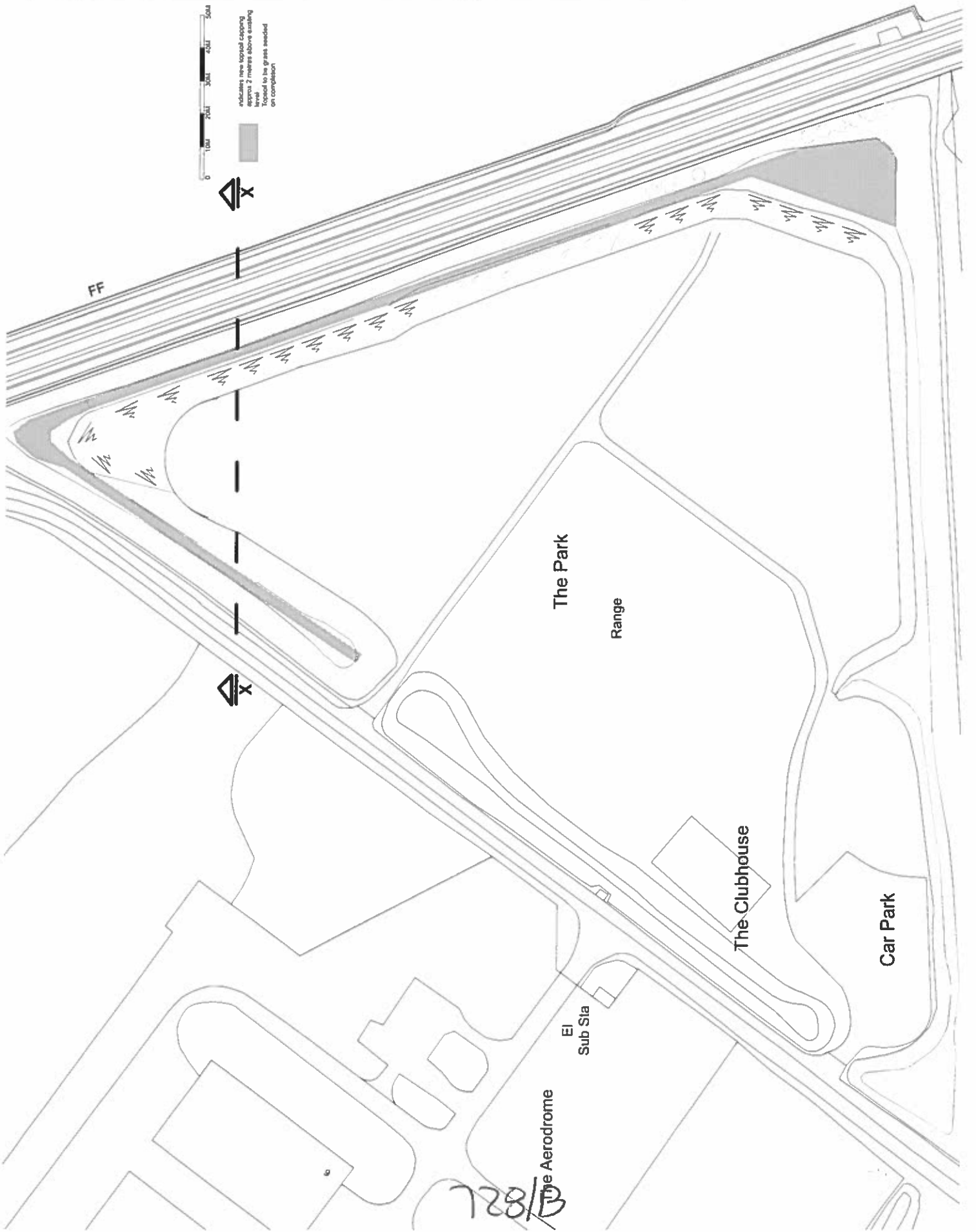
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A/82L

16/00995/FUL

M O D E L		P R O J E C T		T I T L E	
		Cheltenham & District Clay Club Earth Embankment Works		Existing Block Plan Showing Proposed Works	
R E V I S I O N S		D R A W N C H E C K E D		S C A L E	
		AC		1:500@A1	
		XXX		DATE	
				Aug 2016	

DRAWING NO	REV
CCC104	



728/B

16/00995/FUL



Proposed Site Cross Section

Indicates new topsoil capping  
 to grass 2 metres above existing  
 Topsoil to be grass seeded  
 on completion



Current Site Cross Section

728/c

W O R K S

R E V I S I O N S

P R O J E C T

Cheltenham & District  
 Clay Club  
 Earth Embankment Works

C L E N T

T I T L E

Site Cross Sections

D R A W N C H E C K E D

AC XXX

D R A W N D A T E

1:200@A1 Aug 2016

DRAWING NO

REV

CCC / 05

Valid 10.11.2016  
 Grid Ref 391979 216080  
 Parish Badgeworth  
 Ward Badgeworth

Erection of Replacement Dwelling, Garage and Associated Works.

Mr K Pasquet  
 C/o Agent

## **RECOMMENDATION Permit**

### **Policies and Constraints**

#### **NPPF**

Tewkesbury Borough Local Plan to 2011 - March 2006 - Policies HOU7, TPT1, GRB1 and EVT9  
 JCS Submission Version November 2014.

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

The First Protocol, Article 1 (Protection of Property)

### **Consultations and Representations**

**Badgeworth Parish Council** - Object to the proposal, making the following points;

- No objection to the demolition of the existing building
- Object to the proposed rebuilding at the bottom of the site

No objection if the proposed dwelling was rebuilt on the same footprint

**Representations** - 1 letter of support received, making the following points;

- New location is well located
- In keeping with the area
- Improves the quality of the housing within the lane
- The footpath is soon to be diverted

**Planning Officers Comments:** Suzanne D'Arcy

### **1.0 Introduction**

1.1 The application site relates to the existing residential curtilage of Rowan Cottage. The site is broadly square and measures approximately 0.2 hectares.

1.2 The site is located outside of any identified settlement boundary. It is within the Green Belt and the Area of Outstanding Natural Beauty (AONB). There is a Public Right of Way (PROW) that runs across the site.

1.3 The area is characterised by mixed style residential dwellings. There is open countryside adjacent to the western boundary.

### **2.0 Relevant Planning History**

2.1 Full planning permission has been granted for the erection of a two storey side extension, front porch and alterations (ref: 15/00075/FUL). A certificate of proposed lawful development was granted for the erection of a single storey rear extension (ref: 15/00787/CLP).

2.2 These permissions are extant but have not been implemented.

### **3.0 Current application**

3.1 The current application is for the erection of a dwelling following the demolition of the existing dwelling. The application has been amended since submission to re-site the dwelling to avoid a Public Right of Way.



3.2 The proposed dwelling would be predominantly two storey dwelling. It would be constructed of brick with timber cladding and have a brown clay tile roof. It is proposed to demolish the existing garage and erect a replacement.

3.3 The proposed dwelling would have a footprint of 15m by 8m. It would be 4.3m high to the eaves and rise to a height of 7m at the ridge. The proposed garage would have a footprint of 5.5m by 3m. It would be 2.3m high at the ridge and rise to a height of 4m at the ridge.

3.4 The proposed dwelling would be sited in the north eastern corner of the site.

#### **4.0 Policy Context**

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.

##### *Development Plan*

4.2 The development plan comprises the saved policies of the Tewkesbury Borough Local Plan to 2011 - March 2006. Policy GRB1 seeks to guard against inappropriate development in the Green Belt. Policy TPT1 requires safe and convenient access for all transport modes and that development should have an acceptable impact on the safety and satisfactory operation of the highway network. Policy HOU7 seeks to ensure that replacement dwellings do not have a detrimental impact on the environment nor the character of the area.

##### *National Planning Policy Framework (NPPF)*

4.3 The NPPF sets out the presumption in favour of sustainable development. Sustainable development has three dimensions: economic, social and environmental. Paragraph 14 of the Framework sets out that development proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out of date permission should be granted unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.

#### **5.0 Analysis**

5.1 The main issues to be considered are the impact on the Green Belt, impact on landscape and visual amenity, and impact on residential amenity.

##### *Principle of development*

5.2 Policy HOU7 refers to the erection of replacement dwellings. The policy accepts the principle of the replacement dwelling, provided it respects the existing scale and character other existing property and has no adverse impacts on the landscape. It also requires that all the normal development control standards are satisfied. The principle of the development is therefore considered acceptable, subject to other material considerations.

##### *Impact on the Green Belt*

5.3 Strict controls exist within the Green Belt to guard against inappropriate development, which is harmful by definition. Local Plan Policy GRB1 lists the forms of development that are considered to be not inappropriate. Whilst it was drafted with PPG2 in mind, it broadly reflects the guidance of the NPPF. Paragraphs 89 and 90 of the NPPF list the forms of development that are not considered to represent inappropriate development. One of these criteria is "the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces".

5.4 The existing dwelling comprises a floor space of 211.85 sq.m. The proposed replacement dwelling would have a footprint of 251 sq.m and would therefore be materially larger than the existing dwelling. The proposal would therefore amount to inappropriate development and should not be approved except in very special circumstances. However, the existing dwelling benefits from extant planning permission for extensions that would result in a dwelling with a footprint of 282 sq.m - materially larger than the currently proposed replacement dwelling. Planning appeal decisions have established that unimplemented extensions can comprise a legitimate fall-back position if there is a likelihood they would be implemented. The applicant has indicated their intent to construct them should this application be unsuccessful and Officers do not consider that there are any reasons to suggest they could not be implemented.

5.5 In terms of openness, the site is set higher than the open countryside beyond and the existing dwelling occupies an elevated position within the site being visible from both the countryside beyond and Dog Lane. The application proposes re-siting the dwelling into the north east corner of the site. This would result in the proposed dwelling being viewed in the context of the surrounding residential dwellings. As it would be on lower ground, it would not appear higher than the surrounding dwellings. Furthermore, it would allow a clear view from Dog Lane to the countryside beyond. In view of this, it is considered that the proposed dwelling would improve the openness of the Green Belt.

5.6 In view of the above, it is concluded that if the permitted extensions to the existing dwelling (the fall-back position) were to be constructed, the resultant building would have a materially greater effect on the Green Belt than the proposed re-sited replacement dwelling and because of this, the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to very special circumstances necessary to justify the development.

5.7 Due to the nature of the site, conditions would be required to ensure that the proposed dwelling would not be occupied until the existing dwelling and garage have been demolished. This would ensure that there are not two dwellings on the site, which would result in inappropriate development in the Green Belt and be harmful to openness. Further conditions would be required removing permitted development rights to allow the Local Planning Authority to ensure that any future extensions would not have an adverse impact on the Green Belt.

5.8 The proposed dwelling is therefore considered to comply with saved Local Plan Policies GRB1 and HOU7 and the advice contained within the NPPF.

#### *Impact on the AONB and the character of the area*

5.9 There is a mixed style of development in this part of Dog Lane. The surrounding dwellings are constructed of brick with tile roofs and the proposed dwelling proposes to match this. Elements of timber cladding are proposed and this is considered to be appropriate in a rural location, subject to a condition to ensure the quality and finish is acceptable.

5.10 As the proposed dwelling would be sited in the north east of the site, it would have less prominence in the wider views. It is therefore considered that it would preserve the natural beauty of the AONB and be harmonious with the local context.

#### *Impact on residential amenity*

5.11 The proposed dwelling would be sited further from the dwelling at Sunnybank Cottage and as such, there would be a decreased impact on this neighbour than the existing situation. Due to the relationship with the adjacent property at Glengarry, there will be no significant adverse impacts on the residential amenity of the occupiers.

5.12 There would be no impact on any other neighbours. The proposed dwelling would therefore not have any significant adverse impacts on residential amenity.

#### *Other matters*

5.13 Following the receipt of the Parish Council's objection, it was noted that the proposed dwelling would be sited on the line of an existing footpath. The proposed dwelling has been resited and as such, the footpath would not be obstructed.

5.14 The resultant dwelling would not result in an intensification of activity on the site and there would be no adverse impacts on highway safety from the proposal.

## 6.0 Conclusion

6.1 Paragraph 14 of the NPPF states that where relevant policies are out of date, planning permission should be granted unless the 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.

6.2 The proposed dwelling would be larger than the existing dwelling and as such would represent inappropriate development. However, given the fallback position in terms of the potential extensions to this existing dwelling, this would have a materially greater effect on the Green Belt than the proposed re-sited replacement dwelling and because of this, the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to very special circumstances necessary to justify the development.

6.3 The proposed dwelling would not have a significant adverse impact on residential amenity nor the character of the area. In view of this, the application is recommended for **Permit**.

### RECOMMENDATION Permit

#### Conditions:

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), no private car garages, extensions, windows, dormer windows or rooflights (above ground floor level), garden sheds, gates, fences, walls, other means of enclosure or structures of any kind (other than any hereby permitted) shall be erected or constructed on this site without the prior express permission of the Local Planning Authority.

Reason: To allow the Local Planning Authority to assess the impact of future alterations on the openness of the Green Belt and the natural beauty of the AONB.

- 3 Notwithstanding the submitted details, building operations shall not be commenced until samples of the external roof and walling 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: 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 The parking facilities shall be completed in all respects in accordance with the approved details prior to occupation of the proposed development, and shall be maintained as such thereafter.

Reason: In the interests of highway safety.

- 5 Prior to the occupation of the dwelling hereby approved, the buildings shown on TP Plan XX shall be demolished and the Local Planning Authority notified within 14 days.

Reason: To maintain the openness of the Green Belt and guard against inappropriate development.

- 6 No work shall commence on site, including the demolition of any structures, 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 by the Local Planning Authority. All development shall be carried out in accordance with the approved details.

Reason: To ensure that the development integrates harmoniously with its surroundings, does not have an adverse impact on the landscape, Green Belt or AONB and does not adversely impact upon existing residential properties in accordance with Policies LND1, GRB1 and HOU8 of the Tewkesbury Borough Local Plan to 2011 - March 2006

- 7 The development hereby permitted shall be carried out in accordance with the following drawings/documents:

- Drawing numbered 01695 05 and related site location plan, received by the Council on 2nd October 2016, drawing numbered 01695 01, received by the Council on 10th November 2016 and drawing numbered 01695 06 REV A, received by the Council on 4th January 2017.

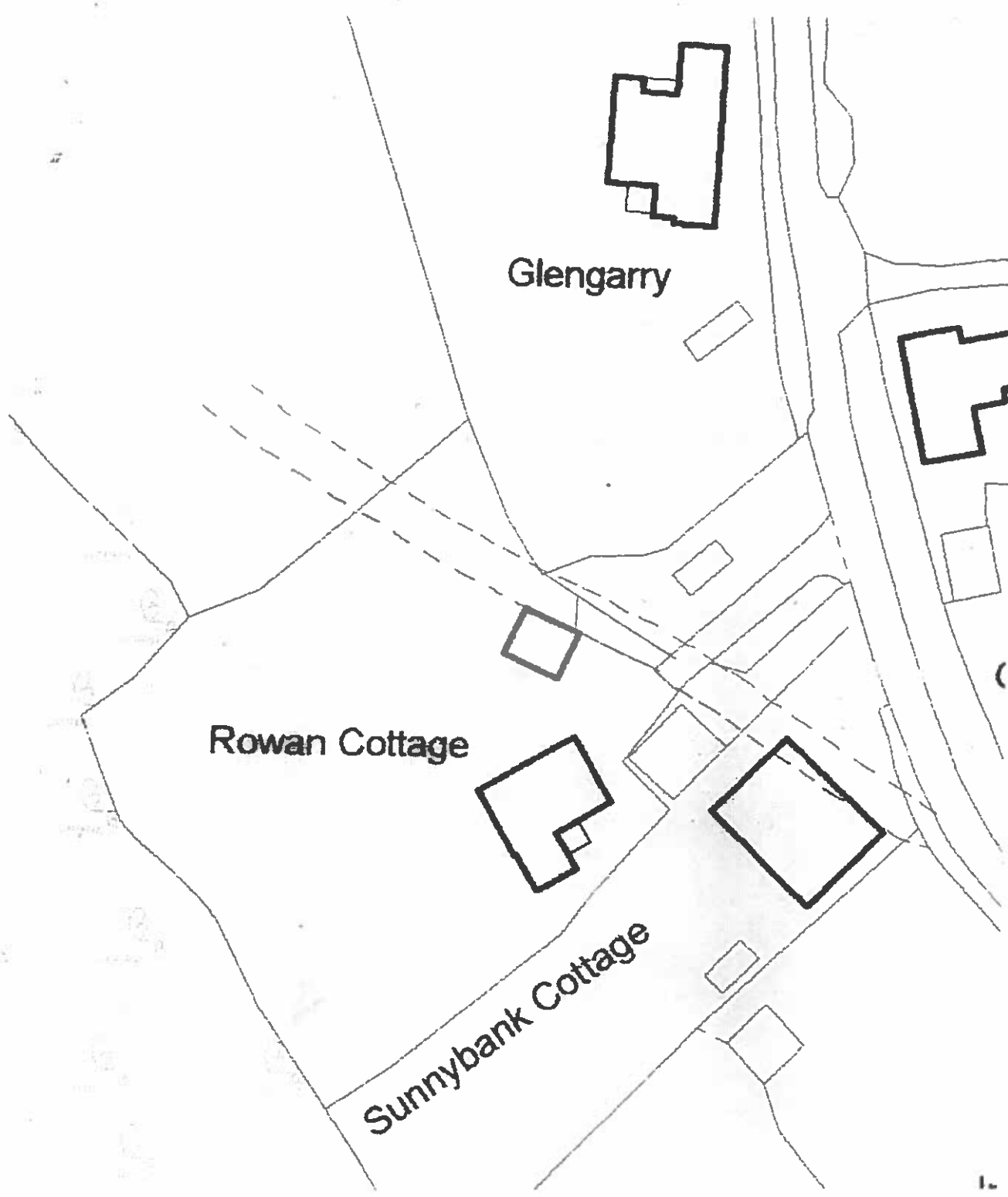
Reason: In order to define the permission and to ensure satisfactory development of the site

Note:

#### 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 a reduced size and scale and plot size.

16/01/21/FUL



Rowan Cottage as existing

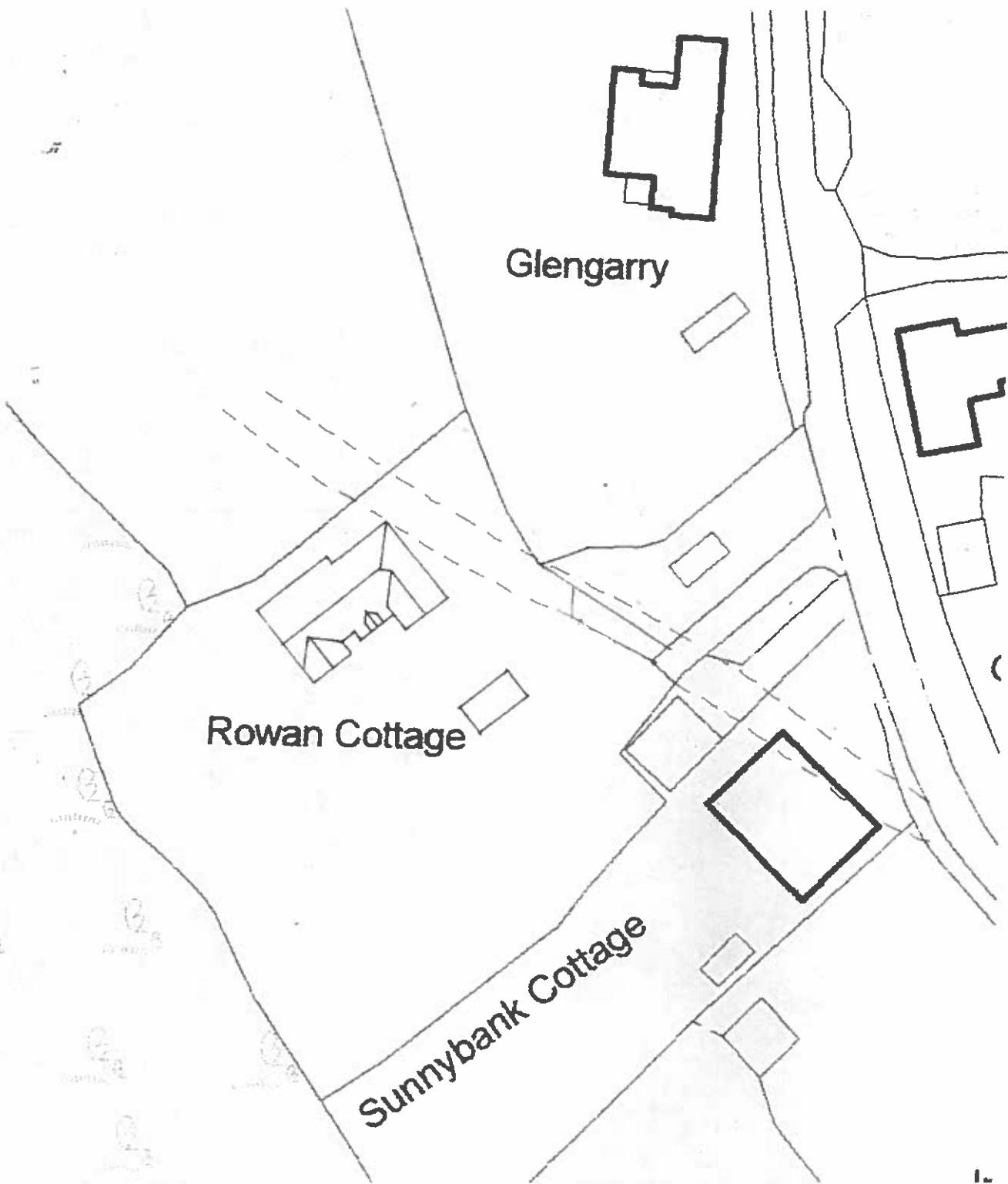
Scale 1:500



Building Design

733/A

16/01211/FUL



Rowan Cottage as proposed

Scale 1:500

733/B

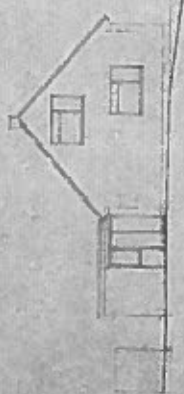


Building Design

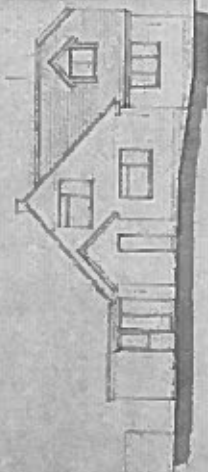
16/01211/FUL

NOTES

1. All elevations shall be checked on site as called from the drawings.



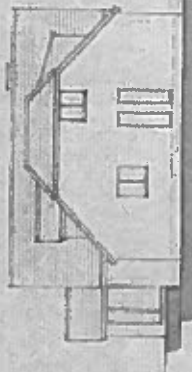
existing front



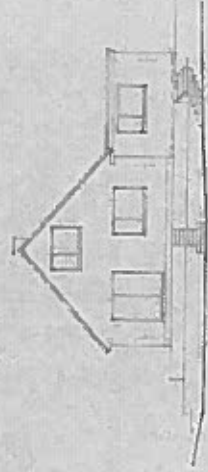
proposed front



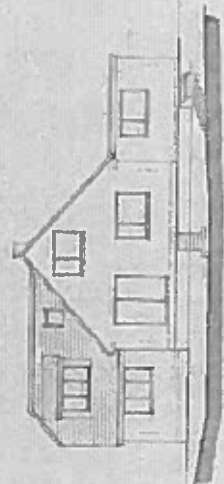
side



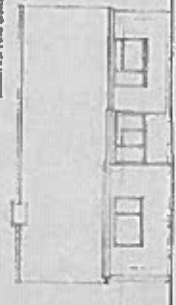
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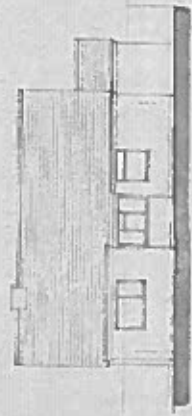
rear



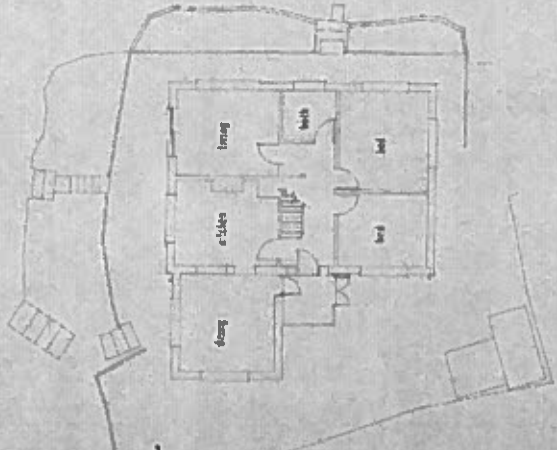
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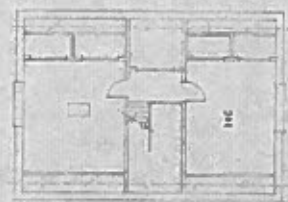
side



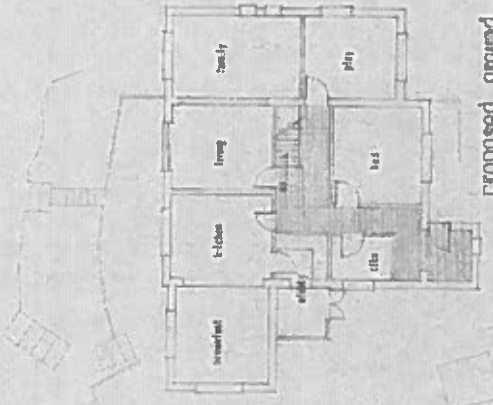
side



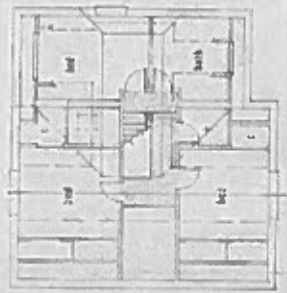
existing ground floor plan



first floor



proposed ground



first

ROWAN COTTAGE  
CHELTENHAM GLCS.

DETAILS OF PROPOSED TWO STOREY  
EXTENSION AND ALTERATIONS.

Client: MR K PAQUET

Scale: 1:100  
Date: December 2011

Rev: 01/09/05  
Dwg No: 01



Edwards House  
Cheltenham  
Gloucestershire  
UK & Eire 01242 818277  
Fax: 01242 818278  
Email: info@edwards.co.uk

733/C

Valid 16.11.2016

Proposed front and rear extensions, loft conversion incorporating dormers to front elevation. Proposed vehicle access/drive. Caravan port to rear.

Grid Ref 397101 227524

Parish Woodmancote

Ward Cleeve Hill

Mr &amp; Mrs Taylor

Excelsa

New Road

Woodmancote

Cheltenham

Gloucestershire

**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** - Objects to the proposal due to the harmful impact on the street scene. Recommend an hours of operation condition would be required if the application is permitted, to protect the amenity of neighbours.

**Local residents** - 4 letters of objection have been received from 3 neighbouring properties. The reasons for objection are summarised as follows:

- Overlooking and loss of privacy from the new first floor rear windows.
- Impact on the residential amenity of no 12 Bushcombe Close. The south side of no 11 Bushcombe Close is just under 1 metre from the north wall of their living room which abuts the boundary. The proposed extension would project 3 metres beyond the present building line which would create an overbearing impact and loss of view / outlook from their patio doors.
- Query over the accuracy of the plans.
- Size and scale of the proposal is excessive and out of keeping with the existing dwellings in the close.
- Concerns regarding ground stability and drainage
- Concerns over hours of operation - restrictions should be in place if the application is permitted.
- Concerns regarding where construction vehicles etc would park so as to not create highway safety issues.
- Detrimental impact on all surrounding properties - loss of privacy, loss of views.
- Overdevelopment - would turn into a 5 bedroom house with gables overlooking surrounding bungalows. There would be approximately 50% increase in the ground floor area.
- The proposed caravan port would be on St Aubin's boundary and would tower over their boundary fence. This would set a precedent.
- The caravan port would be an eye sore and would result in the loss of neighbours views.

**Planning Officers Comments:** Mrs Sarah Barnes

**1.0 Application Site**

1.1 This application relates to 11 Bushcombe Close, a brick detached bungalow located in Woodmancote (site location plan attached).

**2.0 Current application**

2.1 The current application is for proposed front and rear extensions, loft conversion incorporating dormers to the front elevation, a new drive/ access and a caravan port to the rear (plans attached).



### 3.0 Policy Context

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

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

### 4.0 Analysis

#### *Design, Size and Visual amenity*

4.1 The Parish Council and local residents have objected on the grounds that the proposal would be substantial and would change the street scene. Local residents also consider that the proposal would be out of keeping with the existing street scene and would be overdevelopment.

4.2 The concerns raised are noted, however, there are several other properties in the close that have been extended and have dormer windows at the front. For example, 10 Bushcombe Close (opposite the site) has been extensively developed (extensions permitted under 07/00218/FUL). Indeed, there are a variety of different styles of dwellings in the Close and twelve out of the existing twenty-one bungalows have gables at the front. With regards to the design, the dormers would be set well down in the roof space and the overall ridge height of the dwelling would only be increased by 0.5 metres. The extensions would all be constructed from materials to match those used on the existing bungalow.

4.3 With regards to the size of the extensions, they have all been designed specifically to cater for disabled access e.g. a wet room downstairs, a large living / kitchen area for full wheelchair accessibility. The proposal would result in a 4 bedroom dormer style bungalow and there are several bungalows in the close that now have 4 bedrooms. The proposal is not therefore considered to be excessive / overdevelopment.

4.4 With regards to the appearance of the new driveway it is proposed that this would utilise plastic honeycomb matrix filled with soil and grass seed so visually you would see a grassed area rather than a tarmacked drive.

#### *Residential amenity*

4.5 Strong objections have been received from 12 Bushcombe Close on the grounds that the rear extension would be overbearing and the new windows at the rear would result in the loss of privacy. With regards to the extension, the south side of no 11 Bushcombe Close is currently just under 1 metre from the north wall of the neighbours main living room which abuts the boundary. The impact on this neighbouring property has been fully assessed and given that the eaves height of the extension would only be 3 metres and the extension would only project out 3 metres beyond the existing building line, the impact on their residential amenity is not considered to be harmful. With regards to overlooking, the proposed rooflights would serve the ground floor area of the south side set at a height of 2.4 metres so there wouldn't be any adverse overlooking. The outlook from the new dormer windows in the roof would an oblique angled view of no 12's garden. The dwellings at the rear would be over 30 metres away from the proposal and the dwellings along Bushcombe Road would be about 25 metres away so there would not be any issues with overlooking.

4.6 Local residents have also raised concerns about the proposed caravan port. It would not however be a solid structure but an open structure with a canopy style roof 3 metres in height. It is therefore considered that there would not be an undue loss of light or outlook from this structure.

4.7 Overall, after careful consideration, it is not considered that the proposal would cause demonstrable harm to the amenities of the neighbouring properties in line with Policy HOU8.

#### *Other Issues*

4.8 Concerns have been raised about the 'hours of operation' and the noise that may be created from the proposal. Should the occupiers create unreasonable levels of noise this could be investigated as a statutory noise nuisance by the Environmental Protection Department. Concerns have also been raised about drainage and ground stability. However, this matter is something that would be adequately addressed under a Building

Regulations application.

4.9 In terms of the concerns raised regarding the parking of construction vehicles during the proposed works, this is a non-classified road, so providing that the vehicles do not cause an obstruction (which would be illegal) there are no highway concerns / objections.

4.10 With regards to the plans not being accurate, the agent submitted a revised ground floor plan and block plan on the 13th January 2017 to clarify that the rear extension would project out by 3 metres.

4.11 With regards to the neighbours concerns relating to the loss of view, this is not a planning consideration. Finally, in terms of the precedent that may be set each proposal is assessed on its own merits.

## 5.0 Conclusion

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

## RECOMMENDATION Permit

Conditions:

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

Reasons:

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

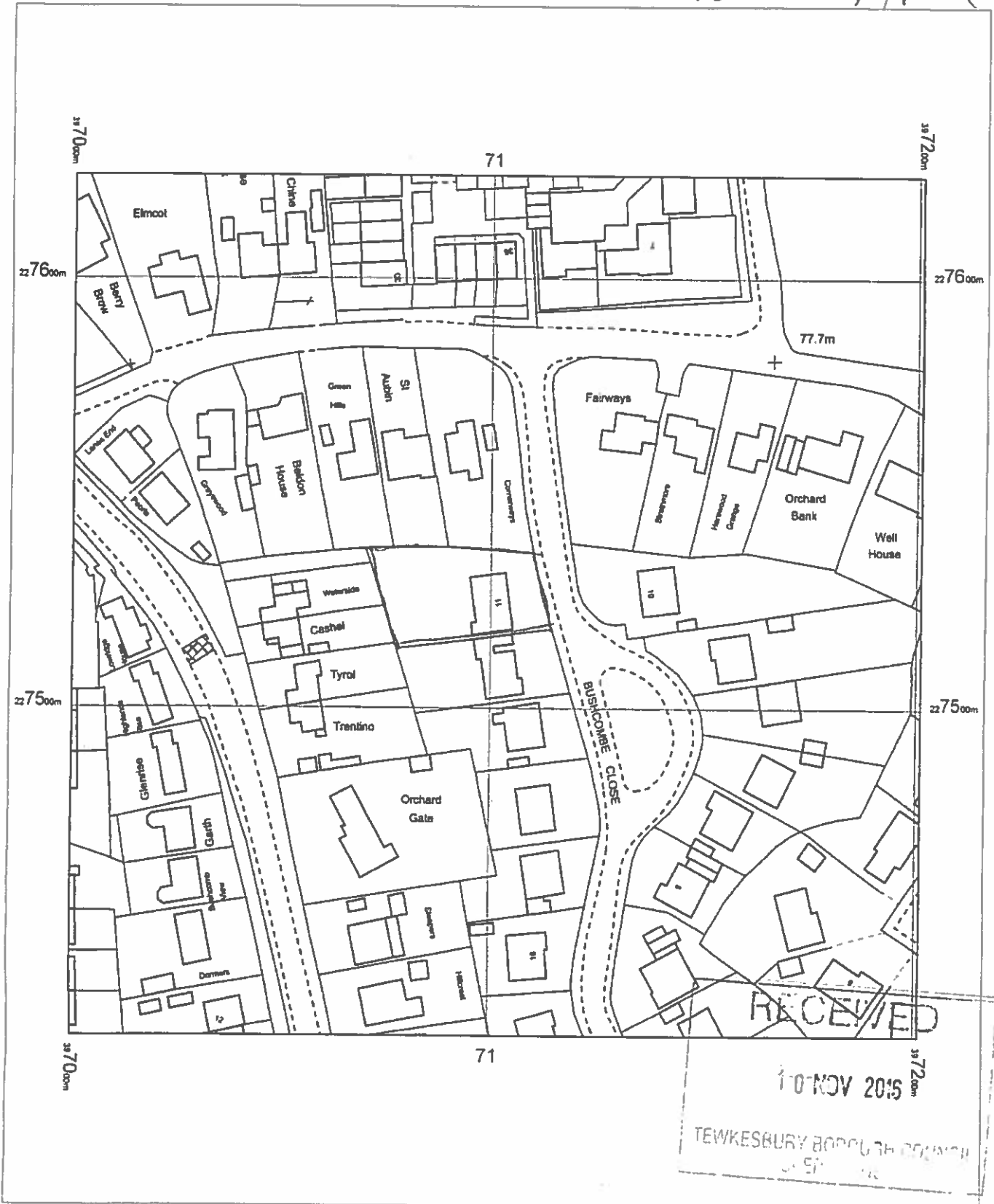
Notes:

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

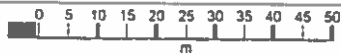
In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner offering pre-application advice, detailed published guidance to assist the applicant and published to the council's website relevant information received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

O.S. 1:1,250 SCALE

16/0127/fal



RECEIVED  
 10 NOV 2015  
 TEWKESBURY BOROUGH COUNCIL



11 BUSHCOMBE CLOSE  
 WOODMANCOTE  
 CHELTENHAM  
 GL52 9HX

OS MasterMap 1250/2500/10000 scale  
 08 April 2018, ID: CM-00517043  
 www.centremapslive.co.uk  
 1:1250 scale print at A4, Centre: 397101 E, 227524 N  
 ©Crown Copyright Ordnance Survey. Licence no. 100019980



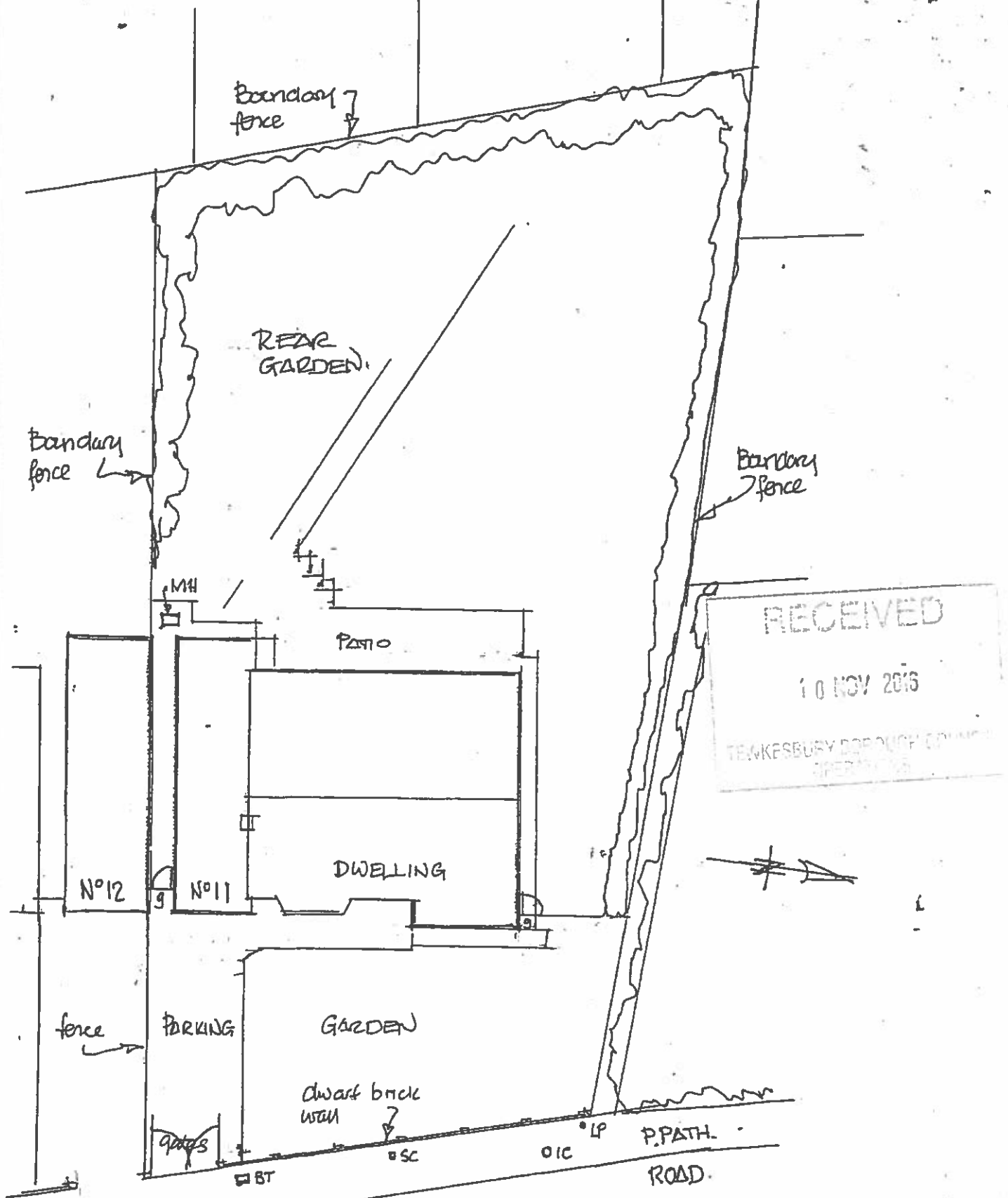
**The Map Shop**  
 Upton upon Severn  
 www.themapshop.co.uk



TEL: 01684 593146  
 FAX: 01684 594539  
 themapshop@btinternet.com

736/A

16/01271/Ful



RECEIVED  
 10 NOV 2016  
 TEWKESBURY BOROUGH COUNCIL  
 OPERATIONS



veh. access

No 11 BUSHCOMBE CLOSE. WOODMANCOTE.  
 CHELTENHAM - GLOS. GL52 9HX.

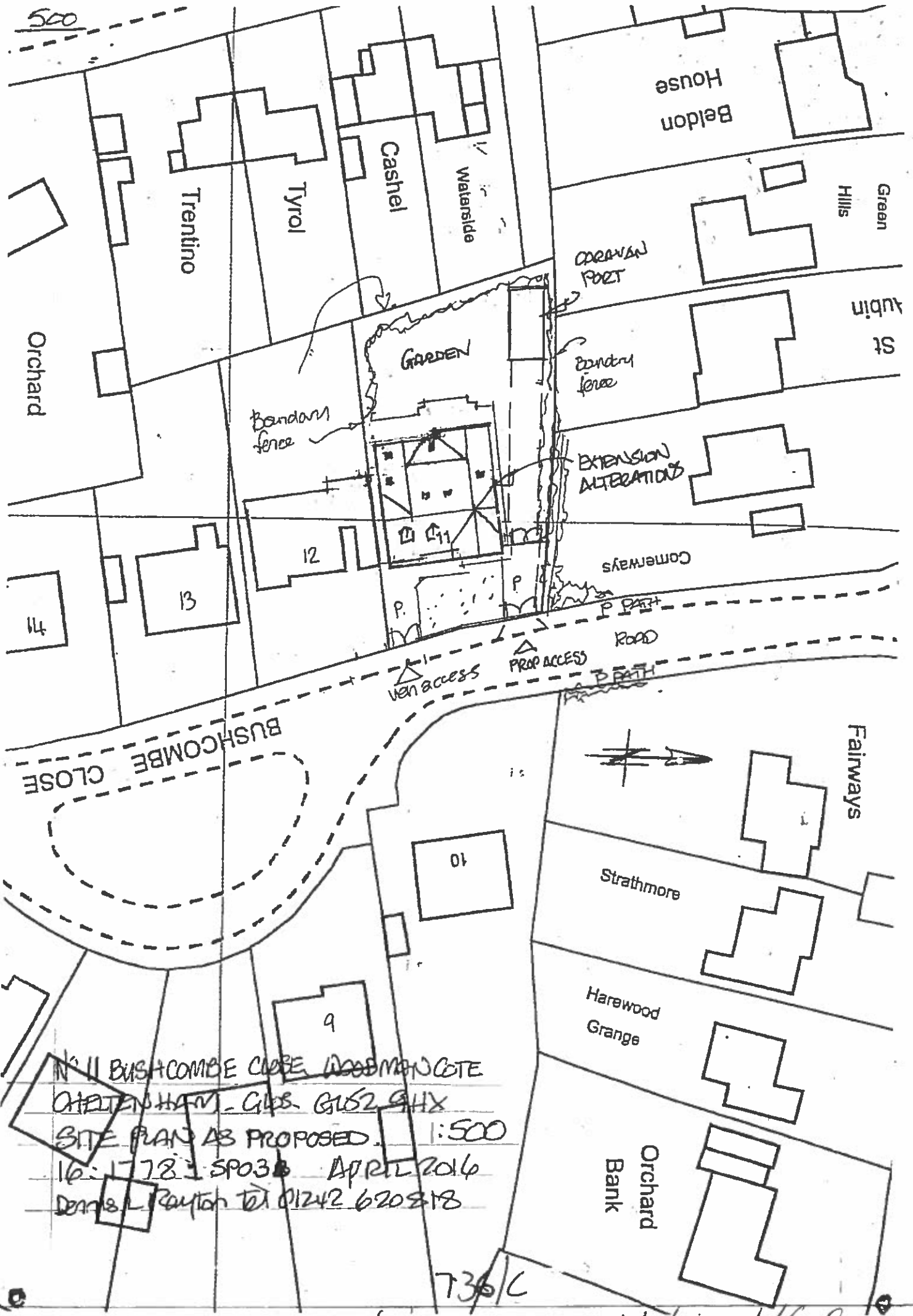
SITE PLAN AS EXISTING 1:200

16: 1778: SP02 APRIL 2016

Dennis L Rayton TEL 01242 660818

73613

500



BUSHCOMBE CLOSE

No 11 BUSHCOMBE CLOSE WOODMAN COTE  
 CHELTENHAM - GLOS. GL52 9HX  
 SITE PLAN AS PROPOSED. 1:500  
 16/17783 SPO3 APRIL 2016  
 Denis L. Rayton tel 01242 620818

736/C

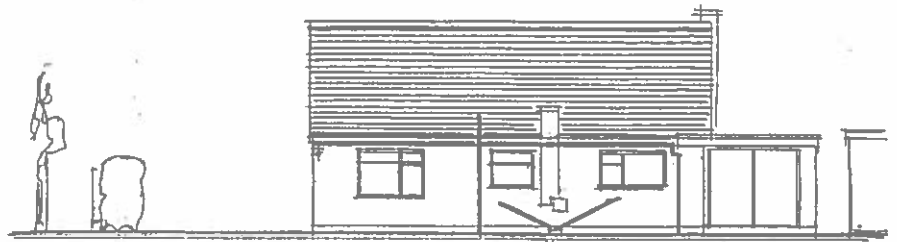
Revised plans 16/01/27/16el

16/0127/1kel

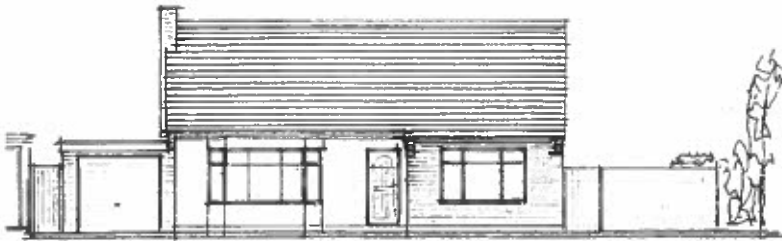
# Existing elevations



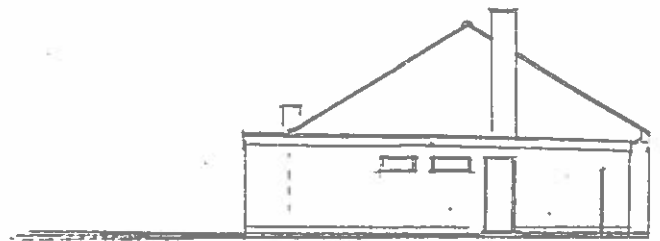
SIDE ELEVATION - (NORTH)



REAR ELEVATION (WEST)



FRONT ELEVATION (EAST)



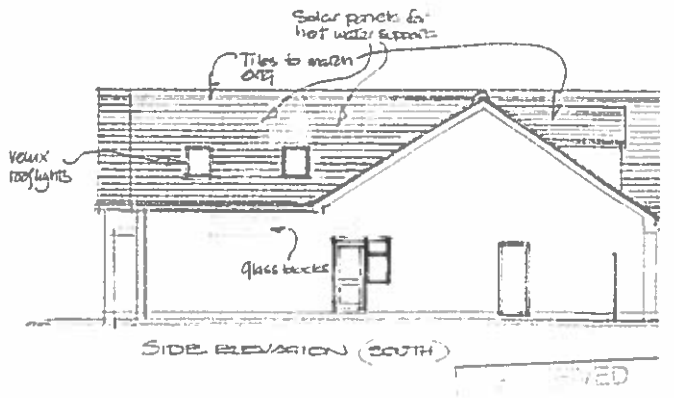
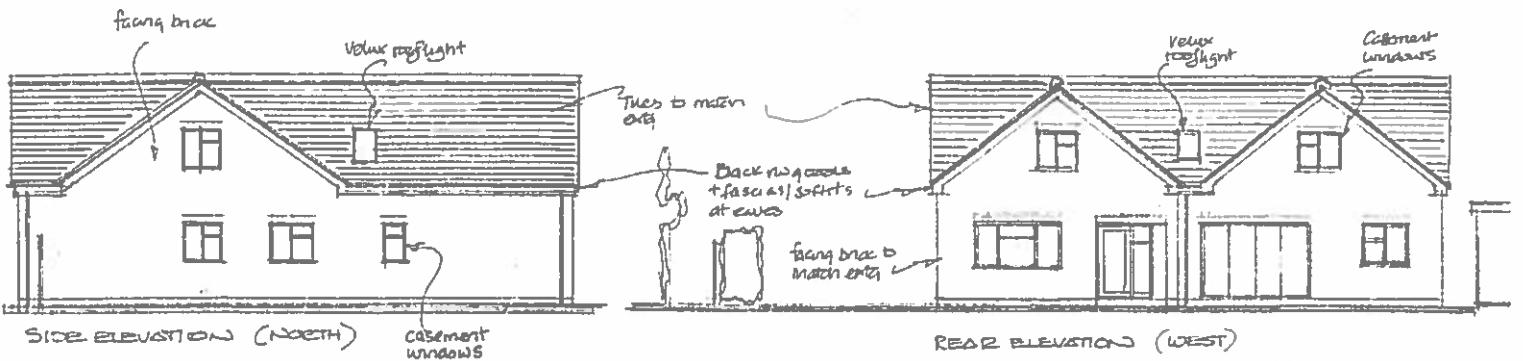
SIDE ELEVATIONS (SOUTH)



NO 11 BUSHCROFT CLOSE - WOODMADROTE -  
CHELTENHAM - GLOS. GL52 9HX.  
ELEVATIONS AS EXISTING 1:100  
16: 1778: 03. APRIL 2010  
Dennis & Rayton 21 01242 620818

736/10

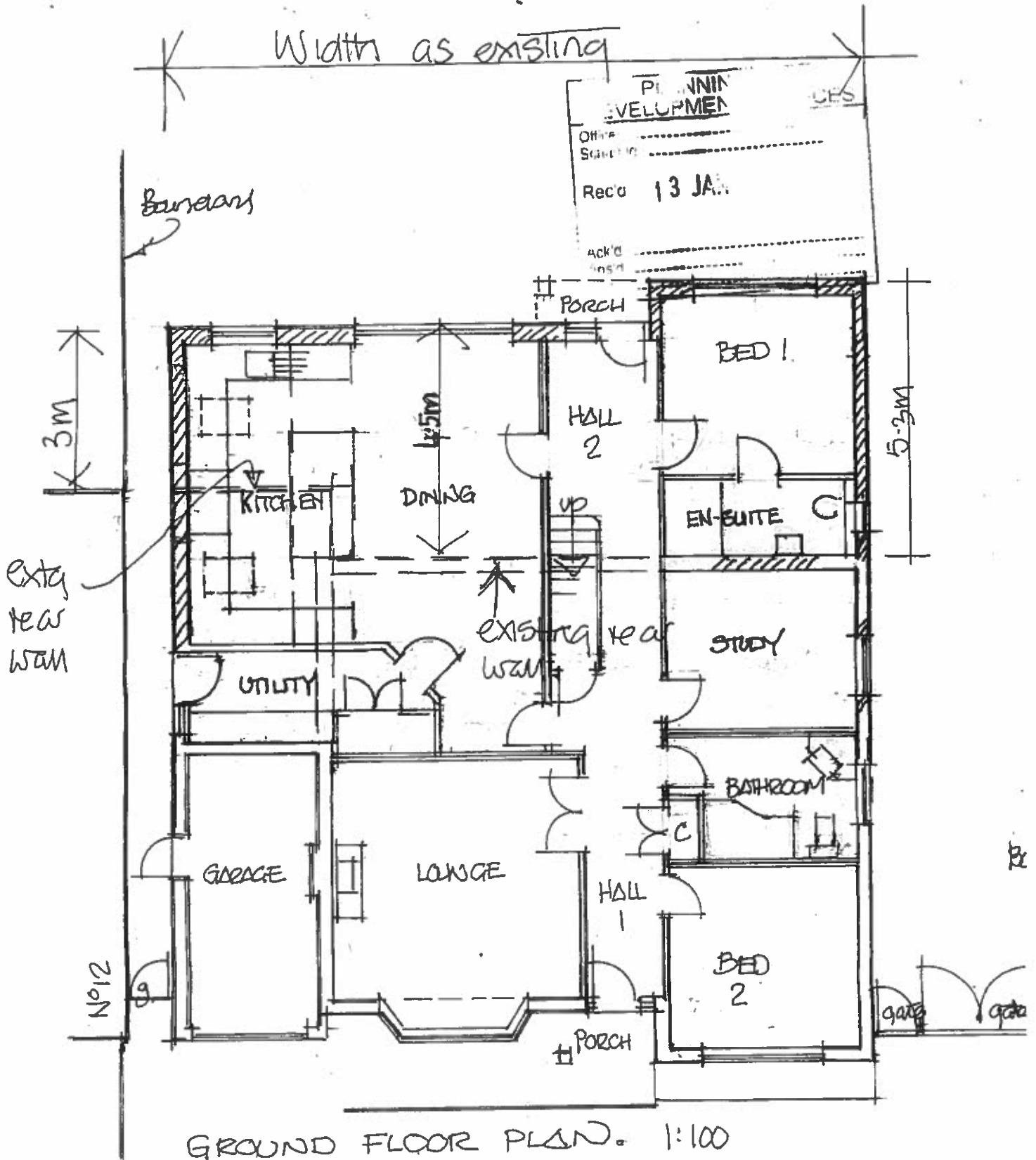
# 16/0127/16el proposed elevations



NO 11 BUSHCOMBE CLOSE, WOODMANYOKE  
CHELTENHAM, GLOS. GL52 9HX  
ELEVATIONS AS PROPOSED 1:100  
16:1778:09A APRIL 2016  
Demis L Rafter Tel 01242 620818

REVISED  
16 NOV 2015  
PROFESSIONAL QUALITY CONTROL  
DEP. TOL  
Revision:  
A Openings changed to suit new floor plan. 3/11/16

16/0127/fel



GROUND FLOOR PLAN. 1:100

Revision.

Δ. Ground floor layout altered

2/11/10.

Extract-drawing 16:1778:08Δ

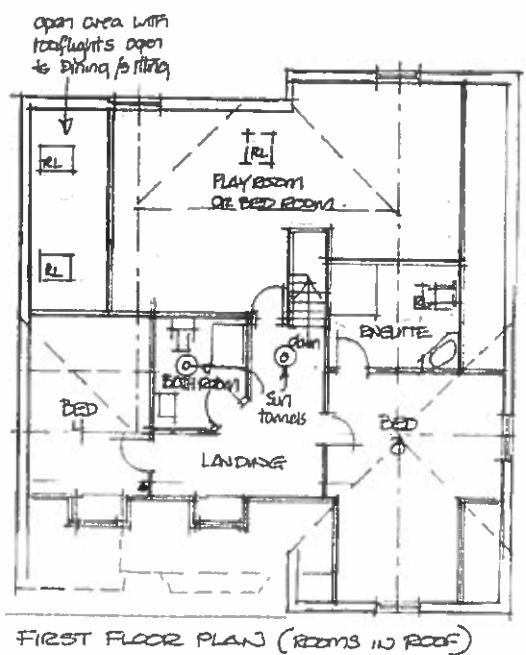
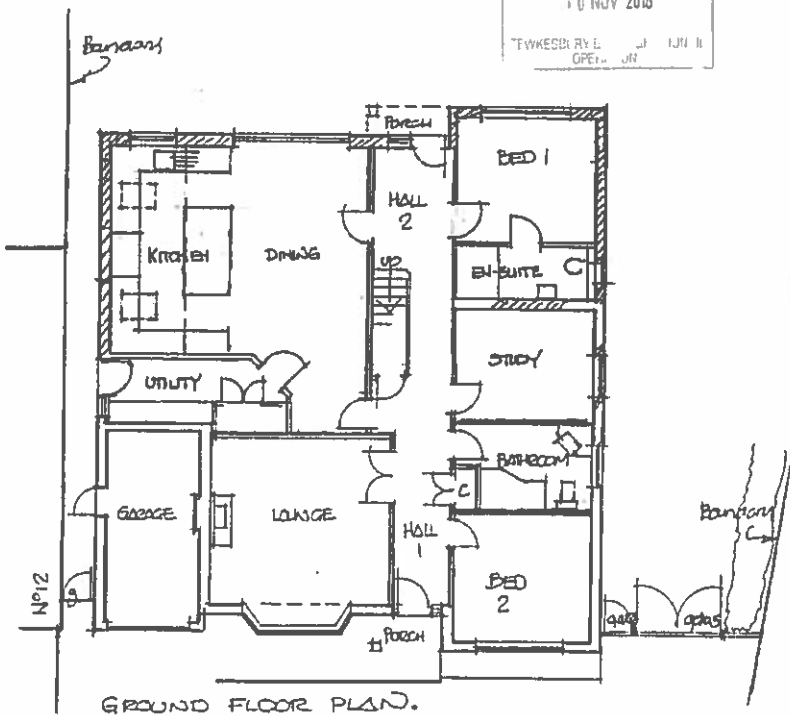
revised plans 736/F

11 Buskcombe Close Woodmanste  
Chertsey Surrey GU15 2GH

Dennis L Rayton tel 01242 620818



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 16 NOV 2016  
 TWYKESDALE ROAD, TWYKESDALE, LEICESTERSHIRE, LE11 1JN



REVISION.  
 Δ. Ground floor layout altered 2/11/16.

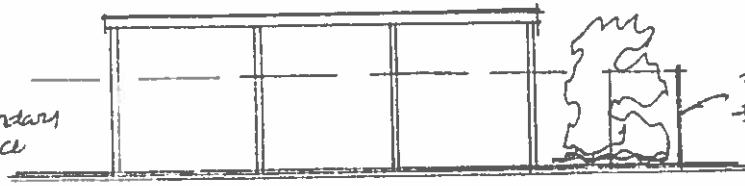
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 DERRIS I. RAFTER TEL 01242 620818

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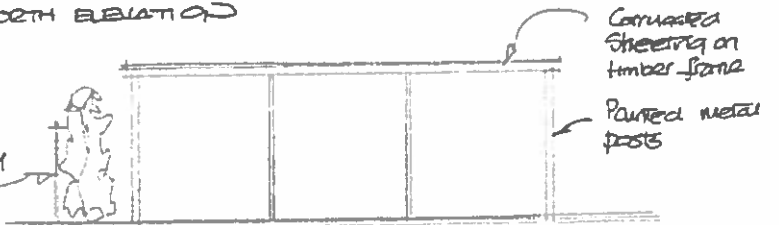
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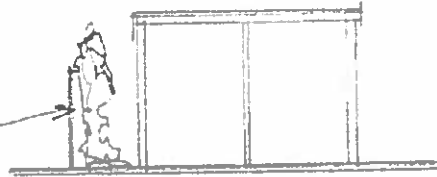
EAST ELEVATION



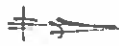
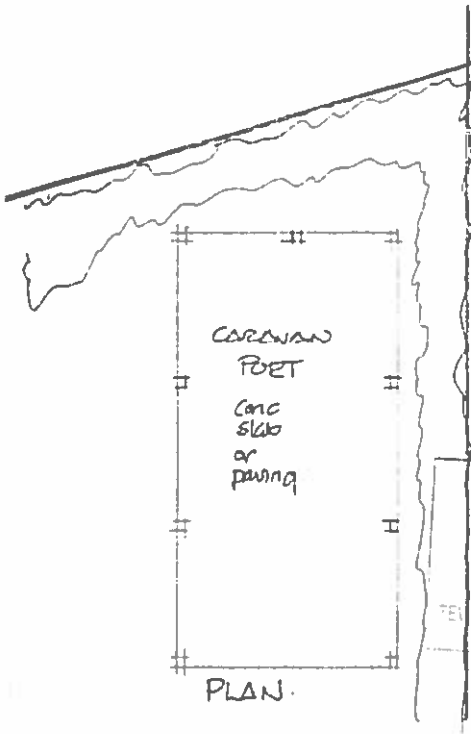
NORTH ELEVATION



SOUTH ELEVATION



WEST ELEVATION



RECEIVED  
10 NOV 2016  
TEWKESBURY DISTRICT COUNCIL  
OPERATIONS

NO 11 BUSHCOMBE CLOSE. WOODMAN OOTE.  
CHELTENHAM. GLOS. GL52 94X  
PROPOSED CARAVAN PORT. 1:100  
16: 1778:10. APRIL 2016  
DENIS L RAYTON tel 01242 620818

736/H

16/01335/FUL

44 Meadowway, Bishops Cleeve

17

Valid 25.11.2016

Single storey extension to provide garden room, larger bedroom, garage and utility room.

Grid Ref 395415 226829

Parish Bishops Cleeve

Ward Cleeve Grange

Mr Robert Sekulic

44 Meadowway

Bishops Cleeve

Cheltenham

Gloucestershire

GL52 8NB

## **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** - Object to this application as it does not represent high quality design as required in the NPPF.

**Local residents** - No letters received.

**Planning Officers Comments:** Mrs Sarah Barnes

### **1.0 Application Site**

1.1 This application relates to 44 Meadowway, a brick/rendered semi-detached dwelling located in Bishops Cleeve (**site location plan attached**).

### **2.0 Current application**

2.1 The current application is for a single storey extension to provide a garden room, larger bedroom, garage and utility room (**plans attached**).

### **3.0 Policy Context**

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

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

### **4.0 Analysis**

#### *Design, Size and Visual amenity*

4.1 The Parish Council have objected on the grounds that the proposed extension does not represent high quality design.

4.2 Whilst the proposed extension would have a large footprint and of a flat roofed design, there would be very limited views of it from the road, so it is not considered to be harmful or intrusive in the street scene. The extension would be constructed from materials to match those used on the existing dwelling. Overall, therefore, it is considered that the proposed extension would be of an acceptable size and design and there would not be any harm to the character of the dwelling itself nor the visual amenity of the area.

#### *Residential amenity*

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

#### **5.0 Conclusion**

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

#### **RECOMMENDATION Permit**

##### Conditions:

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

##### Reasons:

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

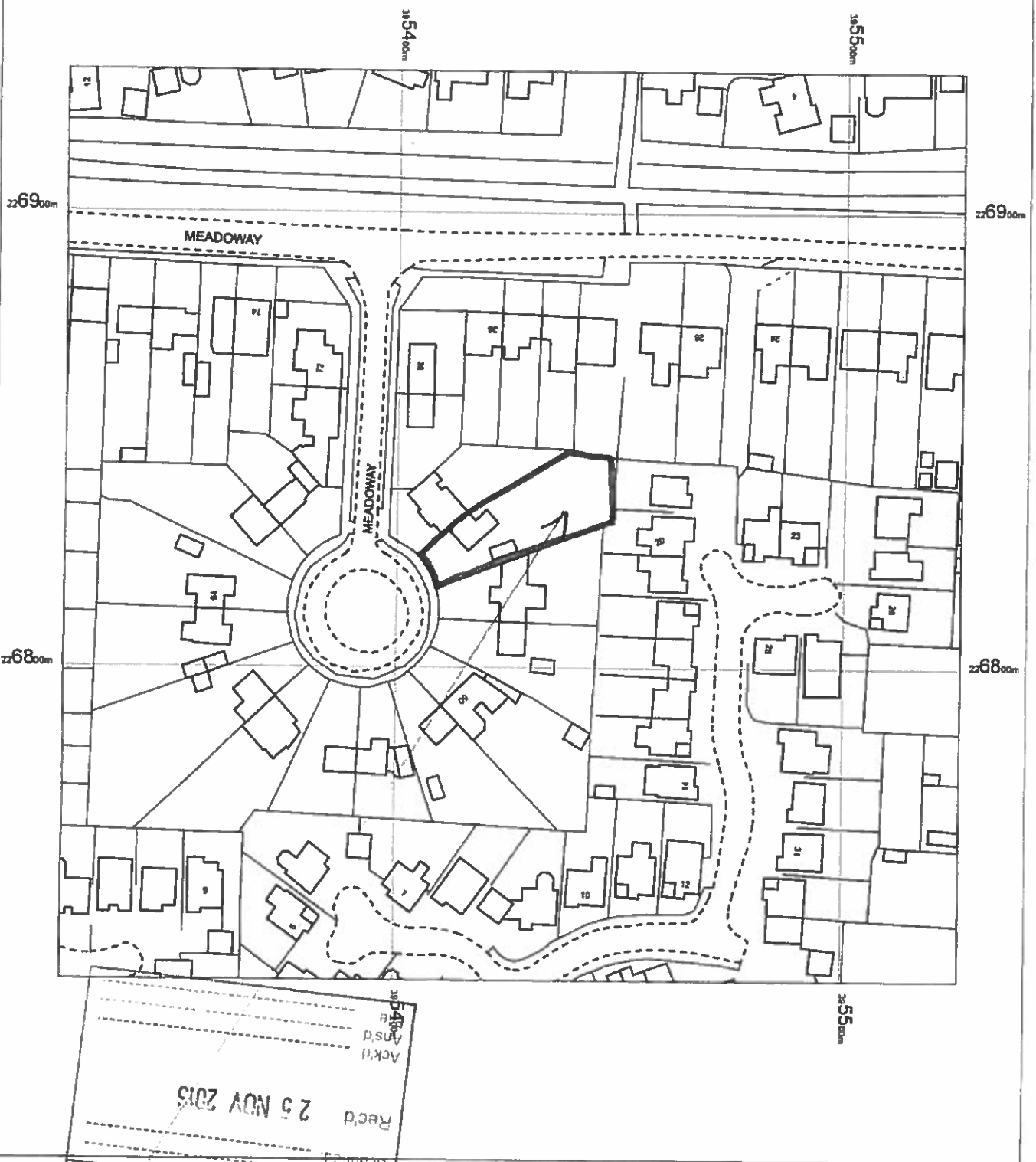
##### Note:

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

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

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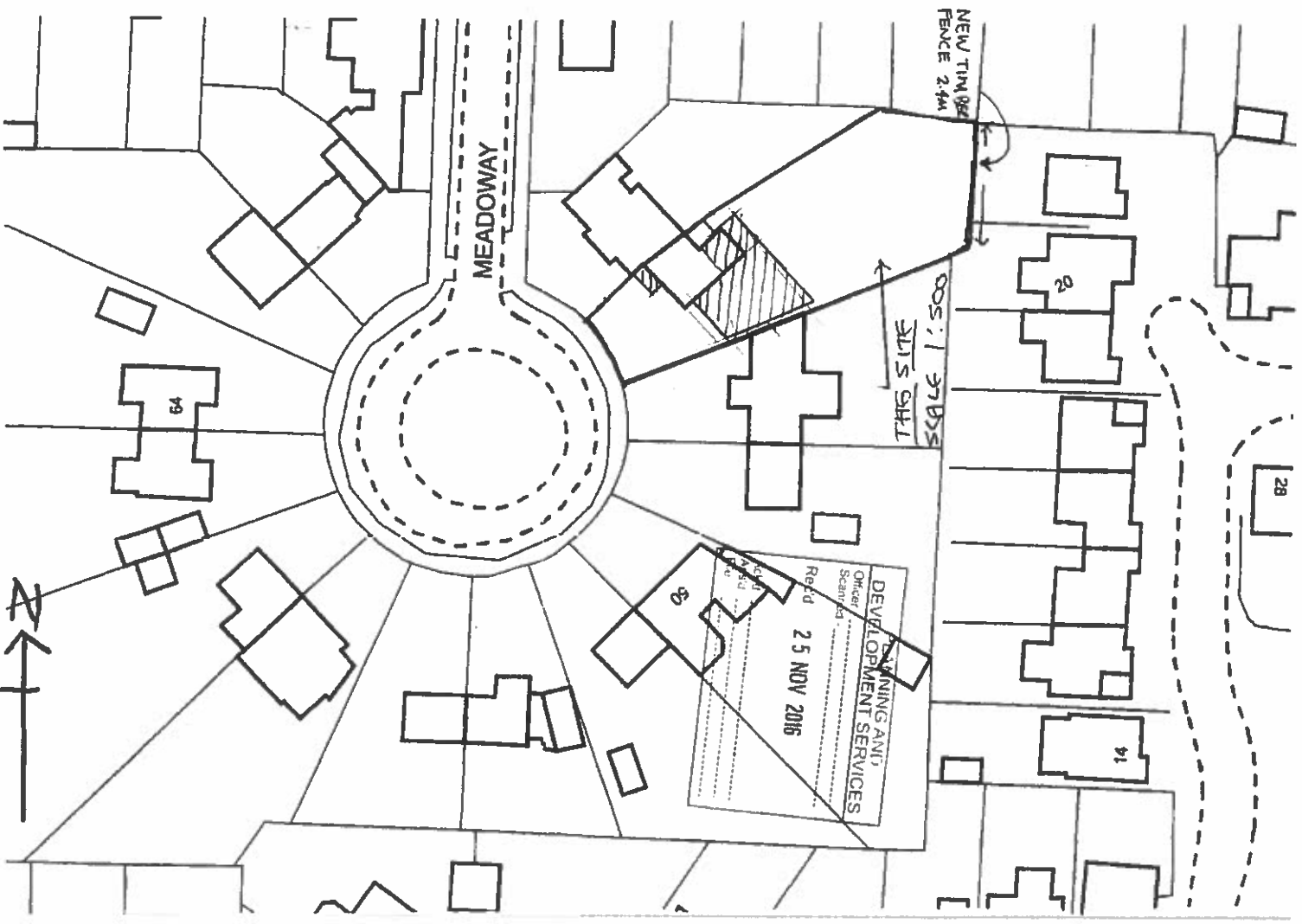
44 Meadoway  
 GL52 8NB

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 25 October 2016, ID: HMC-00570956  
 www.themapcentre.com  
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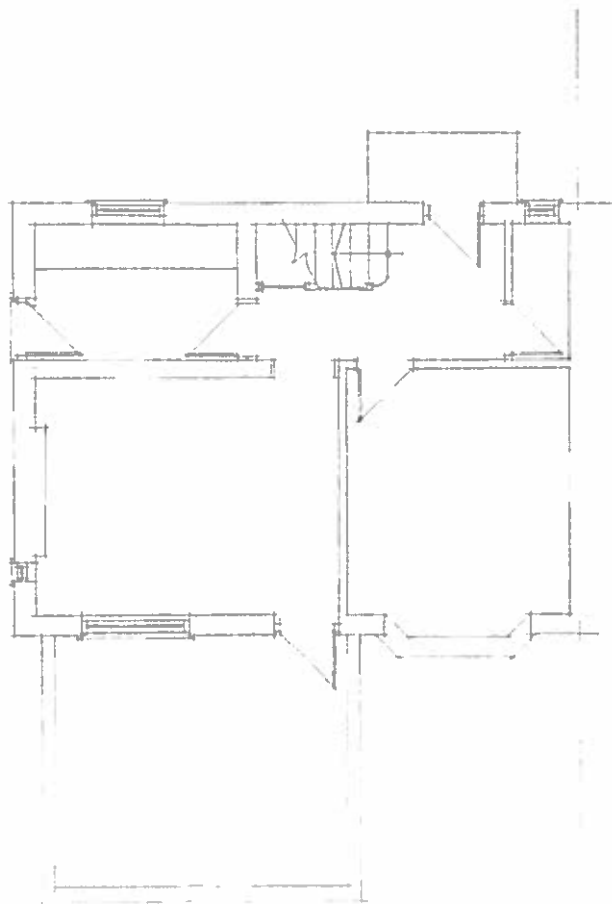
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PLANNING AND  
DEVELOPMENT SERVICES  
Office  
Scheme  
Date 20.11.16  
Arch  
Arch  
1/4



Ground Floor Plan as Existing



**PSK**

architect

hello@psk-architect.co.uk

www.psk-architect.co.uk

01452 714586



Do Not Scale From This Drawing. All  
dimensions must be checked on site  
prior to commencement of any work.

Robert Sekulic

Proposed Extension at  
44 Meadoway  
Bishops Cleeve  
Cheltenham

Nov 2016 1:50 PK

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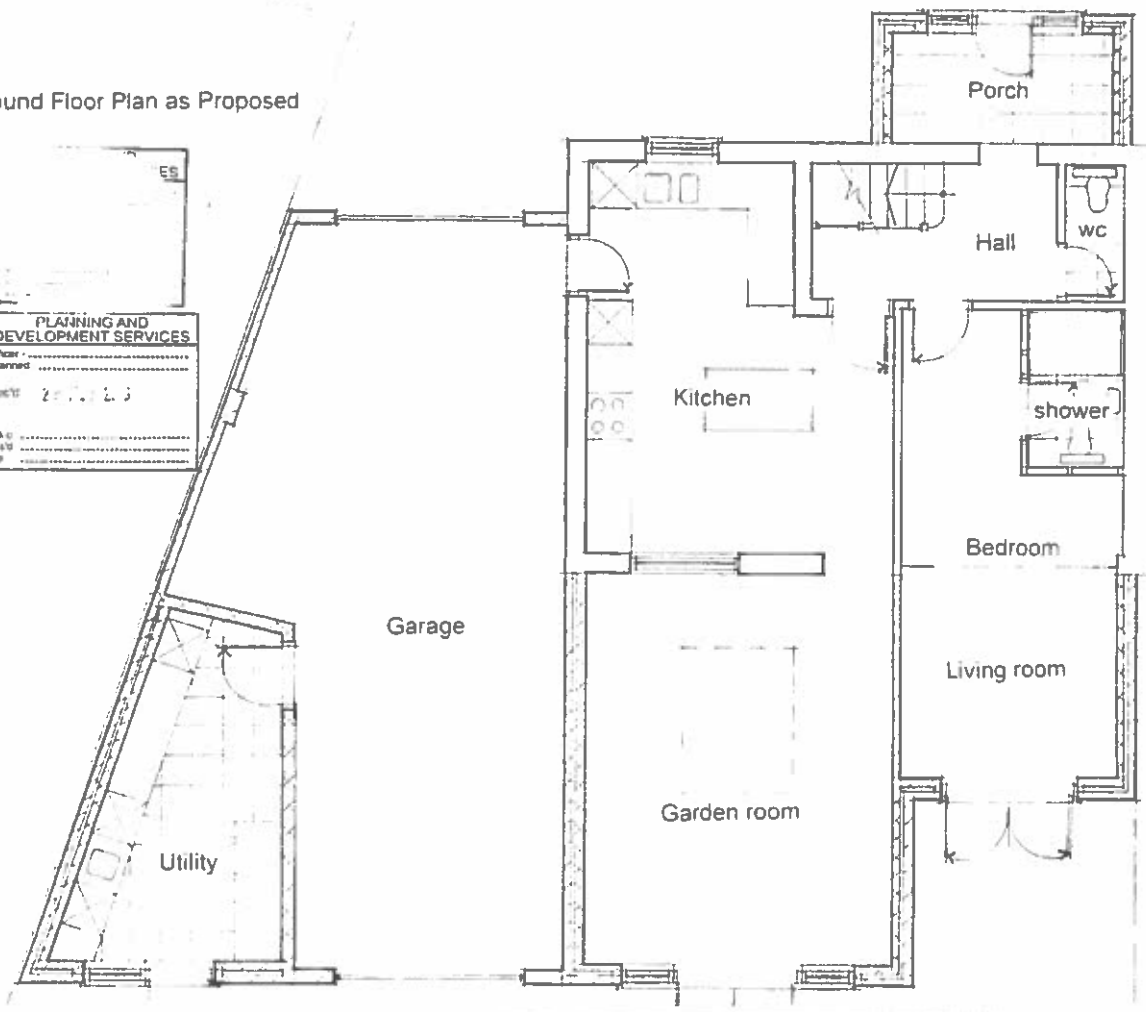
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Ground Floor Plan as Proposed



**PLANNING AND DEVELOPMENT SERVICES**  
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 Checked: .....  
 Date: 20.11.16  
 As a: .....  
 File: .....



# PSK

architect  
 hello@psk-architect.co.uk  
 www.psk-architect.co.uk  
 01452 714596



Do Not Scale From This Drawing. All dimensions must be checked on site prior to commencement of any work.

Robert Sekulic

Proposed Extension at  
 44 Meadoway  
 Bishops Cleeve  
 Cheltenham

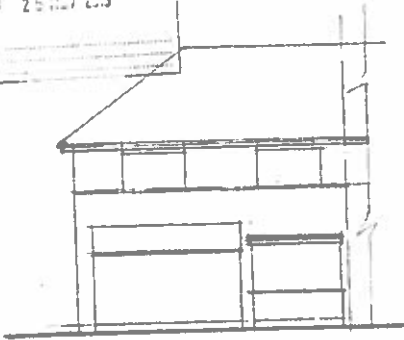
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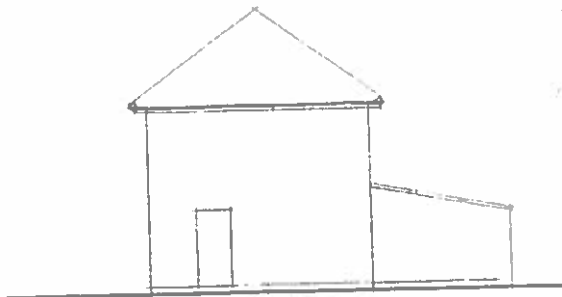


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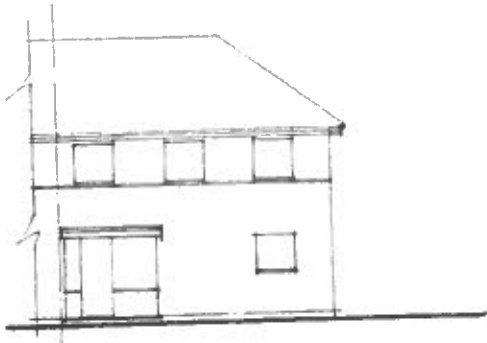
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DEVELOPMENT SERVICES  
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DATE: 25/10/16  
FILE: [illegible]



Rear Elevation as Existing



Side Elevation as Existing



Front elevation as Existing

**PSK**  
architect

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www.psk-architect.co.uk  
01452 714586



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dimensions must be checked on site prior  
to commencement of any work

Robert Sekulic

Proposed Extension at  
44 Meadoway  
Bishops Cleeve  
Cheltenham

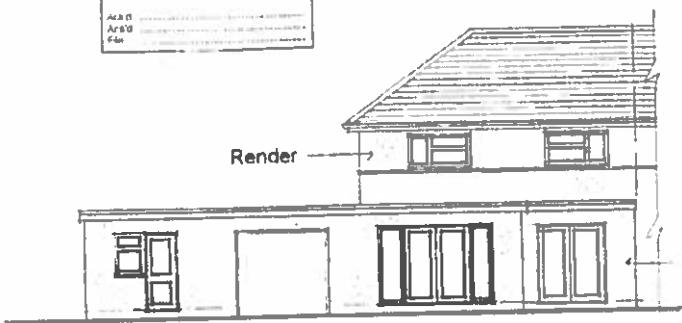
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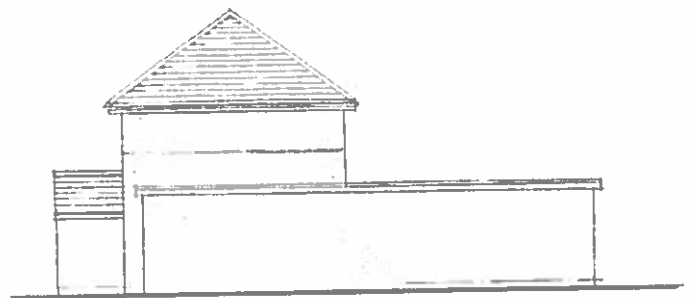
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PLANNING AND  
DEVELOPMENT SERVICES  
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Rear Elevation as Proposed



Side Elevation as Proposed



Front elevation as proposed

**PSK**

architect

hello@psk-architect.co.uk  
www.psk-architect.co.uk  
01452 714596



Do Not Scale From This Drawing. All  
dimensions must be checked on site  
prior to commencement of any work

Robert Sekulic

Proposed Extension at  
44 Meadoway  
Bishops Cleeve  
Cheltenham

Nov 2016 1:100 PK

16083

739/F

Valid 07.12.2016  
 Grid Ref 385417 223146  
 Parish Norton  
 Ward Coombe Hill

Erection of 1 no. detached dwelling

Mr R Boote  
 c/o Agent

## RECOMMENDATION Permit

### Policies and Constraints

National Planning Practice Guidance  
 Planning Practice Guidance  
 Tewkesbury Borough Local Plan to 2011 - March 2006 - Policies HOU4, LND4 and TPT1  
 Joint Core Strategy (Submission Version) November 2014 - Policies SD5, SD7, INF1 and INF2  
 Flood and Water Management SPD

### Consultations and Representations

**Parish Council** - Objection to the application and the following is a summary of the objection:

- Reinforces previous concerns regarding ribbon development;
- Not appropriate to rural landscape;
- Poorly related to existing service village settlements;
- Cumulative impact in terms of traffic generation;
- No affordable housing;
- Significant weight should be given to Neighbourhood Development Plan.

**Severn Trent** - No objection subject to conditions.

**County Highways** - No objection subject to conditions.

**Landscape Officer** - No objection subject to conditions.

**Environmental Health** - No adverse comments.

**Planning Officers Comments:** Mr Lloyd Jones

### 1.0 Application Site

1.1 The application site comprises part of a wider parcel of agricultural land that has a frontage of 14m on to the A38 that passes through Norton. The site forms part of the Brookelands Nursery and lies adjacent to the former Norton Garage. There are a small number of buildings and glasshouses relating to the nursery business located to the west of the site, together with the owner's two-storey dwelling, which are set back from the highway and accessed via a private drive. The immediate area is characterised by ribbon development which straddles the A38 in this location. The land opposite falls within the designated green belt.

### 2.0 Planning History

2.1 15/00893/OUT - Outline application for three dwellings (all matters reserved except access) - Permitted November 2015.

2.2 16/00581/APP - Approval of reserved matters for three dwellings - Approved - November 2016

### 3.0 Current Application

3.1 Full planning permission is sought for the erection of a dormer style dwelling that would be sited to the north of the three plots that benefit from planning permission. The dwelling would have a footprint of 8m by 14m. A pitched roof with a central gable dormer in the front plane is proposed. The roof would have a ridge height of 6.5m. The exterior would be finished in brick and a rosemary plain tile roof. Vehicular access to the site would be via the existing junction with the A38 and across a shared drive.

## 4.0 Policy Context

4.1 Paragraph 14 of the NPPF indicates that sustainable development should be approved without delay, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits; or where specific policies within the Framework indicate that development should be restricted.

4.2 Policy HOU4 of the local plan seeks to promote sustainable development. Policy HOU4 advises, inter alia, that residential development outside of a residential development boundary will only be permitted where essential to the efficient operation of agriculture or forestry or the provision of affordable housing in accordance with Policy HOU14.

4.3 Policy LND4 provides that in rural areas regard will be given to the need to protect the character and appearance of the rural landscape.

4.4 Policy TPT1 of the local plan seeks to reduce the need to travel by car and promote alternative modes of transport. It also seeks to ensure that highway access can be provided to an appropriate standard which would not adversely affect the safety or satisfactory operation of the highway network, nor cause an unacceptable loss of amenity to users of adjacent land.

## 5.0 Analysis

### *Principle of Development*

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

5.2 Paragraph 14 of the NPPF sets out a presumption in favour of sustainable development and states that development proposals that accord with the development plan should be approved without delay. The NPPF goes on to say that where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or where specific policies in the Framework indicate development should be restricted. In this case there are no specific policies which indicate development should be restricted.

5.3 The NPPF also states that local authorities should avoid granting new isolated homes in the open countryside unless there are special circumstances. Although the site is located outside a residential development boundary, it is considered that the site is not isolated given its close proximity to existing residential development at Norton and Twigworth.

5.4 The site is located on a primary transport route and there is a bus stop in the vicinity which provides connections to Gloucester, Cheltenham and Tewkesbury. In terms of service provision, Twigworth benefits from a post office, a general store, employment opportunities, a petrol station/garage and a place of worship. There is also a primary school at Norton. The majority of these services are considered to be within walking and cycling distance from the application site.

5.5 In light of the above, it is therefore considered that the site is located in a reasonably accessible location. The principle of development is considered to be acceptable subject to compliance with other material considerations that will be discussed below.

### *Design and Visual Impact*

5.6 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.

5.7 The existing dwellings on the western side of the A38 comprise a mix of detached and semi-detached bungalows and detached 1.5 storey dwellings. On the eastern side of the A38, opposite the application site, there are a mix of detached bungalows and detached 2 storey dwellings. There are a variety of building materials in the area (red brick, render, pebble dash) and all properties enjoy a set back from the highway.

5.8 The proposed dwelling follows the same design approach for the recently approved three adjacent plots, and would be sited at the same building line, as well as having an identical ridge height. The design, size and scale of the proposed dwelling are therefore considered to be acceptable, and with the retention of the hedge along the frontage of the site would not have a significant impact on the character and appearance of the street scene.

#### *Residential Amenity*

5.9 Paragraph 17 of the NPPF sets out 'Core Principles', one of which seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

5.10 The proposed dwelling would be on the same alignment as the neighbouring dwelling and there would be a separation distance of 6.4m between both side elevations. A ground floor (kitchen) window is proposed in the side elevation, but the provision of a boundary treatment would minimise any conflict in respect of privacy.

5.11 Dwellings are situated some 40m away on the opposite side of the A38, but given this distances as well as the presence of the highway it is considered that the proposal would not have any detrimental impact on the residential amenity of these dwellings through any undue overlooking or loss of privacy.

#### *Access and Highway Safety*

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

5.13 As detailed above, access would be via the existing junction formed with the A38 and the existing driveway leading to Brookelands Nursery. This was approved as part of the scheme for three dwellings. The submitted plans illustrate visibility splays of 2.4m by 160 metres in both directions. A turning/parking area for two cars is proposed in front of the dwelling. County Highways has no objection to the proposal, subject to conditions.

5.14 Overall, the provision of one additional dwelling would not result in any significant increase in traffic, and the development has been designed to allow safe access on to the highway network.

#### *Other Issues*

5.15 The issues raised by the Parish Council are noted, and many of the issues have been addressed in the report above. In relation to affordable housing provision, the proposal in combination with the approved scheme would fall under the affordable housing threshold prescribed in policy HOU13 of the Tewkesbury Local Plan. With regards to the emerging NDP, this is at a very early stage of preparation and as such only very limited weight can be attached to this in the overall planning balance.

### **6.0 Planning Balance and Conclusion**

6.1 Policy HOU4 of the Local Plan is out of date and in accordance with paragraph 49 of the NPPF the proposal must be considered in the context of the presumption in favour of sustainable development. 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, although it is recognised that these benefits are limited in cases like this which relate to a single dwelling. The dwelling is located within walking distance of a range of location amenities, as well as being on a bus route. In respect of the environmental aspect, the proposed development would have a limited landscape impact. Overall, the proposal is considered to constitute sustainable development and there are no adverse impacts that would significantly and demonstrably outweigh the benefits of the development. The application is therefore recommended for **Permission**.

## **RECOMMENDATION Permit**

### **Conditions:**

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 The development hereby approved shall be carried out strictly in accordance with the following plans/drawings: 4358/L1 Rev D, 4358/1B Rev C and 4358/1AA Rev A.
- 3 No external construction works, deliveries, external running of plant and equipment or internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1400 on Saturday. There shall be no such working Sundays, Public or Bank Holidays without the prior written permission of the Local Planning Authority.
- 4 No development shall take place until details of all external materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 5 No development shall take place until details of all walls, fences and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 6 No development shall take place until details of the existing and proposed levels across the site and relative to adjoining land, together with the finished floor levels of the dwelling hereby approved have been submitted and approved in writing by the Local Planning Authority.
- 7 No development shall take place until a comprehensive Landscaping Scheme has been submitted to and approved in writing by the local planning authority. The Landscaping Scheme shall include details of all existing trees (including spread and species) and hedgerows on the land, and details of any to be retained, together with measures for their protection during the course of construction. The Landscaping Scheme shall also include details of all proposed planting, including species, density, and the height and spread of trees; and details of the design, position, height and materials of all the proposed boundary treatments.
- 8 All soft landscape works shall be carried out in accordance with the approved details and to a standard in accordance with the relevant recommendations of British Standard [4428 : 1989]. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season thereafter.
- 9 No development shall commence until details of a footway across the frontage of the site with dropped kerbs and tactile paving to link to the existing footway to the eastern side of Tewkesbury Road have been submitted to and agreed in writing by the Local Planning Authority. The approved works shall then be completed in all respects prior to first occupation of any of the proposed dwellings and shall be retained as such thereafter unless and until adopted as highway maintainable at public expense.
- 10 The dwelling hereby approved shall not be occupied until the vehicular parking/turning facilities have been provided in accordance with the approved plan drawing no 4538/L1. These facilities shall be maintained available for those purposes thereafter.
- 11 The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 2.4m back along the centre of the access measured from the public road carriageway edge (the X point) to a point on the nearer carriageway edge of the public road 160m distant in both directions (the Y points). The area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between 1.05m and 2.0m at the X point and between 0.26m and 2.0m at the Y point above the adjacent carriageway level.

Reasons:

- 1 To comply with Section 91(1) of the Town and Country Planning Act 1990.
- 2 In the interests of clarity and in order to define the permission.
- 3 To ensure that the proposed construction work does not cause undue nuisance and disturbance to nearby properties at unreasonable hours.
- 4 To ensure that the external appearance of the development is satisfactory.
- 5 To provide adequate privacy and an acceptable external appearance.
- 6 In order to ensure the satisfactory appearance of the development and its relationship to adjoining properties, in accordance with the NPPF.
- 7 To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policy LND7 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 8 To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs in accordance with the NPPF.
- 9 To ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework
- 10 To ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework.
- 11 To reduce potential highway impact by ensuring that a safe and secure access is laid out and constructed that minimises the conflict between traffic and cyclists and pedestrians in accordance with paragraph 35 of the National Planning Policy Framework.

Note:

**Statement of Positive and Proactive Engagement**

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

16/01348/fuc



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743/A





## BOROUGH COUNCILLORS FOR THE RESPECTIVE WARDS 2015-2019

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

11 May 2015

Please destroy previous lists.