



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

TEWKESBURY BOROUGH COUNCIL

Schedule of Planning Applications for the consideration of the **PLANNING COMMITTEE** at its meeting on 27 September 2016

	(NORTH)	(SOUTH)
General Development Applications Applications for Permission/Consent	(219 - 290)	(291 - 311)

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. (219 - 311)

Codes for Application Types

OUT	Outline Application
FUL	Full Application
APP	Application for Approval of Reserved Matters
LBC	Application for Listed Building Consent
ADV	Application for Advertisement Control
CAC	Application for Conservation Area Consent
LA3/LA4	Development by a Local Authority
TPO	Tree Preservation Order
TCA	Tree(s) in Conservation Area

National Planning Policy

National Planning Policy Framework (NPPF)

Technical Guidance to the National Planning Policy Framework

Planning Policy for Traveller Sites

Planning Policy Statement 10: Planning for Sustainable Waste Management

Planning Policy Statement 11: Regional Spatial Strategies

INDEX TO PLANNING SCHEDULE (RECOMMENDATIONS) 27th September 2016

Ashchurch Rural 16/00177/FUL Click Here To View	Part Parcel 3400 Columbine Road Walton Cardiff Tewkesbury	Delegated Approve	9
Ashleworth 16/00257/FUL Click Here To View	Part Parcel 7812 Lawn Road Ashleworth	Permit	1
Bishops Cleeve 15/00769/FUL Click Here To View	39 St Michaels Avenue Bishops Cleeve	Permit	12
Buckland 16/00553/APP Click Here To View	Burhill Farm Buckland Broadway	Prior Approval Refused	10
Churchdown 16/00638/FUL Click Here To View	208A Cheltenham Road East Churchdown	Permit	13
Hucclecote 16/00441/FUL Click Here To View	Clovelly Belmont Avenue Hucclecote	Delegated Permit	14
Minsterworth 15/00693/FUL Click Here To View	Land At Starcroft Lane Main Road Minsterworth	Permit	11
Stoke Orchard & Tredington 16/00803/OBM Click Here To View	Land North East Of Duckstone House Dean Lane Stoke Orchard	Approve	8
Tewkesbury 16/00623/FUL Click Here To View	6 The Mews Back Of Avon Tewkesbury	Permit	4
Tewkesbury 16/00759/FUL Click Here To View	2 High Street Tewkesbury Gloucestershire	Permit	5
Twynning 16/00729/FUL Click Here To View	Part Parcel 2269 Off Fleet Lane Twynning Tewkesbury	Delegated Permit	7

Twyning
16/00818/FUL

Old Yard Cottage Twyning Green Twyning
Tewkesbury

Permit

6

[Click Here To View](#)

Winchcombe
16/00534/FUL

Great House Castle Street Winchcombe Cheltenham

Permit

2

[Click Here To View](#)

Winchcombe
16/00712/LBC

Great House Castle Street Winchcombe Cheltenham

Consent

3

[Click Here To View](#)

16/00257/FUL

Part Parcel 7812, Lawn Road, Ashleworth

1

Valid 05.04.2016

Change of use of land to a Gypsy site for 2 pitches including laying of hardstanding and erection of associated ancillary building.

Grid Ref 380766 226091

Parish Ashleworth

Ward Highnam With Haw Bridge

Mr Harold Brazil

C/o Urban Aspects Ltd

RECOMMENDATION Permit

Policies and Constraints

National Planning Policy Framework (NPPF)

Planning Policy for Traveller Sites - March 2012 (PPTS)

Tewkesbury Borough Local Plan to 2011 - March 2006 - HOU4, LND3, LND7, TPT1 and EVT9

Section 66 of the Planning (Listed Building and Conservation Area) 1990

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

The First Protocol, Article 1 (Protection of Property).

Consultations and Representations

County Highways - No objections

Severn Trent Water - No response at time of report writing

Borough Environmental Health Officer - No response at time of report writing

Strategic Housing and Enabling Officer - No objection

Conservation Officer - No objection

Ashleworth Parish Council - Object to the proposal on the following grounds:

- The site is not a brownfield site, nor is it untidy or derelict and is a greenfield site within an attractive rural location.
- The proposed landscaping would at best provide minor mitigation for the development
- Access to the play area would be via a narrow, busy lane
- The existing trees and proposed fencing would serve to isolate the development
- Concerned regarding the potential business use of the site
- There is considerable potential for tree damage arising from the development and the submitted tree report is inadequate.
- The site will have restricted amenity area of resident children and the occupants of the site would be isolated in this location.
- The area of meadow to the east of the proposal is an important wildlife and wildflower haven.

Local Residents - Three letters of representation received raising the following concerns:

- The development will put pressure on existing services/facilities within the village
- Highway safety concerns - narrow access road in and out of the village with no footpath - local residents already walk this route to the village store and increased traffic will increase dangers on the highway.
- There is no mains sewage disposal in this location.
- There may be restrictive covenants on the site.
- The proposed development would be completely out of character and unsuitable for the area.
- this will set a precedent for further piecemeal residential development.
- The impact upon the Grade II Listed Building should be considered.

Planning Officers Comments: Miss Lisa Dixon

1.0 Site

1.1 The application site relates to a parcel of land, located on the western outskirts of Ashleworth village. The land is predominantly laid to grass/pasture, with an area of hardstanding located adjacent the main access to the north-western portion of the site. An established access onto Lawn Road exists from the western corner of the site.

1.2 The extent of the site is denoted by way of wooden post and rail fencing, with the south-western boundary adjacent Lawn Road comprising established, dense tree and shrub planting.

1.3 A small corrugated metal shed occupies a central position within the site and a timber 'L-plan' stable block adjoins the north-western boundary and also falls within the applicant's ownership. Paddock land utilised in conjunction with the stables adjoins the rear of the site and also falls within the applicant's ownership.

1.4 The site is located within the Landscape Protection Zone, as designated within the Local Plan.

2.0 History

2.1 Planning permission was refused on the wider parcel of land for the retention of the stable block and hardstanding in November 2001 under planning reference: 01/10906/1317/FUL. The grounds for refusal related to the landscape harm resulting from the tarmac hardstanding and also to the existing sub-standard access.

2.2 A revised scheme for the retention of the stable block and hardstanding, together with re-positioning of the access was later granted permission at Planning Committee on 23.04.2002 under planning reference: 01/01578/FUL. Conditions relating to the re-surfacing of the hardstanding and formation of an appropriate access and turning area and stopping up of the unauthorised access were imposed upon the permission. It should be noted that the hardstanding which is subject to the aforementioned applications falls within the red line of the site but the stable block adjoins but falls outside of the red line. Furthermore, it appears that not all of the conditions pertaining to the permission have been complied with the tarmac hardstanding remains in situ.

3.0 Application

3.1 The application seeks full planning permission for the change of use of the site to provide 2 gypsy and traveller pitches with associated hardstanding and ancillary 'amenity' building. The amenity building would be situated close to the rear (northern) boundary of the site and would measure some 13.9 metres in length by 5 metres in width with an overall ridge height of 4.1 metres. The building would be divided internally and provide a day room, shower room, wc and utility room for each plot and would be constructed in brick and tiles to be approved by the LPA.

3.2 Each plot would comprise a mobile home and adequate space for a touring caravan. The access road into the site is proposed to be extended within the site by way of loose gravel 'no dig' construction. Close boarded fencing and gates of 1.8 metre height were originally proposed to enclose the plots but this element has subsequently been removed from the current scheme. An additional landscaping buffer is proposed to the north-eastern and eastern perimeter to provide additional screening.

3.3 A Biodisc package sewage treatment plant is also proposed within the site to serve to the new plots.

4.0 Planning Policy Context

Tewkesbury Borough Local Plan to 2011 - March 2006

4.1 Policy HOU4 seeks to restrict residential development in the open countryside except where it is essential for the efficient operation of agriculture or forestry, involves the acceptable conversion of existing buildings, or is for affordable housing in line with the Council's 'exceptions' policy. In relation to conventional housing this policy is considered out-of-date. However, although the Council cannot identify a 5 year supply of deliverable gypsy sites, the technical amendment to the NPPF (July 2015) makes clear that the absence of such a supply is not relevant to the application of paragraph 49 of the NPPF.

4.2 Local Plan Policy LND3 seeks to protect or enhance the ecology and visual amenity of the Landscape Protection Zone. This policy is considered to be consistent with the NPPF in that it aims to protect the rural landscape. This policy should therefore be afforded significant weight.

4.3 Policy TPT1 of the Local Plan highlights that development will only 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. This policy is considered to be consistent with the NPPF in that it seeks to prevent new isolated residential uses in remote locations. This policy should therefore be afforded significant weight.

The NPPF and Planning Policy for Traveller Sites (PPTS) - August 2015

NPPF

4.4 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. It introduces a presumption in favour of sustainable development, of which there are three dimensions: economic, social and environmental.

4.5 One of the 'Core Planning Principles' of the NPPF is recognising the "intrinsic character and beauty of the countryside". Section 11 seeks to conserve and enhance the natural and local environment by protecting and enhancing valued landscapes.

4.6 Paragraph 55 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. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances.

4.7 With regard to highways safety paragraph 32 of the NPPF states that 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.

PPTS

4.8 Current national policy on planning for traveller sites is contained in Planning Policy for Traveller Sites (August 2015)

4.9 The PPTS states that the Government's overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates their traditional and nomadic way of life while respecting the interests of the settled community. For the purposes of planning policy the PPTS defines "gypsies and travellers" as:

"Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such".

4.10 This differs from the previous definition in that persons who have permanently ceased to travel for educational or health needs or old age no longer meet the definition of gypsy or traveller.

4.11 Paragraph 23 also highlights that applications should be assessed and determined in accordance with the presumption in favour of sustainable development and the application of specific policies in the NPPF, including landscape protection and highway safety considerations.

4.12 Paragraph 24 of the PPTS explains that local planning authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:

- the existing level of local provision and need for sites
- the availability (or lack) of alternative accommodation for the applicants
- other personal circumstances of the applicant
- that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites
- that they should determine applications for sites from any travellers and not just those with local connections.

4.13 Paragraph 25 of the PPTS states that local planning authorities should very strictly limit new traveller sites in open countryside that are away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate the nearest settled community, and avoid placing an undue pressure on the local infrastructure.

4.14 Paragraph 26 provides that when considering applications, local planning authorities should attach weight to the following matters:

- effective use of previously developed (brownfield), untidy or derelict land;
- sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness;
- promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children; and
- not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community

4.15 Paragraph 27 of the PPTS sets out that if a local planning authority cannot demonstrate an up-to-date five-year supply of deliverable traveller sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permissions except where the land is in the Green Belt, protected under the Birds and Habitats Directives and/or designated as a Site of Special Scientific Interest, Local Green Space, an Area of Outstanding Natural Beauty, or within a National Park (or the Broads).

Emerging Joint Core Strategy (JCS)

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

4.17 The submission version of the JCS has now been submitted to the Secretary of State and is currently undergoing Examination. This document, inter alia, sets out the preferred strategy to help meet the identified level of need for gypsy and traveller provision. The weight to be applied to specific policies will be discussed in the relevant sections of this statement.

4.18 Policies SD14 and SA1 of the JCS Pre-Submission sets out the overall level of gypsy provision and the approach to this distribution. The JCS Pre-Submission sets out that within the JCS area, there will be a requirement for provision of 151 permanent pitches for Gypsies and Travellers. Of these, 147 pitches relate to communities that currently reside in Tewkesbury Borough. Paragraph 4 of policy SA1 states that proposals for the strategic allocations will be required to demonstrate how the provision of new gypsy and traveller sites will be incorporated into development proposals for Strategic Allocations. This Policy is under review at the JCS Examination.

4.19 In addition, policy SD14 states that all proposals for new gypsy and traveller sites will be assessed against the following criteria:

- (1) There is a proven need for the development and/or the capacity of the site can be justified to meet needs for further gypsy, or extensions to existing sites.
- (2) Proposals on sites in areas of sensitive landscape will not have an unacceptable impact on the character and appearance of the landscape and the amenity of neighbouring properties, and is sensitively designed to mitigate any impact on its surroundings.
- (3) The site has safe and satisfactory vehicular and pedestrian access to the surrounding principal highway network.
- (4) No significant barriers to development exist in terms of flooding, poor drainage, poor ground stability or proximity to other hazardous land or installation where other forms of housing would not be suitable.

4.20 The Tewkesbury Borough Plan (2011-2031) will sit beneath the JCS. The draft Site Option and Policies document is currently being consulted upon and as such is at a much earlier stage of development than the JCS and thus can only be given very limited weight at this stage. The Plan requires that Planning applications relating to Gypsies, Travellers and Travelling Showpeople will be determined in accordance with the NPPF, Planning Policy for Traveller Sites and JCS Policies SA and SD14.

4.21 Policy GTTS1 Gypsy, Traveller and Travelling Showpeople Sites states that there are a number of existing sites identified on the Proposals map for Gypsies, Travellers and Travelling Showpeople sites. The occupation of these sites shall be restricted to this part of our community. The implementation of high quality landscaping schemes for the sites and highway improvements will be required. No commercial uses will be permitted on Gypsy and Traveller sites.

4.22 Finally, the provisions of the following are relevant:

- Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)
- Article 3 of the UN Convention on the Rights of the Child
- Equality Act 2010 - Public Sector Equality Duty

5.0 Analysis

5.1 The main considerations in the determination of this application are specifically, the need for the facility; impact on landscape and visual amenity, suitability of the site for the proposed use and highway safety matters.

The need for gypsy and traveller sites

5.2 Paragraph 10 of the PPTS relates to 'plan-making' and requires local planning authorities to assess the need, and plan over a reasonable timescale for an appropriate supply of suitable traveller sites to address under-provision. The policy sets out that supply should comprise specific, deliverable sites for the first five years and developable sites or broad locations for later years. With respect to 'decision-taking' on specific applications, Paragraph 24 cites the existing level of provision among relevant matters for consideration in the determination process.

5.3 The countywide Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (GTTSA) was carried out by Opinion Research Services in October 2013. The GTTSA demonstrates a significant level of unmet need for traveller and gypsy pitches within Tewkesbury Borough. The GTTSA indicates the need for 152 additional permanent gypsy and traveller pitches across the JCS area up to 2031, of which 147 pitches are required in Tewkesbury Borough. 64 of these pitches are targeted for delivery by 2017.

5.4 At the present time the Council is progressing with its Joint Core Strategy and Borough Plan with a view to including general criteria for approving individual traveller site applications alongside provision within strategic and local development locations. However, the JCS examination is not yet completed. As part of the evidence base for the JCS an update summary was produced in March 2016 entitled Gypsy and Traveller Accommodation Assessment. The primary reason for completing the update was the publication of a revised version of Planning Policy for Traveller Sites (PPTS) in August 2015. This included a change to the definition of Travellers for planning purposes. As a result of the new definition the interim reports suggests that the need for Gypsy and Traveller sites is significantly reduced and the overall level of additional need for those households who meet the new definition of a Gypsy or Traveller is for 8 pitches in Tewkesbury over the 15 year GTAA period. It should also be noted that whilst the identified need is 8 pitched over the GTAA period there is also a need to provide windfall provision equating to 2 pitches per annum in order to support the assumptions made in the JCS. Further a number of the sites included in the calculation either: do not have planning permission; or have been refused planning permission. Discounting those sites the five year supply is significantly lower and the Council accepts that currently it cannot demonstrate a five year supply of gypsy pitches.

5.5 It is therefore clear that there is currently a need for additional pitches for Gypsies and Travellers in Tewkesbury Borough to meet the shortfall identified. The identified shortfall constitutes a material consideration which weighs in favour of the proposal when considering the planning balance.

Housing Policy

5.6 The site is located in the open countryside outside any recognised residential development boundary (defined by Policies HOU2 and HOU3 of the Local Plan) and as such Policy HOU4 applies. None of the exceptions to Policy HOU4 as set out in paragraph 4.3.1 apply in this case and therefore the provision of residential development in this instance conflicts with Policy HOU4 of the Local Plan.

5.7 Paragraph 12 of the PPTS also states that when assessing the suitability of sites in rural and semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community. It is not considered that the current proposal for two pitches would have such an impact on the settled community within the locality as to warrant a refusal of planning permission on this ground.

Landscape Impact

5.8 Policy LND3 seeks to protect the visual amenity and ecology of the Landscape Protection Zone. The reasoned justification expands stating that in assessing proposals for development, overriding priority will be given to the protection and enhancement of the ecology, nature conservation interest and landscape quality within the LPZ. This reflects one of the 'Core Principles' of the NPPF, which is to recognise the intrinsic character and beauty of the countryside.

5.9 The application site lies within a pleasant rural location within the Landscape Protection Zone. However, the site cannot be deemed to be completely isolated and there are a number of existing buildings within the immediate locality, including the existing stable block adjoining the site and belonging to the applicant, further outbuildings and hardstanding to the immediate east which falls outside of the applicant's ownership and the residential properties of Fern Cottage and Lawn End and their associated curtilages.

5.10 The proposal includes a new access road into the site, caravans, amenity building and associated domestic paraphernalia. Collectively these features would be uncharacteristic within this area, which is of strong rural and tranquil character. It is acknowledged that the addition of 2nos. mobile homes, a brick built utility block and the laying down of an access track across part of the site would constitute incongruous features in this rural context, resulting in a degree of harm to the character and appearance of the Landscape Protection Zone. However, views of the site are limited and the dense tree and shrub planting to the south/south-western boundary of the site provides substantial screening from Lawn Road. Furthermore, the additional landscape buffer proposed to the side (east) and rear boundaries would serve to screen the amenity building and mobile homes further. Views of the site from public rights of way are extremely limited with the nearest public right of way located some 80 metres away on the opposite side of Lawn Road, beyond Fern Cottage.

5.11 No landscape assessment has been submitted to accompany the planning application and no detailed landscape proposal has been outlined. However, the proposal does state that the existing trees and hedgerow to the frontage of the site would be fully retained and an additional landscape buffer would be planted along the south-eastern (side) and north/north-eastern (rear) boundaries.

5.12 Furthermore, the existing area of tarmac hardstanding within the site is proposed for removal as part of the current planning application and this would be laid to grass. In addition, the proposed access within the site is specified as being of loose gravel, 'no dig' construction in order to ensure no damage occurs to the existing vegetation along the boundary of the site and thus, serve to ensure its retention.

5.13 As mentioned above, it is considered that the proposed development would cause harm to the character and appearance of the rural landscape of the Landscape Protection Zone. However, given the screened nature of the site, additional landscaping buffer proposed as part of the current proposal and removal of the existing tarmac hardstanding, the degree of harm is considered to be moderate. Nevertheless, any perceived harm to the LPZ landscape weighs against the development in the overall balancing exercise.

Accessibility

5.14 The PPTS sets out at paragraph 25 in stating that "Local planning authorities should strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan". This is considered to represent a significant shift away from the previous government guidance and is more reflective of current Saved Policy TPT1 of the Local Plan, which indicates that development will only be permitted where there is an appropriate level of public transport services and infrastructure available.

5.15 The site is located approximately 344m from the edge of the settlement boundary of the village, as designated within the Local Plan. The centre of the village is some 582m from the site, and the settlement benefits from community facilities including a shop/post office, village hall, primary school, public house and playing fields/play area. Furthermore, the village is served by a relatively frequent bus service which runs between Gloucester and Twyning via Tewkesbury and passes through Ashleworth in both directions several times per day.

It is of relevance that in a recent planning appeal (APP/G1630/W/15/3136197) at The Paddocks, Downfield Lane, Twyning the Inspector states that:

"Although the Framework (NPPF) seeks to encourage a sustainable pattern of development and reduce car journeys where possible, it acknowledges the difference between urban and rural areas and does not explicitly require reliance on cars to be reduced in every instance. PPTS seeks to ensure that sites provide access to school and health services and reduce the need for long-distance travelling."

In the instance of the Twynning appeal site, the Inspector further states:

" The site is some 780m from the edge of the village where there is a range of services and facilities, including a primary school, a shop and a twice daily bus service to and from Tewkesbury. During my visit I saw that the lane is narrow, without footways or lighting and has some potholes. However, I also saw that the lane is broadly level and very quiet in terms of traffic (as borne out by the results of the appellant's traffic and speed survey) and there are some informal passing places. In view of this and given the lack of a highway safety objection by the Council subject to the provision of a visibility splay, it seems to me that it would provide a reasonable daytime walking route to and from the village. Although the occupiers would be likely to use their own vehicles for many of their journeys, the limited scale of the development, which proposes only two cars and two light goods vehicles, would not result in the 'significant movement' or 'severe impacts' referred to in paragraphs 32 and 34 of the Framework. Moreover, the site's location would enable access to school and health services."

5.16 Consequently, the Inspector for the above referenced appeal concluded that the appeal site constituted a sustainable location and in this regard, accorded with Local Plan Policy TPT1, the Framework and PPTS.

5.17 The proximity of the site to facilities within the village is such that they could be reached on foot or bicycle. This is illustrated by a submitted letter of representation from a local resident who states that this pedestrian route is utilised by locals to access the village store. The distance to the edge of Ashleworth settlement is some 344m, considerably less than the 780m distance considered to represent an acceptable distance in accessibility terms within the above referenced Twynning appeal. As such, the site's location is considered sustainable in accordance with Local Plan Policy TPT1, the Framework and PPTS and this matter weighs in favour of the proposal.

Highway safety

5.18 The NPPF sets out at paragraph 32 that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Decisions should take account of, amongst other matters, 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; and
- safe and suitable access to the site can be achieved for all people.

5.19 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.

5.20 Policy INF1 of the pre-submission JCS states that developers should aim to provide safe and accessible connections to the transport network to enable travel choice for residents and commuters. All proposals must ensure that:

- the development provides safe vehicular access to the highway network;
- any increased level of car use derived from the development does not result in severe increases in congestion on the network. Severe increase in congestion in this context relates to highway junctions no longer operating within their design capacity;
- any severe increase in congestion likely to arise from development must be mitigated to ensure highway junctions operate within their design capacity; and
- connections should be provided where appropriate to existing walking, cycling and passenger transport networks and should be designed to enable and encourage maximum potential use.

5.21 Lawn Road is a class 3 highway which is subject to the 60mph national speed limit. The carriageway along this section of Lawn Road features hedgerows up to the carriageway edge.

5.22 The applicant has undertaken a speed survey and has demonstrated suitable levels of emerging visibility commensurate with the 85th percentile wet weather speed the Highway Authority raises no highway objection.

Impact on the setting of Listed Buildings

5.23 The Grade II properties of St Michaels, Nupend House and Lychgate lie some 100m to the east of the site.

5.24 Under Section 66 of the Planning (Listed Building and Conservation Area) 1990 local planning authorities are required to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it processes. This approach is followed in the NPPF, which seeks to preserve the setting of heritage assets.

5.25 Historic England's 2015 'Historic Environment Good Practice Advice in Planning 3: The Setting of Heritage Assets' encourages 'a staged and proportionate approach to decision taking' and 'recommends the following broad approach to assessment, undertaken as a series of steps that apply proportionately to complex or more straightforward cases.'

5.26 The Conservation Officer has been consulted in respect of the current planning proposal and has provided an assessment as to the impact of the scheme upon the setting of the heritage assets, in accordance with Historic England Good Practice Guidance. The application site is approximately 100m west of the listed building and there is some intervisibility between the two. However the building occupies a 'hull down' position behind gently rising intervening ground, and in the main only roofs and secondary elevations are visible from the site. This is the service side of the building and views to or from the west are largely incidental, and were not intended to contribute to its significance in comparison to those from other orientations.

5.27 The Conservation Officer notes that the amenity building proposed is of a relatively neutral design and is broadly in keeping with other similarly scaled buildings in surrounding fields.

5.28 It is considered by the Conservation Officer that the development's potential heritage impact amounts to less than substantial harm in NPPF terms. As such, it is not considered that the current proposal would have an undue impact on the setting of these heritage assets.

5.29 Paragraph 134 of the NPPF 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. In this case it is considered that the identified need for gypsy and traveller pitches in the Borough would constitute a public benefit which would outweigh the identified less than substantial harm to the setting of the heritage asset.

Flooding and Drainage

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

5.31 The site is located in Flood Zone 1 and comprises an area less than 1 Hectare. There is therefore no requirement to submit a Flood Risk Assessment. A package treatment plant is proposed to serve the development. However, no details were provided that demonstrated that it would be feasible to use a package treatment system. However, it is likely that an acceptable drainage solution could be achieved by the imposition of a suitably worded planning condition.

Ecology

5.32 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 or deterioration of irreplaceable habitats. Local Plan Policy NCN5 seeks to protect and enhance biodiversity in considering development proposals. Policy SD10 of the pre-submission JCS states that the biodiversity and geological resource of the JCS area will be protected and enhanced in order to establish and reinforce ecological networks that are resilient to current and future pressures in and around developments, using planning obligations where appropriate.

5.33 The supporting information notes that there are no indicated constraints in terms of nature conservation. However, no assessment of the ecological value of the site has been provided and therefore it is not possible to assess whether there are any protected species on the site that may be affected by the proposed development. The lack of information is a matter that weighs against the proposal.

5.35 The Principal Traveller Services Officer has confirmed that the proposed plots would be welcomed by the County and may help to relieve pressure on the existing County Council owned and managed sites such as the Willows, which currently has a number of overcrowded plots. This is a matter which must be considered in the overall planning balance.

6.0 Overall Balance of Planning Considerations and Conclusions

6.1 It is concluded that the proposal would result in a degree of harm to the rural character and appearance of the area by virtue of its visual intrusion and encroachment into the surrounding countryside. However, the degree of harm is considered to be somewhat limited due to the site's location in relation to existing buildings within the locality and the dense vegetation to the boundary of the site which provides substantial screening from outside views.

6.2 Clearly the degree of harm referred to above must be balanced against the demonstrated need for gypsy and traveller pitches in the Borough and the benefits associated with delivering additional pitches here that would help to meet some of that need in the short-term.

6.3 The proposal would contribute towards meeting the identified need for traveller pitches in the Borough. The sites location is not considered to be isolated and is reasonably well served by public transport and local facilities and services. There would be no identified harm to residential amenity or highway safety. Furthermore, the identified, less than substantial harm to the setting of nearby heritage assets is considered to be outweighed by the public benefits of providing additional pitches to meet the identified need for gypsy and traveller accommodation within the Borough. It is also considered that the imposition of appropriately worded conditions in respect of ecology and drainage would ensure that these planning matters could be adequately addressed prior to commencement of works on the site.

6.4 Overall, whilst the proposal would result in a degree of landscape harm, it is considered that the identified need for gypsy and traveller pitches in the Borough outweighs the identified harm in this instance and therefore it is recommended that planning permission is granted.

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 site shall not be occupied by any persons other than gypsies and travellers as defined in the Planning Policy for Travellers Sites document published in August 2015.
- 3 There shall be no more than 2 pitches on the site and within the pitches hereby approved no more than 2 caravans shall be stationed at any time, of which only 1 caravan shall be a static caravan or residential mobile home.
- 4 No more than one commercial vehicle per pitch shall be kept on the land for use by the occupiers of the caravans hereby permitted, and they shall not exceed 3.5 tonnes in weight. No commercial activities shall take place on the land, including the storage of materials.
- 5 Notwithstanding the submitted plans and the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no gates, walls, fences or other means of enclosure shall be erected on the land unless otherwise agreed in writing by the local planning authority.

- 6 There shall be no external lighting on the site unless details of any such lighting have previously been submitted to and approved in writing by the local planning authority. No external lighting shall be installed other than in accordance with the approved details.
- 7 No work shall commence on site until a scheme has been submitted to and approved in writing by the Local Planning Authority of hard and soft landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection, in the course of development. The submitted details shall also include the means of 'no dig' construction proposed for the driveway/access. The approved scheme shall be implemented so that planting is carried out no later than the first planting season following the occupation of the building(s) or the completion of the development whichever is the sooner. All planted materials shall be maintained for five years and any trees or plants removed, dying, being damaged or becoming diseased within that period shall be replaced in the next planting season with others of similar size and species to those originally required to be planted unless the council gives written consent to any variation.
- 8 No work shall commence on site before plans for the disposal of surface water and foul sewage have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented wholly in accordance with the approved details and maintained as such thereafter.
- 9 No development shall take place until an ecological method statement to include protected species, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved method statement.

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 occupants are bona-fide gypsies to meet the identified need for gypsy and traveller pitches in the Borough in accordance with the advice contained in the Planning Policy for Travellers Sites document.
- 3 To ensure that the development integrates harmoniously with its surroundings locality in accordance with Policies LND3 and LND7 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 4 To limit the impact of the development on the rural character and appearance of the area in accordance with Policy LND3 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 5 To limit the impact of the development on the rural character and appearance of the area in accordance with Policy LND3 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 6 To limit the impact of the development on the rural character and appearance of the area in accordance with Policy LND3 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 7 To limit the impact of the development on the rural character and appearance of the area in accordance with Policy LND3 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 8 To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.
- 9 To ensure adequate and appropriate protection of biodiversity within the locality in accordance with the NPPF and Policy NCN5 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.



A 24.03.16 Red line boundary amended.

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Client				 URBAN ASPECTS LAND · PLANNING · DESIGN			
Project							
Drawing Title							
Mr H Brazil				Land at Lawn Road, Ashleworth			
Location Plan							
Date	Scale	Drawn	Status	Job No.	Drwg No.	Rev.	
Mar 2016	1:1250 @ A4	GMP	PA	BZL13.06	100	A	

16/00257/FUL

- ① Existing Trees & Hedgerow
- ② Landscape Buffer
- ③ Loose Gravel 'No Dig' Construction
- ④ 1.8m High Close Boarded Fence
- ⑤ 1.8m High Close Boarded Gates
- ⑥ Existing Field Store to be Demolished

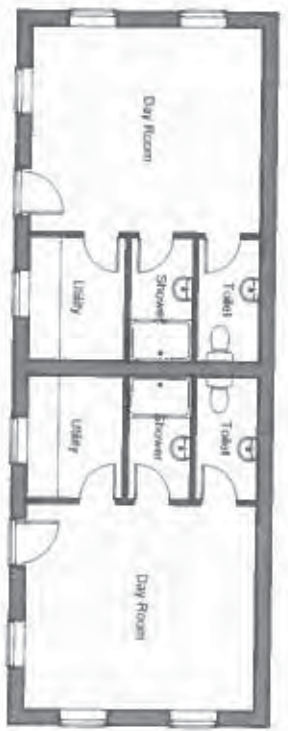
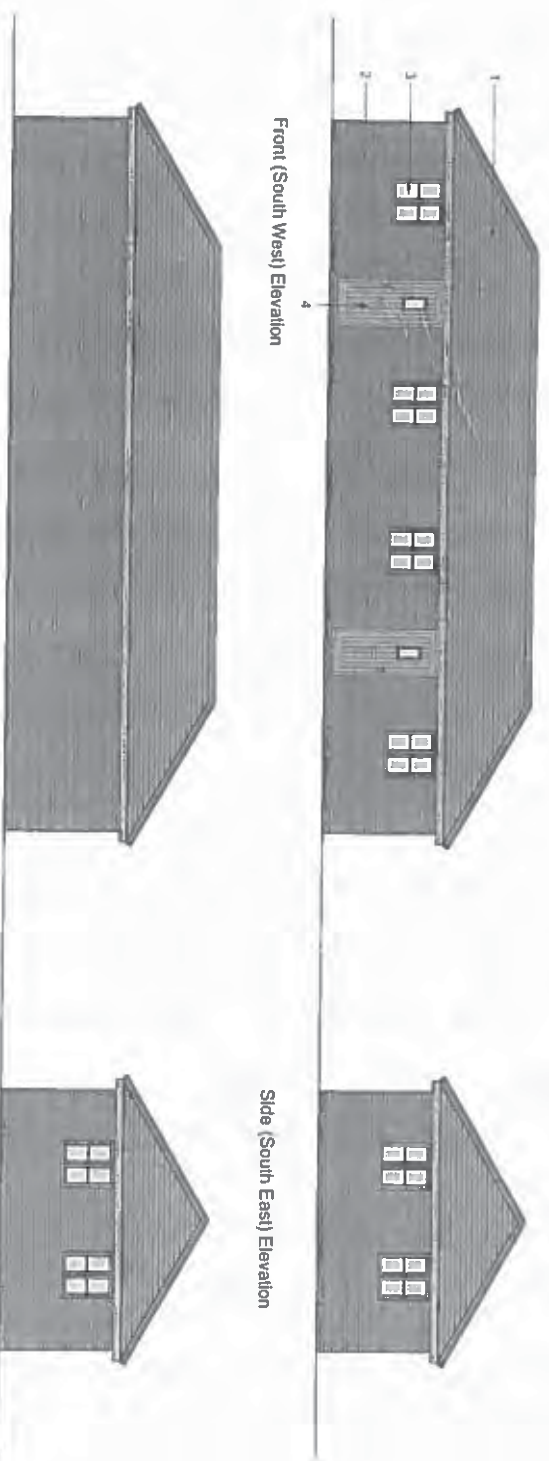


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Client				Mr H Brazil			
Project				Land at Lawn Road, Ashleworth			
Drawing Title				Site Layout			
Date	Scale	Drawn	Station	Job No.	Org No.	Rev.	
Mar 2016	1:500 @ A4	GMP	PA	BZL13.06	101	-	




16/00257 / Full



Floor Plan

Materials	
1	Plain Tiles to approved sample
2	Facing Brickwork to approved sample
3	UPVC Casement Windows
4	Stained Timber Doors

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Client		Mr H Brazil	
Drawing for		Land at Lawn Road, Ashleworth	
Drawing No		Amenity Building	
Date	Scale	Drawn	Scale
Mar 2016	1:100 @ A3	GMP	PA
Zero file		BZL13.06	
Date		102	
 URBAN ASPECTS <small>AN URBAN DISTRICT</small>			

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228/c

Valid 22.06.2016
Grid Ref 402638 228248
Parish Winchcombe
Ward Winchcombe

Single storey extension

Dr Charles Marriott
C/O Coombes Everitt Architects Ltd

RECOMMENDATION Permit

Policies and Constraints

National Planning Policy Framework (NPPF)
Planning Practice Guidance
JCS Submission Version - November 2014 - SD5, SD8, SD9, INF3
Tewkesbury Borough Local Plan to 2011 - March 2006 - HEN2, TPT1, HOU8, EVT5
Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)
The First Protocol, Article 1 (Protection of Property)
Section 66 (1) of the Planning (Listed Buildings & Conservation Areas) Act 1990
Listed Building - II: Great House, Castle Street, Winchcombe : 1171688
Winchcombe Conservation Area
Within 50 metres of multiple listed buildings
Article 4 Direction
Area of Outstanding Natural Beauty
Flood Zone 2 and 3

Consultations and Representations

Winchcombe Town Council - Object to this application on the grounds of:-

- (i) Incongruous design and excessive size of the extension.
- (ii) It is out of keeping with the street scene in that area.

Historic England - Determine in accordance with national and local policy guidance, and on the basis of your expert conservation advice

Conservation Officer - No objection

Planning Officers Comments: Paul Instone

1.0 Application Site

1.1 This application relates to Great House which is an attractive Grade II listed property which dates back to the late C17th and early C18th and occupies a detached position, in a large garden on Castle Street within the Winchcombe Conservation Area.

1.2 The building is in a relatively isolated position and its architectural presence makes it a distinctive component of Winchcombe's landscape. The building is irregular in shape and there is a marked contrast between the principle street facing north east elevation with Classical formality and the south east elevation which is dominated by a gable with two lean-to extensions. The first of these is an historic structure, however the second lean-to with a shallower pitch is a more recent addition.

1.3 Access to the site is provided through gates from Castle Street to the east. The existing gates are set back approximately 4 metres from the highway. The original plans submitted with the application proposed to re-locate the access gates closer to the highway, but following advice from Officer's the gates are being retained in the current position to avoid stationary vehicles on the highway.

1.4 The site is adjoined by residential properties to north and south and to the east beyond Castle Street, and open fields lie to the south.

1.5 The site is located in the Cotswolds AONB, within Flood Zone 2 and 3, and the property is subject to an Article 4 Direction removing permitted development rights.

2.0 Relevant Planning History

89/92850/FUL -Construction of new vehicular access. Permitted 1990

09/00730/FUL - Proposed renovations and alterations. Including replacement and reinstatement of windows, part reroofing, rebuilding of retaining wall to river bank and internal works. Permitted December 1999

09/00731/LBC - Proposed renovations and alterations. Including replacement and reinstatement of windows, part reroofing and internal works. Listed Building Consent granted - November 2009

13/00715/FUL - Erection of garden shed. Permitted September 2013

14/00385/FUL - Erection of garage. Permitted July 2014

14/00488/LBC - Repair/replacement of stone mullion windows. Listed Building Consent granted - May 2014

16/00821/TCA - T1 Weeping Willow Tree. To remove dead and possible diseased wood, reduce the weight on the neighbours side without losing the hanging branches and also reduce the height to clear neighbours telephone line. T2 Apple Tree, to reduce in height and shape as necessary. T3 Plum tree, to reduce in height and shape as necessary. T4 Laburnum Tree, self seeded, to fell at the ground. T5 Acacia Tree, to reduce large branch to clear telephone line to neighbouring property. Non Intervention - July 2016

16/00712/LBC - Concurrent listed building consent application to planning application 16/00534/FUL for a single storey extension to Great House. Pending Consideration.

3.0 Current Application

3.1 The application proposes the demolition of the modern C20 southern lean-to and it's replacement with a single storey range at right angles to provide a larger kitchen living space, together with a relocated entrance. The extension extends 5.2 metres beyond the existing south facing wall of the property and is duo-pitched; having a pitched roof with flat roof elements to the side to avoid first floor windows.

3.2 The application has been submitted further to pre-application advice from Officers and amendments have been made to the pre-application scheme including a reduction in the length of the extension by 2 metres and the omission of a glazed link.

4.0 Policy Context

4.1 At the heart of the NPPF is a presumption in favour of sustainable development, of which there are three dimensions: economic, social and environmental. The NPPF does not change the statutory status of the development plan as the starting point for decision making but emphasises the desirability of local planning authorities having an up-to-date plan. According to paragraph 215 of Annex 1 of the NPPF, due weight should be given to relevant policies in existing development plans according to their degree of consistency with the framework (the closer the policies in the plan to the policies in the framework, the greater the weight that may be given).

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

4.3 HOU8 of the Local Plan seeks to ensure that extensions to dwellings respect the character, scale and proportion of the existing, or where appropriate, original dwelling; reflect or complement the existing dwelling with regards to design; do not result in an unacceptable impact upon residential amenity of neighbouring properties; and respect the character and appearance of surrounding development. The requirement for high quality design which respects the character of the site and its surroundings is reinforced within Policy SD5 of the JCS Submission Version.

4.4 The Planning (Listed Buildings & Conservation Areas) Act 1990 Sections 16 and 66(1) requires that Local Planning Authorities pay special attention to the desirability of preserving listed buildings or their settings. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid in the exercise of planning functions to the desirability of preserving or enhancing the character of appearance of the Conservation Area. Policy SD9 of the Submission Version of the JCS echoes the requirement for development to conserve and enhance designated and undesignated assets and their settings. Furthermore, Policy HEN2 of the Local Plan also reflects this guidance regarding the preservation or enhancement of the character and appearance of conservation areas. This is consistent with advice at paragraph 131 of the NPPF and Planning Practice Guidance.

4.5 Paragraph 115 of the NPPF states that 'great weight' should be given to conserving the landscape and scenic beauty of the AONB. The advice regarding conservation and enhancement of beauty of the AONB landscape is reflected within Policy SD8 of the Submission Version JCS.

4.6 Paragraph 104 of the NPPF states applications for minor development and changes of use in flood zones 2 and 3 should not be subject to the Sequential or Exception Tests but should still meet the requirements for site-specific flood risk assessments. Planning Practice guidance confirms that physical extension to dwellings are minor development. The advice is reflected in Policy EVT5 of the Local Plan and Policy INF3 of the Submission Version JCS.

4.7 It is considered that the above policies are consistent with the NPPF.

5.0 Analysis

5.1 The main issues are considered to be the impact of the proposal on the Great House which is a Grade II listed, the impact of the proposal on the setting of nearby listed buildings and the character and appearance of the Winchcombe Conservation Area, impact on the Cotswolds AONB, impact on the character of the existing dwelling, impact on residential amenity and flood risk.

Impact on listed building, setting of nearby listed buildings, Conservation Area and Area of Outstanding Natural Beauty

5.2 The Council's Conservation Officer (CO) has been consulted on the application and does not object to the proposal subject to the imposition of conditions to control materials and joinery details. The CO considers that the lean-to structure which is to be removed is not of special interest and is fairly modest. Whilst the proposed extension clearly has more impact than the existing lean-to, the CO considers that by virtue of the architectural approach, including the roof design, the proposal still achieves a subservient relationship to the principal dwelling. Moreover, the proposed materials which are predominantly ashlar limestone and slate, echo the materials within the existing house with render and weatherboarding used to differentiate the flat roof projection. It is considered that these materials, whilst contemporary, offer sufficient continuity to unify the building.

5.3 Overall the CO considers that although the proposed extension represents a not unsubstantial net addition, it has been designed to mitigate its impact and it is considered to comply with the NPPF objective of sustaining and enhancing the significance of heritage assets whilst putting them to viable uses consistent with their conservation.

5.4 As such it is considered that the proposal sustains and preserves the Grade II Listed Great House, preserves the character and appearance of the Winchcombe Conservation Area and preserves the setting of nearby listed buildings.

5.5 It is also considered that as the proposed extension harmonises with the existing listed building and is subservient the proposal would not impact on the landscape and scenic beauty of the AONB.

Flooding

5.6 The site is located in flood zone 2 and 3 and in terms of flood risk the proposal is classified as 'minor developments'. NPPF confirms applications for minor development should not be subject to the Sequential or Exception Tests but should still meet the requirements for site-specific flood risk assessments.

5.7 The application is accompanied by a flood risk assessment which is undertaken in accordance with the Environment Agency's Standing Advice for Minor Extensions. In accordance with the Standing Advice the extension has been designed to conform to flood protection measures already included in the property.

Mitigation measures which would be implemented include ensuring the finish floor level of the new build would be set no lower than existing floor levels, using construction materials with low permeability and fitting backflow valves to sewage entering the building.

5.8 It is considered that the proposed recommendations within the new build should reduce the potential for flooding to the new extension and to Great House itself and would not increase risk of flooding to adjacent properties. Overall it is considered that the proposal is acceptable in terms of flood risk and complies with the NPPF and Local Plan policy EVT5.

Design and Impact on the existing dwelling

5.9 The scale of the proposed extension and the architectural approach result in the proposal being subservient to the existing dwelling. The materials unify the proposed extension with the existing property, but differentiate the contemporary elements.

5.10 The proposed extension is set back from the street and public viewpoints would be limited by virtue of the existing boundary wall and it is considered that the proposal would not detrimentally impact on the street scene and would respect the character and appearance of surrounding development.

5.11 It is therefore considered that the proposed extension would respect the scale, character and proportions of the existing dwelling and respect the character and appearance of surrounding development and is in accordance with Policy HOU8 of the Local Plan.

Impact on amenity of adjacent occupiers

5.12 The proposed extension is well screened from neighbouring properties and there are no windows in the dwellings to the south which would overlook the proposed extension. It is therefore considered that the proposal would not impact on the residential amenity of adjacent properties in terms of bulk, massing, size and overlooking and the proposal is considered in accordance with Policy HOU8 of the Local Plan in this regard.

6.0 Conclusion

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

RECOMMENDATION Permit

Conditions:

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Proposed Block Plan PL003 Rev A
 - Proposed Floor Plan PL005
 - Proposed Floor Plan & Elevations PL007 Rev A
 - Existing and Proposed Street Scene PL008 Rev A
- 3 The flood resistant and resilient measures set out in the Flood Risk Statement Technical Note 5261/01 shall be completed prior to the extension being brought into use
- 4 Notwithstanding the submitted details, no development shall take place until a walling sample panel (stonework) has been submitted to and been approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved samples
- 5 Notwithstanding the submitted details, no development shall take place until a walling materials sample (render and timber) has been submitted to and been approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved samples

- 6 Notwithstanding the submitted details, no development shall take place until a roofing material sample (slate) has been submitted to and been approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved samples
- 7 Notwithstanding the submitted details, no development shall take place until roof glazing details (patent glazing and rooflights) has been submitted to and been approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved samples
- 8 Notwithstanding the submitted details, no development shall take place until glazed screen details has been submitted to and been approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details
- 9 No work shall start until detailed drawings of the proposed external joinery for the door and porch, including elevations and sections, have been submitted to and approved in writing by the Local Planning Authority and the fitted joinery 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.
- 10 No development shall take place until details of all non-concealed rainwater goods have been submitted to and been approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details

Reasons:

- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning
- 3 To protect the extension from flooding
- 4 To ensure that the appearance of the proposed works will be in keeping with the special architectural and historic character of the listed building.
- 5 To ensure that the appearance of the proposed works will be in keeping with the special architectural and historic character of the listed building.
- 6 To ensure that the appearance of the proposed works will be in keeping with the special architectural and historic character of the listed building.
- 7 To ensure that the appearance of the proposed works will be in keeping with the special architectural and historic character of the listed building.
- 8 To ensure that the appearance of the proposed works will be in keeping with the special architectural and historic character of the listed building.
- 9 To ensure that the appearance of the proposed works will be in keeping with the special architectural and historic character of the listed building.
- 10 To ensure that the appearance of the proposed works will be in keeping with the special architectural and historic character of the listed building.

Note:

Statement of Positive and Proactive Engagement

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

16/00534 / FUL &
16/00712 / UBC

RIBA
Chartered Practice

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Drawing title: Site Location

Client: Mr & Mrs Marriott

Drawn by: TEC Checked: JE

Job number: 16.10.004

Project: Great House, Castle Street
Winchcombe
Cheltenham GL54 5JA

Scale: 1:1000 @ A4

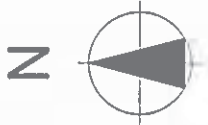
Date: 11/05/16

Draw no: PL001

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233/A

233/B



Proposed Block Plan 1:500 @ A3

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

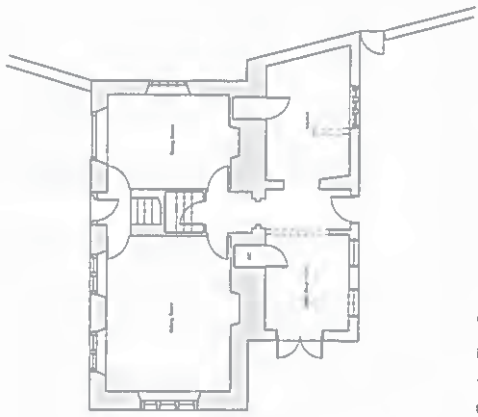


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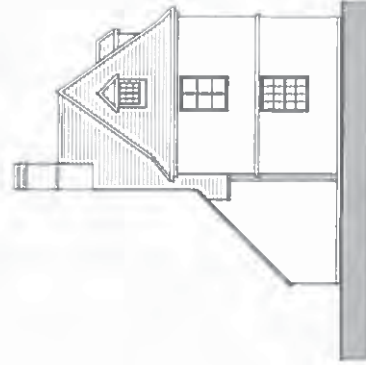
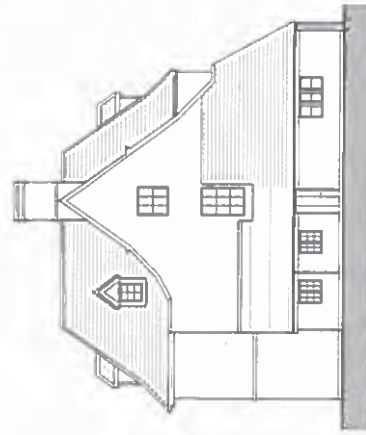
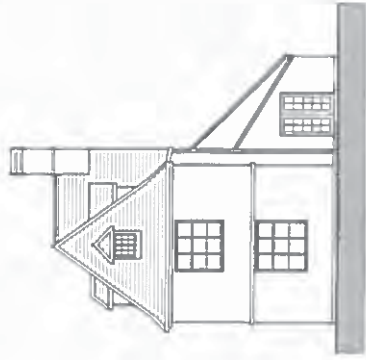
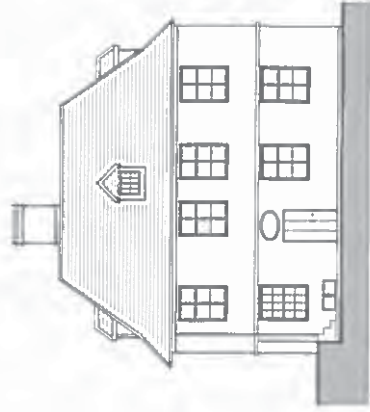
Drawing title: Proposed Block Plan
 Client: Mr & Mrs Marriott
 Drawn by: TEC
 Checked: JE
 Job number: 16.10.004

Project: Great House, Castle Street
 Winchcombe
 Cheltenham GL54 5JA
 Scale: 1:500 @ A3
 Date: 11/05/16
 Draw no: PL003

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Existing Floor Plan 1:100 @ A1



Existing Elevations 1:100 @ A1

233/c

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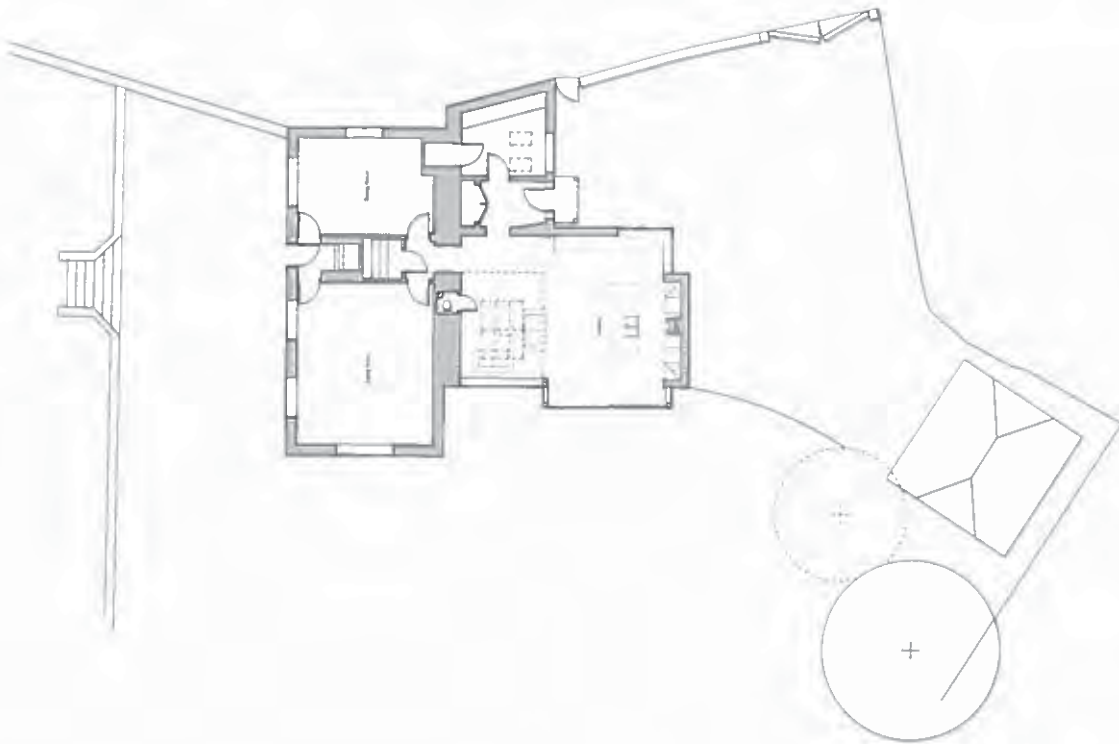
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- Planning
- Building Regulations
- Tender
- Construction Issue
- As Built

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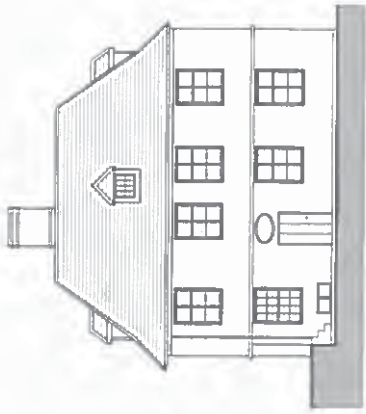
RIBA

Drawing title	Existing Floor Plan & Elevations	Project	Crest House, Castle Street Winchcombe Gloucestershire GL54 5JA
Client	Mr & Mrs Marnold	Scale:	1:100 @ A1
Drawn by:	TEC	Date:	11/05/18
Job number:	16.10.004	Drawn by:	PL006
		Checked by:	

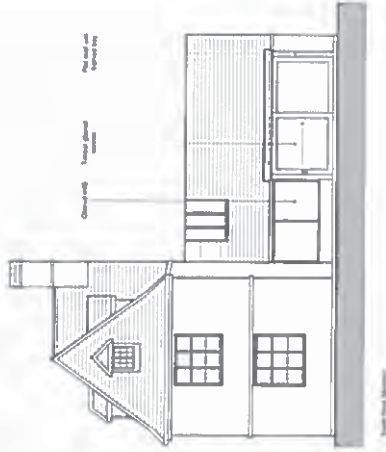
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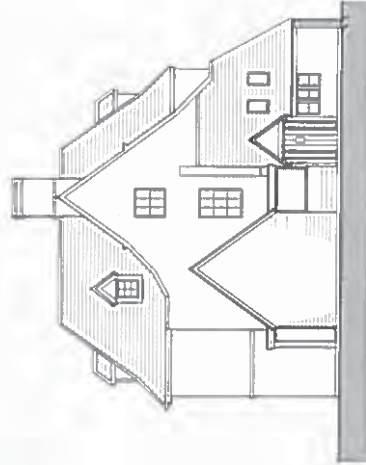
Proposed Floor Plan 1:100 @ A1



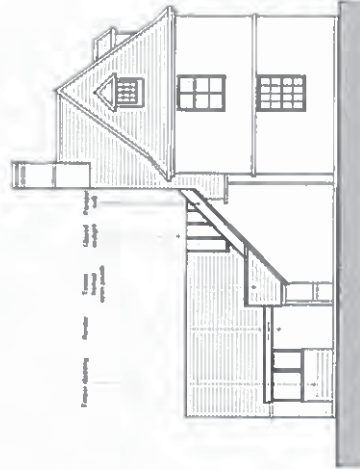
North Elevation



East Elevation



South Elevation



West Elevation

Proposed Elevations 1:100 @ A1

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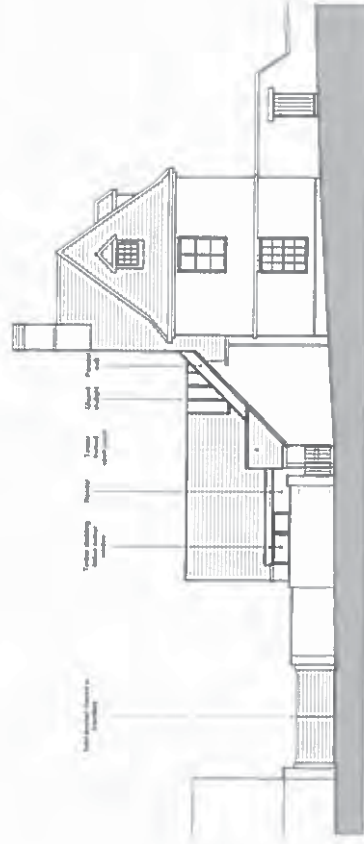


Drawing title: Proposed Floor Plan & Elevations
 Client: Mr & Mrs Marnott
 Drawn by: TEC
 Job number: 16.10.004

Project: Great House, Castle Street, Winchcombe, Gloucestershire GL54 5JA
 Scale: 1:100 @ A1
 Date: 11/05/18
 Draw no: PL007



Existing Street View 1 100 @ A1



Proposed Street View 1 100 @ A1

233/E

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- All Built

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Drawing title	Existing & Proposed Street Scene	Project
Client:	Mr & Mrs Marnold	Great House, Caple Street Winchcombe Cheltenham GL54 5JA
Drawn by:	TEC	Scale: 1:100 @ A1
Job number:	16.10.004	Date 11/05/18
		Draw no PL006

Valid 22.06.2016
Grid Ref 402638 228248
Parish Winchcombe
Ward Winchcombe

Single storey extension and revised vehicular access gates

Dr Charles Marriot
C/O Coombes Everitt Architects Ltd

RECOMMENDATION Consent

Policies and Constraints

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and NPPF paragraph 131 requires local planning authorities to take into account the desirability of sustaining and enhancing the significance of heritage assets.

Consultations and Representations

Winchcombe Town Council - Object to this application on the grounds of:-

- (i) Incongruous design and excessive size of the extension.
- (ii) It is out of keeping with the street scene in that area.

Historic England - Determine in accordance with national and local policy guidance, and on the basis of your expert conservation advice

Conservation Officer - No objection

Planning Officers Comments: Paul Instone

1.0 Application Site

1.1 This application relates to Great House which is an attractive Grade II listed property which dates back to the late C17th and early C18th and occupies a detached position, in a large garden on Castle Street within the Winchcombe Conservation Area.

1.2 The building is in a relatively isolated position and its architectural presence makes it a distinctive component of Winchcombe's landscape. The building is irregular in shape and there is a marked contrast between the principle street facing north east elevation with Classical formality and the south east elevation which is dominated by a gable with two lean-to extensions. The first of these is an historic structure, however the second lean-to with a shallower pitch is a more recent addition.

1.5 The site is located in the Cotswolds AONB, within Flood Zone 2 and 3, and the property is subject to an Article 4 Direction removing permitted development rights.

2.0 Relevant Planning History

89/92850/FUL -Construction of new vehicular access. Permitted 1990

09/00730/FUL - Proposed renovations and alterations. Including replacement and reinstatement of windows, part reroofing, rebuilding of retaining wall to river bank and internal works. Permitted December 1999

09/00731/LBC - Proposed renovations and alterations. Including replacement and reinstatement of windows, part reroofing and internal works. Listed Building Consent granted - November 2009

13/00715/FUL - Erection of garden shed. Permitted September 2013

14/00385/FUL - Erection of garage. Permitted July 2014

14/00488/LBC - Repair/replacement of stone mullion windows. Listed Building Consent granted - May 2014

16/00821/TCA - T1 Weeping Willow Tree. To remove dead and possible diseased wood, reduce the weight on the neighbours side without losing the hanging branches and also reduce the height to clear neighbours telephone line. T2 Apple Tree, to reduce in height and shape as necessary. T3 Plum tree, to reduce in height and shape as necessary. T4 Laburnum Tree, self seeded, to fell at the ground. T5 Acacia Tree, to reduce large branch to clear telephone line to neighbouring property. Non Intervention - July 2016

16/00534/FUL - Concurrent planning application to 16/00712/LBC for a single storey extension to Great House. Pending Consideration.

3.0 Current Application

3.1 The application proposes the demolition of the modern C20 southern lean-to and its replacement with a single storey range at right angles to provide a larger kitchen living space, together with a relocated entrance. The extension extends 5.2 metres beyond the existing south facing wall of the property and is duo-pitched; having a pitched roof with flat roof elements to the side to avoid first floor windows.

3.2 The application has been submitted further to pre-application advice from Officers and amendments have been made to the pre-application scheme including a reduction in the length of the extension by 2 metres and the omission of a glazed link.

4.0 Policy Context

4.1 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and NPPF paragraph 131 requires local planning authorities to take into account the desirability of sustaining and enhancing the significance of heritage assets.

5.0 Analysis

5.1 The Council's Conservation Officer has been consulted on the application and does not object to the proposal subject to the imposition of conditions to control materials and joinery details. The Officer considers that the lean-to structure which is to be removed is not of special interest and is fairly modest. Whilst the proposed extension clearly has more impact than the existing lean-to, the Officer considers that by virtue of the architectural approach, including the roof design, the proposal still achieves a subservient relationship to the principal dwelling. Moreover, the proposed materials which are predominantly ashlar limestone and slate, echo the materials within the existing house with render and weatherboarding used to differentiate the flat roof projection. It is considered that these materials, whilst contemporary, offer sufficient continuity to unify the building.

5.2 Overall the Conservation Officer considers that although the proposed extension represents a not unsubstantial net addition, it has been designed to mitigate its impact and it is considered to comply with the NPPF objective of sustaining and enhancing the significance of heritage assets whilst putting them to viable uses consistent with their conservation.

5.3 As such it is considered that the proposal sustains and preserves the Grade II Listed Great House and preserves the setting of nearby listed buildings.

6.0 Conclusion

6.1 Overall it is considered that the proposed extension would preserve the historic integrity, character and appearance of the listed building in line with section 66 of the Listed Buildings Act and the provisions of the NPPF. Consent is therefore recommended.

RECOMMENDATION Consent

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:
 - Proposed Block Plan PL003 Rev A
 - Proposed Floor Plan PL005
 - Proposed Floor Plan & Elevations PL007 Rev A
 - Existing and Proposed Street Scene PL008 Rev A
- 3 Notwithstanding the submitted details, no development shall take place until a walling sample panel (stonework) has been submitted to and been approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved samples
- 4 Notwithstanding the submitted details, no development shall take place until a walling materials sample (render and timber) has been submitted to and been approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved samples
- 5 Notwithstanding the submitted details, no development shall take place until a roofing material sample (slate) has been submitted to and been approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved samples
- 6 Notwithstanding the submitted details, no development shall take place until roof glazing details (patent glazing and rooflights) has been submitted to and been approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved samples
- 7 Notwithstanding the submitted details, no development shall take place until glazed screen details has been submitted to and been approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details
- 8 No work shall start until detailed drawings of the proposed external joinery for the door and porch, including elevations and sections, have been submitted to and approved in writing by the Local Planning Authority and the fitted joinery 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.
- 9 No development shall take place until details of all non-concealed rainwater goods have been submitted to and been approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details

Reasons:

- 1 To comply with Section 18 of the Planning (Listed Buildings and Conservation Area) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning
- 3 To ensure that the appearance of the proposed works will be in keeping with the special architectural and historic character of the listed building.
- 4 To ensure that the appearance of the proposed works will be in keeping with the special architectural and historic character of the listed building.
- 5 To ensure that the appearance of the proposed works will be in keeping with the special architectural and historic character of the listed building.
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- 7 To ensure that the appearance of the proposed works will be in keeping with the special architectural and historic character of the listed building.
- 8 To ensure that the appearance of the proposed works will be in keeping with the special architectural and historic character of the listed building.

- 9 To ensure that the appearance of the proposed works will be in keeping with the special architectural and historic character of the listed building.

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 secure sustainable development which will improve the economic, social and environmental conditions of the area by negotiating keeping the access in the existing location

16/00623/FUL

6 The Mews, Back of Avon, Tewkesbury

4

Valid 06.06.2016

Replace existing windows with cream upvc windows. Replacement door on front elevation.

Grid Ref 389181 232683

Parish Tewkesbury

Ward Tewkesbury Town With
Mitton

Mrs Jennifer Hewett

6 The Mews
Back Of Avon
Tewkesbury
Gloucestershire
GL20 5AN

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) - policy HEN2 (Conservation Area: Setting and Impact)

Tewkesbury Conservation Area

Article 4 Direction

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

Consultations and Representations

Tewkesbury Town Council - Use of Upvc is not permitted within the conservation area and against TTC Policy.

Local Residents - No representations received at date of writing this report.

The application has been publicised through the posting of a site notice and no letters of representation have been received in the 21 day statutory consultation period or since.

Conservation Officer - No objection - In the light of the neighbouring permission, it makes sense to standardise on the established window pattern so the proposed designs are acceptable.

Planning Officers Comments: Mr James Lloyd

1.0 Application Site

1.1 The application property is a two storey end-terraced modern dwellinghouse, albeit sensitively designed, which is located in a small cul-de-sac accessed from Back of Avon, and backing onto the rear of the YMCA building. The site is located within the Tewkesbury Conservation Officer and the property is subject to an Article 4 Direction. There are some commercial, community and industrial uses in the vicinity but much of the nearby area has been redeveloped for residential purposes. (see attached site location plan)

2.0 Planning History

2.1 02/00646/FUL - Retrospective Planning Application - Planning permission refused for the retention of replacement windows and replacement door to the front of the property. The windows and door were of a thicker profile design and were of a wood grain affect. This application was subsequently dismissed at appeal and the windows have since been replaced back to timber.

2.2 10/00584/FUL - Insertion of new casement window to rear elevation - Application permitted

3.0 Current Application

3.1 This application seeks planning permission for the replacement of existing white coloured soft wood framed double glazed windows with cream coloured uPVC double glazed windows. There are 4 windows to be replaced on the front elevation (2 at ground floor level and 2 at first floor level) and 4 windows on the rear elevation, 1 at ground floor and 3 at first floor level. The proposed replacement windows would be the same size as existing windows and in the same position. The proposed windows would have Astragal glazing bars to replicate the existing window style.

3.2 The application also proposes the replacement of the existing timber door with composite dual glazed door with an external finish colour of Green to match existing door's at the Mews.

3.3 The application initially proposed the use of single opening uPVC windows, after further discussions with the applicants a revised design was submitted proposing the use of double opening windows.

4.0 Policy Context

4.1 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

4.2 Section 12 of the National Planning Policy Framework (NPPF) relates to the conservation and enhancement of the historic environment and requires local planning authorities to conserve heritage assets in a manner appropriate to their significance. This is reflected in Policy HEN2 of the Tewkesbury Borough Local Plan to 2011 which states that particular attention should be paid to the preservation and, wherever possible, enhancement of the character, appearance and setting of conservation areas and listed buildings in terms of their scale, form, materials and quality. It specifies that particular attention should be attached to the retention of traditional materials in the repair and refurbishment of existing buildings.

4.3 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.

5.0 Analysis

5.1 The main issue in this case is the effect of the proposal on the character and appearance of the Tewkesbury Conservation Area.

Design & impact on Conservation Area

5.2 Windows have a significant impact on the character and appearance of a building, through their arrangement, size and detailing. They are an important element of the design of a building, giving information about its origins and development, and are of real importance to the character and appearance of buildings, particularly those that are within a conservation area.

5.3 Previous resistance to uPVC windows in the Tewkesbury conservation area has centred on their quality of design or their use in traditional buildings. The application property, alternatively, is a modern building, albeit sensitively designed in order to ensure its integration into Tewkesbury's urban fabric. There is a mix of commercial, industrial and residential development within the vicinity, displaying a range of building types and styles. It is considered that there is no consistent pattern in terms of the type and detailing of windows or doors, there are also several modern and re-developed buildings in the vicinity with UPVC windows and doors.

5.4 The initial application proposed the use of single opening uPVC windows for the four windows on the front elevation. Officers considered that this type of casement window would have an unbalanced design, with a thicker frame on one side of the window, this design effects the symmetry of the windows, contrary to the original timber casement windows initially installed. With this in mind the applicants submitted a change in design to a double opening window (**see attached drawings**) which restored the balance of the frames and is considered more respectful of the original design.

5.5 However, the replacement units would still consist of cream uPVC frames. This is a non-traditional material and the Town Council has objected to the installation of uPVC windows in Tewkesbury Conservation Area.

5.6 The refused retrospective application, determined in 2002, proposed the retention of plastic with wood satin finish windows and a steel front door with a wood grain finish. The 2003 Appeal was dismissed and the inspector highlighted that apart from the use of non-traditional materials, the windows have thicker frames and the style of the front door is very different to the original. The inspector also considered that the suburban style of the front door was incongruous, and the replacement windows have less visual impact than the door but considered that the style and finish were inappropriate.

5.7 The Inspectors findings are a material consideration and have been carefully considered; however, officers consider that there are material differences in design between the current application and that of the 2002 refused scheme. The casement windows of the previous scheme were installed with much thicker glazing bars and a distinct wood stain colouring. The front door was finished in the same colour with decorative glazed panel insets; the current scheme proposes a more simple design, with plain glazed insets and finished in a green colour to match others on the development.

5.8 The Conservation Officer has been consulted and raises no objections to the current scheme. It is considered that the design of the proposed replacement windows would be very close to the existing timber casement windows and would maintain the uniformity of The Mews. The applicant proposes a change of colour to the windows from white to cream, a colour used throughout the fenestration on the other properties on the development.

5.9 The proposed door is slightly different in design to the original doors on the development, with two glazed panels allowing for light into the hallway. The door would be painted green to match other doors in The Mews development. It is considered that although this design is a departure from the original, the changes would have no more than a neutral impact on the character of the building or its wider surroundings.

Residential amenity

5.10 The replacement windows and door would be the same size as existing and in the same position. It is therefore judged that there would be no significant adverse effect on adjoining occupiers in terms of loss of privacy or overlooking.

6.0 Conclusion

6.1 On balance, it is considered that the design and materials of the replacement windows would be appropriate in this setting. Notwithstanding the previous dismissed appeal and Town Councils comments it is considered that there are significant design changes to the previously refused windows and door, there has also been an improvement in quality and technology with plastic windows since the appeal decision was made. Therefore it is considered that the windows and door would have no more than a neutral impact on the character of the building and would preserve the character and appearance of the Conservation Area in accordance with saved Policy HEN2 of the adopted Tewkesbury Borough Local Plan to 2001 (2006). The application is therefore recommend 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 details within the submitted information; 'Proposed Elevations Front/Rear' received by the Local Planning Authority on 6th June 2016, details within the submitted information; 'New Door Details' received by the Local Planning Authority on 1st August 2016 and details within the submitted information; 'Double Opening Window Details' received by the Local Planning Authority on 4th August 2016 and the additional 'Windows Details received by the Local Planning Authority on 15th September 2016.

Reasons:

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

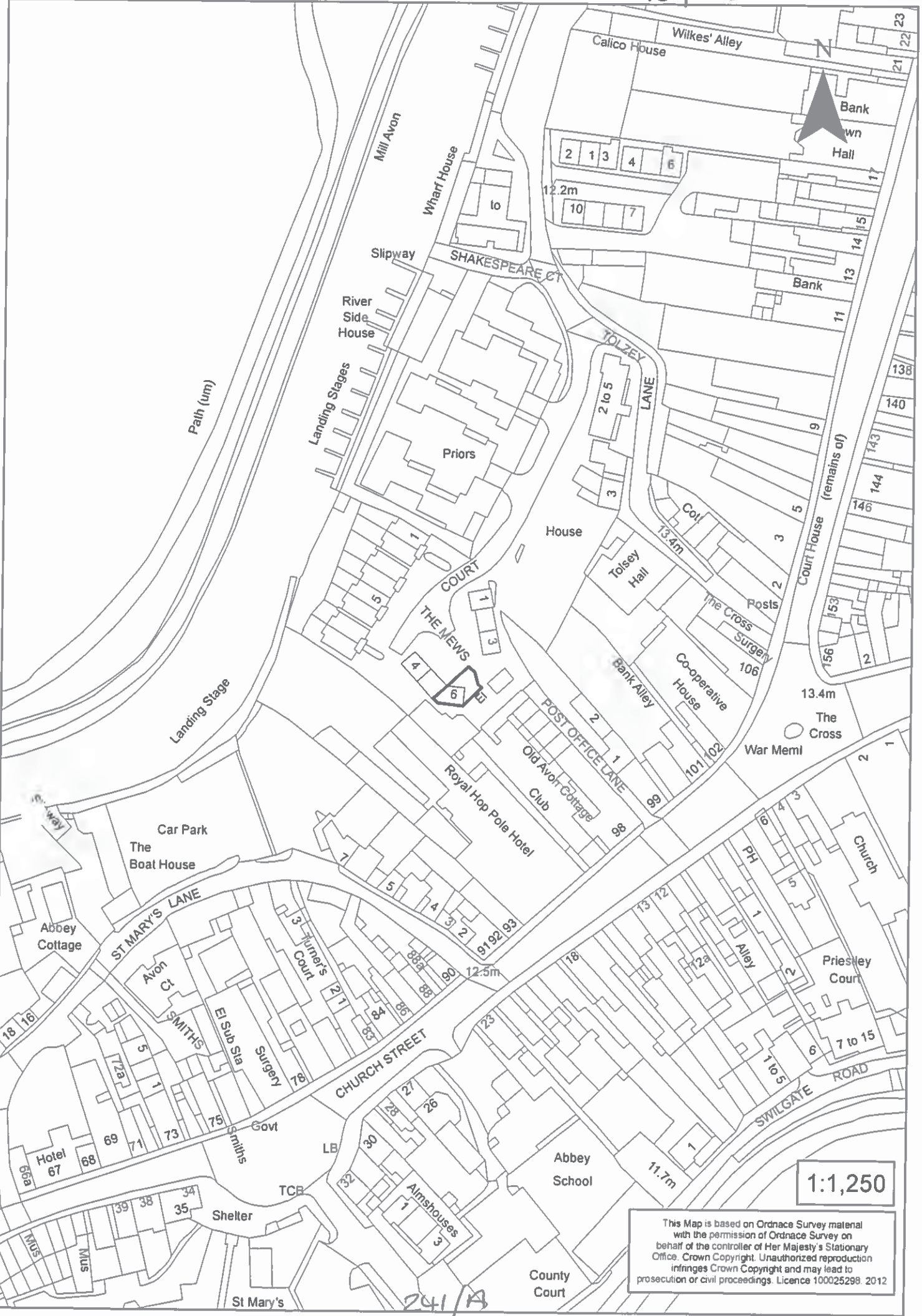
- 2 To ensure that the development is carried out in accordance with the approved plans and in accordance with policies contained within the Tewkesbury Borough Local Plan to 2011 (March 2006).

Notes:

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

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

- 2 This decision relates to the revised windows details received by the Local Planning Authority on 4th August 2016 and 15th of September 2016.



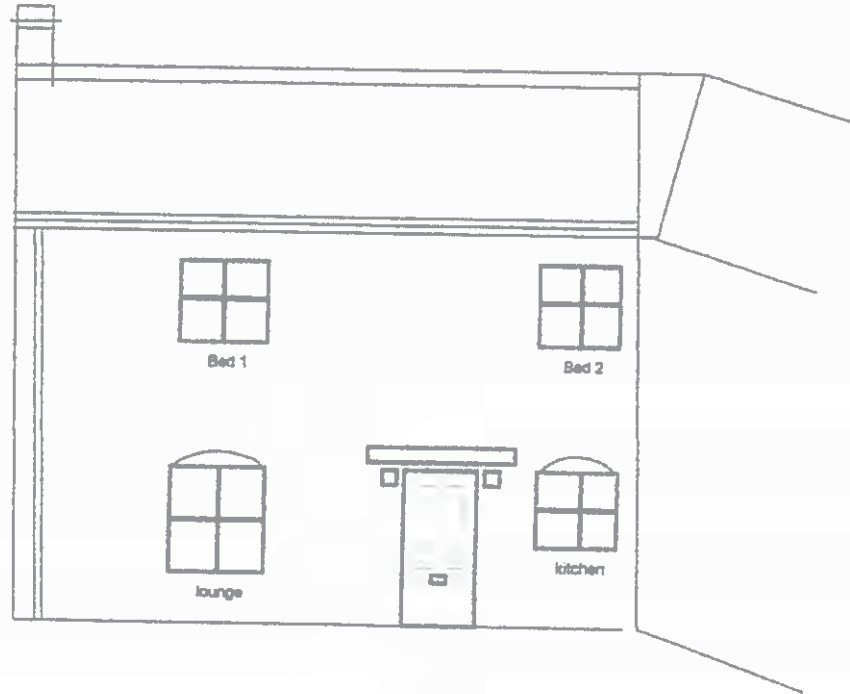
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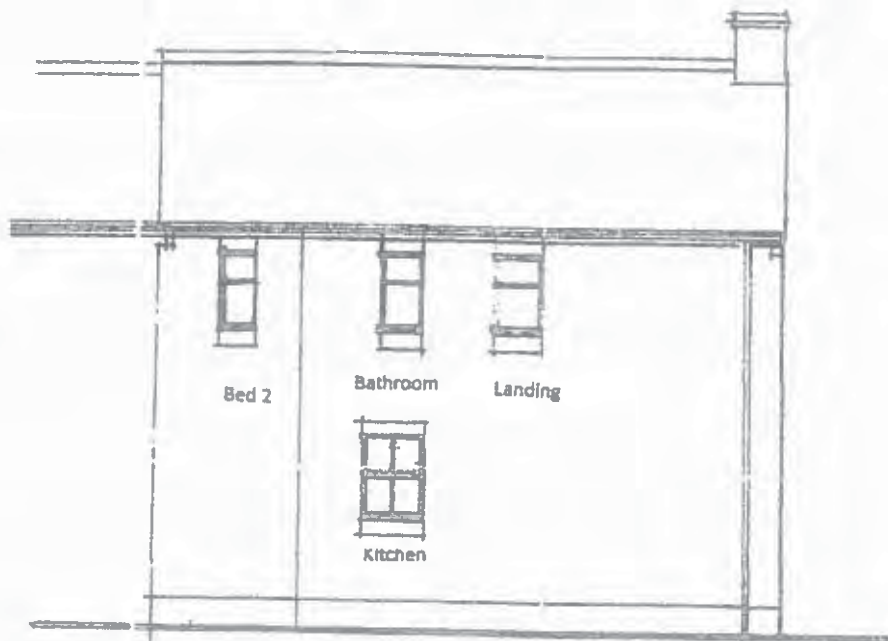
241/A

1600623/FULL

Front elevation 1:100 @ A3



Rear elevation 1:100 @ A3



241/B

Customer Window Drawing

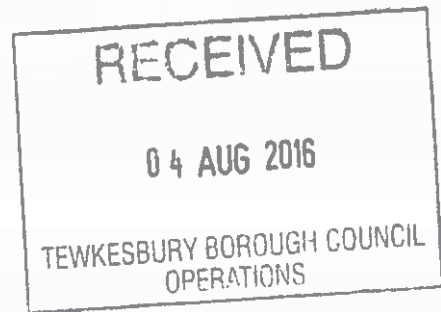
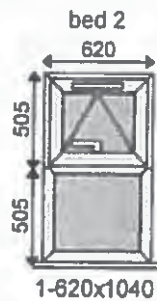
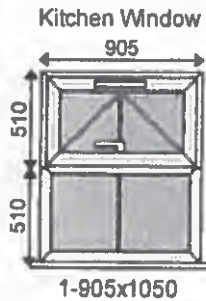
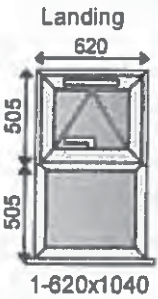
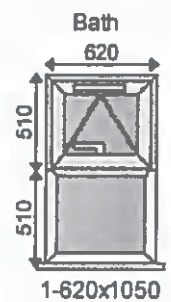
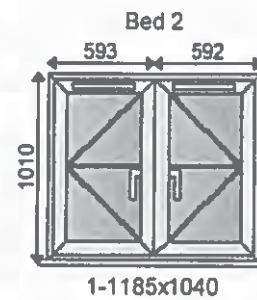
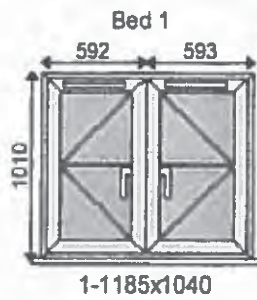
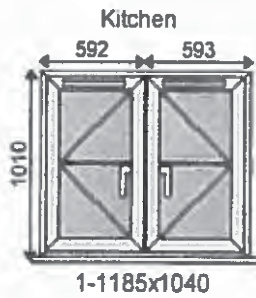
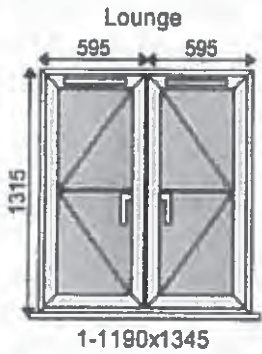
Customer Details
Les Minter

16/00623/FUL

Tel:
Fax:

Quote No: Z006043
Ref: Back Of Avon

Date Printed 04 August 2016 08.52



All quotes are valid for 90 days

241/C

16/00759/FUL

2 High Street, Tewkesbury

5

Valid 06.07.2016

Change of use at ground floor level only from retail (A1) to Betting Shop (Sui Generis) and painting of shopfront.

Grid Ref 389269 232723

Parish Tewkesbury

Ward Tewkesbury Town With
Mitton

Done Brothers (Cash Betting) Ltd

C/O Agent

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 EVT2, EVT3, HEN2, HEN6, RET1 and TPT1

Planning (Listed Buildings and Conservation Areas) Act 1990

Flood and Water Management Supplementary Planning Document

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

The First Protocol, Article 1 (Protection of Property)

Consultations and Representations

Tewkesbury Town Council objects to the proposed development, advising that, while they support efforts to fill units on the High Street, they consider that this is not a suitable location for this use.

The **Conservation Officer** objected to the originally proposed repainting of the shopfront in blue, advising that white or cream painted window joinery is characteristic of Georgian buildings and that retaining a light, neutral colour on the ground floor sills, mullions and transoms would help unify the whole elevation. The previous occupant confined their corporate colour to within the shopfront fascia. An amended proposed 'Shopfront Plan' (drawing no. '1172BF-SF Revision 3') was subsequently received on 10th August 2016, which shows the proposed blue paint confined to the shopfront fascia only, and the shopfront re-painted in a white/off-white colour, to match the existing shopfront colour.

Historic England advise that they do not wish to comment on this occasion

Tewkesbury Civic Society advise that they are anxious to ensure that this important shop frontage on the High Street is kept in character with the conservation area, that the frames and door should be repainted in traditional white or cream colours, and that the top fascia should be set up with the Betfred name without illumination and not exceeding the existing panel size. Tewkesbury Civic Society hope that the glazed shop windows will be left with clear glass as is, and that any bookmakers advertisements will be restricted to the rear of the window display boards which with this type of trade are usually designed to keep the shop betting areas hidden. They advise that it would be a shame if such advertising was on the frontage glass and destroy the street appearance.

The **Local Highway Authority** raises no objection.

The **Environmental Health Officer** raises no objection given the proposed opening hours and given the uses of upper floors of the application property and both adjacent properties

The application has been publicised through the posting of 2 site notices and a press notice and no letters of representation have been received in the 21 day statutory consultation period or since.

Planning Officers Comments: Emma Blackwood

1.0 Application Site

1.1 The application site comprises the ground floor of a three-storey mid-terraced Grade II* listed early C18 building. It is located in a prominent position on the western side of High Street, one of the main axes of the Tewkesbury Conservation Area, located some 30 metres to the north of the roundabout junction with Church Street and Barton Street **See Site Location Plan**. The site is located within the Tewkesbury Town Centre Primary Retail Frontage, as defined on the Local Plan.

1.2 The ground floor of no. 2 High Street was most recently occupied by the retail chain "Dorothy Perkins", a Class A1 retail shop, and this remains the lawful use of the building. However, the unit is currently vacant.

2.0 Relevant Planning History

2.1 The relevant planning permission history relates primarily to planning and listed building consents being granted for alterations and extension to the building relating to its retail use and for advertisement consent for signage on the building.

2.2 Some internal alterations (including the provision of partitions and the removal of an existing staircase) are proposed in association with the currently proposed change of use, and listed building consent is sought for these under application reference 16/00934/LBC, as well as the proposed re-painting of the shopfront. This application is pending consideration.

2.3 Advertisement consent is sought under application reference 16/01021/ADV for 1 no. shopfront fascia sign and 1 no. hanging sign also in association with the currently proposed change of use, and listed building consent is also sought under application reference 16/01022/LBC for the erection of this signage. These applications are pending consideration.

3.0 Current Application

3.1 The application seeks planning permission for the change of use of no. 2 High Street at ground floor level only from retail (use class A1) to Betting Shop (Sui Generis) **See Existing and Proposed Ground Floor Plan**. The application advises that the unit has been vacant since June 2014. The proposed opening hours of the betting shop are 08:00 to 22:00 Mondays to Saturdays and 09:00 to 22:00 on Sundays and Public Holidays, and it is proposed that there would be 2 full-time employees and 4 part-time employees.

3.2 Planning permission is also sought as part of application reference 16/00759/FUL for the re-painting of the shopfront in a white/off-white colour, to match the existing shopfront colour **See Existing and Proposed Elevations**.

Policy Context

National Planning Policy Framework

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. The NPPF makes it clear that these restrictive policies include designated heritage assets.

4.3 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, take account of the different roles and character of different areas, promoting the vitality of our main urban areas.

4.4 As noted above, the application site is located within the Tewkesbury Town Centre Primary Retail Frontage, as defined on the Local Plan. Section 1 of the NPPF relates to "Building a strong, competitive economy", and paragraph 19 specifies that "Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system".

4.5 Section 2 of the NPPF relates to "Ensuring the vitality of town centres", and paragraph 23 of the NPPF states that planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period. Paragraph 23 specifies that, in drawing up Local Plans, local planning authorities should, inter alia:

- Recognise town centres as the heart of their communities and pursue policies to support their viability and vitality;
- Define a network and hierarchy of centres that is resilient to anticipated future economic changes;
- Define the extent of town centres and primary shopping areas, based on a clear definition of primary and secondary frontages in designated centres, and set policies that make clear which uses will be permitted in such locations;
- Promote competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres;
- Retain and enhance existing markets and, where appropriate, re-introduce or create new ones, ensuring that markets remain attractive and competitive;
- Allocate a range of suitable sites to meet the scale and type of retail, leisure, commercial, office, tourism, cultural, community and residential development needed in town centres. It is important that needs for retail, leisure, office and other main town centre uses are met in full and are not compromised by limited site availability. Local planning authorities should therefore undertake an assessment of the need to expand town centres to ensure a sufficient supply of suitable sites; and
- Where town centres are in decline, local planning authorities should plan positively for their future to encourage economic activity.

4.6 Section 4 of the NPPF relates to "Promoting sustainable transport", and recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives.

4.7 As noted above, the application property is a Grade II* listed building, located within the Tewkesbury Conservation Area. Section 12 of the NPPF relates to "Conserving and enhancing the historic environment". Paragraph 131 of the NPPF specifies that, in determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

4.8 Paragraph 132 of the NPPF states that in considering the impact of proposed development on significance great weight should be given to the asset's conservation and that the more important the asset the greater the weight should be. It goes on to say that, as heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

Tewkesbury Borough Local Plan to 2011 (March 2006)

4.9 Policy RET1 of the Local Plan specifies that, within the Tewkesbury Town Centre Primary Shopping Frontages as defined on the Proposals Map, change of use from retail (Class A1) will only be permitted provided that:

1. A minimum of 75 per cent of units within 100m of the centre point of the frontage of the application site (where this measurement is within the Primary Shopping Frontages area) would be within Class A1 use, and
2. The alternative use proposed is financial and professional services (Class A2) or food and drink (Class A3).

4.10 The Local Plan specifies that Tewkesbury High Street is the main focus of retailing activity within the Borough. The reasoned justification given within the Local Plan for Policy RET1 is that the retention of the vitality and viability of Tewkesbury town centre and in particular the importance of securing attractive continuous shopping frontages for pedestrians, is a key objective of the local plan given its importance in terms of providing a range of shopping facilities in an easily accessible and convenient location, as well as its

wider role in supporting the local economy. Policy RET1 of the Local Plan is consistent with the aims of the NPPF in terms of its core planning principles to promote the vitality of our main urban areas, and is therefore afforded due weight.

4.11 Policy HEN2 of the Local Plan specifies that, where new development or re-development is proposed within a Conservation Area, it must be of a high standard of design and preserve or enhance the character or the appearance of the Conservation Area in terms of scale, form, materials and quality. It further specifies that special attention should be given to the protection and enhancement of historic features which contribute to the townscape and historic character. It goes on to say that particular importance will be attached to the retention of traditional materials in the repair and refurbishment of existing buildings and other works.

4.12 Policy HEN6 of the Local Plan specifies that, within designated Conservation Areas, proposals affecting existing shopfronts or for new shopfronts must demonstrate a high standard of design and be sympathetic in scale, style and detail to the original building. It goes on to say that, where possible, existing historic shopfronts should be retained and restored.

4.13 Policies HEN2 and HEN6 of the Local Plan are consistent with Section 12 of the NPPF and its core planning principles to conserve heritage assets in a manner appropriate to their significance, and Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which specifies that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. Policies HEN2 and HEN6 of the Local Plan are therefore afforded due weight.

4.14 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 specifies that, in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Emerging Development Plan

4.15 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. Policies SD1 (Presumption in Favour of Sustainable Development), SD2 (Employment), SD3 (Retail Hierarchy), SD9 (Historic Environment), SD15 (Health and Environmental Quality) and INF2 (Safety and Efficiency of the Transport Network) of the JCS relate to the development currently proposed under this application.

5.0 Analysis

5.1 The main issues in relation to the current proposal are: (1) whether the proposed change of use from retail A1 to betting shop (Sui Generis) accords with the Government Guidance and Local Plan Retail Policy; (2) whether the proposed change of use and associated alterations subject to this application (i.e. the painting of the shopfront) would preserve the Grade II* listed building, its setting or any features of special architectural or historic interest which it possesses; (3) whether it would preserve or enhance the character and appearance of the Tewkesbury Conservation Area; and (4) whether the change of use would impact on the amenity of adjoining occupiers in terms of noise disturbances.

Principle of Development

5.2 As noted above, the NPPF sets out at paragraph 23 that planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period. The NPPF also makes clear that local planning authorities should, amongst other things, recognise town centres as the heart of their communities and pursue policies to support their viability and vitality; promote competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres. The NPPF requires local planning authorities to define the extent of town centres and primary shopping areas, based on a clear definition of primary and secondary frontages in designated centres, and set policies that make clear which uses will be permitted in such locations.

5.3 Local Plan Policy RET1 requires that 75 per cent of units within 100 metres of the centre point of the frontage of the application site (i.e. 50 metres either side of the application building) should remain in Class A1 Use. The applicant has undertaken an assessment of the existing uses within the required 100 metre 'catchment'. The findings from this land use survey were that 65 per cent of this frontage was in A1 use.

The applicant considers that, in the wider area, Class A1 is the dominant use.

5.4 The applicant further advises that the proposed change of use to Betting Shop would facilitate the relocation of the existing "Betfred" betting shop from no. 16 High Street, Tewkesbury, which is on the same Primary Shopping Frontage. It therefore makes the case that the proposed change of use would not result in any increase in the number of betting shops locally and that the retail balance of the area, specifically within the High Street Primary Shopping Frontage, would remain unaffected. The submitted Planning Statement makes the case that "Betfred" would prevent another betting shop taking over their lease at no. 16 High Street and would ensure another operator occupies the premises and therefore triggers a change of use, thus requiring any betting shop subsequently seeking to lease the premises to apply for planning permission for this change of use. However, the Local Planning Authority has no control over the future lease of no. 16 High Street, and therefore this case that "Betfred" would prevent another betting shop taking over their lease at no. 16 High Street can hold no weight in the determination of this planning application. If approved, the application would result in the authorised use of both nos. 2 and 16 High Street as betting shops.

5.5 The application advises that the unit has been vacant since June 2014. Details on the marketing campaign and the initiatives undertaken have been provided which included marketing via websites, mailshot, newspaper adverts and a marketing board installed on the front elevation of the building. A letter provided by Alder King advises that in September 2014 they received interest from the retailer 'Card Factory' and were close to agreeing new terms for a new lease. However, they advise that, despite offering the prospective tenant 12 months rent free, Card Factory were not prepared to commit and complete a lease as they felt they would not trade well enough in Tewkesbury for the store to be successful.

5.6 Alder King advises that, during their marketing campaign, they received minimal interest from any other traditional A1 style retailers, despite being prepared to offer generous incentives, such as extended rent free periods and flexible lease terms with multiple tenant break options. The application makes the case that licensed betting shops are a main town centre use and that the proposal would have a positive impact on the vitality and viability of the surrounding area by bringing a long term vacant unit back into use. It further makes the case that the change of use would increase the interest in the area and would attract high levels of footfall, therefore having a positive impact on the vibrancy of the area. It also advises that licensed betting shops are open at the same time as, and often longer than, retail shops so they are not readily differentiated from other A1 retail uses by members of the public. The application further makes the case that the proposed betting shop would support the retail function of the centre and support the role of the centre by encouraging linked trips with other shops and service providers and that given the opening hours of the proposed betting shop, which are longer than most retail uses, Betfred would have a much higher total daily footfall generation than most other uses and that the proposal would contribute to the centre's evening economy.

5.7 The applicant considers that customer survey results show that a significant number of people are attracted to defined centres primarily due to the presence of a Betfred, and that this enhances the vitality and viability of centres as it is bringing visitors into the centre that may not otherwise have visited on that day. The applicant further considers that the customer survey results show that Betfred generate a number of linked trips to other shops and services in designated centres therefore further enhancing vitality and viability.

5.8 In addition to the above marketing information and survey work, the applicant has also submitted supporting information in the form of five appeal decisions, relating to the change of use from shop to betting shop, with the main issue identified in these appeals being the effect of the proposal on the vitality and viability of the respective city/town/local centre. All five appeals were allowed.

5.9 For the reasons given in paragraph 5.3 above, the proposal would not comply with the percentage criterion of Policy RET1 of the Local Plan. The other criterion of Policy RET1 is that the alternative use provided is financial and professional services (Class A2) or food and drink (Class A3). The Planning Statement submitted with the application makes the case that the Local Plan, which was written before the Town and Country Planning (Use Classes) Order 1987 was amended by removing use as a betting office from Class A2 and making it sui generis, still refers to Betting Shops as "Financial and Professional Services". It is, however, considered that the proposal would accord with the 'Reasoned Justification' for Policy RET1, which specifies that "the retention of the vitality and viability of Tewkesbury town centre and in particular the importance of securing attractive continuous shopping frontages for pedestrians, is a key objective of the local plan given its importance in terms of providing a range of shopping facilities in an easily accessible and convenient location, as well as its wider role in supporting the local economy".

5.10 The application has also effectively demonstrated that the unit has been vacant for over two years and that the extent and types of marketing have been considerable, with minimal interest shown from other potential occupiers. The proposed change of use would bring this vacant property in a prominent position on High Street back into use and it is therefore considered that the proposal would comply with advice in the NPPF which sets out that policies should be pursued to support the vitality and viability of town centres. Moreover, it is considered that the proposed use would promote sustainable economic growth and would create jobs. The NPPF specifies that significant weight should be placed on the need to support economic growth through the planning system.

5.11 It is also considered that the proposed change of use would not result in the noticeable diminution or unacceptable dilution of A1 retail units within the Primary Shopping Frontage, and that it would not result in an over-concentration of non-retail uses (of betting shops in particular) such that this would be likely to materially impact on the overall vitality and viability of this part of the Primary Shopping Frontage. It is further considered that the re-use of what is currently a disused unit, and the activity which it would generate, would enhance both the character and the appearance of the Tewkesbury Conservation Area. This is another factor which weighs in favour of the proposal

5.12 It is noteworthy that in one of the appeal decisions provided with the application the Inspector considered that one of the benefits of the proposed change of use from retail to betting shop would be the activity which the use would generate, and the Inspector considered that some of that effect would be lost if passers-by were not able to see into the premises. On that basis, the Inspector thought it necessary to control, by condition, the manner in which any display in the shop front is dealt with. No details regarding window displays have been submitted with this application, but there could be electronic boards, etc. which are typically displayed in windows of betting shops. It is recommended that such a condition be attached to any approval of planning permission, for the purpose of enhancing the vitality and viability of the Tewkesbury Town Centre Primary Shopping Frontage and also for the purpose of preserving the listed building and the character and appearance of the Tewkesbury Conservation Area.

Impact on Heritage Assets

5.13 There are no external alterations proposed as part of this planning application other than the repainting of the shopfront. Plans were originally submitted showing that the shopfront would be painted blue. Amended plans have been received showing the blue paint confined to the shopfront fascia only, and the shopfront re-painted in a white/off-white colour, to match the existing shopfront colour. White or cream painted window joinery is characteristic of Georgian buildings and it is considered that retaining a light, neutral colour on the ground floor sills, mullions and transoms would help unify the whole elevation.

5.14 The Conservation Officer raises no objection to the repainting of the shopfront in a white/off-white colour to match the existing. It is considered that the proposal would preserve the listed building, its setting and any features of special architectural or historic interest which it possesses and would preserve the character and appearance of the Tewkesbury Conservation Area. Therefore it is judged that the proposal would be in accordance with policies HEN2 and HEN6 of the Local Plan, Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and the principles of the NPPF.

5.15 Consent is sought for internal alterations and the display of signage, in association with the proposed change of use, under separate listed building consent and advertisement consent applications.

Impact on amenity of adjacent occupiers

5.16 It is proposed that the betting shop would be open 08:00 to 22:00 Mondays to Saturdays and 09:00 to 22:00 on Sundays and Public Holidays. The Agent has confirmed that the upper floor of the application property is vacant, as is the upper floor to no. 3-4 High Street, and that the upper floor to no. 1 High Street comprises ancillary storage to the funeral director's below. The Agent further advises that it is understood that there is no independent access to the upper floors of nos. 3-4 High Street and therefore presumes this would just be ancillary storage to the operation below in the future. The Environmental Health Officer has been consulted and raises no objection in terms of noise disturbances. It is judged that the proposed change of use would not unreasonably affect the amenity of adjoining occupiers.

Other Issues - Accessibility

5.17 The site is in a central location in the Town Centre, with good opportunities for alternative modes of transport. The customer survey results submitted with the application advise that 61 per cent of respondents travelled to Betfred by sustainable modes of transport (including bus, train, on foot or by bike). As such it is

considered that there are no implications in respect of sustainability. The Local Highway Authority has been consulted and raises no objection, and it is considered that the cumulative residual impact of the proposed development on highway safety would not be severe.

6.0 Conclusion

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

RECOMMENDATION Permit

Conditions:

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 The development hereby permitted shall be carried out in accordance with details within the application form and approved drawing no. '1172BF-IP Revision 1' received by the Local Planning Authority on 5th July 2016, approved drawing no. '1172BF-SF Revision 3' received by the Local Planning Authority on 10th August 2016, details from the Agent within the email entitled "RE: 2 High Street, Tewkesbury (planning application reference 16/00759/FUL)" and dated 18th August 2016 regarding the hours of opening and the re-painting of the shopfront, details within the Heritage Statement received by the Local Planning Authority on 18th August 2016, and any other conditions attached to this permission.
- 3 The premises shall be used for a betting shop and for no other purpose.
- 4 The use hereby permitted shall not be open to customers outside the following times: 08:00 to 22:00 Mondays to Saturdays and 09:00 to 22:00 on Sundays and Public Holidays.
- 5 No development shall take place until details of the shop-front display have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and retained as such thereafter.

Reasons:

- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To ensure that the development is carried out in accordance with the approved plans and in accordance with policies contained within the Tewkesbury Borough Local Plan to 2011 (March 2006).
- 3 To protect the amenity of adjoining occupiers, in accordance with Policy EVT3 of the Tewkesbury Borough Local Plan to 2011 (March 2006) and the principles of the National Planning Policy Framework (2012).
- 4 To protect the amenity of adjoining occupiers, in accordance with Policy EVT3 of the Tewkesbury Borough Local Plan to 2011 (March 2006) and the principles of the National Planning Policy Framework (2012).
- 5 To enhance the vitality and viability of the Tewkesbury Town Centre Primary Shopping Frontage and to preserve the listed building and the character and appearance of the Tewkesbury Conservation Area, in accordance with Policies HEN2 and HEN6 of the Tewkesbury Borough Local Plan to 2011 (March 2006), Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and the principles of the National Planning Policy Framework (2012).

Notes:

1 Statement of Positive and Proactive Engagement

In accordance with the requirements of the National Planning Policy Framework (2012) the Local Planning Authority has worked with the applicant in a positive and proactive manner in order to secure sustainable development which will improve the economic, social and environmental conditions of the area by negotiating to improve the design and to ensure the listed building and any features of special architectural or historic interest which it possesses are preserved and the character and appearance of the conservation area is preserved.

2 This permission does not imply any rights of entry to any adjoining property nor does it imply that the development may extend into or project over or under any adjoining boundary.

3 A fee is payable where written confirmation is required that one or more conditions imposed on this permission have been complied with. The fee is £97 per request. The fee must be paid when the request is made.



Promap

© Ordnance Survey. © Crown Copyright 2016. All rights reserved.
Auto raster 100122412. P1 and Scale: 1:1250

Location:



Drawing Approval

Nick Lowe

Mark Stebbings

Regional Manager

Other

General Shopping Notes:

- All deliveries to the shops are to be loaded onto the appropriate off-highway vehicle.
- Off-highway vehicles must be loaded through the rear door where possible.
- All Contractors, Sub-Contractors, Engineers and Shopfitters are all responsible for the removal of their own vehicles from the site at the end of the day.
- Off-highway vehicles to be parked along the side of the road.
- All off-highway vehicles are to be parked on a hard paved surface.
- Delivered goods are to be unloaded within the curtilage.
- All off-highway vehicles are to be parked along with a full door set and archway set to be provided to the staff entrance to the entrance for security purposes.
- The local shopkeeper for the adjacent shops are responsible for the site for the full programme, even if they finish early.
- Signage to be organised to be collected prior to leaving site on the final day.

All dimensions are to be checked on site.

Drawing Title:

Illustrative Plan

Location:

2 High Street

Tewkesbury

GL205AH

Drawing No: 11728F-1P

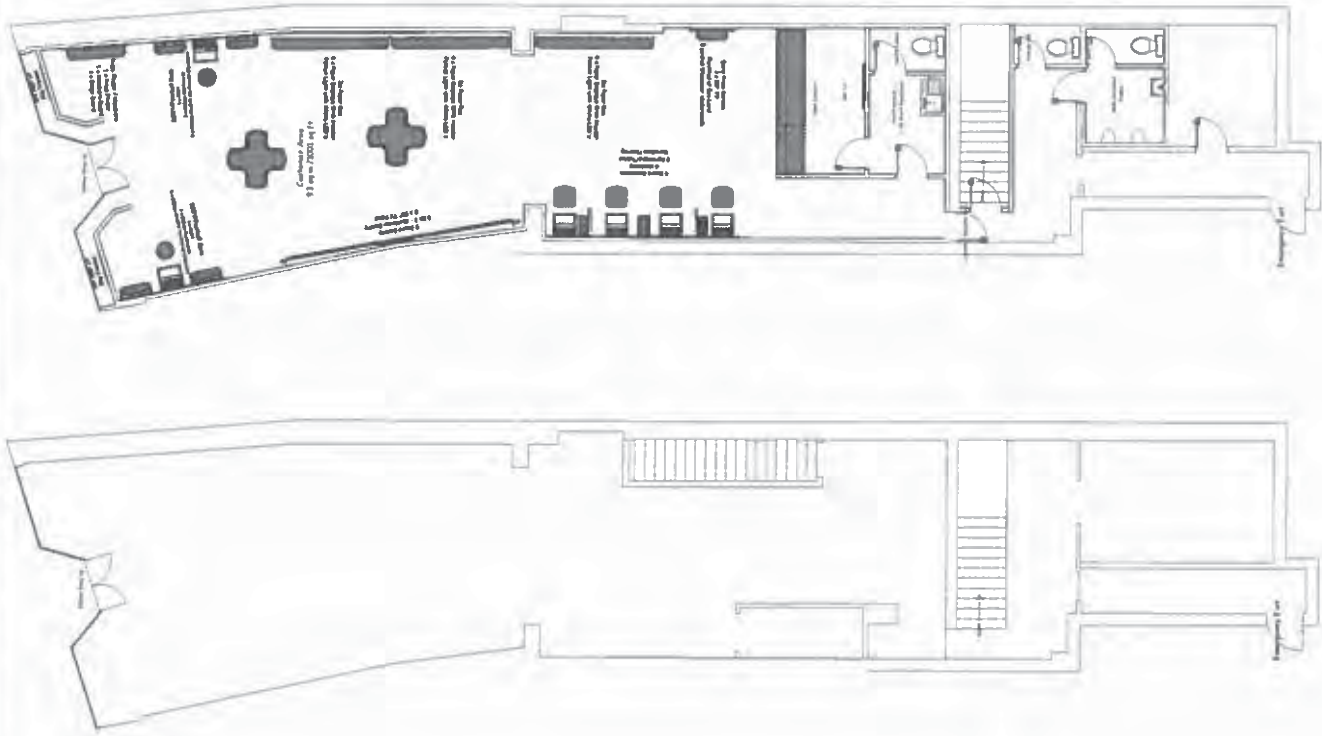
Revision: 1

Scale: NTS

Date: 31/05/16

Drawn: T6

BETFRED
THE BONUS KING
 Spectator, 56-58 Benson Road
 Barchin, Warrington, WA3 7PQ
 Tel: 0192521000 Fax: 01925210502



Existing Ground Floor Plan

Proposed Ground Floor Plan

249/B

Anything shown on this plan, which is not required by the Plan Regulations is for illustrative purposes only. And DOES NOT form part of the licence.



Drawing Approval
 Nick Lowe
 Mark Stebbings
 Regional Manager
 Other

General Shopfitting Notes:

- All alterations to the shopfront to be finished with the materials of least oil finish in adjacent.
- Signs are fixed up before 12pm the day before as any alterations need to be made through to the authorities before then.
- All Contractors, Sub-Contractors, Engineer, and Shopfitters are all responsible for the removal of their own rubbish. The rubbish is to be left on site at the end of the fit without approval from the T.A.
- Electrical signing is to be installed above all power outlets / runs.
- 4 x 3" led down lighters are to be installed on a 4 x 4 grid based system.
- Best Led is to be installed under the counter.
- A full height wall with system to side of the counter using with a 4 x 4 grid system is to be installed in the fit.
- Entrances to the counter for security purposes.
- The lead shopfitter for the adjacent jobs are responsible for the site for the full programme, case if they finish early.
- Shopfront is to be impacted to be subjected to be impacted with the new front day.

New Blue - RAL 5017
 Old Blue - RAL 5002
 Old Red - Ral 3020
 Tote Green - Ral 6016

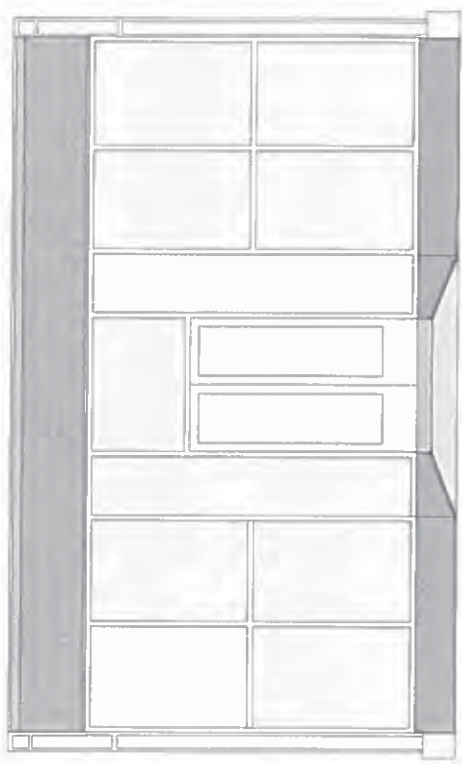
All dimensions are to be checked on site.

Drawing Title:
Shopfront Plan

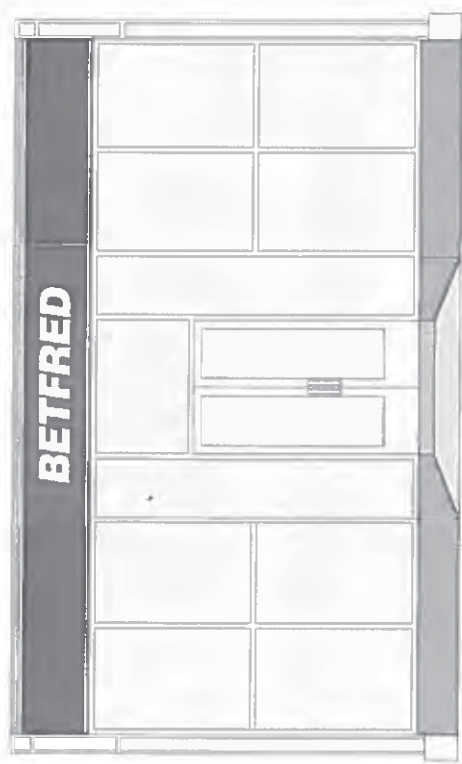
Location:
**2 High Street
 Tewkesbury
 GL205AH**

Drawing No: 11728F-SF
 Revision: 3
 Scale: 1:100
 Date: 10/08/16
 Drawn: TG

BETFRED
 THE BONUS KING
 Spectrum, 46-48 Bonhill Road,
 Birkwood, Warrington, WA3 7PD
 Tel: 01925328800 • Fax: 01925288302



Existing Elevation



Proposed Elevation

249/c

Valid 15.07.2016
 Grid Ref 390243 236760
 Parish Twyning
 Ward Twyning

Replace existing garage with new outbuilding.

Mr Steve Barker
 Old Yard Cottage
 Twyning Green
 Twyning
 Tewkesbury

RECOMMENDATION Permit

Policies and Constraints

National Planning Policy Framework
 Planning Practice Guidance
 Tewkesbury Borough Local Plan to 2011 - March 2005 - Policy HOU8
 Joint Core Strategy Submission Version - November 2014

Consultations and Representations

Twyning Parish Council - "Not happy. Objection. Roof pitch too high and not in keeping with other properties on the green."

Local Residents - 2 Letters of objection were received from local residents. Concerns are outline below:

Size and Bulk

- The proposed outbuilding is larger in length, width and height than that of the existing garage it is intended to replace.
- The height of the proposed outbuilding (4.35m) is much higher than that of the original garage
- The foot print of the outbuilding is similar to that of the neighbouring 4 bedroom property
- The proposed outbuilding would be in close proximity (approx. 3 metres) from the neighbouring boundary of Green Cottage
- The size and bulk of the proposed new outbuilding makes it comparatively large against its surroundings

Amenity

- Loss of view and sight lines of the local landscape being reduced
- The proposal would have an encroaching affect over the garden, patio and conservatory area of Green Cottage

Design

- Out of character with the surrounding area
- The accumulative effect of the proposed +14m long, 4.3m high brick and tile building, combined with the substantial fence, would make the whole side aspect hard landscaped, overwhelming and visually unattractive
- The brick wall aspect is not in keeping with the old village dwellings or its surroundings

Planning Officers Comments: Mr James Lloyd

1.0 Application Site

1.1 The application relates to 'Old Yard Cottage' (formally 'Clare Cottage'), a detached red brick property located within the village of Twyning.

1.2 The property occupies a fairly central location within the village, adjacent to the eastern boundary of the village green.

1.3 A narrow public footpath runs between the front elevation of the cottage and a small area of land to the front of the site which is also within the same ownership. The footpath continues along the southern boundary of the site to the open fields beyond. The residential property of 'Whistledown' lies to the other side of the footpath and to the north lies the property of 'Green Cottage' (see attached location plan).

2.0 Planning History

2.1 10/00436/FUL - Replacement porch and two storey rear extension - Permitted 2010

2.2 16/00492/FUL - Replacement garage with rooms over - Withdrawn 2016 - This was withdrawn by the applicants prior to a decision being issued.

3.0 Current Application

3.1 The current application is a revised scheme following the withdrawal of planning application ref: 16/00492/FUL and seeks planning permission to replace the existing garage with an outbuilding. The revised scheme has reduced the size and scale of the proposed outbuilding and has also amended the design and materials.

3.2 The proposed outbuilding would measure approximately 4.50m by 14.46m and would be constructed with a pitch roof. The ridge height would be approximately 4.35m and the eaves approximately 2.20 metres. The proposed outbuilding would replace an existing garage, however, would be relocated approximately 2.0m to the north of the application site, and positioned on the boundary line.

3.3 The outbuilding would face gable end onto the road, much like the existing garage, and would be set behind the building line of the host dwelling, Old Yard Cottage. The proposed outbuilding would be constructed using 'Red Stock' reclaim effect brick' and reclaimed plain clay tiles.

3.4 The applicant advises that part of the outbuilding would be used as a home office for a telephone based insurance service. The remainder of the building would be for storage and a workshop/ games room.

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.

5.0 Analysis

5.1 The main issues to be considered in this application are design; impact on the street scene and surrounding area; and, residential amenity.

Design & Impact on the Street Scene and character of the area

5.2 The proposed outbuilding would replace an existing timber framed and clad garage located to the north of the application site. The existing garage measures approximately 8.5 metres in length with a width of approximately 3 metres, the building was constructed with a pitch roof covered in tin sheeting. The existing garage face's gable end onto the front elevation and is set back from building line of the host dwelling and set in from the northern boundary by approximately 2 metres. The existing greenhouse and shed would also be removed.

5.3 The revised scheme proposes to move the outbuilding onto the northern boundary of the site (removing the existing fencing in the process) yet retain the same position behind the building line of the host dwelling. Local residents have concerns about the impact of the proposed outbuilding upon the street scene. The outbuilding would be set approximately 28 metres from the road, located in-between the host dwelling and its neighbour, Green Cottage, both two storey dwellings. The main external changes would be that the garage is wider and the pitch of the roof higher, the facing materials would change from timber cladding and tin to brick and tile and three window panels and an access door would be situated on the gable end, facing the green and the road. It is considered that although the additional height and width and the change in materials would cause the building to become more prominent, the main elevation (facing the road) would not appear overly dissimilar. The area around the green is characterised by a mixture of property types and ages, designs and styles and detached garages and outbuildings are not uncommon in this location. With the above in mind, it is considered that the impact of this replacement outbuilding on the street scene would not be unacceptable.

5.4 The application proposes the use of reclaimed plain clay tiles and red stock reclaim effect bricks. It is considered that although these materials differ from the existing garage, they would not be unacceptable in design terms and would match those of the host dwelling.

5.5 The proposed outbuilding is of a larger scale and size than that of the existing garage, the applicant has advised that the outbuilding would also replace an existing shed and greenhouse currently located to the east of the existing garage (see existing block plan). The length of the outbuilding would measure approximately 14 metres, whilst in isolation this is considered large for an outbuilding, the application site is of a generous size in comparison to the host dwelling (which is located to the south west of the plot) and it is not considered that the replacement outbuilding would significantly reduce the outside amenity space nor appear overly cramped on the site. The proposed outbuilding would be set back from the building line of the host dwelling (as is the existing garage) and appearing subservient and ancillary to the main dwelling.

5.6 Overall, given the size of the application site, the positioning of the outbuilding in relation to the host dwelling, and its simple design it is considered that the proposal would respect the character, scale and proportion of the existing dwelling and the surrounding ancillary buildings. It is also considered that the proposal would appear subservient to the main dwelling and would not harm the character and appearance of the street scene or surrounding area.

Impact on neighbouring living conditions

5.7 The proposed outbuilding would be constructed on the northern boundary. A high timber fence currently spans the length of this boundary line. The application proposes the removal of this fence, using the northern elevation of the outbuilding as the boundary treatment (the fence would be retained either side to create a secure boundary). Directly to the north of the site is a private track leading to a field access to the east (which has extant planning permission for housing). The track measures approximately 3.5 metres at its widest point; to the north of the track is the neighbouring property (Green Cottage) and its associated garden (the boundary between Green Cottage and the track is divided by a domestic timber panelled fence). The proposal would create an expanse of brick, stretching 14 metres along the southern boundary of the track and whilst it is acknowledged that this a large area, it is considered that the brick wall mixed with the timber fencing would not be detrimental to the wider area. The proposal also suggest a high level window and Velux style roof lights on the northern elevation to break up some of the potential massing.

5.8 The occupants of the neighbouring property to the north have objected on the grounds that there would be a loss of view and the sight lines of the local landscape would be reduced. The loss of a view is not however, a material consideration in the determination of this application.

5.9 There would be a distance of approximately 3.5 metres between the boundaries of the neighbouring properties, with an intervening track; the pitched roof of the proposed outbuilding would rise away from the boundary of the application site (and neighbouring property) to a maximum height of 4.36 metres to the ridge. The Velux windows on the northern boundary are proposed to be obscure glazed. Due to the height of the window on the northern elevation wall it is recommended that this is also obscure glazed to prevent any potential overlooking that may occur, this can be controlled by way of condition.

5.10 Another consideration in assessing the proposed outbuilding is that The Town and Country Planning (General Permitted Development) (England) Order 2015 (Schedule 2, Part 1 Class A) allows the construction of outbuildings providing, inter alia, they are not forward of the principle elevation, single storey, have a maximum eaves height of 2.50m and a maximum overall height of 4.0m (pitch roof). It is considered therefore that the proposals would have limited undue impact on neighbour's amenity over and above that which could be constructed under permitted development.

5.11 Overall, given the distance to neighbouring properties and the intervening track, plus the single storey nature of the building, it is not considered that the proposal would cause any undue detrimental impacts upon the amenities of the surrounding properties and therefore complies with Policy HOU8 of the Local Plan in this regard.

6.0 Conclusion

6.1 Whilst the concerns of the Parish Council and neighbouring property are noted, it is considered that the proposed outbuilding would be of an acceptable size, scale and design and would have an acceptable impact on the street scene. Furthermore, it is considered that the scheme would have an acceptable impact upon the living conditions of occupiers of neighbouring properties. 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 **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 approved plans/drawing Nos. 01,02,04 & 05 received by the Local Planning Authority on 15th July 2016
- 3 The external walling of the development hereby permitted shall be constructed using red stock reclaim effect brick, unless otherwise agreed in writing by the local planning authority
- 4 The roof coverings of the development hereby permitted shall be constructed using plain clay reclaimed tiles, unless otherwise agreed in writing by the local planning authority
- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) the window in the side (North) elevation (facing Green Cottage), shall be fitted with obscured glass and be non-opening, unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed. The window shall be maintained in this state thereafter.

Reasons:

- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To ensure that the development is carried out in accordance with the approved plans and in accordance with policies contained within the Tewkesbury Borough Local Plan to 2011 (March 2006).
- 3 To 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 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.
- 5 To safeguard the privacy of residents in the locality in accordance with Policy HOU8 of the Tewkesbury Borough Local Plan to 2011 - March 2006

Note:

Statement of Positive and Proactive Engagement

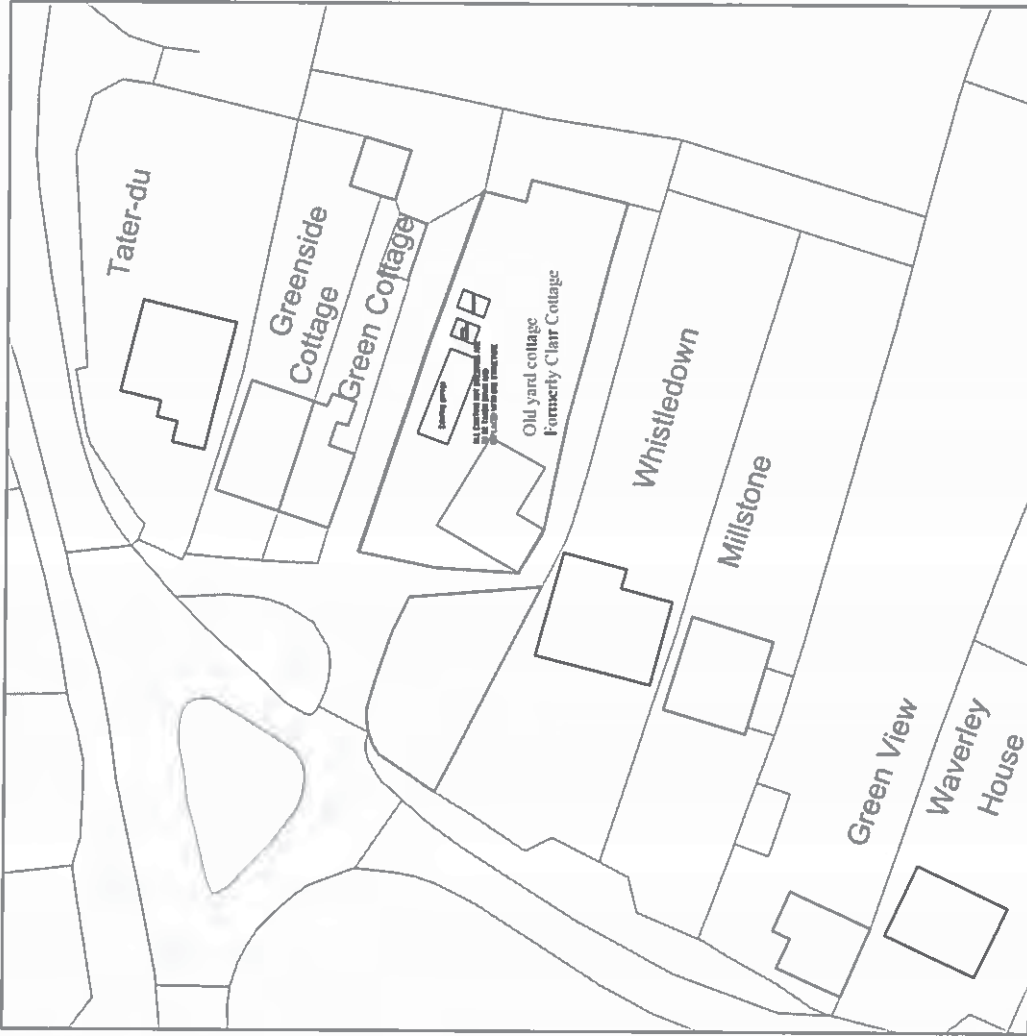
In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner offering pre-application advice, detailed published guidance to assist the applicant and published to the council's website relevant information received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

Proposed Replacement outbuilding

Location: Old yard cottage, Twynning green
 Twynning, Tewkesbury, GL20 6DQ

Client: Mr. BARKER & Miss Masters

253 / A



BLOCK PLAN

J. BIRCH Design & Build Ltd.

Walnut Tree Cottage,
 Abbotswood,
 Kempsey,
 Worcestershire WR5 3DL

Tel: 01905 820986 Mobile 07768994006
 Email: paul@jdb.co.uk



DESIGN & BUILD

Contact Mr. PAUL DAY on Mobile no. 07768994006

12/04/2016
 dr no 4
 Amended 00

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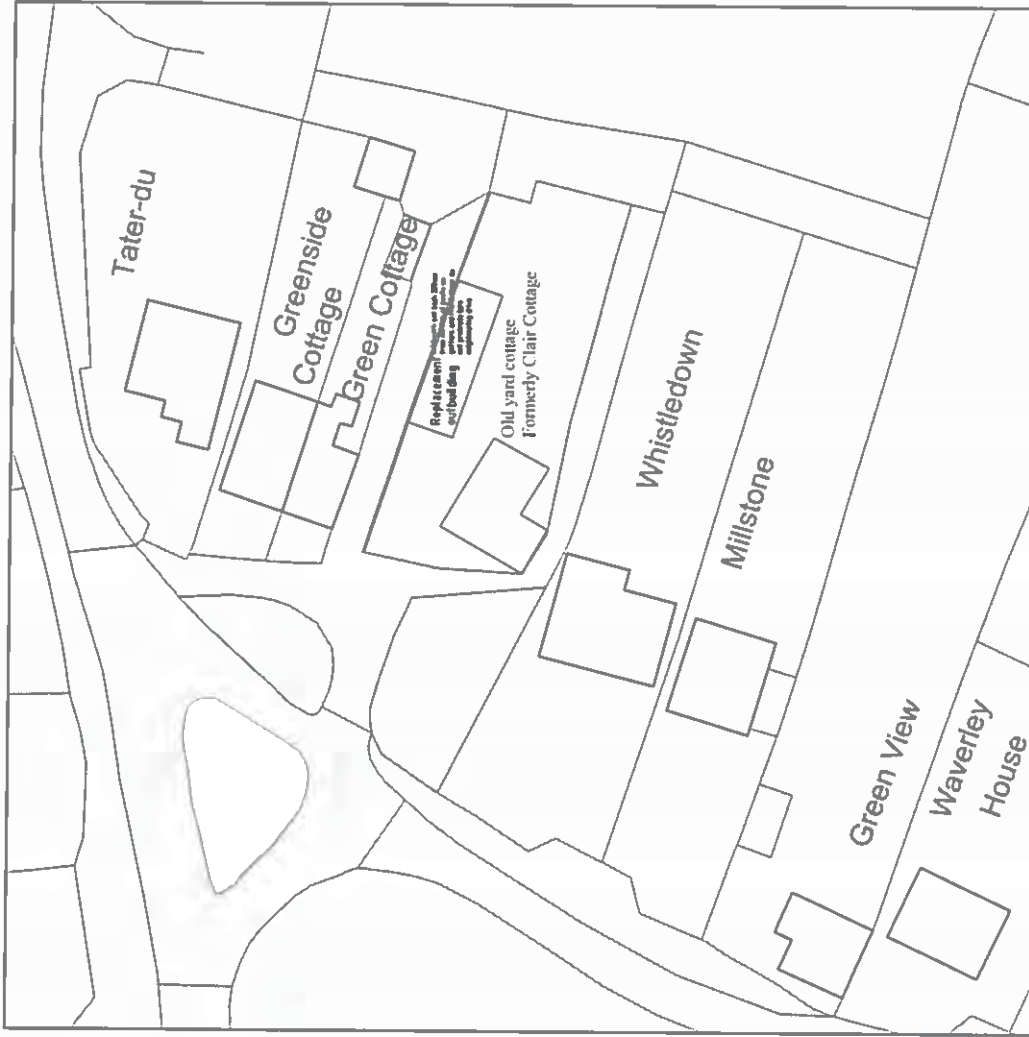
EXISTING BLOCK PLAN scale 1 : 500 @A3

16/00818/FUL

Proposed Replacement outbuilding

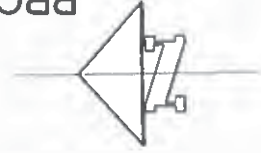
Location: Old yard cottage, Twynning green
 Twynning, Tewkesbury, GL20 6DQ

Client: Mr. BARKER & Miss Masters






BLOCK PLAN

PROPOSED BLOCK PLAN scale 1 : 500@A3



253/B

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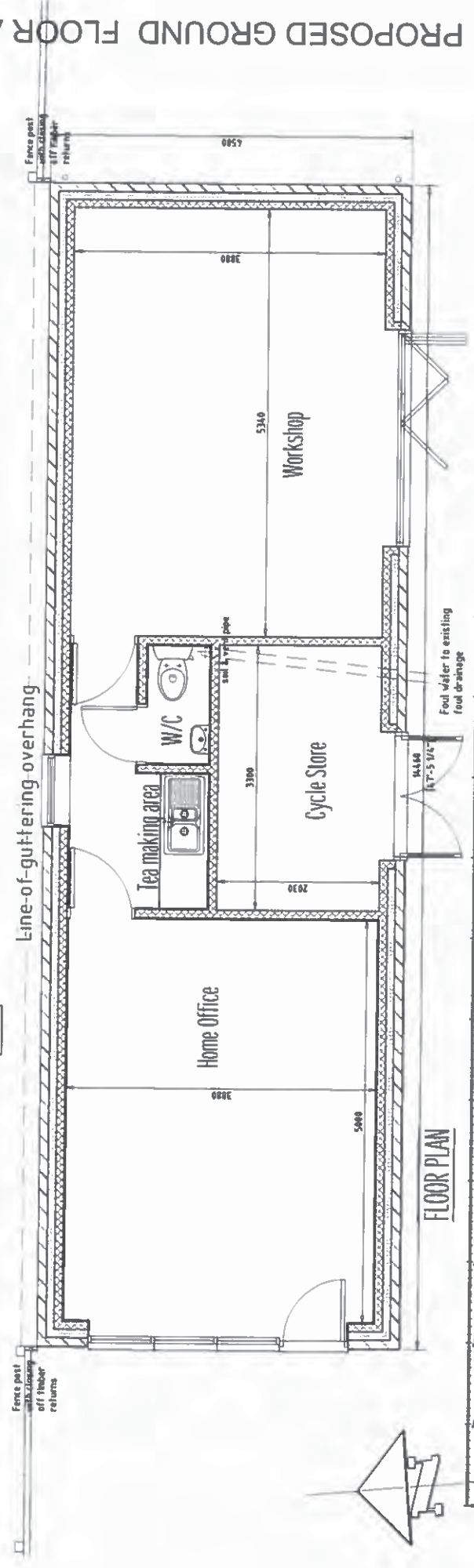
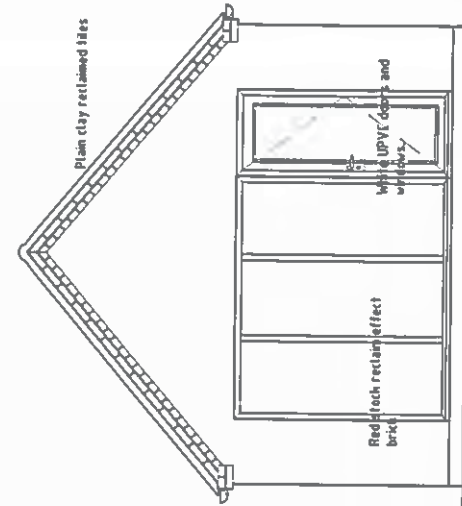
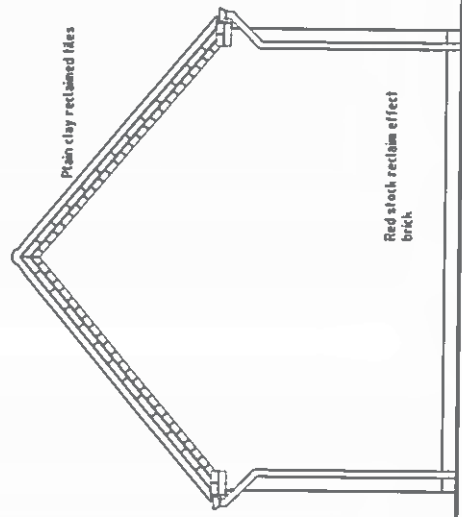
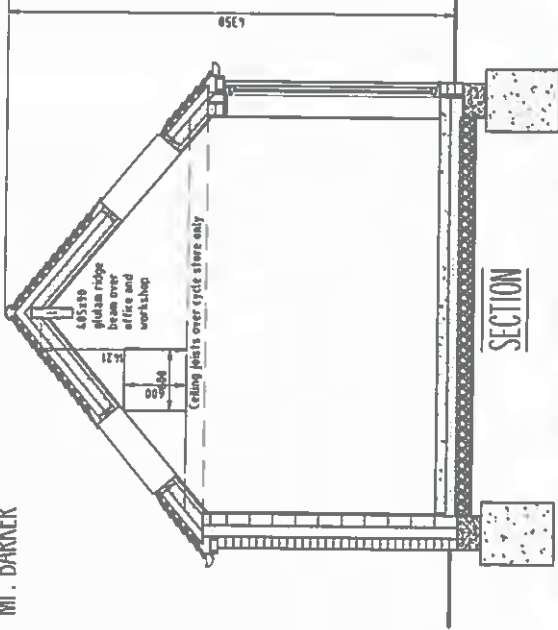
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Proposed Replacement out building.

Location: Old yard cottage, Twyning green
Twyning, Tewkesbury, GL20 6DQ

Client: Mr. BARKER

Scale 1 : 50



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253/c

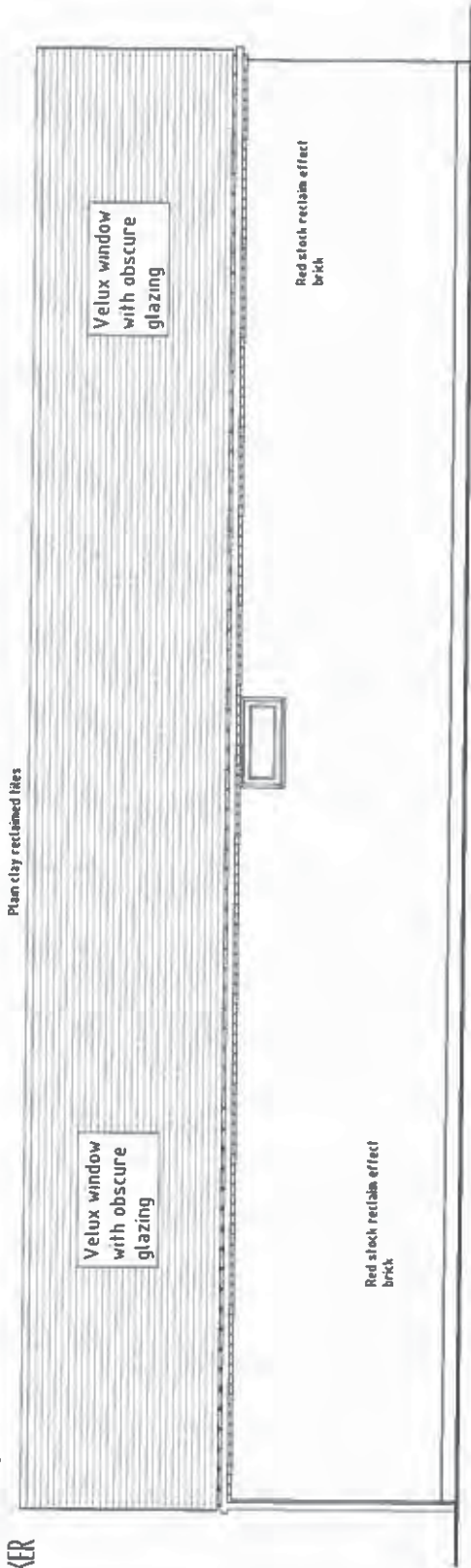
Proposed Replacement outbuilding.

Location: Old yard cottage, Twynning green
Twynning, Tewkesbury, GL20 6DQ

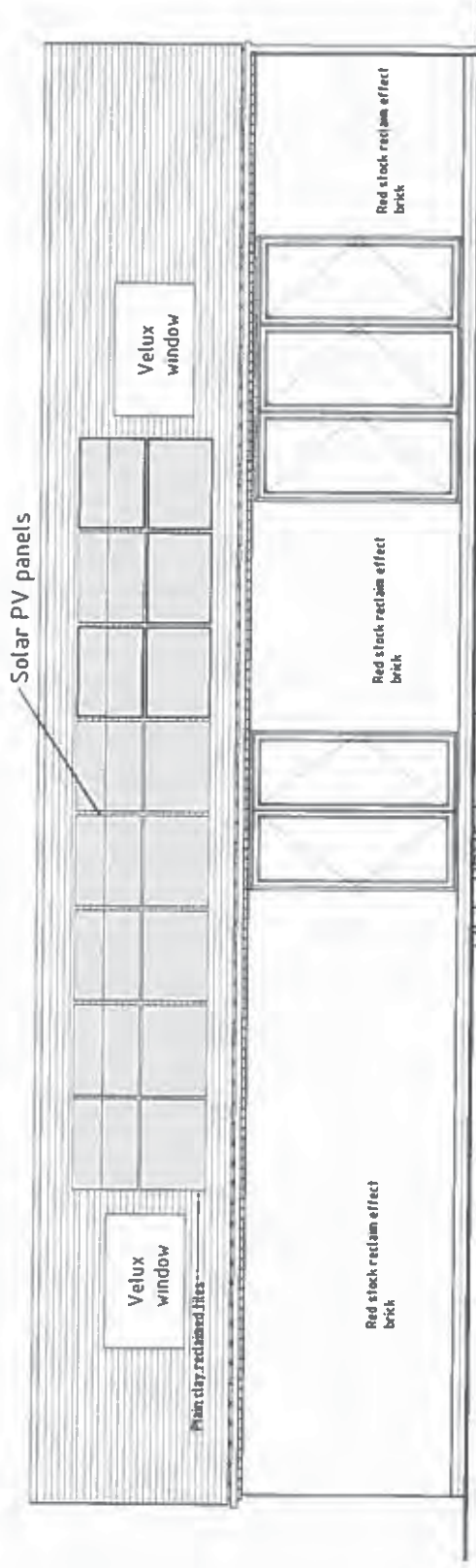
Client: Mr. BARKER

scale 1 : 50

PROPOSED ELEVATIONS



NORTH ELEVATION AS PROPOSED =



SOUTH ELEVATION AS PROPOSED =

J. BIRCH Design & Build Ltd.
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Trust Mark
The Quality Standard
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Build Assure
The Quality Standard

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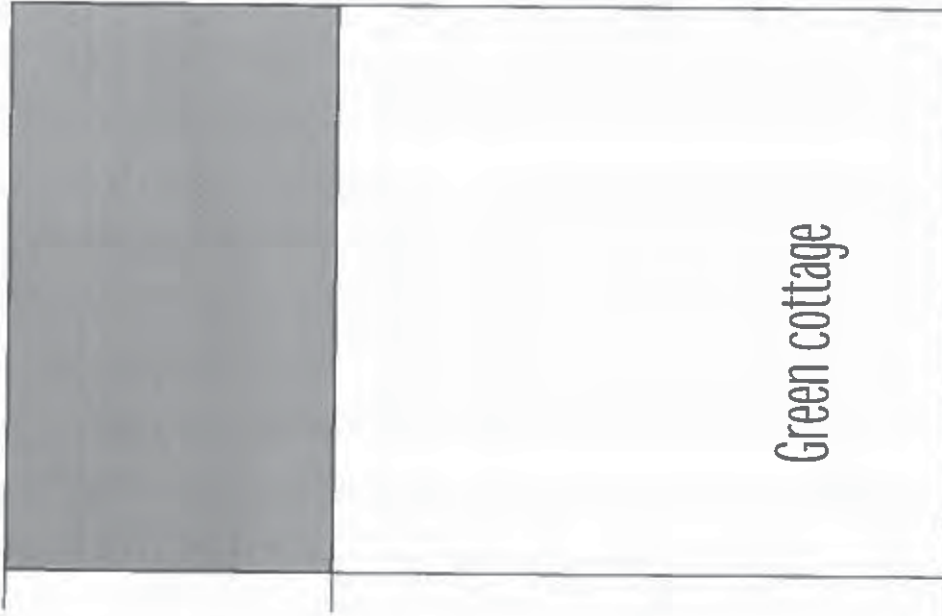
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253/0

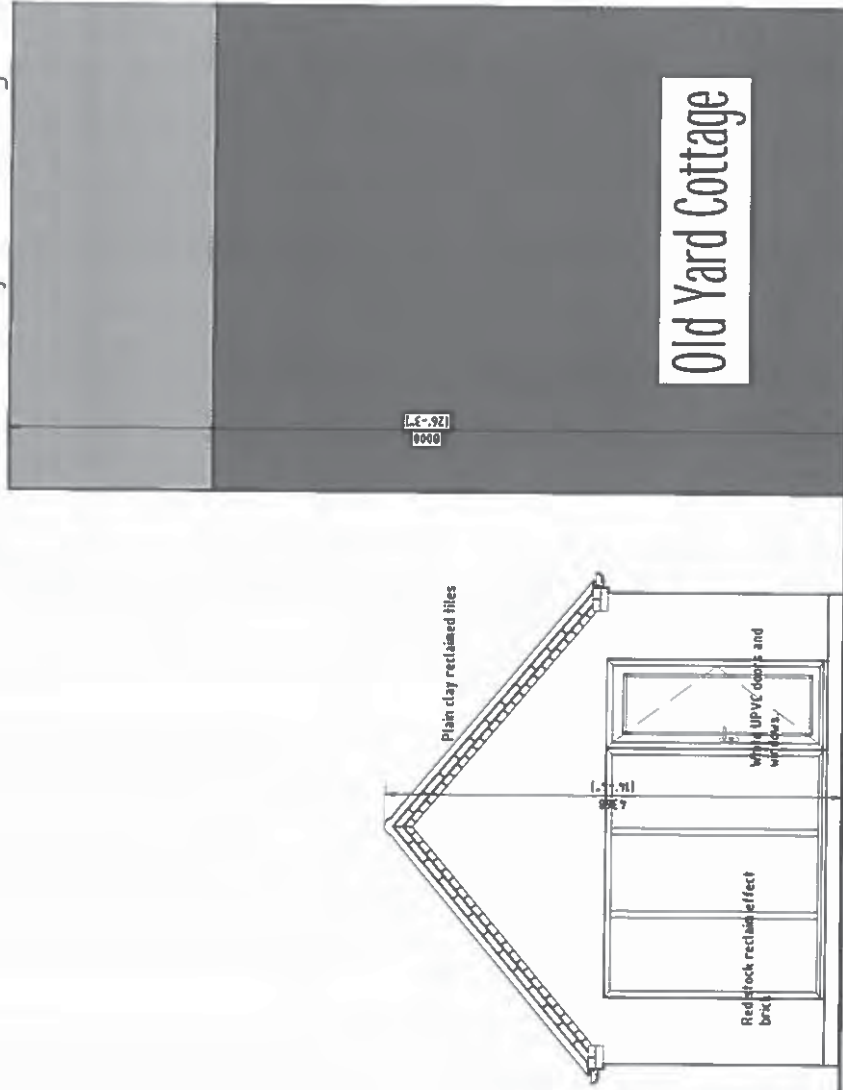
Proposed Replacement Out building.

Approx ridge height of Green cottage



253/E

Approx ridge height of Old yard cottage



Street scene of adjacent properties showing approximate ridge heights



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Valid 23.06.2016

Removal of Condition 15 (foul sewerage improvements) attached to 13/01205/FUL

Grid Ref 390320 236708

Parish Twyning

Ward Twyning

Newland Homes
Brighthouse Court
Barnett Way
Barnwood
Gloucester
GL50 2HU

RECOMMENDATION Delegated Permit

Policies and Constraints

NPPF

Planning Practice Guidance

JCS (Submission Version) November 2014 - INF5 and SD15

Tewkesbury Borough Local Plan to 2011 - March 2006 - EVT5

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 - Have expressed concerns about this application

Severn Trent Water - Further modelling work has demonstrated that the increases in flood volumes and spill volumes are very marginal and exceptionally low and no additional risk is introduced, either to the existing settlements or for the developments. On this basis there is no justification for maintaining the 'Grampian Style' drainage planning conditions for this development and it is recommended that this development is allowed to proceed, with the 'Grampian Style' drainage condition removed/discharged, providing the development discharges by gravity and not pumping, as pumping generates greater flows.

18 letters have been received opposing the removal of the condition on the following grounds:

- Would further exacerbate problems of flooding and sewerage overflow in the village
- Would establish a precedent
- Sewerage drainage system in village is unable to safely cope with existing volumes and when flooding occurs it is very unpleasant and might represent a risk to public health

2 letters have been received with the following comments:

- Hopefully the TBC will now exert some pressure on STW to re-prioritise this project
- The removal of the condition might further exacerbate the problem of sewage overflow onto the village streets.
- it would establish a precedent elsewhere in the borough (Persimmon?) & indeed across the country.
- Allowing it would surely mean that in future developers would not have to concern themselves about utilities (water, gas, electricity) & the adequacy of their supporting infrastructure, it would simply be the responsibility of the statutory utilities to "manage" the situation.
- This is a legal submission and one that may only have a legal, rather than a practical resolution.
- It is accepted that the sewers inability to cope is as the result of a pre-existing condition, but to imply that the imposition of the condition is ultra vires (invalid) is to suggest that the service provider (Severn Trent) cannot advise the LPA (who imposed the condition) that allowing such an increase into the sewer system would be unsafe. Severn Trent is discharging its responsibility to improve the system, such that the approved developments can take place. The issue here is timing.
- Connecting the development to the Fleet Lane secondary line and discharging into the main sewer is likely to create backpressure on the main line, with the potential to increase pollution
- Under the Joint Core Strategy, Twyning, is nominated as a Service Village, and has an obligation to build additional housing according to its allocation. In short, we need the Newland Homes development to take place.
- Notwithstanding the legal argument, which may well take precedence, we do not expect the LPA to drop Condition 15 without Severn Trent and Newland Homes agreeing to a workable compromise that does not exacerbate problems in a sewer system that is already over capacity

Planning Officers Comments: Miss Joan Desmond

1.0 Introduction

1.1 The application site relates to land granted planning permission for housing development located close to the village green on the eastern edge of Twyning village (see attached location plan). The site borders Fleet Lane to the north and east and adjoins two caravan parks to the east and south.

2.0 History

2.1 In October 2015 planning permission was granted for the erection of 22 dwellings on the site (13/01205/FUL). When considering this application Severn Trent Water (STW) had advised that they were aware of drainage issues in the Twyning area that were being investigated. At that stage STW advised that the problems being experienced appeared to be caused by the local foul sewer becoming overloaded during storm conditions and flooding some way downstream of this site. At that time STW were carrying out some hydraulic modelling and investigation work on what works might be needed to accommodate the new development so as not to exacerbate the current issue and if possible to solve the problem altogether. To this end STW requested that a Grampian style drainage condition should be attached to any permission, to allow them time to investigate and deliver any necessary improvements. Such a condition (15) was attached.

2.2 In July 2015 permission was granted on appeal for residential development of 58 dwellings, access from Shuthonger Lane, landscaping, SUDs drainage, public open space and services and proposed community car park (known as Cornerways permission) on land at the northern end of the village (13/00978/FUL). When determining the appeal at 'Cornerways' the Inspector considered that the condition recommended by STW in respect of foul drainage improvements was necessary in order to minimise the risk of flooding, including foul sewers under flood conditions. A similar Grampian style condition was applied accordingly to allow STW time to investigate and deliver any necessary improvements.

3.0 Current Application

3.1 This application seeks to remove Condition 15 (foul sewerage improvements) attached to the planning permission for 22 dwellings (13/01205/FUL) granted in 2014. Condition 15 states:

'No dwelling shall be occupied until the need for foul sewerage improvements has been investigated and the resulting foul sewerage improvements have been fully implemented and completed by Severn Trent Water Limited.'

The reason for the condition is:

'To minimise the risk of flooding from the foul sewers under storm conditions'.

3.2 The applicant has submitted an Advice Note from Solicitors providing advice on the lawfulness of the condition which takes into account relevant policy and case law. The Solicitor concludes that the imposition of condition 15 was to address a pre-existing problem off site and that there is no evidence to suggest that the development proposal would exacerbate the pre-existing problem. On this basis it is concluded that the condition fails to meet the tests of both necessity and relevance to the development to be permitted and is thus unlawful.

3.3 A supporting letter from the applicant also states that following further dialogue with STW it has been confirmed that pressure on the Foul Sewer during storm conditions is a pre-existing problem and that in any event other permissions have been granted in the area in the past two years for development without a Grampian drainage condition being imposed. The condition is considered to be ultra vires. Drainage authorities have a statutory duty (The Water Industry Act 1991) to provide, improve and extend its network; ensuring new developments can be effectively drained. To impose a condition which delays the start or progress of a development following the grant of permission conflicts with the tests set out in the NPPF. It is stated that evidence indicates that the construction of 22 homes would not adversely affect the pre-existing pressure on the foul water system and that the condition can either be removed or amended to allow the development to proceed. It is also pointed out that unless the condition is removed this site should be discounted from the Council's housing calculations in the short term which would have a negative effect on delivery across the Borough.

4.0 Policy Context

4.1 The NPPF provides guidance on conserving and enhancing the natural environment by preventing development from contributing to or being put at unacceptable risk from water pollution and provides guidance of reducing flood risk. PPG's on Water Supply, wastewater and water quality and Flood Risk provide more detailed guidance.

4.2 Policy EVT5 of the Local Plan requires that developments should not exacerbate or cause flooding problems. Similarly Policies INF3 and SD15 of the JCS (Submission Version) seek to ensure that development proposals avoid areas at risk of flooding and do not increase the level of flood risk or cause pollution problems.

4.3 The NPPF and PPG (The Use of Planning Conditions) provides advice on planning conditions and when they can be used to make otherwise unacceptable development acceptable. Whether it is appropriate for a local planning authority to impose a condition on a grant of planning permission will depend on the specifics of the case. The key considerations to be taken into account when imposing a condition (otherwise known as the six tests) are set out in the PPG. These tests include whether the condition is 'necessary' and whether it is 'Relevant to the development to be permitted'. These 2 tests are considered to be of relevance to this application.

5.0 Analysis

5.1 As set out in the planning history Condition 15 was imposed on the advice of STW as there were flooding problems in the area which appeared to have been caused by the local foul sewer becoming overloaded during storm conditions and flooding some way downstream of this site. A Sewer Capacity Assessment (SCA) modelling report was produced which advised that the impact of the development on the network was high due to the increase in pumped flows from the local Fleet Farm Sewage Pumping Station, to which the development would discharge, which caused surcharging within the network upstream of the discharge location during Dry Weather Flow. Furthermore during storm events the additional flow caused an increase in spills at Twyning Sewage Treatment Works Combined Sewer Overflow. The Report concluded that capacity improvements would be required in the sewerage system to accommodate the development flow. As a result of the report STW requested that a Grampian style drainage condition should be applied to any permission granted, to allow them time to investigate and deliver any necessary improvements. On the advice of STW such a condition was imposed.

5.2 The supporting information with the application details relevant policy and case law relating to the imposition of conditions and specifically a case concerning the implementation of a drainage scheme. As set out in the policy section above, PPG on the use of planning conditions sets out six tests and these include whether the condition is 'necessary' and whether it is 'Relevant to the development to be permitted'. The guidance states that A condition cannot be imposed in order to remedy a pre-existing problem or issue not created by the proposed development. This guidance has been reinforced by relevant case law ((Menston Action Group) v City of Bradford Metropolitan DC [2015] EWHC 2292 (Admin) which has held that 'Only if a pre-existing problem was exacerbated by the development would it be right to impose some liability on a developer and, even then, only such liability that would relate to the degree of exacerbation created by the proposed development so that the test of fairly and reasonably related was met. In this case reference was made to a report by the House Building Federation, which reiterates advice contained in the PPG that 'A condition cannot be imposed in order to remedy a pre-existing problem or issue not created by the proposed development'

5.3 STW has advised that the sewerage system in Twyning is complicated as it receives pumped flows from the four outlying areas of Hill End, Church End, Shuthonger and Puckrup Hall, with all four settlements, together with Twyning, having just a foul water sewerage system. Given the sewerage system's capacity issues, the sewerage model has been re-examined to assess its accuracy and additional field work has been undertaken, in the form of flow monitoring in the sewers/manholes in conjunction with rainfall measurement, to recalibrate the model and achieve correlation between rainfall and sewer flows. This work has involved input from the Parish Council and other stakeholders to help understand the current issues and the impact on the local community. As a result of this work STW have developed a Twyning catchment model which has been verified based on observed flow data. In addition to the flow survey STW have completed associated asset surveys, both physical and performance, which have been added to the model. STW have also undertaken extensive connectivity surveys in some areas in Twyning due to a lack of asset data on the Sewer Records, again adding all this to the model. Based on verification, STW are satisfied the model is representative of what actually happens during storm events (flooding locations, frequency etc.) and so are able to assess the impact of the proposed new development off Fleet Lane. This model would also apply to the other new development allowed at appeal at 'Cornerways'.

5.4 In summary, STW has advised that adding the development areas to the model does not increase the flooding frequency in the catchment and does not increase the spill frequency from the storm tanks at the Twyning Sewerage Treatment Works to the local watercourse which discharges to the River Avon. As the Fleet Lane development is in the Lower reaches of the catchment STW have added the proposed sewer network to the model and checked that they are not introducing a weak spot which might compromise the development, but there is no risk introduced for this development. STW have concluded that the increases in flood volumes and spill volumes are very marginal and exceptionally low and no additional risk is introduced, either to the existing settlements or for the development. On this basis STW consider there is no justification for maintaining the 'Grampian Style' drainage planning condition for this development and recommend that the development is allowed to proceed, with the drainage condition removed/discharged, provided the development discharges by gravity and not pumping, as pumping generates greater flows.

6.0 Conclusion

6.1 Following further modelling work, STW has concluded that this development would not increase the flooding frequency in the catchment and would not increase the spill frequency from the storm tanks at the Twyning Sewerage Treatment Works to the local watercourse which discharges to the River Avon. As such it is considered that Condition 15 would no longer satisfy the tests as set out in the PPG and should be removed. A condition is however, recommended to ensure that the development discharges by gravity and not pumping as recommended by STW. A variation to the S106 would also be required to refer to this application and as such it is recommended that **permission be delegated to the Development Manager subject to a variation of the S106 agreement.**

RECOMMENDATION Delegated Permit

Conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No -694-1.0 Rev A; 694-1.1 Rev A - 694-1.3 Rev A; 694-1.4 (Rev A); 694-1.6- 1.8; 694-1.9 Rev A; 694-1.10-1.11; 694-1.12 Rev A; 694-1.13 - 15 rev B; 694-1.17; 694-1.18; 694-1.19; C174/P/78.
- 3 Building operations shall not be commenced until samples of the all materials and paint colour for the painted brickwork 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 The proposed render shall be constructed in strict accordance with details of texture, colour and finish to be submitted to and approved in writing by the Local Planning Authority and such details to be demonstrated by the prior construction of a sample panel. The panel shall be retained on site until the completion of the walling.
- 5 No bargeboards or eaves fascias shall be used in the proposed development.
- 6 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.
- 7 All planting, seeding or turfing in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building(s) or completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

- 8 The development hereby permitted shall not be brought into use until visibility splays have been provided extending from a point 2.4m back along the centre of the access (measured from the public road carriageway edge) to a point on the nearside carriageway edge 16.m westbound and 20m eastbound, and the area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility at a height of 0.9m above the adjacent carriageway level.
- 9 No works shall commence on site on the development hereby permitted until details of the Fleet Lane/Downfield Lane improvement works have been submitted to and approved in writing by the Local Planning Authority and no works shall commence on site until the approved works have been completed and are open to the public.
- 10 The dwellings hereby permitted shall not be occupied until the car parking associated with that dwelling (including garages and car ports where proposed) has been provided in accordance with the submitted plan and shall be maintained available for that purpose for the duration of the development.
- 11 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall:
 - i. specify the type and number of vehicles;
 - ii. provide for the parking of vehicles of site operatives and visitors;
 - iii. provide for the loading and unloading of plant and materials;
 - iv. provide for the storage of plant and materials used in constructing the development;
 - v. provide for wheel washing facilities;
 - vi. specify the intended hours of construction operations;
 - vii. measures to control the emission of dust and dirt during construction
- 12 No 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.
- 13 No external lighting shall be erected on any part of the site without the prior express permission of the approval of the Local Planning Authority.
- 14 No development shall take place until an Ecological Management Plan (EMP) has been submitted to and approved in writing by the local planning authority. The EMP shall be in accordance with the mitigation and enhancement measures in the Ecological Appraisal (dated August 2013). It shall include a timetable for implementation, details for monitoring and review and how the areas concerned will be maintained and managed. Development shall be in accordance with the approved details and timetable in the EMP.
- 15 No dwellings shall be occupied until foul drainage works have been completed in accordance with details to be submitted to and approved by the Local Planning Authority.
- 16 Development shall not start until comprehensive evidence based drainage details, including a SuDS/drainage management plan, have been submitted to and approved in writing by the Local Planning Authority fully in accordance with the commitments and strategy of the submitted FRA (including cover letter and Drainage Design Statement) dated 20/06/2014. The drainage details shall fully incorporate the principles of sustainable drainage and improvement in water quality, along with a robust assessment of the hydrological influences of the detailed drainage plan, including allowances for climate change. Any infiltration structures must be designed to cope with the 1 in 100 year event, plus an allowance for climate change. The development shall only be implemented in accordance with the approved details and thereafter similarly maintained.

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

- 3 To 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 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.
- 5 To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity in accordance with the NPPF.
- 6 To ensure that the proposed construction work does not cause undue nuisance and disturbance to neighbouring properties at unreasonable hours.
- 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 reduce potential highway impact by ensuring that adequate visibility is provided and maintained, in the interests of highway safety.
- 9 To ensure safe and suitable access is provided in accordance with Paragraph 32 of the NPPF.
- 10 To reduce potential highway impact by ensuring that vehicles do not have to park on the highway.
- 11 To reduce the potential impact on the public highway.
- 12 In the interest of highway safety; to ensure safe and suitable access has been provided for all people; and to safeguard the visual amenities of the locality.
- 13 To protect the amenities of nearby residential property and in the interests of visual amenity in accordance with Policies LND2 and EVT2 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 14 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
- 15 To minimise the risk of flooding from the foul sewers under storm conditions.
- 16 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.

Notes:

- 1 Surface water flows from the development site to discharge via sustainable drainage techniques and not to the public foul sewers in the area.
- 2 This permission has been granted pursuant to the completion of a Planning Agreement under S106 of the Town and Country Planning Act 1990.
- 3 The foul drainage shall be discharged via a gravity system and not pumped.

16/00729/EUL



Note: Do not scale from this drawing.



Newland		
Project - Fleet Lane, Twyning		
Drawing No. - 694-0.1	Site Location	
Scale - 1:1250at A3	Date - 29.11.13	Rev -

2591A

Valid 04.07.2016

Modification of S106 Agreement for the release from the obligation to transfer the Public Open Space to the Council.

Grid Ref 392170 228291
 Parish Stoke Orchard And
 Tredington
 Ward Oxenton Hill

PE Duncliffe Ltd
 The Chapel
 Dean Lane
 Stoke Orchard

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

Planning Practice Guidance

Section 106A of The Town and Country Planning Act 1990

Consultations and Representations

Parish Council - Object to the application. The Parish Council has always maintained the wish to own this land and to preserve it as Public Open Space (POS) and that wish has not changed. The regulations concerning the handover of the land under the S106 agreement required the land to be prepared before the official handing over to the Borough Council. Following this, the land would be placed in the public ownership under the Parish Council. The applicant has failed to comply with the re-instatement of the land under the aforementioned clauses until very recently. We note that in the Statement in support of this application that it states that the POS under consideration has been laid out, levelled and seeded by the Applicant and that all obligations relating to the erection of fencing with access gate and pedestrian gate have been discharged. This discharge is over 8 years from the initial date. The Parish Council wishes to make it clear that the seeding has only recently taken place and perhaps solely in preparation for this application it might be suggested and that for at least 6 years the land was unkempt and unseeded. The Applicants refusal to comply with regulations should not deny the Parish Council of land originally gifted as POS under a S106 Agreement. We make the following observations in support of our Objection:

1. The site is on the entrance to Banady lane and as such forms a critically important part of open space in terms of its visual amenity.
2. The Site was deemed necessary to include in the original 106 and this need has increased considerably.
3. The Parish Council are happy to take the site on and maintain it (subject to payment of the maintenance sum).
4. In Council or Parish ownership there is the ability to maintain, control and improve the adjacent ditch which has caused much trouble. In public ownership there is certainty of control for the benefit of the wider community. In private ownership, only the interests of the landowner will be considered.
5. Beyond the above reasons, the parish council have a number of practical uses for the land including village notice board, Dove cote, refuge/safe waiting point for children waiting for the bus.
6. Both the Borough and Parish Council have committed hundreds of man hours to effecting this transfer over the last 9 years and these will be totally wasted if this application is successful.

The Parish Council request full support from the Planning Authority who have failed to date to execute the original S106 and to ensure that the original S106 proposal for the transfer of land to the Parish Council still takes place. The Parish Council value this piece of land highly and consider its gift was a material factor in the original application being supported. It must be stated that any covenants on future use cannot be restrictive covenants as there is no retained land meaning they will be positive covenants which are virtually unenforceable. It is therefore vitally important that the land should remain as POS under Public Ownership.

Planning Officers Comments: Miss Joan Desmond

1.0 Introduction

1.1 This application relates to land located at the junction of Banady Lane and Dean Lane (see attached location plan).

2.0 History

2.1 Outline application for the erection of 4 dwellings including siting and means of access (03/00307/OUT). This application was resolved to be granted planning permission in 2004 subject to a S106 to transfer the land at the corner of Banady Lane and Dean Lane to either the Borough Council or Parish Council to be used as open amenity space. This application was subsequently withdrawn.

2.2 A further outline application for the erection of 10 houses was permitted in November 2004, subject to a Section 106 Agreement including the transfer of open amenity space to the Borough Council (04/00397/OUT).

2.3 A revised application for the erection of 10 no. residential units including 2 no. affordable houses and construction of access road (06/00737/FUL) was permitted in 2007 subject to S106 agreement including the transfer of land to be used as public open space to the Borough Council.

2.4 The above planning permission has been implemented and the provisions of the S106 included the payment of a commuted sum for the future maintenance of the public open space (POS) and the payment of money for the provision of environmental improvements including seating and planting.

3.0 Current Application

3.1 This application seeks to modify the terms of the S106 relating to the transfer of the POS to the Borough Council.

3.2 A Supporting Statement with the application explains that payments were made to the Borough Council in 2008 for the future maintenance of the POS and for the provision of environmental improvements including for example seating and planting (see history above). The POS has been laid out, levelled and seeded by the applicant. Fencing has been erected to all sides of the POS with an access gate for maintenance equipment as well as a pedestrian gate. It is also stated that since 2007 the applicant has laid the POS to grass and planted a number of cherry trees and undertakes the regular maintenance including mowing the grass not less than 3 times per year. It is advised that notwithstanding the payment to the Council in 2008 of the contribution of £5000 for the provision of environmental improvements and £900 for maintenance no such improvements or maintenance to the POS land have been provided or undertaken by the Council. The Community and Economic Development Officer has advised that no improvements or maintenance of the POS has taken place as the land has not been transferred to the Council as required by the S106. Legal proceedings on this matter have been suspended to await the outcome of this application.

3.2 The Modification to the S106 being sought is to release the applicant from the requirement to transfer the POS to the Council. The modified S106 would still contain the obligation to maintain the POS and would be enforceable by the Council against the Applicant and its successors in title. It is also stated that the Commuted sum for future maintenance (£900) and the payment for environmental improvements (£5000) already paid by the Applicant to the Council should be held as a deposit by the Council to invest and call upon in the event of any breach by the Applicant or its successors in title, of the obligation to maintain the POS space in accordance with an agreed maintenance schedule.

4.0 Policy Context

4.1 Section 106A of The Town and Country Planning Act 1990 provides:

A person against whom a planning obligation is enforceable may, at any time after the expiry of the relevant period, apply to the appropriate authority for the obligation—

(a) to have effect subject to such modifications as may be specified in the application;

and subsection (6) provides:

Where an application is made to an authority under subsection (3), the authority may determine—

(a) that the planning obligation shall continue to have effect without modification;

(b) if the obligation no longer serves a useful purpose, that it shall be discharged; or

(c) if the obligation continues to serve a useful purpose, but would serve that purpose equally well if it had effect subject to the modifications specified in the application, that it shall have effect subject to those modifications.

5.0 Analysis

5.1 The supporting statement sets out the reason for the requested modification is that since 2008 the Applicant has carried out the landscaping and regular maintenance of the POS to a high standard.

5.2 The modification proposes that:

1. The maintenance obligations would be set out in detail in the S106 Agreement and would be enforceable against the owner for the time being of the POS. This ensures that the POS would be maintained and managed to a high standard.
2. The Council would be able to enforce the maintenance regime against the Applicant and his successors in title utilising its enforcement powers under S106
3. In the unlikely event of any breach by the Applicant of those obligations the Council has powers of entry to undertake any remedial works under S106 (6) and would hold the deposited sum of £5900 to draw upon to fund any such works.
4. The Applicant would enter into a covenant not to use or permit the use of the land for any purpose other than for open space for use by the general public, not to erect any buildings or structures thereon and to permit public access at all times. A draft Deed of Variation has been submitted with the application which sets out the proposed modifications, including a detailed management and maintenance regime.

5.3 As detailed above in the consultations section, the Parish Council has raised strong objections to the proposed modification of the S106 and wish the land to be transferred to them so that it can remain as POS in public ownership. The applicant has responded to the comments of the Parish Council as follows:

1. Provision of the Public Open Space -The land has been laid out, grassed, fenced and gated and benefits from landscaping. We are not aware that any objections have been raised by your Authority about the standard of work that has been undertaken. No objections have been raised either by the Parish Council about the standard of provision that now exists. The fact that the Parish Council have stated that it is 'happy to take the site on' provides unambiguous confirmation that the standard of work that has been undertaken to provide the POS is entirely acceptable to it.
2. Location of the Public Open Space - Our Client agrees that the POS forms an important open space in this part of the Village. The application proposal would not undermine the quality or permanence of the POS.
3. Ownership -Whilst the Parish Council may wish to have the POS transferred to them, our Client sees no reason why, in planning terms, it is necessary for the POS to be in public ownership. The application proposal includes appropriate and enforceable provisions to ensure that the POS is maintained and made available in perpetuity for the benefit of the community, that being the original purpose of the S106 Agreement. There is no disagreement that the POS continues to serve a useful purpose. It is however our Client's firm belief that the section 106 agreement would continue to serve that purpose equally well if it had effect subject to the modifications specified in the application.
4. Maintenance, control and improvement -The application proposal ensures that there is an appropriate regime for the maintenance of the POS. The draft Deed of Variation submitted with the application sets out detailed provisions to ensure a high standard of maintenance and that public access is secured. The suggestion that if the land is retained in private ownership 'only the interests of the landowner will be considered' is incorrect. There are many examples of areas of POS, both in this District and across the country, many on a much larger scale than this, which are maintained by Management Companies.
5. Enforceability of covenants - Section 106(3) provides that a planning obligation is enforceable by the authority identified in the agreement (TBC) against the person entering into the obligation and any person deriving title from that person. It is not necessary for the covenantor to own any retained land for such a positive obligation to run with the land. The planning authority may take further comfort from the deposit of a very substantial sum of money to fund any remedial action under section 106 (6) that may be deemed necessary, in the very unlikely event of enforcement action being necessary and unsuccessful.
6. Practical uses for the land -The purpose of the S106 Agreement was to provide an area of POS and that is exactly what has been provided - a grassed, fenced/gated and landscaped area which provides a pleasing and attractive open space in this part of the Village. There is nothing contained in the application proposal which would do anything other than accord with the original intention of the S106 Agreement. Our Client notes the aspirations of the Parish Council to use the land for a dove cote and as a refuge/safe waiting point for children waiting for the bus. Whilst the use of the land by children or others waiting for a bus would be entirely consistent with its use as POS our Client considers that the POS should be kept 'open' and not be fragmented by various additional physical features which could introduce visually discordant features. Notwithstanding this, our Client is perfectly happy to install an appropriately designed/located Parish notice board at his own expense.

7. The adjoining drainage ditch -Our Client wishes to point out that he has, over many years, raised the question with the Parish Council (and others, including the Environment Agency, Gloucestershire County Council and local Ward Borough and County Members) about the adjoining drainage ditch which he has maintained over a number of years. Our Client is unclear as to how the drainage ditch would be better maintained or improved if the adjoining land was in the ownership of the Parish Council as it has not secured any improvements to the drainage ditch despite requests from our Client over several years.

5.4 The Parish Council's objections relate largely to the question of ownership and their wish to see the land remain in public ownership. The issue of ownership is not however, relevant to planning other than to ensure the enforceability of obligations. The application proposal would provide appropriate and enforceable provisions whereby retention of the land in private ownership would continue to serve the original purpose of the S106 agreement equally well (as required under S106A of the Town and Country Planning Act 1990).

6.0 Conclusion

6.1 The section 106 Agreement continues to serve a useful purpose, but would serve that purpose equally well if it had effect subject to the modifications specified in this application. The modifications proposed would provide an appropriate and enforceable management regime which would secure public access in perpetuity. As such the proposed modification to the S106 agreement for the release from the obligation to transfer the POS to the Council is recommended for approval subject to the completion of a deed of variation to give effect to the modifications requested.

RECOMMENDATION Approve

Conditions:

Nil



1:1250 SITE LOCATION PLAN

Valid 12.02.2016

Hybrid Application for Outline Planning Permission for up to 275 dwellings with all matters reserved except for access and for Full Planning Permission for the construction of a new link road south of John Moore Primary School, including landscaping and drainage works.

Grid Ref 390235 230990

Parish Ashchurch Rural

Ward Ashchurch With Walton
Cardiff

Bloor Homes Western

C/O Agent

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

Planning Practice Guidance

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

Joint Core Strategy (Gloucester Cheltenham Tewkesbury) Submission Version November 2014 - SD4, SD5, SD7, SD11, SD13, INF1, INF3 and INF8

Flood and Water Management SPD

Affordable Housing SPD

Playing Pitch and Outdoor Sports Assessment and Strategy

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

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

The First Protocol, Article 1 (Protection of Property)

Consultations and Representations**Wheatpieces Parish Council**

- Have no objection to the outline planning submission for the 'in principle use of developing this land'. Also have no objection to the construction of the new link road to the south of The John Moore Primary School.
- Request a S106/CIL contribution towards an extension of the Parish Community Centre together with an upgrade of the traffic signals at both the Morrisons and Odessa junctions. Consideration should also be given to improving the section of A38 heading South between the Odessa junction and the Stonehills roundabout possibly via a dual carriageway. The following items are also requested for consideration under the S106/CIL provision:
 1. A separate bus 'in-out' for this development via the new access road including a suitable terminus and bus stop location.
 2. Provision of additional post boxes - currently only one for the whole estate.
 3. Additional dog bins, litter bins and noticeboards as required.
 4. Provision of fire hydrants as understood none currently installed within the existing estate.

WPC also wish to report the following concerns / comments it has received from Parish Councillors and residents:

- All parking provision for the proposed development should be a minimum of two parking spaces per dwelling excluding garages.
- Objection to the direct link of the new access road into Starling Road as this could lead to a rat run and Starling Road is only a minor estate road with existing congested parking problems particularly during evenings and at weekends.
- Consideration given to improving the major congestion problem along the A438 between Morrisons and M5 Junction 9 in order to reduce / eliminate the queues on the by-pass and also enable traffic to flow faster onto the M5 motorway.
- Adequate provision for additional parking for The John Moore Primary School should it be expanded to cater for additional numbers in the future.
- Bollards should be placed on Rudge Way Lane prior to joining the new access road to prevent access from this direction.
- Objection to the increased density from 275 dwellings to 295 since the pre-planning presentation. In particular, any proposal for the inclusion of apartments/flats should be rejected or kept to an absolute

minimum. In addition any Affordable Housing provision should be kept to a minimum.

- The main Public Open Space zone should include a skate park or similar facility.
- Confirmation that environmental noise and air quality pollution surveys have been carried out adjacent the new access location off the Jubilee Way roundabout in order to confirm that the adjacent dwellings are not affected.
- Confirmation that the flood risk assessment has / will be in accordance with the Environment Agency's updated guidance published in February 2

Tewkesbury Town Council - Objection

- Concerns on traffic impact on Newtown and junction 9 and also on drainage/floodplain impact.
- If development is consented we would appreciate discussions of an s106 allocation to offset traffic and drainage impact. Suggested Public Transport and Highways improvements are considered necessary.

Ashchurch Rural Parish Council

- No objection to the outline planning permission for the 'in principle use of developing this land.' ARPC also have no objection to the construction of the new link road south of The John Moore Primary School.
- Request s106/CIL contributions towards an extension to the Wheatpieces Parish Community Centre and an upgrade to the traffic lights and Junction at Morrisons, Tewkesbury to help address the additional traffic that will be generated from this development given the regular and constant traffic queuing at this junction at peak times.
- However **ARPC OBJECT** to the 'Illustrative Housing Plan' layout that accompanies this application. At the pre planning stage ARPC was presented with a plan showing approximately 275 dwellings, to increase this to 295 is unacceptable on the following grounds:
 1. The density is far too high for what is a rural parish
 2. The high density will lead to a loss of amenity to local residents by means of a lack of quality outside living space and gardens.
 3. ARPC would also require a minimum of two park places per dwelling.

National Grid - An up-date will be provided at Committee.

HSE - No objections.

County Highways Authority - No objections subject to conditions.

Highways England - No objection.

Historic England - No objection.

Natural England - No objections.

County Archaeologist - No objections subject to a condition requiring the submission of a written scheme of investigation prior to the commencement of development.

Environmental Health - No objections subject to conditions.

Flood Risk Management Engineer - No objections.

Housing Enabling and Policy Officer - No objections.

Severn Trent - No objection subject to conditions.

CPRE - Would like to remind the Planning Committee that when it was submitted the draft of the second Tewkesbury Local Plan was still in the early stages of preparation. The site is not included in the Joint Core Strategy.

Tewkesbury Civic Society - Objects to the application for the following reasons: -

- The site is not identified as one appropriate for residential development in the JCS nor in the emerging Local Plan, so this application would be opportunistically exploiting the hiatus while the local plan remains unapproved.
- Other sites identified in the JCS are calculated to meet the area's housing needs.
- Concerned also about the extra stress this development would place upon all local infrastructure and services, already stretched to capacity.
- We ask that the application be refused and any appeal resisted.

Local Residents -19 letters have been received from Local Residents objecting to the application for the following reasons:

- Concerns about the impact of the new junction and link road on the amenities of neighbouring properties. Consider my fence should be replaced by a solid brick wall with some landscaping around the perimeter of neighbouring properties.
- Affected neighbours should be offered triple glazing to off-set the noise of traffic and construction.
- Proposal will result in over population of the town and the subsequent burden on the public services such as school (impact on St John Moore School) and doctors which are already struggling and at capacity.
- Concerned about the access to St John's Primary School. Currently parents park at the shops which works well. Will this change?
- Increase in traffic potentially by over 500 cars.
- The application site has high amenity value and is prized by local residents and various organisations. Such land is scarce in the area due to most being flooded for prolonged times. This can't be replaced by playing pitches and MUGAs. We need are large natural areas.

- Rudgey Lane is similarly well used by walkers and runners. Proposed access road would cut across this.
- The roads on the existing Wheatpieces development are too narrow, limited availability of parking, and with driveways too short or narrow to park on. The plans indicate the developer has not learnt from these lessons. The solution is not just to paint double yellow lines.
- Any new roads should be wider with improved junctions.
- All these new houses will increase congestion on the existing roads resulting in longer journey times for existing residents. This will also result in increased pollution and noise from those additional cars.
- Already the council are unable to provide street cleaning, litter bins, road side verge maintenance, hedge cutting all due to lack of funds, the increase in any new revenue from a new development would not bring accounts from the red.
- Concerns that buses will now be routed along Starling Way. Roads are unsuitable for buses. Developers' traffic surveys have been carried out at the wrong locations on Wheatpieces roads. Little information has been provided in the application.
- Fail to understand the requirement to create a link road between Jubilee Way and Starling Road which are already congested. Should be a single access onto Jubilee Way - the most direct route.
- Will also increase traffic around the crossing point to the main entrance to the MUGA and Rudgey Lane increasing the risk of accidents between vehicles and children.
- Concerns regarding surface water from the proposed dwellings, driveway's, roads etc, this will increase the risk of flooding locally. Do not agree with the statement "the land has no value".
- Loss of wildlife. There will also be a detrimental impact on the Tewkesbury Nature Reserve. The proposed dwellings would be visible from the Nature Reserve.
- Concerned that the Ecological Assessment was conducted over a short length of time and inadequately assessed potential for wildlife in trees and hedgerows. A number of other species have been seen present on the site.
- Extremely disappointed to see large swathes of well-established hedgerow and woodland adjacent to existing properties that would have provided effective screening and a sound barrier. Replacement trees would take years to replace. Please omit the proposed 6 dwellings and retain the trees.
- The applicants' public consultation event showed plans for 265 dwellings. This has increased to 295, contrary to what we were told at the consultation event. Shows total disregard to the consultation process.
- Object to some publically made comments that seemingly pre-empt any decision of the planning committee and making statements to the press that imply that the development should go ahead without consideration of the views of the people they represent.
- Object to any housing over 2 storeys which will ruin the area. We need more elderly accommodation and more bungalows.
- There is a risk of over-supply of housing. There are other applications for housing around the Town that are currently being considered.
- Concerns about the impact of more houses on surface water discharge.
- Loss of privacy to existing properties on Thatcham Road.
- Why have Highways England removed their 3 month holding objection within the 3 months requested? Does this mean the research was not completed?

Revised proposal (reduced number to 275 dwellings)

Tewkesbury Town Council - Objection - Major concerns on traffic impact on Newtown and Junction 9 and also on Drainage/floodplain impact.

If development is consented we would appreciate discussions on s106 allocation to offset traffic and drainage impact. Suggest PT and highway measures considered.

Ashchurch Rural Parish Council - Welcome the reduction of housing. But OBJECT to the removal of the LEAP, leaving no facilities for younger children this side of the development. The existing play area on the Wheatpieces development is considered too far away for the new families that the LEAP was proposed for and indeed is even in another Parish.

One letter has been received from a local resident in response to the reduced number of proposed dwellings:

- The reduction in number of dwellings is laughable. The planners MUST explain the following :- where will, potentially 150 children (mostly juniors) go to school, where will potentially 500 new patients attend a doctors surgery, how long do they think it would take to travel through New Town at rush hour. The planners have a duty to existing Tewkesbury residents to maintain or improve the town's current status, not degrade and destroy it.

Planning Officers Comments: Mr John Hinett

1.0 Introduction

1.1 The application site is located outside of the existing 'built up area' and Residential Development Boundary of Tewkesbury - but lies immediately to the south of John Moore Primary School, on the southern edge of the 'Wheatpieces' residential housing area which forms part of the wider related area of Tewkesbury. The application site comprises an area of approximately 12.08ha of undeveloped greenfield land that is currently used as planted arable land. There are some hedgerows and areas of immature woodland within the site. The site slopes gently from east to west.

1.2 The site is bordered to the north by John Moore Primary School and the north western corner of the site adjoins the existing roundabout on the A38. Beyond this lies the existing Wheatpieces development. Rudgeway Lane lies to the east. To the east, south and west of the site are agricultural fields. Rudgeway Farm consisting of a complex of residential and agricultural buildings (two of which are Grade II listed) is located to the south of the site. The site is delineated by mature hedgerow to its eastern, southern and western boundaries and an area of dense vegetation to its northern boundary.

1.3 The site is unaffected by any landscape designations and lies just outside of Flood Zone 2 of the River Swilgate. The entirety of the site is located within Flood Zone 1 (according to the latest Environment Agency's floodplain maps). A high pressure gas main runs through the site in a south-west to north-east direction.

2.0 Relevant planning history

2.1 An outline planning application for residential development including the provision of a link road, primary school, public open space and footpath network was approved in October 1994 (Ref: 89T/8613/01/01). This planning application covered the land to the north and west of the site.

2.2 Planning application 05/00164/FUL for the creation of a link road to connect the Tewkesbury Eastern Relief Road to Wheatpieces II residential development was permitted at planning committee in May 2005. A short length of the easternmost end of the link road has been implemented and the link road could therefore be fully implemented at any time.

2.3 Planning application 07/00338/FUL for residential development of 5 detached dwellings was permitted in 2007.

2.4 More recently, planning application 16/00355/FUL to vary the alignment of the approved Wheatpieces Southern link Road (amendment to previous application 05/00164/FUL) was permitted in July 2016.

2.5 Planning application 16/00355/FUL to vary the alignment of the approved Wheatpieces Southern link Road (amendment to previous application 05/00164/FUL) was permitted in July 2016.

Other relevant planning history

2.6 Planning application 06/01367/FUL for a recreation area including two sports pitches multi-use games area, play area, car park and access, landscape planting was permitted at planning committee in December 2006. The play area lies immediately to the east of the link road.

2.7 The application was subject to a Screening Opinion (15/00023/SCR) which concluded that the proposal was not 'EIA development' requiring an Environmental Statement.

3.0 Current Application

3.1 The application is a hybrid proposal comprising both outline and full elements:

Outline Application - Proposes up to 275 dwellings, with affordable housing, plus associated works for landscaping, drainage, provision of public open space and highway associated works. All matters except for access are reserved for future consideration.

Full Planning Application - Proposes a new link road to the south of John Moore Primary School, including drainage and landscaping works.

3.2 The application proposes that 40 percent of the dwellings would be affordable housing in a mix and tenure to be agreed with the council.

3.3 The scheme also proposes an area of open space for informal sports, recreational uses that would run through the central part of the site also incorporating sustainable drainage features along with habitat creation. The open space would connect to a series of incidental spaces via green corridors accommodating cycle-ways and footways.

Applicants case in favour of their proposal

3.4 The applicants' acknowledge that the site lies outside a recognised settlement boundary and therefore the proposal is in conflict with the Councils Housing Policies. However, they point out that those policies are out-of-date and also that Tewkesbury Borough Council is unable to meet its 5 year housing land supply (5YHLS) as the NPPF requires. It is argued therefore that in accordance with Paragraph 14 of the NPPF there is a 'presumption in favour of sustainable development'. On the basis of the presumption in favour of granting planning permission for this development, it is necessary to specifically weigh the benefits of the development, against any significant and demonstrable harm. It is argued that the provision of housing (including affordable housing) is a key benefit of the application proposal which attracts significant weight, and takes on increased importance given the lack of a deliverable five year housing land supply. Moreover, planning policy is to 'boost significantly' national housing supply.

3.5 The applicants consider the other key benefits attributable to the proposed development are:

- The site's sustainable location - well related to the existing built form of Wheatpieces.
- The economic benefits of the proposal in terms of the number of jobs created during construction of the scheme and additional expenditure and usage from the new residents to help sustain the viability and vitality of the facilities within Wheatpieces and Tewkesbury.
- The net ecological and planting enhancements to the site's overall biodiversity value.

3.6 Overall the applicants considered that, on balance, the benefits of the scheme outweigh its potential adverse impact(s).

4.0 The Community Infrastructure Levy Regulations

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

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

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

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

5.0 Principle of Development

The Development Plan

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

Tewkesbury Borough Local Plan to 2011 - March 2006

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

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

Emerging Development Plan

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

5.5 The 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 at Ashchurch 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.

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

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

5.7 The JCS 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

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

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

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

5.10 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. 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.

5.11 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.

Conclusions on the principle of residential development

5.12 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 Access to local services and facilities

6.1 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 also states at paragraph 28 (supporting a prosperous rural economy) that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.

6.2 Tewkesbury is a 'Market Town' in the current submission version of the JCS and ranks below only the 'Key Urban Areas' of Cheltenham and Gloucester in the JCS Settlement Hierarchy (Table SP2c). As set out above, JCS Policy SP2 acknowledges that in addition to the Strategic allocations at Ashchurch/ Tewkesbury will be expected to accommodate smaller scale developments to meet its own needs in accordance with its role as a market town. The JCS recognises that Tewkesbury forms part of a wider related area incorporating Northway, Ashchurch and Wheatpieces. Notwithstanding this, the JCSA Rural Settlement Audit ranks 'Wheatpieces' 11th out of all the settlements in the JCS area.

6.3 Residents of the proposed scheme would therefore have easy access to the services and facilities of Tewkesbury Town and those within Wheatpieces itself, with a number of shops, services and a community building within very close proximity (and walking distance) of the application site.

6.4 It is also of note that in her 'Interim Findings' the JCS Inspector took the view that:
"...the JCS spatial strategy, which focuses on urban extensions to Gloucester and Cheltenham, and strategic allocations at Tewkesbury, is generally sound. However, there should be greater emphasis on the development potential of the wider Tewkesbury Town urban area to reflect its sustainable location for housing and its planned employment growth."

It is concluded therefore that the site is sustainable in this regard.

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. All applications for new housing are required to include a design and access statement explaining the design rationale. Policy SD5 of the Joint Core Strategy Submission Version (November 2014) similarly seeks good design reflecting the guidance.

7.2 The residential element of the proposal has been submitted in Outline form. However, an illustrative layout plan with an accompanying Design and Access Statement (DAS) has also been provided setting out the design and layout rationale. The DAS states that the masterplan has evolved throughout the design process, responding to technical and design analysis, as well as public and stakeholder consultation. The result is *"an Illustrative Masterplan that has formed over a period of time, relating to its surroundings to create a valuable new addition to Wheatpieces, and Tewkesbury as a whole"*.

7.3 The key features of the Illustrative Masterplan are listed below:

- Residential development comprising up to 275 homes of mixed size and tenure, a proportion of which would be affordable housing.
- The site would be accessed via a new 'Southern Link Road' which would link west to the A38 and east to Nightingale Way.
- A new multi-functional open space at the heart of the development forming a valuable community asset.
- A series of green routes would run through and around the development, linking up to existing routes where possible and providing access to a series of new play areas and open spaces.
- Swales and an attenuation pond provide a sustainable drainage solution to the lower western edge of the site.
- Planting of vegetation along boundaries and within the site to protect and enhance local habitats and to 'soften' the visual impact of the development.
- Potential to provide a new vehicular access to The John Moore Primary School.
- The development would be accessed via a series of streets and spaces which stem from a main loop road. This solution gives a high level of permeability and route options for vehicles, but in particular for pedestrians and cyclists.
- Buildings would generally be 2 - 2½ storeys in height.
- Car and cycle parking provision would be provided in line with Gloucestershire County Council guidance.

7.3 The DAS sets out that the development would comprise two residential parcels subdivided by a central area of public open space that divides the site into a larger area to the north of the POS and a smaller area to it the south (see layout plan). Structural planting is proposed around the edges of the built development with flood attenuation features also proposed along the eastern edges and in an attenuation pond adjacent to the POS. In total the development proposes circa 3.2ha of Green Infrastructure, this includes the following elements:

- Public open space.
- Green corridors.
- Incidental spaces.
- Children's play.
- Structural Landscape and ecological enhancement.
- Attenuation features.

7.4 The development would be served off a new link road which would connect with the existing A38/ Monterey Road roundabout (via a fourth arm) and Starling Road to the south of the existing Wheatpieces residential estate. The proposed route of the new Link Road is almost identical to the consented scheme, but differs in that has been moved further away from the boundaries of the existing residential properties on Half Acre Close and Richmond Road and proposes a landscape buffer to minimise the impact (hence the requirement for new planning application for the link road element). From this a secondary loop road would provide access to residential dwellings via a series of streets, lanes, courtyards and private drives. Courtyards are generally located in the northern part of the site, with the rural edges of the site served by private driveways where slightly lower densities may be employed.

7.5 The DAS states that the overall density of the scheme would vary between the two separate parcels which are described as follows:

- The larger **northern parcel** would comprise a net density of approximately 45 dwellings per hectare (dph) with a lower density to the development edges. The higher density would be made up of both houses and apartments. Building heights would be up to 2.5 storeys in the central part of the area, with the edges limited to 2 storeys.
- The smaller **southern parcel** would have a lower density and would take inspiration from Rudgeway Farm with a courtyard style that defines the character, massing and groupings along the rural edge. This parcel would be primarily made up of detached units which are sympathetic to their countryside setting. All dwellings within this area would not exceed 2 storey.

7.6 Although layout and design is a reserved matter the DAS contains detailed layouts of various parts of the site to demonstrate how it could be developed out at the stated densities **Extracts of the DAS will be displayed at Planning Committee**. It also sets out some design principles and parameters defining the character of key areas and spaces within the development. These are defined as:

- Southern Link Road - Fronted by housing on both sides with carriageway able to incorporate a bus route.
- The Square - Formal shared surface square surrounded by linked building frontages.
- Village Clusters - Small clusters of low density housing with a more rural feel along the southern edge of the development.
- Village Green - A large multifunctional open space providing opportunities for a wide range of formal and informal play and leisure.

7.7 The Councils Urban Design Officer has assessed the proposal and considers that the level of detail and information provided in the Design and Access Statement demonstrates good urban design principles and, subject to a condition requiring that all reserved matters applications accord with the DAS, has no objection to the proposal.

7.8 It is concluded therefore that the illustrative layout is acceptable and the proposal is considered to accord with the guidance set out in the NPPF in relation to good design.

7.9 The access and link road are 'fixed' at this stage and are discussed below in section 9.

8.0 Landscape and Visual Impact

8.1 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.

8.2 A Landscape and Visual Appraisal (LVA) has been submitted with the application which argues that the proposals seek to deliver a scheme which minimises impacts upon the landscape, incorporates existing hedgerows and trees, and is sympathetic to the urban/rural fringe. Further, that the scheme does not represent the introduction of incongruous elements; proposing homes adjacent to an existing settlement edge.

8.3 Whilst the LVA acknowledges that the proposed development would result in the loss of some internal features, such as existing field hedgerows, and would see the character and appearance of the site change from one of agriculture to a built residential one, but that the large areas of open space, new internal and boundary hedgerows, existing boundary vegetation reinforcement and buffer planting would result in beneficial impacts. The LVA concludes therefore that the long term landscape effects would be 'less than significant'. It further concludes that residents from surrounding properties would be likely to experience no greater than 'negligible effects'.

8.4 The application site has been assessed in the Joint Core Strategy Landscape Characterisation Assessment and Sensitivity Analysis as part of the background work to provide landscape character and sensitivity analysis around the urban centres of Gloucester, Cheltenham and Tewkesbury. The study concluded that the site is a compartmentalized landscape with a high degree of visual enclosure and with a strong influence from existing built form and infrastructure, with the parcels classified as having Medium - Low sensitivity - with some resilience to change and/or with limited intrinsic value as a landscape resource. The study considers such area as having some potential for housing and commercial development'

8.5 The Councils Landscape Advisor considers that the design strategy for the development responds appropriately to site opportunities and constraints and that the proposed landscaping strategy responds well to the stated design principles, which are themselves considered appropriate and well considered. It is commented that the Illustrative Masterplan makes effective use of existing field boundaries, hedges and tree planting and as such the scheme would integrate well into its surroundings and would deliver a clearly defensible, but gentle new settlement edge. It is commented further that the scheme could deliver high quality, multi-functional open spaces that could be well connected and that could contribute to a logical and functional pattern of circulation. The Landscape Advisor concludes that the proposed development has responded well to the local landscape setting and that if delivered, the Illustrative Masterplan would be acceptable in terms of landscape and visual matters.

8.6 Subject to a condition requiring that all reserved matters details - including landscaping details - accord with the principles set out in the Design and Access Statement and as shown on the illustrative masterplan, it is considered that the harm resulting from the proposed development could be mitigated to some extent and it is not considered the landscape harm that would result from the development would be so harmful as to warrant refusal. However, there would nonetheless be harm to the landscape (as with all large scale housing developments) and this is a matter that must be put into the planning balance to weigh against proposal.

9.0 Highway Safety

9.1 Section 4 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Policy TPT1 of the Local Plan requires that appropriate access be provided for pedestrians, cyclists and vehicles, and that appropriate public transport services and infrastructure is available or can be made available. It further requires that traffic generated by and/or attracted to the development should not impair that safety or satisfactory operation of the highway network and requires satisfactory highway access to be provided. Policy INF2 of the Joint Core Strategy Submission Version (November 2014) requires developers to assess the impact of proposals on the transport network to ensure that they will not detrimentally affect its safety or efficiency. Planning permission will be granted only where the impact of development is not considered to be severe and cannot be mitigated.

9.2 **Highways England** have assessed the proposal having regard to the potential impact on the M5 junction 9 and the A46 (where appropriate). Following the submission of further information in response to their initial concerns, Highways England confirm they have no objection to the proposal.

9.3 **The County Highways Authority (CHA)** have assessed the proposal and note that the proposed link road would be suitable to accommodate a bus and would include a new footway/cycleway and that pedestrian connections to the school are also proposed. The CHA confirm that adequate junction and forward visibility can be achieved from the site access points and along the link road and that a junction design report has been submitted and approved to assess the new roundabout arm.

9.4 Modelling has been undertaken to assess the impact of the proposal on the local road network, A38/Gloucester Road roundabout, A38/Monterey Road roundabout and the A38/A438 signals. A percentage impact assessment has also been undertaken at the Shannon Way/A438 junction. The modelling indicates that, taken together with other committed development, the junctions would operate with significant spare capacity, except for the A38/A438 signals, which would require mitigation. The developer therefore proposes a scheme to increase the left turn stacking capacity along the A438 to the A38 which the CHA confirm would over mitigate the impact of the development (including other committed development). The percentage impact study of the Shannon Way/A438 junction indicates that the development would not have a severe impact on the operation of this junction.

9.5 The CHA consider that adequate footway and cycle links would be provided and that the site is within a short walking distance of the Wheatpieces local centre and the local primary school - pedestrian links would be provided and secured by condition.

9.6 In terms of vehicular movements it is considered that the development would generate a total of 198 trips in the AM peak, 39 arrivals, 159 departures and 230 trips in the PM peak, 153 arrivals and 77 departures. In order to promote sustainable modes of transport a travel plan has been submitted, which has been approved by the CHA. The Travel Plan would be secured by planning condition. Whilst there is a longer-term ambition to divert existing bus service through the Wheatpieces estate, it is not considered necessary to make this development acceptable and is therefore not required. Instead, the CHA consider that existing bus stops on the A38 a short distance to the west of the access a roundabout would require upgrading and a footway link to the site access from the existing roundabout provided. It is commented that the proposed link road has been designed to accommodate busses if so required in the future.

9.7 The CHA conclude that the proposed development would comply with the criteria set out in the NPPF and Development Plan Policy and, subject to conditions, have no objection to the proposal.

10.0 Noise and Air Quality

10.1 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. 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). Further guidance is provided in the NPPG.

10.2 The applicants **Noise Assessment** concludes that noise associated with traffic on the proposed dwellings (and their gardens) would be acceptable (and within accepted Guidelines) subject to appropriate design that would include triple glazing and trickle vents where necessary. The Council's Environmental Health advisor concurs with report's conclusions in this regard. However, a further report was requested to assess the impact on the *existing* neighbouring properties. This report has been provided and concludes that noise levels would increase to a small number of existing properties and therefore some mitigation would be required in the form of additional fencing 2.2m in height along the boundaries of affected properties. The Environmental Health advisor has assessed the additional information and agrees that the proposed mitigation would ensure protection against the predicted increase in traffic from this development. Further conditions requiring submission of a Construction Method Statement and restricting the hours of operation are also recommended.

10.3 The application is also supported by an **Air Quality Assessment** (based on 275 dwellings) and an Addendum to Air Quality Assessment Report which assesses the impact of a proposal up-to 295 dwellings. The Council's Environmental Health advisor has assessed both reports and agrees that the rises in particulates concentrations would be negligible with the predicted rise in NO₂ concentrations being negligible to moderate adverse with pollutant concentrations predicted to be well below the air quality objectives at the worst-case locations assessed including when the increase in vehicle movements from the proposed increase in the number of dwellings are taken into account. Overall, the operational air quality impacts of the proposed development are judged to be not significant. The Environmental Health advisor therefore has no objections to the proposal in this regard.

10.5 Subject to appropriately worded conditions requiring the above the EHO has no objection to the proposal.

11.0 Affordable Housing

11.1 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. Emerging Policy SD13 of the Joint Core Strategy states that local authorities will seek through negotiation to deliver 40 percent affordable housing on sites of 10 or more dwellings. The up-date to the Strategic Housing Market Assessment (SHMA - March 2014) indicates that the affordable housing needs in Tewkesbury are severe, with over 630 net affordable homes needed over the next five years in Tewkesbury to meet the existing backlog and to address future needs.

11.2 The applicants planning statement recognises a requirement for 40% affordable dwelling for the development which meets the current policy requirement. The Council's Strategic Housing & Enabling Officer (SHEO) confirms that there is an existing need in Tewkesbury Borough and recommends that tenure mix should comprise 70% Affordable Rent to 30% Intermediate Housing to include a mix of dwelling types ranging from 1 bedroomed maisonettes to 5 bedroomed dwellings. It is considered that the Intermediate Housing would require at least a 50% provision of Shared Ownership. The SHEO further requests that the 10 percent of the houses would be built to Category 2 Housing Standard, with bungalows built to Category 3 Housing (housing that complies with the discretionary Building Regulations standard for wheelchair user dwellings). No more than 16 affordable dwellings should be in any one cluster on the site.

11.3 Subject to completion of Section 106 Legal Agreement securing the above, the Strategic Housing and Enabling Officer has no objection to the proposal.

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 proposal for up to 275 dwellings would generate a requirement for 1.55ha of open space, of which 0.76a should be playing pitches in accordance with the requirements of Local Plan Policy RCN1 and the Playing Pitch and Outdoor Sports Assessment and Strategy.

12.3 With regards to playing pitches and changing facilities, as these are not being provided on site, an off-site contribution would be required. Based on Sport England figures, a contribution of £339,246 (£80,800 for playing pitches and £258,446 for changing facilities) is required for playing pitches and changing facilities. The contribution would go towards the provision of a new changing facility at the pitches on the adjacent fields. The Council has not pooled any other contributions towards the Playing Fields.

12.4 In terms of the balance of open space required, a further area of 8500sq.m would be required. The illustrative layout shows a large swathe of open space running through the middle of the site (see **illustrative layout**) that is intended to provide a large useable area of public open space for the residents of the development. Although some of the area would comprise an attenuation pond and 'naturalistic' area, a large area of approximately 1.12ha would comprise useable POS that would more than satisfy the Policy requirement. Although the applicants originally offered a Locally Equipped Play Area (LEAP) within the POS, given the close proximity of the site to the existing Nightingale Way play area adjoining the western end of the site, the Council's Community and Economic Development Manager has requested that a contribution, equivalent to the costs of a LEAP/2xLAP, is made towards improvements on the existing LEAP at the play area or new skate park facilities.

13.5 In addition to sports pitches, demand for other sports facilities has been identified using the Sports Facility Calculator which is an interactive tool developed by Sport England. Based on 275 dwellings, demand has been identified for local sports facilities. In order to address these demands, the following contributions have been sought:

- o £113,716 contribution for swimming pool
- o £92,880 contribution for sports hall
- o £11,945 contribution for astroturf

12.6 The Council has previously pooled a number of contributions towards Cascades and due to the current lack of any identified projects it is not consider that contribution towards the new Leisure Centre could be justified. However, it is considered the sports facilities contributions could be spent on other indoor facilities (subject to sufficient justification). Such a project has been identified (see paragraph 13.4 below)

13.0 Community, Education and Library Provision

13.1 The NPPF states that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local Plan Policy GNL11 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. JCS Policy INF8 states that arrangements for direct implementation or financial contributions towards the provision of infrastructure and services required as a consequence of development, including its wider cumulative impact, and provision where appropriate for its maintenance, will be negotiated with developers before the grant of planning permission.

13.2 With regards to education, following consultation with Gloucestershire County Council, it is advised that the development would create need for additional primary and pre-school places. It is commented that there is currently sufficient capacity within the secondary sector. Based on 275 qualifying dwellings it is estimated that a demand would be generated for 22.36 pre-school places; 77.06 Primary School Places; and 46.70 Secondary School Places. The following contributions are sought therefore:

- o Pre School 22.36 places = £295,365
- o Primary 77.06 places = £1,017,974
- o Secondary Sufficient Capacity = NIL contribution.

13.3 The County also request a contribution towards Libraries of £53,900.

13.4 In addition to the above, Officers have (following consultation with Wheatpieces Parish Council) identified that the Wheatpieces Community Building was originally designed and built to meet the needs of the original Wheatpieces development and not further housing extensions to it. The building is currently operating at capacity and as a means of accommodating the increased demand the proposed development would create, the Parish have suggested an extension to the existing Wheatpieces Community Building.

The Parish Council have provided costings for an extension measuring 16m x 11m at £330,000. The Council's register of pooled contributions notes that since 2010 there have been no other contributions towards the Wheatpieces Community Centre.

13.5 A contribution of £20,075 (£73 per dwelling) towards recycling and dog bins (1 bin for every 45 houses) and signage (1 sign for every 10 dwellings) have also been requested.

13.5 The above contributions are all considered to be appropriate having regard to the CIL regulations. The applicants are agreeable to all the contributions which could be secured through a section 106 legal agreement.

14.0 Flood Risk and Drainage

14.1 The NPPF aims to direct development away from areas at highest risk. Development itself should be safe and should not increase flood risk elsewhere. Policy EVT5 reflects this advice and Policy EVT9 of the Local Plan requires that development proposals demonstrate provision for the attenuation and treatment of surface water run-off in accordance with sustainable urban drainage systems (SUDS) criteria. Policy INF3 of the Joint Core Strategy (November 2014) replicates the advice in the NPPF. The adopted Flood and Water Management Supplementary Planning Document has a number of key objectives which similarly reflect the advice and guidance contained in the NPPF and Planning Practice Guidance.

14.2 The site lies to the east of the River Swilgate which flows in a northerly direction toward Tewkesbury and converges with the Tirl Brook approximately 1.3km north of the site. The brook then flows west toward the Mill Avon and subsequently the River Severn.

14.3 The application has been supported with a Flood Risk Assessment (FRA). In accordance with the requirements of the NPPF (paragraph 2), the FRA has assessed the flood risk from all potential sources of flooding including: fluvial, groundwater, overland flows, flooding from sewers and drains, from artificial sources, and downstream flood risk.

14.4 The FRA states that a site specific hydraulic model has been produced for the River Swilgate to determine fluvial floodplain extents and establish flood levels. The Environment Agency have reviewed the model and have confirmed that it is acceptable for use in informing flood risk at the application site. The modelling shows that the site proposed for development is not within the floodplain of the River Swilgate. The site also lies outside of the area at risk of tidal, canal, reservoir, groundwater and sewer flooding. The FRA goes on to say that as the detailed hydraulic modelling confirms that the site lies entirely outside of the 1000-year floodplain, the development is therefore deemed to meet the requirements of the NPPF and is appropriate for residential development. The detailed modelling exercise, which is approved by the Environment Agency, shows that the proposed development also lies outside of Flood Zone 2 and therefore no sequential test is required. Notwithstanding the above, the FRA recommends mitigation for residual risk in the form of raising the finished floor levels a minimum of 600mm above the 1 in 100 year + 20% flood level.

14.5 In accordance with the recommendations of the Strategic Flood risk Assessment (SFRA), surface water in excess of the discharge rate would be stored on site up the 1 in 100 year (with an allowance for climate change) design event through the use of swales and an attenuation basin. The FRA recommends that Sustainable Drainage Systems (SuDS) are utilised to provide this storage whilst also providing a minimum of two levels of treatment prior to outfalling from the site. The site would continue to discharge to the ditch network at the site and ultimately the River Swilgate.

14.6 The applicant's Water Management Statement states that foul water disposal routes have not been detailed but that Severn Trent Water have been consulted on the development proposals and raised no objections - subject to modelling of the foul water sewer around the site to inform the capacity available and any modifications that may be required to accommodate the development.

14.7 The applicants FRA concludes that subject to the mitigation measures proposed within it, the development could proceed without being subject to significant flood risk. Moreover, the development would not increase flood risk to the wider catchment area as a result of suitable management of surface water runoff discharging from the site.

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

14.9 The Environment Agency (EA) have commented on the application and concur with the information and conclusions set out in the applicant's (FRA) which they consider correctly defines the flood risk classification and flood risk vulnerability of the proposed application site. The proposed development layout as shown on the illustrative masterplan is considered to be in compliance with the principles set out within the NPPF and all built form would be located outside the 1 in 100 year flood level including an allowance for climate change. Safe Access for pedestrians and vehicles would also be available above this level. The EA therefore have no objections to the proposal subject to a condition requiring all finished floor levels being at least 600mm above the appropriate modelled 1 in 100 year flood level (including an allowance for climate change).

14.10 Gloucestershire Lead Local Flood Authority (LLFA) have also assessed the applicants proposal and consider that based on current evidence, the site can be described as "low risk" from surface water flooding. It is considered that suggested surface water run-off rates and volumes are reasonable and sufficient for an outline application and that the applicant has appropriately demonstrated there would be sufficient space available on the site to provide the required storage. Above ground attenuation is a welcomed drainage strategy, and would enhance the natural environment while providing an easily maintainable surface water management asset. Subject to conditions, the LLFA have no objection to the proposal.

14.11 The Councils Flood Risk Management Officer similarly has no objections.

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 or 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.

15.2 The application has been supported with an Ecological Assessment (EA) based around an extended Phase 1 survey methodology between April and July 2014. In addition, specific surveys were undertaken in respect of bats, badgers, reptiles and Great Crested Newts. The EA established that there are no trees within the site that have developed features suitable to support roosting bats. In general, the bat activity recorded within the site was low - moderate, with higher levels of bat activity associated with the hedgerows and boundaries of the immature woodland. A disused badger sett was located at the boundary of the immature woodland, although no evidence of badgers were recorded within the site. No records of reptiles and Great Crested Newts were found.

15.3 A series of ecological enhancement measures are proposed which include the planting of new native hedgerows, trees and buffer planting, and the creation of areas of species-rich grassland within the areas of open space that would provide new and enhanced foraging opportunities for bats and birds and for badgers. The creation of new swales and an attenuation pond would diversify habitats present on the application site and would provide new foraging opportunities for bats, while the erection of bat boxes within the site would provide new roosting opportunities. Further recommendations are set out within the Assessment to safeguard other protected and notable species present within the site, including nesting birds. 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 and will achieve a net enhancement of the site's overall biodiversity value.

15.4 In terms of the Tewkesbury Nature Reserve, the applicant's consultants do not consider the proposal would have any detrimental impact. It is commented that the features are downstream of the development site and considered to be 'drowned out' during high flow events from the River Swilgate, therefore they would have no impact on flood risk to the site. It is proposed to sustain a surface water connection to the existing on-site ditch system at existing greenfield runoff rates, incorporating Sustainable Drainage Systems (SuDS) on site and implementing a minimum 2-stage treatment train in line with generally accepted current best practice and to prevent an increase in flood risk elsewhere in accordance with the NPPF. Any potential impact during construction could be readily mitigated through implementation of best practice construction.

15.5 Natural England have assessed the proposal and have no objections. It is not considered that the proposal would detrimentally affect the Severn Ham Site of Special Scientific Interest (SSSI), or the Tewkesbury Nature Reserve - subject to the development being carried out in accordance with the submitted details. The inclusion of green infrastructure in the design of the proposed development is welcomed and it

is commented that the application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes.

15.6 Subject to a suitably worded planning condition ensuring development was carried in accordance with the strategy set out in the application details and to secure biodiversity enhancements and mitigation as necessary, the proposed development is considered to accord with the NPPF and policy NCN5 of the Local Plan.

16.0 Archaeology and Cultural Heritage

16.1 Section 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.

16.2 The County Archaeologist (CA) notes that the results of the applicants' archaeological investigation was positive, since the work revealed significant archaeological remains dating to the prehistoric period. However, the CA is of the opinion that the results suggest that the archaeological remains are not of the first order of preservation and for that reason the archaeology on the site is not of the highest quality and significance, so meriting preservation in situ. Nonetheless, a condition is recommended requiring an appropriate programme of work to excavate and record any significant archaeological remains prior to the development in order to mitigate the ground impacts of this scheme. Subject to a condition requiring this, the CA has no objection to the principle of development and the proposal accords with the advice contained within the NPPF.

16.3 Historic England (HE) comment that the proposal has the potential to affect the setting of the Registered Battlefield, thus impacting on its significance. However, whilst parts of the proposed development would be visible from locations within the Registered Battlefield, HE have formed the view that the proposals would not result in a loss of significance to the Battlefield via an adverse change in setting.

16.4 The Council's Conservation Officer has assessed the impact on Rudgeway Farmhouse (Grade II listed building) and its Barn/Store and notes that the application site is approximately 130m north of the listed barn at its closest point and that there is some intervisibility between the two. However the farmhouse itself is entirely insulated by surrounding buildings and its primary orientation is to the east in any case. The north elevation of the threshing barn is blind, and since it is already largely surrounded by modern agricultural sheds, the presence of further development some distance beyond these is unlikely to have much more than a neutral impact on its significance. The Conservation Officer concludes that the development's heritage impact is largely neutral, and that the landscaping proposals in the scheme will address any potential conflicts that might occur.

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 The Council's Environmental Health (EH) advisor has checked the records and has confirmed that there are no contaminated land issues and has no objections to the proposal in this regard.

18.0 Loss of agricultural land

18.1 Paragraph 112 of NPPF advises that local planning authorities should take into account the economic and other benefits of the best and most versatile land (BMV). Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use poorer quality land in Grades 3b, 4 and 5 in preference to higher quality land. Paragraph 109 of the NPPF puts the protection and enhancement of soils as a priority in the conservation and enhancement of the natural environment.

18.2 The proposal would result in the loss of approximately 10ha of Grade 3 land and its permanent loss to housing is a matter which weighs against the development.

19.0 Gas Pipeline

19.1 A high pressure gas main runs through the site in a south-west to north-east direction. No dwellings are proposed within the relevant pipe-line 'stand off-zones' with only the area of public open space being proposed.

19.2 The Health and Safety Executive have been consulted on the application and note that revised illustrative masterplan indicates that there would be no dwellings or play areas with the relevant joint inner/middle zone of the pipeline and therefore on this basis do not object to the proposal.

19.3 National Grid (NG) have submitted an objection in relation to the proposed road linking the two residential parcels across their pipeline. Similarly they are concerned about the location of the Attenuation Pond. NG have since verbally confirmed that there are technical solutions to both these concerns and that these could be matters for the reserved matters application. Discussions are on-going between the applicant and NG. **An up-date will be provided at Committee.**

20.0 Overall Balancing Exercise and Conclusions

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. As such planning permission should be permitted unless there are significant and demonstrable harms which outweigh the benefits.

Beneficial Effects

20.3 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

20.4 The site is currently undeveloped and although the proposed layout and landscaping would help to limit the harm to the landscape, there would inevitably be harm nonetheless, and this is a matter which weighs against the development. There would also be a permanent loss of Grade 3 Agricultural land.

Neutral Effects

20.5 The application demonstrates that other matters such as the impact in terms of flooding, ecology, soil conditions, noise and air quality, archaeology and heritage assets are acceptable, or can be made so by planning conditions.

20.6 It is not considered that the development of an additional 275 dwellings in Tewkesbury 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.

20.7 It is concluded therefore that the economic and social benefits would outweigh any environmental harm resulting from the development and, based upon the three-stranded definition of Sustainable Development within the NPPF, the proposal would represent a sustainable form of development.

21.0 Conclusion

21.1 It is concluded that there would be no adverse impacts that would significantly and demonstrably outweigh the benefits of granting planning permission, when assessed against the policies of the Framework as a whole. It is therefore recommended that **permission be delegated to the Development Manager subject to completion of a Section 106 Agreement to secure the following planning obligations:**

- * **Affordable Housing - provision of 40 percent of the dwellings on site shall be affordable.**
- * **Education - £295,365 towards pre School and £1,017,974 towards primary education requirements.**
- * **Libraries - £53,900.**
- * **Off-site sports provision (playing pitches and changing facilities) - £339,246.**
- * **Contributions towards up-grading existing LEAP at the Nightingale Way play area.**
- * **Off-site contribution of £92,880 towards sports facilities at Tewkesbury School Sports Centre and £11,945 towards astroturf)**
- * **Community - a contribution of £330,000 towards an extension to the Wheatpieces community building.**
- * **A contribution of £20,075 (£73 per dwelling) towards recycling and 1 dog bin per 45 houses at £350 per bin and 1 sign per 10 houses at £50 per sign.**

RECOMMENDATION Delegated Approve

Conditions:

Reserved Matters

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

Reason: The application is in outline with one or more matters reserved.

- 2 Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 2 years from the date of this permission. The development hereby permitted shall be begun either before the expiration of 3 years from the date of this permission, or before the expiration of one year from the date of approval of the last reserved matters.

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.

Link Road

- 3 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.

Approved Drawings

- 4 For those matters not reserved for later approval, the development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing Nos.: TO BE UP-DATED

Reason: To ensure that the development is carried out in accordance with the approved plans.

5 Applications for the approval of the reserved matters shall be in general accordance with the Illustrative Masterplan, parameters plans and illustrative landscape plans and shall follow the principles and parameters described and identified in the Design and Access Statement (February 2016) except where other planning conditions specify otherwise.

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 amenity and good design.

Defining the Planning Permissions

6 No more than 275 dwellings shall be constructed on the site pursuant to these planning permissions.

Reason: To ensure that the development is carried out in accordance with the approved plans.

Other Information Requirements

7 Notwithstanding the submitted details, no development shall take place until details of existing and proposed ground levels and ground floor slab levels of the buildings hereby permitted, relative to Ordnance Datum Newlyn, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure that the development integrates harmoniously with the surrounding development and to safeguard the amenities of residents of adjoining properties.

8 No development shall commence until a scheme which specifies the provisions to be made for the level of illumination and the control of light pollution has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented and maintained in accordance with the approved details.

Reason: To ensure that the development integrates harmoniously with the surrounding development and to safeguard the amenities of residents of adjoining properties.

9 The reserved matters application submitted pursuant to Condition 1 above shall include the design and specification of the Local Areas for Play (LAPs). The scheme shall be implemented and maintained in accordance with the approved details.

Reason: To ensure adequate and suitable play facilities and equipment is provide to meet the need of the development.

10 Prior to first occupation of any dwelling details shall be 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 approved details.

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

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

Reason: 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.

Drainage and Flooding

- 12 The reserved matters application submitted pursuant to Condition 1 shall be accompanied by details of the detailed foul and surface water drainage strategy including a construction method statement, a scheme of surface water treatment and 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 detailed drainage strategy must consider, but not be limited to; exceedance flows, and be supported by evidence of ground conditions and modelling of the scheme to demonstrate it is technically feasible. The drainage scheme and SUDS maintenance plan shall be carried out in accordance with the approved details.

Reason: To ensure the development is provided with a satisfactory means of drainage and to ensure the continued operation and maintenance of drainage features serving the site thereby preventing the 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 and water quality in the locality.

- 13 Floor levels should be set at least 600mm above the appropriate modelled 1 in 100 year flood level (including an allowance for climate change) as set out in table 3.1 of the Flood Risk Assessment dated February 2016 submitted by BWB Consulting and shown in figure 3.1 of the same report.

Reason: To protect the development from flooding.

Trees, Landscaping and Biodiversity

- 14 The reserved matters application submitted pursuant to Condition 1 above shall include:
- (i) a plan showing the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter, measured over the bark at a point 1.5 metres above ground level, exceeding 75 mm, showing which trees are to be retained and the crown spread of each retained tree;
 - (ii) details of the species, diameter (measured in accordance with paragraph (i) above), and the approximate height, and an assessment of the general state of health and stability, of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs (iii) and (iv) below apply;
 - (iii) details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site;
 - (iv) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, within the crown spread of any retained tree;
 - (v) details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree from damage before or during the course of development. In this condition "retained tree" means an existing tree which is to be retained in accordance with the plan referred to in paragraph (i) above.

Reason: To ensure that the new development will be visually attractive in the interests of amenity.

- 15 The reserved matters application submitted pursuant to Condition 1 above shall be accompanied by full details of both hard and soft landscape proposals. These details shall include, as appropriate:
- (i) Proposed finished levels or contours;
 - (ii) Positions, design, materials and type of boundary treatment to be erected;
 - (iii) Hard surfacing materials;
 - (iv) The equipment and surfacing for the multi use games area and the children's play areas;
and
 - (v) Minor artefacts and structures (e.g. street furniture, refuse or other storage units and signs);
and

Soft landscape details shall include:

- a. Planting plans including the positions of 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.

- 16 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.

- 17 The reserved matters application pursuant to Condition 1 shall be accompanied by details of a Landscape and Environmental/habitat Management Plan (LEMP) for the development hereby approved. The LEMP shall provide for those recommendations contained within the Ecological Assessment dated February 2016 and shall include the following details:
- (i) protection and enhancement of retained habitats and provision of any mitigation areas;
 - (ii) methods for the retention and protection of hedgerows, trees and watercourses;
 - (iii) methods for pre-commencement checks for protected species;
 - (iv) methods for precautionary soft felling of trees with bat roost potential;
 - (v) a bat friendly lighting scheme;
 - (vi) details of site clearance which shall not be carried out during bird nesting season (March - August inclusive) unless a survey to assess the nesting bird activity on the site during this period has been undertaken and a method of working to protect any nesting bird interest found established and then implemented;
 - (vii) a timetable for the implementation of any works;
 - (viii) provisions for the long term management and monitoring of all mitigation areas and retained habitats within the scheme;
 - (ix) the personnel responsible for implementation and supervision of the scheme.

The LEMP shall be implemented in accordance with the approved details.

Reason: In the interests of conserving bio-diversity in accordance with the NPPF and Policy NCN5 of the Tewkesbury Borough Local Plan - March 2006.

Archaeology

- 18 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 and implement a programme of work in advance of the commencement of development, so as to allow the investigation and recording of any archaeological remains in advance of their destruction by construction ground works. 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

Construction Method Statement

- 19 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- (i) the parking of vehicles of site operatives and visitors;
 - (ii) the type and number of vehicles;
 - (iii) loading and unloading of plant and materials;
 - (iv) storage of plant and materials used in constructing the development;

- (v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- (vi) wheel washing facilities;
- (vii) measures to control the emission of dust and dirt during construction;
- (viii) the specific noise level targets and vibration levels at residential properties in accordance with the requirements of BS5228 and 'Tewkesbury Borough Councils Code of Good Practice, Building and Demolition Site Operators'.
- (ix) a scheme for recycling/disposing of waste resulting from demolition and construction works.
- (x) details of construction vehicle routes and measures to prevent construction vehicles using the existing estate roads.

Reason: To reduce potential highway impact and to ensure that any concentration of dust in the vicinity is minimised and to protect the amenity of nearby residential properties.

Highways

- 20 No development shall take place, including any works of demolition, until a link road phasing delivery plan, detailing trigger points for the completion of the link road, roundabout and tie in works has been submitted to, and approved in writing by the Local Planning Authority, the proposed link road and highway works shall be completed in accordance with the approved plans and the phasing plan and shall be maintained as such thereafter.

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.

- 21 Prior to the link road being open to the public the carriageway(s) (including surface water drainage/disposal, vehicular turning head(s), street lighting, visibility splays and primary points of access) shall be completed to at least binder course level and the footway(s) to surface course level and maintained as such thereafter unless and until adopted as highway maintainable at public expense.

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.

- 22 Prior to first occupation of any dwelling details of measures to prevent vehicular traffic using Rudgey Lane, shall be submitted to and approved in writing by the Local Planning Authority, no part of the development shall be occupied until the approved works have been completed, the works shall be maintained as such thereafter unless and until adopted as highway maintainable at public expense.

Reason: To reduce potential highway impact, in accordance with paragraph 32 of The Framework.

- 23 Prior to occupation of the 100th dwelling hereby permitted the highway improvement scheme at the A438/A38 signalised junction as shown on drawing 1395-21, shall be completed in all respects broadly in accordance with that drawing, the works shall be maintained as such thereafter unless and until adopted as highway maintainable at public expense.

Reason: To reduce potential highway impact, in accordance with paragraph 32 of The Framework.

- 24 Prior to first occupation of any dwelling details of the pedestrian link to the school shall be submitted to and agreed in writing by the local planning authority, no part of the development shall be occupied until the approved works have been completed, the works shall be maintained as such thereafter unless and until adopted as highway maintainable at public expense.

Reason: To reduce potential highway impact, in accordance with paragraph 32 of The Framework.

- 25 No works shall commence on site until the first 20m of the proposed access roads, including the new roundabout arm, which provide access to the site, including the junction with the existing public road and associated visibility splays, has been completed to at least binder course level and the works shall be maintained as such thereafter unless and until adopted as highway maintainable at public expense.

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.

- 26 Prior to first occupation of any dwelling details shall be submitted to, and agreed in writing by the Council, for the provision of fire hydrants (served by mains water supply) and no dwelling shall be occupied until the hydrant serving that property has been provided to the satisfaction of the Council.

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

- 27 Prior to first occupation of any dwelling 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 paragraph 32 and 35 of The Framework, and to establish and maintain a strong sense of place to create attractive and comfortable places to live, work and visit as required by paragraph 58 of the Framework.

- 28 Details of the layout and internal access roads within the site together with a road safety audit and non-motorised users audit, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority, so as to achieve a 20mph design speed, before any development begins and the development shall be carried out in accordance with the approved plans. 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 paragraph 32 and 35 of The Framework.

- 29 The car parking, vehicular loading and turning, and cycle parking arrangements agreed as part of the Reserved Matters application shall be provided prior to occupation of the dwelling to which they relate and shall be maintained thereafter.

Reason: To reduce potential highway impact, in accordance with paragraph 32 and 35 of The Framework.

- 30 Prior to works commencing on site details of new bus stop shelters (including RTP1 provision) north and south of the A38 west of the access roundabout shall be submitted to and agreed in writing by the Local Planning Authority and the works shall be completed in accordance with the approved plans prior to occupation of any dwelling on the development.

Reason: To ensure that future residents have access to high quality public transport facilities and that the opportunities for sustainable transport modes have been taken up in accordance with paragraphs 32 and 35 of the NPPF and Policy TPT1 of the Tewkesbury Borough Local Plan to 2011.

- 31 Prior to works commencing on site details of a footway connection and pedestrian crossing connecting from the west side of the proposed link road (roundabout access) to the required bus stop shelters on the A38 shall be submitted to and agreed in writing by the Local Planning Authority and the works shall be completed in accordance with the approved plans prior to occupation of any dwelling on the development.

Reason: To ensure that future residents have access to high quality public transport facilities and that the opportunities for sustainable transport modes have been taken up in accordance with paragraphs 32 and 35 of the NPPF and Policy TPT1 of the Tewkesbury Borough Local Plan to 2011.

Noise and Construction Hours of operation

- 32 No development shall commence until a noise mitigation and validation report has been submitted to and approved in writing by the local planning authority. The scheme shall identify the properties that require noise mitigation and shall include details of what those measures will include to ensure that noise levels at all proposed and existing dwellings internally and within gardens should not exceed those set out in BS8233:2014 (Sound Insulation and Noise Reduction for Buildings). No dwelling identified as requiring noise mitigation measures shall be occupied, and no beneficial use of the link road shall commence, until the required noise mitigation for that dwelling has been fully implemented. The approved noise mitigation shall be maintained and shall not be altered without the prior written approval of the local planning authority.

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

- 33 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 neighbouring properties at unreasonable hours.

Soil and Contamination

- 34 Should any contamination of soil and/or ground or surface water be discovered during excavation of the site or development, the Local Planning Authority shall be contacted immediately. Site activities in the area affected shall be temporarily suspended until such time as a method and procedure for addressing the contamination is agreed upon in writing with the Local Planning Authority and/or other regulating bodies. Any scheme approved addressing contamination shall be carried out in full.

Reason: To ensure that any contamination existing or exposed during development is identified and remediated in accordance with policy contained within the National Planning Policy Framework.

Notes:

1 Statement of Positive and Proactive Engagement

In accordance with the requirements of the NPPF the Local Planning Authority has worked with the applicant in a positive and proactive manner in order to secure sustainable development which will improve the economic, social and environmental conditions of the area by negotiating a revised layout, reduced numbers of houses, and resolving amenity issues.

- 2 The developer is advised 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 to discuss the proposals and we will seek to assist with obtaining a solution which protects both the public sewer and the building.

- 3 Please note, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 meters of a public sewer. In many cases under the provisions of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval.

- 4 The Lead Local Flood Authority (LLFA) will give consideration to how the proposed sustainable drainage system can incorporate measures to help protect water quality, however pollution control is the responsibility of the Environment Agency.

- 5 Future management of Sustainable Drainage Systems is a matter that will be dealt with by the Local Planning Authority and has not, therefore, been considered by the LLFA.

- 6 Any revised documentation will only be considered by the LLFA when resubmitted through suds@gloucestershire.gov.uk e-mail address. Please quote the planning application number in the subject field.
- 7 The proposed development will require works to be carried out on the public highway and the Applicant/Developer is required to enter into a legally binding Highway Works Agreement (including appropriate bonds) with the Local Highway Authority, which includes both the Highways Agency and Gloucestershire County Council, before commencing works on the development.
- 8 The developer will be expected to meet the full costs of supplying and installing the fire hydrants and associated infrastructure.
- 9 The Developer is requested to erect a sign at the boundary of the new estate street with the nearest public highway providing the Developer's contact details and informing the public that the County Council is not responsible for the maintenance of the street.
- 10 The applicant is advised that to discharge condition XXX that the local planning authority requires a copy of a completed dedication agreement between the applicant and the local highway authority or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.

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Calculations, Sub-structures and suppliers are to check all relevant dimensions and levels of the site and building before commencing any site drawings or building work. Any discrepancies should be reported to the Architect.

Others applying this drawing is to be read in conjunction with the Contractor's drawings.

REV	DESCRIPTION	DATE	BY/CHK	APP'D
1	Site boundary updated to include area to the north of the site	25/06/15	BA	BA
2	Site boundary updated to incorporate with SLP 01	25/06/15	BA	BA
3	Site boundary updated to incorporate with SLP 01	25/06/15	BA	BA
4	Site boundary updated to incorporate with SLP 01	25/06/15	BA	BA
5	Site boundary updated to incorporate with SLP 01	25/06/15	BA	BA
6	Site boundary updated to incorporate with SLP 01	25/06/15	BA	BA
7	Site boundary updated to incorporate with SLP 01	25/06/15	BA	BA
8	Site boundary updated to incorporate with SLP 01	25/06/15	BA	BA
9	Site boundary updated to incorporate with SLP 01	25/06/15	BA	BA
10	Site boundary updated to incorporate with SLP 01	25/06/15	BA	BA



- Outline Application Site Boundary
- Detailed Application Site Boundary
- Additional Land in Control of Applicant



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PROJECT
Wheatpieces Phase 1A
Tewkesbury
For: Bloor Homes (Tewkesbury)

CONTENTS
Site Location Plan - 01

Sheet	Date	Version	Rev
1 of 25 @ A1	25/06/15	BA	-
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PROJECT
Wheatpieces Phase 1A
Tewkesbury
For: Bloor Home (Tewkesbury)

DATE
Illustrative Masterplan 01

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287/B

Valid 20.05 2016
 Grid Ref 408480 236043
 Parish Buckland
 Ward Isbourne

New steel framed & cladding agricultural building

Mr John Hutcheon
 Burhill Farm
 Buckland
 Broadway
 Worcestershire
 WR12 7LY

RECOMMENDATION Prior Approval Refused

Policies and Constraints

Local Plan AGR5
 National Planning Policy Framework
 Planning Practice Guidance

Consultations and Representations

Parish Council - there are several aspects of this application which raise concern.

- a. Why is this barn needed when there is a large barn on the farm and a wooden building which could house mowers. Why can't it be sited nearer to other farm buildings.
- b. Why does it need to be on this parcel of land. If granted will it lead to other agricultural buildings/business being granted.
- c. Safety and visibility must be considered if farm vehicles are to egress from this building onto the restricted and narrow byway which links Buckland Village to the Cotswold Way. This is also of great concern to a neighbour who has written to object.
- d. An environmental impact survey should be carried out to ensure minimal impact on the water courses and the environment in the event of a fuel leakage from machinery to be stored in this barn.
- e. We feel there is still a lack of detail as to the colour and material to be used, to lessen the impact of this building.

County Highway Authority - no objection raised

One neighbour objection from Mr Nick Brown - Top Farm, Buckland, Broadway, Worcestershire WR12 7LY

Comments made - Mr Hutcheon already has 2 barns, which houses his equipment and other peoples, horses, horse boxes and caravans etc. If it is intended to sell off the existing barns this may affect the agricultural tie on his property. A new gateway has been made onto the road almost opposite his house. Concern about vehicular accidents.

The proposed building is too large and could be used to house other livestock. If this is the case it is too near to the water course.

Planning Officers Comments: Gill McDermot

1.0 Application Site

1.1 The application site comprises agricultural land in excess of 1 hectare and there is a small parcel of land which lies to the south-east of existing track. There is a wooded area to the south-east and the levels are such that there is an increase in a south-westerly direction. The site lies within the Cotswolds Area of Outstanding Natural Beauty and the track is also a designated Public Right of Way.

1.2 To the south-west of the site, approximately 80 m from the proposed agricultural building lies Burhill Farmhouse. There is agricultural land to the other boundaries of the site.

2.0 Planning History

04/01356/FUL - conversion of redundant office and store to holiday let - permitted 22.11.04.

05/01197/FUL - conversion of part of existing barn to 10 stables - permitted 06.01.2006.

13/00326/FUL - change of use of agricultural building to provide stabling for up to 7 horses - permitted 27.03.2013.

3.0 Current Application

3.1 The current application is for a steel framed and clad agricultural building at Burhill Farm, Buckland, Broadway. This application follows an application for prior notification of agricultural development, ref, 16/00553/AGR, where it was determined that details as to the siting, design and external appearance of the building were required.

4.0 Analysis

Impact upon the landscape character of the Area of Outstanding Natural Beauty (AONB)

4.1 Policy AGR5 of the Local Plan states that proposals for the erection of agricultural buildings will be permitted provided that the proposal is well sited in relation to existing buildings and landscape features in order to minimise the impact upon the landscape, paying particular regard to the AONB. Further, new development should be sympathetically designed in terms of height, materials, colour and landscaping where appropriate.

4.2 Paragraph 115 of The Framework states that, "great weight should be given to the conserving the landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty."

4.3 Paragraph 109 of the NPPF also confirms that the planning system should contribute to and enhance the natural and local environment by "protecting and enhancing valued landscapes".

4.4 In this particular case, the proposed agricultural building would be sited to the south east of an existing single track, which is designated as a Public Right of Way and approximately 80 m from Burhill Farm. The site lies within the Cotswolds Area of Outstanding Natural Beauty and the proposed building would be sited in an isolated position away from any other agricultural or other buildings associated with Burhill Farm.

4.5 The boundary to the north-west which adjoins the Public Right of Way comprises a post and rail fence with existing access gate. The proposed agricultural building would be sited 11 m from this boundary, would measure 12 m x 6 m and would be 5.5 m in height. Its intended use is described as for the secure and dry storage of agricultural machinery and equipment. The walls and roof of the proposed building would consist of profile cladding in an olive green colour.

4.6 It is considered that the siting of the proposed agricultural building away from any other agricultural or other buildings and the height of the building would mean that it would be highly visible within the landscape. In particular when viewed along the public vantage point of the Public Right of Way in a north-easterly and south-westerly direction, the proposal would adversely affect the landscape quality of the AONB and the visual attractiveness of the rural landscape, contrary to Policy AGR5 of the Local Plan.

4.7 The proposal would be constructed using contemporary materials in the form of profile cladding in an olive green colour. It is considered that the use of these materials would fail to integrate the development successfully into the surrounding landscape, contrary to Policy AGR5 of the Local Plan.

Highway safety

4.8 Policy AGR5 requires new agricultural buildings to have adequate operational access for vehicles and machinery.

4.9 The Parish Council and a neighbouring resident have raised concern with regard to the safety and visibility of the proposed development. The development would make use of the existing access gate and the Highway Authority has not objected to the proposal on highway safety grounds. It is therefore considered to be acceptable.

Other issues

4.10 The Parish Council have raised an issue about the requirement for an environmental impact survey. However, given the scale and type of development, this would not be required.

4.11 The proximity of the development to nearby watercourses is raised as a concern, however, given the intended use of the building, this issue is not one which requires further information to be submitted.

5.0 Conclusion

5.1 The recommendation is for refusal due to the isolated position and height of the proposed agricultural building along with the use of the external materials which would result in harm to the landscape character of the area, being designated as an Area of Outstanding Natural Beauty. The applicants have stated that the building cannot be sited near to other buildings due to these being outside their ownership after December 2016 and the site was chosen due to the steepness of the retained land. However, it is not considered that these factors override the harmful impact of the development upon the landscape character of the area.

RECOMMENDATION Prior Approval Refused

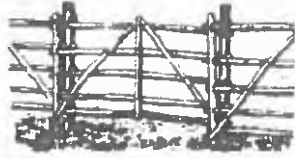
Reason:

The height of the proposed building and its isolated position away from any other agricultural or other buildings associated with Burhill Farm would mean that the development would be highly visible within the landscape, being sited near to a Public Right of Way. Further, the use of contemporary external materials in the proposed development would mean that it would fail to integrate successfully into the surrounding landscape. The development would therefore adversely affect the landscape quality of the Cotswolds Area of Outstanding Natural Beauty and the visual attractiveness of the rural landscape, contrary to Policy AGR5 of the Local Plan, the National Planning Policy Framework, in particular Paragraphs 17, 56, 57, 61, 64, 109 and 115 and emerging policies SD5, SD7 and SD8 of the Submission Version Joint Core Strategy (November 2014).

Note:

Statement of Positive and Proactive Engagement

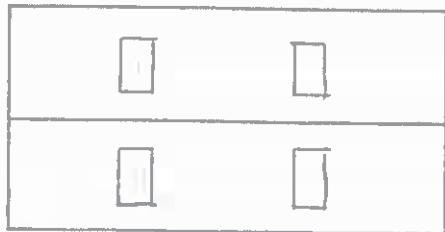
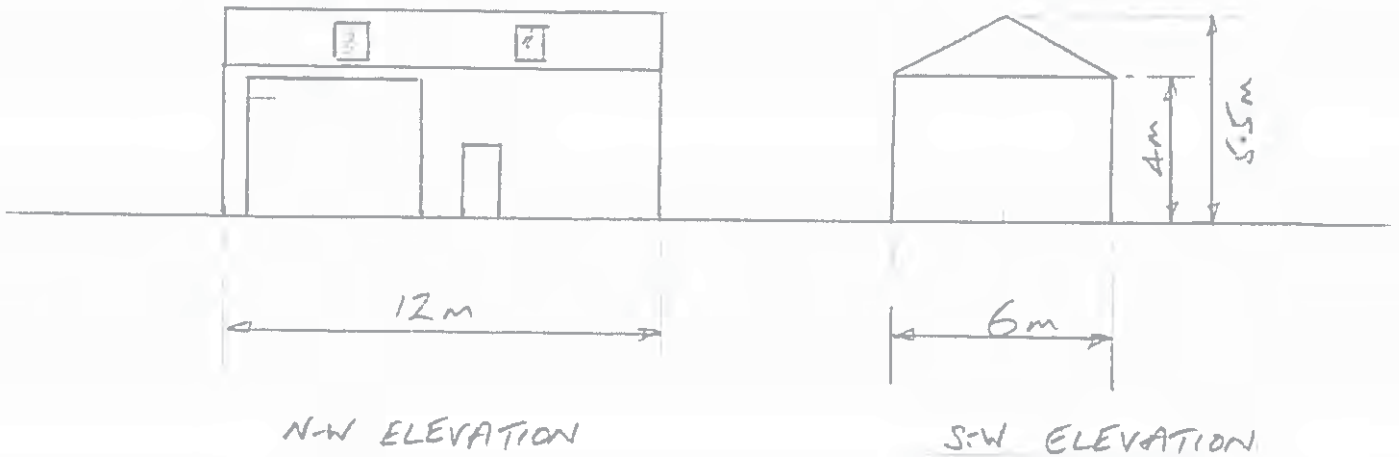
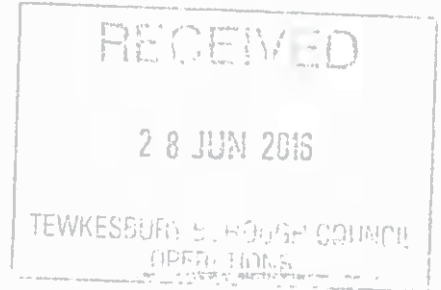
In accordance with the requirements of the NPPF, the Local Planning Authority has worked with the applicant in a positive and proactive manner in order to seek solutions to overcome the planning objections and the conflict with Development Plan Policy by seeking more information with regard to the proposed agricultural building, by clarifying identified issues of concern and providing on the council's website details of consultation responses and representations received. However, it is considered that the development would fail to achieve sustainable development that would improve the economic, social and environmental conditions of the area.



HOTSTART LTD T/A BURHILL FARM

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PLAN

SCALE 1:200

27th JUNE 2016



2901B

Valid 09.03.2016

Variation of Conditions 2 and 3 of planning permission 13/00179/FUL to allow permanent use of land for 4 pitches for travellers with associated works and landscaping and amendments to layout.

Grid Ref 378649 217675
Parish Minsterworth
Ward Highnam With Haw
Bridge

Mr Lesley Smith
C/O Agent

RECOMMENDATION Permit

Policies and Constraints

National Planning Policy Framework (NPPF)
Planning Policy for Traveller Sites - March 2012 (PPTS)
Tewkesbury Borough Local Plan to 2011 - March 2006 - HOU4, LND4, LND7, TPT1 and EVT9
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 the application for the following reasons:

- At the end of the temporary permission the use should cease and all materials and equipment should be removed from site.
- There are vacant pitches on a nearby traveller site.
- The proposed development by virtue of its size and location would have a significant visually intrusive impact on the rural landscape.
- Proposal would be detrimental to highway safety
- The proposal would increase flood risk in the area.

County Highways - No objections

Severn Trent Water - No objection.

Borough Environmental Health Officer - No objection.

Strategic Housing and Enabling Officer - No objection

Local Residents - Three letters of representation received raising the following concerns:

- There are current G&T vacancies in the area
- Concern regarding compliance with planning controls and the ability to enforce
- Highway safety concerns
- The proposal increases flooding in the area.
- The proposal would be detrimental to tourism.
- The proposed permanent use would affect property prices.
- Concern regarding criminal offences.
- Devaluation of property

Planning Officers Comments: Mr Ciaran Power

1.0 Introduction

1.1 The application site consists of a broadly square shaped area of agricultural land, measuring approximately 0.55ha in area. The site is located off Starcroft Lane, Minsterworth and is visible from the A48 road that runs through the village.

1.2 The site is located within the open countryside, although it is not covered by any special landscape designation. Vehicular access to the site is provided off Starcroft Lane, a minor adopted road that connects with the A48 highway some 100m to the south-east and south-west of the site (see location plan).

2.0 Planning History

2.1 The relevant planning history relating to this particular site is summarised below:

- 92T/8206/01/01 - Permission was refused in 1992 for the use of land as a private gypsy caravan site for one family, including 4 caravans and 1 mobile home. The application was refused on the grounds of landscape harm and highway safety. The application was also later dismissed on appeal.

- 12/00206/FUL - A planning application was refused in August 2012 for the use of the land for the stationing of static and touring caravans to provide 4 gypsy pitches, together with the formulation of additional hard standing and utility/dayrooms. This proposal, which would have comprised a significantly larger area of build form than that proposed with the current application, was refused for three principal reasons; (1) that the site was located in the countryside outside any residential development boundary; (2) the development would have been unduly harmful to the rural landscape, which outweighed the unmet need for traveller sites; and (3) the site is located in an unsustainable location where future residents would have been heavily reliant on the use of the private motor vehicle. **A copy of the refused plans are attached.**

- 13/00179/FUL - Change of use of land to provide 4 pitches for travellers and associated works and landscaping proposals for a temporary period of 2 years was refused by the LPA in 2013 due to the development landscape impacts and isolated location. However planning permission was subsequently allowed at appeal. In the Inspectors reasoning he concluded, "The proposal would cause harm to the character and appearance of the area, and its unsatisfactory location, in terms of access to services and facilities, would lead to over-reliance on private transport, which has sustainability implications. The temporary nature of the proposal reduces the degree of harm, however, to the extent that it is clearly outweighed by the immediate local and general need for gypsy and traveller accommodation, and the lack of identified sites, to which significant weight must be attached in the present circumstances". The inspector went onto state, "I have found conflict with the development plan, but I consider that there are material considerations which outweigh this conflict, and thus justify a grant of planning permission for the temporary period sought".

2.2 The following planning history relates to adjacent sites on Starcroft Lane which are considered relevant in the context of this application:

- 15/01314/FUL (Land to the west and north of the PROW adjacent to Starcroft Lane), Change of use of land to 6 no. Romany Gypsy pitches and associated works including 6 no. mobile homes, 6 no. touring caravans, 6 no. day rooms, and hard standing, Permitted February 2016.

- 15/01315/FUL (Land to the west and north of the PROW adjacent to Starcroft Lane), Application for the removal of Condition 1 and variation of condition 2 of Planning Permission 13/01133/FUL to allow permanent use of the site as a transit gypsy (8 pitches) and amendments to the approved plans to allow reconfiguration of the site layout. Permitted February 2016.

- 15/00948/FUL refused Planning Permission in June 2016 for the material change of use of land from agricultural to use as a residential caravan site for 6 gypsy families, including the laying of hardstanding and construction of a new access. The reasons for refusal were:

1. The proposed development forms a visually intrusive and discordant feature in the surrounding rural area which is harmful to the rural character and appearance of the Countryside in conflict with saved Policy LND4 of the Tewkesbury Borough Local Plan to 2011 - March 2006 emerging policies SD7 and SD14 of the Submission Version Joint Core Strategy (November 2014) and the provisions of the National Planning Policy Framework.

2. Insufficient information has been provided in order to determine that safe and suitable access to the proposed development can be achieved in accordance with paragraphs 32 and 35 of the NPPF Policy TPT1 of the Tewkesbury Borough Local Plan to 2011 and Policy INF1 and SD14 of the Submission Version Joint Core Strategy (November 2014).

3.0 Current Application

3.1 The current application seeks the variation of Conditions 2 and 3 of planning permission 13/00179/FUL to allow permanent use of land for 4 pitches for travellers with associated works and landscaping and amendments to layout. The plans considered in 2013 indicated that each pitch would include a static and touring caravan (8 caravans in total). Vehicular access to the site is provided off Starcroft Lane in the south western corner of the site.

4.0 Planning 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 LND4 seeks to protect the character and appearance of the rural landscape. 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 HOU4 of the Local Plan explains that within such locations new residential development will only be permitted where such dwellings are essential to the efficient operation of agriculture or forestry, involve the acceptable conversion of an existing building or the provision of affordable housing in accordance with Policy HOU14.

The Emerging Development Plan

4.3 The emerging development plan for the area consists of the Joint Core Strategy, Tewkesbury Borough Plan and a number of emerging neighbourhood plans. The JCS Submission Version (November 2014) is the most advanced of these documents and when adopted will constitute the spatial vision for the JCS up to 2031. The JCS submission version was submitted to the Secretary of State on 20th November 2014.

4.4 Policy SD14 of the JCS sets out a criteria based policy for dealing with proposals for gypsies, travellers and travelling showpeople. The policy requires a justification in terms of need; that sites do not have an unacceptable impact on the character and appearance of the landscape, amenity of neighbouring properties and that proposals are sensitively designed; safe and satisfactory access; and that no significant environmental barriers exist. Paragraph 4 of policy SA1 states that proposals for the strategic allocations will be required to demonstrate how the provision of new gypsy and traveller sites will be incorporated into development proposals for Strategic Allocations.

National Planning Policy Framework (NPPF)

4.5 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.

4.6 One of the core principles of the NPPF set out at paragraph 17 (bullet point 5) which includes the requirement to recognise the intrinsic character and beauty of the countryside. Relevant guidance contained within the NPPF will be set out in the appropriate sections of this report.

Planning Policy for Travellers Sites August 2015 (PPTS)

4.7 In August 2015 the Department for the Communities and Local Government published the latest version of the Planning Policy for Traveller Sites (PPTS). The PPTS is to be read in conjunction with the NPPF.

4.8 For the purposes of planning policy the PPTS defines "gypsies and travellers" as:

"Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such".

4.9 The PPTS sets out that the Government's overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates their traditional and nomadic way of life while respecting the interests of the settled community. Paragraph 23 also highlights that applications should be assessed and determined in accordance with the presumption in favour of sustainable development and the application of specific policies in the NPPF, as well as PPTS.

4.10 Paragraph 24 of the PPTS explains that local planning authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:

- a) the existing level of local provision and need for sites
- b) the availability (or lack) of alternative accommodation for the applicants
- c) other personal circumstances of the applicant
- d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites
- e) that they should determine applications for sites from any travellers and not just those with local connections

4.11 Paragraph 25 of the PPTS sets out that local planning authorities should strictly limit new traveller sites in open countryside that are away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate the nearest settled community, and avoid placing an undue pressure on the local infrastructure.

4.12 However, in establishing the local provision and need for travellers sites, Paragraph 27 of the PPTS sets out that if a local planning authority cannot demonstrate an up-to-date five-year supply of deliverable traveller sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permissions.

5.0 Analysis

5.1 The main considerations in the determination of this application are specifically, the need for the facility; impact on landscape and visual amenity, suitability of the site for the proposed use and highway safety matters.

The need for gypsy and traveller sites

5.2 Paragraph 10 of the PPTS relates to 'plan-making' and requires local planning authorities to assess the need, and plan over a reasonable timescale for an appropriate supply of suitable traveller sites to address under-provision. The policy sets out that supply should comprise specific, deliverable sites for the first five years and developable sites or broad locations for later years. With respect to 'decision-taking' on specific applications, Paragraph 24 cites the existing level of provision among relevant matters for consideration in the determination process.

5.3 The countywide Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (GTTSAA) was carried out by Opinion Research Services in October 2013. The GTTSAA demonstrates a significant level of unmet need for traveller and gypsy pitches within Tewkesbury Borough. The GTTSAA indicates the need for 152 additional permanent gypsy and traveller pitches across the JCS area up to 2031, of which 147 pitches are required in Tewkesbury Borough. 64 of these pitches are targeted for delivery by 2017.

5.4 At the present time the Council is progressing with its Joint Core Strategy and Borough Plan with a view to including general criteria for approving individual traveller site applications alongside provision within strategic and local development locations. However, the JCS examination is not yet completed. As part of the evidence base for the JCS an update summary was produced in March 2016 entitled Gypsy and Traveller Accommodation Assessment. The primary reason for completing the update was the publication of a revised version of Planning Policy for Traveller Sites (PPTS) in August 2015. This included a change to the definition of Travellers for planning purposes. As a result of the new definition the interim reports suggests that the need for Gypsy and Traveller sites is significantly reduced and the overall level of additional need for those households who meet the new definition of a Gypsy or Traveller is for 8 pitches in Tewkesbury over the 15 year GTAA period. It should also be noted that whilst the identified need is 8 pitches over the GTAA period there is also a need to provide windfall provision equating to 2 pitches per annum in order to support the assumptions made in the JCS. Further a number of the sites included in the calculation either: do not have planning permission; or have been refused planning permission. Discounting those sites, the five year supply is significantly lower and the Council accepts that currently it cannot demonstrate a five year supply of gypsy pitches.

5.5 It is therefore clear that there is currently a need for additional pitches for Gypsies and Travellers in Tewkesbury Borough to meet the shortfall identified. The identified shortfall constitutes a material consideration which weighs in favour of the proposal when considering the planning balance.

Housing Policy

5.6 The site is located in the open countryside outside any recognised residential development boundary (defined by Policies HOU2 and HOU3 of the Local Plan) and as such Policy HOU4 applies. None of the exceptions to Policy HOU4 as set out in paragraph 4.3.1 apply in this case and therefore the provision of residential development in this instance conflicts with Policy HOU4 of the Local Plan.

5.7 Paragraph 12 of the PPTS also states that when assessing the suitability of sites in rural and semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community. Whilst it is acknowledged that some members of the Minsterworth community feel that traveller settlements already dominate the settled community in the village, it is not considered that an additional four pitches would have such an impact on settled communities as to warrant a refusal of planning permission on this ground, particularly as these pitches are currently present and have been since 2013 / 2014.

Landscape Impact

5.8 Policy LND4 seeks to protect the character and appearance of the rural landscape. The reasoned justification expands stating that the countryside of the Borough is worthy of protection for its own sake and that in order to safeguard the existing environmental quality of the Borough development proposals affecting these rural areas should be designed to harmonise with their character or, if they are unacceptably intrusive, be refused.

5.9 The application site lies in a pleasant open countryside location albeit not protected by any special landscape designation. The proposal includes areas of hardstanding, caravans and associated domestic paraphernalia. Collectively these features would be uncharacteristic within this area, which is of strong rural and tranquil character. In refusing the 2012 application for gypsy development on this site, it was considered that the size of the development, together with the open location of the site, would have been so harmful to its rural character that it would not have warranted even a temporary permission. In particular, whilst the site benefits from substantial tree lining and hedgerows along the front (south) boundary of the site there are evidently a number of gaps in this boundary, which would have allowed prominent views through the site from the A48 and Starcroft Lane.

5.10 In the subsequent application in 2013 the scheme proposed a significant reduction in the amount of built form. However this was still considered to result in landscape harm. Whilst this application was subsequently approved at appeal the Planning Inspector acknowledged that the site was not suitable for permanent use; the significant weight afforded to the need to provide pitches did not outweigh this harm. A temporary permission was allowed on appeal and this permission is due to expire in March 2016.

5.11 The site would be visible from gaps in the hedgerow along the Public Rights of Way (PROWs) to the west and north of the site. However the existing landscaping has matured around a number of the boundaries and many views are broken up by hedgerows and trees. Whilst the presence of caravans, vehicles and other associated paraphernalia do form incongruous features in this rural context the site is seen in the context of adjacent G&T sites with permanent permission in place. There are also limited views of the site from the A48 and whilst the continuation of the proposed use would result in permanent landscape harm this could be significantly reduced by further landscaping practically along the sites eastern boundary which is currently relatively open. Having regard to this it is considered that the proposed development would cause harm to the character and appearances of the surrounding rural area, which conflicts with policy LND4 of the Local Plan. Whilst some of the harm could be mitigated by additional landscaping this nevertheless weighs against the development in the overall balancing exercise.

Accessibility

5.12 The PPTS sets out at paragraph 25 in stating that "Local planning authorities should strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan". This is considered to represent a significant shift away from the previous government guidance and is more reflective of current Saved Policy TPT1 of the Local Plan, which indicates that development will only be permitted where there is an appropriate level of public transport services and infrastructure available.

5.13 There is a bus stop located approximately 150m from the site and some limited local facilities nearby such as a garage/shop and public house. It is also relevant that in a recent planning appeal (APP/G1630/A/14/2226072) at Land at the Lodge, Highgrove Lane, Main Road Minsterworth was allowed on 10th July 2015 for 5 gypsy pitches. Paragraph 22 of the appeal decision states, "Minsterworth is a small settlement mainly arranged along the busy A48. A recent Rural Area Settlement Audit⁴ indicates that it has a village hall, primary school, petrol station/garage shop, public house, sports pitch, place of worship and a mobile library service. The garage shop is about 380m away from the appeal site. Although the site does not lie within or adjacent to a settlement for the purposes of the development plan, it is within walking distance of Minsterworth. I consider that it cannot reasonably be regarded as being in 'open countryside away from existing settlements' for the purposes of applying the PPTS. Indeed, nothing in current national or local policy suggests that locations such as this should be precluded, in principle, from consideration as potential gypsy and traveller accommodation". Paragraph 23 goes on to say, "The Council argue future occupiers of the site are likely to be reliant on private transportation to meet some travel needs, for example, a weekly shop. However this degree of reliance is not that uncommon in a mainly rural area such as this, and the distances involved are not excessive by rural standards. For example, the settlement of Highnam is 3.5 km away from the site and Gloucester is 5.8 km. These locations include a wider range of amenities including competitor shops, health and educational facilities. Highnam and Gloucester are a short car journey away. Moreover, the site is in walking distance of bus stops. Minsterworth is frequently served by bus numbers 23, 30, 31, 786 and 787 which connect the village to larger towns. There is potential for the occupiers of the site to travel by public transport to access a wide range of amenities in nearby urban conurbations".

5.14 The application site is located more centrally within the sporadic Minsterworth settlement being closer to the Primacy School and other primary services than the appeal site at Highgrove Lane. In this regard it is considered that the proposed development would accord with Policy TPT1 of the Local Plan.

5.15 In terms of highway safety, Policy TPT1 highlights that development will be permitted where provision is made for safe and convenient access. Paragraph 32 of the NPPF states that development should only be prevented or refused on transport grounds where the cumulative impacts of development are 'severe'.

5.16 The site is served by a vehicular access off Starcroft Lane, which forms a loop off the A48 main road. The proposal would not result in any significant additional vehicular movements. The County Highway Authority raise no objection to the proposal and therefore the proposal is therefore considered to accord with Policy TPT1 of the Local Plan from a highway safety point of view.

Impact on the setting of Listed Buildings

5.17 The Apple Tree Public House, which is a Grade II Listed Building, is located on the opposite side of the A48 in close proximity to the site. Another Grade II listed building, known as Hygrove House is sited in the distance to the west of the site. Although not listed, 'The Redlands', which is located directly to the east is considered to be a heritage asset as a result of it being shown on historic OS maps in the 1880's.

5.18 Under Section 66 of the Planning (Listed Building and Conservation Area) 1990 local planning authorities are required to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it processes. This approach is followed in the NPPF, which seeks to preserve the setting of heritage assets.

5.19 The previous application in 2013 considered the impact of the proposed use on heritage assets to be acceptable. As such, it is not considered that the continued use of the site on a permanent basis would have an undue impact on the setting of these heritage assets.

Flooding and Drainage

5.20 The site is located within Flood Zone 1 (low risk of flooding) and comprises an area less than 1 Hectare. It is therefore considered that the development would not be at undue risk of flooding and the development therefore accords with Policy EVT5 of the Development Plan.

Human rights

5.21 The Human Rights of the Applicant and occupiers of the site must be considered having regard to Circular 1/2006 and the Human Rights Act 1998. The application does not comment directly on the personal circumstances. However presumably the applicants do not have a permanent pitch and have had to resort to a number of temporary measures in order to stay in the area. Refusal of planning permission in this case would potentially, in the absence of any immediately available alternative sites, mean that the applicants

would still have no permanent pitch available to them. This would undoubtedly continue to interfere with the Appellants home and family life and this is a matter which must be considered in the overall planning balance.

Other Matters

5.22 Minsterworth is a dispersed settlement with a Parish Population of approximately 444 people living in 165 households (2011 Census Population Data). The Parish indicate that Minsterworth currently has 174 "Conventional dwellings". The Parish Councils figure is likely to be more up to date than the 2011 census data. The total number of permanent pitches and conventional dwellings equate to approximately 240. Currently there are 66 permanent permissions for pitches in Minsterworth (Including 8 transit pitches). This represents 27% of Minsterworth's housing stock being G&T Pitches. The additional 4 proposed as part of this application would mean approximately 28.6% of Minsterworth's housing stock being G&T Pitches. Further although some are grouped closely together these groups are generally spread out through the settlement and not located within prominent locations. It is also important to note that planning permissions have been granted over time and the numbers of permanent G&T pitches in Minsterworth has increased gradually over the last 20 years. Many of the existing occupiers of G&T pitches have been part of the wider community for a substantial amount of time. The proposed development is therefore not considered to overwhelm existing facilities or services in the area. The proposed development is therefore considered to be acceptable and not disproportionate to the settlement.

6.0 Overall Balance of Planning Considerations and Conclusions

6.1 It is concluded that the proposal would continue to result in harm to the rural character and appearance of the area by virtue of its visual intrusion and encroachment into the surrounding countryside.

6.2 Clearly the degree of harm referred to above must be balanced against the demonstrated need for gypsy and traveller pitches in the Borough and the benefits associated with delivering additional pitches here that would help to meet some of that need in the short-term.

6.3 The proposal would contribute towards meeting the identified need for traveller pitches in the Borough. The sites location is not considered to be isolated and is reasonably well served by public transport. There would be no identified harm to residential amenity or highway safety, or heritage assets.

6.4 Overall, whilst the proposal would result in permanent landscape harm it is considered that the identified need for gypsy and traveller pitches in the Borough outweighs the identified harm in this instance and therefore it is recommended that planning permission is granted.

RECOMMENDATION Permit

Conditions:

- 1 The site shall not be occupied by any persons other than gypsies and travellers as defined in the Planning Policy for Travellers Sites document published in August 2015.
- 2 The development hereby permitted shall remain in accordance with Drawing No. PBA1 received by the local planning authority on 9 March 2016.
- 3 There shall be no more than 4 pitches on the site and on each of the 4 pitches hereby approved no more than 2 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 1 shall be a static caravan) shall be stationed at any time.
- 4 Prior to the erection of any external lighting a scheme shall be submitted to and agreed in writing with the Local Planning Authority. The lighting shall be erected in accordance with the approved details.
- 5 No more than one commercial vehicle per plot shall be kept on the land for use by the occupiers of the caravans hereby permitted, and they shall not exceed 3.5 tonnes in weight. No commercial activities shall take place on the land, including the storage of materials.

- 6 Notwithstanding the submitted details, Within 3 months of the date of this permission, a scheme for the means of foul and surface water drainage of the site, including a timetable for its implementation, shall be submitted to local planning authority for approval. The approved scheme shall be carried out and completed in accordance with the approved timetable and maintained as such for the life of the permission.
- 7 Within 3 months of the date of this permission a scheme shall be submitted to and approved in writing by the Local Planning Authority of hard and soft landscaping (including boundary treatments), which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection, in the course of development. The approved scheme shall be implemented so that planting is carried out no later than the first planting season following the occupation of the building(s) or the completion of the development whichever is the sooner. All planted materials shall be maintained for five years and any trees or plants removed, dying, being damaged or becoming diseased within that period shall be replaced in the next planting season with others of similar size and species to those originally required to be planted unless the council gives written consent to any variation.
- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no gates, walls, fences or other means of enclosure shall be erected on the land unless otherwise agreed in writing by the local planning authority.

Reasons:

- 1 To ensure that the occupants are bona-fide gypsies to meet the identified need for gypsy and traveller pitches in the Borough in accordance with the advice contained in the Planning Policy for Travellers Sites document.
- 2 To define the extent of the permission.
- 3 To limit the impact of the development on the rural character and appearance of the area in accordance with Policy LND4 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 4 To limit the impact of the development on the rural character and appearance of the area in accordance with Policy LND4 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 5 The site is not appropriate for unrestricted commercial use and it is necessary to limit the impact of the development on the rural character and appearance of the area in accordance with Policy LND4 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 6 To ensure adequate disposal of foul and surface water drainage in accordance with Policy EVT5 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 7 To limit the impact of the development on the rural character and appearance of the area in accordance with Policy LND4 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 8 To limit the impact of the development on the rural character and appearance of the area in accordance with Policy LND4 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.

15/00693/fuc

LOCATION PLAN

PLANNING AND DEVELOPMENT SERVICES	
Officer:	
Scanned:	
Rec'd	17 JUN 2015
Act'd	
Ass'd	
File	

NW

NE

W

E

SW

S

SE



SCALE- 1: 2500

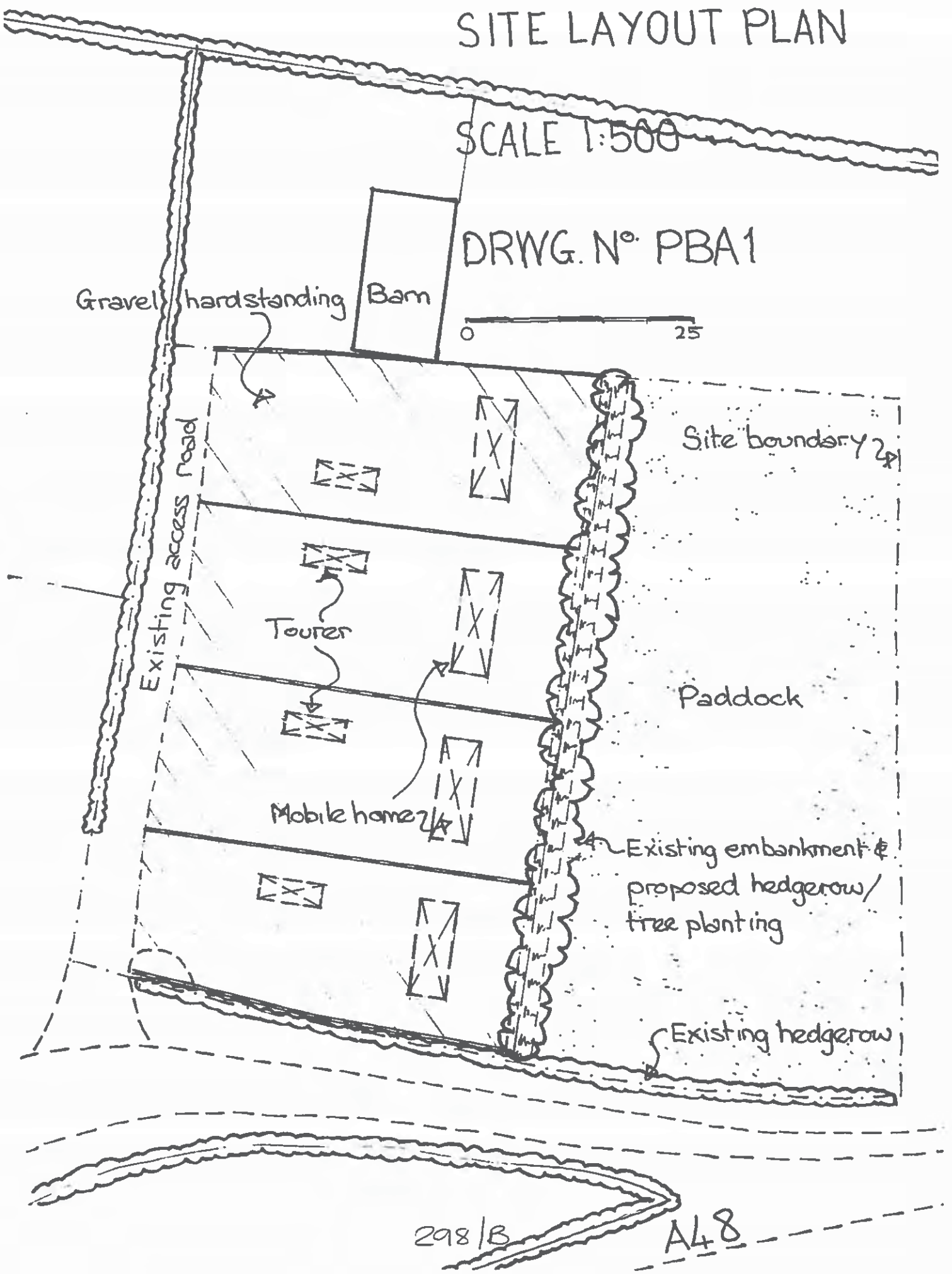


298/A

SITE LAYOUT PLAN

SCALE 1:500

DRWG. N° PBA1



298/B

A48

Valid 02.08.2015
 Grid Ref 396230 227261
 Parish Bishops Cleeve
 Ward Cleeve St Michaels

Retention of fence to the north

Mr Aaron Garside
 39 St Michaels Avenue
 Bishops Cleeve
 Cheltenham
 Gloucestershire
 GL52 8NX

RECOMMENDATION Permit

Policies and Constraints

National Planning Policy Framework
 Planning Practice Guidance
 Tewkesbury Borough Local Plan to 2011 - March 2006 - HOU8, TPT1
 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

- The existing fence line appears to be on the verge - is this authorised through a planning application?
- The visual difference from green to urban fencing will be incremental erosion of a carefully planned estate by virtue of its position. This estate was planned to be open and spacious and this application is detrimental to the original visual illusion of the area and, if permitted, would set a precedent for future applications. There is further concern that this fenceline will be a hazard to entering the highway from neighbouring property (41 Michaels Avenue) as it greatly restricts visibility.

Revised plans -

- The Council maintains it's previous objection to this proposal. This application does not provide any improvement on the previous application.

Local residents - One letter of objection has been received from the neighbours at 41 St Michael's Avenue objection to the revised plans due to concerns about loss of visibility / safety.

One letter of support has been received from the Roof Top Housing Group who consider the new fence is aesthetically pleasing and, in comparison to the previous hedge, has increased the visibility for number 41 with regards to pulling off their drive.

Planning Officers Comments: Mrs Sarah Barnes

1.0 Application Site

1.1 This application relates to 39 St Michaels Avenue, a large semi-detached property located on the end of a cluster of similar sized dwellings (**site location plan attached**). The dwelling is located in Bishops Cleeve.

2.0 Current application

2.1 The current application is for the retention of the small section of fencing to the north (**plans attached**). The application originally sought permission to install a 1.8 metre high fence at the existing fence line to replace the hedge and retention of fencing to the north. Revised plans were however submitted on the 15th December 2015 to solely apply for the retention of the small section of fencing to the north.

3.0 Planning History

3.1 In 2006 (06/00759/FUL) a refusal was issued for 'Increase of residential curtilage and erection of a 2.10 metre high side boundary fence.' The refusal reason was as follows:

'The proposed fencing, by reason of its height and prominent position, would result in an incongruous feature which would be harmful to the character and appearance of this residential locality. As such, the proposed development conflicts with Policies S.6 and S.7 of the Gloucestershire Structure Plan Second Review and Policies GNL12 and GNL1 of the Tewkesbury Borough Local Plan to 2011 (Proposed Modifications).'

3.2 In 2006 (06/01066/FUL) planning permission was granted for a change of use of the adjacent grassed area to residential curtilage. Permitted development rights were removed for the following: private car garages, extensions, garden sheds and structures of any kind.

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 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.

4.3 Policy TPT1 of the Local Plan states that development will be permitted where highway safety 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

Design, Size and Visual amenity

5.1 The surrounding area / estate is relatively open plan with not many fences or walls visible as you travel through. The open plan appearance is clearly the character of this particular part of the estate.

5.2 Revised plans were submitted on the 15th December and the applicant is now solely applying to retain the small section of fencing to the north (**see displayed photograph**). The fence is about 1.8 metres in height. It has replaced a hedge that was removed as the roots were causing damage to the neighbours driveway. The Parish Council are still objecting to the revised scheme on the grounds that the fence is harmful to the open plan nature of the estate and, if permitted, would set a precedent. However, given the relatively discreet location of the fencing and only about 3 metres in length, it is not considered to be intrusive in the street scene nor harmful to the 'open plan' character of the estate. With regards to the precedent that may be set, this is only a small section of fencing and each application is assessed on its own merits.

Highways

5.3 The Parish Council and the neighbouring property (no 41) have raised concerns about the fence restricting the visibility of the occupants of no 41 St Michael's Avenue. The County Highways Authority have however been consulted and have confirmed that there is no issue with vehicular visibility and therefore raise no highway objection.

Residential amenity

5.4 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.

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

6.0 Conclusion

6.1 Overall, it is considered that the fence is not unduly harmful to the street scene nor does it adversely reduce the visibility to the occupants of no 41 St Michaels Avenue. The proposal is therefore recommended for permission.

RECOMMENDATION Permit

Conditions:

Nil

Note:

This decision relates to the revised plans and information received on the 15.12.2016.

15/00769 /kel

39 St Michaels Avenue, St. Michaels Avenue, Cheltenham, GL52 8NX



Site Plan shows area bounded by: 396159,25734766,227190,87367969 396300,67874766,227332,29507969 (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.

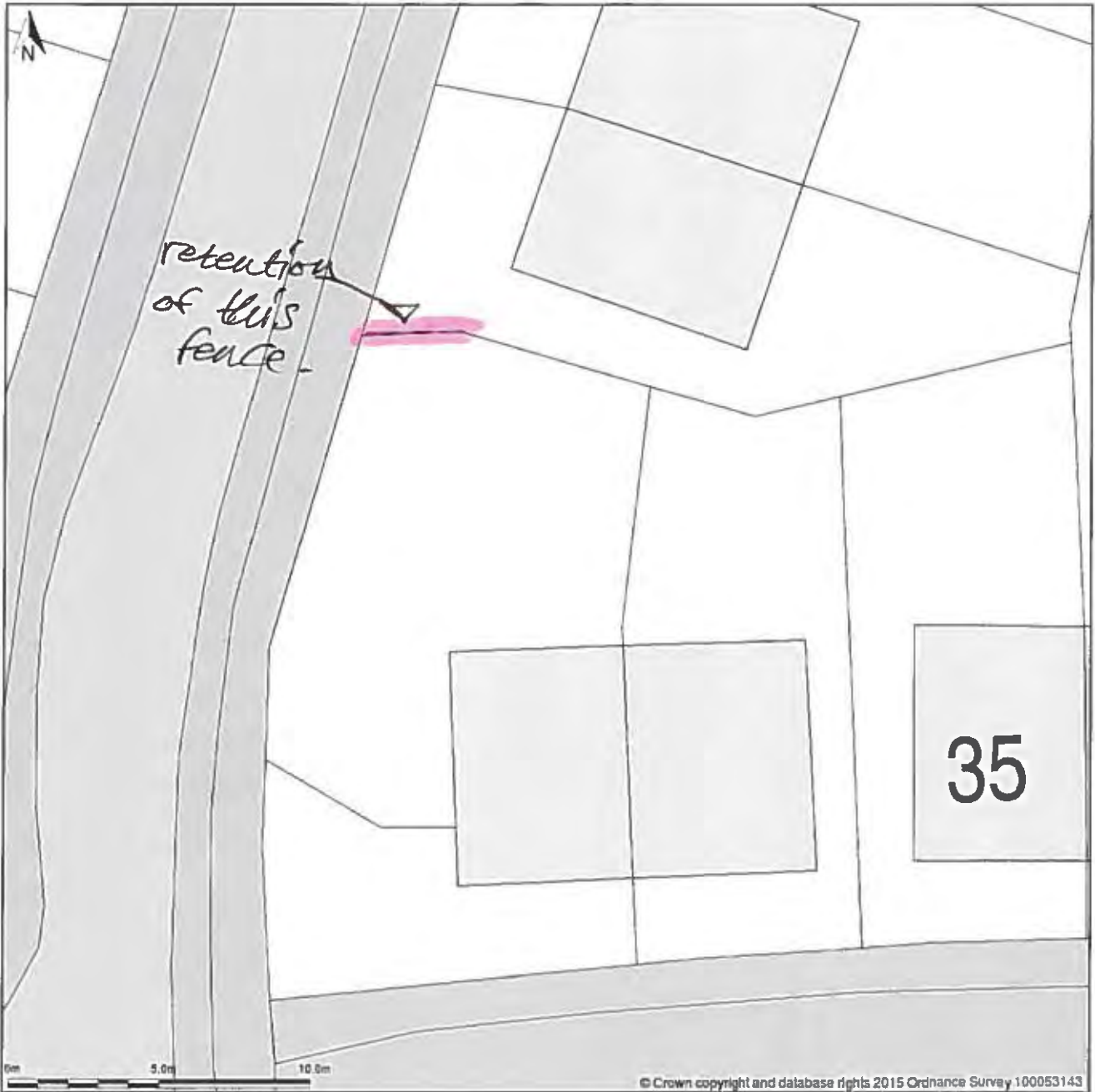
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301 /A

15/06769/fel

39 St Michaels Avenue, St. Michaels Avenue, Cheltenham, GL52 8NX



1:200

Block Plan shows area bounded by: 396211 92, 227248 21 396247 92, 227284 21 (at a scale of 1:200) 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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3011B

15/00769/ful



Small section of fence to be retained.

301/c

Valid 20.06.2016

Addition of extended internal first floor, removal of existing chimney, insertion of rooflights

Grid Ref 387551 221337

Parish Churchdown

Ward Churchdown St Johns

Mr Will Blackhurst

208c Cheltenham Road East

Churchdown

GL3 1AL

Glos

RECOMMENDATION Permit**Policies and Constraints**

NPPF

Planning Practice Guidance

Tewkesbury Borough Local Plan to 2011 - March 2006, HOU8 and NCN5

Joint Core Strategy Submission Version November 2014 - Policies, SD1, SD5, SD10.

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**Churchdown Parish Council - Object:**

The comments from the Tree Warden regarding Bats were noted and supported. Concern was expressed about the potential loss of privacy for adjacent properties and suggest that the opening of roof-light windows be restricted.

One letter of objection received

Mrs Ann Smith Tree Warden, 109 Orchard Way, Churchdown, Gloucester, Gloucestershire GL3 2AP.

Comments made - TBC please check that no bats or nesting birds will be affected (there are excellent nest/roost holes integral to the roof of the building since it was built). There has already been much habitat loss on site and loss to biodiversity with new ownership.

Planning Officers Comments: Gill McDermot

1.0 Application Site

1.1 The application site comprises a one-and-a-half storey detached dwelling with accommodation in the roof and is located to the rear of No. 208 Cheltenham Road East on the east side of the road. To the north of the site is the car park associated with the Westover Court properties, to the south-east is a detached dwelling, No. 21a Orchard Way and to the north-west is No. 208 Cheltenham Road East.

1.2 The application site lies within the settlement boundary of Churchdown as defined by the Tewkesbury Local Plan, which is designated as a larger settlement.

2.0 Planning History

2.1 Planning application 05/00079/FUL for the erection of a bungalow to the rear of the existing dwelling with shared access off Cheltenham Road East and part demolition of existing dwelling - permitted 09.05.2005

3.0 Current Application

3.3 The current application is for the addition of an extended internal first floor, removal of the existing chimney and insertion of rooflights.

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.

4.3 Paragraph 17 of the NPPF identifies a set of 12 core land-use planning principles, one of which sets out that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;

The Development Plan

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

Tewkesbury Borough Local Plan to 2011 (March 2006)

4.5 Policy HOU8 (Domestic Extensions) of the Tewkesbury Borough Local Plan to 2011 (March 2006) is consistent with the aims of the NPPF in terms of its core planning principle to secure a good quality design and an acceptable standard of residential amenity and is therefore considered to have considerable weight.

Emerging Development Plan

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

4.7 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. Policy SD5 of the JCS sets out to require new development to respect the character of the site and its surroundings, enhancing local distinctiveness.

4.8 Policy SD5 of the JCS sets out that all development proposals are required to enhance comfort, convenience and enjoyment through assessment of opportunities for light, privacy and external space.

4.9 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).

4.10 The JCS is now at an advanced stage of preparation. The plan is currently at the late stages of its Examination in Public and it is anticipated by the Council that it will be ready for adoption in Spring 2017. Where relevant the emerging Development Policies will be discussed in the relevant sections of this report.

5.0 Analysis

5.1 The main issues for consideration are the impact of the proposal upon the character of the original dwelling, the character of the area and residential amenity.

Impact upon the character of the original dwelling

5.2 Policy HOU8 of the Local Plan requires proposals for extensions to respect the character, scale and proportion of the existing or, where appropriate, the original dwelling. The reasoned justification of this policy refers to the having regard to original building in cases where the dwelling has been extended in the past. The design should also complement the dwelling's design and materials.

5.3 In the case of the current proposal, the external changes proposed are the installation of a rooflight within the south elevation, two additional rooflights within the north elevation and minor changes to the window design, as follows:

- Change to glazing pattern of first floor window within the east elevation
- Removal of glazed panels either side of the doorway and reduction in the size of a first floor window within the south elevation

It is also proposed to remove the existing chimney from the north elevation and remove the timber boarding from the east elevation and replacement with rendering.

5.4 The existing dwelling is a one-and-a-half storey dwelling with a largely rendered exterior, some timber boarding detail around the windows and within the gable ends. It is considered that the replacement of timber boarding with a rendered exterior, minor changes to the glazing design and removal of the chimney would not harm the character of the original dwelling and would accord with Policy HOU8.

Impact upon the residential amenities of neighbouring properties

5.5 Policy HOU8 requires proposed extensions to not unacceptably impact upon the adjacent properties.

5.6 Condition 5 of planning permission 05/00079/FUL removed permitted development rights for the installation of windows and rooflights above ground floor ceiling height to safeguard the privacy of residents in the locality. Further, Condition 6 removed permitted development rights for extensions, private car garages or structures of any kind to ensure that the new development would be visually attractive and to safeguard the privacy of residents in the locality. Finally, Condition 13 stated that, "no first floor accommodation other than that hereby permitted shall be provided within the proposed dwelling without the prior express permission of the Local Planning Authority also to safeguard the privacy of residents in the locality.

5.7 The Parish Council have commented on the application in that concern is expressed about the potential loss of privacy for adjacent properties and suggest that the opening of roof-light windows be restricted.

5.8 The north elevation which faces the parking area associated with Westover Court already contains one rooflight. A further two rooflights are proposed in this elevation to serve an en-suite bathroom and bedroom 2. The position of the proposed rooflights is shown on the cross section plan which indicates that the height from floor level to the bottom of the rooflight would be 1.48 m, and would not in any event directly face the rear amenity spaces of the neighbouring dwellings. It is therefore considered that this part of the proposal would not cause loss of privacy to neighbouring properties of Westover Court.

5.9 The proposed new rooflight within the south elevation would face towards the rear garden area of No. 206 Cheltenham Road East. Taking into account that this window would serve a bathroom, it would not cause loss of privacy to the neighbouring property. Further, a condition requiring the window to be obscure glazed is recommended. With regard to the proposed additional rooflights, it is not considered necessary to require them to be fixed as suggested by the Parish Council.

5.10 With regard to the use of the first floor window above the French doors within the south elevation, this would serve bedroom 3 as shown on the submitted plans and its size reduced. This elevation already contains a first floor bedroom window and it is considered that the use of the window would be positioned further away from the main rear amenity area of No. 206 and therefore not cause significant loss of privacy.

5.11 The incorporation of additional accommodation within the first floor of the building would mean that the first floor window within the east elevation would serve to light proposed bedrooms 2 and 3. This elevation would be 20 m from the north-west elevation of No. 21a Orchard Way, which is a single storey dwelling and was granted planning permission 09/01286/FUL with a subsequently amended scheme, 11/00066/FUL. There are two small windows and a doorway contained within the north-west elevation of this neighbouring property which face the application site, one serving a kitchen and one a small room of undefined use on the approved plans for 11/00066/FUL. The main rear garden area for No. 21a Orchard Way is located to its eastern side. Given the distance between the two properties, the substantial boundary fencing and the public alleyway in between, it is considered that the view from the bedroom windows would be towards the roof of the single storey dwelling and would therefore not cause significant loss of privacy to warrant a refusal of planning permission.

Impact upon the character of the area

5.12 Policy HOU8 of the Local Plan requires extensions to respect the character and appearance of surrounding development.

5.13 The existing dwelling is sited to the rear of No. 208 Cheltenham Road East and the proposed changes to the appearance of the dwelling would have a minimal impact upon the character of the area.

Residential amenity

5.14 Policy HOU8 requires proposed extensions to not unacceptably impact upon the adjacent properties.

Highway safety

5.15 Policy HOU8 of the Local Plan states that the proposal should not result in inadequate car parking or manoeuvring space.

5.16 No new or alteration to the existing access is proposed by the application.

Impact upon protected species

5.17 Policy NCN5 of the Local Plan requires biodiversity to be protected and enhances when considering development proposals. Given that works to the roof of the existing dwelling are proposed by this application, the impact upon protected species needs to be considered.

5.18 The potential impact of the development upon nesting birds and bats is raised as a concern. Within the west elevation of the existing dwelling, there appeared to be a bat entrance feature above the first floor window and the impact upon protected species was queried with the applicant's agent. However, it has been confirmed that this feature is a dummy opening and there is an existing void area within the roof space. It is therefore concluded that the development would not impact upon protected species.

6.0 Conclusion

6.1 It is concluded that the changes proposed to the dwelling as proposed by this application would respect the character of the existing dwelling and that of the area and would not adversely impact upon the residential amenities of neighbouring properties. . The recommendation is for **approval**.

RECOMMENDATION Permit

Conditions:

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 The development hereby permitted shall be carried out in accordance with the details on the application form and approved drawing numbers 001 Rev E received by the Local Planning Authority on the 5th July 2016 and any other conditions attached to this permission.
- 3 The rooflights which serve an en-suite bathroom within the north elevation and bathroom within the south elevation as shown on Drawing No. 001 Rev E received on 5th July 2016 shall be fitted with obscure glazing and retained thereafter.

Reasons:

- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
- 2 To ensure that the development is carried out in accordance with the approved plans and in accordance with the policies contained within the Tewkesbury Borough local plan to 2011 (March 2006).
- 3 To safeguard the residential amenities of neighbouring properties 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 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 requesting additional information during the consideration of the application.

Valid 18.04.2016
 Grid Ref 387656 217075
 Parish Hucclecote
 Ward Hucclecote

Application for the erection of a dwelling.

Mr Kenneth Charles
 Clovelly
 Belmont Avenue
 Hucclecote

RECOMMENDATION Delegated Permit

Policies and Constraints

NPPF

Planning Practice Guidance

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

The Tewkesbury Borough Local Plan to 2011 - March 2006 - HOU1, HOU2, HOU5, LND4, TPT1 and EVT3

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 this application on road safety concerns.

- Vehicles exiting Belmont Avenue have to do so with great caution as the visibility is below standard. Not only are cars at risk when either emerging or accessing the Avenue but pedestrians using the pavement cannot see or be seen by emerging vehicles. Further development on the avenue will increase vehicle movement and therefore increase the risk of an accident occurring.
- Belmont Avenue is a private narrow road with no pavements or turning areas, parking on the road during construction could obstruct the traffic flow. Larger construction vehicles could have difficulty when manoeuvring especially at the junction with Hucclecote Road.

County Highways - Offer Standing Advice.

Local Residents - None received.

Planning Officers Comments: Mr John Hinett

1.0 Application Site

1.1 This application relates to a piece of land to the side of 'Clovelly' Belmont Avenue which currently comprises the garden to the northern side of that property. Belmont Avenue is a private cul-de-sac off Hucclecote Road. 'Clovelly' is a detached two storey dwelling with existing vehicular parking to its southern side.

2.0 Planning History

2.1 There is no planning history in relation to the application site.

2.2 It is relevant that planning permission (13/01038/FUL) for a new two bed detached dwelling (including basement accommodation) with small private amenity space to the rear/side and parking for two cars within the site was permitted in 2014. A revised scheme (planning application 14/01250/FUL) which omitted the basement was subsequently approved in February 2015.

3.0 Current Application

3.1 The original application was made in Outline (with access and appearance being proposed and all other matters reserved for future consideration) and proposed the erection of a detached two storey dwelling within the garden of 'Clovelly'. However, following negotiations it was determined that the scale, siting and appearance should be included at this stage due to the constraints of the site. The application has therefore been amended to a FULL detailed application. The dwelling would comprise three bedrooms (two at first floor) and would have a footprint of 91sq.m. The maximum ridge height would be approximately 5.8m with eaves at approximately 2.8m.

4.0 Policy Context

4.1 Policy HOU2 of the TBLP states that new housing development within such Residential Development Boundaries areas is acceptable in principle provided that the development can be satisfactorily integrated within the framework of the surrounding development. Furthermore, Policy HOU5 of the TBLP requires new housing development to respect the existing form and character of the adjacent area; not result in unacceptable loss of amenity; be of high quality design and make provision for appropriate access and parking.

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

4.3 Policies HOU2 and HOU5 of the TBLP are therefore considered to be consistent with the provisions of the NPPF and should therefore carry considerable weight in the determination of the application.

4.4 The emerging development plan is the Joint Core Strategy (JCS) Submission Version November 2014 and the draft Tewkesbury Borough Plan. The JCS is now at an advanced stage of preparation and in light of the recent Inspector's Interim Findings can be afforded some weight. Relevant JCS policies include SD1, SD5, SD11 and INF1. The draft Tewkesbury Borough Plan is at a very early stage of adoption and very little weight can be given to it policies.

5.0 Analysis

Principle of Development

5.1 The site is located within the Residential Development Boundary (RDB) of Hucclecote, as defined by the Tewkesbury Borough Local Plan to 2011 - March 2006, where the principle of new housing development is supported by Policy HOU2. The current proposal must therefore be considered acceptable provided that the development can be satisfactorily integrated within the framework of the surrounding development, and subject to other local plan policies and material considerations.

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

- The Design and Appearance;
- The impact on living conditions (residential amenity); and
- Access/highway safety issues.

Design and Appearance

5.3 Section 7 of the NPPF makes it clear that the Government attaches great importance to the design of the built environment. Paragraph 64 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*". Policy HOU5 requires new residential development to respect the existing form and character of the adjacent area and street scene.

5.4 Although submitted in Outline form, the application was supported with detailed plans and elevations of the proposed dwelling. Officers had concerns that this original proposal was too large for the site in terms of its footprint and height and would have resulted in a rather cramped form of development. In addition, it was considered that insufficient garden land would have been retained for the existing dwelling 'Clovelly'. In response to these concerns the applicant has submitted revised plans which reduce the footprint (from 124sq.m to 91sq.m) and height (from 8.4m to 5.8m). The size of the plot has also been reduced - **see original and revised plans**. Officers consider that the amendments are successful in reducing the apparent scale of the proposed dwelling such that it would no longer appear cramped within the site. The reduction in the size of the plot is also helpful in this regard by allowing a greater degree of separation between 'Clovelly' and the proposed dwelling (**see proposed streetscene**).

5.5 The dwellings along Belmont Avenue are varied in character with the prevalent style comprising large detached two storey properties set within large grounds. The proposed dwelling would have the appearance of a chalet bungalow (with no dormer windows) which whilst not reflective of this prevailing house type, would not appear incongruous given the general variety. It is material that planning permission (14/01250/FUL) for a similar house type was recently permitted on the opposite side of Belmont Avenue.

5.6 In light of the above, it is considered that the proposed development (as revised) would have an acceptable impact of the character and appearance of the area. The applicant has now agreed to amend to the proposal to a Full detailed application. Conditions are recommended to ensure that finished floor levels and external materials are controlled. Given the constrained nature of the site it is also considered necessary to remove permitted development rights.

Residential Amenity

5.7 Policy HOU5 sets out that any new development should not result in an unacceptable low degree of residential amenity for existing or proposed dwellings. The main impact of the new dwelling would be on 'Clovelly'. That property has a kitchen window in the side elevation that faces the site. As set out above, the revised plans have reduced the size of both the proposed dwelling and the plot, which would allow for a greater degree of separation between the two dwellings. Given the relatively low ridge and eaves heights, it is considered that the impact would be acceptable. The reduction in plot size has also allowed for a larger area of garden to be retained for 'Clovelly'. The proposed dwelling would benefit from an adequate garden area to the side (**see revised layout plan**).

5.8 The proposal is therefore considered acceptable in terms of Policy HOU5. It is recommended that a condition should be imposed to prevent any additional windows / roof lights being installed above ground floor level in order to protect the residential amenity of existing and future occupiers.

Access and Highway Safety

5.9 Policy TPT1 of the Local Plan sets out that development will be permitted where, inter alia, highway access can be provided to an appropriate standard which would not adversely affect the safety or satisfactory operation of the highway network. The Parish Council have objected to the proposal on highway safety grounds.

5.10 There is a history of previous refusals relating to a former proposal for a single dwelling on Belmont Avenue which were refused due to concerns about the emerging visibility onto Hucclecote Road. However, in their response to application 13/00424/FUL the County Highway Authority (CHA) pointed out that following those refusals the NPPF was introduced which states that *"development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe"*. The CHA concluded that given the new guidance on the severity/ impact of development, they had no objection to that proposal.

5.11 Given the above, it is considered that the addition of one further additional dwelling would not itself result in a significant or *'severe'* impact that would warrant refusal of the application on highway safety grounds. Two off-street parking spaces would be retained for the existing dwelling ('Clovelly') and two parking spaces would be provided within the curtilage of the proposed dwelling (**see revised layout plan**). The proposal is therefore considered to accord with the provisions of the NPPF and Policies HOU5 and TPT1 of the Local Plan in this regard. A condition is necessary to ensure the proposed parking arrangements are implemented and secured in perpetuity.

Other issues

5.12 The Parish have also raised concerns on the grounds that the construction of the proposed development could result in an adverse impact on the living conditions of surrounding residents. To control potential disturbance during the construction phase of development, a condition has been imposed restricting construction to specified hours to prevent disturbance outside reasonable times.

6.0 Conclusion

6.1 In summary, it is concluded that there are no significant adverse material issues that would result from the proposal (as revised) and the proposal would have an acceptable impact on the street scene, highway safety and residential amenity. The application is therefore considered to accord with relevant policies. As the application has been amended to a full application further consultation is necessary and it is therefore recommended that **permission be delegated to the Development Manager unless any substantive planning objections that have not been previously addressed are raised during the extended consultation period.**

RECOMMENDATION Delegated 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: Having regard to the size of the back gardens, relationship to neighbouring properties and the character of heritage assets in the vicinity.

- 3 Notwithstanding the submitted plans the proposed en-suite window in the south facing first floor elevation shall be glazed and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor level of the room in which the windows are installed. The obscure glazing shall thereafter be retained and not altered without the prior consent of the Local Planning Authority.

Reason: To safeguard the privacy of residents in the locality.

- 4 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.

- 5 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.

- 6 Notwithstanding the submitted details, no development shall take place until drainage arrangements for the disposal of surface water and foul sewage have been submitted to and approved in writing by the Local Planning Authority. The dwelling shall not be occupied until the drainage works have been completed in accordance with the approved plans.

Reason: To ensure adequate disposal of foul and surface water drainage.

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

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

- 8 The development hereby permitted shall be carried out in accordance with the following drawings/documents:

Drawing No.	Drawing Name	Received
4386 Rev A	Proposed elevations and floor plans	22/07/16
4386/2 Rev A	Proposed site layout and levels	22/07/16
4386/1	Proposed and existing street scenes	22/07/16

Reason: In order to define the permission and to ensure satisfactory development of the site

Note:

Statement of Positive and Proactive Engagement

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

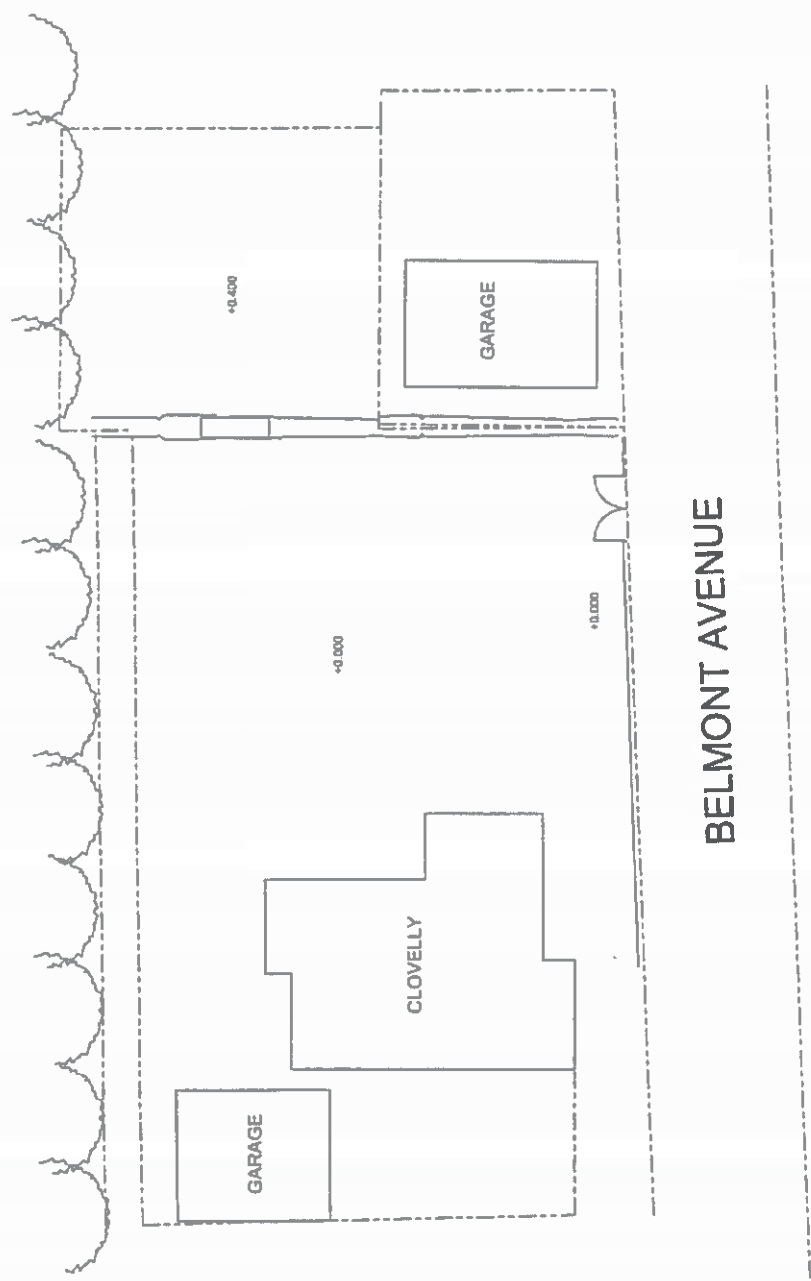


Promap


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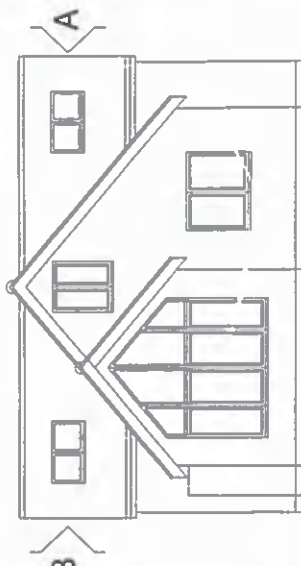
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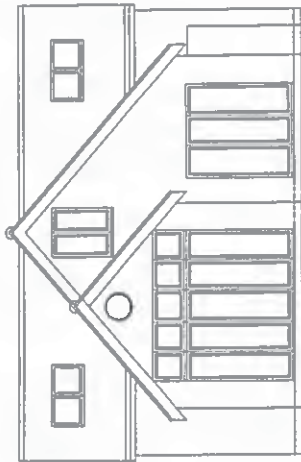


311/B

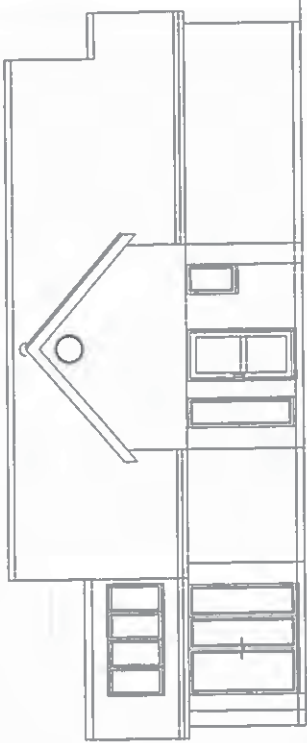
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rev	date	description																		



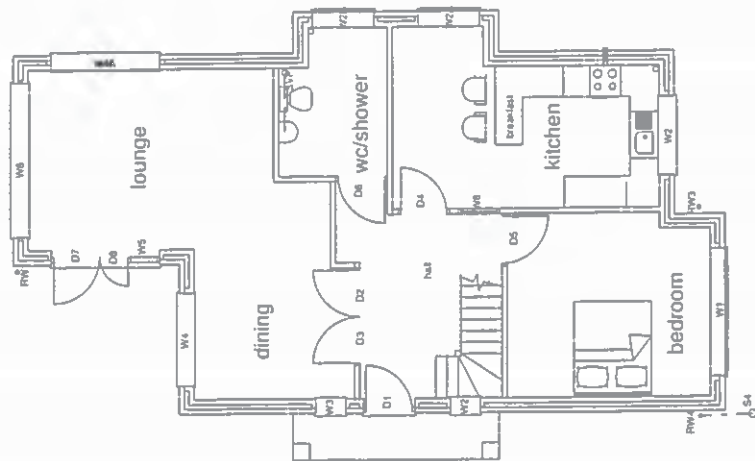
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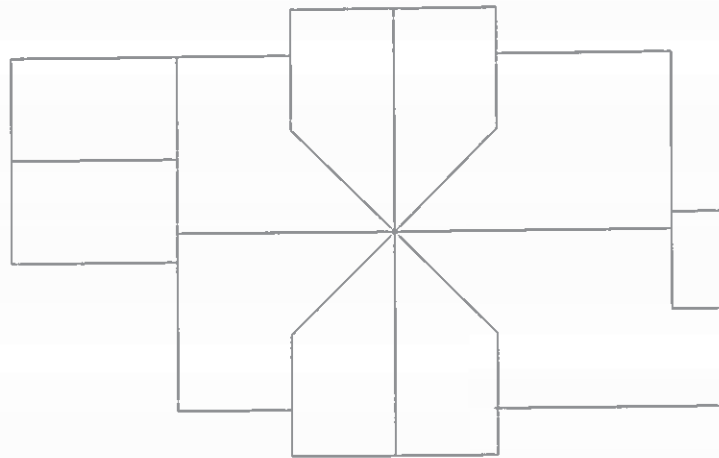
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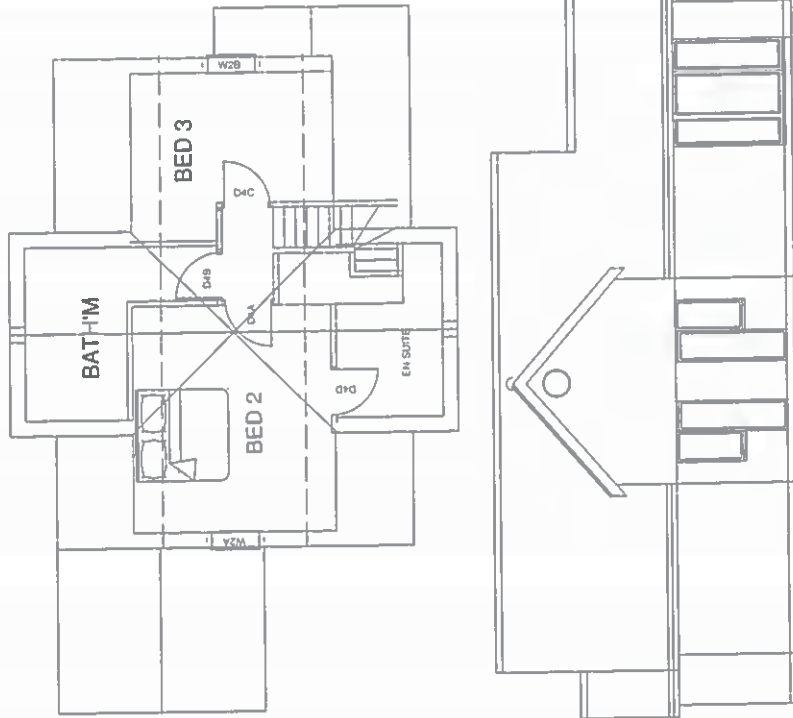
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FLOOR PLAN



ROOF PLAN



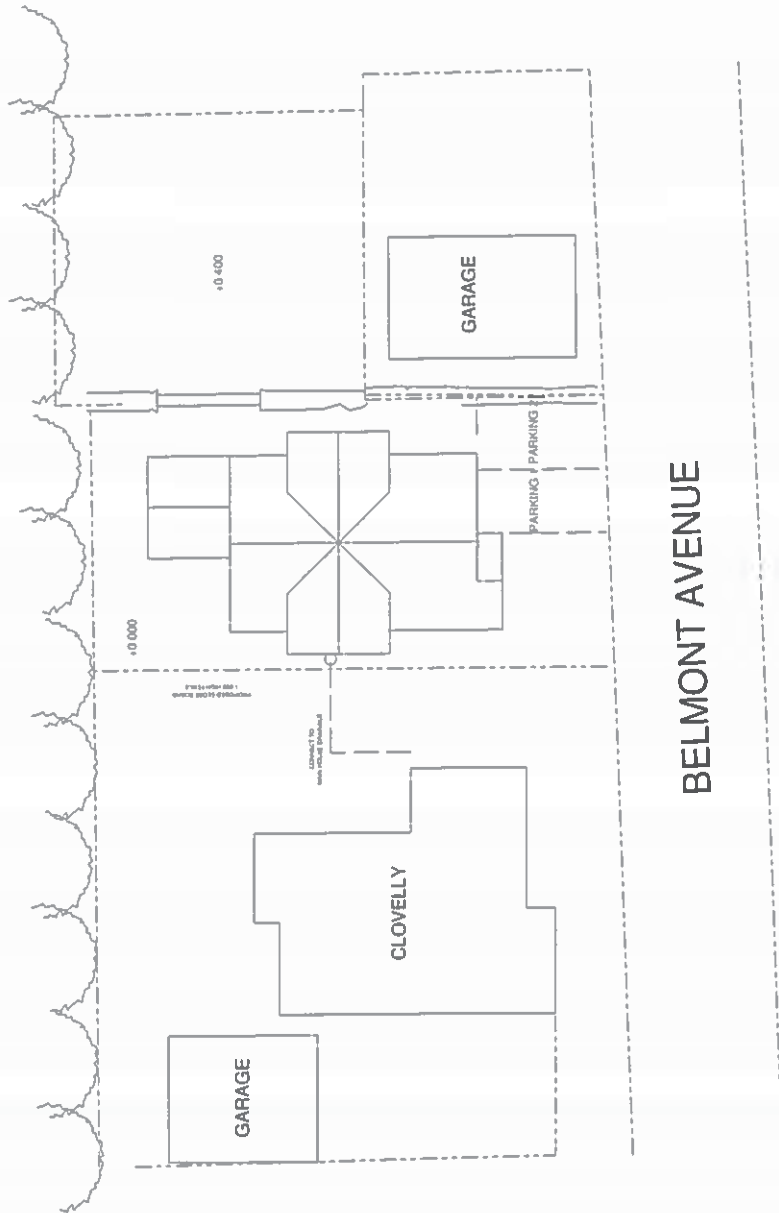
SIDE A

Health and safety procedures to be complied with in all instances prior and throughout all works

REFER TO ALL DETAILS SPECIFICATIONS AND DETAIL NOTES
DETAIL NOTES ARE TYPICAL THROUGHOUT ALL WORKS
IF IN DOUBT ASK

 <p>South Downs Architectural Consultants T. 01252 711082 E. south.downs@btinternet.com</p>	<p>RBV</p>	<p>date</p>	<p>description</p>
	<p>notes:</p> <p>DO NOT SCALE DRAWINGS FOR CONSTRUCTION PURPOSES PROVIDE FOR THE TRADE AT 1:11 CHECK FOR ANY DIMENSIONS AND NOTES & LISTS ON DRAWINGS & DETAILS</p>	<p>Client</p> <p>Mr and Mrs K.CHARLES builder</p>	<p>project/site</p> <p>Chevely Belmont Avenue Huddersfield Glossop GL3 3SF</p>
<p>Scale 1:100</p>	<p>drawn</p>	<p>date</p>	<p>RBV</p>
<p>4386</p>	<p>Dwg No</p>	<p>4386</p>	<p>A</p>

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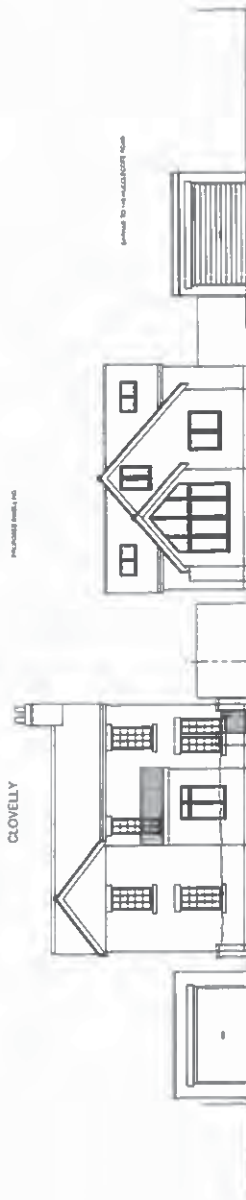
BELMONT AVENUE

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 <p>G.P. Architects 11152 011387 E, 11th Street, Gloucester, Gloucestershire, GLOUCESTER, GLOS, GL3 3SF T: 01452 011387 E: info@gparchitects.co.uk</p>		<table border="1"> <tr> <th>REV</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>	REV	DATE	DESCRIPTION										<p>ROLES: MR AND MRS K CHARLES CLIENT G.P. ARCHITECTS ARCHITECTS 11152 011387 E, 11th Street, Gloucester, Gloucestershire, GLOUCESTER, GLOS, GL3 3SF T: 01452 011387 E: info@gparchitects.co.uk</p>	<p>CLIENT: Mr and Mrs K. CHARLES builder</p>	<p>PROJECT SITE: Clovelly Belmont Avenue Gloucester Gloucester GL3 3SF</p>	<p>TITLE: PROPOSED SITE LAYOUT AND LEVELS</p>	<table border="1"> <tr> <th>drawn</th> <th>date</th> </tr> <tr> <td>Scale 1:200</td> <td> </td> </tr> <tr> <th>Dwg No</th> <th>rev</th> </tr> <tr> <td>4386/2</td> <td>A</td> </tr> </table>	drawn	date	Scale 1:200		Dwg No	rev	4386/2	A
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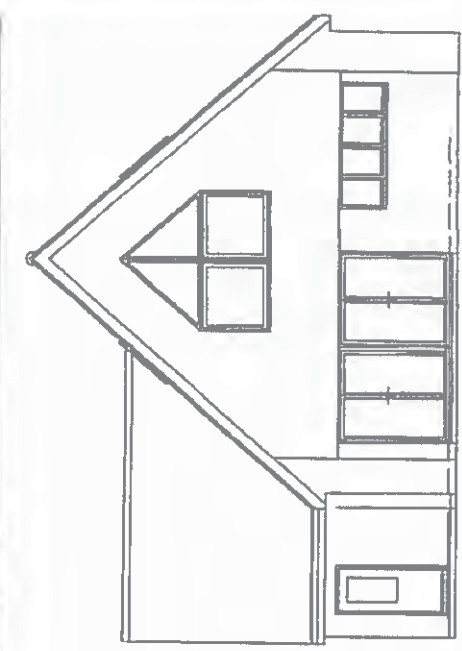
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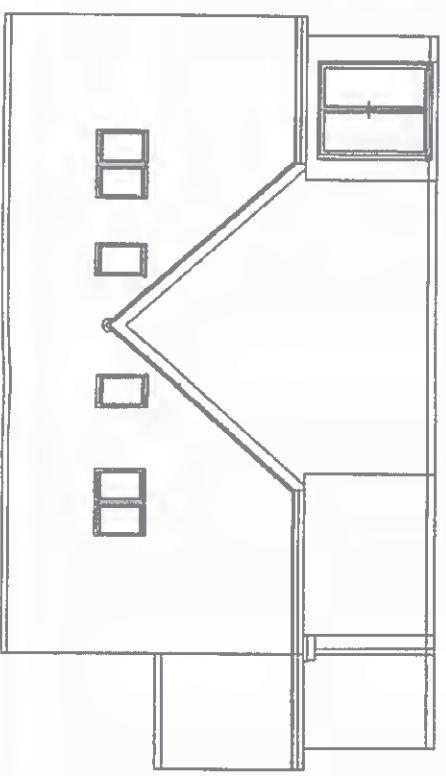
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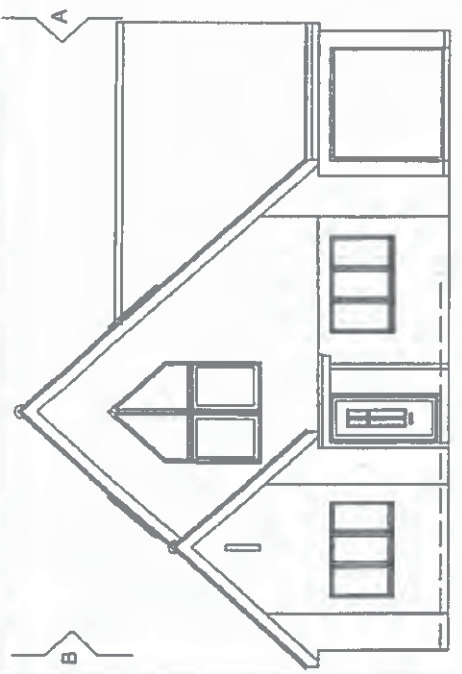
<p>South Devon Architectural Consultants T 01352 370357 Email: southdevon@sa-consultants.co.uk</p>	REV	DATE	DESCRIPTION	<p>NOTES: All our work is prepared and checked by our qualified staff. It is intended to be used as a guide only. It is not to be used as a contract document. All work is subject to our terms and conditions.</p>	<p>client Mr and Mrs K. CHARLES builder</p>	<p>project/site Clovelly Belmont Avenue Huzwickle Gloucester GL3 3SF</p>	<p>title PROPOSED EXISTING AND PROPOSED STREET SCENES</p>	drawn	DATE
	Scale 1:200	4386/1	REV						



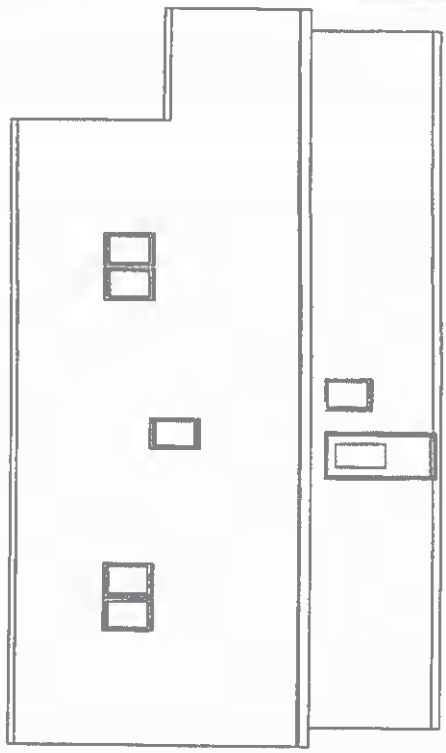
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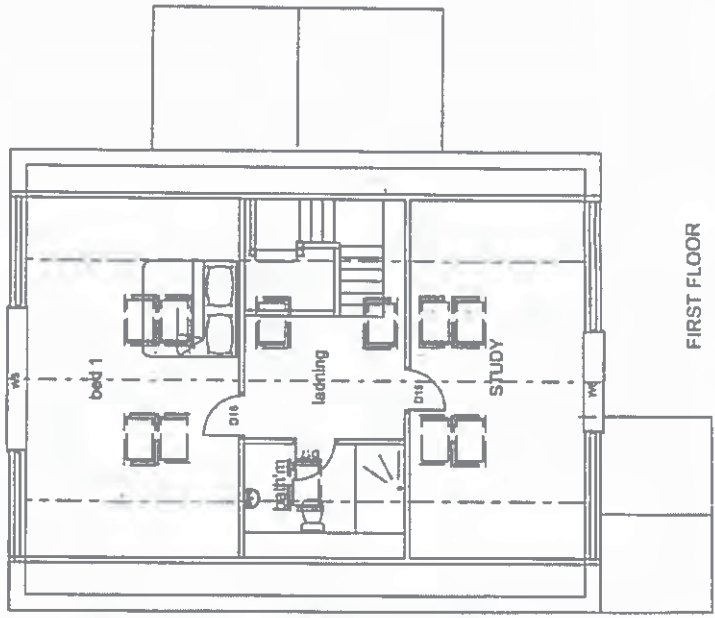
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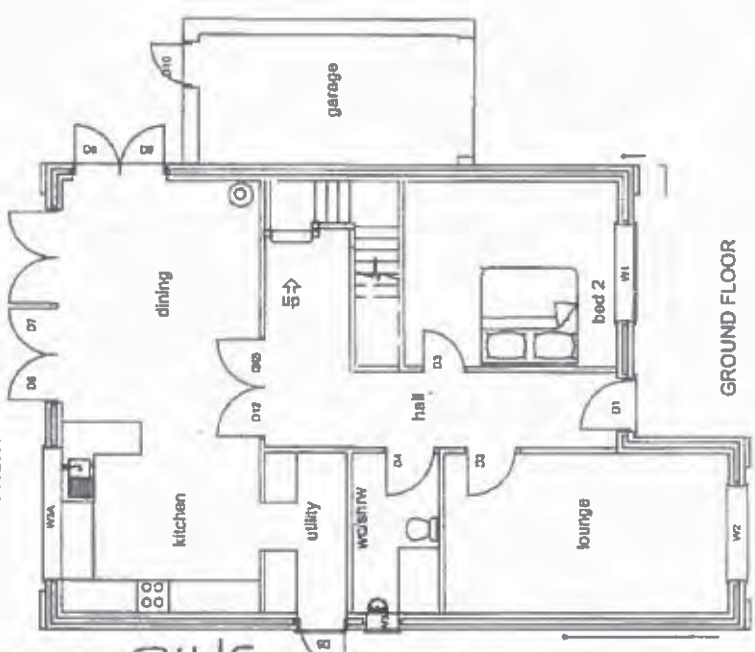
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SIDE B




FIRST FLOOR



GROUND FLOOR

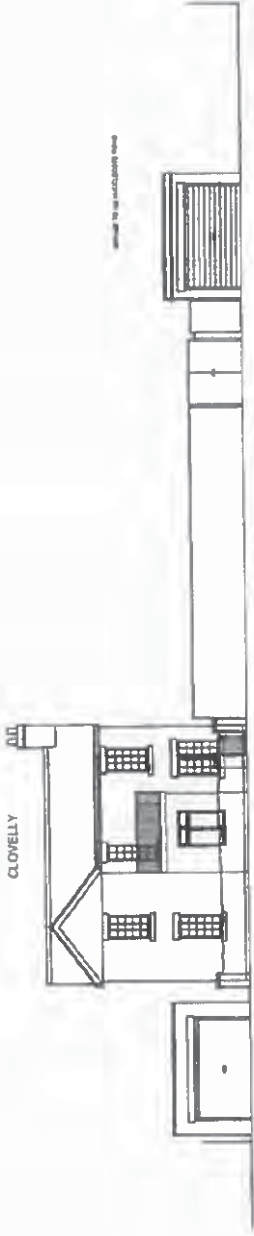
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CLIENT	Mr and Mrs K. CHARLES		
BUILDER			
PROJECTS	Clevedon Belmont Avenue Huddersfield Gloucester GL3 3JF		
DATE	4386	DWG NO	REV
SCALE	1:100		

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rev	date	description

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BOROUGH COUNCILLORS FOR THE RESPECTIVE WARDS 2015-2019

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

11 May 2015

Please destroy previous lists.