



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

**TEWKESBURY BOROUGH COUNCIL**

Schedule of Planning Applications for the consideration of the **PLANNING COMMITTEE** at its meeting on 24 October 2017

	<b>(NORTH)</b>	<b>(SOUTH)</b>
General Development Applications Applications for Permission/Consent	(353 - 394)	(395 – 452)

**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. ( 353 - 452 )**

### **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) 24th October 2017

Parish and Reference	Address	Recommendation	Item/page number
Badgeworth 17/00618/FUL <a href="#">Click Here To View</a>	Knapp Farm Hill Farm Birdlip Hill Witcombe	Refuse	6 / 395
Bishops Cleeve 17/00337/FUL <a href="#">Click Here To View</a>	19 Huxley Way Bishops Cleeve Cheltenham	Permit	10 / 417
Bishops Cleeve 17/00858/FUL <a href="#">Click Here To View</a>	Land off Evesham Road Evesham Road Bishops Cleeve	Refuse	7 / 400
Leigh 17/00670/FUL <a href="#">Click Here To View</a>	Land at Blacksmith Lane The Leigh	Refuse	3 / 379
Maisemore 17/00538/APP <a href="#">Click Here To View</a>	Land rear of Rectory Farm Maisemore	Approve	15 / 448
Minsterworth 17/00104/OUT <a href="#">Click Here To View</a>	Land adjacent to Rosedale House Main Road Minsterworth GL2 8JH	Delegated Permit	12 / 426
Minsterworth 17/00855/FUL <a href="#">Click Here To View</a>	Part Parcel 1228 Main Road Minsterworth	Delegated Permit	11 / 420
Minsterworth 17/00889/OUT <a href="#">Click Here To View</a>	Land at Appithorne Main Road Minsterworth	Delegated Permit	14 / 442
Norton 17/00679/FUL <a href="#">Click Here To View</a>	Land at Barn Farm Tewkesbury Road Norton	Delegated Permit	13 / 437
Shurdington 17/01023/FUL <a href="#">Click Here To View</a>	Burley Fields Crippetts Lane Leckhampton GL51 4XT	Refuse	8 / 406

<p>Southam 17/00239/FUL <a href="#">Click Here To View</a></p>	<p>Newlands Park Southam Lane Southam</p>	<p>Permit</p>	<p>9 / 411</p>
<p>Tewkesbury 16/01041/FUL <a href="#">Click Here To View</a></p>	<p>Tewkesbury Abbey Caravan Club Site Gander Lane Tewkesbury</p>	<p>Permit</p>	<p>4 / 385</p>
<p>Winchcombe 16/01453/FUL <a href="#">Click Here To View</a></p>	<p>Almsbury Vineyard Street Winchcombe</p>	<p>Refuse</p>	<p>1 / 353</p>
<p>Winchcombe 16/01454/LBC <a href="#">Click Here To View</a></p>	<p>Almsbury Vineyard Street Winchcombe</p>	<p>Refuse Consent</p>	<p>2 / 374</p>
<p>Winchcombe 17/00903/FUL <a href="#">Click Here To View</a></p>	<p>5 Whitmore Road Winchcombe</p>	<p>Permit</p>	<p>5 / 392</p>

Valid 06.01.2017

Proposed construction of a 52 bed care home and 53 assisted living units (C2 use), including the conversion of Almsbury Barns. Associated hard and soft landscaping and parking.

Grid Ref 402512 228026

Parish Winchcombe

Ward Winchcombe

Beechcroft Developments Ltd & The Trustees of GM Brocklehurst  
(deceased)  
C/o Agent

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

NPPF

Planning Practice Guidance

Proposed Main Modifications Version of the Joint Core Strategy (MMVJCS) 2017 - SP2, SD5, SD8, SD9, SD10, SD11, SD13, SD15, INF1, INF2, INF3, INF5, INF7, INF8

Tewkesbury Borough Local Plan to 2011 - March 2006 - GNL11, HOU4, HOU11, HOU13, TPT1, TPT6, HEN2, EVT2, EVT3, EVT5, EVT9, LND6, LND7, NCN5, AGR6, AGR7

Winchcombe and Sudeley Neighbourhood Plan - 2011 - 2031 (WSNP) - Policies 1.1, 2.7, 3.1, 3.2, 3.3, 4.4, 5.1, 5.2, 5.3

Cotswolds AONB Management Plan

Planning (Listed Buildings and Conservation Areas) Act 1990

Grade 1 (Sudeley Castle) and Grade II Star (Sudeley Castle Historic Park and Garden)

Grade II (Almsbury Farm and associated buildings)

Cotswolds Area of Outstanding Natural Beauty

PROW including Cotswold Way National Trail

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

The First Protocol, Article 1 (Protection of Property)

**Consultations and Representations****Winchcombe Town Council**

The Town Council supports the principle of developing a scheme of specialist housing for the elderly and construction of a care home including restoration of the historic barns, to a scale and extent no larger than that currently proposed, subject to certain caveats, including:

- There must be no adverse impact upon archaeology;
- The traffic survey should be repeated as the Town Council believes the existing survey is fundamentally flawed;
- The applicants giving a binding undertaking to ensure that the proposed Assisted Living Units would remain as such in perpetuity and negotiations are undertaken to increase the number of smaller units intended to satisfy identified local housing need to 12 in total.
- The possible introduction of a mini-bus service for the use of residents in accessing local and regional facilities and rationalisation of the car parking arrangements and provision for pedestrians and mobility scooters on Vineyard Street;
- The roofing material to be used throughout the scheme should be limited to Cotswold tiles;
- Consideration by the applicants to provide facilities to enable the replacement of some of the services lost by the closure of Winchcombe Hospital;
- Demonstration that there is sufficient capacity in the foul water drainage system to accommodate the anticipated flows from the development; and
- The applicants entering into a S.106 Agreement containing the following provisions:
  - (i) appropriate financial contributions being made towards the new Cemetery off Mount View Drive, Winchcombe Park and the local Health facilities.
  - (ii) the provision of a dedicated footpath/cycleway between Vineyard Street and Castle Street either through the site or elsewhere through the Sudeley Estate.
  - (iii) the provision of at least 12 residential units to satisfy identified local need.
  - (iv) the provision of a scheme to ease the flow of water under the bridge at Castle Street to reduce the risk of flooding

**Conservation Officer - Objects.** This site is extremely sensitive in heritage terms, and even the applicants' own heritage consultants acknowledge that the scheme would result in harm to the historic environment, and that any decision must hinge on an assessment of its wider merits. In terms of mitigation, it is likely that only a much smaller scheme, centred on restoring Almsbury Farm, would represent an acceptable level of heritage impact.

The proposed re-use of the redundant buildings at Almsbury Farm is welcome in principle but it is at the price of a development with profound, negative impacts. No exploration of alternative sites with less impact on the historic environment has been presented so the 'clear and convincing' case for the harm arising from this location has not been made.

**Landscape Officer - Objects on the following grounds:**

- High degree of visual prominence of the site, due to topography and landscape inter-visibility. Housing development as proposed would potentially urbanise and adversely affect the rural character of the wider countryside, significantly changing and weakening the landscape setting and settlement edge to the conservation area of Winchcombe and the setting of the grade II\* park and gardens of Sudeley Castle;
- Adverse landscape and visual impacts to the setting of the Cotswold AONB and permitting the application would set a precedent for further development along the southern edge to Winchcombe which has the potential to cause landscape harm.

**Urban Design Officer - Objects to the proposal on the following grounds:**

- The scale of the proposed scheme is at odds with the informal rural character of the original farm buildings and the wider open parkland setting. The amount and scale of development in relation to the existing farm buildings is out of keeping and inappropriate; it would have an overbearing impact on these listed buildings and the setting of the listed buildings.
- The scale and massing of the flats is also a concern as they are large and bulky and the topography of the site also exacerbates this issue.
- The scheme does not work well with the contours of the site and this results in large amounts of retaining wall which have a negative impact on the landscape setting. The development would appear dominant when viewed from surrounding rights of the way and would have a negative impact on the open landscape character of this area.

**Housing Enabling Officer - Objects** as the proposal does not meet the needs of households who cannot afford to rent or buy houses on the existing housing market. Also expresses concern about the accessibility of the site for people with limited mobility.

**Historic England - Objects** as the development as proposed would harm the setting of Sudeley Castle (Grade I), its Grade II\* Registered Park and Garden and the character of the Winchcombe Conservation area.

**County Highways Officer - Objects** as the application fails to demonstrate that safe and suitable access is achievable and the layout could lead to conflicts between vehicular traffic, pedestrians and cyclists.

**County Archaeologist - Concerned** that construction ground works required for this development may have an adverse impact on significant archaeological remains and therefore, recommends that in advance of the determination of this planning application the applicant should provide the results of a programme of archaeological assessment and evaluation. No additional information has been submitted by the applicant in respect of the requested programme of archaeological assessment.

**Lead Local Flood Authority - No Objection** subject to appropriate planning conditions.

**Crime Prevention Design Advisor - No objection** subject to the inclusion of appropriate measures relating to external lighting and surveillance of car parking and apartments.

**Natural England - No objection** subject to standing advice.

**CPRE - Object.** The scheme proposes an exceptionally intensive development, accessed via a totally unsuitable road. The development would be isolated and unsustainable and highly visible from the local footpath network, including the Cotswold Way and also from the Cotswold escarpment to the south of Winchcombe.

### **Badger Trust**

- In the absence of any meaningful data on badgers within the application site being provided within the submitted ecological report, the Badger Trust suggests that the following measures be adopted;  
The submission of a Method Statement for the construction work and long term considerations relating to appropriate boundary treatment and green space.

**Wales and West Utilities** - Gas pipes owned by other Licensed Gas Transporter and also privately owned may be present in this area. Whilst not objecting to the current proposal, WWU have advised that no building works must take place over any plant or enclose apparatus and the applicant is advised to seek advice on this issue direct from WWU.

### **Local Residents**

Support 28 representations of support have been received. There comments are summarised as follows:

- There is a real need for the provision of this type of development in Winchcombe for those local residents who may wish to downsize;
- The Town needs better facilities for its aging population;
- The provision of a Care Home facility is greatly welcomed - it is very difficult for elderly family members to visit relatives who are located in Care Homes extant from Winchcombe. It will however be important for those developing the proposed Care Home to liaise carefully with our local medical practice to ensure that the impact of increased numbers of frail and elderly folk can be factored into our local health services.
- Will provide much needed additional employment for local residents - and as a multiplier - further custom for town-based services, businesses and facilities.
- This is a high quality submission and the development should blend well with the surrounding landscape. The site is surrounded by a comprehensive shelter belt of trees and as such should have virtually no visual impact on surrounding areas and will not be visible from the Castle. It also enjoys the benefit of being really close to the town centre.
- Far more preferable to ordinary residential development as we have been obliged to accept in recent times;
- This will benefit older Winchcombe residents of long standing who are previously obliged to leave the town because of the lack of suitable residential care and accommodation locally;
- The Almsbury Farm site has been an eyesore for many years and it good to know it will put to good use;
- The development will free properties for families etc. to enable a much more sustainable and balanced community than exists at present, given the town's ageing population;
- The location of the site has the benefit of being close to the town centre and services/ shops;
- Provision should be made for those in need to benefit from rented affordable retirement homes;
- The proposal would appear to preserve the appearance of the beautiful barn;

Objection 115 representations of objection have been received. There comments are summarised as follows:

### **Traffic and access**

- The proposal does not appear to have made proper parking arrangements for their contractors' vehicles on site - vehicles may spill onto the extremely limited on-street parking on Abbey Terrace and Gloucester Street causing further disruption to an already crowded road;
- Chevron parking and old trees on Vineyard Street should stay as they are. These houses have no space for occupants to park their vehicles. Parking for the owners is essential and moving the parking space into the field further on would be unsightly in an AONB.
- Additional to increased traffic created by the residents of 53 assisted living units, the care home itself would require a considerable number of visits by service vehicles carrying laundry, food supplies, general and clinical waste, medical supplies etc. Traffic is already very bad (sometimes intolerably so) in Winchcombe, and the cumulative effect of more development on this scale would add a substantial extra burden on our town;
- 40-50,000 tonne lorries and large cranes were utilised within the similar Beechcroft development at Chipping Norton which caused damage to existing road surfaces;
- Large lorries accessing Vineyard Street could cause damage to these listed buildings;
- Concern regarding the structural integrity of the bridge serving the site and its ability to cope with large construction traffic;
- The bridge over the old railway line next to the Penhurst Gardens Beechcroft site in Chipping Norton has had to undergo emergency repairs due to the big increase in traffic that has taken place during the 2 years of construction on-site.
- The sloping nature of the site and relative remoteness from the town centre may lead to those residents with mobility issues becoming isolated. Pedestrian access to and from the site via both Vineyard Street

and Castle Street would be via very narrow and inadequate pavements entirely unsuitable for use by elderly and infirm people;

- Vineyard St is a through-road for 8 months of the year and the development will increase congestion along this highway;
- The plan to reduce the number of parking spaces on Vineyard Street gives no consideration to the residents of Vineyard Street who struggle to park due to the above traffic on the best of days;
- The traffic survey submitted in support of the proposal is not representative or accurate as it was carried out at a time when Sudeley Castle is closed and several roads were closed around the town for Severn Trent works;
- Both Vineyard Street and Castle Street have a steep gradient. The average gradients are 9.7 % and 16.7 % respectively. (Expert advice puts the Average Safe Gradient as 6 - 8%) - to negotiate the roads and the junctions at the top of Vineyard Street and Castle Street for a wheelchair user or mobility scooter would be extremely dangerous;
- Ambulances and emergency services would find it difficult and dangerous to access the development due to the traffic difficulties along Vineyard Street;
- There is firm evidence that an average of 17-27 staff would be employed daily, not 5 as suggested in the planning application, adding further traffic for Vineyard Street and again at its junction;

### **Landscape and Environment**

- The site is located within the AONB and the adopted Neighbourhood Development Plan seeks to protect the AONB from unsympathetic development;
- Building here would diminish the striking views from many public footpaths above the town;
- Development on this site would transform its rural character and the relationship between Vineyard Street, people, and place are relevant considerations in determining that this is a valued landscape that should not be built on;
- the row of lime trees on the walk up to Sudeley Castle are going to be damaged and one even cut down spoiling the walk up the hill for all the walkers and cyclists and tourists alike;
- There are many other locations throughout Tewkesbury Borough that are not in the AONB where this type of development would be better located. The AONB should be protected for future generations;
- The NPPF requires applications for major development within an AONB to be refused unless there are exceptional circumstances. This application cannot be considered as an exceptional circumstance and in the context of Winchcombe, this application is for a "major" development;
- The site is outside the existing built up southern limit of Winchcombe and on the south side of the river Isbourne that creates a natural boundary;
- The site is currently completely dark at night and inhabited or used by many species of owls and bats and other wildlife. Development of the AONB on this scale and with buildings of the proposed height would undoubtedly result in unacceptable light pollution from the onsite roadways and vehicles, car parks and residences which would adversely affect the wildlife.

### **Heritage Assets**

- The scale and density of the development in relation to the Grade 2 barns would be overpowering and out of character, and will be detrimental to the tranquil setting of Almsbury Farm. The proposed car parking area would be completely at odds with the setting of the listed barns;
- The application suggests that five workers would be on site at any one time but this seems very low for a care home of this size;
- The large influx of new residents over and above the existing population and recent housing developments within the town would place a huge burden on existing facilities and infrastructure such as medical facilities;
- The proposed site of the development is unsuitable, being within the Winchcombe Conservation Area and the AONB and building here would impact the views from many public footpaths above the town. The development would also cause harm to the setting and significance of the conservation area, and cause harm to the landscape and scenic beauty of the AONB;
- The site borders the parkland of a Grade II listed historic house and forms part of the historic and rural approach to Sudeley Castle. The site also contains a Grade II listed Cotswold Barn and the proposal is totally inappropriate and would harm the setting of these assets;
- The access entrance leading to Sudeley Castle is along Vineyard Street which was designed and planned by Emma Dent, who could have been argued would have been one of the first women architects of our time therefore should be protected and promoted as such.

### **Flood Risk and Drainage**

- The application states the proposed development is in a very low flood risk area even though it is clearly located directly adjacent to the River Isbourne. This river has caused major flooding issues in the town on many occasions directly downstream from this development site;



- A development of this size and scale will significantly increase the run off of rainwater directly into the river, increasing the risk and impact of flooding further downstream in the town. The application acknowledges this issue but then fails to offer any tangible measures to alleviate the position;
- The flooding risk to the downstream areas are sensitive to very minor increases in water flow, as we have seen in the years since 2007. The proposed development, even allowing for the water attenuation plans will, during heavy and prolonged rainfall, impact the river capacity.
- The sewage system at this side of Winchcombe was installed in Victorian times and it is questionable whether the capability of the main sewer to take the additional volume.

#### **Infrastructure**

- Allegedly the local doctor's surgery is currently at capacity and would be unable to accommodate the needs of the Nursing home let alone the entire site;

#### **Housing**

- The applicants have indicated that the assisted living units will only remain whilst the Residential Home remains. A binding undertaking to ensure that the proposed Assisted Living Units would remain as such in perpetuity should be sought;
- The development is classed as C2 (families, young people, singles and healthy down sizers, all excluded), and secondly, it would not contribute to any allocation Winchcombe may receive as a result of the JCS/Local Plan;
- The location of this site is so popular with walkers that it will turn visitors away. This land should be protected and made into something for all the community to make use of;
- This development is aimed towards the elderly population and does not take into account that most of Winchcombe is aged between 25 and 64 (according to 2011 Winchcombe Census). Therefore, this area could be used for something that would benefit the whole community;
- The proposed cost of the affordable accommodation within the development appears too expensive for local residents to be able to buy;
- Legal undertakings to ensure the proposed assisted living units would remain as such in perpetuity are difficult to enforce. Many such developments soon become C3 properties and largely become second homes.

#### **Residential amenity**

- The local area would have a significant increase in noise pollution affecting the local residents' properties.
- The development would result in unacceptable light pollution from the onsite roadways, car parks and residences which would materially affect the enjoyment of nearby residential housing and open spaces;

#### Neutral comments

- The proposed car parking should be less intrusive;
- Important to ensure that proposed parking remains available to visitors and is not dominated by people who work in the town.
- In the interests of visually harmonising this development with its surroundings, a Cotswold tile should be used on all roofs rather than the proposed Spanish slate.

#### Letters of representation have also been received from the following:

- *Chairman of Friends of Winchcombe*, a member organisation with 535 members. Friends of Winchcombe **object** to the proposed development. Their concerns relate to traffic/access; inaccuracy of the submitted traffic impact survey; harm to the AONB; harm to the setting of heritage assets; inaccessibility of the site for older residents; lack of benefit arising from the development to existing Winchcombe residents given that the units would not be affordable; lack of suitability of the site for the proposed C2 and evidence of similar sites developed as C2 when in reality they become residential C3 within very short timescales;
- *Partners of Winchcombe Medical Centre* - **Object** to the proposal on the grounds; the town already has a disproportionately high number of over 65's and the Practice is within the top 5 within the country for the amount of older patients per doctor. Partners are concerned that the addition of this development without restrictions would intensify pressures on the Medical Centre and decrease services to existing patients by reduced access and increased wait times.
- Laurence Robertson M.P. **Objects** on the following grounds; Scale of development out of keeping and would have a detrimental impact upon the conservation area and AONB; Existing traffic problems/congestion would be greatly exacerbated; Safety implications due to potential conflict between pedestrians and construction traffic along Vineyard Street; the scheme represents major development within the AONB and should be refused accordingly.

**Planning Officers Comments:** Miss Lisa Dixon

## 1.0 Introduction

1.1 The application site is located on the south eastern periphery of Winchcombe town and comprises some 3.2 hectares. Open parkland landscape of the Sudeley Castle Estate adjoins the site to the south, with far reaching views of the distant Cotswold escarpment beyond. To the north and east, the site is bounded by the River Isbourne and Beesmoor Brook respectively and by the grade II listed 18th/19th Century Almsbury Farm building to the west. Adjoining part of the northern boundary of the site are the residential properties of 'Beam End', 'Tilia House' and 'Indian Queens', together with a relatively modest piece of land given over to allotment gardens. Castle Street lies beyond the residential properties to the north. Vineyard Street adjoins the site to the west and provides vehicular access to the site from the centre of town and also provides access to Sudeley Castle estate to the south. The cottages lining either side of Vineyard Street, together with the bridge are Grade II Listed see attached site location plan.

1.2 The site itself comprises a range of stone barns which are individually Grade II Listed. A range of modern farm buildings occupy the southern part of the site. The historic buildings are currently redundant although the modern buildings are utilised in connection with the keeping of livestock in the site.

1.3 A network of Public Rights of Way cross land to the west and south, including the Cotswold Way which has National Trail status. The non-designated heritage asset of 'Almsbury Lodge' lies to the south-west of the site and the Grade II Listed bridge serving Vineyard Street, lies in close proximity to the north-west.

1.4 The site lies wholly within the Cotswolds Area of Outstanding Natural Beauty and within the Winchcombe Conservation Area. The eastern portion of the site also lies within Flood Zones 2 and 3. In addition, part of lower portion of Vineyard Street and part of the proposed alternative pedestrian access to serve the development via Castle Street, lie within Flood Zones 2 and 3.

1.5 The site lies outside of Winchcombe's residential development boundary as defined in the Tewkesbury Borough Local Plan - March 2006 and also outside of the Built up Area boundary for Winchcombe as defined within the Winchcombe and Sudeley Neighbourhood Plan - 2011 - 2031 (WSNP).

## 2.0 Planning History

2.1 Planning permission and listed building consent were granted to redevelop this farm complex to provide new visitor facilities for Sudeley Castle in 2003 and 2002 respectively, the planning application also being subject to a Section 106 agreement (Ref: 00/8820/0753/FUL & 00/8820/0754/LBC). Following fire damage to the main stone barn in January 2004, which destroyed the roof and first floor structures and left the building in a dangerous condition, Listed Building Consent was granted to reinstate the barn in June 2005 (Ref: 04/8820/1674/LBC). Previous applications for planning permission and listed building consent to alter and extend the farmhouse and adjoining outbuilding to provide a larger residential unit, alter/rebuild the complex of listed stone farm buildings and erect new buildings to provide 24 workspace units and 3 multi space units were withdrawn in June 2006 (Ref: 05/8820/1593/FUL) following concerns raised about the scale of the development and harmful effect on the listed buildings and their setting.

2.2 An alternative scheme for conversion of the historic barns to provide 24 work space units, together with an alternative scheme to extend the listed farmhouse was submitted on 23.11.2006 but subsequently withdrawn on 05.02.2007 prior to proposed committee determination on 06.02.2007 (Application ref: 06/01167/FUL; accompanying LBC application ref:06/01168/LBC).

2.3 The accompanying Listed Building Consent application for conversion of the listed farm buildings also appears on the schedule (Application ref: 16/01454/LBC).

## 3.0 Current Proposal

3.1 The current proposal seeks to demolish the existing modern farm buildings and erect a 52 bedroom care home within the south-western portion of the site. The scheme also includes the construction of 53 'assisted living' units and the conversion of the listed range of farm buildings to provide 5 of the 53 assisted living units and community rooms.

3.2 The 'assisted living' units would be age restricted in that at least one of the occupants of each unit would be required to be aged 55 or over. Residents of the assisted living units would be required to undertake an independent care needs assessment and 'care' would be offered by the new care home and third party domiciliary care provider. The supporting planning statement advises that a Unilateral Undertaking would ensure that care services are offered by the care home to meet the needs of the occupants of the assisted

living units. Care packages provided as part of the assisted living would include personal care, laundry, meals and housekeeping and would be administered by the care home staff. The developers have advised that, as with their other developments elsewhere, the use of a legal obligation would ensure that the assisted living units have access to an appropriate level of care services within the care home for as long as the care home is in use and providing the needs of the care home residents are not compromised. The assisted living units would be sold on a long (999 years) lease with restrictions that none could be sold without owners signing a deed of covenant regarding their occupation and an independent assessment of care needs would be required when someone enters a lease.

3.3 There would be a full-time manager who would reside on site within the proposed manager's flat to oversee management of the assisted living units. A further deputy manager and handyman would be employed to look after the units and gardens. The total number of employees proposed in respect of the development is stated within the submitted application form to be 60.

3.4 The conversion of the existing buildings is outlined within the submitted Design and Access Statement as follows:

- The barn is to be restored and converted for community use.
- The adjacent stable area to be restored and converted to provide ancillary space for the community rooms.
- The two storey building forming the north-west wing of the complex to be restored and converted as a house to form part of the assisted living development.
- The low south western cowsheds to be restored as storage areas.
- The very low north eastern pig sty to be rebuilt to create a new bungalow as part of the assisted living development.
- The dilapidated cow sheds adjacent to the pigsty to be restored and converted as part of a bungalow with some additional space built on the abandoned footprint of earlier structures.
- Two bungalows to be built on the L-shaped footprint of previously demolished sheds.

3.5 The proposed new stone-built 52 bed care home would replace the open sided tin sheds which currently occupy the south-western portion of the site. The building would be of two-storey construction and of relatively traditional design with stone gables and Cotswold slate roof. The intended occupants of the care home are stated to be frail elderly and dementia patients. The sole proposed vehicular entrance to the site would utilise the existing access via Vineyard Street, with an area of on-site parking created to the site frontage to serve the care home. It is also stated within the supporting documentation that the operators of the proposed care home would provide care not only for residents within the home but also for purchasers of the assisted living units.

3.6 Beyond the farm buildings to the north of the entrance road, two terraces are proposed, each of four stone-built cottages. A block of eight one-bed flats would be erected within the northern extent of the site. The supporting information states that this element of the proposal has been included as a result of local consultations. Also within this portion of the site is proposed a small group of single-storey buildings, - two bungalows and a 'car-barn' - bordering the open 'parkland' area which would occupy the northern-most part of the site.

3.7 Within the eastern portion of the site, occupying the steeper slopes dropping down to the Beesmore Brook, two further blocks of accommodation are proposed which include semi basement garaging and a number of flats and houses (10 units and 18 units respectively). To the south of these units, close to the southern boundary of the site, a pair of cottages is proposed.

3.8 A new pedestrian route from the site through to Castle Street is proposed and associated landscaping and internal access roads are also proposed as part of the current scheme. A landscaped attenuation/drainage pond is proposed within the northern extent of the site as part of the proposed 'parkland' area. **See attached plans**

#### **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. The development plan comprises the saved policies of the Tewkesbury Borough Local Plan to 2011 - March 2006 and the Winchcombe and Sudeley Neighbourhood Plan - 2011 - 2031.

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

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

4.3 The application site lies beyond the current settlement boundary for Winchcombe and therefore the proposal does not comply with saved Local Plan Policy HOU4, which restricts new housing to limited purposes relating to affordable housing and rural activities. Policy HOU4 is considered to be consistent with the Framework in that it seeks to promote sustainable patterns of development and protect the countryside from encroachment and should be afforded significant weight. The Council is able to demonstrate a five-year supply of deliverable housing sites and saved policy HOU4 is considered up-to-date.

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

#### *Winchcombe and Sudeley Neighbourhood Plan - 2011 - 2031*

4.5 The Winchcombe and Sudeley Neighbourhood Plan (WSNP) received formal adoption on the 24th January 2017. The formal adoption of the WSNP now means that it forms part of the Development Plan for the area. Thus, in view of the adopted status of the Plan, it is considered that the relevant policies detailed below carry full weight in respect of the current application.

4.6 Policy 1.1 (Protecting the Distinctive Character of the Area) of the WSNP provides that development should respect local character and must protect and enhance the Cotswolds AONB. The reasoned justification sets out the importance of protecting the town, when viewed from the AONB and also sets out the importance of protecting the AONB, in relation to its setting for the town.

4.7 Policy 2.1 (Development for a thriving economy) encourages new business uses at various locations including the Almsbury Farm complex (part of the current application site) subject to various conditions including that conversion or restoration works respect the character of the immediate area and/or buildings and that the local road system is capable of accommodating the traffic generated by the proposed use. The Almsbury Farm complex is identified *'if not developed as part of a wider housing and care home development'*.

4.8 Policy 3.1 (Infill Development) supports residential development on infill and redevelopment sites, provided that they are within the built up areas (as shown within the proposals map), well designed and meet all relevant requirements set out elsewhere within the plan. This site is not within the identified built up area.

4.9 Policy 2.7 (Sudeley Castle) seeks to support development which supports Sudeley Castle as a tourist attraction whilst preserving the significance of the heritage asset.

4.10 Policy 3.2 (Meeting local needs for new homes for those with modest incomes) of the WSNP provides the following;

*'Where six or more homes are proposed (or 11 or more outside the designated AONB area) the development must include provision of affordable housing'.*

4.11 Policy 3.3 seeks to promote the provision of almshouses or small bungalows for older people provided they are infill proposals and are built to wheelchair accessible standards.

4.12 Policy 4.4 (Walking and Cycling routes) provides that the existing network of public rights of way will be supported and extended with developer contributions where possible, included Corndean Lane to Vineyard Street and on to Castle Street, part of which would cross the Almsbury Farm site.

4.13 Policy 5.1 (Design of new development) sets out that new development should reflect the character of its surroundings and should complement and enhance the prevailing size, height, scale and materials, layout, density and access of any surrounding development.

4.14 Policy 5.3 (Winchcombe Conservation Area) seeks to conserve and/or enhance the conservation area of the Town and provide an assessment of the significance of heritage assets together with the impact of any proposal upon those assets.

## *Emerging Joint Core Strategy*

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.

4.16 The Proposed Main Modifications Version of the Joint Core Strategy (MMJCS) 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.

4.17 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 principal 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 9,899 new homes are to be provided within Tewkesbury Borough - to be met through Strategic Allocations and through smaller scale development meeting local needs at Tewkesbury town in accordance with its role as a 'Market Town'. A certain quantum of housing is also to be provided at the 'Rural Service Centres' and 'service villages' identified in the JCS. Winchcombe is identified as a Rural Service Centre within the Main Modifications version of the JCS and together with Bishop's Cleeve is expected to accommodate 1860 new homes over the plan period to 2031.

4.18 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).

4.19 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 Inspector published her interim report in May 2016 and following this the three JCS Councils have approved the Main Modifications for consultation. 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.

## *Emerging Tewkesbury Borough Plan 2011 - 2031*

4.20 The Tewkesbury Borough Plan (2011-2031) will sit beneath the JCS. A draft Site Options and Policies document has been published and was the subject of six weeks of public consultation, which closed on 13th April 2015.

4.21 To set out its approach to distributing the rural housing requirement within the TBP (as required by Policy SP2 of the JCS) the Council produced the 'Approach to Rural Sites Background Paper' (as attached at Appendix D). This was published alongside the 'Draft Policies and Site Options for Consultation' version of the Borough Plan. In accordance with Policy SP2 of the JCS the requirement was disaggregated and apportioned to each settlement based on the size and functionality of the settlement and its accessibility to Cheltenham/Gloucester. The outcome of the disaggregation process is set out in a table in the document which shows the disaggregated indicative housing requirement for Winchcombe (based on the Rural Service Centre requirement of 1860 dwellings) as 345. Winchcombe has had 277 dwellings consented within the plan period so far and Bishops Cleeve (the second Rural Service Centre) has had 1,564 consented dwellings. As such, the consented number of dwellings for the two Rural Service Centres is 1,841 dwellings as of April 2017, leaving a requirement of only 19 dwellings for the remaining Plan period. A new table will be published as part of the housing background paper for the preferred options draft of the TBP to reflect any change. Whilst the background paper provides a helpful insight into the disaggregation process adopted across the Rural Service Centres and Service Villages, it is recognised that it is a background document to the emerging TBP which is at an early stage of preparation.

4.22 The draft TBP is at a much earlier stage of development than the JCS and thus can only be given very limited weight at this stage. It is anticipated that the Preferred Options version of the Tewkesbury Borough Plan will be released for a 6-week consultation in winter 2017/18.

### *Other Material Considerations*

#### *National Planning Policy Framework*

4.23 Paragraph 12 of the NPPF confirms that the Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

4.24 Paragraph 14 of the NPPF identifies the presumption in favour of sustainable development and what this means for decision taking.

4.25 Paragraph 17 sets out Core Planning Principles that should underpin both plan making and decision taking. Relevant principles include the need to take into account the different roles and character areas recognising the intrinsic character and beauty of the countryside (fifth bullet point) and to contribute to conserving and enhancing the natural environment (seventh bullet point).

4.26 Paragraph 109 states that planning should contribute to and enhance the natural and local environment by, amongst other things, protecting and enhancing valued landscapes.

4.27 Paragraph 115 provides that great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.

4.28 Paragraph 116 states that planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:

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

4.29 Paragraph 49 makes clear that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.

4.30 Paragraph 55 states that in promoting sustainable development in rural areas housing should be located where it will enhance or maintain the vitality of rural communities. Planning decisions should aim to ensure that that development adds to the overall quality of the area and to establish a strong sense of place.

4.31 Paragraph 69 states that planning policies and decisions should achieve places which promote opportunities between members of the community who might not come into contact with one another to facilitate social interaction and creating healthy inclusive communities.

4.32 Paragraph 198 states that where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted.

## **5.0 Analysis**

### The Principle of Development

5.1 The application site lies beyond the current settlement boundary for Winchcombe and therefore does not comply with saved Local Plan Policy HOU4, which restricts new housing to limited purposes relating to affordable housing and rural activities. Policy HOU4 is considered consistent with the Framework in that it seeks to promote sustainable patterns of development and protect the countryside from encroachment and should be afforded significant weight.

5.2 On 31st January 2017, the Council approved for consultation the latest draft of the Joint Core Strategy (JCS). In doing so the Council approved the Objectively Assessed Need (OAN) for Tewkesbury which stands at 9,899. It is considered that this figure is robust having been arrived at following detailed consideration through the Examination in Public process. Following from the OAN there is an annual requirement to meet Tewkesbury's needs of 495 dwellings. Using this robust figure, taking into account current supply, the Council can demonstrate a 5.3 year supply with a 20% buffer applied (although it is not necessarily accepted that the 20% buffer applies as the annual housing requirement has been exceeded for the past four years).

5.3 In these circumstances, aside from approving development proposals that accord with the development plan without delay (unless material considerations indicate otherwise), the presumption in favour of sustainable development set out at paragraph 14 of the NPPF does not apply. Furthermore, for reasons set out later in this report, the presumption in favour of sustainable development does not apply (in accordance with footnote 9) as the proposal has an unacceptable impact on the setting of designated heritage assets and because the proposal constitutes unacceptable major development in the AONB.

5.4 The application site also lies outside of the WSNDF infill development boundary (Policy 3.1), which seeks to restrict new residential development to infilling of existing built-up areas.

5.5 In light of the Council's five year supply position, and the amount of housing that has already been committed at Winchcombe over the plan period to date, it is not considered that there is currently a demonstrable need to justify the addition of a large quantum of housing in Winchcombe outside of the identified infill policy area of the WSNP (as shown on the Proposals Map at Appendix 1 of the WSNP) and outside of the recognised Residential Development Boundary, as defined by saved Policy HOU2 of the TBLP.

5.6 The applicant relies heavily on the premise that the Council has a housing land supply shortfall. Whilst this was the case when the Application was submitted, for the reasons explained above this position is out of date. The Applicant does also rely on the need for 'care related development'. The Housing Implementation Strategy (HIS) (June 2017) which supports the JCS states, in relation to 'Elderly Care'

*'6.6.1 The JCS Main Modifications identifies that older people accounted for 13% of the population within the JCS area in 2011 and that this proportion could increase to 20% by 2031. It is therefore essential that a proportion of new housing in the area should be suited to the needs of older people, including specialist accommodation such as nursing homes, retirement villages and care based housing including extra care.'*

*6.6.2. The need for 1,456 C3 use retirement/sheltered market housing units and 1,011 C2 use extra care units have been addressed through the JCS OAN. However, through the examination process, the need for 1,558 C2 use non-specified 'residential institution' bed spaces was identified over and above the OAN for the plan period across the JCS area (Inspector's Interim Report May 2016, Examination Document 232). A significant number of these additional bed spaces, usually made up of care home and nursing home provision, have already been constructed or consented between 2011 and the adoption of the JCS, as set out in Figure 21 below. The provision of the remaining need for C2 residential institution use bed spaces will be captured through the emerging Local Plans, divided between the three authorities.'*

5.7 The HIS sets out that there is a need for 1558 elderly care bed spaces over the plan period. Of these, 524 have been delivered including 66 within Tewkesbury Borough. The need for such development is therefore a matter which weighs in favour of the development however delivery has been strong in the plan period to date and the remainder will be provided for as set out in the HIS.

5.8 The proposal would also result in economic benefits, both during and post construction. The proposal would result in construction and post development jobs, with workers spending money in the local area. New residents would also increase spending power in the local area, helping to sustain local business as well as services and facilities.

5.9 In light of the above, in accordance with Section 38(6) of the Town and Country Planning Act 1990 and Section 12 of the NPPF, the presumption is against the grant of permission given the clear conflict with Policy HOU4 of the Tewkesbury Borough Local Plan and Policy 3.1 of the WSNP. As such, permission should be refused unless material planning considerations, including those benefits outlined above, indicate otherwise.

## **Impact upon Heritage Assets**

5.10 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities 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. As the site lies within the Conservation Area, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is also relevant. This requires that special attention is paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of the Conservation Area. This requirement is reflected in Policy HEN2 of the Local Plan, Policy 5.3 of the WSNP and emerging Policy SD9 of the JCS Main Modifications. The impact on the setting of the adjoining Historic Park and Garden is also a material consideration.

5.11 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.

5.12 The Conservation Officer (CO) has advised that the main impacts of the current proposal from a heritage perspective are the principle of development, and the 'scale, prominence, proximity' criterion. It is considered that new development on the scale proposed in this location would have a negative impact on, in particular, the setting of the registered park and the various listed buildings at Almsbury Farm and also the character of this part of the conservation area. The site is currently farmland, in stark contrast to the dense built up area north of the river, and this juxtaposition, the result of Sudeley Castle's quarantining influence, is one of the most striking aspects of Winchcombe's morphology. Any development would erode this distinction and the impact of the scheme is compounded by its size and bulk: blocks B and E extend to 3 storeys and block F to 4, which would make these some of the largest buildings in Winchcombe, both in height and in footprint.

5.13 This site is extremely sensitive in heritage terms, and the CO notes that even the applicants' own heritage consultants acknowledge that the scheme would result in harm to the historic environment, and that any decision must hinge on an assessment of its wider merits. In terms of mitigation, the CO advises it is likely that only a much smaller scheme, centred on restoring Almsbury Farm, would represent an acceptable level of heritage impact.

5.14 Whilst the Conservation Officer considers the proposed re-use of the redundant buildings at Almsbury Farm to be welcome in principle, this would be, in the context of the wider scheme proposed here, at the price of a development with profound, negative impacts. No exploration of alternative sites with less impact on the historic environment has been presented so the 'clear and convincing' case for the harm arising from this location is not considered to have been made.

5.15 Historic England (HE) share the Conservation Officer's concerns in that the introduction of a clearly visible collection of new buildings would interrupt and diminish the transition from Winchcombe into the estate parkland. HE consider that, when within the parkland looking north, the development would most certainly be visible and the new built form would bring a dense form of modern housing much closer to the II\* Registered Park and Garden and Grade I Castle. The reduction of the sense of separation would harm the setting of the Sudeley Castle.

5.16 HE comment further that the progression of leaving the town; crossing the bridges; passing the lodge and travelling beside the lake was developed by the Dent Family. The new development would diminish this experience as, after leaving the settlement, the new build and the inevitable infrastructure that would accompany the development, would be apparent. The theatrical experience that underpins the significance of the designated assets would be eroded. When within the parkland looking back to Winchcombe the new build would bring the built form much closer and more readable, reducing separation.

5.17 Relative to the Conservation Area, HE note that the development would reduce the sense of separation that currently exists between Winchcombe and the Sudeley estate, evident when within the parkland looking back towards town; when entering and leaving the estate and when on Vineyard Street and Castle Street. The strong building line at the rear of the high street when viewed from the south contributes significantly to the overriding character of the conservation area and helps defines its individuality. The very fact that the Sudeley Estate abuts the historic core of Winchcombe has prevented the incremental growth of the town in this direction, giving a robust building line overlooking a rural setting. This special characteristic of the conservation area would be severely eroded by the proposed development.



5.18 HE conclude that the development, simply by virtue of its scale and massing would harm the character of the conservation area, introducing a significant amount of new build development eroding context for the town and farm group. This impact would be compounded by the general domestication of the open land with the division into gardens and creation of estate roads and parking areas. HE consider that the development as proposed would harm the setting of Sudeley Castle (Grade I), its Grade II\* Registered Park and Garden and the character of the Winchcombe Conservation area.

5.19 Whilst Almsbury farm itself is Grade II listed, and so would be beyond HE's remit in terms of the physical alterations, they nevertheless comment that the extent of development proposed would erode the ability to read this tight group and appreciate its importance as an estate farm. Beyond this neither the massing nor the design of the new build elements are in keeping.

5.20 It is also of note that Historic England asks every local authority in England to complete (and update as appropriate) an annual survey of its conservation areas, highlighting current condition, threats and trends. Conservation areas that are deteriorating, or are in very bad or poor condition and not expected to change significantly in the next three years, are defined as being at risk. The present application was factored in to the Council's 2017 returns. After moderation by Historic England staff, it is likely that the 2018 register will show that the Winchcombe conservation area is now in the 'at risk' category. Winchcombe faces pressures common to many historic country towns but the potential impact of a single large development has been sufficient to alter its status. It will be the only conservation area in the Borough on the national Heritage at Risk Register.

5.21 For the reasons set out above, the harm to designated heritage assets weighs heavily against the proposal.

#### Archaeology

5.22 The County Archaeological Officer (CAO) has advised that he has checked the proposed development area against the County Historic Environment Record. The proposed development is located adjacent to Sudeley Castle's Registered Park and Garden, and for that reason there is concern that this scheme may have an unacceptable impact on the setting of the Registered Park and Garden.

5.23 In addition, County records indicate that previous archaeological investigation undertaken in this locality has revealed the remains of an extensive Roman settlement, as well as medieval remains. The CAO is therefore concerned that the proposed development site may contain significant archaeological remains which would be adversely affected by the construction ground works required for this scheme. Therefore, in accordance with the NPPF, paragraph 128, it is recommended that this scheme should be the subject of a programme of archaeological assessment and evaluation, the results of which should be made available before the determination of any planning application made for this development.

5.24 The results of any such assessment have not been submitted and, given the potential archaeological importance of the area, this is a matter which weighs against the proposal.

#### Landscape impact and impact upon the AONB

5.25 Paragraph 115 provides that great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty which has the highest status of protection in relation to landscape and scenic beauty. Paragraph 116 sets out that planning permission should be refused for major development within designated areas (including the AONB), except in exceptional circumstances and where it can be demonstrated they are in the public interest.

5.26 It is considered that, in view of the high quantum of units proposed, the scheme would comprise major development in the Cotswolds AONB and as such exceptional circumstances would need to be demonstrated for the proposed development as well as demonstrating that it is in the public interest.

5.27 Section 7 of the NPPF makes it clear that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

5.28 Policy 1.1 of the WSNP sets out that development should respect local character and must protect and enhance the Cotswolds AONB.

5.29 The site forms a pastoral and river valley setting, with the open views looking towards the built up edge of Winchcombe, and there are vistas overlooking the site from dwellings within Winchcombe, and from the public right of way to the east of the site. The site is visually prominent site within the Cotswold AONB from longer distance views of the setting from the Cotswold escarpment. The Landscape Officer (LO) has commented that this area of countryside is important in extending the pastoral and riparian landscape to developed edge of Winchcombe. The visual prominence of the site is accentuated by the higher topography to the north of the site, contrasting with the lower terrain along the brook with there being a significant difference of levels. The topography rises from Beesmoor Brook that that runs parallel to the eastern site boundaries, and there are elevated views across the pastoral field from the public footpath to the east, with the site forming part of the riparian landscape setting of the River Isbourne and Beesmoor Brook. In landscape terms, Winchcombe benefits from a rural feel, extending up to the edge of the town, characterised by a strong distinction between the surrounding countryside and the developed edge of the conservation area.

5.30 The LO considers that the proposed higher level dwellings along the Beesmoor Brook (Blocks F and F1) would be particularly intrusive to the setting. The form, scale and massing of the proposed buildings would damage the rural feel and uninterrupted vistas of the site, pastoral countryside setting and impair the attractive vistas extending towards the historic core of Winchcombe. Consequently, the LO raises strong objection to the scheme in that it would adversely affect and irrevocably change these open views across this landscape, and potentially adversely affect the landscape setting of the AONB setting, and weaken the strong definition between the historic core of the town and the surrounding countryside that has historically characterised Winchcombe.

5.31 The LO echoes the Conservation Officer's views in that development proposals that restore and bring into sustainable use the existing group of listed farm buildings along the frontage with Vineyard Street as part of a landscape led approach would have less potential to adversely affect or significantly change the sensitive landscape setting that characterises Winchcombe. However the current development proposals would introduce new build into a countryside setting within an AONB, conservation area and adjacent to a grade II\* registered park and garden, and would have considerable potential to cause significant landscape harm through the adverse landscape and visual impacts. The LO therefore objects to the current proposal in this regard.

5.32 Furthermore, it is considered that the proposed development would represent a specific local force for change identified in the Cotswold Conservation Board's Landscape Strategy and Guidelines for the Cotswolds AONB. It represents "Expansion and infilling of existing settlements fringing the lower slopes of the outliers including expansion onto the lower slopes". The Guidelines identify a range of potential landscape implications including:

- Encroachment of development onto visually prominent slopes of the Outliers
- Erosion of organic growth and linear pattern of settlements bordering roads fringing the lower slopes of individual outliers including their relationship to the landscape
- Proliferation of suburban building styles, housing estate layout and materials and the introduction of ornamental garden plants and boundary features.
- Interruption, weakening or loss of the historic character of settlements and the historic context in how they have expanded, especially the importance of the relationship between the historic core of the settlement and surviving historic features such as churchyards, manor houses, burgage plots, historic farms, pre-enclosure paddocks and closes.

5.33 As set out above, for major development in the AONB, the NPPF requires exceptional circumstances to justify such proposals. The relevant considerations are set out at paragraph 4.28 above. In terms of need, it is established that additional bed space for elderly care provision is required over the JCS period. This will be delivered in accordance with the Housing Implementation Strategy and may include further development for this type of housing in the Winchcombe area. Whilst this need, and the attendant economic benefits do weigh in favour of the proposals, this need and those benefits are expected to be delivered within the plan period and it is not considered that the need/economic benefits outweigh the clear harm to the AONB that would result in this case.

5.34 The Applicant has not carried out an assessment relating to the cost and scope of developing outside the AONB, or meeting the need in some other way. It is clear that the cost of developing a sympathetic scheme in this highly sensitive location in the AONB and in the setting of designated heritage assets including the Grade I listed Sudeley Castle, Grade II star listed park and garden and Winchcombe Conservation Area would be significantly higher than in a location not restrained by such constraints. As set out above, the identified need for this type of development is expected to be met over the JCS period.

5.35 The final consideration at paragraph 116 of the NPPF relates to the impact of the development on the environment. For the reasons explained elsewhere in this report the harms associated with, in particular, the impact on the AONB and heritage assets, weigh heavily against the proposal. Overall therefore it is not considered that exceptional circumstances exist, and that it would be in the wider public interest, in this case to justify major development which harms the AONB.

5.36 For the above reasons, the proposed development would conflict with Policy SD8 of the emerging Joint Core Strategy Submission Version (November 2014) and section 11 of the National Planning Policy Framework. Furthermore, the Council also consider the proposal contrary to Policy 3.1 of the adopted WSNP. This represents an adverse impact weighing heavily against the proposal in the overall planning balance.

#### Design and Layout

5.37 With regards to proposed design and layout, The Urban Design Officer (UDO) considers that the level of development currently proposed in this location would be inappropriate and would be out of character with the rural edge setting and morphology of the settlement. Winchcombe has a clustered settlement pattern which spreads north from the main street, there is very limited development to the south of B4632 beyond frontage development. The character beyond the edge of the settlement to the south is open and rural, with scattered farm buildings. This scheme is directly at odds with that morphology and would appear as an isolated and detached form of development that does not integrate with the town. This is heightened by the lack of pedestrian connections through to the town.

5.38 The scale of the proposed scheme is considered by the UDO to be at odds with the informal rural character of the original farm buildings and the wider open parkland setting. The amount and scale of development in relation to the existing farm buildings is considered out of keeping and inappropriate and would have an overbearing impact on these listed buildings and the setting of the listed buildings. The scale and massing of the flats is also a concern as they are large and bulky and the topography of the site also exacerbates this issue. The UDO further advises that the scheme does not work well with the contours of the site and this would result in large amounts of retaining wall which would look unsightly and have a negative impact on the landscape setting. The development would appear dominant when viewed from surrounding rights of the way and would have a negative impact on the open landscape character of this area. As such, the UDO raises strong objection to the application.

#### Accessibility and Highway Safety

5.39 In terms of accessibility, paragraph 55 of the NPPF sets out that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Paragraph 32 of the NPPF requires safe and suitable access to be provided to all development sites for all people.

5.40 Winchcombe is identified as a Rural Service Centre within the MMVJCS in recognition of its relatively high level of existing services and facilities and relative proximity/connectivity to Cheltenham. As a result, given the site's close proximity to the centre of the town and services/facilities contained therein, the site cannot be considered to be isolated.

5.41 Policy TPT1 of the Local Plan requires that traffic generated by development does not impair the safe or satisfactory operation of the highway network and that safe and convenient access is provided for pedestrians and cyclists. Policy INF1 and INF2 of the MMVJCS echoes this advice and requires developments to provide safe vehicular access to the highway network and to allow safe travel within the vicinity of the development.

5.42 The site is proposed to be served by a single point of vehicular access from Vineyard Street, utilising the existing access serving the historic farmstead. The speed limit in this location is 60mph, which would require 215m visibility. The County Highways Officer (CHO) has raised an objection to the current proposal on the grounds that the scheme has failed to demonstrate that an 11.3m refuse vehicle could safely enter and egress the site without overrunning the opposing carriageway at the junction and boundary features throughout the layout without potentially causing conflict.

5.43 Furthermore the CHO has advised that widths of the internal carriageways fall below the required widths for both cul-de-sacs and shared surface streets as set out within Manual for Gloucestershire Streets guidance (layouts should provide 4.8m carriageways with a 2.0m minimum unobstructed pedestrian corridor for shared surface streets and 4.8m minimum carriageway with 2m wide all sides footway for a cul-de-sac).

Carriageways widths are subject to swept path analysis but the CHO considers that it has not been adequately demonstrated that refuse vehicles could manoeuvre within all areas of the development with ease, as advised within the applicant's submitted Transport Statement.

### *Parking*

5.44 Vineyard Street can suffer from on street parking issues, generally related to visitors of the castle, but also walkers using the Cotswold Way. The submitted layout plan indicates a total of 70 parking spaces within the development, spread over a series of off-street car parks. Blocks F and F1 would have basement level parking to serve each unit. Currently GCC states a maximum level of parking provision for residential development at 1.5 spaces per dwelling. For care homes, GCC state a maximum of 1 space per 6 bedrooms and 1 space per member of staff. As stated, this is a maximum figure and the submitted Transport Statement indicates that a reduced level of parking has been proposed in order to encourage a reduction in vehicle ownership and the use of sustainable modes of travel, especially for shorter trips. Cycle parking at the development will be provided in accordance with the standards set by the local highway authority for both the residential and non-residential uses. The CHO considers the level of proposed on-site vehicle and cycle parking to serve the development to be acceptable.

### *Pedestrian Access*

5.45 The Housing Enabling Officer has expressed concern with regards to the inaccessible location of the development for an ageing population. The route to and from the development will be isolating for the majority of residents who lack mobility and require assistance to enter the town and local facilities. Any steep routes to and from older people's accommodation must be avoided so that in their later years, occupiers are not isolated. The HEO advises further that older people's accommodation must be in locations that enable easy access routes on foot and in wheelchairs. The application proposes the introduction of two separate pedestrian/cycle only access routes, firstly from the northeast corner of the site to the adjacent Castle Street and secondly through the western frontage, adjacent to the access road just south of the River Isbourne bridge. A pedestrian route from the development site along Vineyard Street towards the B4632 has been proposed, however no details of the proposed pedestrian footway have been provided in support of the application. The CHO has advised of the requirement for a pedestrian route which connects the existing footway and allows for a wheel chair pedestrian to pass an able bodied pedestrian. It is of note that the current proposal seeks to provide accommodation for older residents and as such, should adequately provide an inclusive, safe pedestrian route along Vineyard Street to link to the town.

5.46 The CHO has therefore recommended refusal of the current application on the grounds that it has failed to demonstrate safe and suitable access and has failed to create a safe and secure layout which minimises conflicts between traffic, cyclists or pedestrians, contrary to Paragraphs 32 & 35 of the National Planning Policy Framework. This is a matter which weighs significantly against the proposals.

5.47 It is considered that this development would potentially generate a significant amount of movement and therefore a Transport Assessment was required in support of the proposal which seeks to assess whether the local highway network would be able to accommodate the likely demand. A number of local residents have raised concerns regarding the legitimacy and accuracy of the submitted TA given that it carried out at a time when Sudeley Castle was closed to visitors and many local roads were closed due to Severn Trent works. This issue has been raised with the CHO and **an update will be provided at Planning Committee.**

### Flood Risk and Drainage

5.48 The NPPF sets out at paragraph 103 that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment (FRA). This advice is echoed with Policy EVT5 of the Local Plan and emerging Policy INF3 of the MMVJCS.

5.49 The River Isbourne flows in a north-easterly direction adjacent to the northern site boundary, before flowing under Castle Street and continuing to flow in a northerly direction. Beesmoor Brook is located adjacent to the easterly site boundary, flowing in a northerly direction towards Castle Street and its confluence with the River Isbourne. Whilst the majority of the site is located within Flood Zone 1, which is land at the lowest possible risk of flooding from fluvial sources, the eastern portion of the site and a small part of the northern portion of the site, lie within Flood Zones 2 and 3 in view of their proximity to The River Isbourne and The Beesmore Brook.

5.50 The submitted Flood Risk Assessment (FRA) concludes that the risk of fluvial flooding to the development itself is considered to be low given that the development has been located within the areas of low risk within the site boundary. The Environment Agency (EA) has been consulted on this issue, particularly in view of the fact that the part of the vehicular and pedestrian access lies within Flood Zones 2 and 3 and as such, safe dry access may be compromised. No response has yet been received from the EA and an update will be provided at Planning Committee.

5.51 The risk of surface water flooding to the development is considered within the submitted FRA to be low, however there are some areas of the wider site indicated to be at medium to high risk. The proposed drainage strategy would provide protection to both existing and proposed properties by providing a positive drainage system, which would intercept overland flows generated within the site. The drainage system would be designed to ensure that no flooding takes place up to and including the design rainfall event (1 in 100 year return period), with additional capacity within the system to allow for the potential effects of climate change. The FRA also notes that no residential dwellings are proposed within Flood Zones 2 and 3.

5.52 The Lead Local Flood Authority (GCC) has advised that the applicant is proposing an acceptable Sustainable Drainage System and this would ensure a reduction in the flood risk on the site and from the site to surrounding areas. It would be designed to cope up to and including the 1 in 100 year event plus an allowance for climate change by attenuation and a controlled discharge, this would allow surface water to be managed on site and would also increase flood resilience for the wider area beyond. As such, the LLFA raises no objection to the proposed development subject to the imposition on an appropriately worded planning condition requiring a scheme for surface water drainage.

5.53 The applicant's FRA has concluded that the site would not be at risk from surface water flooding. The LLFA's surface water flood maps and historic flood records concur with this conclusion, and consequently, the LLFA agree with this position. With regards to Surface water management the applicant has chosen to mimic the existing drainage through proposing to discharge the site's surface water to the River Isbourne and at a rate less than the existing. A new attenuation pond is proposed within the northern portion of the site which would convey flows to the River Isbourne. This strategy is welcomed by the LLFA and conforms to the requirements for surface water flood risk of the National Planning Policy Framework.

5.54 The Town Council's request for the provision of a scheme to ease the flow of water under the bridge at Castle Street to reduce the risk of flooding via a s106 agreement is noted. However it is not considered that this could be justified given the conclusions reached by the LLFA above there is no evidence at this stage that this would be required to make the development acceptable.

## Ecology

5.55 The application has been supported with an Ecological Assessment incorporating an extended Phase I Habitat Survey, Bat, badger, bird and Reptile Survey. No evidence of badgers was discovered within the site and the site is considered to offer limited opportunities for nesting and foraging birds. However, the bat survey did reveal the presence of 3nos. species of bats within the site and the reptile survey revealed the presence of a low number of slow worms.

5.56 Building B1 is proposed to be retained and converted as part of the proposed development. This building supports a transitory day roost for a small number of Common Pipistrelle and a Noctule, although the submitted ecological report considers that the development would not impact upon the roost and notes that any unforeseen impacts to the roof of the building may require a Natural England European Protected Species Licence and all works to the building should be advised by a qualified ecologist prior to them being undertaken. Building B4 is proposed to be renovated, although due to its poor state of repair the majority of the building would be impacted by the proposed development. This building supports a transitory day roost for a single number of Common Pipistrelle and will require a Natural England European Protected Species Licence prior to any works. The remaining buildings within the application site were not found to support roosting bats, have no ecological value and would be lost as a result of the proposed development.

5.57 Mitigation measures identified in the report would ensure that the proposal would not have a detrimental impact on protected species or their habitats and proposed works to building B4 would be required to be carried out under Natural England Licence in the presence of a suitably qualified ecologist. Additional bat boxes would be required within the site, together with the securing of an appropriate lighting scheme to ensure that no external lighting would be placed within the vicinity of Buildings B1 and B4.

5.58 Areas of improved grassland in which reptiles were recorded are proposed to be lost to the proposals and based on the legislation for these species, a programme of capture and release to suitable habitat would be undertaken in advance of development (that would avoid killing or injuring any of the species) to ensure that an offence is avoided. In order to conform to the relevant legislation a detailed mitigation programme would be required as well as a capture and exclusion exercise in line with best practice.

5.59 Having regard to the above, should members be minded to grant planning permission a condition should be imposed requiring the measures identified in the surveys being carried out. Subject to appropriate planning conditions to secure protection of existing habitats, biodiversity enhancements and mitigation as necessary the proposed development is therefore considered to accord with the NPPF and policy NCN5 of the Local Plan.

### **Residential Amenity**

5.60 The nearest residential properties are a cluster of dwellings located adjacent to the northern boundary of the site, on Castle Street ('Beam End', 'Tilia House' and 'Indian Queens'). In addition, the only vehicular access serving the development would route vehicles along Vineyard Street, past the existing row of terrace cottages that line either side.

5.61 The nearest proposed building within the site to these existing residential properties would be sited approximately 60 metres away (Building D3 - Car barn). Given the intervening distance, it is considered that the proposed development would not result in harm to residential amenity by reason of loss of light, loss of privacy or overbearing.

5.62 The potential noise effects of traffic generated by the development, to residents along Vineyard Street, is currently being assessed by the Environmental Health Officer and **An update will be provided at Planning Committee.** The assessment must take into account any noise and disturbance currently experienced to residents of Vineyard Street by visitors/tourists to Sudeley Castle.

### **Developer Contributions**

5.63 The NPPF sets out that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Local Plan Policy GNL11 requires that infrastructure and public services necessary to enable the development to take place are either available or can be provided. Policy INF8 of the MMVJCS echoes this requirement and requires developer contributions towards the provision of infrastructure and services required as a consequence of development and requires such contributions to be agreed prior to the granting of planning permission.

5.64 As this scheme is for assisted living for people with the restriction that at least one occupier within each residential unit must be aged 55 or over and for an elderly care scheme, any contributions should reflect the needs of this particular type of development and demography. Contributions would be expected towards appropriate community facilities/infrastructure including local library infrastructure.

5.65 The submitted planning statement notes that a S106 agreement would be used to secure financial contributions and affordable housing provision in respect of the proposal. However, no Draft Heads of Terms have been submitted with the application. The Council's Community Development Officer has been consulted in respect of required developer contributions and **an update will be provided at Committee.** The Town Council requests in relation to contributions towards local facilities are noted however at this stage it is difficult to provide a view on these matters in the absence of specific costs and evidence to support them.

### **Affordable Housing**

5.66 Policy SD13 of the MMVJCS states that 40% affordable housing will be sought within the Borough and that *"This policy applies to dwellings (as defined by use class C3) and also any self-contained units of accommodation within a residential institution (use class C2)."* Furthermore, Policy HOU13 of the Local Plan requires affordable housing contributions for 'housing on sites of 15 or more dwellings' and Policy 3.2 of the WSNP requires the provision of affordable housing for developments of six or more homes within the AONB.

5.67 The Housing and Enabling Officer (HEO) has advised that, as at February 2017, the affordable rented need in Winchcombe was 32 households aged 55 years old and over with a need to move. Of these: 27 are in 1-bed need, with 9 of these in significant or urgent medical/welfare need, and a further 2 will be freeing up family accommodation; 5 are in 2-bed need, with 1 of these in significant or urgent medical/welfare need,

and another freeing up family accommodation. The HEO further advises that other families in the surrounding area would benefit from an assisted living dwelling such as this; there are 8 households aged over 55 from surrounding areas in housing need.

5.68 The Applicant proposes *'8 small, one-bed flats to meet local requirements for affordability'*.

5.69 The SHMA identifies that appropriate affordable housing for older people is required in the Borough. The Tewkesbury Borough Council Housing Strategy acknowledges the need to provide for older people in terms of retirement living, support and care needs. The 65+ age group is identified as seeing the biggest change in terms of vulnerable people in need of support, increasing by 29.5%. With the significant growth in the number of households over 65, support for the needs of older people with limited means is necessary. It is also recognised that this in turn would help to free-up houses for young families and supports them to live in sustainable communities.

5.70 The HEO advises that the lead commissioner for older people, Gloucestershire County Council and NHS Gloucestershire Clinical Commissioning Group (CCG) has expressed concerns developments such as that proposed may attract purchasers/tenants who are not ordinarily resident in the County. The County Council and CCG therefore support the development of provision for local residents. The CCG further considers that on-site provision of affordable rent units would support the needs of Borough residents to live in appropriate housing for their needs. There is some concern that across Cheltenham & Tewkesbury Boroughs that, at the current time, there are 127 residential care bed vacancies and whether there is demand and need for a 52-bed residential care facility in this area, however as set out elsewhere in the report there is an outstanding need for bed spaces for elderly people over the JCS period.

5.71 The HEO had advised that, should Members be minded to permit the application, a Unilateral Undertaking would be required for all assisted living occupants, together with a care needs assessment prior to entering into a sale/lease with regards to the nature of care needed for the assisted living occupants. Without certainty of care need then there is concern that occupiers may not have care needs and the accommodation would fall into C3 use rather than the specified C2 use.

5.72 In conclusion, the proposed provision of *'8 small, one-bed flats to meet local requirements for affordability'* even if secured via appropriate S106 agreement, would fail to accord with emerging Policy SD13 of the MMVJCS which requires 40% affordable housing. As mentioned above, the Policy applies to dwellings (as defined by use class C3) and also any self-contained units of accommodation within a residential institution (use class C2). As such, a total of 42 (40%) affordable homes would be required in respect of the proposal. The absence of an appropriate level of affordable housing weighs heavily against the proposal.

## **6.0 Overall Planning Balance and Conclusions**

6.1 The presumption is against the grant of planning permission given the conflict with saved Policy HOU4 of the Local Plan and as such permission should be refused unless material circumstances indicate otherwise. Furthermore, the scheme proposes major development within the AONB and no exceptional circumstances or benefit in the public interest have been demonstrated. As such, permission should be refused in accordance with Paragraph 116 of the NPPF.

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

6.3 Weighing against the proposal is the significant harm identified to the setting of heritage assets, including the Grade II Listed Almsbury Farm buildings, Grade II Star Registered Park and Garden, Grade I Sudeley Castle and Winchcombe Conservation Area. The proposal would also result in demonstrable harm to the special landscape character of the Cotswolds AONB, which is afforded the highest status of protection within the NPPF as it would weaken the strong definition between the historic core of the town and the surrounding countryside that has historically characterised Winchcombe. This would conflict with the aims of Policy 1.1 of the WSNP and Policy SD8 of the JCSPMMV and the Framework. It is considered that considerable weight should be attached to this adverse impact. Furthermore, the proposed development would compromise highway safety as it has not been demonstrated that a refuse vehicle could safely negotiate the access onto the highway or internal roads. The proposal also fails to provide suitable and safe pedestrian access, linking the development to the town.

6.4 In addition, in the absence of an appropriate planning obligation, the application does not provide housing that would be available to households who cannot afford to rent or buy houses available on the existing housing market. As such, the proposed development conflicts with Policy HOU13 of the Tewkesbury Borough Local Plan to 2011 - March 2006, Policy 3.2 of the WSNP and Policies SD12 and SD13 of the Joint Core strategy Main Modifications Version. In the absence of an appropriate planning obligation, the application does not make provision for the delivery of community infrastructure and library provision and therefore the proposed development is contrary to Policy GNL11 of the Tewkesbury Borough Local Plan to 2011 - March 2006, Section 8 of the NPPF (Promoting healthy communities) and Policies INF5, INF7 and INF8 of the Joint Core strategy Main Modifications Version.

6.5 It is considered that the potential benefits which would be derived from the development would include the supply of a new care facility and range of new housing for older residents; job creation, both during construction and within the ongoing day to day running of the development itself; additional expenditure within the settlement from new residents that may help sustain local services; and the re-use of disused historic assets (albeit this benefit is outweighed by the harm to the heritage assets as a whole).

6.6 Having regard to the above, it is not considered that the benefits arising from the development would outweigh the significant and demonstrable harms which would arise as a result of the proposals. The proposed development would not accord with relevant saved policies of the Local Plan, adopted Neighbourhood Plan and emerging JCS and would not represent sustainable development as set out in the NPPF. It is therefore, recommended that the application be **Refused**.

## **RECOMMENDATION Refuse**

### Reasons:

- 1 The proposed development conflicts with Policy HOU4 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and Policy 3.1 of the Winchcombe and Sudeley Neighbourhood Plan - 2011 - 2031 in that the site lies outside the defined residential development boundary and 'built up areas' boundary of the settlement in a location where new housing is strictly controlled.
- 2 The proposed development would constitute major development which would result in significant harm to the Cotswolds Area of Outstanding Natural Beauty by reason of the scale of development and detailed design proposed and the site's location, rising topography and detachment from the built-up settlement of the existing town. Extending the built form of the settlement in this location would encroach on pleasant and distinct views from public roads and footpaths in the vicinity. The proposed development would not protect and enhance the Cotswolds AONB and therefore conflicts with Policy 1.1 of the Winchcombe and Sudeley Neighbourhood Plan, Policy SD8 of the Proposed Main Modifications version of the Joint Core Strategy and the provisions of paragraphs 115 and 116 of the National Planning Policy Framework.
- 3 The proposed development would result in unacceptable harm to the setting and significance of nearby heritage assets and it is considered that there would be no public benefits arising from the development which would serve to outweigh this harm. Therefore, the development would be contrary to paragraphs 132 and 133 of the NPPF, Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy HEN2 of the Tewkesbury Borough Local Plan to 2011 - March 2006, Policies 1.1, 2.7 and 5.3 of the Winchcombe and Sudeley Neighbourhood Plan - 2011 - 2031 and Policy SD9 of the Proposed Main Modifications version of the Joint Core Strategy.
- 4 The proposed development has failed to demonstrate safe and suitable access and has failed to create a safe and secure layout which minimises conflicts between traffic, cyclists or pedestrians, contrary to Paragraphs 32 & 35 of the National Planning Policy Framework, Policy TPT1 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and Policy INF1 of the Main Modifications version of the Joint Core Strategy.
- 5 In the absence of an appropriate planning obligation, the application does not provide housing that would be available to households who cannot afford to rent or buy houses available on the existing housing market. As such, the proposed development conflicts with Policy HOU13 of the Tewkesbury Borough Local Plan to 2011 - March 2006, Policy 3.2 of the Winchcombe and Sudeley Neighbourhood Plan - 2011 - 2031 and Policies SD12 and SD13 of the Joint Core strategy Main Modifications Version.



- 6 In the absence of an appropriate planning obligation, the application does not make provision for the delivery of community infrastructure and library provision and therefore the proposed development is contrary to Policy GNL11 of the Tewkesbury Borough Local Plan to 2011 - March 2006, Section 8 of the NPPF (Promoting healthy communities) and Policies INF5 and INF7 of the Joint Core strategy Main Modifications Version.

Note:

**Statement of Positive and Proactive Engagement**

In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner offering pre-application advice, detailed published guidance to assist the applicant and published to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding. However, as a consequence of the clear conflict with Development Plan Policy no direct negotiation during the consideration of the application has taken place.

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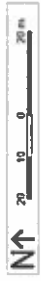
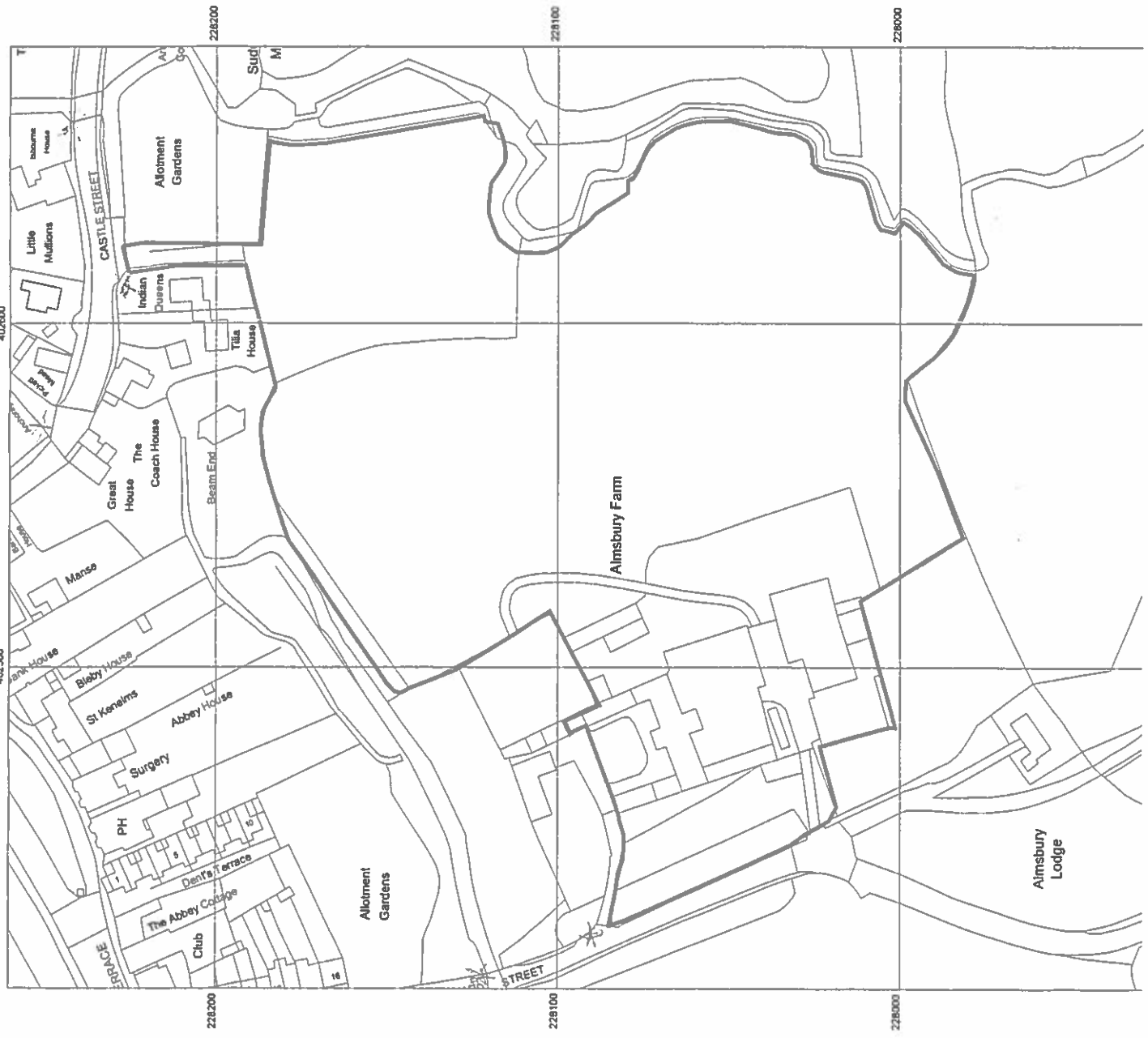
**Client**  
Beechcroft Developments Ltd

**Drawing**  
Location Plan

**Scale**  
1:1250@A3

**Project No.** 134  
**Drawing No.** 100  
**Revision** A

**Status** P  
**Date** Dec 16 LN  
**Drawn by** LN  
**Checked by** RM



**Map Information**  
Scale: 1:1250  
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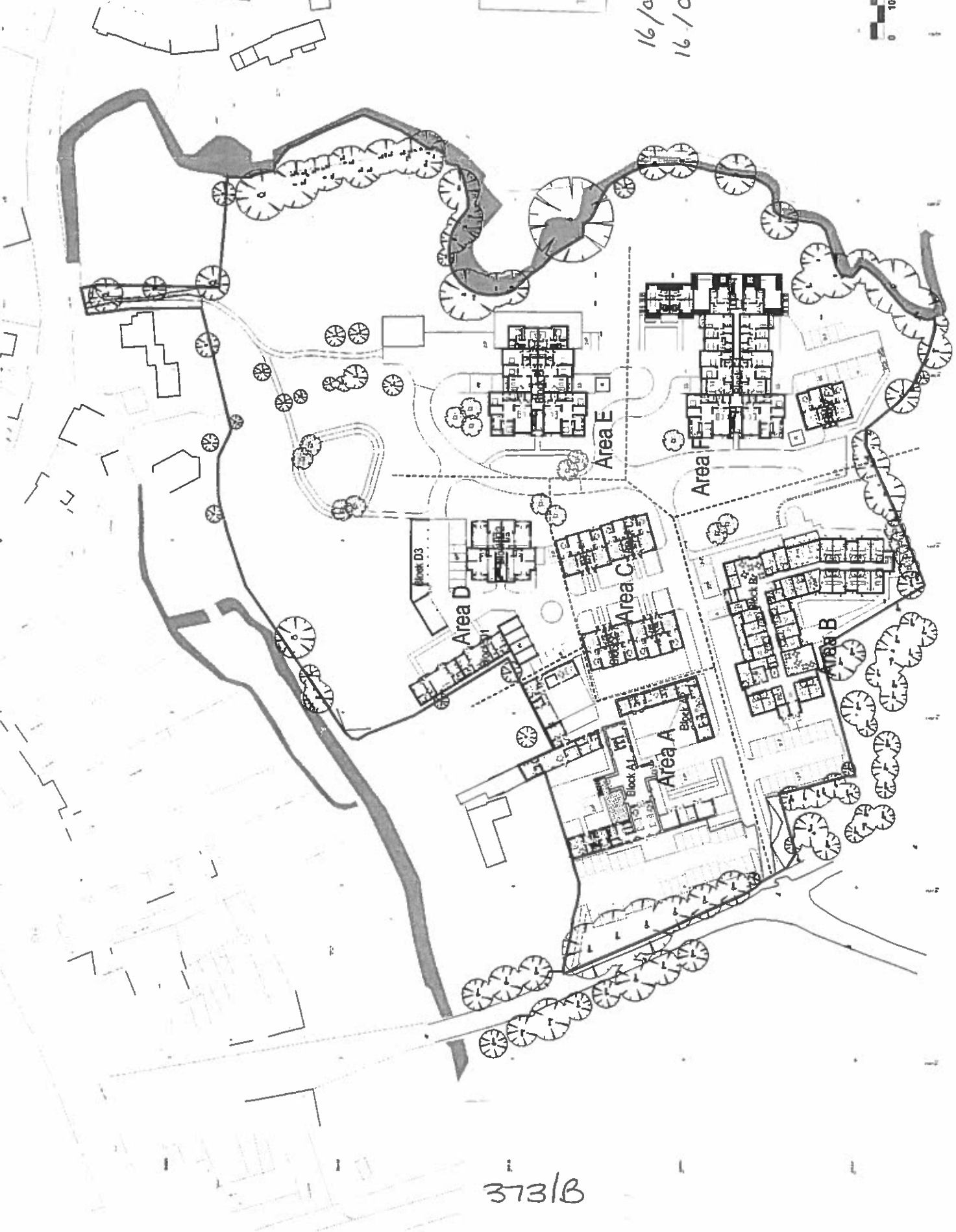
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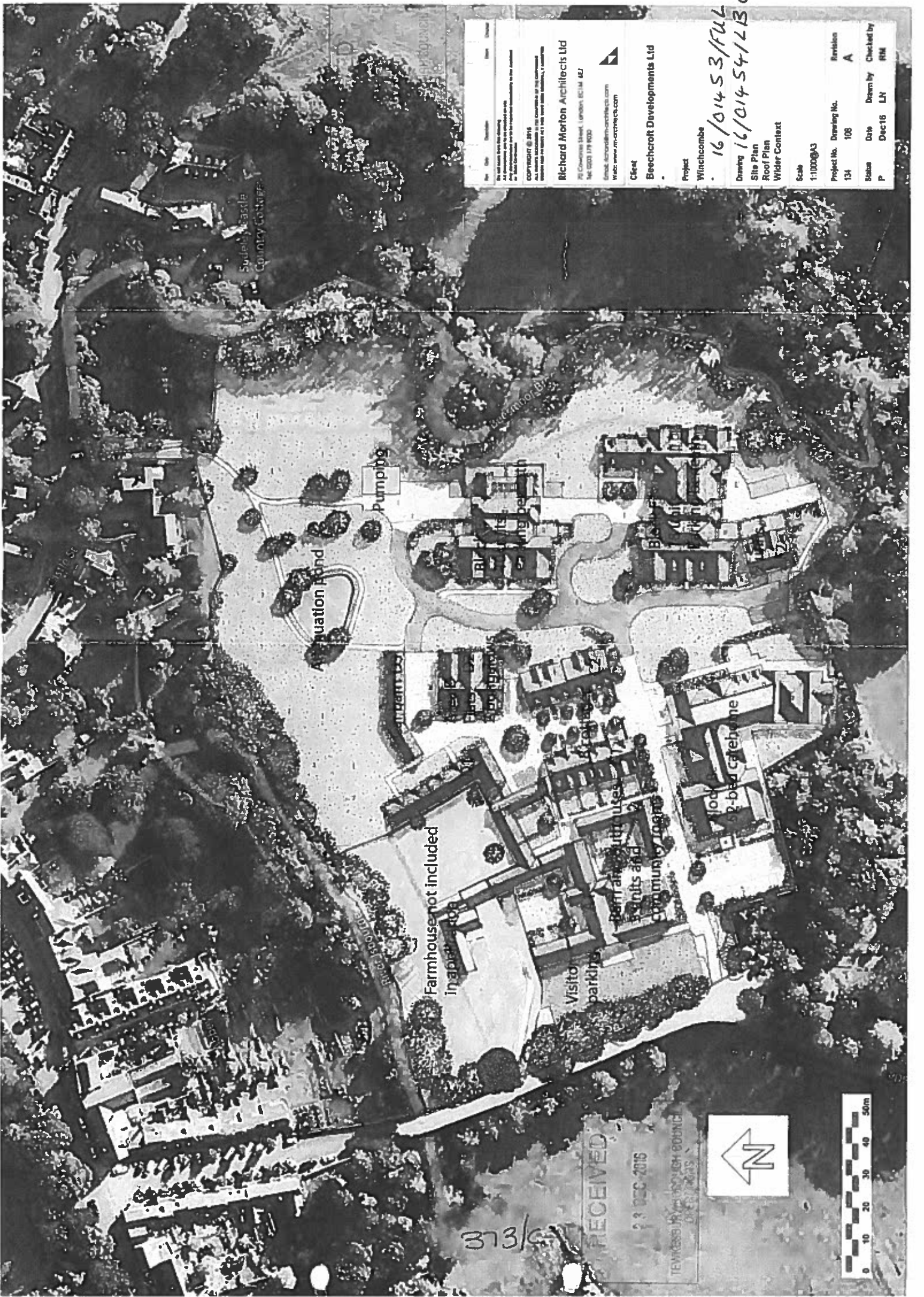
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<b>Project</b> <b>Winchcombe</b>				
<b>Drawing</b> <b>Site Plan</b> <b>Areas Diagram with Block Names</b>				
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Project  
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 Site Plan  
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 Wider Context

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Valid 06.01.2017

Proposed conversion of Almsbury Barns in connection with construction of a 52 bed care home and 53 assisted living units - Grade II Listed Building ref: 1304848.

Grid Ref 402512 228026

Parish Winchcombe

Ward Winchcombe

Beechcroft Developments & Trustees Of GM Brocklehurst  
C/o Agent

## RECOMMENDATION Refuse Consent

### Policies and Constraints

#### NPPF

Planning Practice Guidance

Section 66 Planning (Listed Buildings and Conservation Areas) Act 1990

Joint Core Strategy Main Modifications Version - Policy SD9

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

The First Protocol, Article 1 (Protection of Property)

Grade II Listed Almsbury Farm buildings

### Consultations and Representations

#### Winchcombe Town Council - Support

The Town Council supports the principle of developing a scheme of specialist housing for the elderly and construction of a care home including restoration of the historic barns, to a scale and extent no larger than that currently proposed, subject to certain caveats which have been set out within the accompanying planning application which also appears on the schedule (reference: 16/01453/FUL).

**Conservation Officer - Objects.** This site is extremely sensitive in heritage terms, and even the applicants' own heritage consultants acknowledge that the scheme will result in harm to the historic environment, and that any decision must hinge on an assessment of its wider merits. In terms of mitigation, it is likely that only a much smaller scheme, centred on restoring Almsbury Farm, would represent an acceptable level of heritage impact.

The proposed re-use of the redundant buildings at Almsbury Farm is welcome in principle but it is at the price of a development with profound, negative impacts. No exploration of alternative sites with less impact on the historic environment has been presented so the 'clear and convincing' case for the harm arising from this location has not been made.

**Historic England - Object.** The development as proposed would harm the setting of Sudeley Castle (Grade I), its Grade II\* Registered Park and Garden and the character of the Winchcombe Conservation area.

#### Local Residents

Objection 73 representations of objection have been received. Their comments are summarised as follows:

- The scale and density of the development in relation to the Grade 2 barns would be overpowering and out of character, and will be detrimental to the tranquil setting of Almsbury Farm. The proposed car parking area would be completely at odds with the setting of the listed barns;
- The site contains a Grade II listed Cotswold Barn and the proposal is totally inappropriate and would harm the setting of these assets;

**Support** 4 representations of support have been received. Their comments are summarised as follows:

- It is good to see this beautiful farmstead brought back to life.

**Planning Officers Comments:** Miss Lisa Dixon

## 1.0 Introduction

1.1 The application site is located on the south eastern periphery of Winchcombe town and comprises some 3.2 hectares. Open parkland landscape of the Sudeley Castle Estate adjoins the site to the south, with far reaching views of the distant Cotswold escarpment beyond. To the north and east, the site is bounded by the River Isbourne and Beesmoor Brook respectively and by the grade II listed 18th/19th Century Almsbury Farm building to the west. Adjoining part of the northern boundary of the site are the residential properties of 'Beam End', 'Tilia House' and 'Indian Queens', together with a relatively modest piece of land given over to allotment gardens. Castle Street lies beyond the residential properties to the north. Vineyard Street adjoins the site to the west and provides vehicular access to the site from the centre of town and also provides access to Sudeley Castle estate to the south. **See attached site location plan**

1.2 The site itself comprises a range of stone barns which are individually Grade II Listed. A range of modern farm buildings occupy the southern part of the site. The historic buildings are currently redundant although the modern buildings are utilised in connection with the keeping of livestock in the site.

1.3 A network of Public Rights of Way cross land to the west and south, including the Cotswold Way which has National Trail status. The non-designated heritage asset of 'Almsbury Lodge' lies to the south-west of the site and the Grade II Listed bridge serving Vineyard Street, lies in close proximity to the north-west.

## 2.0 Planning History

2.1 Planning permission and listed building consent were granted to redevelop this farm complex to provide new visitor facilities for Sudeley Castle in 2003 and 2002 respectively, the planning application also being subject to a Section 106 agreement (Ref: 00/8820/0753/FUL & 00/8820/0754/LBC). Following fire damage to the main stone barn in January 2004, which destroyed the roof and first floor structures and left the building in a dangerous condition, Listed Building Consent was granted to reinstate the barn in June 2005 (Ref: 04/8820/1674/LBC). Previous applications for planning permission and listed building consent to alter and extend the farmhouse and adjoining outbuilding to provide a larger residential unit, alter/rebuild the complex of listed stone farm buildings and erect new buildings to provide 24 workspace units and 3 multi space units were withdrawn in June 2006 (Ref: 05/8820/1593/FUL) following concerns raised about the scale of the development and harmful effect on the listed buildings and their setting.

2.2 An alternative scheme for conversion of the historic barns to provide 24 work space units, together with an alternative scheme to extend the listed farmhouse was submitted on 23.11.2006 but subsequently withdrawn on 05.02.2007 prior to proposed committee determination on 06.02.2007 (Application ref: 06/01167/FUL; accompanying LBC application ref:06/01168/LBC).

2.3 The accompanying application for planning permission for the proposed construction of a 52 bed care home and 53 assisted living units (C2 use), including the conversion of Almsbury barns, with associated hard and soft landscaping, also appears on the schedule (Application ref: 16/01453/FUL).

## 3.0 Current Proposal

3.1 The current proposal seeks to convert the listed range of farm buildings within the site as part of the wider redevelopment of the site to provide a 52 bedroom care home within the south-western portion and construction of 53 'assisted living' units.

3.2 The conversion of the existing buildings is outlined within the submitted Design and Access Statement as follows:

- The barn is to be restored and converted for community use.
- The adjacent stable area to be restored and converted to provide ancillary space for the community rooms.
- The two storey building forming the north-west wing of the complex to be restored and converted as a house to form part of the assisted living development.
- The low south western cowsheds to be restored as storage areas.
- The very low north eastern pig sty to be rebuilt to create a new bungalow as part of the assisted living development.
- The dilapidated cow sheds adjacent to the pigsty to be restored and converted as part of a bungalow with some additional space built on the abandoned footprint of earlier structures. **See attached plans.**

## 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. The development plan comprises the saved policies of the Tewkesbury Borough Local Plan to 2011 - March 2006 and the Winchcombe and Sudeley Neighbourhood Plan - 2011 - 2031.

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

#### *Emerging Joint Core Strategy*

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

4.4 The Proposed Main Modifications version of the Joint Core Strategy (MMJCS) is the latest version of the document and sets out the preferred strategy over the period of 2011-2031.

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

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

4.6 The 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 Inspector published her interim report in May 2016 and following this the three JCS Councils have approved the Main Modifications for consultation. 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.

4.7 Policy SD9 of the MMVJCS seeks to conserve and enhance designated heritage assets and their settings, as appropriate to their significance and for their important contribution to local character, distinctiveness and sense of place. Development should aim to sustain and enhance the significance of heritage assets and put them to viable uses consistent with their conservation whilst improving accessibility where appropriate.

4.8 Policy SD9 further provides that proposals that secure the future conservation and maintenance of heritage assets and their settings that are at risk through neglect, decay or other threats will be encouraged. Proposals that will bring vacant or derelict heritage assets back into appropriate use will also be encouraged.

#### *Other Material Considerations*

4.9 Sections 16 & 66 of the Planning (Listed Building and Conservation Areas) Act 1990 require local planning authorities to have special regard to the desirability of preserving any listed building or its setting or any features of architectural or historic interest throughout.

#### *National Planning Policy Framework*

4.10 Paragraph 12 of the NPPF confirms that the Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

4.11 Paragraph 132 of the NPPF states that *'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.*

*The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification...Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional'.*

4.12 Paragraph 134 provides further that 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use'.

## 5.0 Analysis

5.1 Historic England's 2016 guidance 'Making Changes to Heritage Assets' advises that: 'The plan form of a building is frequently one of its most important characteristics and internal partitions, staircases...and other features are likely to form part of its significance...Proposals to remove or modify internal arrangements, including the insertion of new openings or extension underground, will be subject to the same considerations of impact on significance (particularly architectural interest) as for externally visible alterations.'

5.2 The guidance also states that 'The historic fabric will always be an important part of the asset's significance...retention of as much historic fabric as possible, together with the use of appropriate materials and methods of repair, is likely to fulfil the NPPF policy to conserve heritage assets in a manner appropriate to their significance as a fundamental part of any good alteration or conversion. It is not appropriate to sacrifice old work simply to accommodate the new.'

5.3 The Conservation Officer (CO) advises that Almsbury Farm may be characterised as having a regular courtyard plan and historic map evidence shows that buildings to the south-east and east which enclosed further yards have been largely lost. The threshing barn in particular shows some evidence of conscious architectural design but the farm's significance derives largely from its historical and evidential value as a historic farmstead and from the aesthetic value of its surviving historic buildings. However its relationship with its wider landscape was a largely functional one, with the farming activities in the surrounding fields centred on the farmstead. The barn was intended to present a composed elevation to the road, but most views to and from the site would be of an incidental nature.

5.4 The CO considers that the main impacts of the current proposal from a heritage perspective are the principle of development, and the 'scale, prominence, proximity' criterion. It is considered that new development on the scale proposed in this location will have a negative impact on, in particular, the setting of the various listed buildings at Almsbury Farm. The site is currently farmland, in stark contrast to the dense built up area north of the river, and this juxtaposition, the result of Sudeley Castle's quarantining influence, is one of the most striking aspects of Winchcombe's morphology.

5.5 This site is extremely sensitive in heritage terms, and even the applicants' own heritage consultants acknowledge that the scheme would result in harm to the historic environment, and that any decision must hinge on an assessment of its wider merits. In terms of mitigation, the CO considers that only a much smaller scheme, centred on appropriately restoring Almsbury Farm, would represent an acceptable level of heritage impact.

5.6 Whilst the proposed re-use of the redundant buildings at Almsbury Farm is welcome in principle, the CO advises that this would be at the price of a wider development with profound, negative impacts. No exploration of alternative sites with less impact on the historic environment has been presented so the 'clear and convincing' case for the harm arising from this location has not been made.

5.7 Whilst Almsbury farm itself is Grade II listed, and so would be beyond the remit of Historic England (HE) in terms of formal consultation, HE considers that the proposed physical alterations and extent of development proposed would erode the ability to read this tight group of buildings. Furthermore, HE note its importance as an estate farm and consider that, beyond this, neither the massing nor the design of the new build elements are in keeping. The design is not considered to pick up on the local vernacular of this group. HE supports the principle of the proposed re-use of the listed farm buildings, although it is considered that their conservation would be better sustained by keeping them in agricultural use. HE advises that residential conversion of farm buildings can often have a significant impact upon the building fabric and their significance and encourage a use for the listed barns that retains aspects of heritage value that contributes to their significance.



5.8 The NPPF expects any harm to a heritage asset to have a 'clear and convincing justification'. The proposed conversion works involve alterations and the loss of historic fabric and whilst it is considered that this may constitute less than substantial harm to the overall significance of the asset, the applicant has not demonstrated that this impact is justified or that there is any tangential public benefit to justify the identified harm. This is contrary to section 66 of the Planning (Listed Building and Conservation Areas) Act and the provisions of the NPPF.

## **6.0 Conclusion**

6.1 The proposed works are considered to affect the character and significance of the asset, contrary to section 66 of the Planning (Listed Building and Conservation Areas) Act and the provisions of the NPPF. The application is therefore, recommended for **Refuse Consent**.

### **RECOMMENDATION Refuse Consent**

#### **Reason:**

The proposed development would result in discernible harm to the setting and significance of heritage assets and there would be no public benefits arising from the development which would serve to outweigh this harm. Therefore, the development would be contrary to paragraphs 132 and 133 of the NPPF, Sections 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy SD9 of the emerging Joint Core Strategy Main Modifications Version.

#### **Note:**

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

In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner offering pre-application advice, detailed published guidance to assist the applicant and published to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding. However, as a consequence of the clear conflict with Development Plan Policy no direct negotiation during the consideration of the application has taken place.

Valid 29.06.2017  
 Grid Ref 387606 225942  
 Parish Leigh  
 Ward Coombe Hill

Erection of a dwelling  
 Mr & Mrs Glazebrook  
 c/o Agent

## **RECOMMENDATION Refuse**

### **Policies and Constraints**

National Planning Policy Framework (NPPF)  
 Planning Policy Guidance (PPG)  
 Main Modification Version Joint Core Strategy (2017) - SP2, SD5, SD7, SD10, SD11, SD15, INF1, INF3  
 Tewkesbury Borough Local Plan to 2011 - March 2006 -HOU4, TPT1, EVT2, EVT3, LND3, LND7  
 Human Rights Act 1998 -Article 8 (Right to Respect for Private and Family Life)  
 The First Protocol, Article 1 (Protection of Property)  
 Landscape Protection Zone  
 Oil Pipeline

### **Consultations and Representations**

**Parish** - The nearest neighbours have no objections to the application as the applicants have shared their detailed proposals. The only reservation concerned the dormer windows in the space above the garage. These are to be changed to roof lights to reduce any impact on the neighbours during the winter months. The Parish Council were appreciative of the detailed plans and information submitted, which enabled a thorough discussion. Access was discussed, as the lane is narrow and the location of the entrance is close to the farm entrance and bends in the road. It was felt that providing the vehicle access splay was sufficient, the topography of the immediate surroundings ensures that traffic slows down. The house is well set down, ensuring that it is not much higher than the new dwelling next door and constructed of brick which should mellow over time.

During the past two years there have been several new build applications of a similar nature. The Parish Council are currently working on the Neighbourhood Development Plan where it is believed that parishioners will favour individual development rather than urban style larger developments. However, until the NDP plan is available for public consultation this is for guide purposes only. There is local support from the community to retain families within the village.

**Highways Authority** - No objection - Standing Advice

**Oil Pipelines** - No response received. Online advice indicates that CLH Pipeline Systems should be contacted before works are undertaken.

### **Local Residents**

9 comments in support of the application

- It is important the next generation are able to stay and contribute to Leigh village
- Local people should have an opportunity to build homes they can afford and stay in the village
- The new build dwelling does not impact on the village in any way
- The dwelling would be infill on the outskirts of the village
- The design of the building is sympathetic to the surrounding and modest in size
- Proposal such as this which comprise the organic growth of the village should be encouraged
- The proposal matches the objective of the Draft Neighbourhood Plan
- The dormer windows above the garage should be replaced by skylights to avoid overlooking

1 objection to the application

- Recent permissions for dwellings in The Leigh should not set a precedent for future development
- The Leigh may become a dormitory village

**Councillor Waters has requested committee determination to assess impact on landscape, size and scale of the proposed dwelling**

**Planning Officers Comments:** Paul Instone

**1.0 Application Site**

1.1 The application site relates to a parcel of pastureland measuring approximately 0.08 hectares. The site itself is on sloping land which rises to the south east towards the A38.

1.2 The site is bounded to the north east by Blacksmiths Lane, to the east by a new bungalow which has recently been constructed and open fields lie to the south and south west. The site boundary adjacent to Blacksmiths Lane consists of a low hedgerow and to the north west of the site is a mature tree lined hedgerow. A public footpath lies adjacent to this boundary. Open fields adjoin the site to the south and the south west and the village of Leigh is located to the north west.

1.3 The site lies within the Landscape Protection Zone (LPZ) and outside of a residential development boundary as defined by the Tewkesbury Local Plan to 2011.

**2.0 Planning History**

2.1 There is no planning history relating to the site

**3.0 Current Application**

3.1 The application seeks full planning permission for the erection of a detached two storey dwelling and a detached two storey double garage with a home office/storage above. To accommodate the development the site would be partially levelled.

3.2 The proposed dwelling would be located to the rear of the site and would provide 4 bedrooms. The design of the proposed dwelling has been amended following comments from officers and a rear single storey flat roof element has been replaced with a 2 storey pitched roof projection. Due to the rising ground levels retaining walls at height of between 1.2 and 1.6 metres would be located to the south and east of the proposed dwelling.

3.3 To the front of the site a detached two storey pitched roof double garage/office building is proposed. The garage is orientated such that the gable end faces towards Blacksmiths Lane. Further to comments from officers the ridge height of the proposed garage has been reduced and the dormer windows have been replaced with rooflights.

3.4 Access to the site is proposed from a new access from Blacksmith Lane. Due to the rising ground level to the south and east retaining. A 1.2 metre retaining wall would be located to the east of the proposed new entrance.

**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). Paragraph 216 of the NPPF sets out that 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 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.

4.2 Paragraph 55 of the NPPF provides that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need of a rural worker to live permanently at or near their place of work in the countryside; or where such development would represent the optimal viable use of a heritage asset or the appropriate re-use of redundant buildings or where the design or the proposal would be of exceptional quality or innovative nature.

4.3 The application site lies outside of a recognised settlement boundary as defined by the Tewkesbury Borough Local Plan to 2011 - March 2006. Consequently, the application is subject to policy HOU4 which states that new residential development will only be permitted where such dwellings are essential to the efficient operation of agriculture or forestry or the provision of affordable housing. The Council is able to demonstrate a five-year supply of deliverable housing sites and saved policy HOU4 is considered up-to-date.

4.4 The emerging development plan will comprise the Joint Core Strategy (JCS), Tewkesbury Borough Plan and any adopted neighbourhood plans. These are all currently at varying stages of development. The Main Modifications Version of the Joint Core Strategy (MMVJCS) 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 sets out the overall level of development and approach to its distribution.

4.5 Within the rural areas of Tewkesbury Borough, approximately 2740 dwellings are proposed to be delivered within the plan period to 2031. Almost all of this rural development has already been delivered or committed as of April 2017. The remainder of this requirement will be allocated through the Tewkesbury Borough Plan and neighbourhood plans. The site lies outside of rural service centre or service village, as set out within the Submission Version of the MMVJCS

4.6 Section 7 of the NPPF makes it clear that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

4.7 Section 11 of the NPPF seeks to protect and enhance valued landscapes and the requirement to protect landscape character is echoed within Policy SD7 of the MMVJCS.

4.8 As the application site falls within a Landscape Protection Zone (LPZ) as designated within the Local Plan, Policy LND3 is also of relevance. Policy LND3 provides that, within the LPZ, the Local Planning Authority should seek to protect or enhance the environment.

4.9 Local Plan Policy LND3 in respect of promoting sustainable development and landscape protection is considered consistent with the NPPF and therefore considered to have significant weight. Similarly Policy SD7 of the MMVJCS detailed above, is considered consistent with the NPPF and would therefore, carry some weight.

4.10 Other key local and national planning policy guidance in relation to matters of design, amenity, landscape and highway safety are set out in the relevant sections of this report, together with an explanation as to the weight to be attributed to these policies.

## **5.0 Analysis**

### **Principle of Development**

5.1 As set out above, the application site lies outside of a recognised settlement boundary as defined by the Tewkesbury Borough Local Plan to 2011 - March 2006. Consequently, the application is subject to policy HOU4 which states that new residential development will only be permitted where such dwellings are essential to the efficient operation of agriculture or forestry or the provision of affordable housing.

5.2 In light of the fact that the Council is able to demonstrate a five-year supply of deliverable housing sites, saved Policy HOU4 of the Tewkesbury Borough Local Plan is considered up-to-date pursuant to paragraph 49 of the NPPF.

5.3 In these circumstances, aside from approving development proposals that accord with the development plan without delay (unless material considerations indicate otherwise), the presumption in favour of sustainable development set out at paragraph 14 of the NPPF does not apply.

5.4 Section 38(6) of the Town and Country Planning Act 1990 provides that the determination must be made in accordance with the development plan unless other material circumstances indicate otherwise. In this case, in accordance with paragraph 12 of the NPPF, the presumption is against the grant of permission given the conflict with policy HOU4 and as such permission should be refused unless material planning circumstances indicate otherwise. In addition, Paragraph 55 of the NPPF sets out that isolated new homes in the open countryside should be restricted, except in special circumstances, none, of which apply in this case.

5.5 The application site is located outside of any residential development boundary and also lies remote to the nearest settlement, The Leigh, which itself does not benefit from a level of services and facilities which would warrant its inclusion as a Service Village in the emerging MMVJCS. Whilst the site lies near the A38 with reasonable access to bus stops which provide connections to Tewkesbury and Gloucester City, it is considered that the remote nature of the site in relation to any settlement or facilities is a locational disadvantage of the site. Nevertheless, as pointed out by the applicant, a number of planning permissions have been granted nearby. In particular, in permitting an application for two houses at Little Holborn (reference: 16/01272/OUT), the Planning Committee determined that the dwellings would be within a sustainable location on the A38 with a bus stop at the top of the road. The current application site is closer to the A38 than the Little Holborn site and therefore it is not considered that it would be appropriate to refuse permission on accessibility grounds.

5.6 It is recognised that it is a requirement of the NPPF to 'boost significantly the supply of housing' however as set out above, this is being achieved within Tewkesbury Borough given that a five year housing supply can be demonstrated. In this regard it is noted that the economic OAN (higher than a purely demographic OAN) is also subject to a 5% uplift aimed at delivering additional affordable housing. Furthermore, the application proposes one dwelling in a location which is isolated relative to defined centres, and is not in a location where it would enhance or maintain rural communities and it is not considered that there are any special circumstances as set out in paragraph 55 of the NPPF which would support new residential development in this location.

### **Design and Visual Appearance on the Landscape Protection Zone**

5.7 Section 7 of the NPPF makes it clear that the Government attached great importance to the design of the built environment. Whilst the NPPF does not seek to impose architectural styles or particular tastes on development, it does consider it proper to reinforce local distinctiveness. In addition policy LND3 of the Local Plan states that in considering proposals for development within the Landscape Protection Zone development will not be permitted which has a detrimental visual or ecological effect on the character of the Severn Vale. The reasoned justification in respect to Policy LND3 goes further to state that overriding priority will be given to the protection and enhancement of the landscape quality of the LPZ. This requirement for the protection of the landscape character is echoed within the emerging policy SD7 and is also consistent with one of the NPPF's 'Core Principles' which is to recognise the intrinsic character and beauty of the countryside.

5.8 It is noted that the planning permission has recently been implemented for a bungalow and a detached garage on land to the south west of the site. It is also the case the 'Cotswold Farm' lies in relatively close proximity to the site on the opposite side of Blacksmiths Lane. Nevertheless the character of the application site and the surrounding area is largely undeveloped and rural in nature and the buildings which are in the vicinity are low density.

5.9 The proposal, which includes the construction of 2no. two storey structures, the regrading of the land, construction of retaining walls and the introduction of hard landscaping would result in an increase in built form and would increase the density of development in the locality of the application site and would result in a discordant addition within the rural landscape.

5.10 The scale of the proposed dwelling and garage, and the architectural approach taken which proposes a 2 storey garage approximately 10 metres away from the dwelling compounds the urbanising influence of the scheme upon the rural landscape.

5.11 In response to Officer comments the applicant has amended the design of the dwelling to simplify the design approach and lowered the ridge of the garage by providing an overhang. However, despite these amendments, it is considered that the design approach does not respond meaningfully to the local distinctiveness of the area. The circa 6 metre high gable end of the garage which would sit behind a circa 1.4 metres retaining wall and adjacent to the hardstanding entrance and vehicle turning area would undoubtedly harm the rural setting of the LPZ.

5.12 Overall it is considered that the proposal would result in harm to the character and appearance of the rural landscape within the LPZ, contrary to the aims of the NPPF, Policy LND3 of the Local Plan and emerging Policy SD7 of the JCS. This weighs against the proposal in the overall planning balance.

### **Highway Safety**

5.13 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 County Highways Officer has been consulted in respect of the proposal and has raised no objection with regards to the safety and satisfactory operation of the highway network. Paragraph 32 of the NPPF also requires safe and suitable access to be achieved but states that development should only be prevented or refused on transport grounds where the cumulative impacts of development are severe.

5.14 The application proposes a new vehicular access via Blacksmiths Lane and adequate garaging and off-road parking to cater for the new dwelling. In light of the above, it is considered that the proposed development would have an acceptable impact upon highway safety subject to relevant conditions.

### **Impact on Surrounding Living Conditions**

5.15 The application site is adjoined by a bungalow to the south west which has recently been constructed. The north east elevation of the bungalow which faces towards the proposed dwelling contains 3 no. windows, patio doors and two rooflights which according to the approved plans serve a sitting room, kitchen and dining room. There is an existing outdoor amenity space serving the bungalow which can be accessed from the patio doors.

5.16 The eastern elevation of the proposed dwelling would be located approximately 26 metres from the west elevation of the bungalow and there is a bedroom window at first floor level which faces towards the proposed bungalow. Officers have requested that this window be removed but the applicant does not consider that this is necessary. Whilst the positioning of this bedroom window would give rise to some overlooking of the amenity space/habitable room windows of the existing bungalow, on balance due to separation distance, it is not considered that the development would result in an unacceptable adverse impact on the living conditions of nearby residential properties, in accordance with Paragraph 17 of the NPPF.

5.17 Further to comments from residents and officers the dormer windows have been removed from the garage and replaced with rooflights, which has resolved overlooking concerns arising from this element of the proposal.

### **Ecology**

5.18 The existing site is a pasture field and a section of established hedgerow would need to be removed adjacent to Blacksmiths Lane in order to facilitate the new vehicular access. The application has not been supported by an ecological report and therefore it is unclear whether the proposal would result in harm to protected species. However, it is an offence to harm protected species and therefore, should Members be minded to grant planning permission, it is considered that a note to the applicant should be attached to any permission reminding the applicants of their duty and contact details for Natural England.

### **Drainage**

5.19 In terms of foul drainage, the application proposes the use of a septic tank. Government guidance contained within paragraph 20 of subsection 2 of the Water Supply Wastewater and Water Quality section of the Planning Practice Guidance (PPG), gives a hierarchy of drainage options that should be considered and discounted in the following order:

- 1. Connection to the public sewer;
- 2. Package sewage treatment plant (PTP);
- 3. Septic tank (discharging to soakaway);

5.20 The utilisation of non-mains drainage as part of the planning proposal will only be allowed in exceptional circumstances and the development must provide evidence that a connection to the sewer is not practicable. No Foul Drainage Assessment has been submitted with the application and therefore the applicant has failed to demonstrate why the development could not be connected to a public sewer. Nevertheless this is a matter that could be addressed by a suitably worded planning condition to secure the most appropriate, viable foul drainage scheme.

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

6.1 As set out above the starting point for determination of this application is the conflict with Policy HOU4, to which substantial weight should be applied. The presumption is against the grant of permission given the conflict with policy HOU4 and as such permission should be refused unless material planning considerations indicate otherwise. The material planning issues relevant to this application are summarised below.

#### **Beneficial Effects**

6.2 The application would contribute, albeit in a very limited way, to the housing supply in the Borough and to the economy, both during and post construction. These matters weigh in favour of the proposal.

#### **Harmful Effects**

6.3 The proposal, which includes the construction of 2no. two storey structures, the regrading of the land, construction of retaining walls and the introduction of hard landscaping would result in an increase in built form and would increase the density of development in the locality of the application site and would result in a discordant addition within the rural landscape which would result in harm to the Landscape Protection Zone, contrary to Paragraph 11 of the NPPF, Policy SD7 of the MMVJCS and Policy LND3 of the Local Plan.

6.4 The proposed development is contrary to the Development Plan given its location outside of any residential development boundary. The proposed dwelling is isolated relative to defined centres, and is not in a location where it would enhance or maintain rural communities. It is not considered that there are any special circumstances as set out in paragraph 55 of the NPPF which would support new residential development in this location.

#### **Neutral Effects**

6.6 The local planning authority considers that the impact in terms of residential amenity, highway safety, flooding, and ecology and drainage are acceptable, or can be made so planning conditions. It is likely that residents would rely on use of private cars for their daily access needs however for the reasons explained in section 5 above, it would not be appropriate to refuse permission on these grounds.

#### **7.0 Conclusion**

7.1 The proposed development conflicts with policy HOU4 of the Local Plan and as such, permission should be refused unless material planning considerations indicate otherwise. Overall it is considered that when weighing all matters in the planning balance, the limited benefits of the proposal would not outweigh the identified conflicts with planning policy. The application is therefore recommended for **refusal**.

#### **RECOMMENDATION Refuse**

##### **Reasons:**

- 1 The proposed development conflicts with Policy HOU4 of the Tewkesbury Borough Local Plan to 2011 - March 2006 in that the site lies outside the defined residential development boundary of the settlement in a location where new housing is strictly controlled.
- 2 The proposed development would form a visually intrusive and discordant feature in the surrounding rural area which is harmful to the character and appearance of the Landscape Protection Zone, in conflict with saved Policy LND3 of the Tewkesbury Borough Local Plan to 2011 - March 2006, emerging policy SD7 of the Main Modifications Version Joint Core Strategy (2017) and the provisions of the National Planning Policy Framework.

##### **Note:**

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

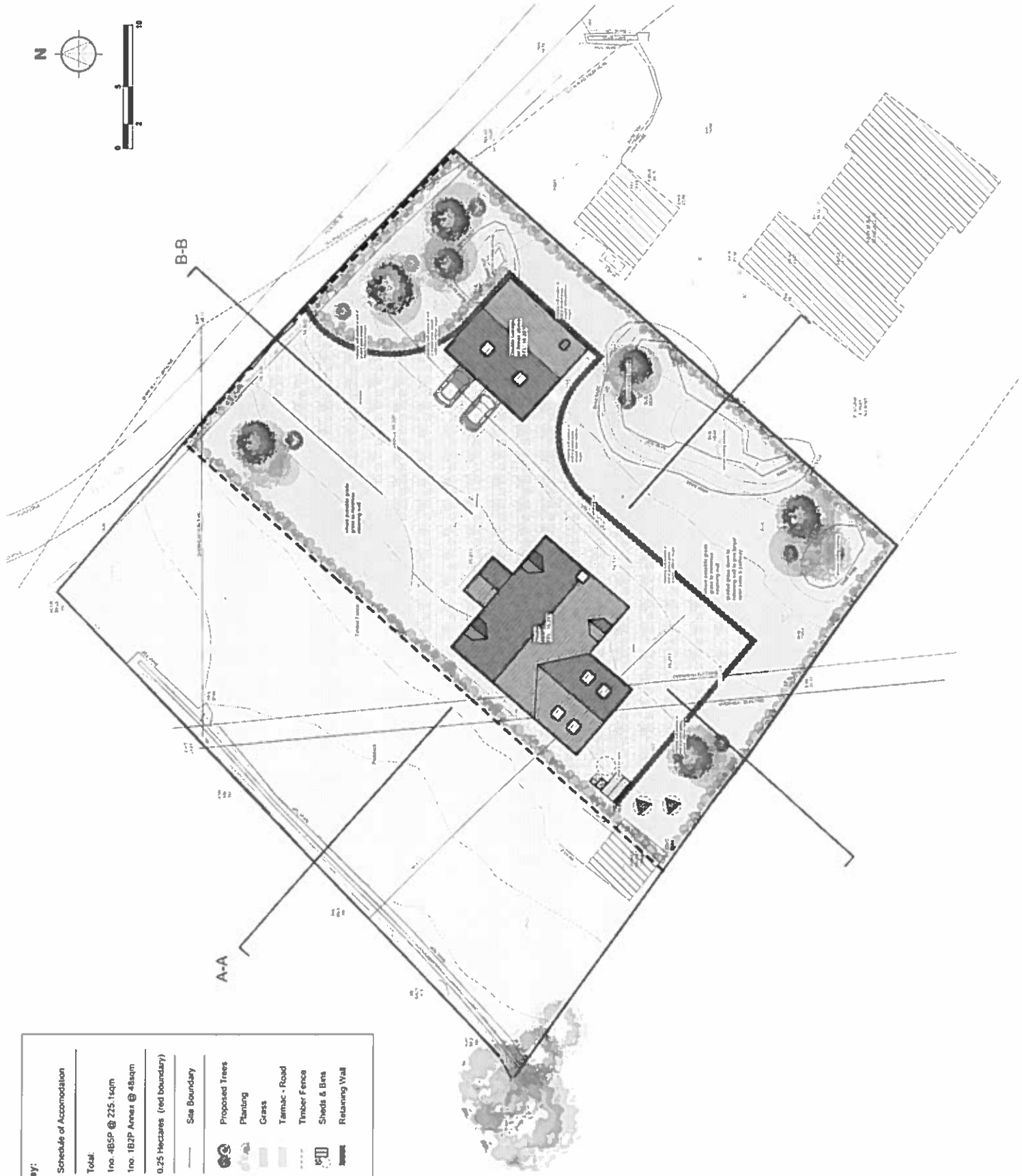
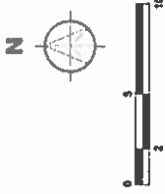
In accordance with the requirements of the NPPF, the Local Planning Authority has worked with the applicant in a positive and proactive manner in order to seek solutions to overcome the planning objections and the conflict with Development Plan Policy by seeking to negotiate with the applicant to address identified issues of concern and providing on the council's website details of consultation responses and representations received. However, negotiations have failed to achieve sustainable development that would improve the economic, social and environmental conditions of the area.

**NOTES**

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**REVISIONS**

- ALL LINES TO BE CHECKED AND  
 - 22.05.17 - RW - HSP  
 Drawing created.
- A. 03.08.17 - RW - HSP  
 Rear Dormers amended to 2m, larger in  
 bedrooms and 11m, smaller on 6th side. Rooflight  
 added to 1st floor front porch.
- B. 13.08.17 - RW - HSP  
 Chimney added, parallel on 6th roof slope.
- C. 21.08.17 - RW - HSP  
 Garage doors replaced with rooflights. Main  
 entrance replaced with rooflight. New  
 driveway to main dormer replaced with rooflight.  
 Full road to large storey amended to sloped road  
 with 2m, rooflight.
- D. 24.08.17 - RW - HSP  
 1st floor front porch amended to 11m, rooflight  
 back to porch, and amended to 11m.
- E. 31.08.17 - RW - HSP  
 Retaining wall amended. Garage  
 amended and stone marking amended. More  
 landscaping added. Full road to back porch to gate  
 and beyond the road.



**Key:**

Schedule of Accommodation	
Total:	
1 no. 4BSP @ 225.1sqm	
1 no. 1B2P Annex @ 48sqm	
0.25 Hectares (red boundary)	
Site Boundary	
	Proposed Trees
	Planting
	Grass
	Tarmac - Road
	Timber Fence
	Sheds & Barns
	Retaining Wall

384/A

17/00670/FUL

**DRAWING TITLE**  
 Proposed Site Plan

**PROJECT**  
 Blacksmith Lane, The Leigh

**CLIENT**  
 Mr & Mrs Glazebrook

**SCALE**  
 1:200@A3

**DATE**  
 March 2017



**DRAWING NO.**  
 5648/P/10

**REV**  
 E

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**NOTES**

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**REVISIONS**

- BY: MATT LITTLE - ARCHITECT NOTES
- 23.03.17 - RWY - HSP
- Drawing created.
- A. 13.04.17 - RWY - HSP
- Dormer windows enclosed out by 150mm. Rain water eaves added. Ground line amended.
- B. 01.06.17 - RWY - HSP
- Front garden drainage removed. Garage dormer removed.
- C. 31.06.17 - RWY - HSP
- Garage roof height amended to 6005mm.

**Schedule of materials:**

	Recon Stone
	Reclaimed Redbrick (Type fbc)
	Slate
	Lead flashing
	Timber



PROPOSED FRONT ELEVATION

**DRAWING TITLE**

Concept Front Elevation

**PROJECT**

Blacksmith Lane, The Leigh

**CLIENT**

Mr & Mrs Glazebrook

**SCALE**

1:100@A3

**DATE**

April 2017



**DRAWING NO.**

5648/P/71

**REV**

C

REGISTERED ARCHITECTS (RIBA) (020) 7312 4274  
 020 7312 4274 F 01252 4274

NOTES

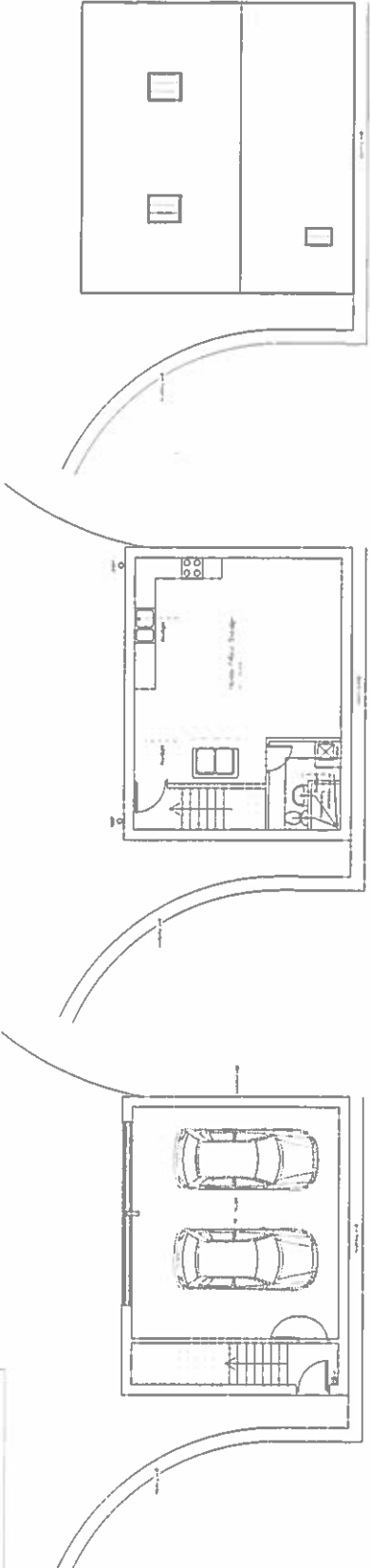
1. The proposed development is subject to planning permission. The proposed development is subject to the conditions of the planning permission. The client has agreed to accept the conditions of the planning permission. The client has agreed to accept the conditions of the planning permission.

REVISIONS

- A. 11.08.17 - R/W - HSP
- B. 11.08.17 - R/W - HSP
- C. 11.08.17 - R/W - HSP
- D. 11.08.17 - R/W - HSP
- E. 11.08.17 - R/W - HSP
- F. 11.08.17 - R/W - HSP
- G. 11.08.17 - R/W - HSP
- H. 11.08.17 - R/W - HSP
- I. 11.08.17 - R/W - HSP
- J. 11.08.17 - R/W - HSP
- K. 11.08.17 - R/W - HSP
- L. 11.08.17 - R/W - HSP
- M. 11.08.17 - R/W - HSP
- N. 11.08.17 - R/W - HSP
- O. 11.08.17 - R/W - HSP
- P. 11.08.17 - R/W - HSP
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- R. 11.08.17 - R/W - HSP
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- T. 11.08.17 - R/W - HSP
- U. 11.08.17 - R/W - HSP
- V. 11.08.17 - R/W - HSP
- W. 11.08.17 - R/W - HSP
- X. 11.08.17 - R/W - HSP
- Y. 11.08.17 - R/W - HSP
- Z. 11.08.17 - R/W - HSP



Schedule of materials:	
	Recycled Stone
	Reclaimed Redbrick (Type 102)
	Slate
	Lead Cladding
	Timber

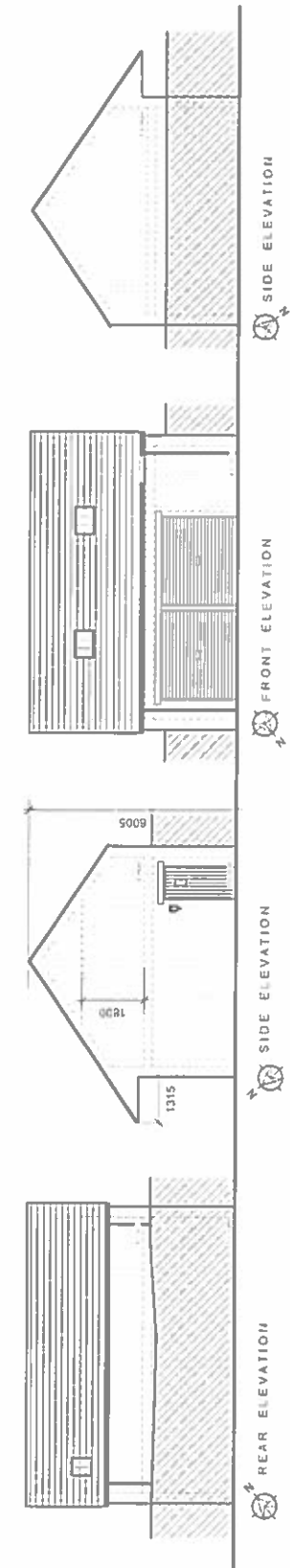


GROUND FLOOR PLAN

FIRST FLOOR PLAN

ROOF PLAN

384 | C



REAR ELEVATION

SIDE ELEVATION

FRONT ELEVATION

SIDE ELEVATION

SIDE ELEVATION

REAR ELEVATION

DRAWING TITLE

Proposed Garage Plans & Elevations

PROJECT

Blacksmith Lane, The Leigh

CLIENT

Mr & Mrs Glazebrook

SCALE

1:100 @ A2

DATE

May 2017

DRAWING NO.

5648/P/21

REV

C



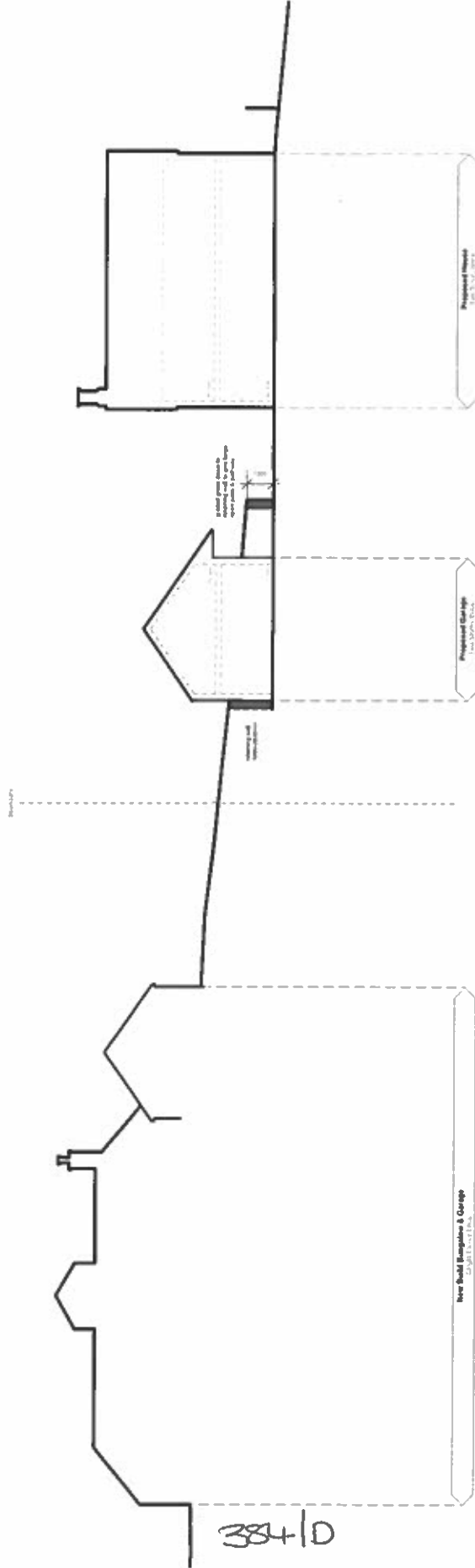
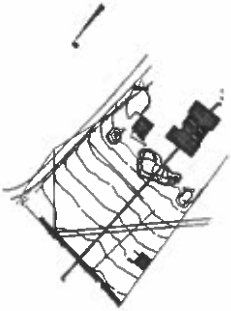
Quattro architects  
100% RIBA  
100% RIBA  
100% RIBA

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REVISIONS

- 23.05.17 - RW - HSP  
Drawing created.
- 12.06.17 - RW - HSP  
Levels amended to suit site plan.
- 21.06.17 - RW - HSP  
Garage storage removed.
- 31.06.17 - RW - HSP  
Retaining wall annotations added.  
Garage height amended to 8000mm, various slope changes.



DRAWING TITLE

Proposed Site Section A-A

PROJECT

Blacksmith Lane, The Leigh

CLIENT

Mr & Mrs Glazebrook

SCALE

1:200@A3

DATE

May 2017



DRAWING NO.

5648/P/62

REV

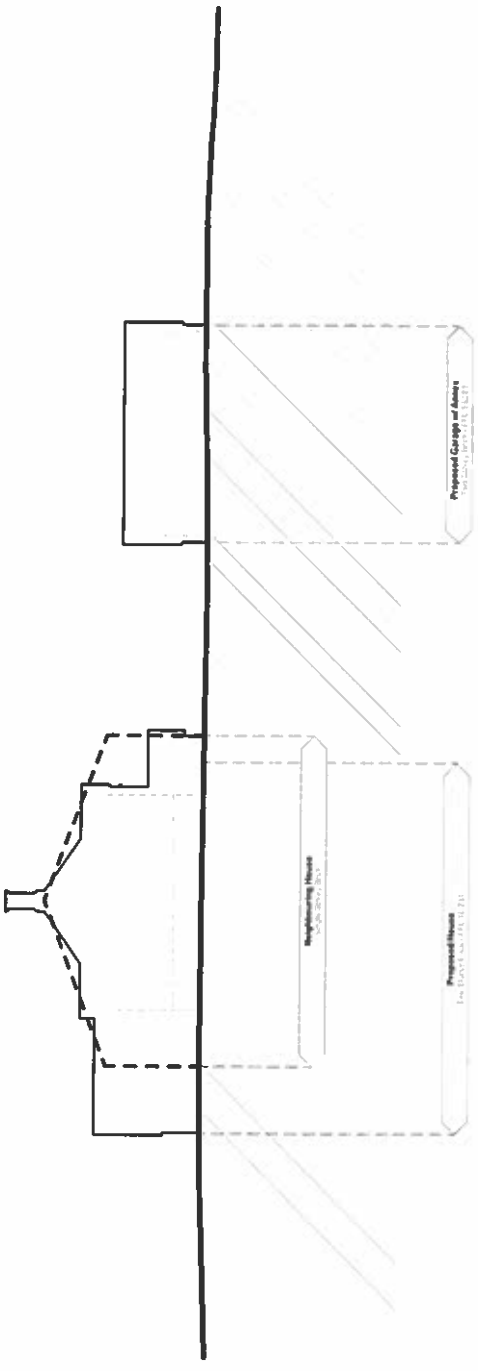
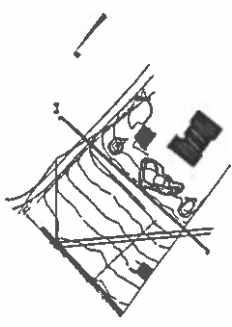
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**REVISIONS** CHECKED NOTES

- 23.05.17 - RNY - HSP  
Drawing created.
- A. 13.06.17 - RNY - HSP  
Errors amended to last elevation.
- B. 24.06.17 - RNY - HSP  
Proposed driveway amended to last updated elevation.
- C. 14.08.17 - RNY - HSP  
Retaining wall annotations added.  
Garage height amended to 4000mm, eaves 1879 changed.



38+1E

**DRAWING TITLE**

Proposed Site Section B-B

**PROJECT**

Blacksmith Lane, The Leigh

**CLIENT**

Mr & Mrs Glazebrook

**SCALE**

1:200@A3

**DATE**

May 2017



**DRAWING NO.**

5648/P/63

**REV**

C

PLEASE REFERENCE THE DRAWING NUMBER TO THE CLIENT'S ARCHITECTS DRAWING NUMBER.

16/01041/FUL

Tewkesbury Abbey Caravan Club Site, Gander Lane, Tewkesbury 4

Valid 27.04.2017

Proposed site improvements to the Existing Tewkesbury Abbey Caravan Club Site. 1, Demolition of both existing toilet blocks and construct new central toilet block. 2, Construction of 50 No. new All Weather Pitches. 3, Construct of new tarmac roads. 4, 3 No. service points are to be relocated and re-built and a reposition of Motor Van Waste Point. 5, Provide central calor gas compound with fencing. 6, New landscaping.

Grid Ref 389309 232308

Parish Tewkesbury

Ward Tewkesbury Priors Park

The Caravan Club  
East Grinstead House  
East Grinstead  
RH19 1UA  
West Sussex  
Miss Awa Sarr

## **RECOMMENDATION Permit**

### **Policies and Constraints**

National Planning Policy Framework

National Planning Practice Guidance

Tewkesbury Borough Local Plan to 2011 (March 2006) - Policies TOR5, EVT5, EVT9, LND4, LND5

JCS Proposed Main Modifications Version (February 2017)

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

The First Protocol, Article 1 (Protection of Property)

Flood Zone 3 (high risk zone) and Flood Zone 3b (functional flood plain)

Public Rights of Way

### **Consultations and Representations**

**Town Council:** No objection.

**County Highway Authority:** No objection, subject to a condition requiring a Construction Management Plan.

**Conservation Officer:** Verbal comment - no objection.

**Land Drainage Engineer:** No response

**PROW Officer:** No response

**Environmental Health Officer:** No objection on the basis of an updated 2011 land contamination report that confirms the historic landfill does not fall within the planning application site boundary.

**Natural England:** The Severn Ham SSSI is not a constraint to development and therefore no objection. Standing advice on protected species. Biodiversity enhancements encouraged in accordance with paragraph 118 of the NPPF.

**Landscape Officer:** Revised landscape plans sought and submitted and are appropriate. Conditions required in respect of: landscaping, tree protection and a Landscape Ecological Management Plan.

**Environment Agency:** No objection following the submission of a revised FRA (dated April 2017).

**Local Lead Flood Authority:** No objection in relation to revised site drainage information (L33256-Drained Areas August 2017).

**Committee determination is required as the application site is owned by Tewkesbury Borough Council.**

**Planning Officers Comments:** Catherine Ashby

## **1.0 Application Site**

1.1 The application relates to Tewkesbury Abbey Caravan Club site which is an established use located to the east of Tewkesbury Abbey and the River Swilgate in an area of open space on the Vineyards. The site is accessed via Gander Lane and is largely surrounded by open playing fields associated with Tewkesbury Cricket Club and Tewkesbury Rugby Club, to the north and south of the site respectively. Immediately to the east is a residential housing estate off Wenlock Road. The Abbey is located approximately 180m from the site and visible from the main entrance which is to the west of the site.

1.2 The site is outside of the Tewkesbury Residential Development Boundary (RDB) in the open countryside. It is also located in an area of high flood risk with most of the site in Flood Zone 3 (high risk zone) and a large proportion in Flood Zone 3b (functional flood plain). An area of Important Open Space identified on the Local Plan Proposals Map (Policy LND5) abuts the site to the north, south and west. Two main footpaths run along the northern and western boundaries.

1.3 The application is being presented to the Planning Committee for determination because it is owned by the Council. The applicant has the site on a long lease which is currently being re-negotiated.

## **2.0 Planning History**

2.1 The use of the site as a touring caravan site would appear historic. However, in 1973 (T.275/a) planning permission was granted which extended the caravan and camping use of the site.

2.2 Following this expansion, a number of applications have been granted permission for associated buildings, such a toilet block, covered store and new reception building. The most recent planning permission dates back to 2008 and relates to the erection of a store and Wardens bathroom facilities as replacement for existing (ref: 08/01242/FUL).

## **3.0 Current Application**

3.1 The current application proposes site improvements to the Existing Tewkesbury Abbey Caravan Club Site to upgrade it in line with current standards and regulations, as follows:

- The demolition of two existing toilet blocks and the construction of a new central toilet/amenity block.
- The construction of 50 No. new serviced 'all weather pitches' (in place of 50 of the existing 136 grass pitches) that would incorporate block paving. A further 18 pitches would be converted to chipping surfaced serviced pitches. The schedule and position of pitches is detailed on the proposed site layout plan.
- SUDs drainage would be incorporated to drain the new all weather pitches as part of a wider drainage scheme for the site.
- Construction of new tarmac roads would take place primarily on the alignment of the existing tarmac service roads within the site.
- The re-location and re-build of 3 service points within the site and repositioning of a Motor Van Waste Point adjacent to the service block.
- Provision of a central calor gas compound with fencing.
- A landscaping scheme.

## **4.0 Policy Context**

4.1 The site is located outside of the RDB of Tewkesbury, as defined by the Tewkesbury Borough Local Plan to 2011 - March 2006. Policy TOR1 supports proposals for tourism related development subject to it meeting certain criteria. Policy TOR5 relates to applications for new touring caravan and camping sites in the countryside and requires judgement to be made in relation to impact on the landscape, environment and amenity, and to ensure access from a main route. Policy TOR6 deals with extensions to existing caravan and camping sites and sets out a series of criteria to be satisfied.

4.2 This advice reflects paragraph 28 of the NPPF which supports sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor related facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.

4.3 Policies TOR1, TOR5 and TOR6 are therefore considered to be consistent with the provisions of the NPPF and should therefore carry considerable weight in the determination of the application.

## 5.0 Analysis

### Principle of development

5.1 It is considered that the principle of the proposed development is acceptable since it relates to a long-standing established touring caravan site use. Whilst the improvements seek to make the site a more attractive destination to increase occupancy it would not result in a net increase in the number of pitches over and about the current use. However, the acceptability of the development is subject to it being satisfactorily integrated within the framework of the existing site and the surrounding area, and the satisfaction of other local plan policies and material considerations.

5.2 Having regard to the policy framework set out above and the views of consultees it is considered that the main planning issues to be considered in this application are:

- The impact on flood risk;
- Design and visual impact;
- Landscaping matters;
- Highway safety issues;
- Impact on residential amenity;
- Impact on Heritage Assets.

### Flood Risk

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

5.4 Policy EVT5 of the Local Plan requires that certain developments within a high flood risk area must be accompanied by a flood risk assessment (FRA) and that developments should not exacerbate flooding problems. Furthermore, Policy EVT9 requires that development proposals demonstrate provision for the attenuation and treatment of surface water run-off, in accordance with sustainable urban drainage (SUDS) criteria.

5.5 The site lies within Flood Zones 3 and 3b. Following an earlier objection by the Environment Agency (EA) the applicant submitted a revised FRA (RG Parkins and Partners dated 25/04/17). The FRA confirms that there is no change to the existing use which is classified as 'more vulnerable' in the National Planning Practice Guidance (NPPG) and that the number of pitches upon the site would remain unchanged. As the use is defined as more vulnerable the 35% and 70% uplift for the impacts of climate change should be used in incorporating mitigation measures.

5.6 The proposed new toilet/shower block will result in the an increase of approximately 90 sqm in floor area of buildings on the site and the new building will be located in a position at a higher risk than the current blocks, which are raised up on low mounds and are to be demolished. The ground levels of the proposed building are 0.5m lower than the existing blocks. As the proposed block would be inundated in a flood the flood plain losses would be negligible.

5.7 The EA confirm that whilst the proposal does not conform with the sequential principles contained in the NPPG, in this case it is considered that it is a business decision and in light of the revised FRA their objection is removed. The EA however recommend that as part of any detailed design of the new shower/toilet block that flood resilient materials be used to a level of 13.32 AOD(N) and all electrical points be set above this level. It is recommended that this be the subject of an advisory note.

5.8 NPPG (paragraph 056) states that one of the considerations for safe occupation is whether adequate flood warning would be available to people using the development. The EA notes that a Flood Evacuation Management Plan (FEMP) already exists on the site and has been recently updated. This was used successfully during the 2007 flood event. The EA do not make comment on the appropriateness of the FEMP and highlights that a comprehensive Flood Warning System operates in the local area, and that a trigger level may be sought to assist in evacuation. It is therefore recommended that a condition be attached requiring an up to date FEMP to be maintained for the lifetime of the development.

5.9 The Local Lead Flood Authority (LLFA) originally raised an objection to the development at an early stage of the application. The applicant produced additional information in response to the LLFAs concerns which detail the proposed SUDS strategy for the site. This demonstrates that the alterations to the hardstanding areas would have a negligible change on the site's surface water runoff. On this basis the scale of development is considered to be minor and would result in no changes to the site's discharge location. The LLFA confirm that they do not therefore require the prior approval of a detailed design. However, the LLFA advise that if any alterations are made to the proposed drainage strategy/ site plan as submitted that they be re-consulted to ensure the proposal conforms to national requirements. In the event that a variation to the permission is sought by the applicant in relation to drainage the authority would consult the LLFA on the proposal. The LLFA confirm they have no reasonable reason for objecting to the application and rescind their earlier objection.

#### Design & Visual Impact

5.10 One of the NPPF's 'Core Principles' is to ensure a good standard of amenity for all existing and future occupants of land and buildings. Section 7 of the NPPF also 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 clear that obviously poor designs should be refused. Policy SD5 of the JCS Proposed Main Modifications Version (February 2014) closely reflects this advice.

5.11 The proposed remodelling of the site involves the removal of two existing brick buildings and their replacement with a larger, centrally located, service/utility block. This is proposed to be of a simple, gabled design constructed from red brick with concrete tiled roof (to match existing buildings on site) and would be modest in scale. The development also proposes a package of minor changes within the site including the provision of new service points, a waste point, hard surfacing (in tegular paving) and gravel surfacing of some pitches, introduction of low level lighting bollards around the site and on the service building, and the provision of a central calor gas compound with fencing close to the reception building. These changes would involve the erection of small fenced compounds constructed from palisade timber fencing and, in the case of the calor gas compound, in green weld-mesh fencing. The detailed design of the new building/ alterations have been submitted and are considered acceptable in the context of the existing use of the site which is visually contained. Visual containment will be assisted by a revised landscaping scheme for the site (see below). It is recommended that confirmation of the details of the proposed materials for use in the new service building (including hard surfacing around the building) and hard surfacing materials for all weather pitches be the subject of a condition.

#### Landscaping matters

5.12 The application site is located outside the Tewkesbury Residential Development Boundary. The site does not fall within any landscape designation and is adjacent to an important open space. Policy LND5 of the Local Plan sets out that proposals that adversely affect the character and appearance of an important space will not be permitted.

5.13 The site is relatively well contained visually as a consequence of existing landscaping. However, the remodelling of the site necessitates the removal and re-establishment of a new landscaping scheme to take account of the revised layout. Accordingly a Landscape Proposals Plan has been submitted with the application.

5.14 Further to detailed comments by the Landscape Officer on the submitted landscape a more comprehensive amended plan was submitted in January 2017 (Landscape Proposals Plan CSA/3047/100 Rev. A dated 05/01/17). The Landscape Officer considered the landscaping proposals to be satisfactory subject to appropriate planning conditions. The implementation of the landscaping plan would ensure that the site will be well-screened and integrate into its wider context and that of the adjacent important open space.

5.15 A condition is required to ensure the implementation of the landscape plan in accordance with the approved plan. A tree protection condition is also requested to ensure the appropriate protection of retained trees in the course of development. Further to Natural England's comments regarding biodiversity enhancements on the site the Landscape Officer initially suggested that a Landscape and Ecological Management Plan (LEMP) for the site be prepared. However, following further discussions between the Landscape officer and the applicant the Landscape officer has confirmed that a LEMP would not be required given the site context and proposals.



## Highway Safety

5.16 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 new development provide access to an appropriate standard for pedestrians, cyclists and vehicles which would not adversely affect the safety or satisfactory operation of the highway network. Policy INF1 of the JCS Proposed Main Modifications Version reflects this advice.

5.17 The Highways Authority raises no objection subject to a condition requiring the submission of a Construction Management Plan in the interests of highway safety, which is considered reasonable. A condition is therefore recommended.

## Residential Amenity

5.18 One of the defined core principles of the NPPF is that a good standard of amenity for all existing and future occupants of land and buildings be achieved. Policy SD5 of the JCS Proposed Main Modifications Version closely reflects this advice.

5.19 A residential estate backs onto the site on the eastern boundary, including the rear garden curtilages of these dwellings. The relocation of the two toilet blocks to one centrally located block further into the site, and on a lower level to the existing blocks, has the potential to reduce the impact on the neighbouring occupiers. The proposed low level lighting scheme would also ensure that impact arising from light pollution is minimised. As the proposal does not result in any increase in the number of pitches there would be no net change in respect of the level of activity and disturbance that could reasonably be expected to arise. The proposed landscaping scheme will also assist in providing good screening and integration of the site into the surrounding area and would therefore assist in minimising any visual impacts.

5.20 The demolition and construction phase has the potential to generate short-term impacts on local amenity (e.g. noise, dust, visual impacts) and in order to minimise and control these impacts it is recommended that a condition be attached requiring the submission and implementation of a Demolition and Construction Method Statement, prior to commencement of the development.

5.21 In light of the above, the proposal is not considered to raise residential amenity concerns of such significance to justify refusal of permission.

## Impact on Heritage Assets

5.22 Sections 16, 66 and 71 of the Listed Buildings and Conservation Area Act 1990 places a statutory duty on planning authorities to pay special regard to listed buildings, conservation areas and their settings. Paragraph 129 of the NPPF requires local authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal, including by development affecting its setting.

5.23 The application site is within 200m of Tewkesbury Abbey, a Grade I listed building and abuts the Tewkesbury Conservation Area. The Conservation Officer verbally confirms that, the provision of the new toilet block in the middle of the site and the general remodelling of pitches etc would have no net increase in impact on the listed building or the conservation area. The proposal is therefore in accord with the provisions of the NPPF.

## **6.0 Conclusion**

6.1 It is concluded that there are no significant adverse material issues that would result from the proposal and that the proposal is acceptable in the context of the existing touring caravan site use. The flood risks/surface water drainage associated with the proposed alterations would not be any greater than that which currently exists in relation to the existing use and therefore these are, on balance, acceptable. The visual, landscape and highway impacts associated with the development raise no concerns, subject to appropriate conditions. There would also be no net increase in the impact of the development on residential amenity or heritage assets. The application is therefore considered to accord with relevant Government Guidance and Development Plan Policies relating the provision of touring caravan facilities in the rural area. It is therefore considered that full planning permission should be **granted**.

## **RECOMMENDATION Permit**

**Conditions:**

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 The development hereby approved shall be implemented in accordance with the following approved plans and documents:

Proposed Site Improvement Plan, Drawing No. TEW-2016-P-105 dated August 2016  
Proposed Pitch Improvements, Drawing No. TEW-2016-P-110 dated August 2016  
Proposed Toilet Block Elevations, Drawing No. TEW-2016-P-310 dated August 2016  
Proposed Toilet Block Floor Plan, Drawing No. TEW-2016-P-305 dated August 2016  
Proposed MVWP Standard Detail, Drawing No. TEW-2016-P-405 dated August 2016  
Proposed All-Weather Pitches 9x9 Standard Detail, Drawing No. TEW-2016-P-420 dated August 2016  
Proposed Service Point Standard Detail, Drawing No. TEW-2016-P-400 dated August 2016  
Proposed Dog & Bike Wash Standard Details, Drawing No. TEW-2016-P-415 dated August 2016  
Proposed Site Fencing, Drawing No. TEW-2016-P-115 dated August 2016  
Proposed Site Lighting, Drawing No. TEW-2016-P-120 dated August 2016  
Landscape Proposals Plan, Drawing No. CSA/3047/100 Rev. A dated 05/01/17  
Drainage Strategy Plan - Existing & Proposed General Arrangements, Drawing No. L33526-A2-Sk01 dated 24.08.17
- 3 Construction of the new service/amenity building from the floor plate upwards and the surfacing of the new all weather pitches shall not be commenced until details of the proposed external, roofing and hard surface landscaping materials to be used have been submitted to and approved in writing by the Local Planning Authority. The materials used shall conform to the details so approved.
- 4 All planting, seeding or turfing comprised in the approved details of landscaping scheme shall be carried out in the first planting and seeding seasons following occupation of or the completion of the development (whichever is sooner) adjoining the areas to be so landscaped. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
- 5 Prior to the commencement of development a tree/hedgerow protection plan shall be submitted to and agreed in writing by the Local Planning Authority. The plan shall accord with the approved landscaping scheme and shall indicate all existing trees and hedgerows on the land to be retained together with measures for their protection during the course of development. The approved protected area shall form an exclusion zone whereby no activities are to take place including storage of materials, trafficking of vehicles and plant and changes in soil levels. The approved tree/hedgerow protection plan shall be implemented prior to the commencement of development and shall remain in situ until all works have been completed in accordance with the approved plans.
- 6 No development shall commence on site (including any works of demolition), until a Demolition and Construction Method Statement has been submitted to approved in writing by the Local Planning Authority. The Statement shall include details of:
  - Hours of working
  - Parking of vehicles of site operatives and visitors;
  - Wheel washing facilities;
  - Loading and unloading of plant and materials;
  - Storage of plant and materials used during demolition and construction;
  - The erection and maintenance of security hoardings;
  - Measures to control the emissions of dust and dirt during demolition and construction;
  - Details of the proposed demolition methods and scheme for the recycling/ disposal of waste resulting from demolition and construction works;
  - Siting and details of any required construction compound.Such details as contained in the approved Method Statement shall be adhered to throughout the demolition and construction period.

Reasons:

- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
- 2 For the avoidance of doubt and 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 new development will be visually attractive in the interests of amenity in accordance with the NPPF and policies of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 5 To protect the existing trees/hedgerows on the site during the course of building work in the interests of amenity in accordance with the NPPF.
- 6 To reduce the potential impact on adjoining occupiers and on the public highway and accommodate the efficient delivery of goods and supplies in accordance with the National Planning Policy Framework and the Tewkesbury Borough Local Plan to 2011 - March 2006.

Notes:

1 **Statement of Positive and Proactive Engagement**

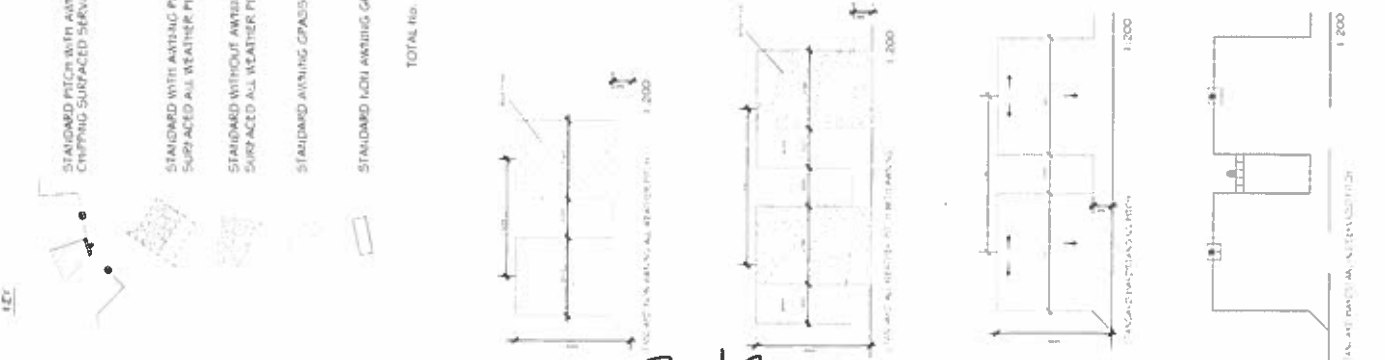
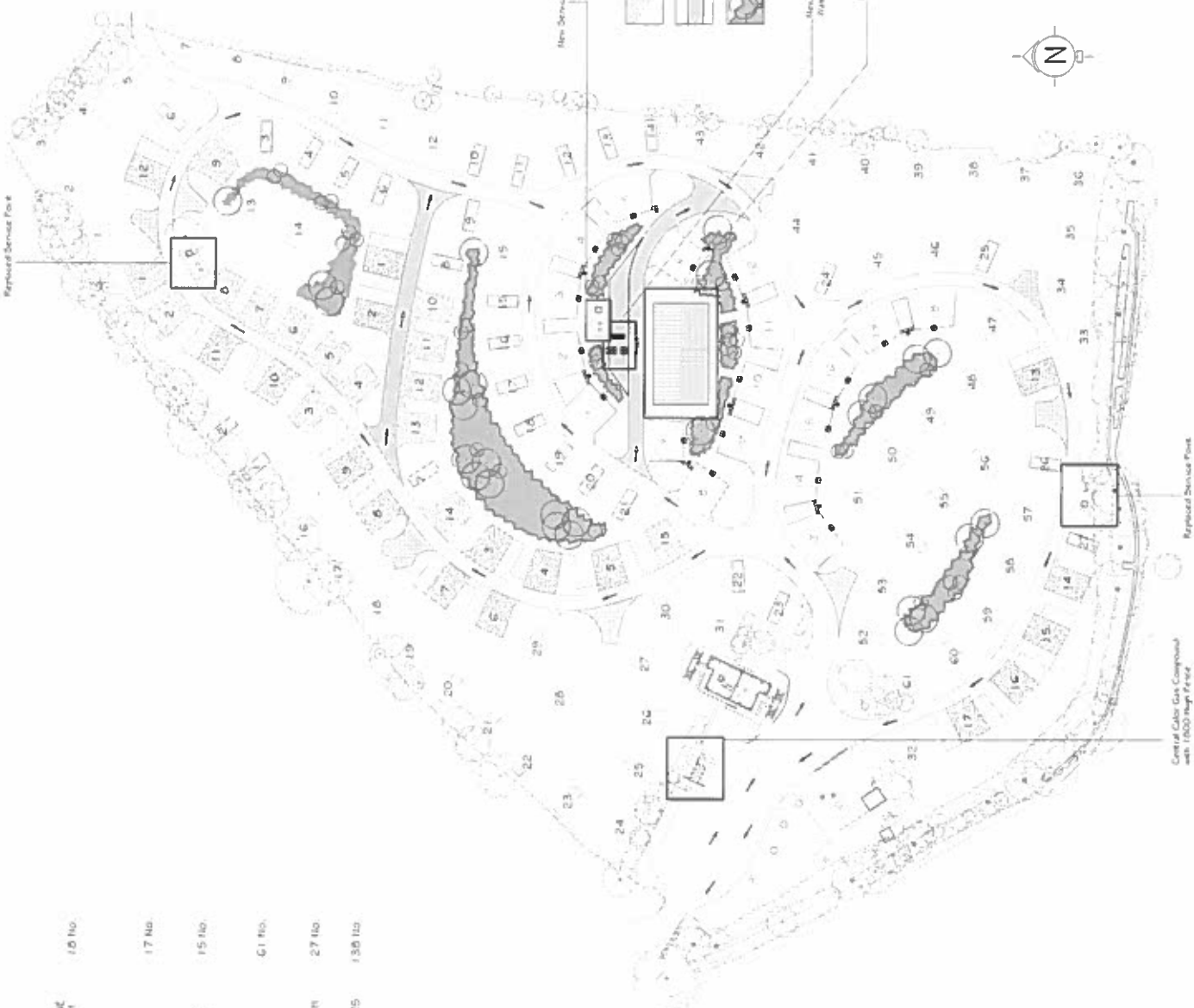
In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner offering pre-application advice, detailed published guidance to assist the applicant and published to the council's website relevant information received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

- 2 The Environment Agency advise that as part of any detailed design of the new shower/toilet block that flood resilient materials be used to a level of 13.32 AOD(N) and all electrical points be set above this level. It is further advised that an up to date Flood Evacuation Management Plan be maintained for the duration of the caravan and camping park use.



**STANDARD KEY**

1.0 No.	STANDARD PITCH WITH ANTING STONE CHIPPING SURFACED SERVICES PITCH
17 No.	STANDARD WITH ANTING PAVED SURFACED ALL WEATHER PITCH
15 No.	STANDARD WITHOUT ANTING PAVED SURFACED ALL WEATHER PITCH
G1 No.	STANDARD ANTING GRASS PITCH
27 No.	STANDARD NON ANTING GRASS PITCH
136 No.	TOTAL No. OF PITCHES



**PLANNING**

<p>TEW ZEBOURY GARDEN LAKE C.C. SITE</p>	
Proposed Site Improvement Plan	
Scale: 1:100	Drawn: 20/12/10
Client: TCC	Checked: 20/12/10
Project No: 10/10/10	Drawn By: 20/12/10



Planners: David Webb, 2001 Greenway Highway  
Fort Campbell, Queensland 4715  
Tel: (07) 5461 3326 Fax: (07) 5461 3325  
www.caravanclub.com.au

3911B

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**PLANNING**

Project No:	
Client:	
Architect:	
Date:	
Scale:	
Sheet No:	
Total Sheets:	
Drawn by:	
Checked by:	
Approved by:	

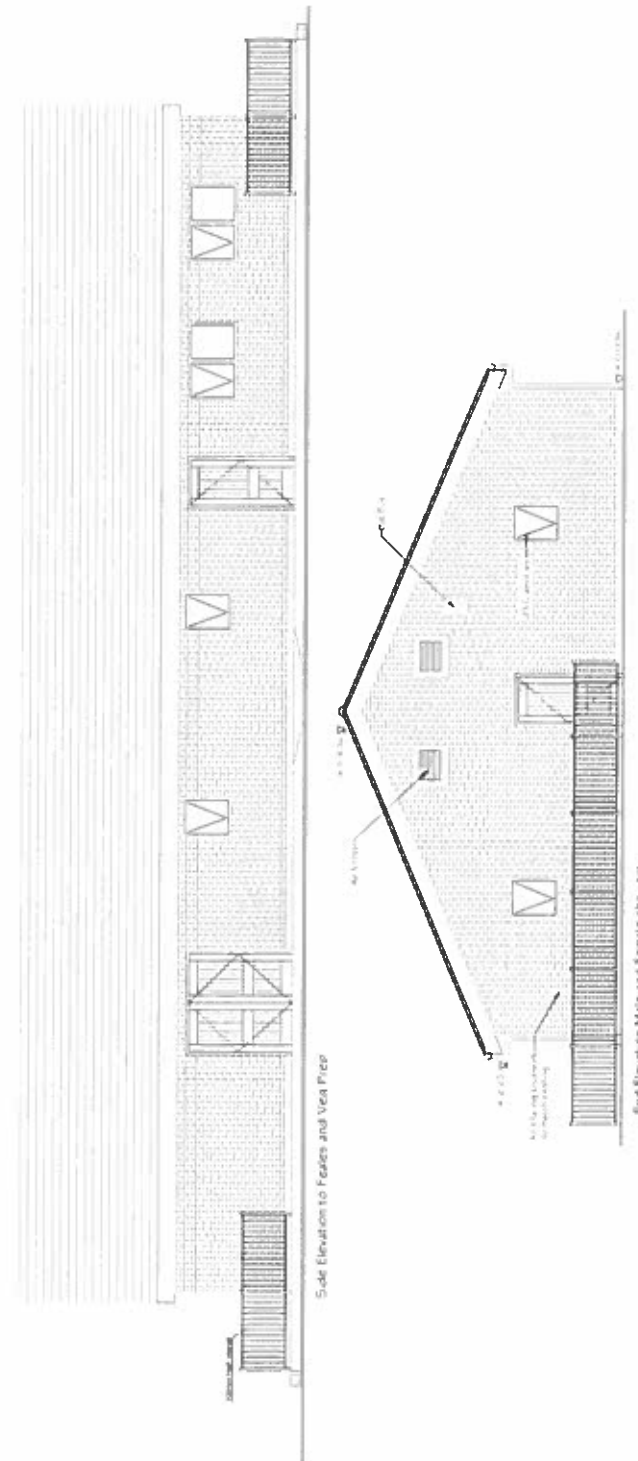
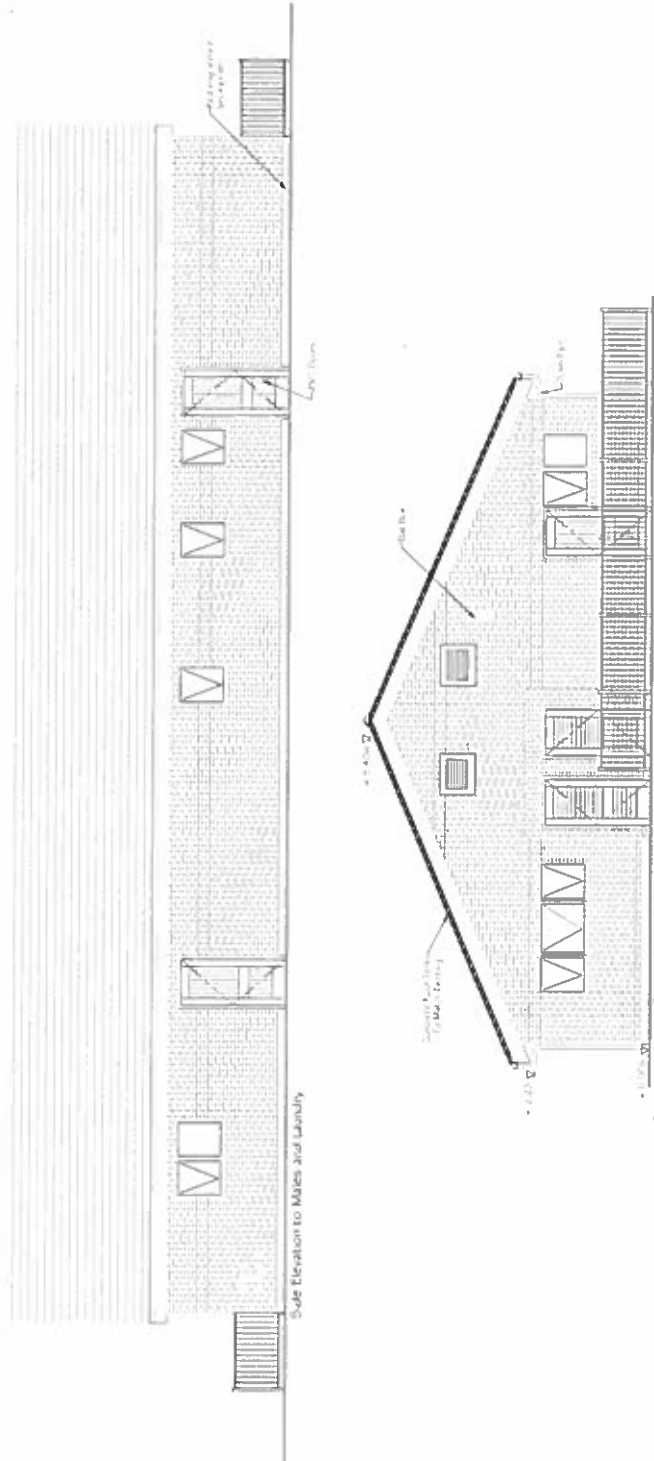
**TEWKESBURY ABBEY  
C.C. SITE**

**PROPOSED  
TOILET BLOCK  
ELEVATIONS**

Drawn by: [Name] Date: [Date]  
Checked by: [Name] Date: [Date]  
Approved by: [Name] Date: [Date]

**THE CARAVAN CLUB**

Field's Department, 1 Eastbourne Road,  
East Grinstead, West Sussex, RH19 1HA  
Tel: 01323 358772  
Fax: 01323 326353



3911/c

Valid 21.08.2017  
 Grid Ref 402080 229235  
 Parish Winchcombe  
 Ward Winchcombe

Single Storey Rear Extension

Mr D Andrews  
 5 Whitmore Road  
 Winchcombe  
 Cheltenham  
 Gloucestershire  
 GL54 5HR

## **RECOMMENDATION Permit**

### **Policies and Constraints**

National Planning Policy Framework  
 Planning Practice Guidance  
 Tewkesbury Borough Local Plan to 2011 - March 2006 - Policy HOU8  
 JCS Proposed Main Modifications  
 Area of Outstanding Natural Beauty

### **Consultations and Representations**

**Winchcombe Town Council** - No representations received

**Local residents** - x1 Letter of objection from the residents of No.3 Whitmore Road, concerns are summarised as follows:

- Severe loss of light to No.3
- Increase in noise as a result of the proposed scheme
- The proposed extension would result in a disproportionate addition over and above the original building.
- There is little room for maintenance to the side of the extension (BRE guidance recommended at 1m).
- Detrimentially affects the overall character and appearance of the street scene
- Project a significant amount from the front wall of the existing dwelling

**The application is to be determined by the Planning Committee as Cllr Jim Mason has called the application in to assess the impact on the neighbouring property**

**Planning Officers Comments:** Mr James Lloyd

### **1.0 Application Site**

1.1 This application relates to No.5 Whitmore Road, an end terrace, two storey property located within Winchcombe. The property is located within the residential development boundary (RDB) on an established residential estate of similar dwellings (see attached site location plan). The site is also located within the Area of Outstanding Natural Beauty.

### **2.0 Relevant Planning History**

2.1 None pertaining to this application

### **3.0 Current Application**

3.1 The current application seeks planning permission for the erection of a single storey rear extension (see attached plans).

### **4.0 Policy Context**

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

4.2 Policy HOU8 of the Tewkesbury Borough Local Plan to 2011 sets out, inter alia, that extension to existing dwellings will be permitted provided that the proposal respects the character, scale, and proportion of the existing dwelling. The policy requires that proposals must not have an unacceptable impact on adjacent property in terms of bulk, massing, size and overlooking. The proposal must also respect the character and appearance of the surrounding area.

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

## 5.0 Analysis

5.1 The main issues to be considered with this application are the impacts on the neighbouring property and the impact on the street scene.

### *Design & Impact on the Street Scene*

5.2 The proposed rear extension would be constructed just off the boundary between No's 5 & 3 Whitmore Road. The extension would be visible from the street scene and would create additional ground floor living space for the applicants. The extension would project approximately 4.05 metres from the rear of the original house with a width of approximately 3.14 metres (**see attached plans**). The extension would be constructed with a pitch roof with the ridgeline height approximately 3.5 metres with the eaves approximately 2.5 metres. The extension would be finished in materials to match the existing dwelling.

5.3 Policy HOU8 of the Local Plan highlights that proposals must respect the character, scale and proportions of the original dwelling, have a design that complements or reflects the existing building and overall respects the character and appearance of the area. Overall, it is considered that the proposal respects the character of the existing dwelling and surrounding properties. There are several examples of single storey extensions and conservatories within close proximity to the application site. Additionally, the proposed materials are considered to be acceptable. As a result it is considered that the proposal complies with the requirements of policy HOU8 of the Local Plan in relation to the design of the proposal.

### *Residential amenity*

5.4 Policy HOU8 of the Local Plan states development will only be permitted when it does not have an unacceptable impact on the residential amenity of adjacent properties.

5.5 The occupants of the adjoining property (No.3 Whitmore Road) have raised concerns that the scheme would create an overbearing impact on the rear of their property that would result in a significant loss of light.

5.6 The boundary between the two sites currently comprises of a domestic timber fence that measures approximately 1.8m. The proposal would include the removal of this fence and the extension would be constructed close to the boundary. The proposed eaves height of the extension is approximately 2.5 metres. The neighbouring property benefits from a rear door and small window on the rear elevation close to the boundary however, it was noted on site visit that these are obscure glazed. There is a small increase in ground levels between the two properties and No.5 sits slightly higher than No.3.

5.7 Due to the proximity of the proposed extension to the boundary it is acknowledged that there would be a small amount of overshadowing to this neighbour from the proposed extension, on the rear door and window, but this is not considered to represent an adverse impact that is significant enough to warrant a reason for refusal. The increase in height over the existing relationship (with the fence) is approximately 0.70m and it is not considered that this increase would cause a significant loss of light over and above the present situation.

5.8 Furthermore, the gardens are due south facing and given the orientation of the sun, along with the roof design, the proposal would not result in an unacceptable loss of light or outlook that would warrant a refusal on these grounds.

5.9 It is also worth noting that the applicant benefits from permitted development and could construct an extension 4 metre's in height (with a maximum eave's height of 3 metres) that could project approximately 3 metres from the rear of the property with out the need for planning permission. It is considered that the increase of approximately 1 metre in length would not cause significant harm over the applicants ability to build under permitted development rights.



5.10 Overall, after careful consideration, it is not considered that the proposal would cause demonstrable harm to the amenities of the neighbouring properties in line with Policy HOU8 of the Local Plan.

## **6.0 Conclusion**

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

### **RECOMMENDATION Permit**

#### **Conditions:**

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 The development hereby permitted shall be carried out in accordance with details within the application form and approved plans/drawings Nos. 01, 03 & 05 received by the Local Planning Authority on 14th August 2017.
- 3 The external materials of the proposed extension shall match as near as possible the materials of the existing dwelling house.

#### **Reasons:**

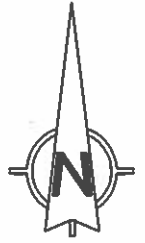
- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
- 2 For the avoidance of doubt and in the interest of proper planning.
- 3 To ensure that the extension is in keeping with the existing building in accordance with Policy HOU8 of the Tewkesbury Borough Local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

#### **Notes:**


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

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

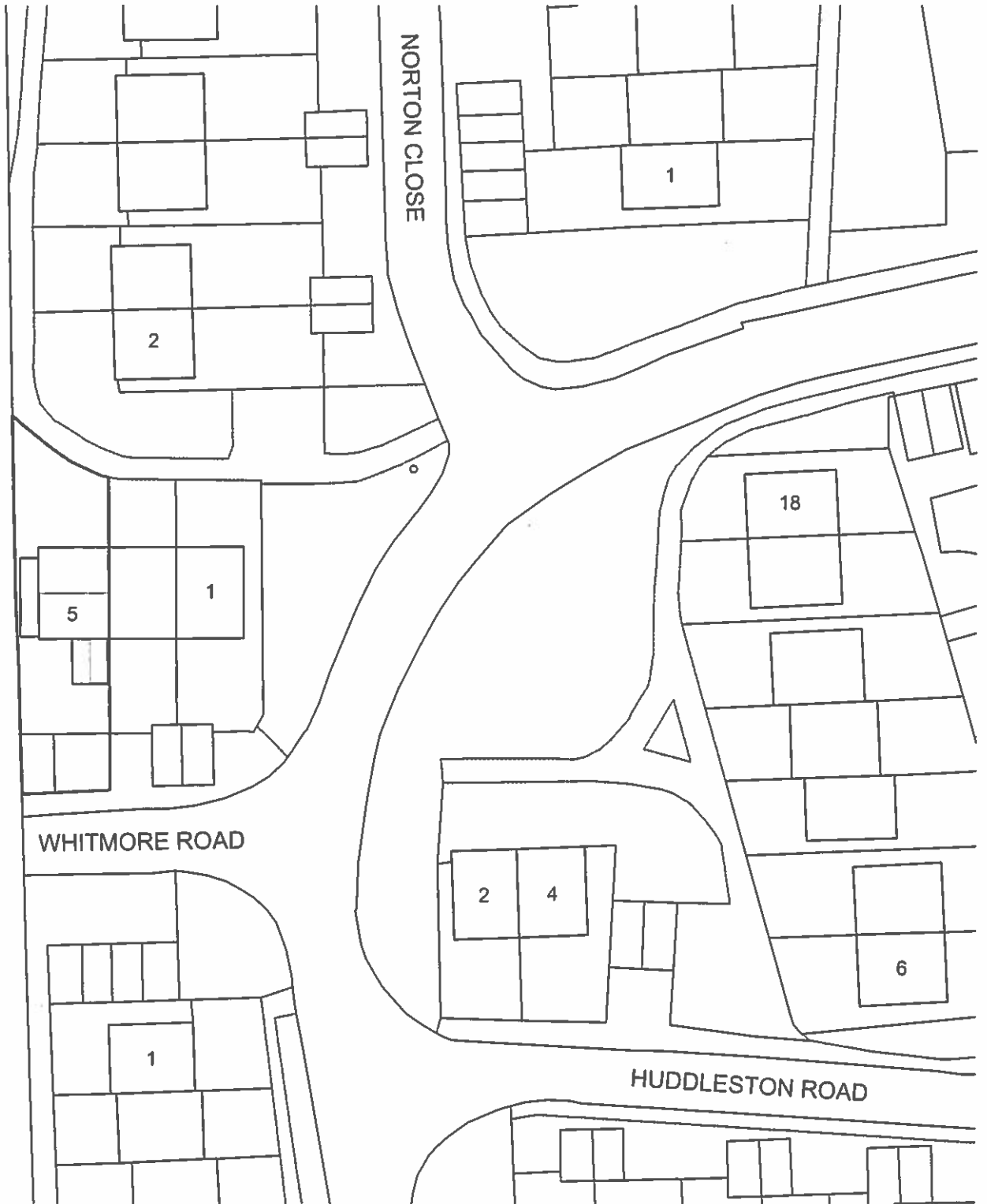
- 2 This permission does not imply any rights of entry to any adjoining property nor does it imply that the development may extend into or project over or under any adjoining boundary.




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Client <b>Mr D Andrews</b>				 <b>URBAN ASPECTS</b> LAND · PLANNING · DESIGN			
Project <b>5 Whitmore Road, Winchcombe</b>							
Drawing title <b>Location Plan</b>							
Date <b>Aug 2017</b>	Scale <b>1:1250 @ A4</b>	Drawn <b>GMP</b>	Status <b>PA</b>	Job No. <b>AND17.04</b>	Org No. <b>01</b>	Rev. <b>-</b>	

3/4/A

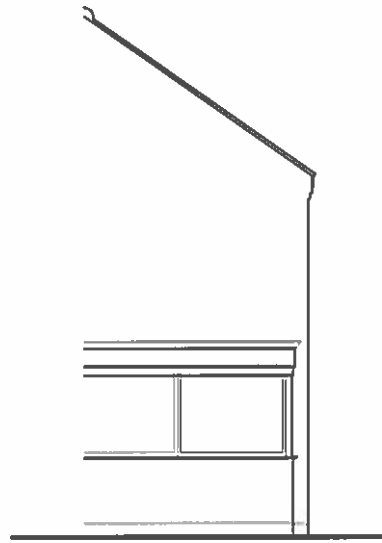


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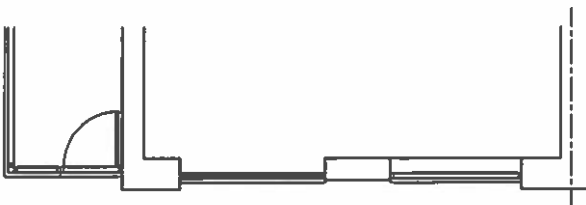
Client				 <b>URBAN ASPECTS</b> LAND · PLANNING · DESIGN			
Project							
Drawing Title							
Mr D Andrews							
5 Whitmore Road, Winchcombe							
Proposed Block Plan							
Date	Scale	Drawn	Status	Job No.	Org No.	Rev.	
Aug 2017	1:500 @ A4	GMP	PA	AND17.04	03	-	



Rear Elevation




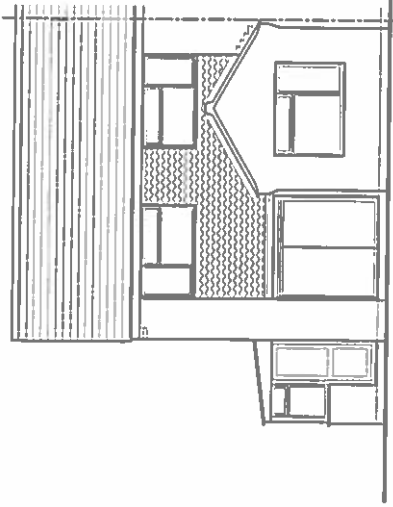
Side Elevation



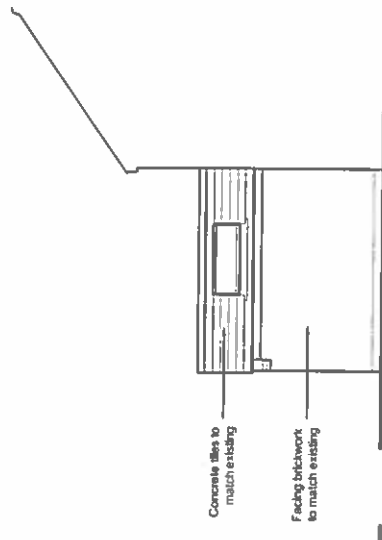
Ground Floor

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Client				 <b>URBAN ASPECTS</b> LAND · PLANNING · DESIGN		
Project						
Drawing Title						
<b>Mr D Andrews</b> <b>5 Whitmore Road, Winchcombe</b> <b>Existing Floor Plan &amp; Elevations</b>				Job No.	Org No.	Rev.
Date	Scale	Drawn	Status	AND17.04	04	-
Aug 2017	1:100 @ A4	GMP	PA			

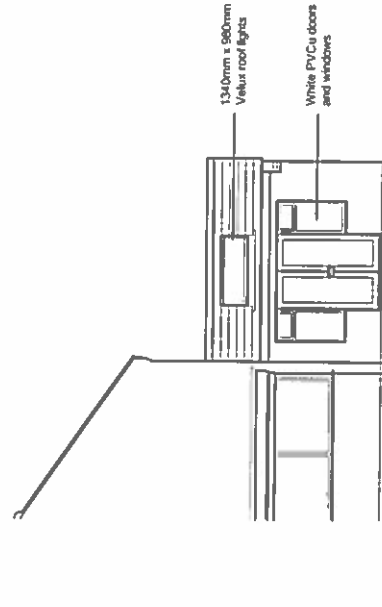


Rear Elevation



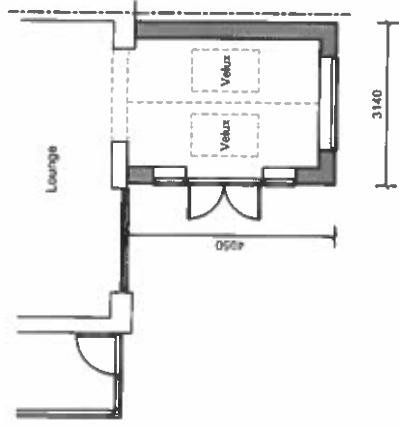
Side Elevation

Concrete tiles to match existing  
Facing brickwork to match existing



Side Elevation

1340mm x 960mm Velux roof lights  
White PVCu doors and windows



Ground Floor

3941D

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<b>Mr D Andrews</b> <b>5 Whitmore Road, Winchcombe</b> <b>Proposed Floor Plan &amp; Elevations</b>	
Date <b>Aug 2017</b>	Scale <b>1:100 @ A3</b>
Drawn <b>GMP</b>	Status <b>PA</b>
Job No. <b>AND17.04</b>	Job No. <b>05</b>

Pure Offices • Cheltenham Office Park • Hatherley Lane • Cheltenham • GL51 6SH  
**T 01242 806170 M 07795 398585 E russell@urbanaspects.co.uk**  
[www.urbanaspects.co.uk](http://www.urbanaspects.co.uk)

Valid 12.06.2017

Conversion of existing redundant buildings to dwelling with the benefit of existing vehicular and pedestrian access.

Grid Ref 392299 214917

Parish Badgeworth

Ward Badgeworth

Mr Paul Matthews

Hill Farm

Birdlip Hill

Witcombe

Gloucester

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

National Planning Policy Framework

Planning Practice Guidance

Tewkesbury Borough Local Plan to 2011 - March 2006 - HOU4, AGR6, AGR7, and TPT1

Proposed Main Modifications version of the JCS

Cotswolds AONB Management Plan

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

Joint Core Strategy Proposed Main Modifications version - SD8

The First Protocol, Article 1 (Protection of Property)

Area of Outstanding Natural Beauty

**Consultations and Representations****Badgeworth Parish Council:** Supports this application.**Great Witcombe Parish Meeting:** Have made no comments regarding the proposal.**Cotswold District Council:** Have made no comments regarding the proposal.**Gloucestershire County Council Highways:** No objections subject to conditions.**Environmental Health Officer:** Has no adverse comments to make regarding the proposal subject to conditions.**Councillor Vines has requested Committee determination to allow members to assess the suitability of this proposal given its AONB location.****Planning Officers Comments:** Fiona Martin**1.0 Application Site**

1.1 The application relates to an open-sided 'pole barn' and a number of store rooms attached which are now redundant at Knapp Farm on Birdlip Hill(see site location plan attached).

1.2 The site is located within an Area of Outstanding Natural Beauty (AONB) and there is a Public Right of Way which runs through the site adjacent to the eastern most boundary. The site is predominantly rural in character with a handful of residential properties located nearby.

**2.0 Planning History**

2.1 Planning application 04/01546/FUL conversion of existing redundant barns to create equestrian holiday units and erection of stables with hay store was refused in 2005 for the following reasons:

*1. The proposed development conflicts with Policy TSM1 of the Gloucestershire Structure Plan Second Review and Policies TOR1, TOR2 and AGR6 of the Tewkesbury Borough Local Plan to 2011 (Proposed Modifications) in that the building is not of substantial construction and the proposed conversion would involve major reconstruction of the building.*

*2. The site is located within the Cotswold Area of Outstanding Natural Beauty where priority is given to the conservation and enhancement of the landscape. By virtue of their prominent siting and poor relationship to the existing buildings of the proposed stables would form a visually intrusive and dominant feature which*

*would have a harmful impact on the character and appearance of the landscape contrary to General Policy NHE4 of the Gloucestershire Structure Plan Second Review and Policies LND1 and RCN6 of the Tewkesbury Borough Local Plan to 2011 (Proposed Modifications).*

*3. The site lies within the Cotswolds Area of Outstanding Natural Beauty where priority is given to the protection of the landscape. The proposed improvements to the access would involve the removal of a number of trees which make a significant contribution to the quality of the landscape. The development would therefore have a harmful impact on the character and appearance of the landscape contrary to General Policy NHE4 of the Gloucestershire Structure Plan Second Review and Policy LND1 of the Tewkesbury Borough Local Plan to 2011 (Proposed Modifications).*

A subsequent Appeal against this decision was dismissed for reasons which are discussed below.

2.2 Prior Notification application 16/00852/PDAD to convert existing barns to 1 dwelling was refused in September 2016

### **3.0 Current Application**

3.1 The current application seeks planning permission for the conversion of existing redundant buildings to a single three bedroomed dwelling. Access would be along the track leading onto Birdlip Hill Road.

### **4.0 Policy Context**

4.1 The site lies in the open countryside outside any Residential Development Boundary as defined by the Tewkesbury Borough Local Plan. The Council is able to demonstrate a five-year supply of deliverable housing sites and saved policy HOU4 is considered up-to-date. In such areas, there is a strict presumption against inappropriate development and new residential uses are normally considered unacceptable in accordance with Policy HOU4 of the Local Plan, unless such proposals involve the acceptable conversions of existing rural buildings. Proposals for the conversion of rural buildings are considered in the context of Local Plan Policies AGR6 and AGR7.

4.2 Policy AGR6 indicates that holiday let, commercial or community re-use should be sought in preference to residential use. However, the NPPF no longer requires that non-residential uses for rural buildings are to be considered in preference to residential and it is acknowledged that this advice now outweighs this part of Local Plan Policy AGR6.

4.3 Policies AGR6 and AGR7 also set out that buildings should be structurally sound and capable of conversion to the proposed use without substantial extension/alteration and without major reconstruction. Policy AGR7 indicates that the essential form, scale and character of buildings should be retained and essential features retained. New works should also respect the character of the existing buildings and the surrounding area.

4.4 Paragraph 115 of the NPPF also outlines that great weight should be given to conserving the landscape in particular the Areas of Outstanding Natural Beauty (AONB). Furthermore Policy SD8 of the Proposed Main Modifications version of the JCS (PMMJCS) seeks to protect the AONB by ensuring development is consistent with the Cotswolds AONB Management Plan.

4.5 The NPPF follows the thrust of these Development Plan policies. In particular, Paragraph 55 states that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances, such as, amongst other things, where the development would re-use redundant or disused buildings that would result in an enhancement of its immediate surroundings. These parts of the above mentioned Development Plan Policies are therefore considered to be consistent with the NPPF and should be afforded significant weight.

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

## 5.0 Analysis

5.1 The main issues to be considered with this application are:

- The principle of residential use;
- Whether the building is capable of conversion without substantial alteration to its existing structure;
- The Impact on the Cotswolds AONB; and
- Highway safety.

### Principle of Residential Re-Use

5.2 The site is within an open countryside location where, in accordance with Policy HOU4, new residential uses are usually considered unacceptable, unless they involve, amongst other things, the acceptable re-use of rural buildings. The NPPF states at paragraph 55 that local planning authorities should avoid new isolated homes in the countryside unless, amongst other things, the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting. The proposed use is therefore acceptable in principle subject to Policies AGR6 and AGR7 of the Local Plan. These policies set out the criteria for rural conversions proposals and require buildings to be structurally sound and capable of conversion without major reconstruction and without substantial extension and alteration to their original form, scale and character.

### Whether the building is capable of conversion:

5.3 It is relevant that in dismissing the Appeal for the conversion of the same buildings for use as holiday units, the Inspector concluded that *"To my mind, even though the Appellants are intending to retain the basic structure of the buildings, the scale of works is sufficient to constitute major reconstruction."* Although the exteriors of parts of some of the buildings have been altered and enclosed by the addition of wooden cladding, they remain structurally the same. A structural report has been submitted with the current application which acknowledges that whilst the buildings *could* be converted without any foundation strengthening and with minor disruption to the existing building fabric, substantial alterations would be required to the walls, floor and roof to ensure the building met necessary Building Regulations. The survey also suggests additional roof purlins may be required to support the new roof. A Method Statement has also been submitted which argues that the majority of the existing materials would be re-used or recycled, but similarly acknowledges that to meet Building Regulations substantial additions would need to be made to the existing fabric.

5.4 It is therefore concluded that the works necessary to make the existing buildings capable of functioning as a dwelling would amount to 'substantial' alteration and 'major' reconstruction, contrary to Local Plan Policy and current guidance. The proposed development is therefore tantamount to the erection of an isolated new dwelling in the open countryside and the principle is therefore against the grant of planning permission in accordance with Local Plan policy HOU4, unless material considerations indicate otherwise

### Impact on Area of Outstanding Natural Beauty:

5.5 The site is located on Birdlip Hill within the Cotswolds Area of Outstanding Natural Beauty (AONB), planning policy gives weight to protecting the Cotswold AONB with policy SD8 of the PMMJCS outlining that development proposals within the AONB should conserve and where appropriate enhance the AONB. Policy AGR6 of the Local Plan seeks to protect the AONB and ensure proposals to not conflict with the character and openness of the AONB.

5.6 The Cotswolds Conservation Board Position Statement on Housing And Development sets out that in the conversion of rural buildings, the preference is for agricultural buildings to be retained in use or converted to employment/social use. Conversion to residential use is the least favoured option and in these cases suburbanisation of the immediate landscape is to be avoided.

5.7 There is a public right of way running to the north-east and south-west of the site which have views into the site. There would also be intermittent views into the site from the road. In dismissing the Appeal for the proposed conversion to holiday units, the Inspector concluded that *"..the proposal would have a domestic character, especially as it is likely that there would be a certain amount of associated paraphernalia, such as benches, picnic table, parked cars and so on, in the curtilage. Consequently, given the prominence of the buildings when seen in the wider landscape and from the adjacent bridle way, in my judgement such works would inevitable change their character and would result in the range appearing as a residential intrusion"*



*that would not be in keeping with this rural setting.*" Whilst the Inspector noted the applicants' intention to provide landscaping to screen the development he opined that the long term retention of such screening could not be guaranteed and that in any event, it would have limited effect in concealing the development from the Bridleway.

5.8 The same harms identified by the Inspector would be equally applicable with regard to the current application. Indeed a permanent residential use, as compared to in intermittent holiday use, would be likely to have more of a domesticating and visually intrusive impact to the detriment of the rural character and appearance of the area and AONB.

#### Impact on Residential Amenity:

5.9 There are a handful of properties located near the site which are some distance from the existing barn. The proposal is not considered to result in a detrimental impact on residential amenity as due to the location and the boundaries the proposal is not considered to be overlooking, nor would it have any overbearing impacts on the existing properties. The private amenity space would be located to the south-west and north-west of the property away from the existing dwellings.

#### Highway Safety:

5.10 Policy TPT1 seeks to ensure that any traffic generated development can be safely accommodated and that the development itself can be safely accessed. Additionally, the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

5.11 The proposal would benefit from two off-road parking spaces with the existing access remaining the same. The County Highways Authority note that the access is onto a Class 3 Highway with a speed limit of 40mph. The addition of 1 dwelling would increase vehicle trip generation by 5 two way trips daily. Subject to conditions requiring that the existing track be surfaced in bound material and the implementation of widened kerbed entry/exit points onto Birdlip Road.

5.12 Whilst the implementation of these works would overcome any highway safety issues associated with the proposed use, those works would result in a more urban appearance to the existing access, which is also a Bridle Way for much of its length. This would add to the visual harm of the proposal. A similar conclusion was drawn Inspector in respect of the Holiday Units appeal proposal (albeit the proposed alterations to the access in that proposal were more extensive).

## 6.0 Conclusion

6.1 Overall, the proposed development is tantamount to the erection of an isolated new dwelling in the open countryside and the principle is therefore against the grant of planning permission unless material considerations indicate otherwise. Furthermore, it is considered that the proposed development would unacceptably harm the character and appearance of the rural area and detract unacceptably from the natural beauty of the AONB, contrary to National Guidance and Development Plan Policy. There would be some very minor benefits associated with the proposals in economic terms both during construction and post-development however these benefits would not outweigh the harms identified above, and by the previous appeal Inspector. It is therefore recommended that the application be **Refused**.

## RECOMMENDATION Refuse

### Reasons:

- 1 The proposed development conflicts with Policy HOU4 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and paragraph 55 of the National Planning Policy Framework in that the site lies outside the defined residential development boundary of the settlement in an isolated location where new housing is strictly controlled.
- 2 The site is located within the Cotswold Area of Outstanding Natural Beauty where weight is given to conserving and protecting the landscape and scenic beauty. The proposal would have a harmful impact on the character and appearance of the rural area and detract unacceptably from the natural beauty of the AONB, by virtue of the residential intrusion within this rural landscape. The development would therefore be contrary to Policy SD8 of the Proposed Main Modifications version of the Joint Core Strategy, Policy AGR6 of the Tewkesbury Borough Local Plan to 2011 (March 2006) and the National Planning Policy Framework (2012).

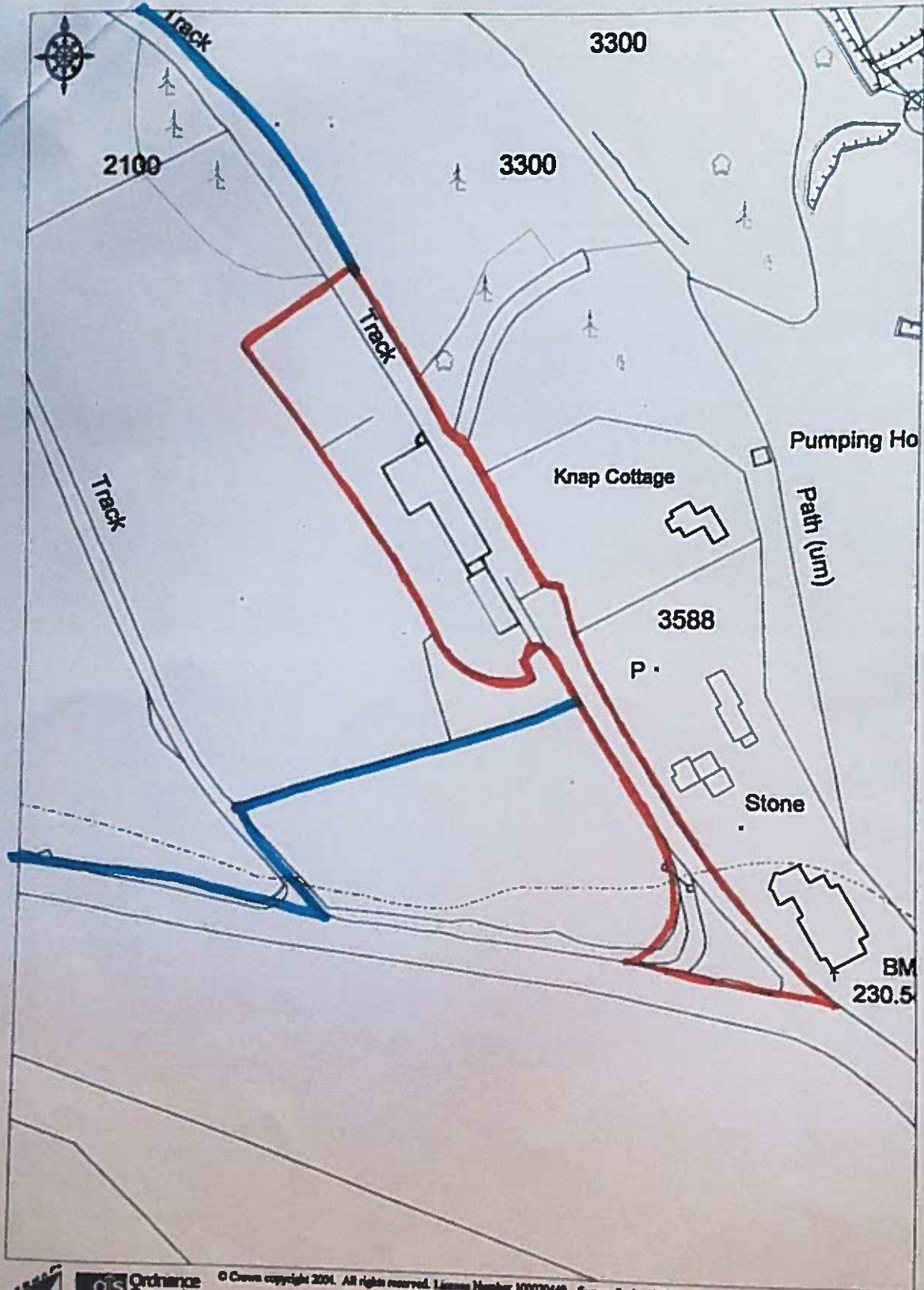
- 3 The proposed development conflicts with Policy AGR6 of the Tewkesbury Borough Local Plan to 2011 (March 2006) in that the building is not of substantial construction and the proposed conversion would involve major reconstruction of the building.

Note:

**Statement of Positive and Proactive Engagement**

In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner offering pre-application advice, detailed published guidance to assist the applicant and published to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding. However, as a consequence of the clear conflict with Development Plan Policy no direct negotiation during the consideration of the application has taken place.

17/000018/AUL



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399/A

Proposed PTP package  
foul sewer disposal  
IF MAINS  
CONNECTION  
(UNAVAILABLE)

3300

Proposed garden areas

Track

Proposed vehicular and  
pedestrian access

Proposed conversion  
of existing building  
of dwelling

Pumping t-

Path (um)

Knap Cottage

Proposed parking

Proposed Turning areas

Proposed garden areas

3588

Proposed pedestrian access

P x

Bridle Hill  
Witcombe  
Gloucester, GL3 4SL

Proposed Block Plan  
Scale 1:500

0 10 20 30

N

Shaded area indicates resurfacing and  
grading to provide improvements  
to existing access  
To Gloucestershire Highways advice  
And recommendations

Stone

Triangular island containing  
trees and shrubs to be RETAINED

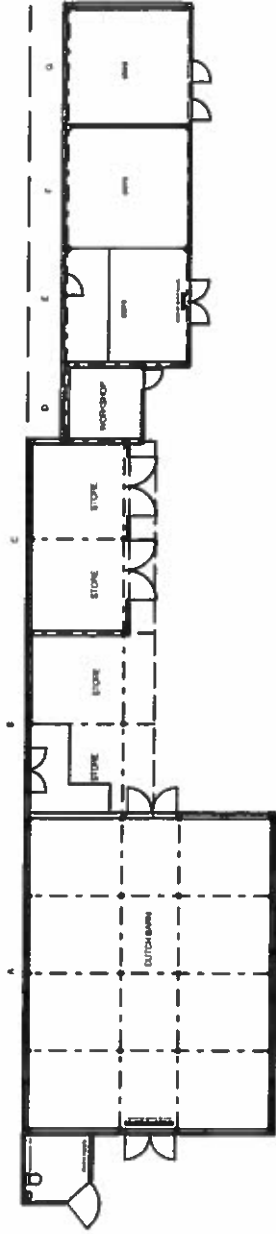
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Crown Copyright Reserved  
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Licence number 1000020-49

DRG N<sup>o</sup> 2156/B1  
39918 REV A

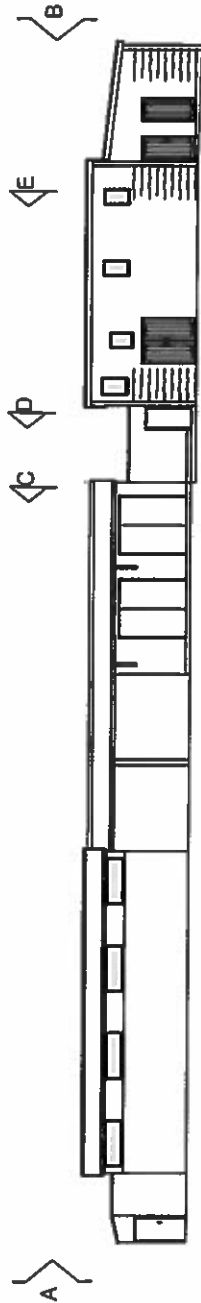
Provide white contour

BM  
230 51

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



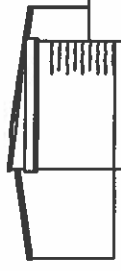
GROUND FLOOR



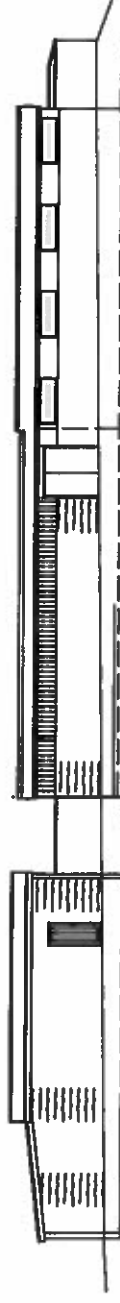
FRONT



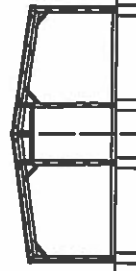
SIDE A



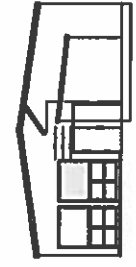
SIDE B



REAR



SECTION E-E



SECTION D-D



SECTION C-C

EXISTING TYPICAL STRUCTURE  
SEE ENGINEERS REPORT



North Bromley Architectural Consultancy  
T: 01882 71238 E: northbromleyarchitectural@bt.com

REV	DATE	DESCRIPTION

NOTES:  
 1. ALL WORKSHOPS TO BE RELOCATED TO THE REAR OF THE BUILDING.  
 2. ALL WORKS TO BE COMPLETED BY 15/03/2011.

client: MR & MRS P. Matthews  
 builder:

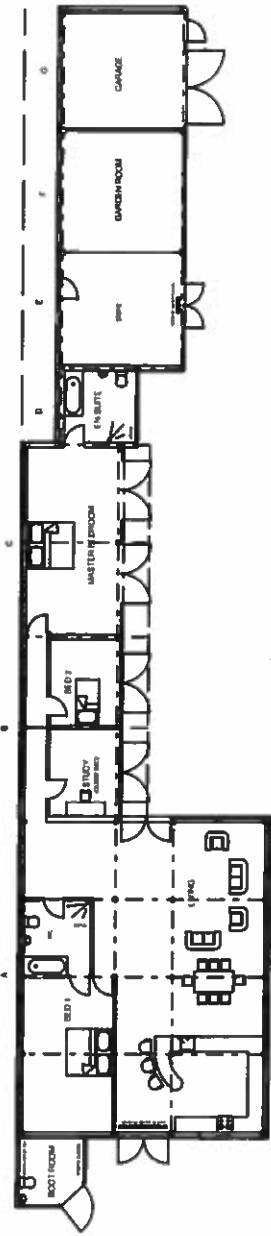
project/site: Birdlip Hill  
 Witcombe  
 Gloucester  
 GL3 4SL

title: EXISTING PLANS  
 AND ELEVATIONS

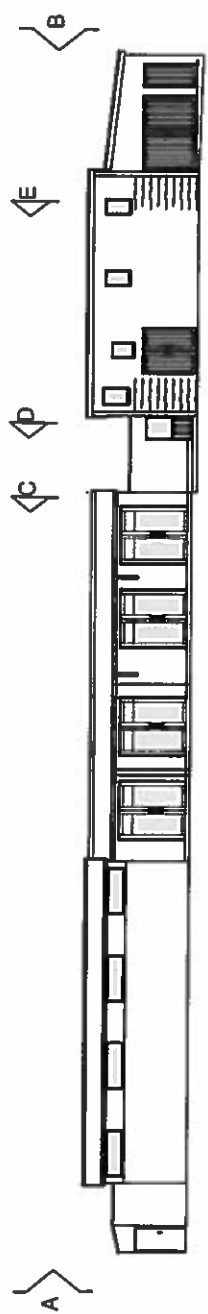
drawn	date
Scale 1:200 @ A3/1:100 @ A1	
Dwg No	REV
2856	B

399/C

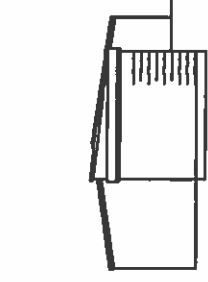
Health and safety procedures to be completed in all instances prior and throughout all works



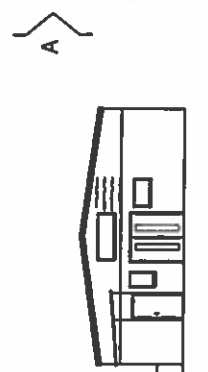
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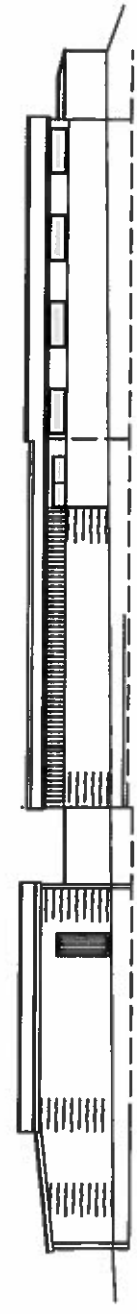
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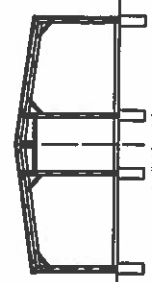
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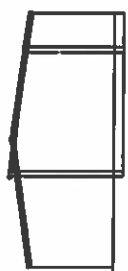
SIDE A



REAR



EXISTING TYPICAL STRUCTURE  
SEE ENGINEERS REPORT



SECTION E-E



SECTION D-D



SECTION C-C



North Bromley Architectural Consultants  
1, 2 & 3, 11-12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

REV	DATE	DESCRIPTION

NOTES:  
1. ALL WORK SHALL BE IN ACCORDANCE WITH THE BUILDING REGULATIONS 2010 AND THE BUILDING ACT 2010.  
2. ALL WORK SHALL BE IN ACCORDANCE WITH THE BUILDING ACT 2010 AND THE BUILDING REGULATIONS 2010.

client: MR & MRS P. Matthews  
builder

project/site: Birdlip Hill, Wiltcombe, Gloucester, GL3 4SL

title: PROPOSED FLOOR PLANS AND ELEVATIONS

drawn	date
Scale 1:200 @ A3/1:100 @ A1	
Draw No	rev
2656/1	B

399/0

17/00858/FUL

Land off Evesham Road, Evesham Road, Bishops Cleeve

7

Valid 01.08.2017  
Grid Ref 395493 228585  
Parish Bishops Cleeve  
Ward Cleeve West

Erection of 5 detached houses and construction of new vehicular access.

Knarsboro Homes LTD  
CO Agent

## **RECOMMENDATION Refuse**

### **Policies and Constraints**

NPPF

Planning Practice Guidance

Tewkesbury Borough Local Plan to 2011 - March 2006 - Policy TPT1, HOU4, HOU13, LND4

Flood and Water Management SPD

Joint Core Strategy Proposed Main Modifications version

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

The First Protocol, Article 1 (Protection of Property)

### **Consultations and Representations**

**Bishops Cleeve Parish Council** - Object to the application, raising the following points:

- Design and Access Statement makes a number of inaccurate and irrelevant comments
- Council can demonstrate a five year housing land supply- There has been rapid, large scale growth in Bishops Cleeve
- Flood Risk Assessment is not robust
- Considerable traffic movement along this stretch of the A435
- Unsafe access onto the highway
- No safe pedestrian access

**Gotherington Parish Council** - No comments received

**County Highway Authority** - No objection, subject to conditions

**Urban Design Officer** - Objects to the proposal, raising the following comments:

- The stream corridor is an important boundary and clearly defines the edge of the settlement
- Site would not fit into or integrate with the development at Cleavelands
- It would fill an important green space
- Out of character with the form of the existing settlement

**Flood Risk Management** - Comments awaited.

**Strategic Housing and Enabling Officer** - Contributions of £298,000 are required.

**Local Residents** - None received

**This application has been called to Committee by Cllr Reece to assess the impact on the street scene.**

**Planning Officers Comments:** Suzanne D'Arcy

### **1.0 Introduction**

1.1 The site to a triangular parcel of land, adjacent to the A435, Evesham Road. The site is adjacent to the Cleavelands development.

1.2 The site is located outside any defined settlement boundary. Part of the site is located within Flood Zone 2.

1.3 The site features a cluster of redundant outbuildings. The boundaries are marked by hedges and there is a brook to the north of the site.

## **2.0 Relevant Planning History**

2.1 An identical application for five detached houses on the site (ref: 17/00041/FUL) was withdrawn prior to determination. Officers had advised that the application was proposed to be refused under delegated authority.

## **3.0 Current application**

3.1 This is a full application for the erection of five dwellings and a new access. The proposed scheme consists of 2 four bed dwellings and 3 five bed dwellings, each with a detached garage.

3.2 Plots 1 and 2 are proposed to be four bed dwellings, with a footprint of 9.5m by 9.1m. They would be 5m high to the eaves and rise to a height of 8.6m at the ridge.

3.3. Plots 3 and 4 would be five bed dwellings. They would have an L shaped footprint with a maximum width of 12.4m and maximum depth of 11.7m. The proposed dwellings would be 5m high to the eaves and rise to a height of 8m at the ridge.

3.4 Plot 5 would be a five bed dwelling, with a footprint of 13.4m by 7.6m. It would be 5m high to the eaves and rise to a height of 8.6m at the ridge.

3.5 Each plot would have a detached garage of 6.3m by 6.2m. The garages would be 2.4m to the eaves and rise to a height of 5.5m at the ridge.

3.6 All the buildings on site would be constructed of red clay faced bricks with concrete roof tiles.

## **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). Paragraph 216 of the NPPF sets out that 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 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.

4.2 The application site lies outside of a recognised settlement boundary as defined by the Tewkesbury Borough Local Plan to 2011 - March 2006. Consequently, the application is subject to policy HOU4 which states that new residential development will only be permitted where such dwellings are essential to the efficient operation of agriculture or forestry or the provision of affordable housing. The Council is able to demonstrate a five-year supply of deliverable housing sites and saved policy HOU4 is considered up-to-date.

4.3 The emerging development plan will comprise the Joint Core Strategy (JCS), Tewkesbury Borough Plan and any adopted neighbourhood plans. These are all currently at varying stages of development. The Main Modifications Version of the Joint Core Strategy (MMVJCS) 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 sets out the overall level of development and approach to its distribution.

4.4 Within the rural areas of Tewkesbury Borough, approximately 2740 dwellings are proposed to be delivered within the plan period to 2031. Almost all of this rural development has already been delivered or committed as of April 2017. The remainder of this requirement will be allocated through the Tewkesbury Borough Plan and neighbourhood plans. In this case, Bishop's Cleeve is designated as one of two Rural Service Centres (along with Winchcombe) in the JCS which are expected to deliver at least 1860 dwellings over the JCS plan period. To date, during the plan period Bishops Cleeve has already had 1,564 dwellings consented, which when added to the 277 dwellings already consented at Winchcombe, leaves an outstanding requirement of only 19 for the remaining plan period.



4.5 Section 7 of the NPPF makes it clear that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

4.6 Section 11 of the NPPF seeks to protect and enhance valued landscapes and the requirement to protect landscape character is echoed within Policy SD7 of the MMVJCS.

## 5.0 Analysis

5.1 The main issues to be considered are the principle of development, impact on the character of the area, highway safety, impact on residential amenity and flood risk.

### Principle of development

5.2 On 31st January the Council approved for consultation the latest draft of the Joint Core Strategy (JCS). In doing so the Council approved the Objectively Assessed Need (OAN) for Tewkesbury which stands at 9,899. It is considered that this figure is robust having been arrived at following detailed consideration through the Examination in Public process. Following from the OAN there is an annual requirement to meet Tewkesbury's needs of 495 dwellings. Using this robust figure, taking into account current supply, the Council can demonstrate a 5.3 year supply with a 20% buffer applied (although it is not necessarily accepted that the 20% buffer does apply as the annual housing requirement arising from the JCS has been exceeded for the past four years).

5.3 In these circumstances, aside from approving development proposals that accord with the development plan without delay (unless material considerations indicate otherwise); the presumption in favour of sustainable development set out at paragraph 14 of the NPPF does not apply.

5.4 Bishops Cleeve is defined as a Rural Service Centre in the emerging JCS which (Policy SP2) advises that rural service centres will accommodate 1860 new homes within the plan period as set out in paragraph 4.4 above. Over the plan period to date 1,564 dwellings have been consented in Bishops Cleeve which exceeds the expected requirement set out in the Housing Background Paper which supports the emerging Borough Plan. It is accepted that these figures are not maxima and are subject to change, however this does indicate that Bishops Cleeve in particular has delivered significant housing growth already and has in fact exceeded the expected requirement for the village through the whole plan period, and that there is no pressing need, particularly in light of the Council's five year supply position, to permit further new housing in Bishops Cleeve at this time,

5.5 In the accompanying Design and Access Statement, the applicant contends that Local Plan Policy HOU4 is out of date, as the Council cannot currently demonstrate a five year supply of deliverable housing and the application should therefore be considered in the context of paragraph 14 of the NPPF. As stated in the previous paragraphs, the Council does consider that it can demonstrate a five year housing land supply, and as such Policy HOU4 is not out of date.

5.6 The applicant states that the delivery of housing is a significant positive element, in terms of the economic and environmental roles in the NPPF and the close proximity to services and infrastructure within Bishops Cleeve and the recently approved housing schemes at both Cleavelands and Evesham Road. These points are noted, nevertheless both the schemes mentioned were permitted in a different policy context when the Council could not demonstrate a five year supply of deliverable housing sites and the planning balance was therefore very different.

5.7 Section 38(6) of the Town and Country Planning Act 1990 provides that the determination must be made in accordance with the development plan unless other material circumstances indicate otherwise. In this case, as reiterated by paragraph 12 of the NPPF, the presumption is against the grant of permission given the conflict with policy HOU4 and as such permission should be refused unless material planning circumstances indicate otherwise.

### Impact on the character and appearance of the area

5.8 The Design and Access Statement submitted alongside the application sets out that in terms of landscape and visual considerations, the proposed development would *"not cause any material planning harm given the substantial screening that currently exists along all three boundaries of the site and which would ensure that any views into the site would be fleeting and transitory. The proposed development relates well to the established pattern of development in this part of the village and respects the character and form of the village."*

5.9 The site is adjacent to the Cleavelands development. The stream corridor adjacent to the site is an important boundary and clearly defines the edge of the development in the area. Whilst the Cleavelands development is adjacent to the site, the northern boundary of this site includes a green corridor, which softens the edge of the development and creates a positive transition to the open countryside beyond.

5.10 This area of green space (known in the Cleavelands Masterplan as Deans Meadows) was considered to be a fundamental principle in enabling the Cleavelands development to integrate with its rural surroundings. This area sought to contain the development and provides a defined edge to the developed area. As the proposed development is located beyond this green corridor, it would therefore appear remote from rather than an integrated part of the approved development.

5.11 The proposed development would therefore result in an encroachment into the open countryside, beyond the existing boundary. It would lead to an erosion of the landscape setting of Cleavelands, which would be harmful to the character and appearance of the rural landscape and open countryside area beyond. This would be contrary to Local Plan Policy LND4, policy SD7 of the emerging JCS and guidance in the NPPF which recognises the different roles and character of different areas, recognising the intrinsic beauty and character of the countryside.

5.12 Notwithstanding the harms identified above, the proposed house types and materials themselves are considered to be acceptable, subject to conditions. Nevertheless the unwarranted intrusion into the countryside is a matter which weighs against the development.

#### Highway safety

5.13 The proposed development would be accessed from the A435, which has a speed limit of 50mph. The Parish Council have raised concerns regarding the safety of the proposed junction, due to its proximity to the junction between the A435 and Evesham Road and the volume of traffic using the A435. The proposed development would be accessed by a new junction. The applicant has demonstrated that the required visibility splays, both to the existing carriageway and within the development itself are achievable. The trip generation from the proposed development would not have a severe adverse impact on the safety of the highway network.

5.14 Furthermore, the Parish Council have raised concerns regarding pedestrian accessibility as they state there is no footpath to access the development. There is a public footpath on this part of the A435 and as such, it is considered that there would be safe access for pedestrians into the development. The site is located within 2km of Bishops Cleeve centre and this is in accordance with the desired comfortable walking distances specified by the IHT.

5.15 There would be parking at each of the proposed dwellings, though it has not been demonstrated on the drawings. It appears that there would be sufficient parking at each dwelling, including spaces for cycles and a condition could be imposed on any planning permission to ensure that parking provision is provided to cater for the proposed development.

#### Impact on residential amenity

5.16 The proposed dwellings are considered to have sufficient space to provide a good standard of amenity for future occupiers. There is an adequate level of private amenity space for each dwelling.

5.17 There are no existing or future occupiers outside of the site that would be affected by the development.

#### Flood risk

5.18 The constraints mapping indicates that the site is within Flood Zone 2. The application has been accompanied by a Flood Risk Assessment that includes flood modelling to show that the flood is outside Flood Zone 2 and as such a sequential test is not required.

5.19 The Parish Council have raised concerns that the submitted FRA is not robust as local knowledge confirms that the site is a wet area. The FRA has been produced by specialist flood consultants and Officers been provided with no evidence that it isn't acceptable. The Council's Flood Risk Management Engineer has been consulted on the application and **an update will be provided at Committee.**

#### Affordable housing

5.20 Policy SD13 of the MMVJCS states that *"outside of the strategic allocation sites, on sites of 11 dwellings or more, or sites with a maximum combined gross floor space of greater than 1000sqm; ... a minimum of 40% affordable housing contribution will be sought."* The proposed development would have a floor area of approx. 1015sqm and as such, a contribution towards affordable housing would be required.

5.21 The applicants have indicated that they are willing to enter into a s106 agreement with the Council for this contribution but, due to the objections outline above, it was considered unreasonable to ask the applicants to complete such an agreement. Therefore in the absence of a s106 Agreement for the required contribution, the proposed development is contrary to Local Plan Policy HOU13 and JCSMM policy SD13.

## 6.0 Conclusion

6.1 The site is located outside any identified housing development boundary and as such, the principle of new housing development in this location is contrary to Policy HOU4, which seeks to guide development towards more sustainable locations. Given the Council can demonstrate a five year housing land supply, the proposed development is contrary to the adopted Development Plan. The presumption is that planning permission should be refused in line with section 38(6) of the Planning and Compulsory Purchase Act 2004, unless material considerations indicate otherwise.

6.2 The NPPF sets out that there are three dimensions to sustainable development: economic, social and environmental, which are mutually dependant and should not be considered in isolation.

6.3 In terms of the economic dimension, it is recognised that housing development contributes to economic growth, both directly and indirectly. New employment would be created during construction and businesses connected with the construction industry would also benefit. Future occupiers would also spend some of their income locally, which would boost the local economy. Given the small scale nature of the proposal, these benefits are considered very minor.

6.4 The proposal would make a contribution towards the housing need of the Borough, though the benefits of five additional dwellings would be limited, particularly in light of the five year supply position and the number of dwellings consented at Bishop's Cleeve already during the plan period. The lack of an affordable housing contribution weighs against the proposal.

6.5 The site is adjacent to Bishops Cleeve which is a Rural Service Centre identified in the JCS and the site is well located to take advantage of the facilities and services in the village. However, the site is located outside within the open countryside and adjacent to the green corridor that provides the landscape setting of the Cleavelands development. This would lead to an encroachment into the open countryside and the proposed development would appear detached from the adjacent residential development. The site forms part of an important green space in the transition to the open countryside and in demarcating the edge of the settlement. This would have an adverse impact on the character of the area and this weighs heavily against the proposal.

6.6 In weighing up the planning balance, it is not considered that the material benefits of the proposal would outweigh the harms caused by the conflict with the development plan identified above. Indeed, these harms would significantly and demonstrably outweigh the limited benefits. The proposed development is therefore not considered to represent sustainable development in the context of the NPPF and is accordingly recommended for **REFUSAL**.

## RECOMMENDATION Refuse

### Reasons:

- 1 The proposed development lies outside any recognised settlement boundary, where new housing is strictly controlled and it is not essentially for the efficient operation of agriculture or forestry. This is contrary to Policy HOU4 of the Tewkesbury Borough Local Plan - March 2006.
- 2 The proposed development would result in the infilling of an important green corridor in the open countryside, which would be harmful to the visual amenity of the rural landscape and the landscape setting of the Cleavelands development. This is contrary to Policy LND4 of the Tewkesbury Borough Local Plan (March 2006), Policy SD7 of the Joint Core Strategy (Main Modifications, February 2017) and guidance within the National Planning Policy Framework which recognises the different roles and character of different areas, recognising the intrinsic beauty and character of the countryside.

- 3 The proposed dwelling would result in a cumulative development of more than 1000 sq. m of floorspace, triggering a requirement for affordable housing. No legal agreement has been put forward in respect of the required contributions and the development is therefore contrary to Policy HOU13 of the Tewkesbury Borough Local Plan (March 2006) and Policy SD13 of the JCS (Main Modifications, February 2017).

NOTES:  
 1. All dimensions must be provided on one end and not  
 centered from the other.  
 2. All dimensions must be provided in feet and inches.  
 3. All dimensions must be provided in feet and inches.

No.	Date	Revisions

RECEIVED  
 8 AUG 2017  
 THE DESIGN SECURITY CENTER  
 3000 S. W. 10TH AVE  
 MIAMI, FL 33155

Client: 1. National Security Council  
 Job Title: 1. and 2. (1) and 2. (2)  
 Design: 1. and 2. (1) and 2. (2)  
 Date: 1. and 2. (1) and 2. (2)

Project Title: 1. and 2. (1) and 2. (2)  
 Description: 1. and 2. (1) and 2. (2)  
 Projected Date: 1. and 2. (1) and 2. (2)

Date: 1. and 2. (1) and 2. (2)  
 Drawn By: 1. and 2. (1) and 2. (2)  
 City: 1. and 2. (1) and 2. (2)

Sheet No.: 1. and 2. (1) and 2. (2)  
 Total Sheets: 1. and 2. (1) and 2. (2)



PROJECT SITE MAP  
 ALL DIMENSIONS ARE IN FEET AND INCHES.  
 ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.  
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 ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.  
 ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.

405/A

INTERIOR WORKS  
BY DAVID PAYNE  
Architects Limited  
The Old Rectory, 100, High Street, Colchester, Essex, CO1 1JQ  
Tel: 0206 311111 Fax: 0206 311112  
www.interiorworks.co.uk

Drawn: R. Preppas Date: 11 AUG 2007 Scale: 1:50 A1:110  
Sheet: A1

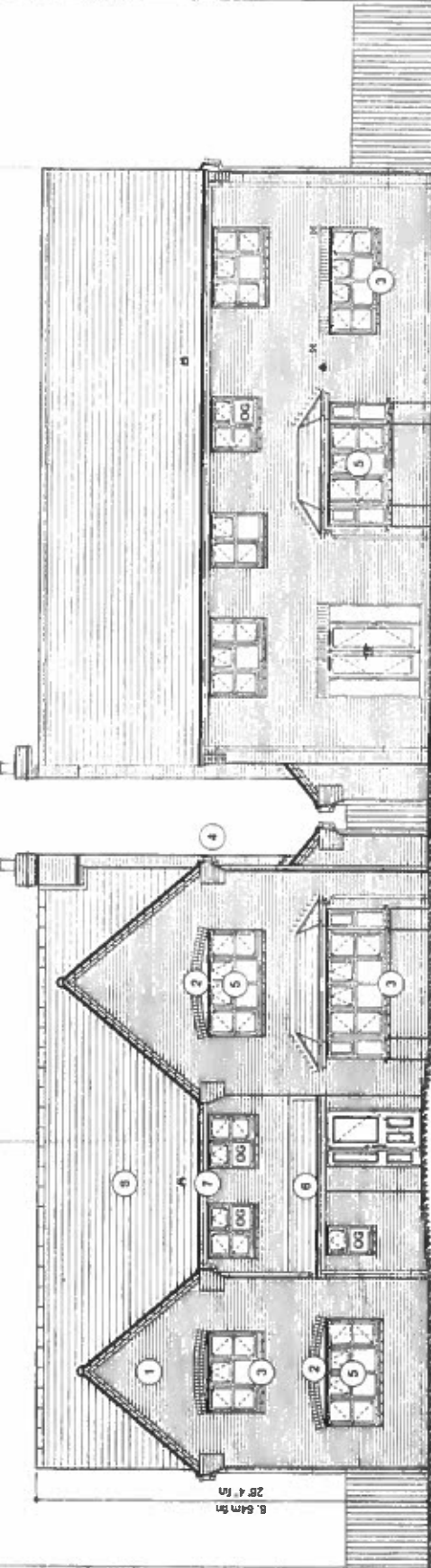
Drwg No: A27 / 01

SITE: PLOTS.  
01 AUG 2007  
TRAIL 2007 (MAYOR OF COLCHESTER)  
UPPER FLOOR

**TYPE A27 - 5 BED  
THE BREEDON  
PLANNING DRAWING**

Rev	Description	Date

Drawing Status: OK - OK  
Internal Floor Area = 108.70sqm2  
External Floor Area = 186.53sqm2

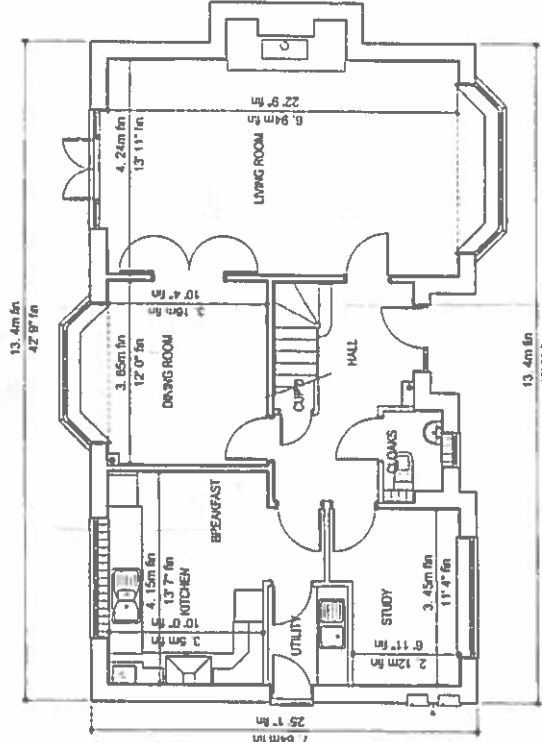


FRONT ELEVATION

REAR ELEVATION

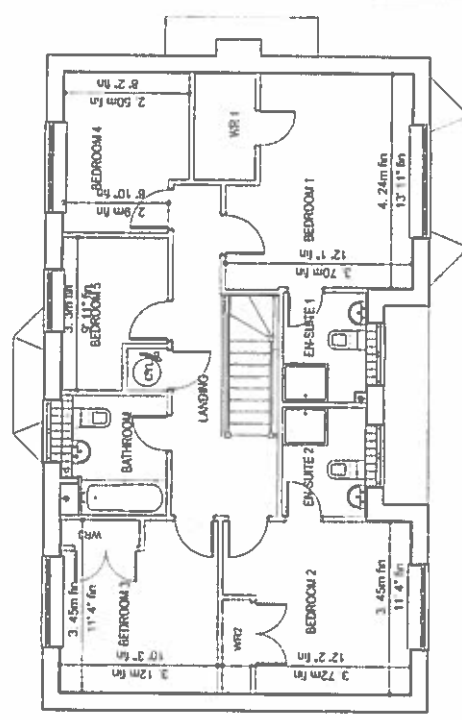
**KEY FOR MATERIALS**

- 1 Red clay facing brickwork
- 2 Smooth Red double event Soffers
- 3 Smooth Red Plinth Cills
- 4 Smooth Red Brick Corbels
- 5 Crane Joinery
- 6 Plain concrete sill
- 7 Brick sills
- 8 Smooth Red brick Verge
- 9 Feature Timber Post
- 10 Smooth Red Soffers to side / rear



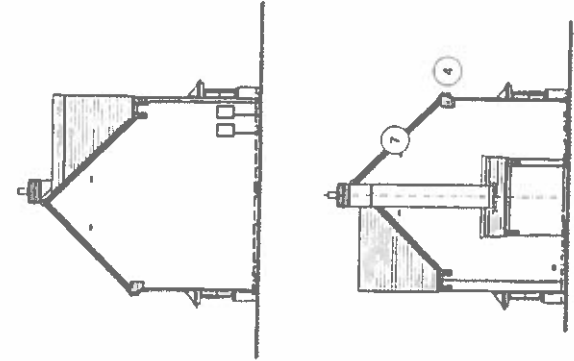
GROUND FLOOR PLAN

GROUND FLOOR PLAN



FIRST FLOOR PLAN

FIRST FLOOR PLAN



SIDE ELEVATIONS

405/B

10 / A35 / 01

**B. DAVID PAYNE**  
 Architects & Planners Limited  
 1000 West Beaver Creek Road, Suite 100  
 Richmond Hill, Ontario L4B 1N2  
 Tel: (905) 709-2500 Fax: (905) 709-2501

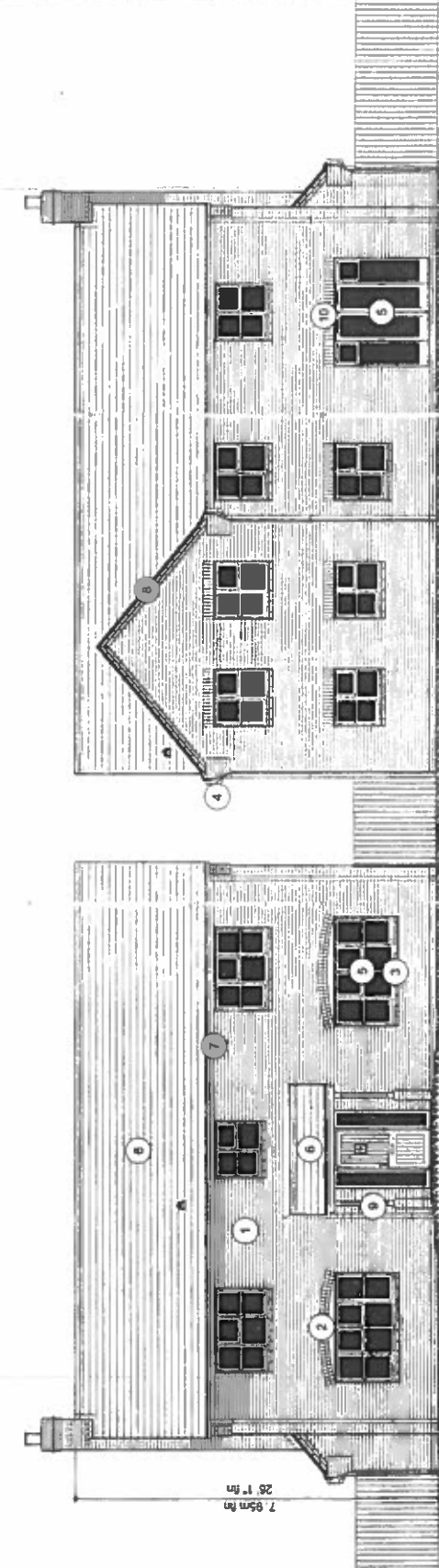
**Drawn Rob Phelps** Date: Nov-16 Scale: 1:50, 1:100

**Sheet**  
A1

**Site**  
RECEIVED  
01 AUG 2007

**TYPE A35 V2 - THE BROOKTHORPE 3 BED DETACHED PLANNING DRAWING WITH DETACHED GARAGE & INGLENOOK CHIMNEY**

Rev: (Description) (Date)



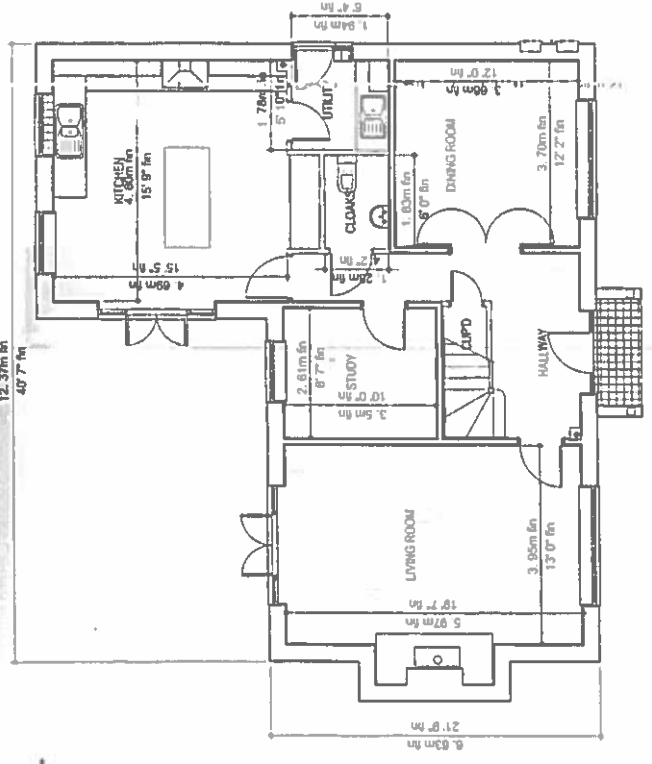
FRONT ELEVATION

REAR ELEVATION

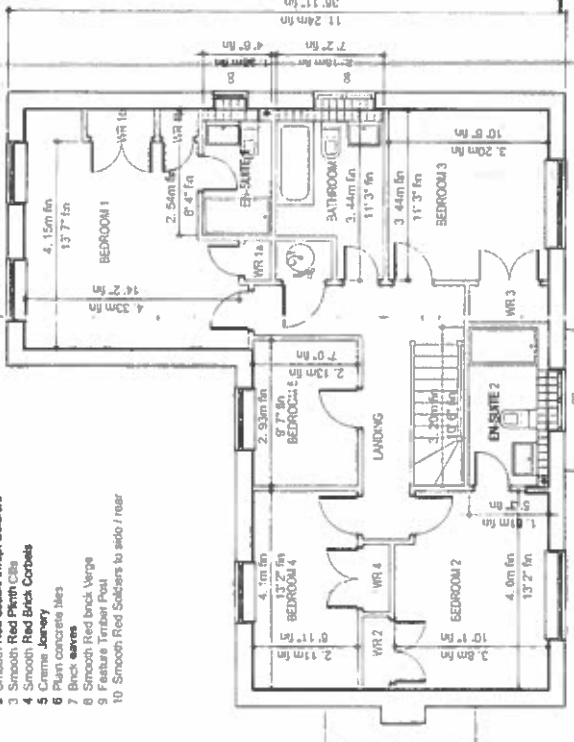
405/c

- KEY FOR MATERIALS**
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  - 2 Smooth Red double sweep Soffers
  - 3 Smooth Red Plain Cills
  - 4 Smooth Red Brick Corbels
  - 5 Chrome Joinery
  - 6 Plain concrete tiles
  - 7 Smooth Red brick Vedge
  - 8 Smooth Red back Vedge
  - 9 Feature Timber Panel
  - 10 Smooth Red Soffers to side / rear

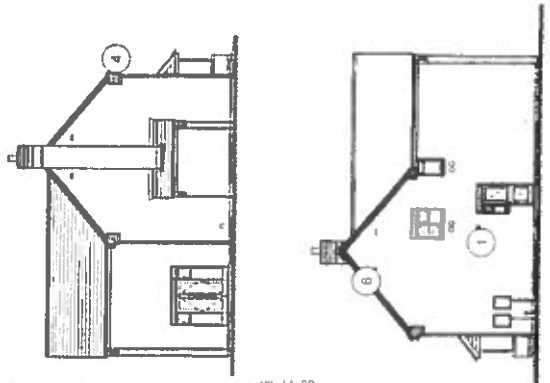
OG = Obscure Glazing  
 Internal Floor Area = 184m<sup>2</sup>  
 External Floor Area = 217m<sup>2</sup>



GROUND FLOOR PLAN



FIRST FLOOR PLAN



SIDE ELEVATIONS

BY DAVID PAYNE  
 The Chartered Architect  
 11, The Quadrant, Winchester, Hampshire, SO9 4JF  
 Tel: 01962 511400 Fax: 01962 511401  
 www.davidpayne.co.uk

Drawn: Rob Propp Date: Nov 16 Scale: 1:50 & 1:100

Sheet A1

Drg No A42 / 01

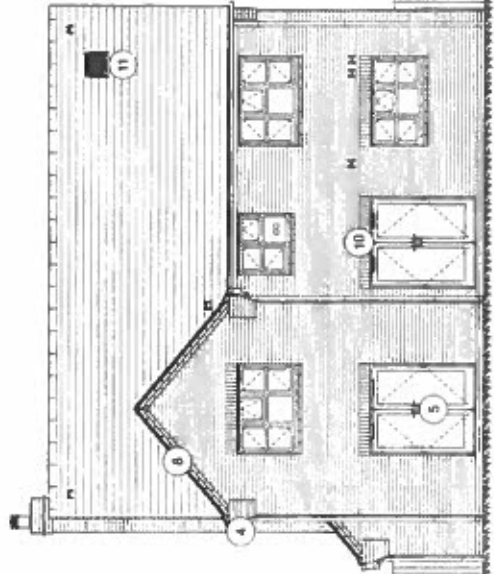
SITE PLOTS

TYPE A42 - 4 BED DETACHED THE ALLINGTON PLANNING DRAWING WITH DETACHED GARAGE & INGLENOOK CHIMNEY

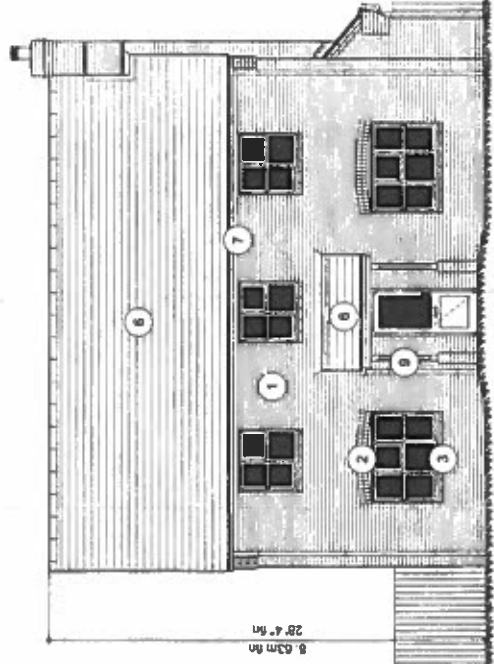
Revisions  
 Rev Description  
 Int Date

Drawing Status

RECEIVED  
 11 AUG 2010  
 HAZELTON ARCHITECTS



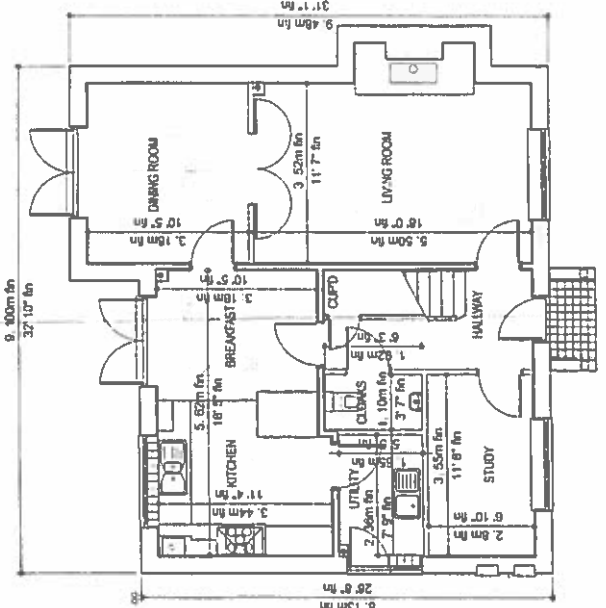
REAR ELEVATION



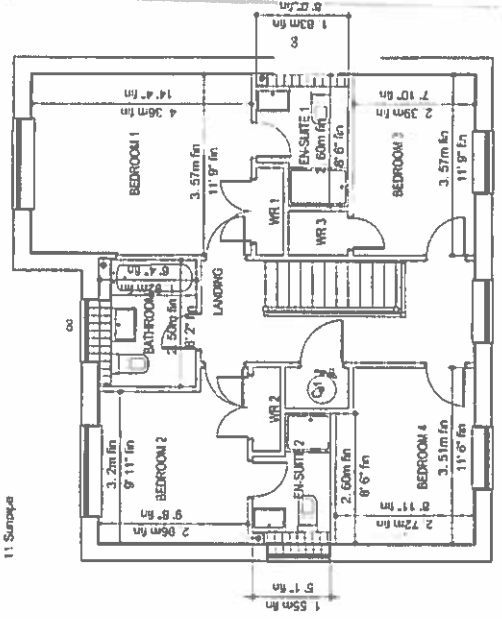
FRONT ELEVATION

- KEY FOR MATERIALS
- 1 Red clay facing brickwork
  - 2 Smooth Red outside wood Sashels
  - 3 Smooth Red Finish CMs
  - 4 Smooth Red Brick Corbels
  - 5 Chrome Joinery
  - 6 Plain concrete tiles
  - 7 Banded eaves
  - 8 Smooth Red brick Verge
  - 9 Feature timber posts
  - 10 Smooth red sashels to rear / side
  - 11 Sunray

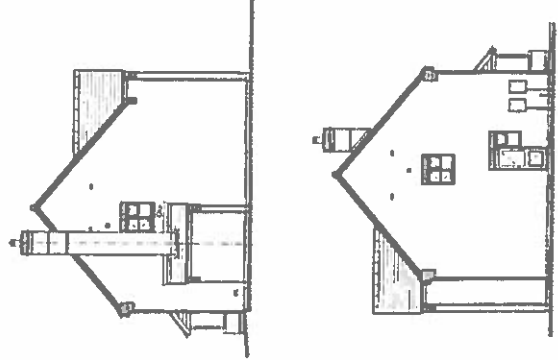
OG = Obscure Glazing  
 Internal Floor Area = 147.36m<sup>2</sup>  
 External Floor Area = 173.73m<sup>2</sup>



GROUND FLOOR PLAN



FIRST FLOOR PLAN



SIDE ELEVATIONS

40510



Knarsboro Homes  
BY DAVID PAYNE

Knarsboro Homes Limited  
The Old Granary, Whitfange Farm  
Whitegate Lane, Harlebury, Worcs DY10 4HD  
Tel: 01298 251 655 Fax: 01298 250 408  
www.knarsborohomes.com

Drg. No. **GARAGE / 01** Sheet **A3**

Drawn **Rob Phipps** Date **Nov 16** Scale **1:50 & 1:100**

**DETACHED DOUBLE GARAGE  
PLANNING DRAWING**

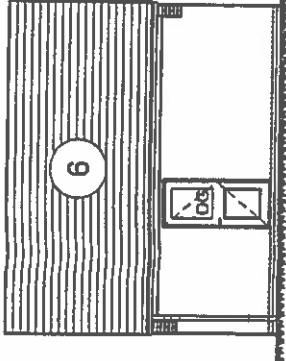
SITE:  
PLOTS:

OG = Obscure Glazing

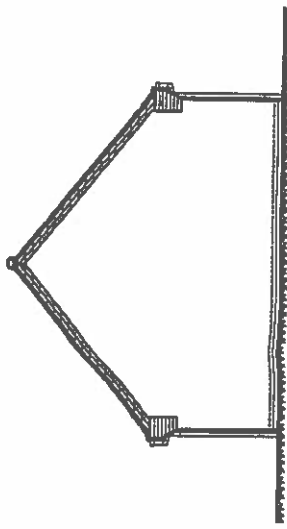
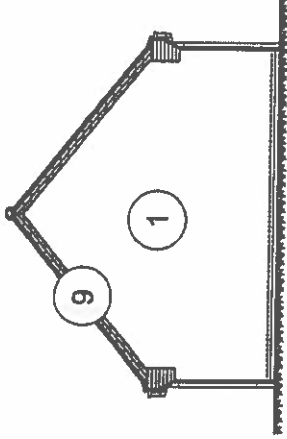
KEY FOR MATERIALS

- 1 Red clay facing brickwork
- 2 Facing brick Soldiers
- 3 Smooth Red Plinth Chills
- 4 Facing Brick Corbels
- 5 Crane Joinery
- 6 Plain concrete tiles
- 7 GRP Canopy
- 8 Open timber rafters to eaves
- 9 Facing brick Verge
- 10 Closed eaves

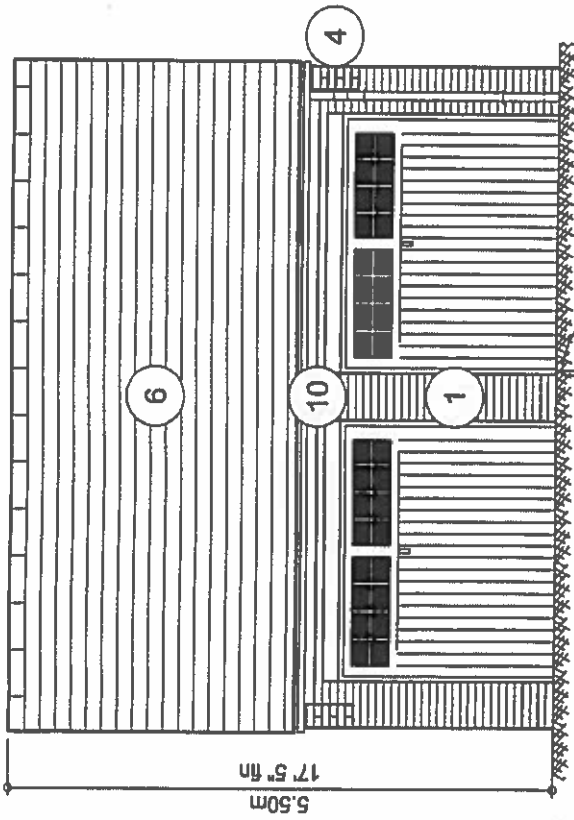
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01 AUG 2017  
TEWKESBURY BOROUGH COUNCIL  
OPERATIONS



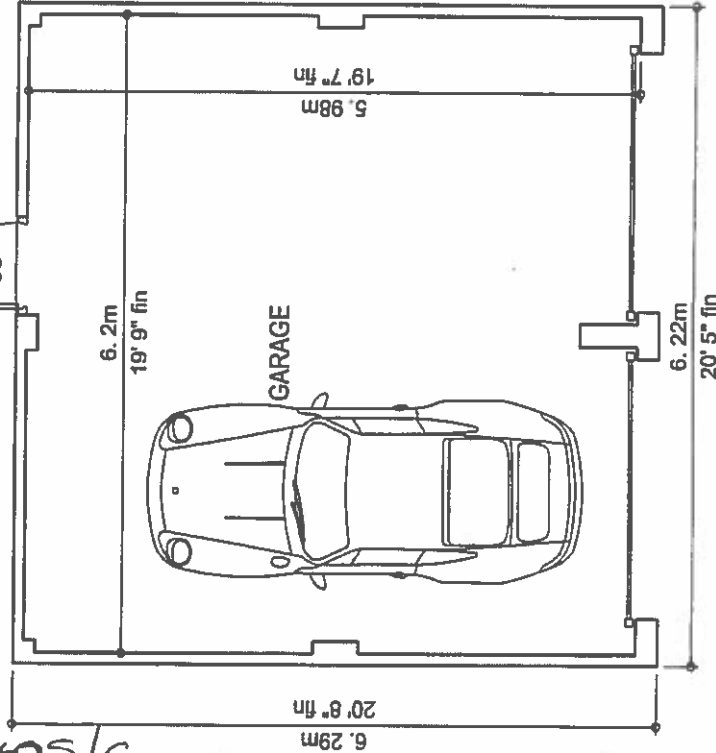
REAR ELEVATION



SIDE ELEVATIONS



FRONT ELEVATION



GROUND FLOOR PLAN

405/E

Valid 18.09.2017

Change of use of the land to include use for weekend and bank holiday car boot sales as a farm diversification enterprise. (Resubmitted application).

Grid Ref 393405 219014

Parish Shurdington

Ward Shurdington

Mr S Kincart  
Burley Fields Lakes  
Crippetts Lane  
Leckhampton  
Cheltenham  
GL51 4XT

## RECOMMENDATION Refuse

### Policies and Constraints

National Planning Policy Framework (2012)

Planning Practice Guidance

Cotswolds AONB Management Plan

Proposed Main Modification Version Joint Core Strategy (MMVJCS) 2017 -SD6, SD8, SD15, INF1

Tewkesbury Borough Local Plan to 2011 (March 2006) - Policies GRB1, TPT1, TOR1, EVT3

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

### Consultations and Representations

**Shurdington Parish Council** object to the proposal and advise that they, retain their objection to this application on the same grounds as the previous application at this location (17/00491/FUL ): due to the impact on the AONB, unacceptable development in the Green Belt, the proposal is non-agricultural, unacceptable increase in the level of traffic, conflict with SD2 development traffic and in support of the residents who are against the proposal.

**Local Residents** At the time of writing eight public representations have been received. The comments raised are summarised below:

- Does not address previous objections/reason for refusal
- Nothing new submitted
- Area is AONB
- Would further desecrate the rural beauty of Leckhampton
- Change is wholly inappropriate and irreversibly destructive.
- Concerns with traffic trying to access the site.
- Church Road already very congested with parked cars,
- Leckhampton Lane gives access to the 300 plus Redrow development
- Farm Lane which is very narrow.
- Speed limits of 30 mph and 50 mph are largely ignored
- field is access is within a 50 mph speed limit
- Would bring mud onto the road
- Frequently walk in and around this area which is increasingly dangerous with speeding
- Increase in noise and air pollution
- Annual firework display always results in chaos from queueing traffic, high numbers of pedestrians walking in the road (no footpaths) and parking on verges.
- Would-be sellers arrive in the very early hours
- Likely to park on the verges
- Will bring no benefit to the local community or environment
- Car boot sales for 400+ cars plus customers is ridiculous
- No need for car boot sales
- Similar such sales at the Star Centre and Southam,
- Crickley Hill does not impact on residential areas
- Dog minding business limited to 8am to 6.30pm weekdays
- Would result in noise 7days a week
- Land is not well drained - tractors used to move cars following fireworks
- Site would be visible in winter when trees lose their leaves

One representation in support has been received advising that Leckhampton needs more for families.

**Councillor Surman has requested Committee determination to assess the impact, if any, on the Green Belt.**

**Planning Officers Comments: Bob Ristic**

### **1.0 Application Site**

1.1 This application relates to an agricultural field located upon the southern side of Leckhampton Lane, directly to the east of the access road to Burley Field Lakes. The site measures approximately 3.3 hectares in area. See attached location plan.

1.2 The field is screened in part by existing trees and hedges along the site boundaries and the land rises slightly to the southeast towards Leckhampton Hill. The site is located within the Green Belt (GB) and the Cotswolds Area of Outstanding Natural Beauty (AONB).

1.3 This application is a resubmission of application no.17/00491/FUL which was refused planning permission under delegated powers in August this year.

### **2.0 Relevant Planning History**

2.1 While there have been a number of previous applications at Burley Field Lakes the only other recent planning application on the field which is subject of this application is summarised below:

17/00491/FUL - Change of use of the land to include use for weekend and bank holiday car boot sales - Refused

### **3.0 Current Application**

3.1 This application seeks planning permission for the use of the land for holding car boot sales on weekends and Bank Holidays throughout the year. The site would be accessed from an existing field gate onto Leckhampton Lane, to the northern part of the site

3.2 The submitted layout plan shows the sales area extending along the southwestern part of the site and occupying approximately 0.83 hectares (25% of the site area) and the visitor parking is set to the north-eastern part of the site and extending over approximately 2.5 hectares (75% of the site). **See site layout plan .**

3.3 The applicant has advised that the proposal seeks to diversify the farm business which has been compromised through the loss of approximately 47 acres of land to the Redrow residential development on the northern side of Leckhampton Lane, furthermore, the applicant submits that and that the proposal would benefit tourism to the area

### **4.0 Policy Context**

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

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

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

### **5.0 Analysis**

5.1 The main planning issues to be considered in this application are:

- Whether the proposal would be appropriate development in the Green Belt and the impact on the openness of the Green Belt;
- The impact on the natural environment;
- Highway safety; and
- Neighbouring amenities.
- whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies;
- the effect of the proposal on the openness of the Green Belt;
- the effect of the proposal on the character and appearance of the area; and,
- whether the harm, by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations. If so would this amount to the very special circumstances necessary to justify the proposal.

## **Green Belt**

5.2 The application site lies within the Green Belt. The NPPF states that the Government attaches great importance to Green Belts. As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

5.3 Policy GRB1 of the Tewkesbury Local Plan sets out that planning permission will be granted for a material change of use of land provided that it maintains the openness of the Green Belt and does not conflict with the purpose of including land in it. This is emphasised by Policy SD6 of the MMVJCS.

5.4 The proposed change of use of the land for the purposes car boot (market) use does not fall within the exceptions detailed in the NPPF and therefore represents 'inappropriate development' in the Green Belt.

## *Openness*

5.5 The applicant has provided no operational details with regards to the use or any landscape appraisals to advise how the proposal would impact the openness of the Green Belt. However, it is considered that the proposed use and associated customer and trader vehicles parked at the site would impact the openness of the Green Belt. Furthermore it is likely that the proposal would also entail the display of signage, fencing, demarcation of trading and parking areas, provision of toilets and associated amenities, waste bins which are likely to remain on the site beyond the immediate trading hours of the market. This associated clutter would further harm the openness of the Green Belt.

5.6 Very Special circumstances that clearly outweigh the identified harms are therefore required. In this regard the applicant argues that his agricultural business has been impacted by the loss of land to a nearby residential development and that this proposal would assist farm diversification and tourism. Officers do not, however, consider that this would constitute 'very special circumstances' which would outweigh the harm by reason of inappropriateness and harm to openness that would result from the proposed use.

## **Impact on the AONB**

5.7 Paragraph 115 of the NPPF also outlines that great weight should be given to conserving the landscape in particular the Areas of Outstanding Natural Beauty (AONB). Furthermore Policy SD8 of the PMMJCS seeks to protect the AONB by ensuring development is consistent with the Cotswolds AONB Management Plan.

5.8 It is considered that the proposed use, customer and trader vehicles and the associated paraphernalia (as identified above at paragraph 5.5) would all significantly harm the AONB in this location and fail to conserve its character and appearance, contrary to guidance and policy.

5.9 Furthermore the use of the site throughout the year by vehicles would be likely to result in a degree of damage to the land, in particular during wetter periods or winter months where the land may get 'churned' by vehicles and pedestrians and the damage to the landscape will remain beyond market trading days. Although the application proposes no hard surfacing works, the year round operation of the site may necessitate the laying of matting or hard surfacing (as occurs at car boot sales elsewhere) to allow the site to function all year round. This would add further to the visual harm to the AONB in this location.

## Highway Matters

5.10 Policy TPT1 of the Local Plan highlights that development will be permitted where traffic generated would not impair the safety or satisfactory operation of the highway network and provision is made for safe and convenient access. Paragraph 32 of the NPPF also requires safe and suitable access to be achieved but states that development should only be refused on transport grounds where the cumulative impacts of the development are severe.

5.11 The site would be accessed via the existing field access onto Leckhampton Lane which will be widened to provide two-way traffic movements. The details have been reviewed by the County Council Highways Officer who has advised that while the proposed access width is sufficient for two vehicles to pass no tracking details have been provided to demonstrate that acceptable turning radii for larger vehicles could be achieved.

5.12 Furthermore the plans indicate that a visibility splay of 2.4 metres x 70 metres can be achieved from the site access given the bend in the road. This falls short of the 2.4m x 160m required for a road with a 50 mph speed limit. The application has not been accompanied by a speed survey to support any reduction in the required visibility splays.

5.13 The applicant has provide no information regarding traffic generation or the number of vehicle or pedestrian movements that might be expected to be generated by the proposed use. Car boot sales have the potential to generate significant vehicular movements and the Highways Officer considers that the application should be supported by a Transport Statement which assesses the likely impact on the local highway network.

5.14 These concerns have been raised with the applicant but no further information has been provided. Accordingly, the applicant has failed to demonstrate that safe and suitable access can be achieved or that traffic generated by the proposed use would not adversely impact the wider highway network.

## Residential Amenity

5.15 Paragraph 17 of the NPPF sets out 'Core Principles' one of which seeks to secure a good standard of amenity for all existing and future occupants of land and buildings. Paragraph 109 advises that the planning system should contribute to and enhance the natural and local environment and prevent new development from contributing to noise pollution. Furthermore, Paragraph 123 advises that decisions should avoid noise from giving rise to adverse impacts on quality of life.

5.16 While the site comprises an agricultural field within the countryside, the proposal would be located adjacent to occupied residential properties along Leckhampton Lane.

5.17 Given the proximity of residential properties to the application site and the low background noise levels in the area, particularly early in the morning or at weekend, there is significant potential for the amenities of neighbouring occupiers to be impacted by the proposed use and from general vehicle noise, car radios, car doors shutting and stalls being laid out, generators, amplified music etc. Furthermore no details have been provided with regards to any public announcement systems which may be operated at the site which has the potential to contribute further to noise and disturbance to residents.

5.18 While no information has been provided with regards to the number of trading pitches or estimated visitor numbers it is evident from the size of the site and the proposed layout that there would be potential for significant visitor numbers. Given the isolated location of the site, the majority of visitors will no doubt also arrive by car with associated noise and disturbance, particularly if vehicles que on the highway to enter the site or pull out of the site at speed.

5.19 The amenities of local residents would also be impacted by any traders arriving early and parking along the highway until gates open and similarly customers may park vehicles on nearby verges in order to avoid any entry/parking charges or to avoid being held up by traffic.

5.20 No details have been provided with regards to hours of operation. Nearby examples include Cheltenham Car Boot sale at National Star College which opens to traders at 7am (and the public at 9am) and Gloucester Hempsted Meadow site which opens at 6am. It should also be noted that these two sites are located away from residential properties and the market activities do not directly affect nearby residents such as in this location. The use of this site during similar hours is likely to have a significant impact on the amenities of nearby properties.

5.21 It is therefore considered that the proposed use has the potential to adversely impact the living conditions of adjoining occupiers and this weighs against the proposal.

#### **Other Matters**

5.22 It is noted that Class B, Part 4 of the General permitted Development Order allows for the use of land for the holding of a market for no more than 14 days in any calendar year and represents a valid fall-back. Nevertheless, the current proposal is for the unrestricted use of the land throughout the year and would represent a potentially significant increase in market trading days in any year over and above the 14 permitted days, with associated harm to the landscape, residential amenity and highway safety.

#### **6.0 Recommendation**

6.1 For the reasons set out above Officers do not consider that 'very special circumstances' which would clearly outweigh the harm to the Green Belt by reason of inappropriateness, harm to its openness, and other identified harms, have been demonstrated. It is therefore recommended that authority is delegated to the development Manager to **refuse planning permission** upon expiry of the public consultation process.

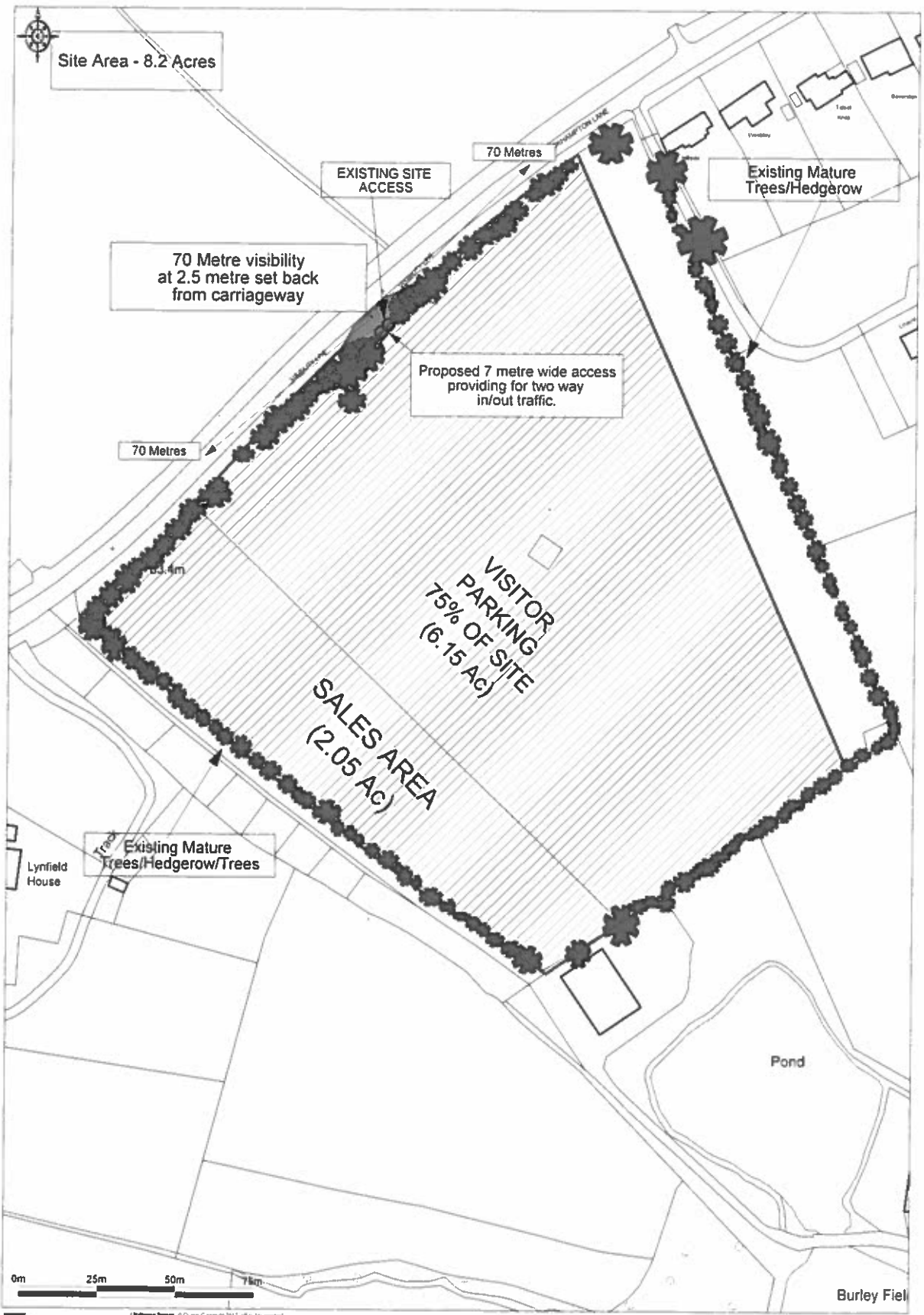
#### **RECOMMENDATION Refuse**

##### **Reasons:**

- 1 The proposed use represents inappropriate development in the Green Belt, which is harmful by definition and would be harmful to its openness. The proposal is therefore contrary to Policy GRB1 of the Tewkesbury Borough Local Plan (2006), Policy SD6 of the Proposed Main Modification Version Joint Core Strategy (2017) and advice contained within the National Planning Policy Framework.
- 2 Insufficient information has been submitted to demonstrate the likely impact of the proposed development and that safe and suitable access to the site can be achieved. The proposal is contrary Policy TPT1 of the Tewkesbury Borough Local Plan and paragraphs 32 and 35 of the NPPF and INF1 of the Proposed Main Modification Version Joint Core Strategy (2017).
- 3 The proposed use is likely to result in an unacceptable impact upon the living conditions currently enjoyed by the occupiers of adjoining residential properties in terms of associated noise and disturbance. The proposal would therefore be contrary to Policy EVT3 of the Tewkesbury Borough Local Plan and advice contained within the NPPF.
- 4 The proposed development by reason of its general nature and location would have a harmful impact on the character and appearance of the Cotswolds Area of Outstanding Natural Beauty. As such the proposed development would conflict with Policy SD8 of the Proposed Main Modification Version Joint Core Strategy (2017) and advice contained within the National Planning Policy Framework.

##### **Note:**

In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner offering pre-application advice, detailed published guidance to assist the applicant and published to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding. However, as a consequence of the clear conflict with Development Plan Policy no direct negotiation during the consideration of the application has taken place.



410/A

Valid 16.03.2017

Installation of a new Artificial Grass Pitch (AGP) to form a full sized playing enclosure for rugby union with new artificial grass pitch surface sized 122 x 80m with associated technical areas to accommodate a 15v15 rugby union pitch plus a variety of training areas for rugby union. Installation of a pitch perimeter and associated gated entrances to form a playing enclosure around the field of play. Installation of new hard standing areas adjoining the AGP perimeter complete with associated porous asphalt surfacing for pedestrian access, goals storage, spectator viewing space and maintenance and emergency access. Installation of an artificial (flood) lighting system. Relocation of an existing artificial (flood) lighting system to adjacent grass rugby pitch. Extending the hours of operation to allow the use of the artificial pitch and the floodlighting to between the hours of 8.30am to 10:00pm Monday to Sunday

Grid Ref 395638 225942

Parish Southam

Ward Cleeve Hill

Rugby Football Union  
Twickenham Stadium  
200 Whitton Road  
Twickenham  
TW2 7BA  
FAO Mr Ross Baxter

## RECOMMENDATION Permit

### Policies and Constraints

National Planning Policy Framework (NPPF)

National Planning Policy Guidance (NPPG)

Tewkesbury Borough Local Plan to 2011 - GNL15, GBR1 EVT2, EVT3, TPT1, RCN1, RCN2, RCN9

Main Modifications Version Joint Core Strategy 2017 (MMVJCS) - SD6, SD7, SD15, INF1, INF3, INF5

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

The First Protocol, Article 1 (Protection of Property)

Green Belt

### Consultations and Representations

**Parish** - The addition of a further floodlit area will cause more light pollution in the immediate area of other light pollutants. Strongly object to the extension of hours and believe a 9pm curfew is reasonable. The associated noise of games and traffic leaving the site after 10pm is unreasonable to the amenity of residential properties. The Parish do not consider that the increased use of the site will marry well with the car boot/event site opposite, at the weekends. A full traffic assessment needs to be carried out between the hours of 11am and 4.30pm Saturdays and Sundays.

**Local Lead Flood Authority** - Further to the submission of additional information - no objection subject to the imposition of a condition for a detailed drainage plan.

**Environmental Health** - No objection to increased hours of use but suggest conditioning the lighting plan and specification of the lighting.

**Sports England** - No objection. The proposal relates to the provision of a new outdoor sports facility. The Tewkesbury Playing pitch strategy notes the need for a new 3G Artificial Grass Pitch. The RFU have identified the need for a rugby compliant 3G AGP pitch in this geographic area and are funding the project. Both the Football Association and England Hockey are supportive of the proposal. Sports England are satisfied that there is a strategic need for the for the new AGP and the existing rounders pitch that would be effected by the proposal can be repositioned.

**County Highways Authority** - Further to the submission of additional information on visibility splays, no objection subject to a condition to secure an improved visibility splay.



**Local Residents** - A letter of support has been received from Councillor Holloway who advises that her house and farm land is close to the application site. The letter advises that whilst there is noise and disturbance arising from the various uses and events held on the site, it is recognised that the expansion to the facilities is necessary to cater for the increasing population of the area.

**Planning Officers Comments:** Paul Instone

## **1.0 Application Site**

1.1 The application site relates to an existing grass rugby pitch located within the Cheltenham Rugby Football Club complex. The existing pitch which is the subject of the application is located immediately to the north of the clubhouse and additional grass playing pitches are marked north and east of the application site.

1.2 The site and surrounding land is relatively flat and is abutted by the A435 Cheltenham Road to the west and several mature and semi-mature trees populate the western boundary of the Rugby Ground adjoining Cheltenham Road. There are industrial buildings to the west beyond Cheltenham Road. To the north and east beyond the further playing pitches the site is surrounded by open countryside. To the south of the application site is the clubhouse and a car park beyond and access to the car park is from Southam Lane which runs to the south of the Rugby Club complex. There is a car wash operating in the car park.

1.3 The application site is located approximately 2km north of Cheltenham and 1km south of Bishops Cleeve and is located within the Green Belt.

## **2.0 Relevant History**

The site has an extensive planning history. Applications of relevance to the current proposal are set out below:

Planning permission for the erection of a sports club, equipment storage hut and covered store was permitted in 1958 (Ref: - T.1149/D).

10/00048/FUL - Installation of all weather pitch with floodlights and extension to existing changing facilities. Permitted May 2010.

16/00248/FUL - Erection of fencing and floodlights for a proposed multi-use games area (MUGA), and floodlights for existing training pitch. Permitted September 2016.

16/00973/FUL - Retention of hand car wash. Refused December 2016.

## **3.0 Current Application**

3.1 Full planning permission is sought to create a new Artificial Grass Pitch (AGP) to form a full sized playing pitch with associated features including:

- Installation of a flood lighting system comprising of 6 no. 15 metres high floodlights (including relocation of 2 existing floodlights).
- Installation of a new Artificial Grass Pitch (AGP) to form a full sized playing enclosure for rugby union with new artificial grass pitch surface .
- Provision of maintenance equipment stores, score boards, team shelters and pitch perimeter barriers.
- Installation of new hard standing areas adjoining the AGP perimeter complete with associated porous asphalt surfacing for pedestrian access, spectator viewing space and maintenance and emergency access.

3.2 The application also proposes to increase the hours of operation of the sports pitch and floodlighting. Existing conditions on the site restrict the use of the pitch and existing floodlighting to between the hours of 8.30am to 9.30pm Monday to Saturday and 10.00am to 6.00pm Sundays and Bank Holidays. The application seeks to increase the hours of use to between 8.30am to 10:00pm Monday to Sunday. The applicant has stated that these increased hours of use are valuable in order to satisfy demands for community access during the week and at weekends, as this will make a contribution to the business model and will ensure the project is sustainable.

## **4.0 Policy Context**

4.1 Section 8 of the NPPF recognises that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should plan positively for the provision of community facilities to enhance the sustainability of communities and residential environments.

4.2 Section 9 of the NPPF states that the Government attaches great importance to Green Belts. A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Paragraph 89 of the NPPF identifies certain exception to this which includes, inter alia, the provision of appropriate provision for outdoor sport/recreation, as long as it preserves the openness of the Green Belt and does not conflict with the purpose of including land within it. Policy GRB1 of the Local Plan sets out that the construction of buildings for essential facilities for outdoor sport, and the carrying out of engineering operations and changes of use of land is not in appropriate development in the Green Belt where it maintains openness and does not conflict with the purposes of including land in the Green Belt.

4.3 Policy GNL5 of the Local Plan states that where there are proposals for new or extended community facilities, proposals will be assessed having regard to impact on amenity, siting, scale, accessibility and traffic impact. Similarly Policy RCN 2 states that support will be given for the provision of open air recreational facilities providing that there is no adverse impact on the quality of the environment or significant local transport problems. Any floodlighting must be strictly essential and have a minimal environmental impact.

4.5 Policies RCN9 and EVT3 state that facilities should not generate noise pollution which unacceptably affects the amenity of residents.

4.6 Policy TPT1 states that provision should be made for safe and convenient access to the development by pedestrians and cyclists and proposals must not adversely affect the safety or satisfactory operation of the highway network.

4.6 Policy SD15 of the MMVJCS states that development must not cause unacceptable harm to local amenity including the amenity of neighbouring occupants. Policy SD7 states that all development will consider the landscape and visual sensitivity of in the area in which they are to be located or which they may affect.

## **5.0 Analysis**

5.1 The main impacts of the proposal are considered to be the benefits of the proposed community use, green belt policy, the impact of the floodlighting and structures on the wider landscape, flooding, the impact of the use on residential amenity and impact on highway safety.

### **Principle of Development and Provision of Sports Facilities**

5.2 Local Plan Policy RCN2 supports the provision of open air recreational facilities and will encourage the provision of additional outdoor sports pitches throughout the Borough where there is an identifiable need, providing the provision would not result in:

- An adverse landscape or environmental impact
- An adverse effect on residential amenity
- The quiet enjoyment of the countryside being prejudiced
- Significant local traffic problems
- Prejudicing existing Rights of Way

5.3 The Policy also states that any floodlighting must be demonstrated to be strictly essential and to have minimal environmental impact.

5.4 Sports England are satisfied that there is a strategic need for the new AGP and the existing sports pitches affected by the proposal can be repositioned. On this basis, the principle of the proposal is considered acceptable providing there are no adverse impacts that would significantly and demonstrably outweigh the benefits of the proposal.

### **Green Belt**

5.5 The application site is located wholly within the Green Belt. The NPPF states that local planning authorities should regard the construction of new buildings as inappropriate in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

5.6 Paragraph 89 of the NPPF states, inter alia, that the provision of outdoor facilities for sport, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it, is not inappropriate development. Policy GRB1 of the Tewkesbury Borough Local Plan to 2011 - March 2006 echoes paragraph 89 of the NPPF.

5.7 In this case the proposed development relates to sport and recreation facilities. The application site is within the existing Rugby Club site and would not result in encroachment into the countryside. The applicant has relocated the proposed maintenance equipment store nearer to the clubhouse in response to officer comments and it is considered that the proposed structures which include flood lights, team shelters, maintenance equipment store and fencing would not impact on the openness of the Green Belt when viewed in the context of the site. In particular, whilst the lighting would be visible, the lighting would be seen from Cleeve Hill in the context of the GE Aviation site to the west. In addition, the proposed flood lights are specifically designed to limit light spillage and can be controlled by way of condition as set out below. It is therefore considered that, subject to condition, the proposed flood lights would not have an unduly detrimental impact on the openness of the Green Belt. Overall therefore, it is considered that the proposal would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it.

5.8 As such in accordance with the NPPF it is considered that the development is not inappropriate development in the Green Belt and the proposal is acceptable in respect of Green Belt policy.

#### **Landscape and visual Impact**

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

5.10 The proposed development would introduce new floodlighting and other structures into this area, however these would not be uncharacteristic of this part of the Green Belt. Indeed there are existing floodlighting columns, fences and dug outs at the application site. In addition, images of the proposed artificial grass to be used have been submitted in support the application and is considered that the proposed surface treatment would respect the character and appearance of the landscape.

5.11 Having regard to the above it is considered that the proposal would respect the character and appearance of the rural landscape and the proposal is acceptable in this regard.

#### **Residential amenity**

5.12 Policy RCN2 of the Local Plan sets out that provision of sports facilities should not have an adverse effect on residential amenity. The site is located in a relatively open location with the GE Aviation site to the west. To the north, south and east of the site are open fields and countryside.

5.13 The current flood lighting and hours of use of the pitch is limited to between the hours of 8.30am and 9.30pm, Monday to Saturday, and 10.00am to 6.00pm, Sundays and Bank Holidays.

5.14 As part of this proposal, the applicant is seeking to extend the hours of operation to allow the use of the artificial pitch and the floodlighting to between the hours of 8.30am to 10:00pm Monday to Sunday.

5.15 The applicant has stated that the additional hours of use are valuable in order to satisfy demands for community access during the week and at weekends, as this will make a contribution to the business model and will ensure the project is sustainable.

5.16 The nearest residential properties are located approximately 200 metres to the east at Kayte Farm. Due to the distance between the site and Kayte Farm and other residential properties, it is not considered that the installation of additional floodlights or an increase in hours of operation would adversely impact on the residential amenity and it is considered that no noise attenuation measures are necessary.

5.17 Following consultation with Environmental Health, no objections are raised to the proposal subject to conditions which tie the development to the technical lighting details submitted.

5.18 The proposed development is therefore considered to accord with policies. RCN2, EVT2 and EVT 3 of the Local Plan in respect of residential amenity.

### Highway implications

5.19 The Rugby Activity Assessment submitted in support of the application demonstrates that participation numbers would increase as a result of the proposals and this is a clear indicator that the site would be subject to additional vehicular trips as a result of the proposal.

5.20 The County Highways Authority have been consulted on the application and raised concerns that the proposal would result in the intensification of use of an existing access which has sub-standard visibility. Further to the concerns raised by the Highways Authority, the applicant has provided additional information on access and visibility splays and works are proposed including alterations to road marking and clearance of vegetation.

5.21 Subject to conditions to implement these works, the proposal is considered acceptable on highway grounds and therefore accords with policy TPT1 of the Local Plan.

### Drainage

5.22 The application site is located in Flood Zone 1. The proposed impermeable area is 1.06 hectares which would result in increased run off. The proposed surface water drainage strategy would comprise a piped network with attenuation provided within the subbase of the sports pitch, before discharging via existing drainage to the infiltration basin located to the north west of the A435.

5.23 The LLFA have been consulted on the application and do not object to the application subject to the imposition of conditions requiring further details of surface water attenuation/storage works in accordance with the parameters submitted as part of the application.

5.24 Subject to conditions to implement these works, the proposal is considered acceptable in terms of drainage and flood risk.

## 7.0 Conclusion

7.1 The proposed development is for the provision of outdoor sport facilities and is not considered inappropriate development in the Green Belt. It is not considered that the proposal would detrimentally impact on the character and appearance of the landscape. The impact of the proposal upon neighbouring properties has carefully been assessed and it is considered that, subject to conditions, there would not be an undue impact upon their amenity. Furthermore, it is considered that subject to the imposition of conditions the proposed development would have an acceptable impact upon the existing highway network and flood risk.

7.2 The application is therefore recommended for permission

## RECOMMENDATION Permit

### Conditions:

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:
  - SS2200 Drawing No. 01 Revision 01
  - SS2200 Drawing No. 02 Revision 01
  - SS2200 Drawing No. 03 Revision 02
  - SS2200 Drawing No. 04 Revision 02
  - SS2200 Drawing No. 05 Revision 02
  - SS2200 Drawing No. 06 Revision 03
  - SS2200 Drawing No. 07 Revision 02
  - 8942M TA11 B

- 3 The use of the artificial grass sports pitch hereby permitted shall be restricted to between the hours of 8.30am to 10:00pm Monday to Sundays.
- 4 The floodlighting hereby permitted shall be installed in accordance with the following details submitted in support of the application:
  - Proposed Floodlights Plan SS2200 06 Revision 03
  - Artificial Turf Pitch and Natural Pitch prepared by Philips Lighting B.V received 10th August 2017
- 5 The flood lighting hereby permitted shall not be operated outside of the hours of 8.30am to 10:00pm Monday to Sundays.
- 6 The colour of the artificial grass pitch shall be in accordance with the details provided in the Creation of new external 3G Artificial Grass Pitch (AGP) Proposed Materials and Appearance document received 2nd March 2017.
- 7 Prior to the beneficial occupation of the proposed development, the access improvements and visibility splays shall be provided in accordance with drawing TA11 Rev B and similarly maintained thereafter for the lifetime of the development.
- 8 Prior to the commencement of development details of surface water attenuation/storage works shall be submitted to and approved in writing by the Local Planning Authority. The volume balance requirements shall be reviewed to reflect actual development proposal, agreed discharge rate and the extent of impermeable areas and runoff to be generated. The unknown and unconfirmed parameters in drawing number FRA 04 should also be submitted to Local Planning Authority along with detail design before commencement. The scheme shall subsequently be completed in accordance with the approved details before the development is first brought into use.

**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 In the interests of residential amenity.
- 4 In the interests of residential and visual amenity.
- 5 In the interests of residential and visual amenity.
- 6 In the interests of visual amenity.
- 7 To reduce potential highway impact by ensuring that adequate visibility is provided and maintained and to ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework.
- 8 To prevent the increased risk of flooding, it is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage in the locality.

**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 the relocation of the maintenance store and details of visibility splay.

Cheltenham RFC  
Creation of Artificial Grass Pitch (AGP)

416/A

**SSS**  
SURFACING STANDARDS LIMITED  
SPORTS PITCH SUBSTRATES

Site: Cheltenham RFC  
Project: Creation of Artificial Grass Pitch (AGP)  
Scale: 1:300  
Date: 04/02

San McDonald

**Cheltenham RFC**  
Creation of Artificial Grass Pitch (AGP)  
Proposed AGP Plan

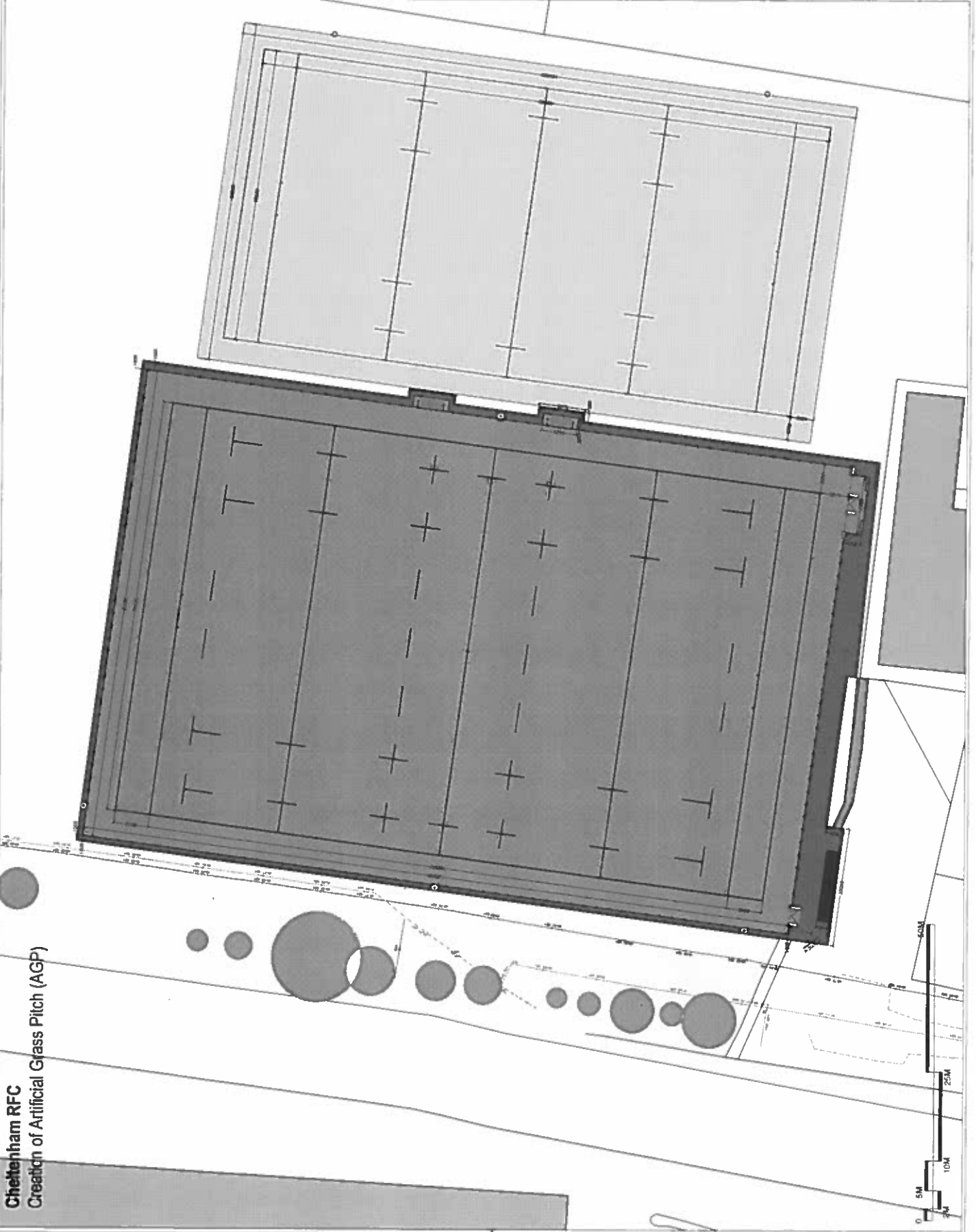
SS2200 A1 1:300 04

02

1. All work shall be in accordance with the relevant British Standards.  
2. The Contractor shall be responsible for obtaining all necessary permissions.  
3. The Contractor shall ensure that the pitch is suitable for the intended use.

- New artificial grass pitch area
- New hot laid sanding areas
- New maintenance equipment store (2.1m x 3.24m W x 2.8m H)
- New floodlight masts with luminaires to AGP and floodlights to adjacent grass rugby pitch
- Existing (and retained) floodlight masts with luminaires to adjacent grass rugby pitch
- New hot laid sanding (400)
- New hot laid sanding (400)
- New scoreboard
- New 1.2m high Duratec pitch perimeter fence to adjacent grass
- Existing ground reserved (proposed by)
- New hot laid sanding (400)
- Removal of HV electric cables (HVP)
- Removal of water mains supply (3 1/2")
- Adjacent grass rugby pitch

**SSS**  
SURFACING STANDARDS LIMITED  
SPORTS PITCH SUBSTRATES















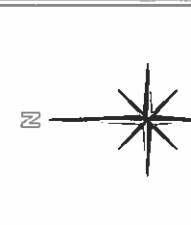
**Cheltenham RFC**  
Creation of Artificial Grass Pitch (AGP)

4161B



**SSU**  
Sports Standards Limited  
SPORTS PITCH CONSULTANTS

-  New artificial grass pitch area
-  New hard standing areas
-  New maintenance equipment store
-  New floodlight masts with luminaires to AGP and surrounding to adjacent grass rugby pitch
-  Existing (and retained) floodlight masts with luminaires to adjacent grass rugby pitch
-  New team shelter (dug out)
-  New scoreboard
-  New 2m high Du-Jack pitch perimeter barrier with access gate
-  Existing perimeter removed (replaced by new high lighting)
-  Route of 11k electric cable (NCP)
-  Route of water mains supply (STW)
-  Adjacent grass rugby pitch



Client	Cheltenham RFC
Project	Creation of Artificial Grass Pitch (AGP)
Scale	1:100
Sheet	A1
Date	02



**SSU**  
Sports Standards Limited  
SPORTS PITCH CONSULTANTS



Sam McQuinn

**Cheltenham RFC**  
Creation of Artificial Grass Pitch (AGP)

Proposed Elevations

SS2200 1:100 A1

05



Maintenance equipment store back

Maintenance equipment store front

Maintenance equipment store both sides

Pitch perimeter barrier

Access gate to pitch perimeter barrier

Team shelter (dug out)

15m high floodlight with luminaires

Scoreboard



Valid 22.03.2017  
 Grid Ref 394796 227551  
 Parish Bishops Cleeve  
 Ward Cleeve West

Single storey detached garden room / home workspace.

Ms Cathy Molloy  
 19 Huxley Way  
 Bishops Cleeve  
 Cheltenham  
 Gloucestershire  
 GL52 7XU

## **RECOMMENDATION Permit**

### **Policies and Constraints**

#### **NPPF**

Tewkesbury Borough Local Plan to 2011 - March 2006 - HOU8

JCS Main Modifications February 2017

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. Queries whether a change of use permission is required and comments that if this is for business use, consideration should be given to traffic and parking issues. The architectural approach is incongruous with the locality.

Revised plans - Bishops Cleeve Parish Council maintains its objections to the planning application. The architectural approach is incongruous with the locality.

Local residents - A general comment has been received from no 18 Huxley Way. The application is unclear as to whether the annexe is for business use, and if it is for business use, his only main concern is around the provision/consideration of customer parking and minimising disruption to neighbours.

Revised plans - No objections received.

Environmental Health - No adverse comments.

Gloucestershire County Highways Officer - No highway objections.

**Planning Officers Comments:** Mrs Sarah Barnes

### **1.0 Application Site**

1.1 This application relates to 19 Huxley Way, a detached brick property in Bishops Cleeve (**site location plan attached**).

### **2.0 Current application**

2.1 The current application is for a single storey detached garden room / home workspace (**plans attached**).

### **3.0 Policy Context**

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

3.2 Policy HOU8 of the Local Plan sets out that extension to existing dwellings will be permitted provided they respect the character, scale and proportions of the existing dwelling and do not have an unacceptable impact on adjacent property and residential amenity. This policy is considered consistent with the framework and as such should be given due weight according to paragraph 215 of Annex 1 of the framework.

### **4.0 Analysis**

#### **Design, Size and Visual amenity**



4.1 The Parish Council have raised concerns that the architectural approach would be incongruous with the locality. In order to address the concerns raised, revised plans were submitted on the 13th October 2017 (plans attached) reducing the size of the proposal and improving the design. It is considered that the proposal (as revised) would be of a suitable modern design and of an acceptable size. It would be constructed from a mixture of facing brick to match the existing dwelling and timber cladding.

#### **Residential amenity**

4.2 An assessment has been made on the impact of the nearest neighbouring dwellings and it is not considered that the proposal would cause a detrimental impact on their residential amenity in line with Policy HOU8 of the Local Plan.

#### **Other Issues**

4.3 The Parish Council have raised concerns about the use of the proposal and whether or not a business use is required. With regards to the use, the Agent has confirmed that it would be used as a garden room and a home workspace for the applicant. If in the future the building was used for business use on a full time basis then planning permission may be required for a change of use.

#### **5.0 Conclusion**

5.1 Overall, it is considered that the proposal would not be harmful to the appearance of the existing dwelling nor the street scene and it would not result in an unacceptable loss of residential amenity to neighbouring dwellings. The proposal (as revised) would also be of an acceptable size and design. It would therefore accord with Policy HOU8 of the Local Plan and the NPPF. The application is therefore recommended for permission.

#### **RECOMMENDATION Permit**

##### **Conditions:**

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 The garden room shall be constructed from facing brick to match existing and timber cladding as shown on the elevations dated 14th August 2017 unless a suitable alternative is agreed in writing by the Local Planning Authority.
- 3 The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below:

Existing elevations and floor plans received by the Council on the 22nd March 2017, proposed floor plans, proposed elevations, site location plan and proposed block plan received by the Council on the 13th October 2017.

##### **Reasons:**

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

##### **Notes:**

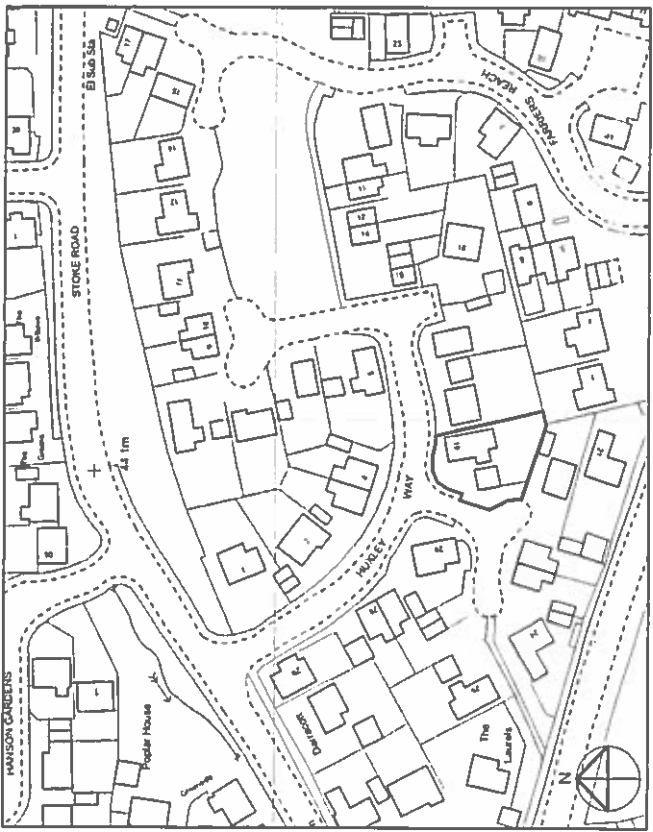
#### **1 Statement of Positive and Proactive Engagement**

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 size and design.

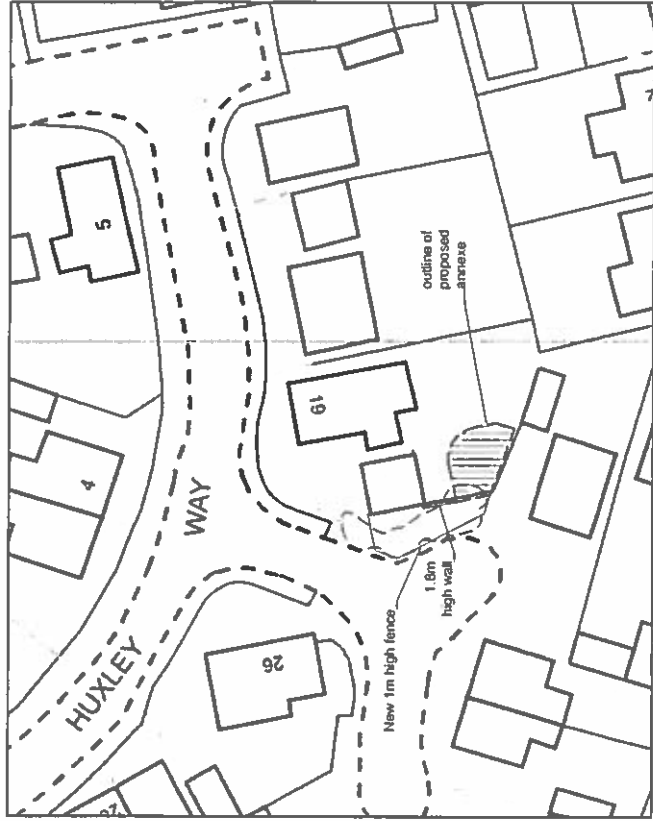
- 2 This decision relates to the revised plans received by the Local Planning Authority on 13th October 2017.
- 3 This decision relates to the revised information received by the Local Planning Authority on the 5th May 2017.

17/00337/ful Revised plans 13th October 17

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Location Plan 1:1250



Block Plan 1:500

Rev C. 13.10.17 Garden wall moved. Fence added

# PLANNING

# PORT ARCHITECTS

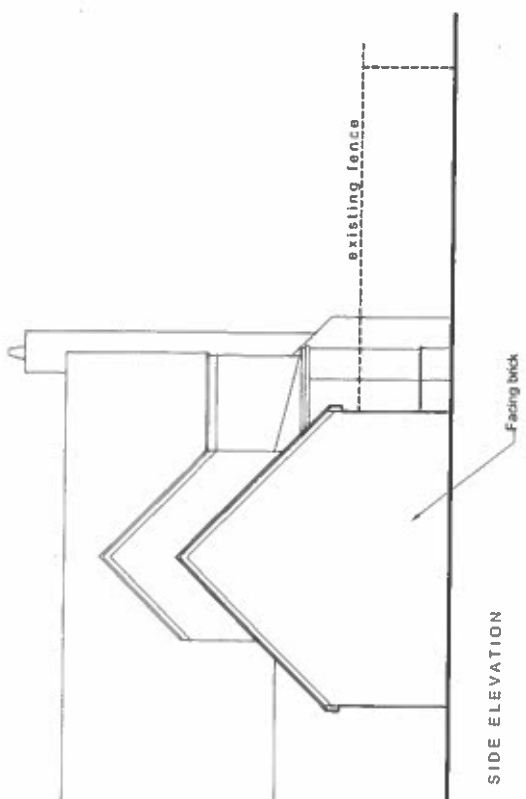
Tel: 01242 692114 info@portarchitects.co.uk

CLIENT	C. Molloy
JOB TITLE	Home Salon Annexe 19 Huxley Way Bishops Cleeve
DRAWING	Site and Location Plan
SCALE	1:1250, 1:500
DATE	March '17
DRAWING NO	306-1016/S01
REVISION	C

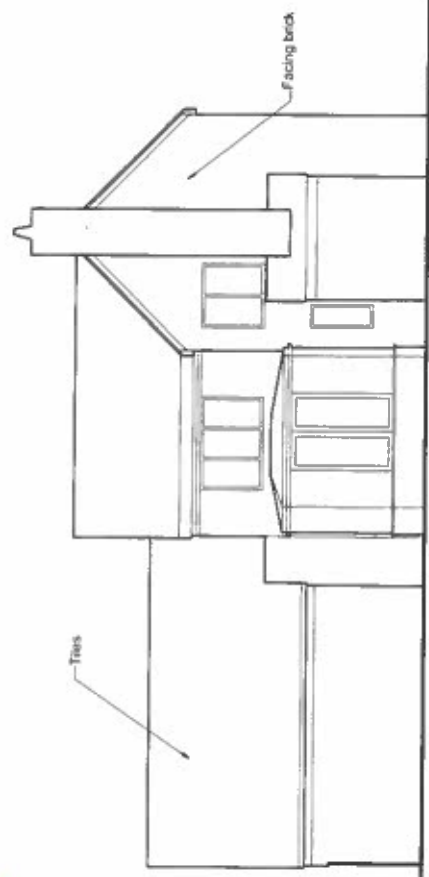
419/A

17/00 337 / full existing elevations

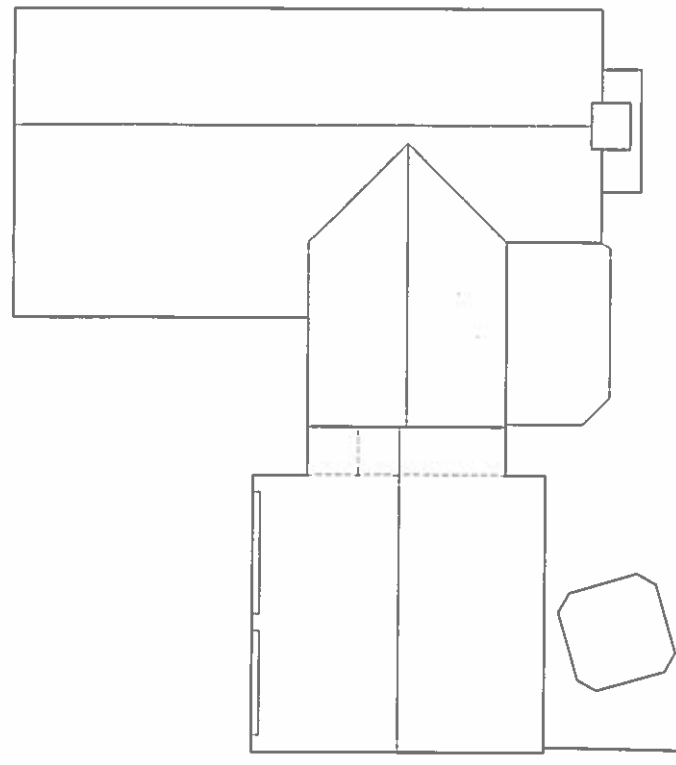
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SIDE ELEVATION



REAR ELEVATION



PLANNING

PORT ARCHITECTS

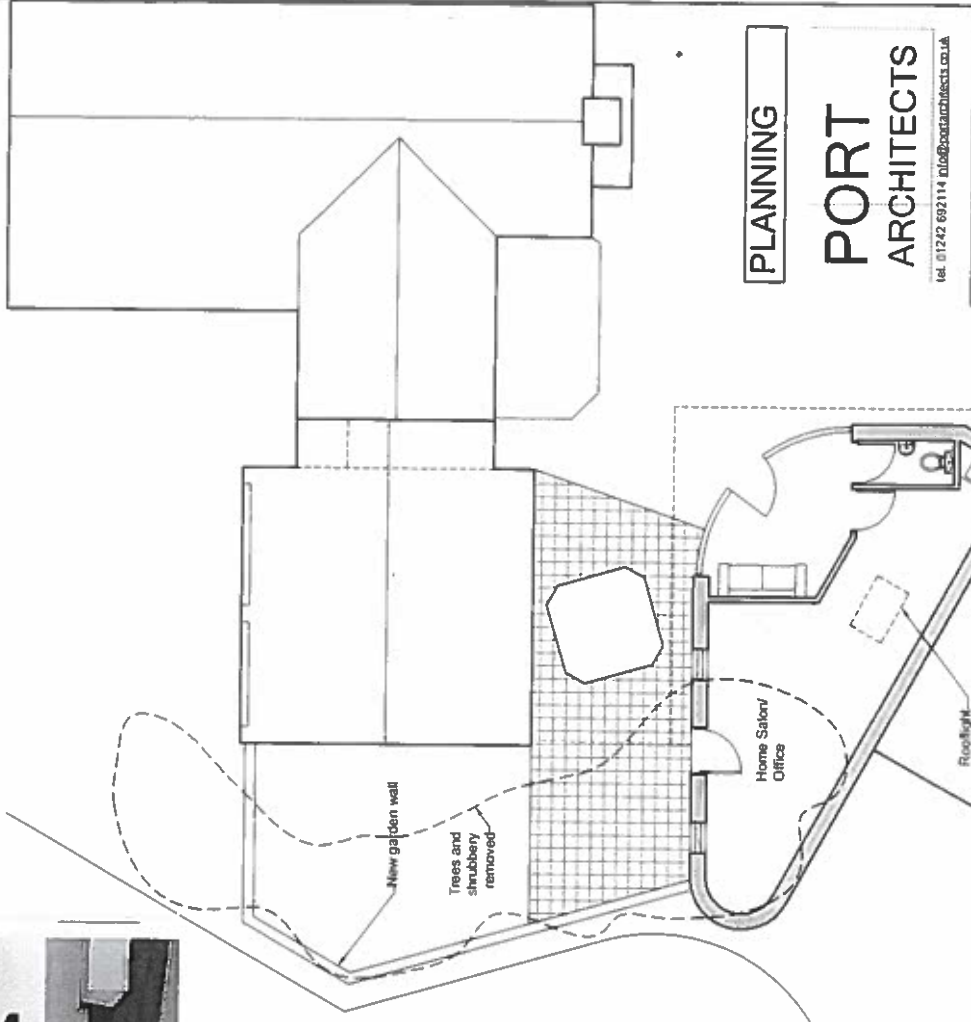
tel: 01242 692114 info@portarchitects.co.uk

CLIENT	C. Molloy
JOB TITLE	Home Salon Annex 19 Huxley Way Bishops Cleeve
DRAWING	Existing Plans and Elevations
SCALE	1:100
DATE	Oct '16
DRAWING NO	306-1016/S02
REVISION	

419/B

17/00337/rel original plans

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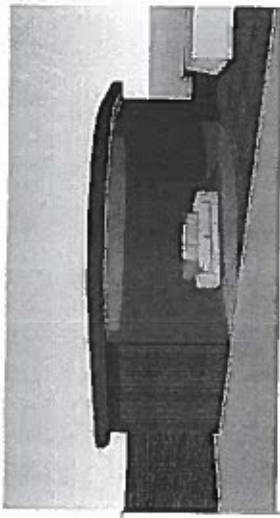


PLANNING

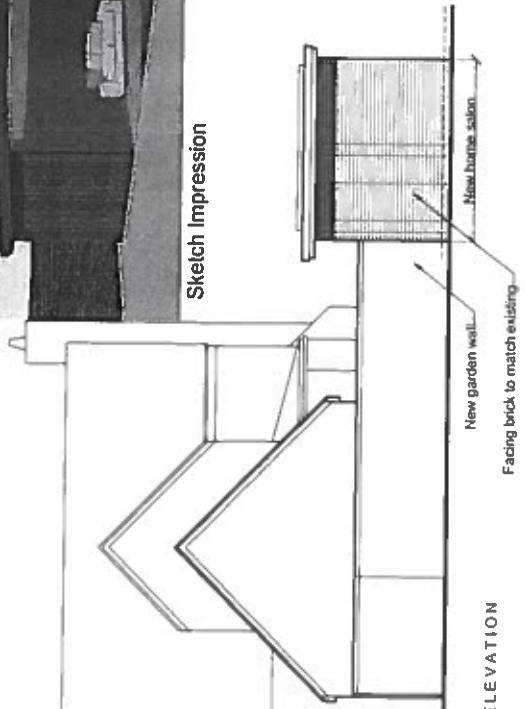
PORT ARCHITECTS

tel. 01242 692114 info@portarchitects.co.uk

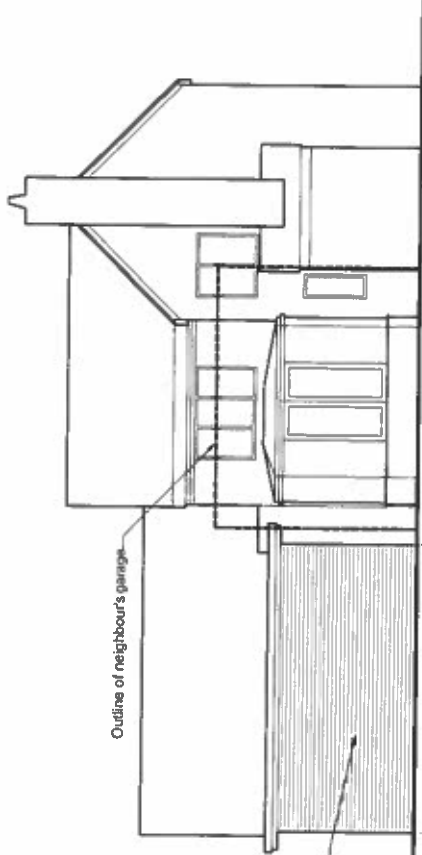
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SCALE:	1:100
DATE:	Oct '16
DRAWING NO:	306-1016/F/02
REVISION:	



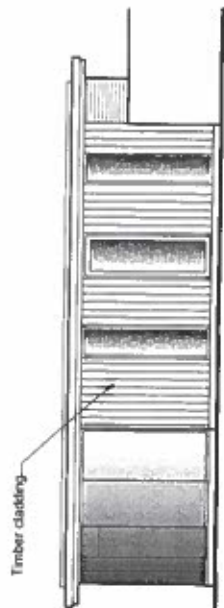
Sketch Impression



SIDE ELEVATION



REAR ELEVATION



FRONT ELEVATION

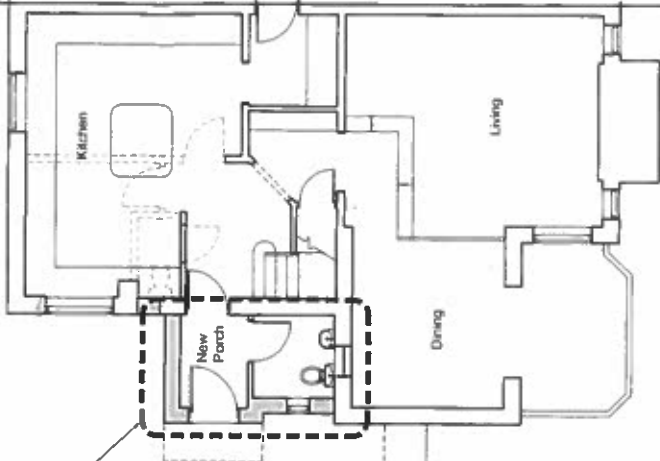


SIDE ELEVATION

419/C

17/00337/fud Revised Plans 13th October 17

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Rev B 13.10.17 Boundary walls amended  
Rev A 14.08.17 Scheme reduced

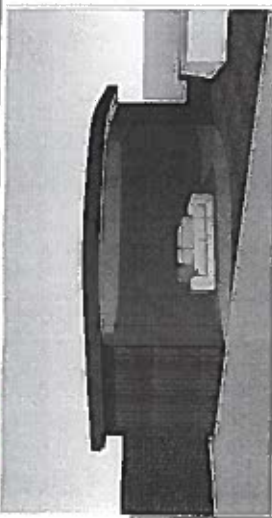
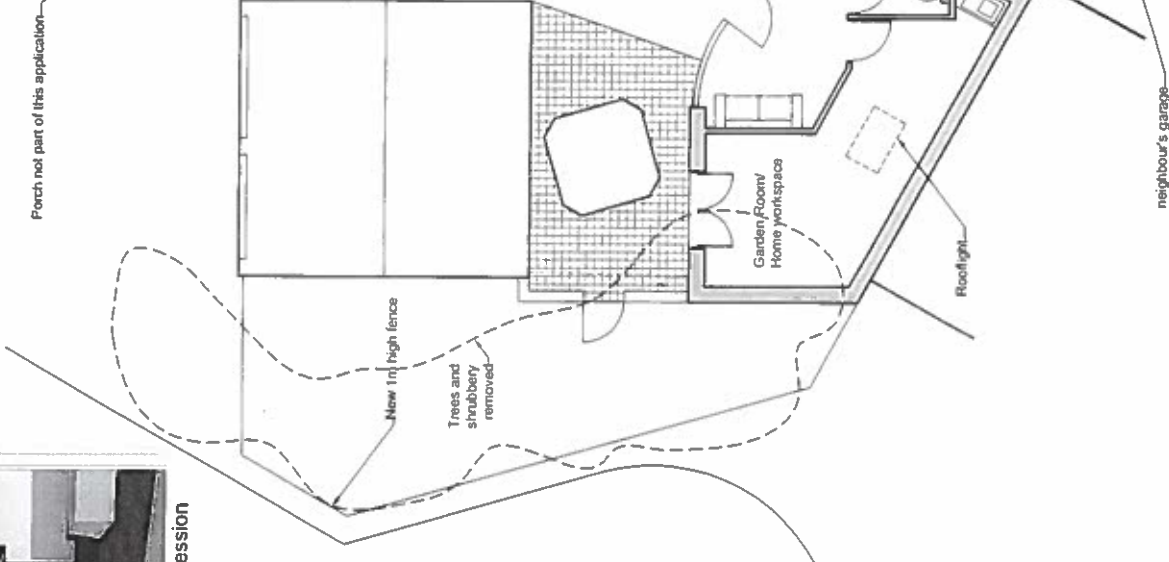
# PLANNING

## PORT ARCHITECTS

Tel: 01242 692114 info@portarchitects.co.uk

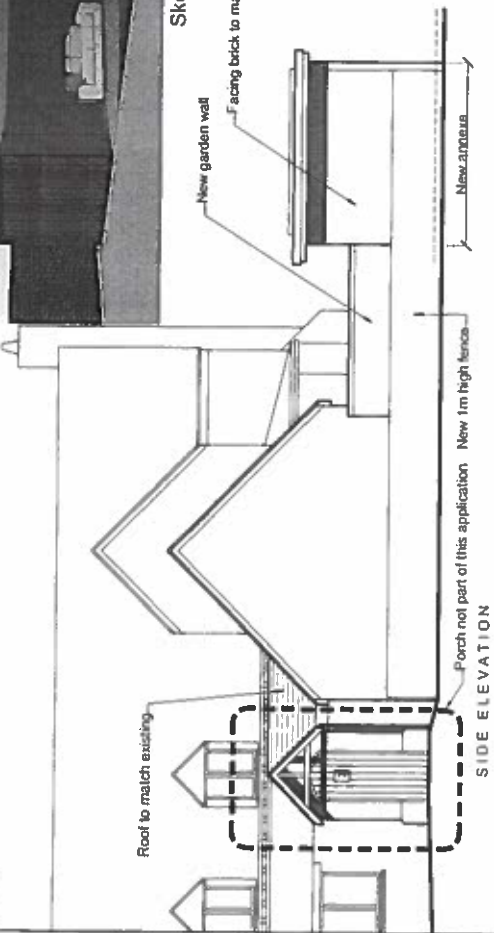
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JOB TITLE	Residential Annexe 19 Huxley Way Bishops Cleeve
DRAWING	Proposed Plans and Elevations
SCALE	1:100
DATE	Oct '16
DRAWING NO	306-1016/P02
REVISION	B

Porch not part of this application

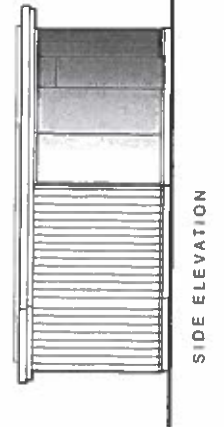
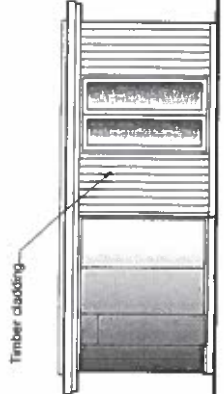
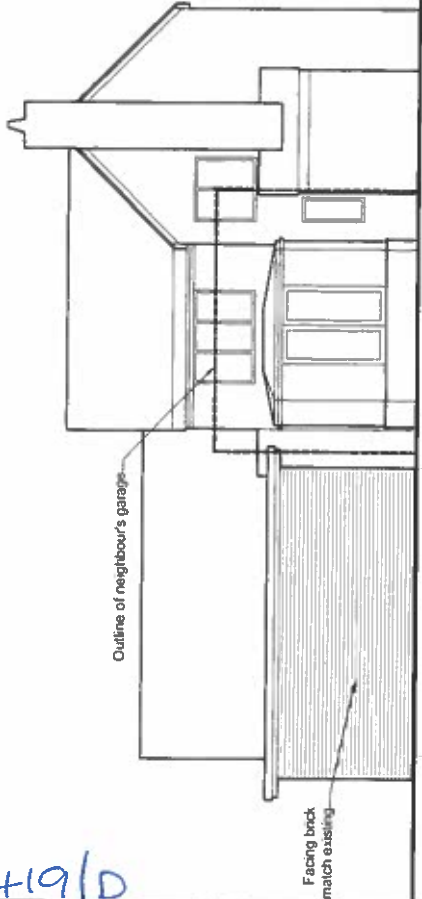


Sketch Impression

New garden wall  
Facing brick to match existing



41910



17/00855/FUL

Part Parcel 1228, Main Road, Minsterworth

11

Valid 01.08.2017

The erection of 8 dwellings with associated new vehicular access (Revised Scheme to approved development under application reference: 16/00822/OUT).

Grid Ref 378123 217307

Parish Minsterworth

Ward Highnam With Haw

Bridge

RES Land and New Homes Ltd

C/O Agent

## **RECOMMENDATION Delegated Permit**

### **Policies and Constraints**

#### **NPPF**

Planning Practice Guidance

Tewkesbury Borough Local Plan to 2011 - March 2006 - Policies HOU4, HOU14, LND4, TPT1

Flood and Water Management SPD

Joint Core Strategy Main Modifications

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**

**Minsterworth Parish Council** - Object to the proposed development as it represents an increase in the number of dwellings from the original outline permission.

**Land Drainage** - No comments received.

**Housing Enabling Officer** - Contributions of £189,000 are required towards affordable housing.

**Archaeology** - No archaeological investigations or recording required.

**County Highways** - Revised comments awaited.

**County Minerals and Waste Planning Policy** - No response at the time of writing the report.

**Highways England** - No objection.

**Representations** - 1 letter of objection received, raising the following points:

- 8 houses is too many.
- Out of character with the village.
- Cramped appearance that looks like ribbon development.

**Planning Officers Comments:** Suzanne D'Arcy

### **1.0 Introduction**

1.1 The application site is a green field site, located to the north of the A48.

1.2 Minsterworth does not have a housing development boundary. There is a linear form of development to the south of the A46 and some residential development to the west of the site. There is no overriding character of development in this area.

### **2.0 Relevant Planning History**

2.1 Outline planning consent was granted in April 2017 for residential development of up to 6 dwellings with associated access (ref: 16/00822/OUT).

2.2 Outline planning consent was granted in September 2016 for the residential development of up to 4 dwellings with associated access (ref: 16/00823/OUT) on the adjacent site to the east.



### **3.0 Current application**

3.1 This is a full application for the erection of eight dwellings. Access to the site would be from the western end of the site. The application has been revised since submission to amend the layout and house types.

3.2 There would be four different house types on the site. House type A would be a five bedroom dwelling. It would have a maximum width of 10.8m and maximum depth of 15.8m. It would be 5.5m high to the eaves and rise to a height of 9.5m at the ridge.

3.3 House type B would be a five bedroom dwelling. It would have a maximum width of 13.5m and a maximum depth of 15.7m. It would be 5.5m high to the eaves and rise to a height of 9.5m at the ridge.

3.4 House type C would be a five bedroom dwelling. It would have a maximum width of 10.6m and a maximum depth of 15.2m. It would be 5.5m high to the eaves and rise to a height of 9.5m at the ridge.

3.5 House type D would be a five bedroom dwelling. It would have a maximum width of 11.1m and a maximum depth of 11.1m. It would be 5.5m high to the eaves and rise to a height of 9.5m at the ridge. There would be an attached garage to the front of the property, which project 6.4m from the front elevation and be 5.6m wide. The proposed garage would be 2.4m high to the eaves and rise to a height of 4.5m at the ridge.

3.6 The proposed dwellings would be constructed of red brick with bradstone tiled roofs.

3.7 The application proposes two detached garages on the site. Garage type a would have a footprint of 5.5m square, with a height of 2.3m to the eaves and rise to a height of 4.8m at the ridge. Garage type b would have a footprint of 6m by 5.4m. It would be 2.3m high to the eaves and rise to a height of 4.6m at the ridge.

### **4.0 Policy Context**

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

#### Development Plan

4.2 The development plan comprises the saved policies of the Tewkesbury Borough Local Plan to 2011 - March 2006. Policy 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.

4.3 The emerging development plan will comprise the Joint Core Strategy (JCS), Tewkesbury Borough Plan and any adopted neighbourhood plans. These are all currently at varying stages of development. The Main Modifications Version of the Joint Core Strategy (MMVJCS) 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 sets out the overall level of development and approach to its distribution. Within the rural areas of Tewkesbury Borough, approximately 2740 dwellings are proposed to be delivered within the plan period to 2031. Almost all of this rural development has already been delivered or committed as of April 2017. The remainder of this requirement will be allocated through the Tewkesbury Borough Plan and neighbourhood plans.

#### National Planning Policy Framework (NPPF)

4.4 The NPPF sets out the presumption in favour of sustainable development. Sustainable development has three dimensions: economic, social and environmental. Paragraph 14 of the Framework sets out that development proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out of date permission should be granted unless:



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

## 5.0 Analysis

5.1 The main issues to be considered are the principle of development, impact on the character of the area, highway safety and impact on residential amenity.

### Principle of development

5.2 The principle of residential development on the site was established by application 16/00822/OUT. Given the location of the site at Minsterworth which is identified as a service village in the emerging JCS, it is not considered that two additional dwellings would create any additional harms in respect of the principle of development subject to the quantum of development being able to be accommodated on the site in an environmentally acceptable way.

### Impact on the character of the area

5.3 The Council has previously accepted the principle of siting six dwellings on the site. The proposed development proposes eight dwellings in a linear format, which follows the existing settlement pattern in Minsterworth.

5.4 The original scheme was considered to have an unacceptable impact on the streetscene given the lack of space between dwellings. It is noted that the Parish Council offered no objection to that scheme. Following negotiations with Officers, the scheme has been revised to reduce the bulk and massing of the units and remove some of the integral garage units. This has allowed an increase in the spacing between the dwellings which results in a more acceptable form of development overall. There was also concern with the housetypes which were considered too suburban in form and did not reflect the vernacular architecture of this part of the Severn Vale. Whilst the revised house types are considered to represent an improvement to the previously submitted drawings, officers are still concerned that the proposed house types are not characteristic of the local vernacular. Whilst it is accepted that there are a mix of styles in the area as a result of development across the twentieth century, the current proposals are an unhappy mix of styles which do not represent good design. Further negotiations are being undertaken to in an attempt to secure more appropriate designs to improve the appearance of the scheme and **an update will be provided at Committee**. It is noted that the Parish Council has now objected to the increase in numbers of dwellings on the site.

5.5 The proposed dwellings would be constructed of red brick with bradstone roofing. The proposed materials are considered to be characteristic of the local context and a condition would be imposed to ensure that the finish is acceptable. Given the rural location, it is considered appropriate to impose conditions restricting permitted development rights to allow the Local Planning Authority to assess the impact of any further development on the rural landscape.

### Highway safety

5.6 The application proposes a single direct access from the A48, which has a 50mph speed limit at this stage. Following the receipt of amended plans, the proposed access has been re-sited to the western end of the site. The County Highway Authority (CHA) are yet to formally respond to the revised plans but discussions with them indicate that they consider the proposed western access to be broadly acceptable, subject to detailed assessment.

5.7 On the previous outline permission for 6 houses on the site (ref: 16/00822/OUT) the access was negotiated to a similar location as the current proposal, to the western part of the site. However, due to an error on the decision notice, conditions were applied stating that the development should only be carried out in accordance with two different sets of plans which show accesses in two different locations, one to the west (as proposed by this application) and one in the centre of the site. The CHA have confirmed verbally that it would not be acceptable for both accesses to be implemented as this would have an adverse impact on highway safety.

5.8 The formal response of the County Highway Authority is awaited and **an update will be provided at Committee**. Nevertheless it is clear that the extant outline permission is not acceptable due to highway safety issues with the two accesses shown on the approved drawings. There are a number of ways to deal

with this unfortunate situation however the simplest way is to secure the non-implementation of the outline permission via a planning obligation. Discussions are ongoing with the Applicant in this regard.

#### Impact on residential amenity

5.9 The proposed dwellings are considered to have a sufficient level of living accommodation for future occupiers. The proposed dwellings would have an adequate level of amenity space, which would not be overlooked by the adjacent dwellings to allow a good standard of amenity to future occupiers.

5.10 Due to the relationship with existing occupiers, it is not considered that there would be any significant adverse impacts on the amenity of existing occupiers. The County Minerals and Waste Authority have requested a waste minimisation statement which has now been received and a response is now awaited from the County Council on the acceptability of it.

#### Affordable housing

5.11 The combined floor area of the proposed dwellings is greater than 1000 sq. m. Policy SD13 of the MMVJCS requires contributions of a minimum of 40% towards affordable housing on developments of this nature. In the case of this application, contributions of £189,000 are sought, which the applicant has agreed to pay.

### **6.0 Conclusion**

6.1 Given the previous outline permission for development granted for 6 dwellings on the site, the principle of development is considered acceptable subject to the proposed dwellings being accommodated on the site in an environmentally acceptable way. The extent of development across the site is now considered to be acceptable following receipt of amended plans however the designs of the individual dwellings are not considered acceptable at this stage. The principle of the proposed access is considered acceptable subject to confirmation from the County Highways Officer and non-implementation of the previous scheme.

6.2 In view of this, it is recommended that permission is **DELEGATED to the Development Manager subject to receipt of acceptable housetypes, no highways objection to the revised access, no objection from the County Minerals and Waste Authority and the completion of a s106 Agreement to secure the an affordable housing contribution of £189,000 and non-implementation of the extant planning permission reference 16/00822/OUT.**

### **RECOMMENDATION Delegated Permit**

#### Conditions:

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

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

- 2 The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below.

(To be confirmed)

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

- 3 No development shall commence until details, including elevations, of the proposed ridge heights/finished floor levels/eaves heights/slab levels in relation to a fixed datum point have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason: For the avoidance of doubt and to clarify the finished height of the development to accord with the advice contained within the NPPF.

- 4 No construction of the external walls of the development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the approved details.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with the advice contained within the NPPF.

- 5 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall:
- i. specify the type and number of vehicles;
  - ii. provide for the parking of vehicles of site operatives and visitors;
  - iii. provide for the loading and unloading of plant and materials;
  - iv. provide for the storage of plant and materials used in constructing the development;
  - v. provide for wheel washing facilities;
  - vi. specify the intended hours of construction operations;
  - vii. specify measures to control the emission of dust and dirt during construction

Reason: To reduce the potential impact on the public highway and accommodate the efficient delivery of goods and supplies in accordance with paragraph 35 of the National Planning Policy Framework.

- 6 Work shall not start until a hard and soft landscape scheme has been submitted to and approved in writing by the Local Planning Authority showing details of all trees, hedgerows and other planting to be retained; finished ground levels; a planting specification to include numbers, density, size, species and positions of all new trees and shrubs, details of existing and proposed walls, fences, other boundary treatment and surface treatment of the open parts of the site, and a programme of implementation. The development shall be carried out in accordance with the details so approved.

Reason: To ensure the provision of an appropriate landscape setting to the development in accordance with Policy LND4 of the Tewkesbury Local Plan and the advice contained within the NPPF.

- 7 The works approved under condition 6 above shall be carried out prior to the occupation of any dwelling hereby permitted or in accordance with a programme which has first been submitted to and approved in writing by the Local Planning Authority. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority.

Reason: To ensure that the landscape scheme is implemented and maintained in accordance with Policy LND4 of the Tewkesbury Local Plan and the advice contained within the NPPF.

- 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 extension or enlargement of the dwelling(s) or other buildings hereby permitted shall be carried out without the prior express permission of the Local Planning Authority.

Reason: Any further extensions require detailed consideration by the Local Planning Authority to assess the impact on the rural character of the area in accordance with Policy LND4 of the Tewkesbury Borough Local Plan and the advice within the NPPF.

- 9 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 garages or other free standing buildings shall be erected to the side or front of any dwelling hereby permitted, other than those expressly authorised by this permission, without the prior express permission of the Local Planning Authority.

Reason: The introduction of further curtilage buildings requires detailed consideration by the Local Planning Authority to safeguard the appearance of the development and the amenities of the surrounding area in accordance with Policy LND4 of the Tewkesbury Borough Local Plan and the advice contained within the NPPF.

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 revised layout, access and house types.

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Rev	Description	Date

INDICATIVE LAYOUT FOR  
 PLANNING DISCUSSION

Drawing Date  
**PRELIMINARY**

Client  
**RES HOMES**

Project  
**LAND ADJACENT TO  
 MINISTERWORTH HOUSE**

Drawing Description  
**PROPOSED SITE PLAN &  
 STREET SCENE**

Date	WTS	Rev	AI	Date	09.08.2017
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Drawn by	WYE	Checked by	WNG
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Project No.	ARC 1330	Project File	PL02
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4251A

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Rev.	Description	Date	By
A	Addition of sun shades and seats in sitting to east movement & rough site	10/10/16	HE



Drawing Status  
 Client  
**RES HOMES**

Project  
**LAND ADJACENT TO  
 MINSTERWORTH HOUSE**

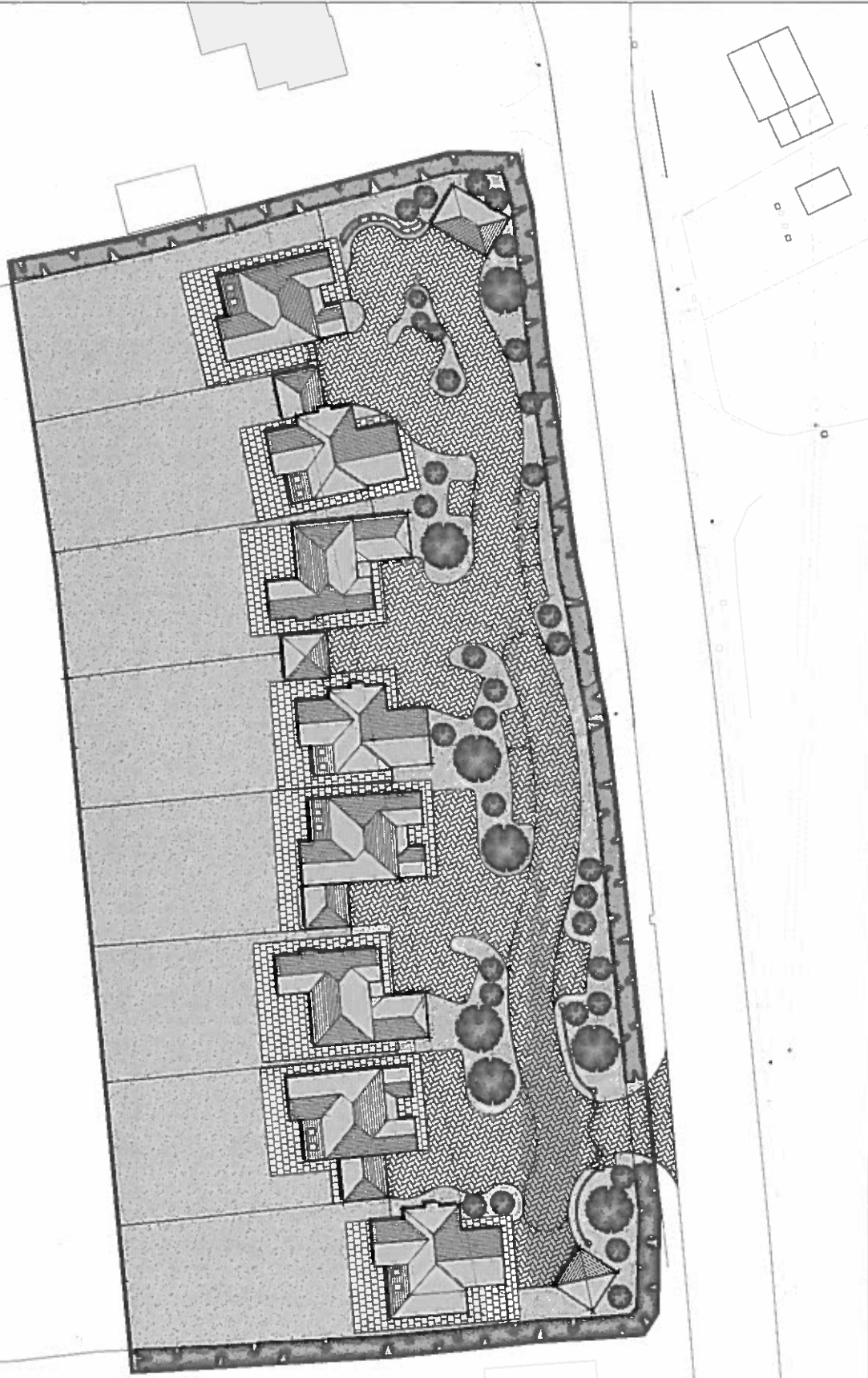
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**LAYOUT DESIGN**

Scale	Sheet No.	Issue No.	Issue Date
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Drawn By	Checked By
HE	MG

Project No.	Client Ref.
AAC.1329	PM11

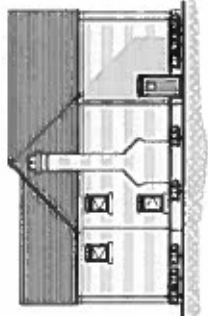
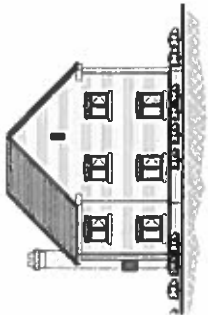
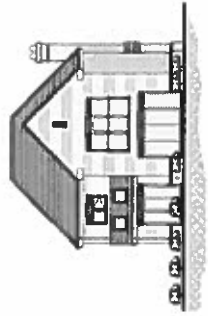
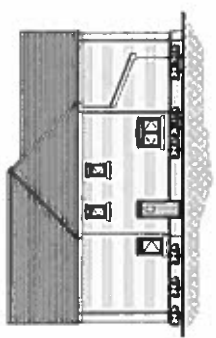
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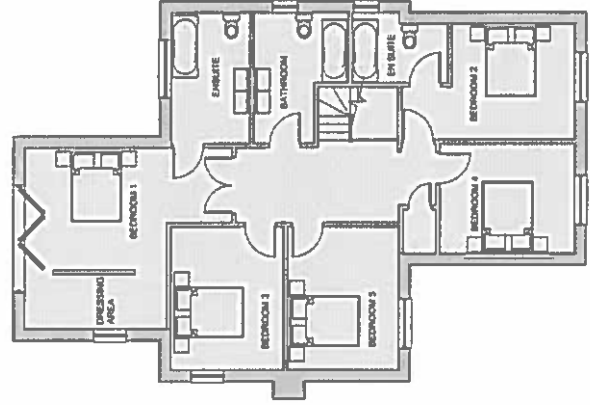
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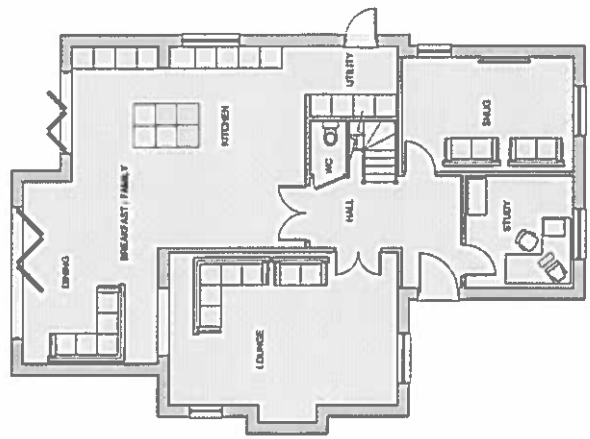
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PROJECT TYPE	LAND ADJACENT TO MASTERWORK HOUSE
HOUSE TYPE	HOUSE TYPE A
DATE	AUG 2010
SCALE	1:50
DESIGNED BY	RES ARCHITECT



PROPOSED ELEVATIONS 1-100



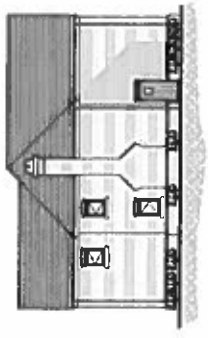
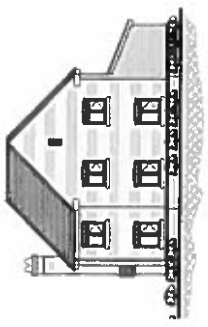
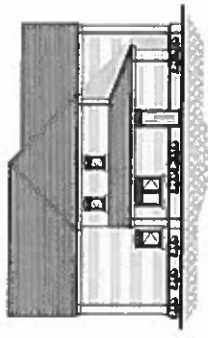
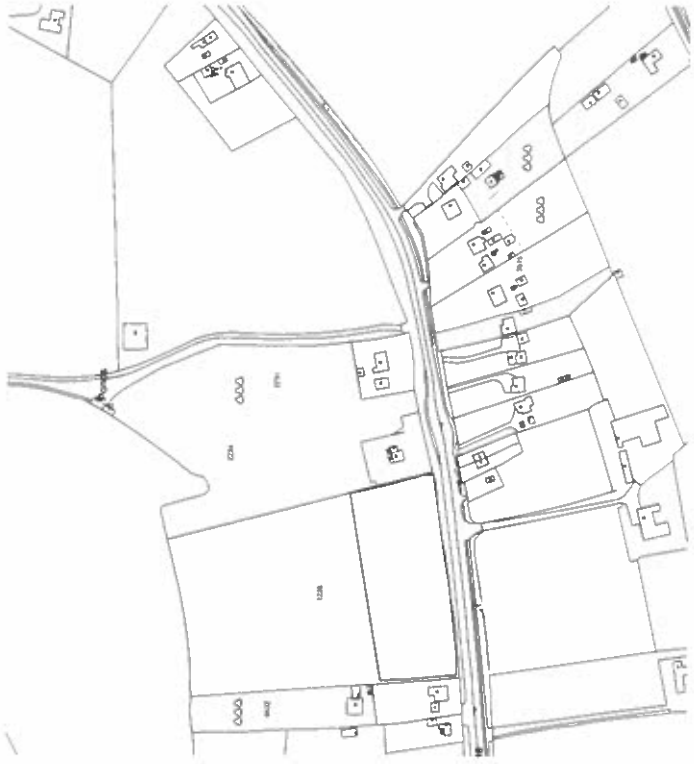
PROPOSED FIRST FLOOR PLAN 1-50



PROPOSED GROUND FLOOR PLAN 1-50

425/C

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Client	LAND ADJACENT TO LANSTERMOUTH HOUSE
House Type	HOUSE TYPE 6
Architect	RES ARCHITECTURE LTD
Date	11/10/17
Scale	1:50
Sheet No	01
Drawn By	RES ARCHITECTURE LTD
Checked By	RES ARCHITECTURE LTD
Project No	RES HOMES



PROPOSED ELEVATIONS | 109



PROPOSED FIRST FLOOR PLAN | 90

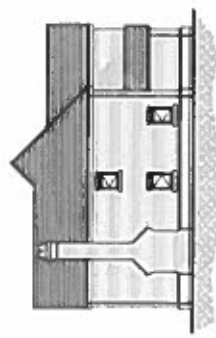
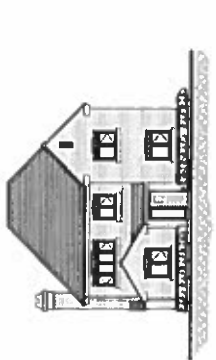
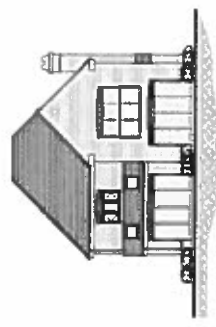
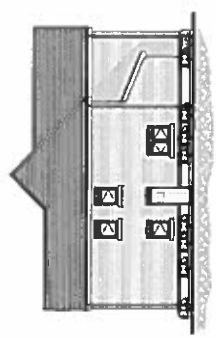
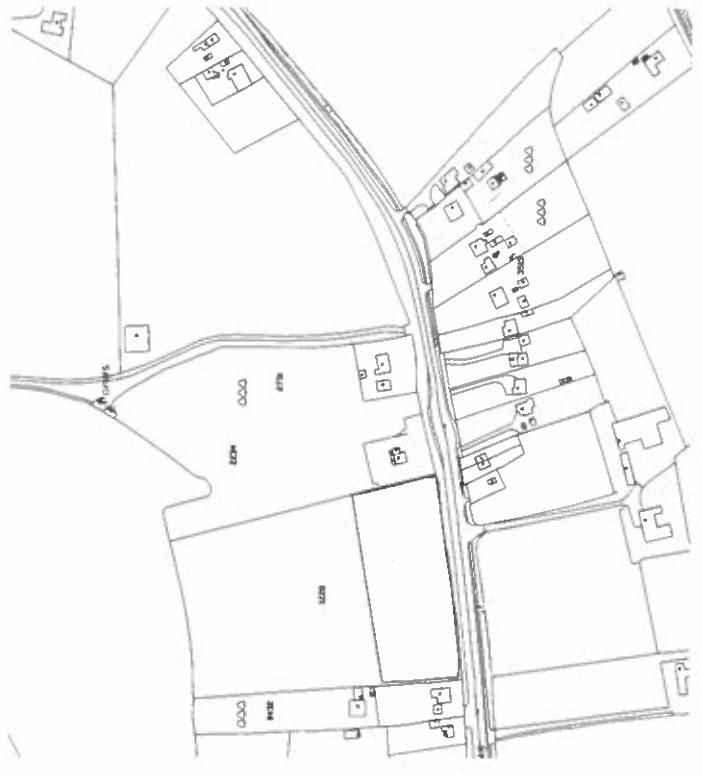


PROPOSED GROUND FLOOR PLAN | 90

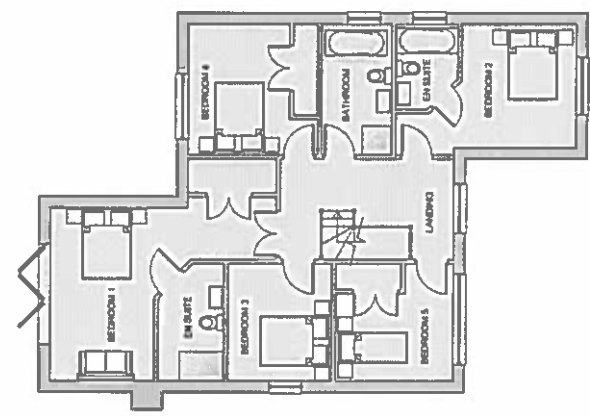
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Address	LAND DEVELOPER LTD
House Type	HOUSE TYPE C
AS SHOWN	YES
DATE	15/03/2024
SCALE	1:50
PROJECT NO.	ARC-1009
PLAN	PLAN



PROPOSED ELEVATIONS 1:100



PROPOSED FIRST FLOOR PLAN 1:50



PROPOSED GROUND FLOOR PLAN 1:50

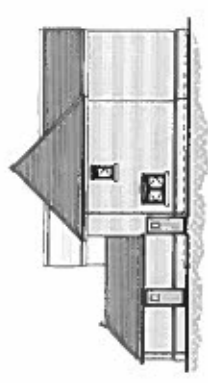
425/E



Project Name	
RED HOMES	
Project Location	
LAND ADJACENT TO 1400 TEMWORTH HOUSE	
Project Description	
HOUSE TYPE	
Architect	RES ARCHITECTURE LTD
Date	2014
Scale	1:50
Sheet No.	425/F



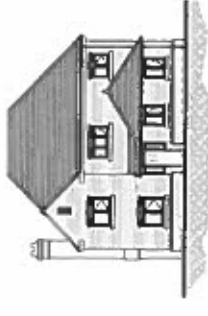
PROPOSED SITE PLAN 1:2250



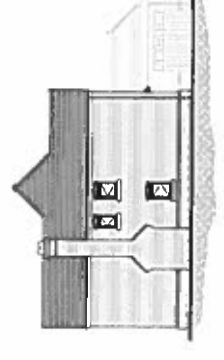
PROPOSED SIDE ELEVATION 1:100



PROPOSED REAR ELEVATION 1:100



PROPOSED FRONT ELEVATION 1:100



PROPOSED SIDE ELEVATION 1:100



PROPOSED FIRST FLOOR PLAN 1:50



PROPOSED GROUND FLOOR PLAN 1:50

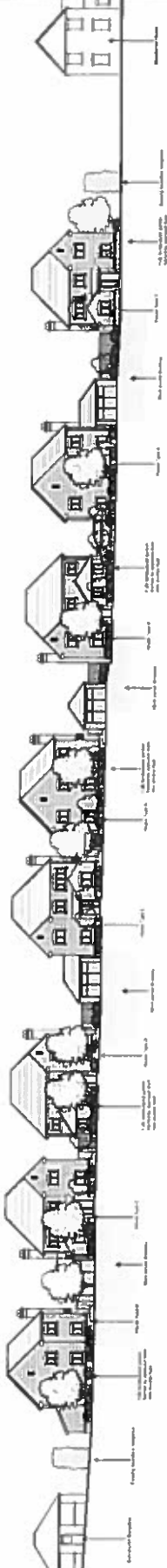
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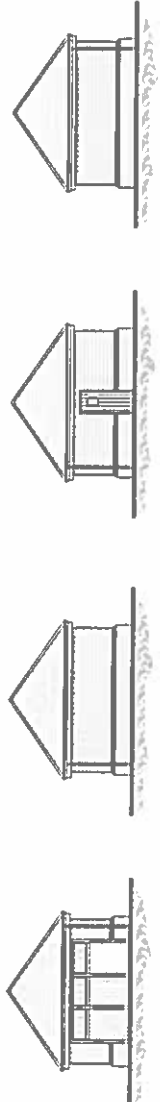
Rev. 1	As per schedule	Drawn	By
Rev. 2	Design	Drawn	By

Drawing Name	
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Project 3	
LAND ADJACENT TO MINSTERWORTH HOUSE	
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AS SPECIFIED	A1
HE	NG
ARC. 1329	PL07
DATE	06.10.17

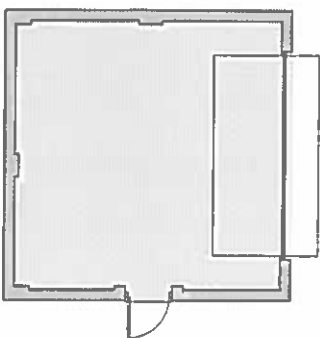
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STREET SCENE NTS



PROPOSED ELEVATIONS 1:100



PROPOSED GARAGE PLAN 1:50

425/G



SITE PLAN NTS

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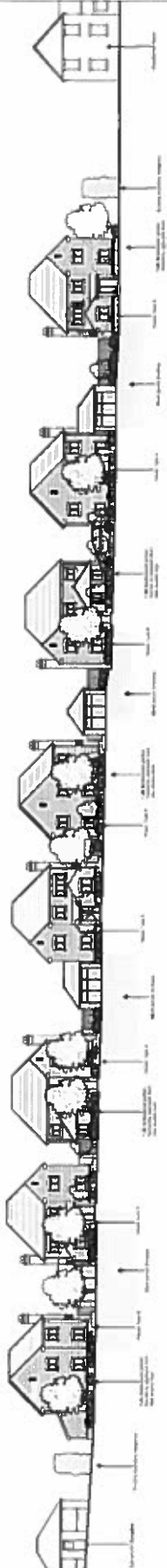
RES Architecture Inc.  
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 10000 Business Centre Highway  
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 Tel: (905) 846-1100  
 Fax: (905) 846-1101  
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 Web: www.resarchitecture.com



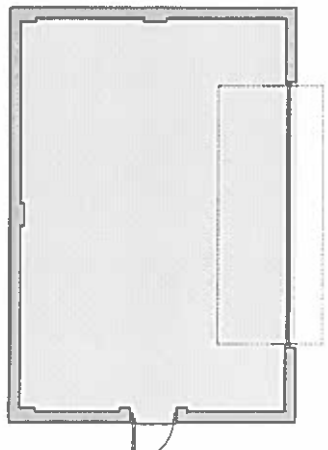
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Client	
Project Name	
Project Location	
Project Start Date	
Project End Date	
Project Status	
Project Description	

Drawing No.	
RES HOMES	
Project 1	
LAND ADJACENT TO MINSTERWORTH HOUSE	
Drawing Description	
GARAGE TYPE B	
AS SPECIFIED	A 1
DATE	09.10.17
BY	MG
PROJECT NO.	ARC.1329
PLAN	PL09

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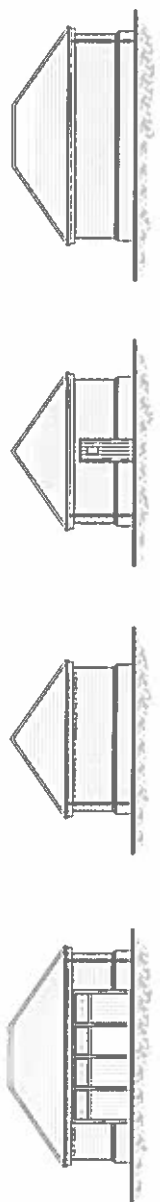


STREET SCENE NTS



PROPOSED GARAGE PLAN 1:50

425/H



PROPOSED ELEVATIONS 1:100



SITE PLAN NTS

17/00104/OUT Land adjacent to Rosedale House, Main Road , Minsterworth 12

Valid 30.01.2017 Outline planning permission for the erection of 5 dwellings with access and layout for approval.

Grid Ref 378216 217178

Parish Minsterworth

Ward Highnam With Haw Bridge

Oxygen Real Estate Group

C/O Agent

## **RECOMMENDATION Delegated Permit**

### **Policies and Constraints**

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

Proposed Main Modifications JCS

Flood and Water Management SPD

NPPF

Planning Practice Guidance

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

The First Protocol, Article 1 (Protection of Property)

### **Consultations and Representations**

**Parish Council** - Supports this application.

**Highway England** No objection.

**County Highways Authority** -

**County Archaeologist** - Recommend that no archaeological investigation or recording is required in connection with this scheme.

**Severn Trent** - No objections to the proposals subject to a condition requiring drainage details.

**Local residents** - Two letters have been received from the occupier of the neighbouring property making the following comments:

- Four houses would be sufficient. Five is too cramped.
- Concerns about the proximity of visitor parking spaces to my boundary that would affect our amenity in the back garden.
- The access would mean we would be affected by traffic on both sides.
- There are concerns about foul and surface water drainage.
- Point out that part of the site was used as a Blacksmiths Forge for many years.

### **Planning Officers Comments: Mr John Hinett**

#### **1.0 Introduction**

1.1 The application site comprises the large part of a field that appears to be a former orchard which is bound to the east by the side elevation and garden of Rosedale House and by a strip of land to the south of the Rosedale House. Beyond this strip of land lies The Rookery. A collection of farm buildings occupy the southern boundary. The driveway to Eame Hill Farm House runs along the western boundary with open fields beyond. The application site fronts onto the A48 to the north with open fields beyond. The site contains a large agricultural shed close to the road frontage which is proposed to be demolished.

1.2 The site does not fall within a recognised settlement boundary as defined in the Tewkesbury Borough Local Plan - March 2006 and the site is not affected by any landscape designations. The site is located within Flood Zone 1. There are no public rights of way crossing the site.

1.3 There is an existing agricultural access into the field off the A48.

#### **2.0 Planning History**

2.1 There is no relevant planning history on this site.

3.2 Of relevance, application 16/00822/OUT for 6 dwellings on land directly opposite the site was permitted in April this year.

### 3.0 Current Application

3.1 The application is an Outline application for 5 detached two storey dwellings with Access and Layout being considered at this stage and Appearance, Landscaping and Scale reserved for future consideration. The dwellings would be served off a single access onto the A38 with a single dwelling fronting the road and a further four to the rear (**see layout plan**).

3.2 The application has been revised so that the combined floorspace of the dwellings proposed is less than 1000sq.m. The proposed density would be approximately 12.5 units per hectare.

### 4.0 Policy Context

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

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

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

4.3 The application site lies outside of a recognised settlement boundary as defined by the Tewkesbury Borough Local Plan to 2011 - March 2006. Consequently, the application is subject to policy HOU4 which states that new residential development will only be permitted where such dwellings are essential to the efficient operation of agriculture or forestry or the provision of affordable housing.

4.4 The Council is able to demonstrate a five-year supply of deliverable housing sites and saved policy HOU4 is considered up-to-date. In these circumstances, aside from approving development proposals that accord with the development plan without delay (unless material considerations indicate otherwise), the presumption in favour of sustainable development set out in paragraph 14 of the NPPF does not apply.

4.5 As set out above, 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. In this case in accordance with paragraph 12 of the NPPF, the presumption is against the grant of planning given the conflict with HOU4 and as such permission should be refused unless material circumstances indicate otherwise.

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

#### *Emerging Joint Core Strategy*

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

4.8 The Main Modifications Version of the Joint Core Strategy (MMJCS) 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.

4.9 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 principal 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 9,899 new homes are to be provided within Tewkesbury Borough - to be met through Strategic Allocations and through smaller scale development meeting local needs at Tewkesbury town in accordance with its role as a 'Market

Town'. A certain quantum of housing is also to be provided at the 'Rural Service Centres' and 'service villages' identified in the JCS, including at Minsterworth.

4.10 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).

4.11 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 Inspector published her interim report in May 2016 and following this the three JCS Councils have approved the Main Modifications for consultation. 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*

4.12 The NPPF sets out the Government's planning policies for England and how these are expected to be applied. The NPPF does not change the status of the development plan as the starting point for decision making. Proposed development that conflicts with an up-to-date development plan should be refused unless materials considerations indicate otherwise.

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

## **5.0 Analysis**

### Principle of Development

5.1 The application site lies outside of a recognised settlement boundary as defined by the Tewkesbury Borough Local Plan to 2011 - March 2006. Consequently, the application is subject to policy HOU4 which states that new residential development will only be permitted where such dwellings are essential to the efficient operation of agriculture or forestry or the provision of affordable housing. The presumption is thus against the grant of planning permission given the conflict with policy HOU4 and as such permission should be refused unless material circumstances indicate otherwise.

5.2 Minsterworth is a named Service Village in the current submission version of the JCS and emerging Policy SP2 of the JCS states that Service Villages will accommodate lower levels of development, proportional to their size and function, and also reflecting their proximity to Cheltenham and Gloucester.

5.3 The NPPF sets out that, to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. The Framework also recognises the need to support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development (paragraph 28) and also that opportunities to maximise sustainable transport solutions will vary from urban to rural areas and that there is a need to balance this against other objectives set out in the Framework - particularly in rural areas. Although it is accepted that the new residents would to a large extent be reliant on the car, this would be in common with all the Service Villages and recent appeal decisions have made it clear that neither national nor local planning policy regards this as sufficient reason in itself to prevent any further residential development in such communities. Rather, it is one of the many considerations that need to be taken into account when assessing specific proposals.

5.4 Whilst the proposal is not located in the heart of the village, it is not considered that the proposal would represent new isolated homes in the countryside. Minsterworth is a linear settlement in nature, without a defined centre and it is considered that the proposal is proportionate to the size and function of the settlement. Furthermore the site is located approximately 3 miles from the centre of Gloucester service facilities including supermarkets, schools and doctors. With regard to access to public transport, there are bus stops located either side of the A48 within 20 metres of the application site.

5.5 It is recognised that there would be a clear conflict with policy HOU4 of the Local Plan to which substantial weight should be applied. However, Minsterworth is identified in the JCS as a suitable location for some limited residential development, and this fact alongside other material considerations are to be taken into account in the decision making process and the overall balancing exercise.

### **Design and Visual Impact**

5.6 The NPPF sets out that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Similarly, Policy SD5 of the Main Modifications JCS seeks to encourage good design and is consistent with the NPPF and so should be accorded considerable weight.

5.7 One of the core planning principles of the NPPF is that the planning system should recognise the intrinsic character and beauty of the countryside. Policy LND4 of the Local Plan also requires that regard be given to the need to protect the character and appearance of the rural landscape.

5.8 Although the application is outline, layout is not reserved and is considered at this stage. The layout has responded to previous pre-application advice by omitting two units and leaving a strip of land between site and the rear garden of The Rookery. The density would be approximately 12.5 dwellings per hectare. The layout proposes a dwelling to the site frontage adjacent to Rosedale House with 4 units behind it, all served off a single access road. Whilst the cul-de-sac development is not typical of the immediate residential development, Plot 1 would not project forward of Rosedale House and plots 2 and 3 would follow the building line of the majority of the dwellings along the A48 in this location which are set further back from the frontage. The rear plots would be largely hidden from view, or seen in the context of the farm buildings to the rear from more distant views. The density would allow for adequate amenity space and separation distances between dwellings (both existing and proposed). The plans show that a hedgerow could be planted along the site's eastern boundary and the existing trees retained. The Council's Urban Design Officer has no objection to the proposal.

5.9 It is therefore considered that the proposed development could be successfully integrated into the site. The detailed design and size of the dwellings would be addressed through any subsequent reserved matters application. Nevertheless, the proposal would result in development of open countryside and this is a matter that weighs against the proposals in the overall planning balance.

### **Noise and Residential Amenity**

5.10 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 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).

5.11 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.

5.12 The site is within close proximity to the A48 - a busy and heavily trafficked road. Although most of the units have been set well back off the road plot 1 would be within approximately 20 metres from it. In view of this issue the Environmental Health Officer has recommended a condition requiring that external and internal areas must meet the requirements set out in BS 8233:2014.

5.13 By virtue of their siting relative to neighbouring properties 'Rosedale House' and 'The Rookery' the proposed dwellings would not be overbearing and subject to a condition controlling windows in first floor there would be no unacceptable loss of privacy.



5.14 Subject to a condition requiring submission of noise mitigation details that incorporate the suggested mitigation measures, the proposal is considered to comply with the National Guidance and Policy EVT3.

### **Highway Safety**

5.15 Section 4 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Local Plan Policy TPT1 relates to access for developments and requires that appropriate access be provided for pedestrians, cyclists and vehicles, and that appropriate public transport services and infrastructure is available or can be made available. It further requires that traffic generated by and/or attracted to the development should not impair that safety or satisfactory operation of the highway.

5.16 Access is proposed at this stage and would be via a single entrance off the A48. A Transport Statement (TA) submitted with the application which sets out that the scheme is predicted to result in three 2-way trips during the morning and evening peak hour periods that would have no detriment on the local highway network. Furthermore the proposed access into the site, via a priority junction with right-hand turn lane has been found to be safe and suitable by an independent Road Safety Audit. Highways England have been consulted and raise no objections.

5.17 Gloucestershire County Highways Authority (CHA) note that the A48 through Minsterworth is subject to a 50mph with footway on the south side and no street lighting. Following extensive consultation, a revised plan has been submitted which includes a right turn holding lane for site vehicles to enter the site from the west without interrupting eastbound traffic towards Gloucester whilst waiting to enter the site access across the existing central highway hatching. This has been designed to follow a right turn holding lane to the north into the approved 16/00822/OUT application site which has been amended to accommodate both site access right turning lanes. The internal shared surface estate road layout has been tracked on plan 160531-TK10 A illustrating inter-visible passing internally sufficient for expected vehicles and turning on plan 160531-TK06 B.

5.18 Each property would have 2 off-road parking spaces with a double garage which the CHA consider is sufficient. The site access connects to an existing footway on the south side of the A48 allowing pedestrian access to westbound bus stops and Minsterworth amenities, however to ensure suitable pedestrian access to the eastbound bus stop towards Gloucester the CHA consider a condition necessary for tactile drop kerb crossing and pedestrian island (as necessary). Subject to conditions the CHA therefore have no highway objections to the proposal. However there is a currently unresolved issue relating to proposed highway works required under planning application 16/00822/OUT. Accordingly, if members are minded to permit this current application, permission would need to be delegated to the Development Manager to allow this outstanding issue to be resolved..

5.19 Subject to the above, the proposal is considered to be acceptable in terms of guidance within the NPPF and Local Plan Policy TPT1.

### **Flood Risk and Drainage**

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

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

5.22 The site lies wholly within Flood Zone 1 where there is a low risk of flooding from all sources. The site is less than 1 hectare in area and therefore no Flood Risk Assessment is required.

5.23 The application is accompanied by a Drainage Strategy Report which outlines a proposed Sustainable Drainage Strategy (SuDS) for the site that utilises soakaways and permeable paving providing on-site attenuation and treatment prior to discharge via infiltration into the underlying geology. The proposed SuDS would be designed to cater for the 1 in 100 year plus 40% allowance for climate change event in accordance with the requirements of the Lead Local Flood Authority.

5.24 The report identifies that there are no foul sewers available to serve the site and therefore proposes a packaged sewage treatment system. This sewage system would also be designed to accommodate the foul waste from Rosedale House in order to enable the removal of the existing septic tank for this property that lies underneath the north-eastern corner of the site. This is a benefit of the proposal.

5.25 Severn Trent have no objections subject to a planning condition requiring drainage details prior to development commencing and therefore it is considered that the proposal therefore complies with the guidance contained within the NPPF, and Policies EVT5 and EVT9 of the Development Plan.

### **Ecology and Nature Conservation**

5.26 The NPPF sets out, inter alia, that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by encouraging opportunities to incorporate biodiversity in and around developments. Furthermore, planning permission should be refused for development resulting in the loss of deterioration of irreplaceable habitats. Local Plan Policy NCN5 seeks to protect and enhance biodiversity in considering development proposals.

5.27 The Preliminary Ecological Appraisal concludes the site is of low ecological value with limited opportunities to support protected species such as breeding birds and bats. The site contains some mature fruit trees, but is not designated as a Traditional Orchard Priority Habitat, and its loss would not cause any significant impacts. No further ecology surveys are required, but recommendations have been made to enhance the site's ecological value. Suggestions include integrated bird, bat and insect boxes, as well as wildlife beneficial planting and can be required by condition.

5.28 The Tree Report/Tree Reference Plan and an Arboricultural Impact Report/Impact Assessment Plan demonstrate that adequate protection can be provided to ensure all retained trees are protected throughout development in the form of barriers and/or ground protection.

5.29 In light of the above, and subject to the imposition of conditions, there is no evidence to suggest that there are any overriding ecological constraints to the development of the site for residential purposes

### **Affordable Housing**

5.30 Saved Policy HOU13 states that the Council will seek affordable housing contributions on sites of 5 dwellings or more where the population of the settlement is less than 3,000. Policy SD13 of the MMJCS states that that on sites of 10 dwellings or less, no contribution towards affordable housing will be sought. The Government's Planning Practice Guidance states that affordable contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm. This is an outline application and the applicant has confirmed that the development would fall below 1,000sqm when reserved matters are submitted. The maximum amount of floorspace can be controlled by condition.

### **Contamination**

5.31 The occupier of the adjoining house 'Rosedale' has written to inform the Authority that part of the site was historically used as a Blacksmiths Forge. A precautionary condition has therefore been recommended by the Council's Environmental Health Officer requiring soil investigation prior to commencement of development.

## **6.0 Overall Balancing Exercise and Conclusion**

6.1 As set out above the starting point for determination of this application is the conflict with Policy HOU4, to which substantial weight should be applied. Whilst the Council is able to demonstrate a 5 year supply of deliverable housing sites, it should be recognised that this is a rolling calculation and the Council must ensure that sufficient sites are granted planning permission to meet the ongoing need for housing in the Borough.

6.2 Minsterworth is identified as a Service Village in the JCS and therefore as a suitable location for some limited residential development, proportionate to their size and function, also reflecting their proximity to, in this case, Gloucester.

### **Benefits**

6.3 The benefit of the proposal arises from the delivery of market housing, although it is accepted that those benefits are limited by virtue of the small scale of the development proposed. Nevertheless the proposal would contribute to enhancing and maintaining rural communities by providing houses within a Service Village which is proportionate to the size and function of the settlement. In terms of economic benefits it is now widely accepted that new housing developments bring benefits during the construction phase through additional spending power in the local economy as a result of the increased population. The removal of the existing septic tank is also a minor benefit

#### *Harms*

6.4 The proposal would result in some landscape harm as a result of the loss of the field and its replacement with 5 dwellings and associated infrastructure/paraphernalia.

#### *Neutral*

6.5 There would be no undue impact in terms of residential amenity, heritage assets, biodiversity or the local highway network subject to the approval of technical details.

#### **Conclusion**

6.6 The consideration of material planning issues on this application is finely balanced. However, on balance, it is considered that the benefits set out above, and the location of the site within an identified Service Village and in relative close proximity to facilities (School, Village Hall and Church) within the heart of the village, outweigh the conflict with the development plan in respect of policies HOU4 and other identified harms. The proposal is considered to represent sustainable development and the application is therefore recommended that permission is **DELEGATED subject to the resolution of the highway matters**.

#### **Up-date**

**The application was presented to Planning Committee on the 31st August 2017 when Members resolved that authority be DELEGATED to the Development Manager to PERMIT the application, subject to the resolution of the highway matters, for the reasons set out above at paragraph 5.18.**

**It has subsequently been brought to the attention of planning officers that a letter of objection was received prior to planning committee on the 31st August that was not reported either in the report or as a late representation to that committee. The letter is attached in full to this report.**

**Officers remain of the view that the proposal represents sustainable development as set out in the report and the recommendation therefore remains that permission is DELEGATED subject to the resolution of the highway matters.**

#### **RECOMMENDATION Delegated Permit**

##### **Conditions:**

- 1 For those matters not reserved for later approval, the development hereby permitted shall be carried out in accordance with the following approved plans:
  - o LP-01 Site Location Plan
  - o SL.01 Rev L - Site Layout
  - o 160531-13 D - Proposed Highway Arrangement
  - o 160531-TK11 B - Swept Path Analysis Refuse Vehicle

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

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

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

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

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

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

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

- 5 The reserved matters submitted pursuant to condition 2 above shall include details of existing and proposed ground levels and finished floor levels of the buildings relative to Ordnance Datum Newlyn. The development shall be carried out in accordance with the approved details.

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

- 6 Applications for the approval of the reserved matters shall be in accordance with the principles and parameters described in the approved Design and Access Statement dated January 2017.

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

- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) the first windows in the side (east facing) elevations shall, prior to the first occupation of the dwellings they serve, 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 windows shall be maintained in this state thereafter.

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

- 8 The details of landscaping required to be submitted to and approved by the Local Planning Authority in accordance with Condition 2 above 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 during the course of development.

Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.

- 9 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.

Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.

- 10 The details submitted for the approval of reserved matters shall include a plan indicating the positions, design, materials and type of boundary treatments to be erected. The boundary treatments shall be completed in accordance with the approved plan before the buildings are occupied.

Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.

- 11 The details submitted for the approval of reserved matters shall include details or samples of the external facing materials and hard surfacing proposed to be used. Development shall be carried out in accordance with the approved details

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

- 12 The site access shall be provided in general accordance with plans 160531-13 D and 160531-TK11 B before any other development is carried out on site.

Reason: To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with the National Planning Policy Framework paragraph 35 and the Local Plan.

- 13 No dwelling hereby permitted shall be occupied until a tactile drop kerb crossing to the footway north of the A48 with central island refuge and 2m footway as necessary to access the westbound bus stop east of the site on the A48 have been provided in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the opportunities for sustainable transport modes have been taken up in accordance with paragraph 32 of the National Planning Policy Framework and provide access to high quality public transport facilities in accordance with paragraph 35 of the National Planning Policy Framework paragraph 35 and the Local Plan.

- 14 The buildings hereby permitted shall not be occupied until the vehicular parking and turning facilities have been provided in accordance with the submitted plans, and those facilities shall be maintained available for those purposes thereafter.

Reason: To ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework paragraph 35 and the Local Plan.

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

Reason: To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with the National Planning Policy Framework paragraph 35 and the Local Plan.

- 16 No works shall commence on site (other than those required by this condition) on the development hereby permitted until the first 15m of the proposed access road, including the junction with the existing public road and associated visibility splays, has been completed to at least binder course level.

Reason: To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with the National Planning Policy Framework paragraph 35 and the Local Plan.

- 17 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. specify measures to control the emission of dust and dirt during construction

Reason: To protect the residential amenity of future residents.

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

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

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

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

- 20 Prior to the first occupation of any of the dwellings hereby permitted, an External Lighting Strategy shall be submitted to and approved in writing by the local planning authority, and development shall be carried out in accordance with the approved details. Thereafter no external lights shall be installed on the dwellings or anywhere else within the appeal site otherwise than in accordance with the approved External Lighting Strategy, unless the written approval of the local planning authority has first been obtained.

Reason: To avoid light pollution in the interest of preserving the rural character of the area.

- 21 No development approved by this permission shall be commenced until a detailed drainage strategy including a scheme of surface water treatment and foul water has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy shall be supported by evidence of ground conditions, soakaway tests and modelling of the scheme to demonstrate that it is the most appropriate strategy and is technically feasible and full details, including size, location and maintenance regimes of the proposed Package Treatment Plant to deal with the foul drainage. Where surface water requires disposal off site (i.e. not infiltrated) the applicant must provide evidence of consent to discharge/connect through third party land or to their network, system or watercourse. The drainage scheme shall be carried out in accordance with the approved detailed drainage strategy prior to occupation and subsequently maintained to the required standard.

Reason: To ensure the development is provided with a satisfactory means of drainage and thereby preventing the risk of flooding in accordance with policies EVT5 and EVT9 of the Tewkesbury Borough Local Plan to 2011 and the advice on flood risk in the NPPF. It is important that these details are agreed prior to the commencement of development.

- 22 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 required actions set out in the Preliminary Ecological Appraisal prepared by Countryside Consultants Ltd dated June 2016. It shall include a working method statement, habitat creation and replacement plans, a timetable for implementation and details of how the areas concerned will be maintained and managed. Development shall be carried out in accordance with the approved details and timetable in the EMP.

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

- 23 No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the Local Planning Authority. The results of the site investigation shall be made available to the Local Planning Authority before any development begins. If any significant contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The site shall be remedied in accordance with the approved measures before the development commences.

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.

- 24 The combined gross floorspace of the development shall be no more than 1,000 square metres gross internal area.

Reason: To allow consideration of whether an affordable housing contribution is required in accordance with Planning Practice Guidance.

- 25 A scheme to protect the proposed development from traffic noise from the A48 shall be implemented before any dwelling hereby permitted is occupied in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure that the indoor ambient noise levels in living rooms and bedrooms and external amenity areas meet the standards in BS 8233:2014 for the appropriate time period.

Reason: To protect the residential amenity of future residents.

Notes:

**1 Statement of Positive and Proactive Engagement**

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

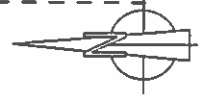
- 2 The pedestrian crossing provided to access the westbound bus stop shall be in accordance details assessed as suitable in accordance with guidance including LTN 1/95 and approved by the County Council.
- 3 The proposed development will involve works to be carried out on the public highway and the Applicant/Developer is required to enter into a legally binding Highway Works Agreement (including an appropriate bond) with the County Council before commencing those works.
- 4 The proposed development will require the provision of a footway/verge crossing and the Applicant/Developer is required to obtain the permission of the County Council before commencing any works on the highway.
- 5 The applicant is advised that to discharge the condition for future management and maintenance of the proposed streets 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.
- 6 The developer will be expected to meet the full costs of supplying and installing the fire hydrants and associated infrastructure.

17/0004/OUT

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REV	DESCRIPTION	DATE	AUTH	CHKD



scale 1:1250



**PLANNING**

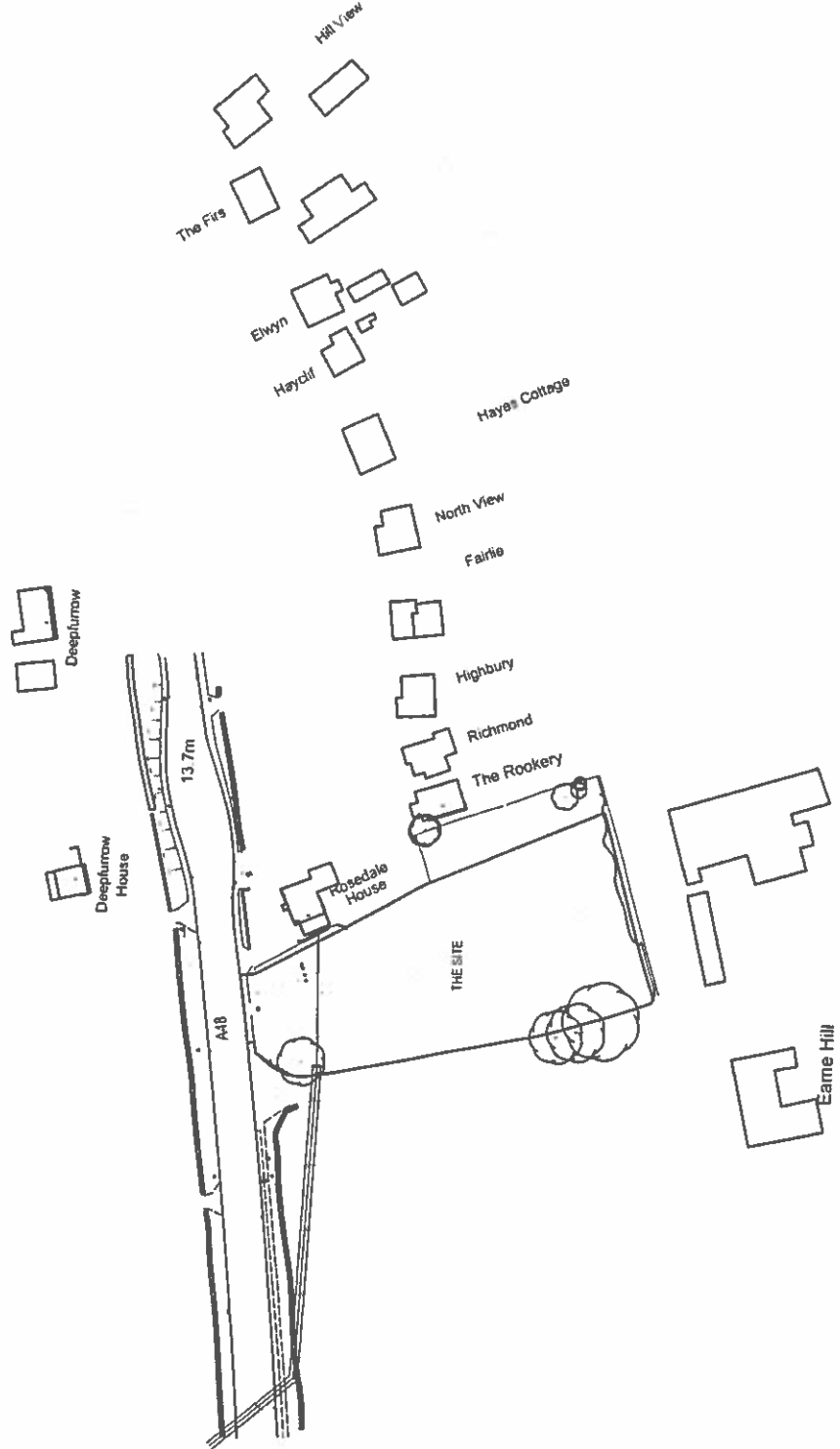


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**PROJECT**  
Land Adjacent to Rosedale House  
Minsterworth Gloucester GL2 8JH  
for Oxygen Real Estate Group

**DRAWING**  
Location Plan

SCALE	DATE	AUTHOR	CHKD
1:1250 @ A3	Dec 2016	brd	brd
DRAWING NO.	REV	NO. NO.	CLIENT REF.
OXYG160506	LP-01		Site Boundary Area 0.28ha



A3

436/A

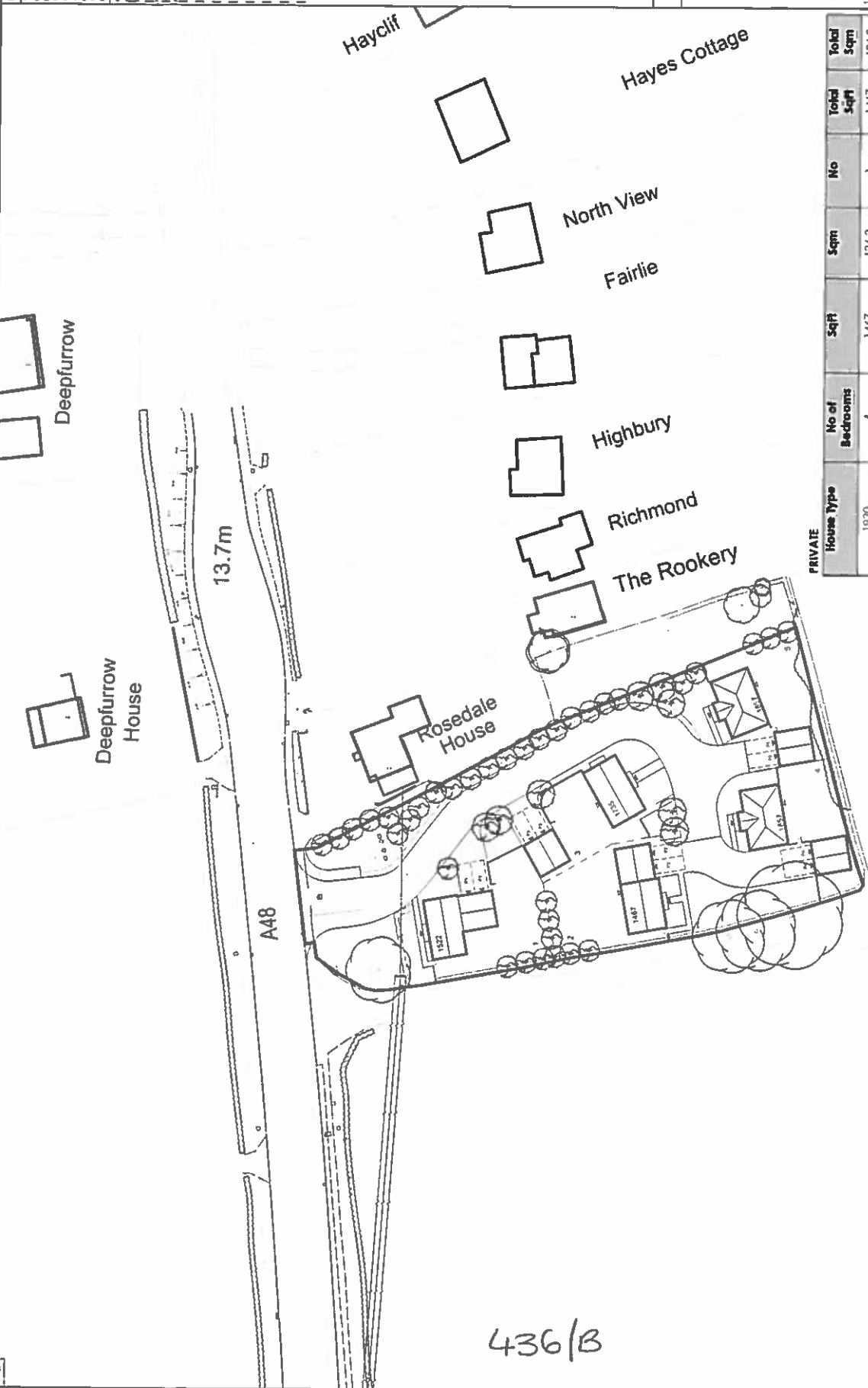


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Any work shown on this drawing is to be completed in accordance with the conditions of sale.

REV	DESCRIPTION	DATE	AUTH	DATE
1	Issue for Client Approval	14/11/2016	SL	
2	Issue for Planning	14/11/2016	SL	
3	Issue for Building Control	14/11/2016	SL	
4	Issue for Construction	14/11/2016	SL	



scale 1:500

**PLANNING**



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t: 01753 367291 e: info@thrivearchitects.co.uk

**PROJECT**  
Land Adjacent to Rosedale House  
Hinstenworth Gloucester GL2 8JH  
for Oxygen Real Estate Group

DATE: 14/11/2016  
DRAWN BY: SL/01  
CHECKED BY: L

**PRIVATE**

House Type	No of Bedrooms	Sqft	SqM	No	Total Sqft	Total SqM
1930	4	1467	136.3	1	1467	136.3
1985	4	1522	141.4	1	1522	141.4
2198	4	1735	161.2	1	1735	161.2
2320	5	1857	172.5	2	3714	345.0
<b>TOTALS</b>				<b>5</b>	<b>8438</b>	<b>783.9</b>

**SITE TOTALS**

Garage Areas (sqft & sqm)	2314	215.0
Housing plot areas (sqft & sqm)	8438	783.9
Housing & Garage Areas (sqft & sqm)	10752	998.9
Net developable area houses (acres & ha)	0.884	0.358
Coverage sqft/acre & m/ha	9545	2189.6
<b>SITE TOTALS</b>	<b>5</b>	<b>8438</b>
<b>Garage Areas (sqft &amp; sqm)</b>		<b>215.0</b>
<b>Housing plot areas (sqft &amp; sqm)</b>		<b>783.9</b>
<b>Housing &amp; Garage Areas (sqft &amp; sqm)</b>		<b>998.9</b>
<b>Net developable area houses (acres &amp; ha)</b>		<b>0.358</b>
<b>Coverage sqft/acre &amp; m/ha</b>		<b>2189.6</b>

Eame Hill

**From:**Gail Lewis  
**Sent:**18 Aug 2017 14:47:15 +0100  
**To:**John Hinett  
**Cc:**Development Applications  
**Subject:**17/00104/OUT - Outline planning permission for the erection of 5 dwellings with access and layout for approval. Land Adjacent To Rosedale House Main Road Minsterworth GL2 8JH

Dear Sir,

I would refer to the above mentioned application, and write on behalf of Mr Darren Twigg to OBJECT to the proposed development.

The outline application would represent a consolidation of an area of Minsterworth characterised by sporadic, significant properties on substantial plots abutting agricultural land and open space.

The outline application seeks approval for the layout at this stage, however the proposals do not appear to have considered the established building line to the east of the site, nor does the scheme reflect the grain of development in this part of the village. The quantum of development leads to a cramped layout, diminutive private amenity space and a poor relationship of the proposed dwellings with the existing, surrounding properties. Consideration should be given to removing the southern-most pair of dwellings to enable more generous units and curtilages to the remaining three dwellings within a revised layout scheme which responds to the existing form of development in this area of Minsterworth.

The Council's position in respect of the five-year housing land supply is noted, as is the status of Minsterworth within the emerging development plan; while para.49 of the NPPF is engaged, it is still appropriate to consider development of the village in a holistic manner through the local, and neighbourhood planning process. Notwithstanding the above comments in relation to the submitted scheme, the development of this site should be weighed against the other sites in and around the service village to achieve the most sustainable outcome for Minsterworth; as such, it is suggested that the application is premature to the spatial planning process.

Mr Twigg trusts that these comments will be taken into consideration in the determination of this application, and he would welcome the opportunity to make representations on any further revisions to the proposed development.

436/C

**Ben Pearce BSc. MA(T&CP)**

**Director**

01249 782 496 | 07730 530 235

[benpearce@ldpc.co](mailto:benpearce@ldpc.co) | [www.ldpc.co](http://www.ldpc.co)

Land Development & Planning Consultants Ltd

4A Pickwick Park, Park Lane, Corsham, Wiltshire. SN13 0HN

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\*\*\*\*\*

436/0

Valid 29.06.2017

Residential development consisting of 1x detached dwelling, associated parking and access from Tewkesbury Road.

Grid Ref 385485 223525

Parish Norton

Ward Coombe Hill

Mr Rhid Goddard  
c/o Agent**RECOMMENDATION Delegated Permit****Policies and Constraints****NPPF**

Planning Practice Guidance

Tewkesbury Borough Local Plan to 2011 - March 2006 - Policy TPT1, HOU4

Flood and Water Management SPD

Joint Core Strategy Proposed Main Modifications version

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**

**Norton Parish Council** - Raise concerns about the car parking arrangements and the potential danger of manoeuvring next to a very busy road. Additionally, the Parish Council remain concerned about the continuing ribbon development south of Norton and the increasing number of buildings and caravans with direct vehicular access onto the busy A38.

**County Highways Officer** - No objection to the proposal subject to conditions.

**Planning Officers Comments:** Fiona Martin

**1.0 Introduction**

1.1 The applications site relates to land adjacent to Barn Farm in Norton. The land currently forms part of the residential curtilage of Barn Farm. The site fronts Tewkesbury Road (the A38) and is in close proximity to Twigworth, Longford and Gloucester. There are no designations on the site which would impact development.

1.2 Norton does not have a housing development boundary; it is however defined as being a service village within the Joint Core Strategy Main Modifications Version (JCSMMV).

**2.0 Relevant Planning History**

2.1 There is no relevant planning history to this site however the nearby Barn Farm has benefited from a number of planning applications relating to commercial use. Planning permission (reference 13/00568/FUL) was granted for change of use of the land to accommodate 32 no. static caravans and a touring caravan site (13 no. pitches), including the construction of a shower/WC block on land to the rear of Barn Farm. This permission has been implemented.

**3.0 Current application**

3.1 This is a full planning application for the erection of a single dwelling. The proposed dwelling would have four bedrooms and an attached single garage. The proposed dwelling would have a gable roof to match the existing farmhouse and would also match the existing height with a total height of circa 7.8metres. All materials would match those used on the existing farmhouse with red facing brick for the elevations, grey slate tiles for the roof and white upvc for the windows. The proposed dwelling would be accessed from Tewkesbury Road.

**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). Paragraph 216 of the NPPF sets out that 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 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.

4.2 The application site lies outside of a recognised settlement boundary as defined by the Tewkesbury Borough Local Plan to 2011 - March 2006. Consequently, the application is subject to policy HOU4 which states that new residential development will only be permitted where such dwellings are essential to the efficient operation of agriculture or forestry or the provision of affordable housing. The Council is able to demonstrate a five-year supply of deliverable housing sites and saved policy HOU4 is considered up-to-date.

4.3 The emerging development plan will comprise the Joint Core Strategy (JCS), Tewkesbury Borough Plan and any adopted neighbourhood plans. These are all currently at varying stages of development. The Main Modifications Version of the Joint Core Strategy (MMVJCS) 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 sets out the overall level of development and approach to its distribution.

4.4 Within the rural areas of Tewkesbury Borough, approximately 2740 dwellings are proposed to be delivered within the plan period to 2031. Almost all of this rural development has already been delivered or committed as of April 2017. The remainder of this requirement will be allocated through the Tewkesbury Borough Plan and neighbourhood plans. In this case, Norton is identified as a service village in the Submission Version of the MMVJCS where lower levels of development will be provided proportional to their size and function, and reflecting their proximity and accessibility to Cheltenham and Gloucester and taking into account their environmental, economic and social impacts.

4.5 Section 7 of the NPPF makes it clear that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

4.6 Section 11 of the NPPF seeks to protect and enhance valued landscapes and the requirement to protect landscape character is echoed within Policy SD7 of the MMVJCS.

## 5.0 Analysis

### *Principle of development*

5.1 Norton does not have a defined development boundary and as such, residential development should be considered in the context of Policy HOU4. On 31st January the Council approved for consultation the latest draft of the Joint Core Strategy (JCS). In doing so the Council approved the Objectively Assessed Need (OAN) for Tewkesbury which stands at 9,899. It is considered that this figure is robust having been arrived at following detailed consideration through the Examination in Public process. Following from the OAN there is an annual requirement to meet Tewkesbury's needs of 495 dwellings. Using this robust figure, taking into account current supply, the Council can demonstrate a 5.3 year supply with a 20% buffer applied.

5.2 In these circumstances, aside from approving development proposals that accord with the development plan without delay (unless material considerations indicate otherwise); the presumption in favour of sustainable development set out at paragraph 14 of the NPPF does not apply.

5.3 Section 38(6) of the Town and Country Planning Act 1990 provides that the determination must be made in accordance with the development plan unless other material circumstances indicate otherwise. In this case, as reiterated by paragraph 12 of the NPPF, the presumption is against the grant of permission given the conflict with policy HOU4 and as such permission should be refused unless material planning circumstances indicate otherwise.

5.4 The NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development and to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

5.5 The Framework also recognises the need to support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development (paragraph 28) and also that opportunities to maximise sustainable transport solutions will vary from urban to rural areas and that there is a need to balance this against other objectives set out in the Framework - particularly in rural areas. Although it is accepted that the new residents would to a large extent be reliant on the car, this would be in common with all the Service Villages. In this regard the Applicant's Planning Statement states: *In terms of the sustainability of the location, the Site has access to a good level of facilities within reach by means of transport other than the private car. Planning officers have also noted the frequent bus service which serves the site. Within walking distance is a primary school, post office, general store, employment opportunities, a church and a pub...*

5.6 As set out above Norton is identified as a Service Village in the JCS. It is therefore recognised as a location where some new development will be appropriate and delivered during the plan period. This has also been recognised in recent development management decisions for new small scale housing development in the village, including planning permission granted for the erection of nine houses on land to the south of the site at Norton Fruit Farm (permission reference: 17/00235/FUL). This is a factor which must be considered in the overall planning balance along with the economic and social benefits (albeit limited by the scale of the development) arising from the proposals.

5.7 It is recognised that there would be a clear conflict with policy HOU4 of the Local Plan to which substantial weight should be applied. However, Norton is identified in the JCS as a suitable location for some limited residential development, and this fact alongside other material considerations are to be taken into account in the decision making process and the overall balancing exercise.

#### *Impact on the character of the area*

5.8 The site is located to the south of Barn Farm within the residential curtilage of the property. The proposed dwelling would be of a similar size, scale and appearance to Barn Farm, with matching appearance and a similar ridge line. Whilst the proposed dwelling would result in some harm to the character and appearance of the area given the scale and form of the building proposed, this must be read in the context of existing development including the existing dwelling, the neighbouring business park and neighbouring holiday caravan site. Additionally, as set out above planning permission for 9 dwellings has been granted to the south of the site and in this context it is not considered that the dwelling would have an undue impact on the character and appearance of the local landscape.

5.9 The proposed design of the dwelling would be in keeping with Barn Farm in respect of the general scale and form with red brick elevations and a gable roof matching the existing dwelling, there would be a rear gable projection which is not in keeping with the neighbouring property however as it would not be visible from the street scene it is not considered to have a detrimental impact on the character of the area. Officers do have some minor concerns regarding the elevational treatment of the front of the proposed dwelling which it is considered should be simpler to better reflect the neighbouring property. The Applicant's agent has been advised of these concerns and **an update will be provided at Committee.**

5.10 Overall, for the reasons outlined above it is considered that the proposed dwelling would not have an unduly harmful impact on the character of the area.

#### *Impact on residential amenity*

5.11 The proposed dwelling is considered to have sufficient private amenity space and internal accommodation. The boundary treatments at the site are also considered acceptable minimising any potential overlooking. Additionally, the proposed dwelling is situated a sufficient distance from Barn Farm reducing any potential overbearing or overlooking between the properties, it is also noted there is one proposed side elevation window which has been marked as obscurely glazed on the plans.

5.12 Overall, it is not considered the proposal would result in any significant adverse impacts on the residential amenity of existing occupiers from this proposal.

#### *Highway safety*

5.13 The Parish Council have raised concerns about the introduction of a new access serving the proposed dwelling on what is a very busy road. The proposed dwelling would be accessed from the A38 Tewkesbury Road which has a speed limit of 50mph at this point. The County Highways Officer recommends no objection subject to conditions relating to visibility, parking, a construction method statement and gates. Nevertheless it is noted that there is very limited space to the front of the proposed dwelling which would have four bedrooms. Given the nature of the road and the limited space available, officers have reconsulted the County Highways Officer in this respect and **an update will be provided at Committee.**

## 6.0 Conclusion

6.1 Given its location outside an identified housing development boundary, this application conflicts with Policy HOU4, to which substantial weight should be applied. Whilst the Council is able to demonstrate a 5 year supply of deliverable housing sites, it is also of course a rolling calculation and the Council must ensure that sufficient sites are granted planning permission to meet the ongoing need for housing in the Borough.

6.2 The proposed dwelling would be sited amongst the existing residential area of Norton. There are social and economic benefits to the proposal (albeit very limited) in that the proposal would contribute to the supply of housing at an identified service village which would in turn create benefits for the local economy, both through construction and following occupation. These matters weigh in favour of the proposal.

6.3 As set out above, the starting point for determination of this application is the conflict with Policy HOU4. Nevertheless, as set out in the officer report, given the benefits of the proposed development and lack of significant harm the proposal is considered to represent sustainable development. In view of this, it is recommended that permission is **DELEGATED to the Development Manager subject to no objection being received from the County Highways Officer and resolution of the design matters outline in paragraph 9 of this report.**

## RECOMMENDATION Delegated Permit

### Conditions:

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 The development hereby permitted shall be carried out in accordance with the following approved documents:  
  
(to be confirmed)
- 3 No development shall commence until details of existing and proposed levels, to include details of finished floor levels, have been submitted to and approved in writing by the Local Planning Authority. All development shall be carried out in accordance with the approved details.
- 4 Building operations shall not be commenced until samples of the tiles and brick 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.
- 5 The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 2.4m back along the centre of the access measured from the public road carriageway edge (the X point) to a point on the nearer carriageway edge of the public road 160m distant in both directions (the Y points). The area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between 1.05m and 2.0m at the X point and between 0.26m and 2.0m at the Y point above the adjacent carriageway level.
- 6 The building(s) hereby permitted shall not be occupied until the vehicular parking [and turning] [and loading/unloading] facilities have been provided in accordance with the submitted plan 1645-05 , and those facilities shall be maintained available for those purposes thereafter.
- 7 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. specify measures to control the emission of dust and dirt during construction

8 Prior to the occupation of the development hereby permitted, the vehicular access shall be laid out and constructed in accordance with the submitted plan 1645-05 with any gates situated at least 5.0m back from the carriageway edge of the public road and hung so as not to open outwards towards the public highway and with the area of driveway within at least 5.0m of the carriageway edge of the public road surfaced in bound material, and the access shall be maintained as such thereafter.

Reasons:

- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
- 2 For the avoidance of doubt and in the interest of proper planning.
- 3 To ensure that the development integrates harmoniously with its surroundings and does not adversely impact upon existing residential properties.
- 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 reduce potential highway impact by ensuring that adequate visibility is provided and maintained and to ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework.
- 6 To ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework.
- 7 To reduce the potential impact on the public highway and accommodate the efficient delivery of goods and supplies in accordance paragraph 35 of the National Planning Policy Framework.
- 8 To reduce potential highway impact by ensuring that a safe and secure access is laid out and constructed that minimises the conflict between traffic and cyclists and pedestrians in accordance with paragraph 35 of the National Planning Policy Framework.

Notes:

**1 Statement of Positive and Proactive Engagement**

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

2 The proposed development will require the provision of a footway/verge crossing and the Applicant/Developer is required to obtain the permission of the County Council before commencing any works on the highway.



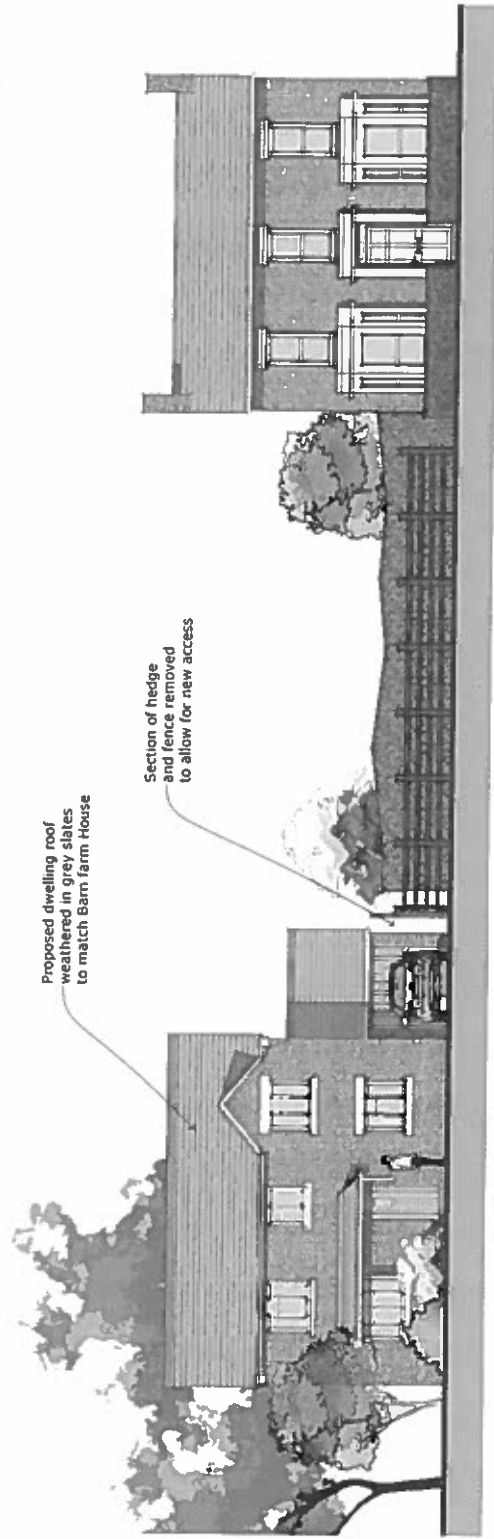




Existing trees and hedgerow trimmed back and retained

Proposed dwelling roof weathered in grey slates to match Barn farm House

Section of hedge and fence removed to allow for new access



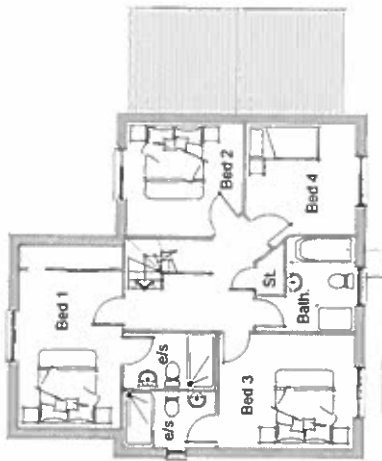
Proposed dwelling (Front elevation)

Barn Farm House

Proposed Street Scene from the A38 - 1:100@A2

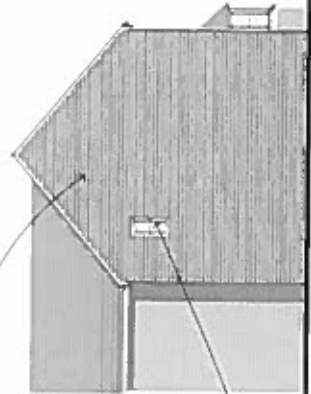


Proposed Ground Floor - 1:100



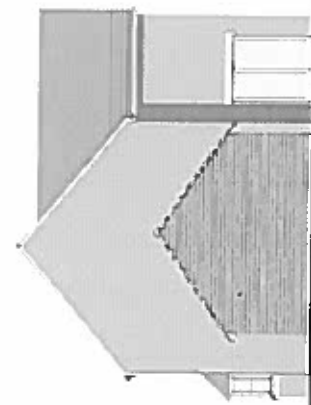
Proposed First Floor - 1:100

Red facing brick throughout to approval



Proposed Side Elevation - 1:100

Obscure window to en suite



Proposed Side Elevation - 1:100

Reconstituted stone cills and lintols where denoted

White Upvc windows throughout

Grey roof slates to approval

Red facing brick to approval



Proposed Rear Elevation - 1:100

441C

**A.C. LARKE DESIGN**  
 Planning, Design, Survey, Photogrammetry, Topography, Landscaping, Arboriculture, Tree Management, Environmental Impact Assessment, Archaeology, Heritage, Planning, and Construction Services.  
 Proposed new dwelling  
 Barn Farm Building Park  
 The Levenham Estate, Norwich  
 NR9 3AD  
 16.15-03  
 E1 ARVWV13

17/00889/OUT

Land at Appithorne, Main Road, Minsterworth

14

Valid 10.08.2017

Outline application for the erection of up to 5 dwellings and new vehicular access

Grid Ref 379283 218226

Parish Minsterworth

Ward Highnam With Haw

Bridge

Mr & Mrs R Blowey

c/o Agent

## **RECOMMENDATION Delegated Permit**

### **Policies and Constraints**

NPPF

Planning Practice Guidance

Tewkesbury Borough Local Plan to 2011 - March 2006 - Policies HOU4, HOU14, LND4, TPT1

Flood and Water Management SPD

Joint Core Strategy Main Modifications

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**

**Minsterworth Parish Council** - Support, subject to County Highways being satisfied with the visibility splays.

**County Highway Authority** - Comments awaited.

**Environmental Health** - No objection, subject to conditions.

**Flood Risk Management** - No comments received.

**Urban Design** - Raises concerns about the location of the site away from the village centre.

**Waste and Minerals** - A Waste Minimisation Statement is required (*Officer note: This is a requirement for major applications and not applications of this nature.*)

**Wales and West Utilities** - The applicant should contact Wales and West directly to discuss their requirements prior to the commencement of development.

**Representations** - None received.

**Planning Officers Comments:** Suzanne D'Arcy

### **1.0 Introduction**

1.1 The application site is a broadly rectangular parcel of land, sited to the west of the A48.

1.2 The site is adjacent to the recently approved application at Hector Farm (ref: 16/00670/OUT).

### **2.0 Relevant Planning History**

2.1 Outline planning permission was granted in March 2017 for up to 9 dwellings on Land at Hector Farm (ref: 16/00670/OUT), which is immediately to the south of the site.

2.2 In July 2017, the Planning Committee resolved to grant outline planning permission for up to 10 dwellings on Moorcroft House Farm (ref: 17/00111/OUT), subject to a contamination survey being undertaken. At the time of writing, this application has not been determined.

### **3.0 Current application**

3.1 This is an outline application for the erection of up to 5 dwelling with access to be considered at this stage. All other matters are reserved.

#### **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). Paragraph 216 of the NPPF sets out that 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 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.

4.2 The application site lies outside of a recognised settlement boundary as defined by the Tewkesbury Borough Local Plan to 2011 - March 2006. Consequently, the application is subject to policy HOU4 which states that new residential development will only be permitted where such dwellings are essential to the efficient operation of agriculture or forestry or the provision of affordable housing. The Council is able to demonstrate a five-year supply of deliverable housing sites and saved policy HOU4 is considered up-to-date.

4.3 The emerging development plan will comprise the Joint Core Strategy (JCS), Tewkesbury Borough Plan and any adopted neighbourhood plans. These are all currently at varying stages of development. The Main Modifications Version of the Joint Core Strategy (MMVJCS) 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 sets out the overall level of development and approach to its distribution.

4.4 Within the rural areas of Tewkesbury Borough, approximately 2740 dwellings are proposed to be delivered within the plan period to 2031. Almost all of this rural development has already been delivered or committed as of April 2017. The remainder of this requirement will be allocated through the Tewkesbury Borough Plan and neighbourhood plans. In this case, Minsterworth is identified as a service village in the Submission Version of the MMVJCS where lower levels of development will be provided proportional to their size and function, and reflecting their proximity and accessibility to Cheltenham and Gloucester and taking into account their environmental, economic and social impacts.

4.5 Section 7 of the NPPF makes it clear that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

4.6 Section 11 of the NPPF seeks to protect and enhance valued landscapes and the requirement to protect landscape character is echoed within Policy SD7 of the MMVJCS.

#### **5.0 Analysis**

5.1 The main issues to be considered are principle of development, impact on the character of the area, highway safety and impact on residential amenity.

##### Principle of development

5.2 Minsterworth does not have a defined development boundary and as such, residential development should be considered in the context of Policy HOU4. On 31st January the Council approved for consultation the latest draft of the Joint Core Strategy (JCS). In doing so the Council approved the Objectively Assessed Need (OAN) for Tewkesbury which stands at 9,899. It is considered that this figure is robust having been arrived at following detailed consideration through the Examination in Public process. Following from the OAN there is an annual requirement to meet Tewkesbury's needs of 495 dwellings. Using this robust figure, taking into account current supply, the Council can demonstrate a 5.3 year supply with a 20% buffer applied.

5.3 In these circumstances, aside from approving development proposals that accord with the development plan without delay (unless material considerations indicate otherwise); the presumption in favour of sustainable development set out at paragraph 14 of the NPPF does not apply.

5.4 Section 38(6) of the Town and Country Planning Act 1990 provides that the determination must be made in accordance with the development plan unless other material circumstances indicate otherwise. In this case, as reiterated by paragraph 12 of the NPPF, the presumption is against the grant of permission given the conflict with policy HOU4 and as such permission should be refused unless material planning circumstances indicate otherwise.

5.5 As set out above Minsterworth is identified as a Service Village in the JCS. It is therefore recognised as a location where some new development will be appropriate and delivered during the plan period. This has also been recognised in recent development management decisions for new small scale housing development in the village, including those referred to in section 2 above. This is a factor which must be considered in the overall planning balance along with the economic and social benefits (albeit limited by the scale of the development) arising from the proposals.

#### *Impact on the character and appearance of the area*

5.6 The settlement of Minsterworth has a dispersed and linear form, which runs along the A48. As set out above, Minsterworth has been the subject of several recent permissions for small scale residential development.

5.7 The Urban Design Officer has raised concerns to the proposed development, as she considers that the proposed development would result in additional strung out, ribbon development, which fails to contribute to a sense of place.

5.8 It is acknowledged that the proposed development is sited away from the heart of the village which is to the west, close to the village hall and school. However, the Council has recently granted planning permission for the site immediately to the south (Hector Farm) and has resolved to grant permission to the site across the road (Moorcroft House Farm). In view of this, the proposed development would sit within surrounding residential development and would not appear isolated. The proposals would result in a clear intrusion into the landscape, developing a hitherto undeveloped field. However, due to the topography of the land and the surrounding development, it is considered that the proposed development could be developed in an environmentally acceptable way, without undue harm to the character and appearance of the area.

5.9 Nevertheless, the proposal would result in landscape harm and this is a matter which weighs against the proposal.

5.10 Scale, layout and appearance have not been applied for at this stage and the detail of the design will be considered at the reserved matters phase. It is considered that the site can accommodate 5 dwellings and this will not result in a cramped layout. The predominant scale of the adjacent dwellings is two storey and as such, a condition is proposed to restrict the height of proposed dwellings. A condition is also proposed requiring submission of materials to ensure that the appearance is acceptable.

#### Highway safety

5.11 Access is to be considered at this stage. The application proposes a single direct access from the A48, which has a 50mph speed limit at this point. The County Highways Authority has been consulted on the proposed development and their comments are awaited and an **update will be provided at Committee**.

#### **6.0 Conclusion**

6.1 Given its location outside an identified housing development boundary, this application is in conflict with Policy HOU4, to which substantial weight should be applied. Whilst the Council is able to demonstrate a 5 year supply of deliverable housing sites, it is also of course a rolling calculation and the Council must ensure that sufficient sites are granted planning permission to meet the ongoing need for housing in the Borough.

6.2 Minsterworth is identified as a Service Village in the JCS and therefore as a suitable location for some limited residential development, proportionate to their size and function, also reflecting their proximity to, in this case, Gloucester. There are social and economic benefits to the proposal in that the proposal would contribute to the supply of housing which would in turn create benefits for the local economy, both through construction and following occupation. There is good level of accessibility to primary services within walking distance of the site. These matters weigh in favour of the proposal.

6.3 The proposal would result in landscape harm through the development of a previous undeveloped site which is a matter which weighs against the proposal.

6.4 As set out above, the starting point for determination of this application is the conflict with Policy HOU4. Nevertheless, as set out in the officer report, given the benefits of the proposed development (albeit limit by the small scale of the proposals) and the location of the site at a designated Service Village in the JCS, material planning considerations exist in this case which, on balance, justify permission. In view of this, it is recommended that permission is **DELEGATED to the Development Manager subject to no objection being received from the County Highways Authority.**

#### **RECOMMENDATION Delegated Permit**

Conditions:

- 1 The development hereby approved shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the latest.

Reason: As required by Section 92 of the Town and Country Planning Act (as amended), and to avoid the accumulation of unimplemented planning permissions.

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

Reason: As required by Section 92 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permissions.

- 3 Approval of the details of the appearance, landscaping, layout and scale, of the site (hereinafter called the reserved matters) shall be obtained from the Local Planning Authority before any development is commenced.

Reason: This is an outline planning permission and these matters have been reserved for the subsequent approval of the Local Planning Authority under the provisions of Section 92 of the Town and Country Planning Act (as amended) and Parts 1 and 3 of the Development Management Procedure Order 2015.

- 4 The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below.

Drawing numbers 8426 PL06, received by the Council on 29th September 2017.

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

- 5 All planting, seeding or turfing in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building(s) or completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policy LND4 of the Tewkesbury Borough Local Plan and SD7 of the Main Modifications Joint Core Strategy.

- 6 Details of proposed levels, including finished floor levels, shall be submitted as part of the Reserved Matters application(s). All development shall be carried out in accordance with the approved details.

To ensure that the development integrates harmoniously with the surrounding development and safeguard the amenity of adjoining occupiers in accordance with the advice contained within the NPPF.

- 7 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. specify measures to control the emission of dust and dirt during construction

Reason: To reduce the potential impact on the highway and accommodate the efficient delivery of goods and supplies in accordance with paragraph 35 of the NPPF.

- 8 No construction of the external walls of the development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the approved details.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with the NPPF.

- 9 The dwellings hereby approved shall be no more than two storeys in height.

Reason: In the interests of the appearance of the development in accordance with the NPPF

- 10 The development hereby approved shall not exceed a gross combined maximum floor space of 1000 square metres.

Reason: Development larger than 1000 square metres would exceed the threshold for contributions to be sought in relation to affordable housing.

- 11 The proposed development shall be carried out in strict accordance with the Recommended Noise Mitigation Options detailed in the Noise Mitigation Measures Statement by McLoughlin Planning, received by the Council on 9th August 2017.

Reason: To safeguard the amenity of future occupiers of the development in accordance with the advice within the NPPF.

- 12 Notwithstanding the submitted details, no development shall commence until an investigation and risk assessment has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site, which has first been submitted to and approved in writing of the Local Planning Authority. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be submitted to and approved by the Local Planning Authority before work commences. The report of the findings shall include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and recommendations of the preferred option(s).

The proposed development shall be carried out only in accordance with the recommendations set out in the report of the findings of the investigation and risk assessment so approved.



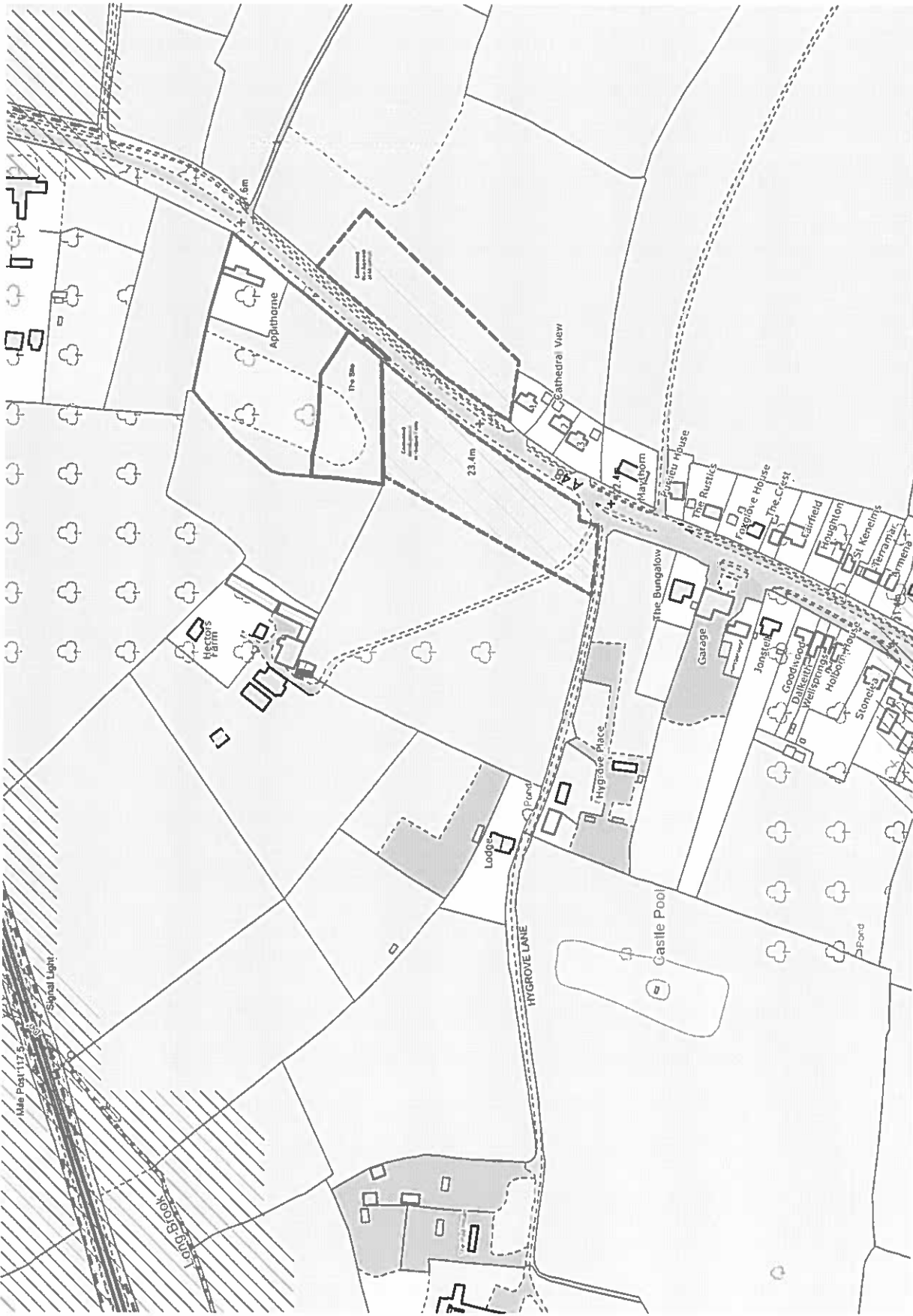
**Reason:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

**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.

17/00889/AUT



447/A

McLoughlin Planning Ltd. Land adjacent to Hectors Farm, Minsterworth

Site Location Plan

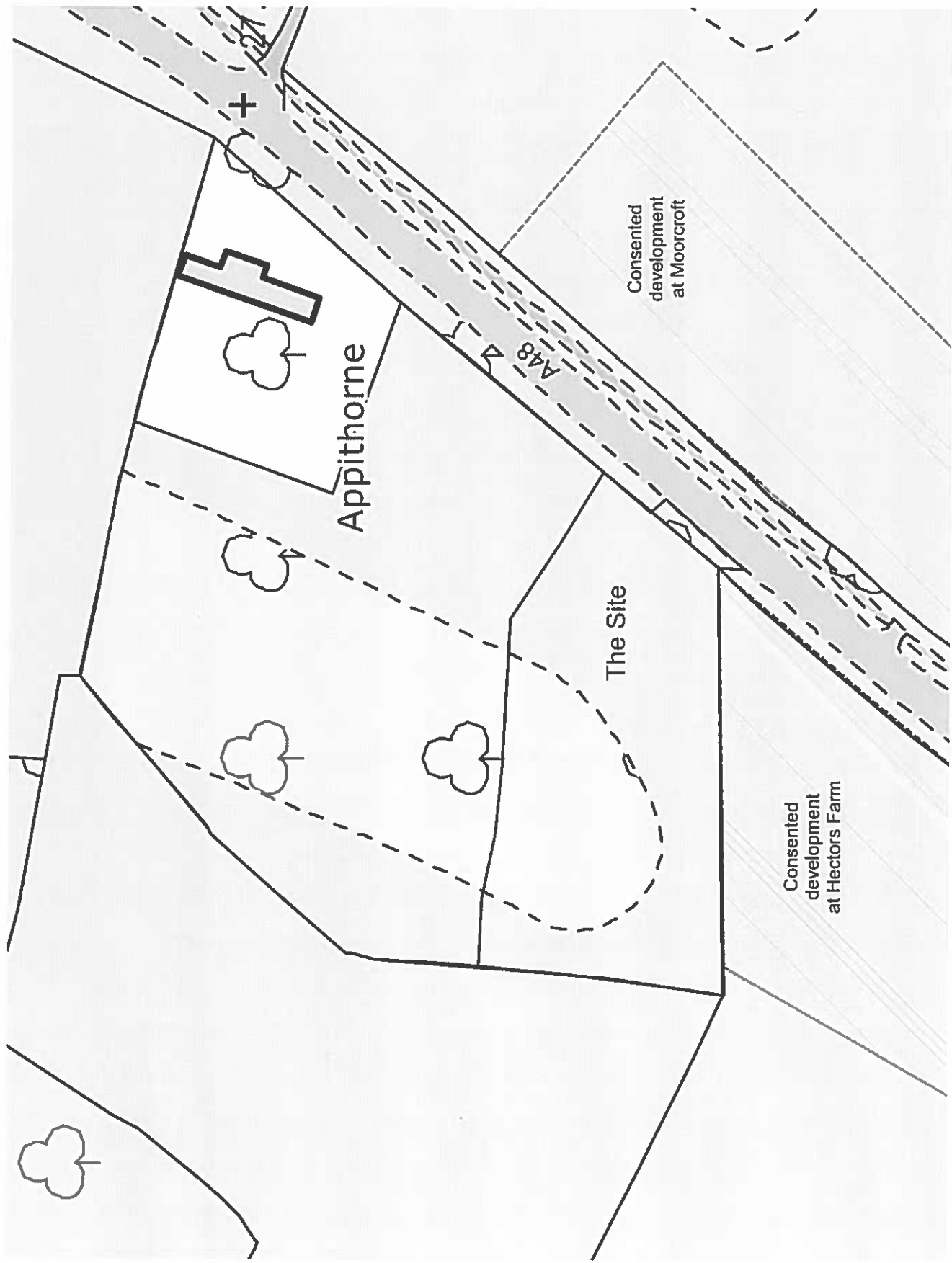
Date: 29.08.2017 Scale: 1:2500 @ A3 Dwg No: 8425 PLO1B

The Estates Office, 25-26 Gold Tops, Newport, NP20 4PG I 03333 405 500 E mail@robertslimbrick.com

When printed correctly, at A3 size line will measure 75mm at 1/8" size  
CHECK PRINTED SIZE

When printed correctly, at A3 size line will measure 75mm at 1/8" size

Without prejudice consent only. At A2. Any lines will require further detail at full scale.  
• CHECK PRINTED SIZE



447/B

McLoughlin Planning Ltd

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Land adjacent to Hectors Farm, Minsterworth  
Existing Site Plan

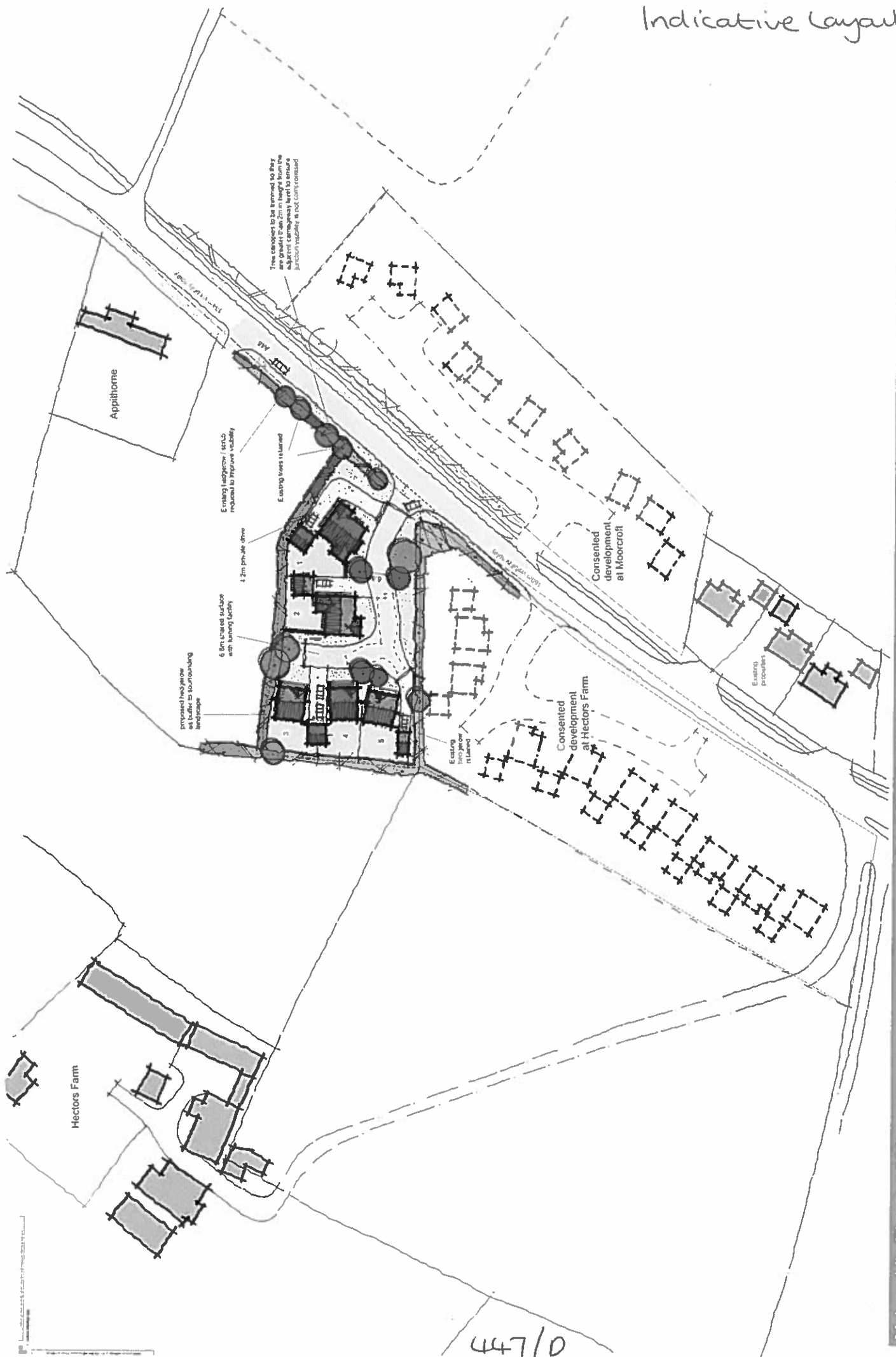
Date: 29-08-2017 Scale: 1:500 @ A2 Dwg No: 9136 PL029  
Subject to current planning. See map 44.

Roberts Limbrick  
ARCHITECTS



4471C

Indicative layout



Land adjacent to Hectors Farm, Minsterworth

Proposed Site Plan

McLoughlin Planning Ltd. The Estates Office, 25-26 Gold Tops, Newport, NP20 4PG T 03333 405 500 E mal@robertslimbrick.com

Date: 29-08-2017 Scale: 1:500 @ A1 Dwg No: 8-25-PL038

447/0

Valid 16.05.2017

Erection of 28 dwellings, parking, landscaping and associated works (Reserved Matters details relating to Appearance and Landscaping pursuant to outline planning permission reference 15/00131/OUT). (Amended Plans Recieved)

Grid Ref 381169 221167

Parish Maisemore

Ward Highnam With Haw Bridge

Newland Homes Ltd

Brighthouse Court  
Barnett Way  
Barnwood  
Gloucester  
GL4 3RT

**DEFERRED AT LAST COMMITTEE (Item No 13, Page No 348)**

**RECOMMENDATION Approve**

**Policies and Constraints**

Policies and Constraints

NPPF

Planning Practice Guidance

Tewkesbury Borough Local Plan to 2011 - March 2006 - Policies GNL2, TPT1, EVT9, LND3, LND7, RCN1, NCN5

Main Modifications Version Joint Core Strategy (2017) (MMVJCS) - SD5, SD7

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

The First Protocol, Article 1 (Protection of Property)

**Consultations and Representations**

Maisemore Parish Council - Welcome many features but object on following grounds:

- Level of the proposed access road is higher than what was agreed at Outline stage.
- Wall with 'The Ridings' is Lower than what was agreed at Outline stage.
- Loss of amenity to residents of The Ridings.
- Planting adjacent to access road should be low maintenance and of native species.
- Should be adequate off street parking during construction and sales phase and site promotion should be limited to black and yellow new home signs.
- Existing issues with foul sewage.
- Option to take sewage through new pipe to pumping station.
- Scheme should use grey water harvesting.
- Proposed discharge to ditch needs clarity about capacity and route to rivers.
- Ducting should be installed to connect to new future fibre infrastructure.
- There should be no street lighting on the development.
- Conditions should set out which roads are to be adoptable.
- No details of how the 10 year maintenance of the POS will be achieved.
- Details required of what happens in the long term.
- Commitment from highway authority required with regards to a crossing over A417.

The Parish Council were notified of the receipt of amended plans. No further comments have been received.

**County Highways Authority - No objections**

**County Archaeologist - No objections**

**Borough Landscape Officer - No objections**

**Strategic Housing & Enabling Officer - Affordable housing mix is acceptable**

**Environmental Health Officer - No comments**

**Severn Trent Water - No objections**

**Local Residents** - Six representations have been received from Local Residents (including multiple comments from the same person). The comments raised are summarised below:

- Condition of outline permission required the level of the access road to be no higher than the existing road. The proposed new road is 300mm higher
- Screening wall was to be 2m high
- Top of wall will be significantly lower than required
- Amenity of local residents will not be protected
- Would result in overlooking by pedestrians and drivers
- Unsure of where the 'drainage ditch' goes to beyond that shown on drawing
- A number of typographical errors have also been highlighted.

One further letter of representation has been received following the receipt of mended plans and re-notification. The comments raised are summarised below:

- Condition 22 of outline planning consent is still being disregarded in terms of wall height
- Drawing no.749-124-2 Rev C shows 'Screen Wall' as 1.8 metres high
- Landscape maintenance does not cover the wall
- Gaps in boundary planting to drive will result in loss of amenity

The applicant has responded to these concerns and has advised that:

- Drawing no.749-124-2 Rev C details the 'entrance wall as 2 metres in height & runs full length of access drive in accordance with Condition 22
- The wall falls on Newland Homes land and would be maintained by the development
- Landscape officer is satisfied with the proposal

**Planning Officers Comments: Bob Ristic**

## **1.0 Introduction**

1.1 The application site comprises a former livery located on the southern boundary of Maisemore with an area of approximately 3.43ha /b (see location plan) . The site comprised a collection of buildings (including stables and outbuildings) located on the eastern part of the site and associated paddock land located on the western part. The site backs onto residential properties along the sites northern boundary and part of the western boundary, with open countryside to the remaining boundaries.

1.2 The site is accessed off the A417 via the existing drive and there are no public rights of way crossing the site nor does the site fall within any landscape designations.

1.3 The site benefits from outline planning permission for up to 28 dwellings and associated open space. Appearance and landscaping were reserved for future consideration and these details are subject of this application.

## **2.0 Planning History/Background**

2.1 15/00131/OUT - Outline application for a mixture of 28 open market and affordable dwellings and associated infrastructure (appearance and landscaping to be reserved for future consideration) - Permitted

2.2 89T/8567/01/01 - Outline planning application for the erection of a detached dwelling with garage including means of access - Refused

2.3 88G/4912/01/02 - Erection of 16 loose boxes - Permitted.

## **3.0 Current Application**

3.1 The original outline application considered access, layout and scale with appearance and landscaping to be reserved for future consideration. This application seeks the approval of those reserved matters, namely the appearance and landscaping of the development.

3.2 The proposal would provide a mixture of dwellings comprising 4 x 1 bed bungalows, 4 x 2 bed dwellings, 7 x 3 bed 2 storey houses and 13 x 4 bed 2 storey houses which would be located to the northern part of the site.

3.3 The landscaping to the housing element would include hedge and tree planting and the remaining land to the south and east would be laid out as an informal open space with a focus on restoring and enhancing the landscape. (See layout landscape plan).

**Plans will be displayed at Committee.**

#### **4.0 Policy Context**

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

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

4.3 The relevant policies are set out in the appropriate sections of this report.

#### **5.0 Analysis**

5.1 The application seeks approval of reserved matters pursuant to Outline Planning Permission 15/00519/OUT. The reserved matters for which approval is sought are design and landscaping.

##### **Design**

5.2 The NPPF sets out at paragraph 56 that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. At paragraph 57 the NPPF advises that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities.

5.3 Policy SD5 of the MMVJCS sets out that new development should respond positively to, and respect the character of the site and its surroundings and enhance local distinctiveness, in terms of layout, mass and form. Furthermore, development should be of a scale, type, density and materials appropriate to the site and its setting.

5.4 The layout of the scheme was agreed at the outline stage. Similarly, the scale and heights were set and it is a condition of the outline consent that all dwellings should be no more than two storeys (with a maximum ridge height of 9 metres). The submitted housing layout accords with the approved layout and none of the submitted dwelling designs exceed two storeys (9 meter ridge height).

5.5 In terms of the detailed design, the proposed development would provide a mixture of dwellings and the submitted design statement sets out how the design of the dwellings draws on the character of existing development within the village in terms of form and materials. The design statement has identified that brick is the predominant material in the area with occasional render or painted brick properties, which are roofed in a variety of clay tiles and slates. Other identified characteristics include chimneys, head and cill details constructed of brick and a variety of door canopies and porches.

5.6 The application proposes a variety of house types and designs, which includes three pairs of semi-detached bungalows to the western edge of the site backing onto existing bungalows at Persh Lane. The remainder of the site would comprise two storey dwelling houses, with 2 pairs of semi's to the western part of the site and the remainder comprising detached dwellings.

5.7 The proposed houses would have a 'traditional' appearance and would incorporate a variety of design features found in the local area as identified in the submitted design statement, including dentil coursing, window detailing, chimneys and storm porches resulting in a development with good local distinctiveness.



5.8 The external materials include two different red brick types and a natural white render for the walls and three different roof finishes. The front doors and where applicable garage doors would be colour coordinated in a selection of 4 colours.

5.9 It is considered that the proposed design and materials are of an appropriately high standard which would draw upon the local distinctiveness of Maisemore and result in a high quality development.

### **Landscaping**

5.10 One of the core planning principles of the NPPF sets out that the planning system should recognise the intrinsic character and beauty of the countryside. Section 11 of the NPPF sets out that the planning system should contribute to and enhance the local environment by, amongst other things, protecting and enhancing valued landscapes. Policy SD5 of the MMVJCS sets out that new development should ensure that the design of landscaped areas, open space and public realm are of high quality, provide a clear structure and constitute an integral and cohesive element within the design.

5.11 The residential part of the site would provide significant soft landscaping to the property frontages, which would include open areas of lawn, hedge enclosures to frontages and additional tree planting. The hard landscaping would include brick pavements to private drives and hard standings, while the principal access routes would be surfaced in tarmac.

5.12 The development also provides a substantial area of public open space to the southern and eastern parts of the site. The condition of this land has deteriorated significantly as a result of the past livery use and the landscaping principles for this area are to restore and enhance the land.

5.13 The open space would be informal with a central area of short mown grass and the introduction of tussock and wildflower meadow seeding. The proposal would also introduce significant hedge planting and repair as well as additional tree planting throughout.

5.14 The open space would be maintained by a private management company and the application has been accompanied by a 10 year management strategy for the land. The on-going maintenance beyond this period will repeat the management routines set out within the report.

5.15 The landscaping details have been reviewed by the borough landscape officer who is satisfied with the details provided. It therefore is considered that the proposed landscaping scheme is appropriate for the site and will result in an enhancement for the built and natural environments.

### **Other Matters**

5.16 A number of issues have been raised by the parish council, including site operatives and marketing suite parking, S106 contributions, lighting within the development, highway crossing provision and advertising. These matters were considered at the outline stage and are covered by appropriate conditions.

5.17 Concerns were raised with regards to the level of the access road exceeding the existing access track and the height of the proposed 'entrance wall'. The plans have subsequently been amended to retain the road levels as existing and the boundary wall adjoining the access drive now complies with the specifications set out in Condition 22 of the outline planning consent. It is considered that the amendments have addressed the concerns raised and no further representations have been received since these amended details were received.

5.18 Concerns have been raised with regards to the ability of the drainage system in the area to cope with the development. It is noted that drainage related issues were assessed at the outline stage. While drainage details have been included on the drawings for this application and no objections have been raised by Severn Trent, the complete drainage strategy including SUDS provision is covered by Condition 14 of the outline planning consent and this will be subject to a separate discharge of conditions application and formal approval process.

### **6.0 Conclusions**

6.1 The proposal accords with the parameters of the outline planning permission and proposes a suitably high quality development that would integrate well with the built and natural environment of Maisemore. It is therefore recommended that this reserved matters application is **approved**.

## **RECOMMENDATION Approve**

### **Conditions:**

- 1 The development hereby permitted shall be carried out in accordance with the following approved drawing nos. 749-01\_\_Location Plan\_A3, 749-06\_\_Building Heights Key Plan\_A1, 749-09\_\_Boundaries and Enclosures Key Plan\_A1, 749-10\_\_Tree Protection Fencing Plan\_A1, 749-50\_\_Site Sections\_A1, 749-60\_\_Street Scenes\_A1, 749-20-01\_\_House Type PB4\_A3, 749-20-02\_\_House Type PB4\_A3, 749-21-01\_\_House Type PW5\_A3, 749-21-02\_\_House Type PW5\_A3, 749-22-01\_\_House Type WB4\_A3, 749-22-02\_\_House Type WB4\_A3, 749-22-03\_\_House Type WB4\_A3, 749-23-01\_\_House Type HT4\_A3, 749-23-02\_\_House Type HT4\_A3, 749-24-01\_\_House Type HO3\_A3, 749-25-01\_\_House Type AB1\_A3, 749-26-01\_\_House Type AB2\_A3, 749-27-01\_\_House Type S2\_A3, 749-28-01\_\_House Type 3BH\_A3, 749-40-01\_\_Garages\_A3, 749.05.01 2016.12.02 Rev - Drainage Strategy, received by the local planning authority on 16th May 2017, Amended drawing nos. 749\_A\_Design Statement\_A4, 749-05\_A\_Planning Layout\_A1, 749-07\_B\_Affordable Housing Key Plan\_A1 received by the local planning authority on 21st June 2017, Amended drawing nos.749-151 rev D, 749-141 rev D Ext Wrks Plan, 749-141-1 rev B Ext Wrks 1-500, 749-142-1 rev C Drainage and Levels sheet 1 of 2 749-142-2 rev C Drainage and Levels sheet 2 of 2, External Works Details - Walls, Fences and Railings received by the local planning authority on 2nd August 2017 and Landscape Maintenance 17/440/02 C and Landscape Maintenance 17/440/03 C received on 6th September 2017 and any other conditions attached to this permission.
- 2 Notwithstanding the submitted details and prior to any construction works above DPC level, details or where appropriate samples of all external materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
- 3 The landscaping scheme hereby approved shall be carried out concurrently with the development and shall be completed no later than the first planting season following the completion of the development and shall thereafter be maintained in accordance with the Peter Quinn Associates 'Landscape Maintenance Programme' dated 2nd March 2017 and received by the Local Planning Authority on 16th May 2017.

### **Reasons:**

- 1 To a satisfactory external appearance to the development in the interests of visual amenity and in accordance with the NPPF.
- 2 To ensure a satisfactory appearance to the development in the interests of visual amenity in accordance with the NPPF.
- 3 To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment in accordance with advice contained in the NPPF.

### **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 measures to preserve the residential amenities of adjoining occupiers.

AS APPLICABLE TO THIS PLAN, THE INFORMATION CONTAINED HEREIN IS FOR INFORMATIONAL PURPOSES ONLY AND DOES NOT CONSTITUTE AN OFFER OF ANY FINANCIAL PRODUCT OR SERVICE. THE INFORMATION CONTAINED HEREIN IS NOT INTENDED TO BE USED AS A BASIS FOR INVESTMENT OR FINANCIAL DECISIONS. THE INFORMATION CONTAINED HEREIN IS NOT INTENDED TO BE USED AS A BASIS FOR INVESTMENT OR FINANCIAL DECISIONS. THE INFORMATION CONTAINED HEREIN IS NOT INTENDED TO BE USED AS A BASIS FOR INVESTMENT OR FINANCIAL DECISIONS.

17/00538/APP



**LEGEND**

- Redline Boundary
- Existing Landscaping
- Proposed Landscaping

**Newland HOMES**

Rectory Farm, Maisemore Planning Layout

Scale 1:1000

749-05

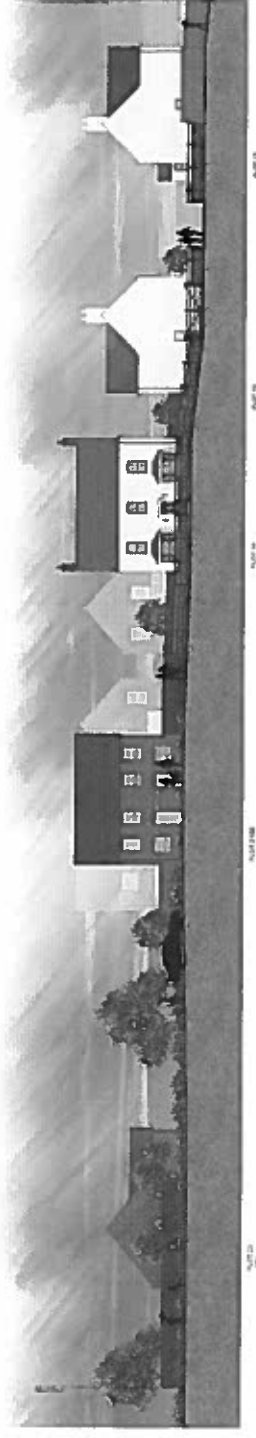
Schedule of Accommodation

Open Market Housing	Number	Special Housing (SHU)	Number
H01	2 bed/3 Person	AB1	1 bed/2 Person Bar/Janet
H04	3 bed/5 Person	AB2	1 bed/3 Person Bar/Janet
H06	4 bed/7 Person	S1	2 bed/3 Person
H08	4 bed/8 Person	S2	3 bed/5 Person
H10	4 bed/7 Person		
		<b>Grand Total</b>	<b>23</b>



4521A

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SECTION A-A from 1200g A1

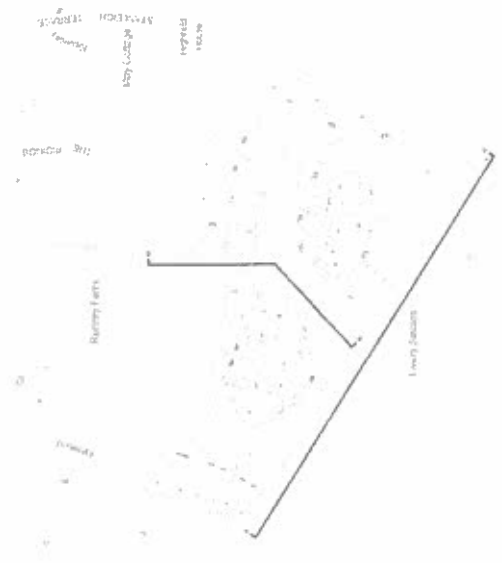


SECTION A-A from 1200g A1

452(B)



SECTION B-B from 1200g A1



KEY PLAN from 1200g A1



Rectory Farm,  
Maisemore  
Street Scenes

AL SHOWN A1  
May 2012  
749-60

12  
11

## BOROUGH COUNCILLORS FOR THE RESPECTIVE WARDS 2015-2019

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