



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

**TEWKESBURY BOROUGH COUNCIL**

Schedule of Planning Applications for the consideration of the **PLANNING COMMITTEE** at its meeting on 03 July 2018

	<b>(NORTH)</b>	<b>(SOUTH)</b>
General Development Applications Applications for Permission/Consent	(50 – 54)	(55 - 118)

**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 Technical Planning 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. (50 - 118)**

### **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) 3rd July 2018

Parish and Reference	Address	Recommendation	Item/page number
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Badgeworth 18/00044/FUL <a href="#">Click Here To View</a>	Shurdington Nurseries Little Shurdington Cheltenham Gloucestershire	Refuse	4 / 77
Bishops Cleeve 18/00288/FUL <a href="#">Click Here To View</a>	5 Pine Bank Bishops Cleeve Cheltenham Gloucestershire	Permit	5 / 84
Maisemore 17/00514/OUT <a href="#">Click Here To View</a>	Bell House Farm Old Road Maisemore Gloucester	Refuse	2 / 55
Southam 18/00325/FUL <a href="#">Click Here To View</a>	Rollingwood Haymes Drive Cleeve Hill Cheltenham	Permit	6 / 86
Southam 18/00346/FUL <a href="#">Click Here To View</a>	24 Ratcliff Lawns Southam Cheltenham Gloucestershire	Permit	7 / 91
Twigworth 17/00852/OUT <a href="#">Click Here To View</a>	Yew Tree Farm Tewkesbury Road Twigworth Gloucester	Delegated Permit	8 / 95
Winchcombe 18/00420/FUL <a href="#">Click Here To View</a>	16 Greenways Winchcombe Cheltenham Gloucestershire	Permit	1 / 50

18/00420/FUL

16 Greenways, Winchcombe, Cheltenham

ITEM 1

Valid 27.04.2018

Change of use from amenity land to private residential garden (revised application following refusal of application reference 17/01130/FUL, to erect 1 metre high timber fencing around part of residential garden area only and planting of hedgerow)

Grid Ref 402686 229041

Parish Winchcombe

Ward Winchcombe

## RECOMMENDATION Permit

### Policies and Constraints

- National Planning Policy Framework; 2012 (NPPF)
- Planning Practice Guidance
- The Gloucester, Cheltenham and Tewkesbury Joint Core Strategy; 2017 (JCS)
- Tewkesbury Borough Local Plan to 2011; March 2006 (TBLP)
- Winchcombe and Sudeley Neighbourhood Plan (2011-2031) (NDP)
- Flood and Water Management Supplementary Planning Document
- Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)
- The First Protocol, Article 1 (Protection of Property)
  
- Special Landscape Area

### Consultations and Representations

**Winchcombe Town Council** objects on the grounds it does not want to see the loss of amenity land and its benefit to the community.

1 letter of representation has been received. The main points raised relate to:

- The annexation of the amenity land into the garden of number 16 would extend the plot associated with number 16 sufficiently to provide the potential for the erection of a further dwelling. Whilst that is not part of this application, the erection of a further dwelling in that area would be detrimental to the area for surrounding residents.
- There are no constraints proposed on the height of the proposed hedging.
- The fencing/hedgerow would be closer to the road than the existing planting.
- The continuation of the boundary line as shown, and the incorporation of the land into the garden of number 16, would incorporate the existing trees and hedges into the garden of number 16. Any destruction of that planting, which would then be included in the garden of number 16, would be a significant detriment to the area.

### Planning Officers Comments: Emma Dee

#### 1.0 Application Site

1.1 The application site comprises a parcel of land, some 28-30 metres wide and 5-7 metres deep, located between dwellings at nos. 8 and 16 Greenways, Winchcombe (**See submitted 'Location Plan'**). It is an open grassed area comprising some trees and planting, and is bounded by the public highway on the southern side.

1.2 The site is located within the Special Landscape Area (SLA) as defined on the Local Plan Proposals Map.

#### 2.0 Relevant Planning History

2.1 An Outline planning application proposing residential development at Greenways, Winchcombe, on 1.18ha of land, was allowed by appeal on 5th December 1978 (reference T.5746/D).

2.2 Subsequent applications for the approval of reserved matters, were granted in February 1981 (reference T.5746/D/AP/2) and May 1981 (reference number T.5746/D/AP/3). Both approvals were subject to a restrictive condition pertaining to, inter alia, the erection or construction of gates, fences, walls and other means of enclosure. The reason for this condition was to preserve and enhance the visual amenities of the locality.

2.3 A planning application proposing the erection of a single dwelling on land adjacent to 18 Greenways and associated works was submitted and withdrawn in 2011 (reference 11/00052/FUL).

2.4 A revised planning application proposing the erection of a single dwelling on land adjacent to 18 Greenways and associated works was granted planning permission on 5th July 2011 (reference 11/00513/FUL).

2.5 A revised planning application proposing the erection of a single dwelling on the site, to provide a bedroom over the garage, was granted planning permission on 9th January 2012 (reference 11/01229/FUL).

2.6 A planning application proposing the change of use from amenity land to private residential garden at 16 Greenways was refused planning permission on 19th December 2017 (reference 17/01130/FUL). The application sought planning permission for the erection of 1.8m high close vertically boarded timber fencing along part of the southern boundary, which is immediately adjacent to the highway. This fencing was shown as extending across a distance of approximately 17.5 metres, and it was proposed that laurel planting would be provided in front of this fencing. The remainder of the southern boundary, towards the western side of the proposed residential garden area, was proposed to remain open. The reason for refusal was as follows:

1. The proposed fencing would fail to protect the spacious open plan character of the area, would adversely affect the visual amenities of the locality, and would fail to protect the character and appearance of the area within the designated Special Landscape Area. As such the proposed development is contrary to Saved Policy LND2 of the Tewkesbury Borough Local Plan to 2011 (March 2006), policies SD4 and INF3 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (2017) and the principles of the National Planning Policy Framework (2012).

### 3.0 Current Application

3.1 The application is a revised scheme to change the use of public amenity land into private residential garden area associated with no. 16 Greenways.

3.2 The red line on the location plans submitted with approved application references 11/00513/FUL and 11/01229/FUL, as referred to in paragraphs 2.4 and 2.5 above, included the parcel of land subject to the current application. It therefore appears that the current authorised use of this parcel of land is residential garden area associated with no. 16 Greenways.

3.3 The current application seeks the erection of 1 metre high close vertically boarded fencing, to match existing fencing, around only part of this residential garden area (**See submitted 'Site Plan' and 'Fence Detail'**). The fencing running parallel to the southern boundary would extend across a distance of 6 metres and would be set back approximately 1 metre from the southern boundary, with a laurel hedgerow planted in front of this fencing immediately adjacent to the southern boundary. A section of 1 metre high close vertically boarded fencing would be erected from the western side of this extending northwards across a distance of 4.5 metres, and another 7.3 metre wide section of this fencing would extend eastwards along the northern site boundary, in order to provide a fence enclosed area. The remainder of the application site, to the west of the proposed fence enclosed area, would remain open.

### 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 LPA 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 Adopted Joint Core strategy; 2017 (JCS), saved policies of the Tewkesbury Borough Local Plan to 2011 - March 2006 (TBLP) and the adopted Winchcombe and Sudeley Neighbourhood Plan (2011-2031) (NDP).

4.2 Other material policy considerations include National Planning Guidance contained within the National Planning Policy Framework (NPPF).

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

## 5.0 Analysis

### Impact on Character and Appearance of Area:

5.1 As noted above, the site is located within the SLA as defined on the Local Plan Proposals Map. The TBLP explains that SLAs are areas of high quality countryside of local significance and that, while they are of a quality worthy of protection in their own right, they also play a role in providing the foreground setting for adjacent Area of Outstanding Natural Beauty. Saved Policy LND2 of the TBLP relates to the SLA, and specifies that, in the assessment of proposals for development, special attention will be accorded to the protection and enhancement of the landscape character of the SLA which are of local significance. Within this area proposals must demonstrate that they do not adversely affect the quality of the natural and built environment, its visual attractiveness, wildlife and ecology, or detract from the quiet enjoyment of the countryside.

5.2 Policy SD4 (Design Requirements) of the JCS specifies that new development should respond positively to, and respect the character of, the site and its surroundings, enhancing local distinctiveness, and addressing the urban structure and grain of the locality in terms of street pattern, layout, mass and form. Design should establish a strong sense of place using streetscapes and buildings to create attractive and comfortable places to live.

5.3 Policy 5.1 of the Winchcombe and Sudeley NDP, which relates to the design of new development, specifies that new development should reflect the character of its surroundings. It sets out that the design of new development will be expected to:

- a) Complement and enhance, where appropriate, the prevailing size, height, scale, materials, layout, density and access of any surrounding development;
- b) Demonstrate that the amenities of neighbouring residential occupiers are not unduly affected through overlooking, loss of light, over-dominance or disturbance; and
- c) Provide landscaping, where necessary, to complement and enhance the characteristics of the surrounding area.

5.4 Paragraph 17 of the NPPF sets out 12 core land-use planning principles which should underpin both plan-making and decision-taking. These principles are that planning should, inter alia, always seek to secure high quality design, and take account of the different roles and character of different areas. Section 7 of the NPPF relates to "Requiring Good Design" and, at paragraph 56, sets out that the Government attaches great importance to the design of the built environment, and that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Paragraph 57 specifies that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

5.5 Dwellings in this part of Greenways all have front gardens lying immediately adjacent to the public highway. On the southern side of Greenways opposite the application site there is some existing fencing (approximately 1.8 metres high) to the north-eastern side of the dwelling at no. 7 Greenways and also to the western side of the dwelling at no. 9 Greenways. In both cases, this fencing is located in close proximity of the adjacent public highway. This fencing provides screening to the established side/rear garden areas of each dwelling. These are the only examples of fencing of this height in this part of Greenways. The front gardens of all dwellings in this part of Greenways remain open, with only hedgerows or planting providing any form of boundary treatment.

5.6 As noted above, reserved matters application references T.5746/D/AP/2 and T.5746/D/AP/3 were approved subject to a restrictive condition pertaining to, inter alia, the erection or construction of gates, fences, walls and other means of enclosure. The reason for this condition was to preserve and enhance the visual amenities of the locality. It is apparent that this condition was attached in order to protect the spacious open plan character of the area, and it has been largely effective in doing so. The surrounding area has been carefully planned and is generally well maintained, creating an open and attractive character. The area is characterised by open front gardens onto the public highway.

5.7 The application site is approximately 28 metres wide along its southern boundary, which is bounded by the public highway. As noted above, it appears that the current authorised use of this parcel of land is residential garden area associated with no. 16 Greenways. However, as the site is currently an open grassed area comprising some trees and planting, it appears as public amenity land and it contributes positively to the quality and open character of the area. .

5.8 Relative to the development proposed under application reference 17/01130/FUL, both the height of the fencing and the extent of fencing adjacent to the southern site boundary have been considerably reduced. It is considered that the proposed fencing here would not adversely affect the spacious open plan nature of Greenways and would respect the character and appearance of the street scene. It is proposed to provide some laurel hedging in front of this fencing, which would further soften the appearance of the proposed development. It is judged that the proposed development would protect the landscape character of the SLA.

#### Impact on Residential Amenity:

5.9 Paragraph 17 of the NPPF sets out 12 core land-use planning principles, one of which is that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

5.10 Policy SD4 of the JCS relates to Design Requirements and, in terms of amenity and space, specifies that new development should enhance comfort, convenience and enjoyment through assessment of the opportunities for light, privacy and external space, and the avoidance or mitigation of potential disturbances, including visual intrusion, noise, smell and pollution.

5.11 Policy SD14 of the JCS relates to Health and Environmental Quality, and specifies that high-quality development should protect and seek to improve environmental quality, and that development should not create or exacerbate conditions that could impact on human health or cause health inequality. It also states that new development must cause no unacceptable harm to local amenity including the amenity of neighbouring occupants.

5.12 By virtue of the height of the proposed fencing and its proximity to adjacent dwellings, it is considered that there would be no significant adverse effect on adjoining occupiers in terms of overshadowing or overbearing impact. It is further judged that the residential amenity of adjoining occupiers would not be unreasonably affected in terms of noise levels or general disturbances as a result of the proposed use of this land.

#### Highways Impact:

5.13 Section 4 of the NPPF relates to "Promoting sustainable transport" and, at paragraph 32, specifies that decisions should take account of whether safe and suitable access to the site can be achieved for all people, and that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Paragraph 35 of the NPPF specifies that developments should be located and designed where practical to, inter alia, create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians. Policy INF1 (Transport Network) of the JCS reflects this advice.

5.14 The proposed fencing and planting would be sufficiently set back from vehicular access points and driveways of adjacent dwellings and would not unreasonably impact on visibility splays. It is considered that the residual cumulative impact of the proposed development on highway safety would not be severe.

## **6.0 Summary**

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

## **RECOMMENDATION Permit**

### Conditions:

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

- 2 The development hereby permitted shall be carried out in accordance with approved drawing no. "16GW.W.PR.01 Revision D" received by the Local Planning Authority on 26th April 2018, and any other conditions attached to this permission.
- 3 The planting of the laurel hedging, as shown on approved drawing no. "16GW.W.PR.01 Revision D" received by the Local Planning Authority on 26th April 2018, shall be carried out in the first planting and seeding season following the completion of the fencing hereby permitted, and any 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.

Reasons:

- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To ensure that the development is carried out in accordance with the approved plans.
- 3 To protect the visual amenity of the area and the landscape character of the Special Landscape Area.

Notes:

- 1 Statement of Positive and Proactive Engagement

In accordance with the requirements of the National Planning Policy Framework (2012) the Local Planning Authority has 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.





17/00514/OUT

Bell House Farm, Old Road, Maisemore

ITEM 2

Valid 03.05.2018

Outline application for residential development of 60 units with all matters reserved for future consideration.

Grid Ref 381058 221396  
Parish Maisemore  
Ward Highnam With Haw  
Bridge

## **RECOMMENDATION Refuse**

### **Policies and Constraints**

### **Consultations and Representations**

**Parish Council** - Unanimous objection to the proposal on the grounds of include inappropriate overdevelopment in this small village, traffic issues, sewerage issues - existing system already beyond capacity, lack of services, extension over the village boundary, a large excess of housing development over the disaggregated expectation for this village.

**County Archaeologist** - recommends that in advance of the determination of this planning application the applicant should provide the results of an archaeological field evaluation which describes the significance of any archaeological remains within the proposed development area, and how these would be affected by the proposed development.

Further comments were received from the CA in response to the geophysical survey, submitted in respect of the scheme. The CA advised that the geophysical survey would not be capable of detecting a range of small archaeological features, such as pits, linear gullies and graves and therefore, the survey would need to be checked by undertaking a programme of archaeological trial-trenching, the results of which should be made available before the planning application is determined.

**Lead Local Flood Authority** - No objection subject to conditions relating to an appropriate SUDs scheme.

**Severn Trent** - No objection subject to condition requiring the investigation as to whether drainage infrastructure improvements are required, and implementation of any such works before the dwellings are occupied.

**County Highways** - Further to additional modelling information having been provided, no objection.

**CPRE** - Strong objection on landscape impact and housing land supply grounds.

**Natural England** - No comments to make - refer to standing advice with regard to protected species, ancient woodland and veteran trees.

**Environmental Health** - Recommend the submission of a noise assessment due to the close proximity of proposed dwellings to the A417 in order to demonstrate any necessary noise mitigation measures to meet the recommended internal and external noise levels.

**Housing Strategy Enabling Officer** - 40% affordable housing contribution required (24 units) - The HSEO considers that the site should come forward in conjunction with the adjoining extant permission at Bell House Farm in order to produce a more cohesive plan for affordable homes within the village. The developer should engage in direct discussions with the HSEO in order to secure the most appropriate housing mix.

**Community Team** - Contributions towards the following will be required;  
£72,600 required towards off-site playing pitches and changing room provision;  
£53,939 required towards sports hall, swimming pool, astroturf and indoor bowls provision;  
£27,282 required towards community facilities (Maisemore Village Hall)

**Urban Design Officer** - Objection - Due to the open rural nature of the site, this is an inappropriate location for any development and would represent visual intrusion into the open countryside and integrate poorly with the existing settlement.

**Minerals and Waste Planning Authority** - Unable to provide detailed comment due to the absence of a Waste Minimisation Statement, as required by Core Policy 02 of the Gloucestershire Waste Core Strategy.

**Local Residents** - 16 letters of objection have been received from local residents - Their concerns are summarised as follows;

- The existing village lacks the required infrastructure to support growth greater than that already permitted. The facilities within the village are limited to a church, village hall and pub;
- There are poor transport options specifically at peak times. The infrequent bus service is halved outside of Hartpury college term time. The service is restricted to Monday - Saturday day times, with no evening or Sunday service at all;
- The speed of the main road would be a danger to motorists and pedestrians. Pavements are narrow, the road constantly bends and there are no crossing facilities;
- The pedestrian and vehicle access would be at the edge of the 30 speed limit zone with limited visibility - this will result in an accident. The proposed pedestrian only access is positioned where there is no footpath adjacent the main road;
- Any contributions towards schooling would probably benefit Hartpury rather than the village itself as there is no school within Maisemore;
- There is insufficient school places for the developments already planned within the village - a further 60 dwellings would leave children having to travel large distances to attend school, with Highnam School already at full capacity despite a further 250 houses being built there;
- The village drainage system is at breaking point; Severn Trent have confirmed to the Parish Council that there is no capacity for additional sewerage due to the limitation of the main pipe which runs through the village;
- The access road to serve the development would be directly across the grey water run-off for the neighbouring permitted development for 15 houses;
- There is no broadband facility;
- Residents would have to travel to shop or visit the GP, increasing pollution
- The village suffers from flooding and the A417 is subject to regular closure due to this. Further traffic on this route would be unsustainable due to this;
- The proposal is totally out of keeping with the appearance and ambience of the rural village;
- The development would be outside of the village boundary and its isolation at the far end of the village would not encourage integration of new residents;
- The traffic on the A417 at peak times is excessive and speeds are often in excess of the prevailing speed limit, particularly near to the point of the proposed access to the development;
- The already approved 28 houses at Rectory Farm and 15 at Bell House Farm are more than sufficient. The proposed development would increase this figure to a total of 103 new dwellings, which is near 50% of the current village population. The development would therefore, be disproportionate to the size of the village;
- The development would be sited in close proximity to many listed buildings;
- The illustrative masterplan shows dense development with lots of small terraced units on small plots which is totally out of character with the village. The proposed 2.5 storeys of some of the dwellings is also out of character;
- The proposal is neither infilling nor required for affordable housing;
- The village would lose its individuality and become a mere suburb;

**Planning Officers Comments:** Miss Lisa Dixon

## **1.0 Introduction**

1.1 The application relates to a large field, of approximately 2.35 hectares, located to the immediate west of Maisemore village. The site is entirely grassland and is noted within the submitted information to be currently in agricultural use. The Landscape Protection Zone lies to the north-east, although the site itself does not fall within any landscape designation. The site adjoins the western built-up edge of the settlement and the A417 runs along the length of the site's south-western boundary. The site rises gently from east to west, from 26m to 33m AOD.

1.2 The site is bounded to the east by the Bell House Farm site, which comprises the Grade II Listed former farmhouse and its associated outbuildings. Open fields adjoin the site to the north and open fields also stretch beyond the A417 to the south-west.

1.3 Old Lane and its associated cluster of properties lies in close proximity to the east of the site and the Grade II Listed building of Milestone Cottage adjoins the site's access of the A417. The site is bounded by mature tree planting and a row of established poplar trees lines the boundary of the site with the A417 (see location plan attached).

## 2.0 Planning History

2.1 Extant planning permission and listed building consent exists on the adjoining site for the demolition of existing curtilage listed and unlisted outbuildings and proposed residential development comprising of 15 dwellings and associated landscaping, parking and garaging (14/00965/FUL & 14/00966/LBC). The development has not yet been implemented and remains extant until October 2018. The extant permission and the current proposal on the adjoining site would utilise the same existing vehicular access off the A417.

## 3.0 Current Application

3.1 This application seeks outline planning permission for residential development for the erection of up to 60 dwellings, with all matters reserved for future consideration. (See attached plans)

3.2 An indicative layout plan has been submitted in respect of the application which proposes a single point of vehicular access off the A417, utilising the existing access which serves Bell House Farm. Two new, pedestrian only accesses are proposed from the site frontage adjoining the A417.

3.3 The existing row of Poplar trees adjoining the A417 is shown as being retained apart from a small section in order to provide pedestrian access. Existing trees and vegetation would also be retained along the eastern boundary of the site and an area of open space of approximately 0.28 hectares would be provided to the north-eastern corner.

3.4 The indicative layout submitted in respect of the scheme shows a mix of detached, semi-detached and terrace properties, arranged around a looped, internal road and 2nos. cul-de-sacs. Indicative building heights range from two-storey to two and a half storey.

## 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 Cheltenham, Tewkesbury and Gloucester Joint Core Strategy and the saved policies of the Tewkesbury Borough Local Plan. 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).

### Cheltenham, Gloucester and Tewkesbury Joint Core Strategy - December 2017

4.3 The Joint Core Strategy (JCS) was adopted in December 2017 and is part of the Development Plan for the area. Various policies in the JCS superseded some of the policies in the Tewkesbury Borough Local Plan to 2011 which had hitherto been saved by direction of the Secretary of State.

4.4 The JCS sets out the key spatial policies for the JCS area over the period of 2011-2031 and the preferred strategy to help meet the identified level of need. Policy SP1 sets out the overall strategy concerning the amount of development required, and Policy SP2 sets out the distribution of new development. These two policies, combined with Policy SD1 on the economy, provide the spatial strategy for the plan. This strategy, together with its aims, is expressed in relevant policies throughout the plan and will be supported by forthcoming district plans and neighbourhood plans.

4.5 Policy SP1 sets out that Tewkesbury Borough's needs (at least 9,899 new homes) will be provided through existing commitments, development at Tewkesbury Town in line with its role as a market town, smaller-scale development meeting local needs at Rural Service Centres and Service Villages, and sites covered by any Memoranda of Agreement. The Rural Service Centres are to accommodate in the order of 1860 new homes and the Service Villages in the order of 880 new homes.

4.6 Policy SP2 also provides that in the remainder of the rural area, Policy SD10 will apply to proposals for residential development. Policy SD10 sets out that on sites that are not allocated, housing development and conversions to dwellings will be permitted on previously-developed land in the existing built-up areas of Gloucester City, the Principal Urban Area of Cheltenham and Tewkesbury Town, rural service centres and service villages except where otherwise restricted by policies within district plans. Housing development on other sites will only be permitted subject to certain exceptions. Of relevance to this case is criteria 4(ii) which states that development will only be permitted where it is infilling within the existing built up areas of the City of Gloucester, the Principal Urban Area of Cheltenham or Tewkesbury Borough's towns and villages except where otherwise restricted by policies within district plans.

4.7 Other relevant JCS policies are referred to in the relevant sections below.

### **National Planning Policy Framework and Planning Practice Guidance**

4.8 The NPPF aims to promote sustainable growth and requires applications to be considered in the context of sustainable development and sets out that there are three dimensions to sustainable development: economic, social and environmental.

- the economic role should contribute to building a strong, responsive and competitive economy;
- the social role should support strong, vibrant and healthy communities; and
- the environmental role should protect and enhance the natural, built and historic environment.

These roles should not be undertaken in isolation, because they are mutually dependant.

4.9 Paragraph 12 of the NPPF clarifies that it does not change the statutory status of the development plan as the starting point for decision-making. Proposed development that accords with the development plan should be approved, and proposed development that conflicts should be refused unless other material circumstances indicate otherwise.

4.10 In terms of economic growth, one of the 'core principles' of the NPPF is to proactively drive forward and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Paragraph 19 of the NPPF states that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth and that planning should operate to encourage and not act as an impediment to sustainable growth.

4.11 In terms of housing delivery, the NPPF sets out that local authorities should use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing, including identifying key sites which are critical to the delivery of the housing strategy over the plan period (paragraph 47). Paragraph 49 sets out that housing application should be considered in the context of the presumption in favour of sustainable development.

4.12 Other specific relevant policies within the NPPF are set out in the appropriate sections of this report.

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

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

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

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

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

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

## 5.0 Analysis

### Principle of Development

5.1 Maisemore is a relatively tightly clustered settlement, set predominately along a section of the A417 highway. The application site itself is located beyond the existing built-up area of the village. Maisemore is a named Service Village in the JCS and Policy SP2 states that service villages will accommodate lower levels of development, to be allocated through the Borough Plan and NDP's, proportional to their size and function, and also reflecting their proximity to Cheltenham and Gloucester and taking into account the environmental, economic and social impacts.

5.2 The application site is not allocated for housing development and therefore, JCS Policy SD10 applies. Of relevance to the current application are criteria 3 and Criteria 4 (ii).

5.3 Criteria 3 provides that on sites in Service Villages that are not allocated, housing development will be permitted on previously developed land in the existing built up areas except where otherwise restricted by policies within district plans. Aside from the proposed access, the site comprises entirely agricultural grassland/pasture. As such, it does not meet the definition of previously developed land. Furthermore the site cannot be considered to be within the built up area of Maisemore. As set out above, Maisemore is a tightly clustered settlement and the application site undoubtedly falls beyond the built-up area of the village. The proposal therefore conflicts with criteria 3 of Policy SD10 of the JCS.

5.4 Criteria 4(ii) states that housing development on other sites will be permitted where it is infilling within the existing built-up areas of, amongst other areas, Tewkesbury Borough's villages (except where otherwise restricted by policies within district plans). The supporting commentary states that 'For the purposes of this policy (4 ii) infill development means the development of an under-developed plot well related to existing built development.'

5.5 The site is a completely undeveloped field and, as set out in paragraph 5.4 above, the site is not within the built up area of the village. As such, the exception at criteria 4(ii) of policy SD10 does not apply in any case.

5.6 In addition, the site does not meet any of the other exceptions of Policy SD10 in that it is not promoted as a rural exception site; it has not been brought forward through a Community Right to Build Order; and there are no policies in existing development plans which allow for the type of development proposed here.

5.7 On the basis that the proposal does not fit within any of the exceptions set out in policy SD10, the application conflicts with the Development Plan.

5.8 The NPPF seeks to promote sustainable development in rural areas and housing should be located where it will enhance or maintain the vitality of rural communities (paragraph 55). The NPPF also recognises the need to support economic growth in rural areas in order, inter alia, to promote the retention and development of local services and facilities in villages (paragraph 28), and also that opportunities to maximise sustainable transport solutions will vary from urban to rural areas (paragraph 29) and that there is a need to balance this against other objectives set out in the Framework - particularly in rural areas (paragraph 34). 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.

5.9 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. The application conflicts with policies SP2 and SD10 of the JCS and therefore the starting point is that the proposal should be refused in accordance with the development plan unless other material planning considerations indicate otherwise. The fact that Maisemore is a named service village in a reasonably accessible location is a material consideration which must be weighed in the overall planning balance.

5.10 There are clear benefits arising from the provision of market and affordable housing. The provision of market housing is given limited weight given the Council can demonstrate a five year supply of housing sites. Some weight is given to the provision of affordable housing however as set out below, the applicant does not propose a policy compliant amount of affordable housing. There are also economic benefits which would arise both as a result of, and post-construction of the proposed dwellings. This is given moderate weight.

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

5.11 In light of the above, in this case the presumption is against the grant of planning given the conflict with Policy SP10 and as such permission should be refused unless material circumstances indicate otherwise. The benefits set out above must be considered in the overall planning balance at section 6 below.

### **Affordable Housing and Housing Mix**

5.12 Policy SD12 of the JCS sets out that, outside of the Strategic Allocation sites, on sites of 11 dwellings or more, or on sites with a maximum combined gross floor space of greater than 1000 sq m a minimum of 40% affordable housing will be sought within the Cheltenham Borough and Tewkesbury Borough administrative areas. Policy SD11 of the JCS states that housing development will be required to provide an appropriate mix of dwellings sizes, types and tenures in order to contribute to mixed and balanced communities and a balanced housing market and development should address the needs of the local area. This is consistent with the NPPF which at paragraph 50 requires that the local planning authority should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups of the community.

5.13 The current proposal seeks to provide 30% affordable housing on the site and the accompanying Planning Supporting Statement indicates that this amount of provision was considered acceptable on a nearby site at Rectory Farm (planning permission ref: 15/00131/OUT). It should be noted however that the Rectory Farm scheme secured 35.7% affordable housing which accorded with policy at the time.

5.14 The Strategic Housing & Enabling Officer (SHEO) has been consulted in respect of the proposal and has advised that, in accordance with JCS Policy SD12 a development of this size and type would require an affordable housing contribution of 40%, in this case 24 units. The applicant has not engaged with the SHEO, either at pre-application or application stage, in order to seek to deliver the most appropriate mix. No suggested mix has been submitted by the applicant with regards to affordable housing provision. The proposed provision of 30% on-site affordable housing is below the required threshold, as required by Policy SD12 and the applicant has provided no robust justification for this departure from policy. Furthermore the proposed mix of affordable housing has not been identified to show how it would meet local needs. This factor weighs against the application in the planning balance.

5.15 In terms of housing mix for the market housing, the Gloucestershire Strategic Housing Market Assessment (2014) ("the SHMA") identifies that the greatest level of need for market dwellings in Tewkesbury Borough over the plan period will be for 2 and 3 bedroom dwellings, with the highest need being for 3 bedroom properties.

5.16 The proposal is submitted in outline form, with all matters reserved for future consideration. The indicative layout shows the proposed mix to be by reference to the number of storeys for each dwelling only. As such, it is unclear whether the proposed housing mix reflects the needs identified in the SHMA. Nevertheless this matter can properly be dealt with at reserved matters stage. It should be noted that the SHEO has identified a need for bungalows, for both market and affordable housing.

### **Impact on Heritage Assets**

5.17 Policy SD8 of the JCS states that designated and undesignated heritage assets and their settings will be conserved and enhanced as appropriate to their significance, and for their important contribution to local character, distinctiveness and sense of place.

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

5.19 The NPPF recognises the effect of an application on the significance of a heritage asset is a material consideration. Paragraph 132 states that there should be great weight given to the conservation of designated heritage assets; the more important the asset the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset, or development within its setting. Any harm or loss should require clear and convincing justification. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, paragraph 134 states that this harm should be weighed against the public benefits of the proposal. Paragraph 135 of the NPPF sets out that the effects of proposals on non-designated heritage assets should be weighed in the planning balance having regard to the scale of harm or loss and the significance of the heritage asset.

5.20 The nearby grade II listed building of Bell House Farm is located approximately 55 metres from the access serving the proposed development and some 95 metres from proposed new housing site at its closest point. The Grade II Listed Milestone Cottage which adjoins the A417, is sited closer to the site (40 m from the site and 90 m from the closest proposed new housing).

5.21 The Conservation Officer (CO) has been consulted on the application and has stated that whilst the proposal would be visible in relation to the nearby heritage assets, that is not automatically a harm in itself. Furthermore, it is of note that there are intervening outbuildings and hardstanding between the site and the heritage assets and, in addition, an extant permission exists for residential development of this intervening land (note reference 14/00965/FUL at paragraph 2.1 above). The CO therefore, considers that, despite the relatively large scale of the current proposal, it would be unlikely to have more than a neutral impact on the significance of Bell House Farm and Milestone Cottage.

5.22 In conclusion on this matter, it is considered that the proposal would result in a neutral impact on the significance of the nearby heritage assets given the separation distance and presence of intervening development.

5.23 The County Archaeologist (CA) has been consulted with regards to the archaeological implications of the scheme. In view of the fact that there is no record of any previous archaeological investigation having been undertaken on the site and the large size of the proposed development area (c. 2.64 ha) the CA considers that there is high potential for significant archaeological deposits relating to prehistoric and Roman activity and settlement to be present there, but masked from view by the agricultural soils which currently cover the land. The CA is therefore concerned that ground works and intrusions required for the proposed development may have an adverse impact on significant archaeological remains. In accordance with paragraph 128 of the NPPF, the CA recommends that in advance of determination of the application, an archaeological field evaluation should be undertaken.

5.24 Further to the CA comments, the applicant sought to undertake a geophysical survey, the results of which were made available to the CA for review. The CA advised that, while the geophysical survey found no evidence for ground anomalies indicative of archaeology, this should not be read as indicating an absence of archaeological remains on this site. Ground conditions may preclude detection of archaeological features, and in any case the survey intervals used for this work would not be capable of detecting a range of small archaeological features, such as pits, linear gullies and graves. Therefore, the CA remains concerned that archaeological remains may be present on this site and the geophysical survey would need to be checked by undertaking a programme of archaeological trial-trenching, the results of which should be made available before the planning application is determined.

5.25 Paragraph 128 of the NPPF provides that, 'where a site on which development is proposed includes, or has the potential to include heritage assets with archaeological interest, LPA's should require developers to submit an appropriate desk-based assessment, and where necessary, a field evaluation'. On the basis of the above, the potential impact of the proposal upon heritage assets with archaeological interest has not been adequately investigated and this weighs against the development in the planning balance.

### **Design, Landscape Visual Impact**

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



5.27 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 SD6 of the JCS states that development will seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being.

5.28 The application has been submitted in outline form, with all matters, including design, reserved for future consideration. No detailed Design and Access Statement has been submitted in support of the application and therefore, the design process/architectural approach informing the scheme, is unknown. The proposal has been supported by an indicative layout which shows a mix of detached, semi-detached and terrace properties, predominantly orientated inwardly within the site and enclosed by estate roads.

5.29 The Urban Design Officer (UDO) has been consulted on the current scheme and has advised that, due to the open nature of this site, it relates more with the surrounding open countryside than it does with the built up part of the village. Due to the open rural nature of the site the UDO considers that this is not an appropriate location for any development. It would represent an unnecessary intrusion into open countryside and would not integrate well with the existing settlement. Furthermore, the proposed layout fails to address the openness of the site or the relationship with the open countryside by presenting a hard boundary of back gardens to the north on the most sensitive boundary of the site. The illustrative masterplan also shows quite a dense development in comparison with most of the village, there are several 2.5 storey terraced units and most of the units are small and set in small plots. This is out of character in this sensitive edge of settlement location, the grain and density of development would be more characteristic of suburban development within a town or city. The UDO concludes that the proposal fails to respect the context and character of the area and is therefore contrary to policy SD4 of the JCS, which requires development to respond positively to and respect the character of the site and its surroundings. On this basis, the UDO recommends that the scheme be resisted due to its inappropriate location for such development.

5.30 A Landscape and Visual Impact Appraisal (LVIA) has been submitted in support of the proposal. The LVIA concludes that there would be no long term major adverse landscape or visual impacts resulting from the proposal and that identified major adverse impacts would be short term and related to construction activities. Following completion of the development, the LVIA notes that the development would be assimilated into its environment and that the establishment of mitigation planting along the site's northern, north-eastern and south-eastern boundaries would assist in filtering views of the proposed development from higher ground to the north and south-west and maintain separation between the new development and the existing properties in Maisemore.

5.31 The Landscape and Visual Sensitivity Study - November 2014 - Final Report, was undertaken by the council as part of the Borough Plan site allocation work for the Rural Service Centres and Service Villages. As part of the work, the proposal site was assessed as part of a wider parcel of land (Mai-03) for its suitability for potential Borough Plan allocation. The land parcel is characterised by an undulating arable landscape with distinctive tree belts associated with the watercourse and a notable line of poplars along the A417. The influence of the existing settlement edge was noted to be slight and there is a sense of remoteness from the village. This land parcel was identified as serving as foreground setting to the village from the north-west free from development and its character is sensitive to the introduction of new development where there is now none. Furthermore, the land was noted to be remote from the village and essentially open countryside. There were noted to be limited opportunities to mitigate the sense of remoteness from the existing village and the landscape character sensitivity was assessed as being high.

5.32 With regard to visibility, the land parcel was noted to be prominent in views from the A417 approaching Maisemore from the north and also prominent in views from Lassington Hill to the south-west. The land was noted to have particular visual sensitivities to new development that would encroach into an open and prominent landscape currently free from development and there were noted to be limited opportunities for mitigation. As such, the visual sensitivity of the land was judged to be high.

5.33 The Landscape Officer (LO) considers that development within this site would introduce settlement beyond the natural settlement edge of the village and be harmful to the surrounding countryside setting. This accords with the UDO's above referenced view (paragraph 5.31) in that development of the site would represent unnecessary sprawl into open countryside and would have a negative impact on the rural open character and the associated views of this area. Whilst permission was granted for development on the neighbouring site at Bell House Farm (reference 14/00965/FUL) that permission was granted in a different policy context where the Council could not demonstrate a five year supply of deliverable housing sites. Furthermore it was considered that the Bell House Farm proposals (significantly smaller than the current proposals) were much better related to the existing development in Maisemore and did not have such a significant impact on the wider landscape as the current scheme.

5.34 Paragraph 112 of NPPF advises that local planning authorities should take into account the economic and other benefits of the best and most versatile land (BMV). Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use poorer quality land in Grades 3b, 4 and 5 in preference to higher quality land. Paragraph 109 of the NPPF puts the protection and enhancement of soils as a priority in the conservation and enhancement of the natural environment. The application does not provide information with regards to the actual grading of the land. However, Natural England BMV strategic scale mapping indicates that the site may potentially include Grade 2 or Grade 3b land (very good to good). It should be noted that the NE mapping is at a strategic level and should not be utilised for site-specific assessments. As such, the mapping does not provide a conclusive overview of the land grading of the site. However, the proposal could potentially result in the loss of 2.35 hectares of BMV which would weigh against the proposal in the overall planning balance.

5.35 In conclusion it is considered that the proposed residential development would result in discernible harm to the character and appearance of the rural landscape as a result of the loss of the field and its replacement with 60 dwellings and associated infrastructure/paraphernalia. This view with regards to the identified landscape harm arising from the proposal was clearly expressed by officers during pre-application discussions (16/00246/PRE - March 2017). Furthermore it has not been demonstrated that the proposal would not result in the loss of BMV. This identified harm weighs against the proposal in the overall planning balance.

### Highway Safety

5.36 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 INF1 of the JCS requires that developers should provide safe and accessible connections to the transport network to enable travel choice for residents and commuters.

5.37 There is currently an access into the site via the adjoining Bell House Farm site, which in turn provides vehicular access directly onto the A417. The entire development is proposed to be accessed via this single point of access from the A417. The internal estate roads serving the development would comprise a single loop and 2nos. cul-de-sacs.

5.38 The application has been supported by a Transport Statement (TS) which seeks to set out the transport impact of the development. An initial Residential Travel Plan has also been prepared in support of the scheme. The TS notes that National Cycle Route 45 passes within 500m of the site and connects Maisemore with the centre of Gloucester (approximately 5km to the south) and provides a segregated, traffic-free path. The TS further notes that pedestrian footways are provided adjacent to the A417 within Maisemore, providing access to the nearest bus stops located approximately 200m to the east in the village centre.

5.39 The County Highways Officer (CHO) has been consulted on the application and raised a number of issues which required the submission of additional information. The outstanding, included the requirement to demonstrate visibility on to the shared surface area and undertaking an assessment of the potential impact of the development on the A417/ A40 Over roundabout to the south of Maisemore as it is particularly sensitive at peak times.

5.40 Additional information was subsequently submitted by the applicant and the CHO duly re-consulted. The CHO noted that the site access from the A417 has been established by the extant permission for the neighbouring residential development. Although access for the current proposal is reserved, the applicant has proposed an access design, the principles of which can be agreed at this time. The access has been amended for the 60 units with the inclusion of a 2.0m footway on either side of the access road and tying into the existing facilities on the A417. The additional drawing demonstrates vehicle tracking of a large 3 axle refuse vehicle passing a large estate car waiting at the access junction give-way markers with the A417 and the internal site access junction. The refuse vehicle can pass without conflict, although does over swing the development site estate road. However, CHO advises that there is sufficient inter-visibility for approaching vehicles to give way without any significant impact or delay to the A417.

5.41 The internal estate road from the A417 is designed with a 20mph target speed. The 60 unit estate road access junction has therefore been sited to provide 2.4m x 25m of emerging visibility to the nearside carriageway edge which is considered acceptable by the CHO, in accordance with the local design standards.

Although not for formal consideration at this time, the access arrangement is considered suitable by the CHO and can be conditioned to be provided broadly in accordance with the submitted drawings.

5.42 The junction with the A417 has also been subject to capacity assessments by the applicant, which demonstrate sufficient additional capacity to accommodate the 60 additional units. The development is proposed to generate 49 AM and 48 PM two-way vehicle movements and the CHO has concluded that the proposed trip rate is reasonable, based upon the standard TRICS trip rate database. It is anticipated that the majority of the development traffic would distribute towards the south via the Over Roundabout and the submitted details suggest a distribution of 71% in the AM and 58% in the PM to/from the south. The predicted distribution figures are considered acceptable by the CHO. The CHO has advised that the Over Roundabout is sensitive, but is currently subject to an improvement scheme to alleviate capacity issues. It is therefore agreed that the impact assessment should be undertaken on the improvement scheme layout. The modelling outputs submitted by the applicant demonstrate that the proposed development would not have a significant impact and would only increase the RFC (Ratio of Flow to Capacity) by 0.04 in the AM peak on the A417 Northern approach arm. The modelling also demonstrates that the impact of the development in the PM peak would be minimal, with a maximum increase in RFC of 0.02 on the A417 Southern Approach arm.

5.43 In conclusion, the CHO advises that the impact therefore cannot be regarded as severe in the context of Paragraph 32 of the NPPF and recommends that no highway objection be raised, subject to appropriate planning conditions. It is considered that, in the light of the additional information and subsequent CHO response, subject to appropriate planning conditions, the current proposal would not result in any undue detriment to the surrounding highway network, in accordance with Paragraph 32 of the NPPF and JCS Policy INF1.

### Drainage

5.44 JCS Policy INF2 (2) (iv) requires new development to incorporate Sustainable Urban Drainage Systems (SUDS) where appropriate to manage surface water drainage. Policy INF6 also requires that the infrastructure requirements generated by a proposal are met, including flood risk management infrastructure.

5.45 A Food Risk Assessment has been submitted to accompany the scheme as, whilst the site itself falls within Flood Zone 1, the site's area of some 2.35 ha requires the submission of a site specific FRA to accompany the proposal. The FRA advises that that all surface water from the development would either be infiltrated into the ground or discharged to the unnamed watercourse to the south of the site at a rate equivalent to that from the existing undeveloped site.

5.46 Whilst the exact footprint of buildings on the site remains unknown, the FRA accepts that there would be a significant increase in impermeable area, estimated as approximately 55% of the developed area (including an allowance of 10% for urban creep). The FRA concludes that the final drainage proposals would be agreed with Severn Trent Water at the detailed design stage when site layout and positively drained catchment area is fixed. Severn Trent have raised no objection to the current scheme, subject to the inclusion of conditions relating to the submission of drainage plans for foul and surface water. Furthermore, the Lead Local Flood Authority (LLFA) have been consulted in respect of the scheme and have raised no objection to the proposed controlled discharge of surface water into the unnamed watercourse flowing along the site's northern boundary before discharging into the River Severn's West Channel. Attenuation sufficient for the 1 in 100 year rainfall event with 40% additional storage for climate change has been allowed for. The applicant has also calculated for 10% urban creep. The LLFA has no objection to the application subject to a condition relating to the design and subsequent implementation of an appropriate SUDS system.

5.47 The Parish Council and a number of local residents have raised concerns with regards to the ability of the existing Severn Trent sewers within the village to cope with any additional residential development. The Parish have advised that Maisemore has a longstanding sewerage problem and this was acknowledged by Severn Trent in a presentation to the Parish Council in 2014. During periods of heavy or prolonged rain, the Parish state that the sewers are surcharged with storm water and raw sewage is forced up through manholes at the lower end of the village - notably at the junction of The Rudge with the A417 and in the car park of the White Hart Inn. The Parish have sought to contact Severn Trent on this issue direct, in view of their 'no objection' response in respect of the current application despite their acknowledged that Maisemore sewers were "at capacity" and "hydraulically challenged". Severn Trent also raised no objection to previously approved applications within the village that will increase sewage into the system by 25%. In view of the Parish and local resident concerns, Officers have also sought to address this issue with Severn Trent and Severn Trent have subsequently issued a revised response which raises no objection to the proposal, subject to the imposition of a planning condition requiring the need for foul sewerage improvements to be approved and delivered prior to occupation of any dwelling on the site. It is considered that the details of any improvements identified should be submitted at the very latest with the first reserved matters application, with

the works completed before occupation of any dwelling; this would ensure that the development would be acceptable in drainage terms, prior to any works commencing on site. Subject to the above condition, it is therefore considered that the application would be acceptable with regards to drainage, in accordance with Policies INF2 and INF6 of the JCS.

## **Ecology**

5.48 The application has been supported by a Preliminary Ecological Appraisal including Phase 1 Habitat Survey, with the purpose of recording the habitats present within the site and the potential presence of protected or notable species. The survey identified a single site of European importance (Walmore Common SPA/Ramsar) within 8.8km of the site and a single Local Nature Reserve some 1.9km from the site. Due to the relative distance of the site from the identified statutory and non-statutory conservation sites, the report concluded that the development was unlikely to compromise their integrity.

5.49 Although no trees with features potentially suitable for roosting bats were identified, the Report concluded that, should any tree works be required during the course of development, they should first be inspected by a qualified ecologist. The Report also recommends that specific analysis be undertaken on the waterbody within the wider study area in order to confirm the presence/absence of great crested newts. Should a positive result for the newts be returned by the analysis, then further dedicated surveys would be required, undertaken by licensed ecologists following Natural England guidelines. Furthermore, the Report recommends that a Suitably Qualified Ecologist (SQE) is present during any scrub or vegetation clearance to ensure that no reptiles present on site will be harmed as per methods outlines within best practice guidelines.

5.50 With regards to nesting birds, the Report advises that should construction works at the Site need to take place during the breeding bird season, a SQE should be engaged to search the Site for evidence of nesting birds immediately prior to works, with a re-check undertaken for any works delayed longer than 48 hours. Should a nest be recorded, a suitable working buffer should put in place until young have successfully fledged the nest.

5.51 Having regard to the above, should Members be minded to grant planning permission, a condition should be imposed requiring the measures identified within the Ecological Appraisal to be carried out. Subject to appropriate planning conditions to secure mitigation as necessary, it is considered that the proposal would accord with paragraphs 117 and 118 of the NPPF and Policy SD9 of the JCS.

## **Residential Amenity and Noise**

5.52 Policy SD14 of the JCS states that new development must cause no unacceptable harm to local amenity and result in no unacceptable level of noise.

5.53 The site is within close proximity to the A417 however the layout of the development is reserved for future consideration. The indicative layout submitted to accompany the current scheme, shows the nearest units to the A417 as being some 14 metres. The majority of units are shown to be set back off the road and the layout is such that front gardens nearest the A417 are set behind a service road and existing belt of trees.

5.54 The Environmental Health Officer has been consulted with regards to the proximity of the highway to the closest proposed dwellings. There is some concern that the outdoor amenity of the houses closest to the A48 would not comply with guidance on sound insulation and noise reduction for buildings or the criteria set out in the World Health Organisation (WHO). Due to this close proximity, the EHO has advised that the applicant should submit a noise assessment in line with recognised BS standards, in order to identify any necessary noise mitigation measures to meet both recommended internal and external noise levels.

5.55 In terms of the proposed layout, it is such that each house has adequate internal and external space and the arrangement is such that there would be no unacceptable overlooking or over-dominating impact, either to other residents within the site or occupiers of the adjacent extant development (14/00965/FUL), should this subsequently be implemented.

5.56 In light of the above and subject to the imposition of a condition to secure noise mitigation measures, the application is considered to have an acceptable impact on residential amenity.

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

5.57 The NPPF sets out that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Furthermore, JCS Policy INF4 provides that where new residential development will create or add to, a need for community facilities, it will be fully met as on-site provision and/or as a contribution to facilities or services off-site. Saved Local Plan Policy RCN1 requires the provision of easily accessible outdoor playing space at a standard of 2.43ha per 1000 population on sites of 10 dwellings or more.

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

5.59 Based on Policy RCN1 and the Playing Pitch Assessment and Strategy, 0.163ha of playing pitches would be required, to be provided either on or off site, or the equivalent financial contribution for an existing provision. As playing pitches cannot be provided on site, a financial contribution of £18,700 would be required, towards enhancing existing sports provision within the Maisemore parish area.

5.60 Furthermore, an off-site contribution for changing facilities, based upon Sport England guidance, would also be required in respect of the proposed development. This figure would be the equivalent capital cost of a required four team changing facility, based on two playing pitches, which would amount to £53,900. As such, the total contribution required towards off-site playing pitches and changing room provision required in respect of the development would be £72,600.

5.61 Based upon the Sport England sports facility calculator, 60 dwellings would also require the provision of the following:-

- Contribution for sports hall - £22,306
- Contribution for swimming pool - £24,546;
- Contribution towards astroturf - £3,164;
- Contribution towards indoor bowls - £3,926
- **Total contribution for sports facilities - £53,939.**

5.62 The indicative layout proposes the provision of an area of Public Open Space (POS), measuring 0.28 ha, along the eastern edge of the site. This would provide new landscaping and an attenuation pond. The detailed design of the green infrastructure, landscaping and open space would be the subject of a reserved matters application. Specification of play areas and teenage facilities, whether on site or off site, needs to be agreed with the LPA and meet standards as set out by Fields in Trust in relation to accessibility standards. The Community Development Officer (CDO) has advised that insufficient evidence has been provided to show how the development meets the Fields in Trust standard, whether on-site or off-site.

5.63 With regards to the requirement for community facilities contributions arising for the development, the CDO has advised that £27,282 would be required towards Maisemore Village Hall improvements. Whilst this matter may be capable of resolution at this stage, the applicant has not agreed to these contributions and there is no signed s106 obligation. On that basis the proposed development does not adequately provide for open space, outdoor recreation and sports facilities and the proposed development conflicts with Local Plan policy GNL11, JCS policies INF4, INF6 and INF7 and the NPPF. This weighs against the proposal.

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

5.64 The NPPF states that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local Plan Policy INF6 of the JCS highlights that where the need for additional infrastructure and services arises, the LPA will seek to secure appropriate infrastructure which is necessary, directly related and reasonably related to the scale of proposal including early years and education provision, health and well-being facilities and sport, recreation and leisure facilities.

5.65 With regard to education, The County Council Community and Economic Development Officer (CEDO) has been consulted but no response has been received at the time of report writing. Financial contributions towards education will be required to provide additional school places based on the number of pupils expected to need places arising from the development.

5.66 With regard to library provision, a formal response is still awaited from the CEDO with regards to required contributions. In terms of the need for other community facilities, comments are still awaited from NHS England. **Members will be up-dated at Committee regarding the above required contributions.** Whilst these matters may be capable of resolution through negotiation, at this stage there is no agreement to provide the required community and education facilities contrary to the requirements of Policy GNL11 of the Local Plan, policies INF5, INF6 and INF7 of the JCS and the NPPF. This weighs against the proposal.

### **Community Well-being and Social Cohesion**

5.67 Maisemore Parish Council have raised within their letter of objection, the issue of overdevelopment arising from the cumulative impact of recent and extant and recent developments within the village, together with the proposal for a further 60 dwellings represented by the current scheme. The Parish have made reference to two recent permissions for major housing development within the village, for 28 and 15 dwellings respectively (15/00131/OUT & 17/00538/APP - Land at Rectory Farm - permission for 28 dwellings) and (14/00965/FUL - Bell House Farm - 15 dwellings). The Parish state that, these two developments, together with 4nos. further recent permissions for single dwellings, have already resulted in a 25% increase to the village. The current scheme for 60 dwellings, if permitted, would result in an increase in housing of over 50%. Thus, it is necessary to consider the effect on the existing community should this application be permitted.

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

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

5.70 More recently, appeals at Gotherington (Trumans Farm - APP/G1630/W/17/3167141 and Ashmead Drive - APP/G1630/W/17/3175559) have identified the "vitality and social well-being" of a place as being material considerations. In both instances the appeals were dismissed. In the Trumans Farm case the Inspector noted that Gotherington was the 4th largest service village identified in the JCS and also that it had a wide range of services and facilities including a primary school, village store, post office, public house, village hall and sports club. The Inspector also recognised that Gotherington had already seen planning permissions for 86 dwellings granted within the plan period - a 33% increase in the number of dwellings in the village. At that time, the Inspector recognised that 787 dwellings of the 880 proposed to be disaggregated to the services villages had already been permitted, whilst the indicative number of 71 new dwellings allocated to Gotherington in the Approach to Rural Sites background paper (February 2015) had already been exceeded.

5.71 The Inspector concluded that the appeal proposal (for 75 dwellings) would result in a disproportionate housing increase for Gotherington in what would be a relatively short space of time. Further, the Inspector concluded that he was not persuaded that the appeal proposal would reflect the community's needs and support its health, social and cultural well-being, or contribute to supporting a strong, vibrant and

healthy community as set out in paragraph 7 of the NPPF. He therefore concluded that the proposal would have an adverse effect on the vitality and social well-being of Gotherington, with this failure to satisfy the social role of sustainable development carrying significant weight against the proposal. The Inspector for the Ashmead Drive appeal (for 50 dwellings) drew similar conclusions.

5.72 Whilst the above appeal decisions are useful, each case and each settlement will have their own circumstances which need to be considered in the context of social cohesion and well-being. In this instance the proposed 60 dwellings alone would result in a 30 % increase to the 200 existing dwellings in Maisemore. When considered cumulatively along with the permitted 47 dwellings already permitted within the village during the plan period, the proposal would result in over a 50% increase to the number of houses in the village.

5.73 The Borough Plan disaggregation work for housing provision for Service Villages within the plan period, resulted in an expected housing figure of 28 homes for Maisemore. Along with four dwellings already committed, this would result in a 20% increase in the size of the village. Whilst it is acknowledged that this figure is by no means definitive with regards to housing provision, it does nevertheless provide a meaningful guide, based upon the JCS Rural Settlement Audit and the level of services, facilities and accessibility each service village possesses. This approach has been accepted by Inspectors in previous appeals (see above). Having regard to this, it can be seen that the existing commitments for Maisemore (47 new dwellings) have already far exceeded the disaggregated figure of 28 dwellings.

5.74 In light of the above, it is considered that the 30% increase resulting from this development on its own, or the cumulative increase of over 50% resulting from extant commitments and recent developments, would represent a sizeable expansion to the village which would result in a disproportionate housing increase for Maisemore in what would be a relatively short space of time. The views of the local community set out in the consultations and representations section of this report highlight the concerns that the village lacks the required infrastructure to support more growth that has already been permitted. This reflects the disaggregation work carried out in support of the emerging Borough Plan (i.e. The Approach to Rural Sites background paper). As a result it is not considered that the proposal would reflect the community's needs and support its health, social and cultural well-being, or contribute to supporting a strong, vibrant and healthy community as set out in paragraph 7 of the NPPF. The proposed development would thus have an adverse impact on the social cohesion and wellbeing of the community in Maisemore and this factor is considered to weigh significantly against the proposal in the planning balance.

## **6.0 Overall Balancing Exercise and Conclusion**

6.1 Section 38(6) of the Town and Country Planning Act 1990 provides that, if regard is to be had to the development plan, the determination must be made in accordance with the development plan unless other material circumstances indicate otherwise. Section 70 (2) of the Act 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.

### **Benefits**

6.2 The delivery of market housing at a reasonably accessible location having regard to Maisemore's Service Village status, is a benefit arising from the proposal. Those benefits are tempered however, by the fact that the Council can demonstrate a five year supply of deliverable housing sites. The provision of affordable housing would similarly be a benefit however the application does not propose the required amount of affordable units as set out in policy SD12 of the JCS.

6.3 In terms of economic benefits it is now widely accepted that new housing developments bring benefits during the construction phase, and following construction through additional spending power in the local economy as a result of the increased population.

### **Harms**

6.4 Harm arises as a result of the conflict with the development plan and in particular policy SD10. The proposal would result in discernible harm to the rural character and appearance of the landscape as a result of the loss of the field and its replacement with 60 dwellings and associated infrastructure and paraphernalia. The proposal would also fail to enhance local distinctiveness, having an adverse impact on the character and appearance of the village.

6.5 It has not been demonstrated that the development would not give rise to the loss of best and most versatile agricultural land, and this loss would not be outweighed by the benefits of the proposals given the harms outlined elsewhere in this report. The absence of an archaeological field evaluation in order to demonstrate that the proposed development would result in no adverse impact on significant archaeological remains is also considered to represent an identified harm in respect of the proposal. Harm would also arise as a result of the provision of 60 new houses and the resulting rapid and disproportionate expansion of the village which would have an adverse impact on the social cohesion and wellbeing of the existing community. The absence of any proposals to mitigate the impacts of the development in respect of recreational and community infrastructure also weighs against the development although it is noted that these matters would be capable of resolution through appropriate s106 obligations.

#### **Neutral**

6.6 Subject to the imposition of suitable planning conditions relating to highways and drainage, as set out within section 5 above, there would be an acceptable impact in transport and flood risk/drainage terms.

6.7 It is considered that the proposal would result in a neutral impact on the significance of the nearby Grade II Listed Milestone Cottage and Bell House Farm. There would be no undue impact in terms of residential amenity (subject to the imposition of appropriate planning conditions relating to the submission of an appropriate noise assessment and mitigation measures), or to ecology, subject to implementation in accordance with the strategies set out within the submitted ecological survey report.

#### **Conclusion**

6.8 It is considered, on the basis of the above, that the significant and demonstrable harms identified above clearly outweigh the benefits in this case and as such, the proposal is not considered to represent sustainable development. It is therefore recommended that the application is **REFUSED**.

#### **RECOMMENDATION Refuse**

##### **Reasons:**

- 1 The proposed development conflicts with Policies SP2 and SP10 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 -2031 (December 2017) in that the proposed development does not meet the strategy for the distribution of new development in Tewkesbury Borough and the application site is not an appropriate location for new residential development.
- 2 The proposed development, by reason of the prominent location and rural character of the site, the quantum of development proposed and the layout design as indicated within the illustrative layout plan, would represent an incongruous and urbanising intrusion into the rural landscape and open countryside. As such, the proposed development is contrary to advice set out in the National Planning Policy Framework (2012) and Policy SD6 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 -2031 (December 2017).
- 3 The proposed development would cause unacceptable harm to the traditional character and appearance of the village and its surroundings by virtue of its location, form, layout and density that would not enhance local distinctiveness. As such the proposal conflicts with Policy SD4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 -2031 (December 2017) and the NPPF (2012).
- 4 The proposed development has failed to demonstrate that there would be no unacceptable harm to the significance of archaeological heritage assets and it is considered that there would be no public benefits arising from the development which would serve to outweigh this potential harm. Therefore, the development would be contrary to paragraphs 132 and 133 of the NPPF (2012), Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy SD8 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 -2031 (December 2017).
- 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 SD12 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 -2031 (December 2017).



- 6 In the absence of an appropriate planning obligation, the application does not make provision for the delivery of community infrastructure, education and library provision, open space, outdoor recreation and sports facilities 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 (2012) (Promoting healthy communities) and Policies INF4 and INF6 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 -2031 (December 2017).
- 7 Whilst all matters relating to design and layout are reserved for future consideration, the proposal, by virtue of its scale, quantum of development and edge of village location, would result in a development that would not be sufficiently integrated and connected to the wider built context and would fail to make a positive contribution to the quality of the character and functionality of the wider settlement and would fail to establish a strong sense of place. The proposed addition of 60 dwellings, in addition to the 47 dwellings already permitted at Maisemore in the plan period, would result in cumulative development of the village which would be of a scale disproportionate to the existing settlement. As such the proposed development would fail to maintain or enhance the vitality of Maisemore and would have a harmful impact on the social wellbeing of the local community, risking the erosion of community cohesion. Furthermore, the proposed development would not be proportional to the size and function of Maisemore as a Service Village as defined in the Joint Core Strategy and would not reflect its proximity and accessibility to Cheltenham and Gloucester. For these reasons the proposal does not represent sustainable development within the context of paragraph 14 of the NPPF (2012) and the identified harms would significantly and demonstrably outweigh the benefits of the proposal. The proposed development would therefore be contrary to the core principles of land-use planning set out at paragraph 17 of the NPPF (2012), sections 7 (Requiring Good Design) and 8 (Promoting Healthy Communities) of the NPPF (2012) and Policies SP2, SD4, SD6 and SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 -2031 (December 2017).
- 8 The proposed development would result in the loss of Best and Most Versatile agricultural land and the loss of this valuable resource is not outweighed by economic or other benefits contrary to paragraph 112 of the National Planning Policy Framework (2012).

Note:

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

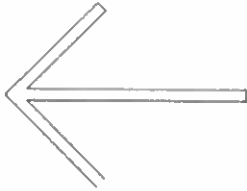
In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner offering pre-application advice, detailed published guidance to assist the applicant and published to the council's website relevant information received 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.

17/00514/OUT

# KEY LEGEND

- Site Boundary 2.64HA
- Right of access only

**NORTH**

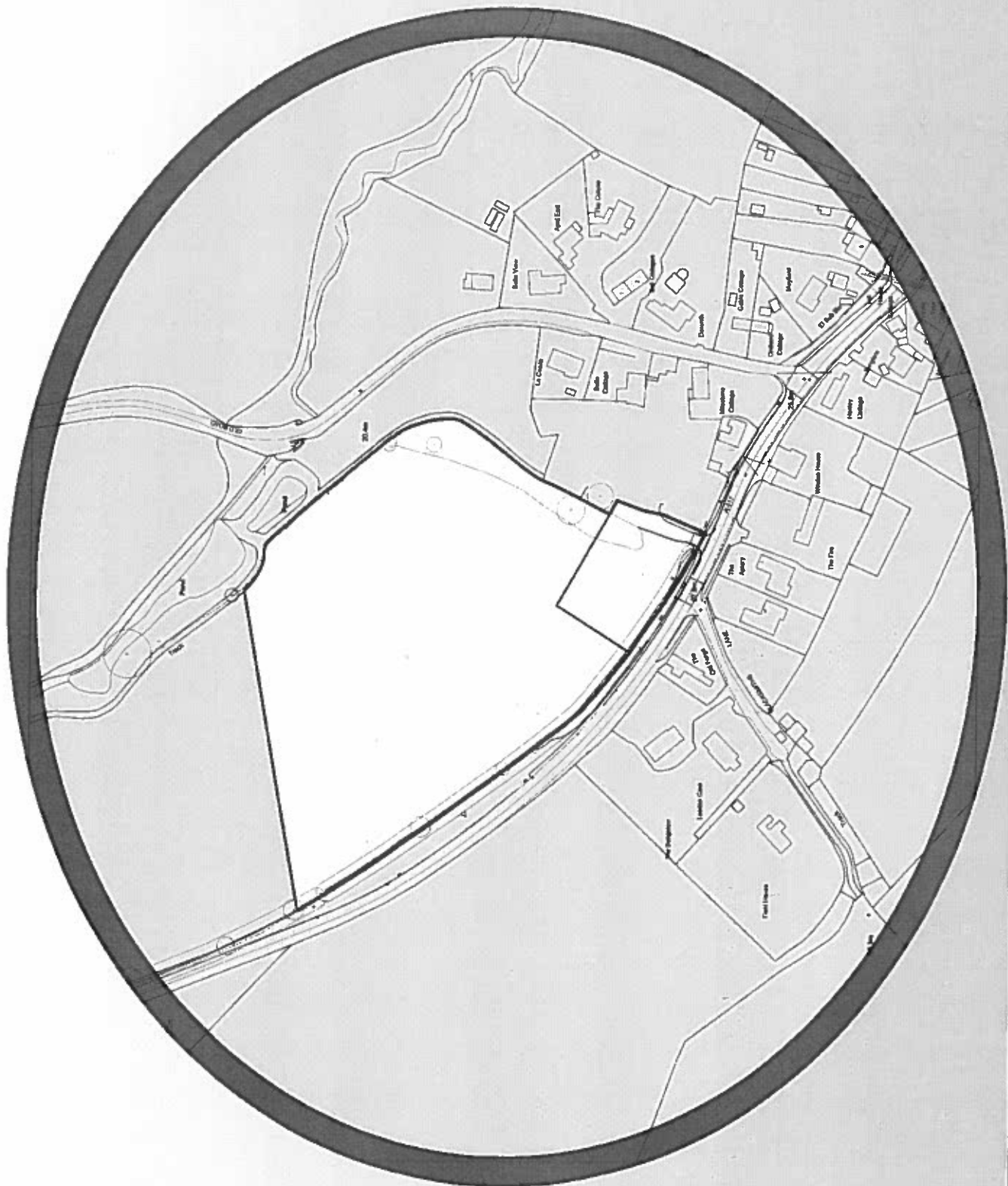


10 0 10 20 30 40 50  
metres



client STEPHAN LLP  
 project Bell House Farm  
 title Existing plan

SCALE 1:1250 A2	DATE 05/05/2017
DRAWN RA	CHECKED RS
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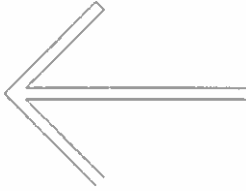
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17/00514/01

# KEY LEGEND

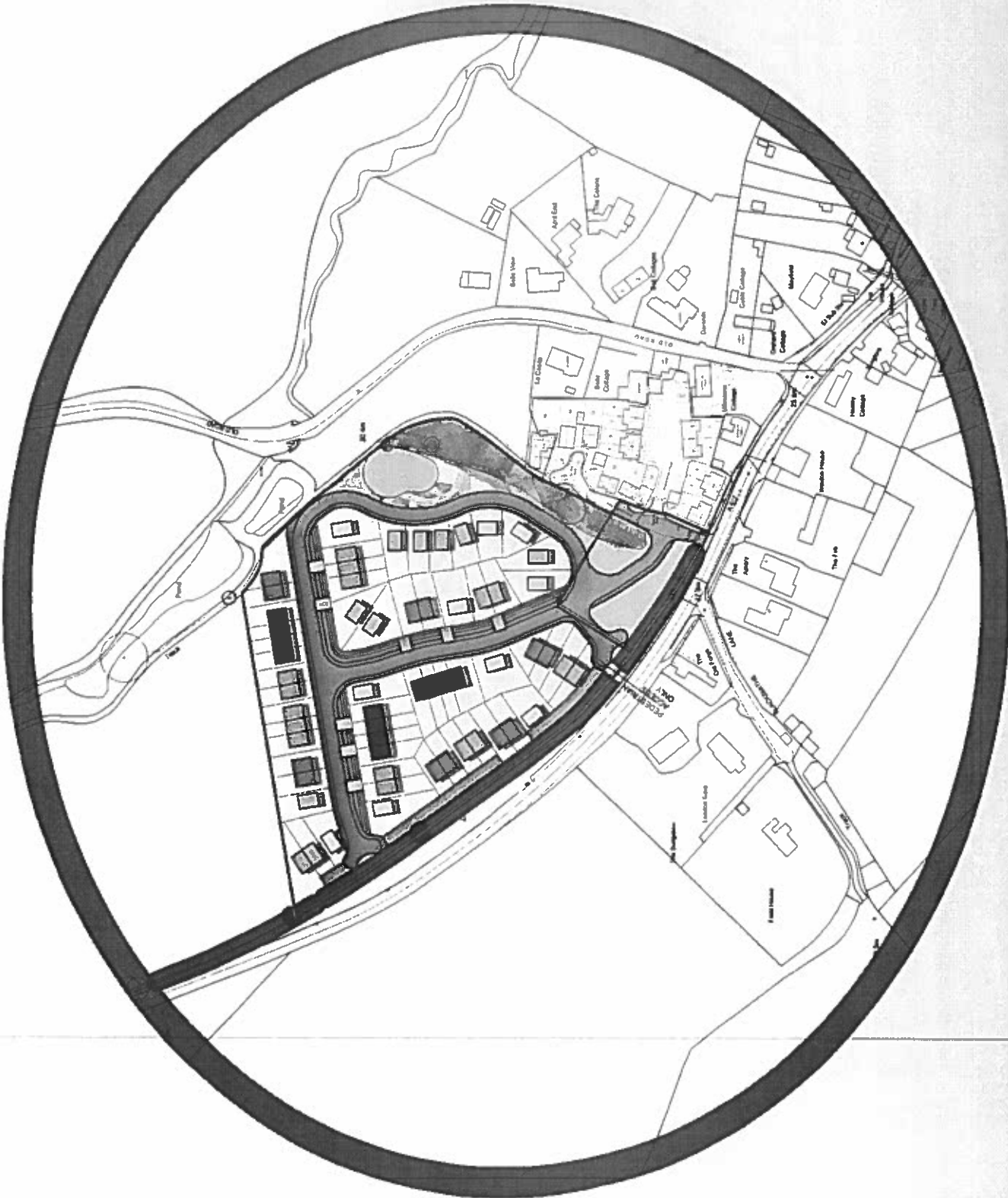
- Site Boundary 2.84HA
- Right of access only
- House type D1 detached
- House type D2 detached
- House type S1 semi-detached
- House type S2 semi-detached
- House type T1 terraced (3 set)
- House type T2 terraced (4 set)
- External car access

## NORTH



client: SIFPLAN LLP  
 project: Bell House Farm  
 title: Proposed Block Plan

scale: 1:1250 as	date: 08/05/2017
status: RA	created: RS
CAL021216	06
	A



7/016

Valid 22.12.2017  
 Grid Ref 391524 217347  
 Parish Badgeworth  
 Ward Badgeworth

Erection of 3 summerhouses for display purposes.

## RECOMMENDATION Refuse

### Policies and Constraints

National Planning Policy Framework (2012)  
 Planning Practice Guidance  
 Joint Core Strategy (2017) - SD1, SD4, SD5, SD6, SD7, INF1, INF2  
 Tewkesbury Borough Local Plan to 2011 (March 2006) - None relevant  
 The Cotswolds AONB Management Plan (2013-2018)  
 Human Rights Act 1998 - Article 8  
 The First Protocol - Article 1  
 Green Belt  
 Cotswolds Area of Outstanding Natural Beauty

### Consultations and Representations

**Badgeworth Parish Council** - Supports the application.

**GCC Highway Authority** - No objection raised.

**Representations** - None received.

**Councillor Vines has requested Committee determination to assess the suitability of this proposal given the location of the site in the Green Belt and Area of Outstanding Natural Beauty.**

**Planning Officers Comments:** Victoria Stone

### 1.0 Introduction

1.1 This application relates to a parcel of land at Shurdington Nurseries, which is located to the south of Whitelands Lane, Little Shurdington (**See attached location plan**). Shurdington Nurseries comprises approximately 1.5 hectares of land and is bound by open fields to the west and south, the junction of Whitelands Lane and Dark Lane to the east and agricultural land to the north.

1.2 The application site is located in the northern half of Shurdington Nurseries, is irregular in shape, relatively flat and measures approximately 0.05 hectares.

1.3 The application site is located in the Green Belt and the Cotswolds Area of Outstanding Natural Beauty (AONB). A Public Right of Way runs along the west boundary of the site.

1.4 During the course of the application the site area has been amended at the request of the applicant. A new notification period has been carried out.

### 2.0 Planning History

2.1 Shurdington Nurseries is an established horticultural business which has been operating at the site for many years.

2.2 In 1998 planning application 98/5192/0570/FUL was granted for the erection of polythene cladding for two existing polythene frames, re-establish areas for growing containerised trees and shrubs, the restoration of an area of land to agricultural use, the erection of seven foot high entrance gates and fence and the erection of a storage building to house vehicles for the transportation of produce, potting machinery and horticultural products.

Part of the permission allowed the erection of five bays for a landscape garden business - within a restricted area and for a limited period of 5 years - in order to enable the development of the plant nursery. The landscape garden business was required by condition to be discontinued and the land restored to its former condition on or before 31st July 2003

2.3 A Certificate of Lawfulness, ref: 11/00901/CLE was granted in October 2011 for the continued use of the nursery without compliance with Condition 2 of 98/00570/FUL which prevented the sale of imported goods.

2.4 The Lawful use of the application site is therefore as a horticultural business.

### **3.0 Current Application**

3.1 This application seeks planning permission for the erection of three timber summerhouses for display purposes. The summerhouses would act as demonstration models for potential customers to inspect the workmanship and quality. Customers would then be able to purchase them at the existing sales office on site.

3.2 Brochure details of the three summerhouses have been provided. The dimensions are as follows:

Octagonal Summerhouse - 2.44m x 1m

Log Cabin - 4m x 3m

Riverton - 3.8m x 5.8m

The ridge height of all three types would not exceed 3m.

### **4.0 Policy Context**

4.1 The determination of a planning application is to be made pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004, which is to be read in conjunction with section 70(2) of The Town and Country Planning Act 1990. Section 38(6) requires the local planning authority to determine planning applications in accordance with the development plan, unless there are material circumstances which "indicate otherwise". Section 70(2) provides that in determining applications 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 materials considerations."

4.2 The development plan comprises the Joint Core Strategy (JCS) (2017) and saved policies in the Tewkesbury Borough Local Plan to 2011 (March 2006) (TBLP).

4.3 Other material policy considerations include national planning guidance contained within the National Planning Policy Framework.

4.4 The relevant policies are set out in the appropriate sections of this report.

### **5.0 Analysis**

5.1 The main issues to be considered are the principle of the change of use of land, the principle of the development in the Green Belt, the impact upon the Cotswolds AONB, amenity and highway safety.

#### **Whether the summerhouses would be ancillary to horticultural/landscape business?**

5.2 The agent considers the display of summerhouses would be ancillary to the use of the site as a plant nursery and/or unauthorised landscape business. On the current information and in the existing circumstances, officers do not consider it could be validly argued that the erection for sale of the summerhouses is ancillary to the, theoretically, unauthorised landscape gardening business but is more the sale of goods which may be connected in some way with that business. In addition, it cannot be ancillary as they are there purely as display items and if purchased would be made off site and delivered. The display and sale of good on open land except vehicles is classified as sui generis under The Town and Country Planning (Use Classes) Order 1987 (as amended). This is a different use class to plant nursery (horticulture) or indeed a landscape gardening business. Given this, it is reasonable to conclude that the application also requires permission for the change of use of land for the display of summerhouses to be sold at the site.

5.3 As mentioned above a Certificate of Lawfulness, ref, 11/00901/CLE was granted in 2011 for the continued use of the nursery without compliance of Condition 2 of planning permission 98/00570/FUL which prevented the sale of imported goods. The agent contends that as the Certificate does not specify the type of goods that can or cannot be sold, any goods could be sold from this site. However, the display and sale of summerhouses amounts to a sui generis use and as application 11/00901/CLE referred to the 'continued use of the nursery without compliance with Condition 2,' this does not allow summerhouses to be sold from the site as contended without the need for planning permission.

## **Principle of the change of use**

5.4 In terms of economic growth, one of the 'core principles' of the NPPF is to proactively drive forward and support sustainable development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Paragraph 19 of the NPPF states that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth and that planning should operate to encourage and not act as an impediment to sustainable growth.

5.5 Paragraph 28 of the NPPF 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. It advises that local plans should promote the development and diversification of agricultural and other land-based rural businesses.

5.6 The vision for the borough, set out in the JCS, is underpinned by three specific strategic objectives to support a thriving economy. The third objective is to support a prosperous rural economy.

5.7 The application site is located in the wider countryside. In this location, criterion (vii) of Policy SD1 'Employment - except retail development' of the JCS sets out that employment-related development will be supported where it allows for the growth or expansion of existing businesses, subject to all other policies of the plan.

5.8 The agent submits that the applicants are trying to diversify their operations in order to remain viable in an ever competing industry.

5.9 The proposal would help meet one of the strategic objectives of the JCS by supporting rural economic growth. However, the site is subject to a number of constraints posed by local and national designations. As such the significance of the impact of the development on these constraints/assets must be considered in assessing whether the principle of the development is acceptable.

## **Green Belt**

5.10 Policy SD5 of the JCS sets out that, to ensure the Green Belt continues to serve its key functions, it will be protected from harmful development. Within its boundaries, development will be restricted to those limited types of development which are deemed appropriate by the NPPF, unless it can be demonstrated that very special circumstances exist to outweigh the harm automatically caused to the Green Belt by virtue of the development being inappropriate and any other harm actually caused.

5.11 The NPPF provides that, 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. Paragraph 88 of the NPPF provides that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. '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.

5.12 To ensure the development is assessed against the correct policy provision it is essential to establish whether the summerhouses would constitute a 'building'. The applicant contends that because the summerhouses are 'temporary structures' and 'moveable' it is questionable as to whether they summerhouses could be considered to be new buildings. In this case, whilst the summerhouses would be placed on individual timber decking structures, given the site area is defined by the red line as identified on the submitted location plan they would have a high degree of permanency in terms of significance in the planning context. The ability to move them within the application site would not remove this significance. This coupled with the cumulative size of the summerhouses leads officers to conclude the summerhouses would constitute 'buildings'.

5.13 Paragraph 89 of the NPPF sets out that the construction of new buildings in the Green Belt is inappropriate other than for a number of exceptions. The siting of the summerhouses and the change of use of the land does not meet any of the exceptions therefore the development represents inappropriate development in the Green Belt, which by definition, is harmful to the Green Belt and should not be approved except in very special circumstances.

## **Preservation of openness**

5.14 Openness, as highlighted in the NPPF, is an essential characteristic of Green Belts to which the Government attaches great importance and which is a separate issue from the character and appearance of an area. It is a matter of its physical presence rather than its visual qualities.

5.15 The proposed development would introduce buildings that would materially impinge on the openness. This would be regardless of the limited extent to which it would be seen from public vantage points due to the existing and proposed landscape screening. For those reasons, the proposed development would cause harm to the openness of the Green Belt. This is in addition to the harm arising from the inappropriate nature of the proposal.

#### Purposes of including land as Green Belt

5.16 The Green Belt serves five purposes:

- To check the unrestricted sprawl of large built-up areas;
- To prevent neighbouring towns merging into one another;
- To assist in safeguarding the countryside from encroachment;
- To preserve the setting and special character of historic towns; and
- To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

5.17 By reason of its siting on land, the development would inevitably increase the built-up area of the site. As such the proposal would fail to safeguard the countryside from encroachment.

#### Applicant's Very Special Circumstances

5.18 '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. The applicant has advanced 'very special circumstances.' These are summarised below:

- *Certificate of Lawfulness granted in October 2011 at the site confirms that any goods can be sold from the site;*
- *Other nurseries in the Borough, including others located in the Green Belt, sell a very broad range of items. Many of these operate under a concession from the main operator:*
- *The summerhouses are temporary structures therefore questionable as to whether they should be considered to be new buildings;*
- *Summerhouses would result in far less impact than a traditional building;*
- *The location of the summerhouses will enable the applicant to make the area visually attractive;*
- *There has been a demise of many nursery businesses in the locality therefore the applicant has to diversify their operations in order to remain viable in an ever competing industry.*
- *The development would provide employment for two people.*

#### Analysis of the Very Special Circumstances

5.19 The need to diversify the operations at the site and the associated jobs the development would generate has been carefully considered. However no financial evidence has been submitted to demonstrate the economic need therefore very limited weight is attached to this element. As such it is considered that the justification, including the other reasons listed do not represent 'very special circumstances' and would not override the impact upon the Green Belt.

#### Conclusion on Green Belt Matters

5.20 The development would be inappropriate development in the Green Belt which is harmful by definition. In addition, there would be an identified harm to the openness and conflict with the purpose of the Green Belt. This carries substantial weight against the proposal.

5.21 In this particular case, the applicant has advanced 'very special circumstances'. However, it is considered that these would not outweigh the identified harm and development plan conflict so as to justify inappropriate development in the Green Belt.

5.22 The overall conclusion in respect of Green Belt harm is dependent on the identification of any other harm which may arise following analysis of all material planning considerations which are discussed in the following sections of this report.

## **Impact upon the Area of Outstanding Natural Beauty**

5.23 The application site is located within the Cotswolds AONB. The AONB is an area of high scenic quality that has statutory protection in order to conserve and enhance the natural beauty of its landscape. The National Planning Policy Framework (NPPF) makes clear that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

5.24 Policy SD7 (The Cotswolds Area of Outstanding Natural Beauty) of the JCS specifies that all development proposals within the setting of the Cotswolds AONB will be required to conserve and, where appropriate, enhance its landscape, scenic beauty, wildlife, cultural heritage and other special qualities. Proposals will be required to be consistent with the policies set out in the Cotswolds AONB Management Plan.

5.25 The application site and its immediate landscape setting typify the Cotswold escarpment landscape, forming part of the transitional topography at the foot of the scarp of Leckhampton Hill to the east. It represents open countryside with scattered buildings in the surrounding landscape. The agent contends the erection of three summerhouses will have no impact on the landscape and scenic beauty of this part of the AONB, though a Landscape and Visual Impact Assessment has not been submitted in support of this statement.

5.26 The application site is currently laid to hard surfacing and the nursery is screened to some extent due to existing landscaping, the introduction of the summerhouses would appear more domestic in nature than any development associated with the lawful agricultural/horticultural use at the site. It is considered the proposed buildings would have a greater impact upon the landscape character of the area than its current use however, given the site context, the overall footprint and height of the three buildings the harm upon the AONB would be limited. On balance, it is considered the proposed development would not be sufficiently harmful to warrant refusing the application on the impact upon the AONB.

## **Design**

5.27 All development is expected to be of a high design quality. Development at any scale and location should make a positive contribution to providing better places for communities. Policy SD4 of the JCS states that new development should respond positively to, and respect the character of, the site and its surroundings.

5.28 Due to scale, height and mass of the proposed summerhouses and its location on an existing horticultural site, it is considered the development should not have a harmful impact on the character and appearance of the area.

## **Other Matters**

5.29 Given the nature of the proposed development it should not have a harmful impact upon residential amenity nor upon highway safety.

5.30 The applicant has indicated they would consider a temporary permission however due to the level of identified harm upon the Green Belt as set out above, officers do not consider this to be an acceptable solution.

## **6.0 Conclusions**

6.1 The development should not have an adverse impact upon the AONB, visual amenity, residential amenity nor would it be prejudicial to highway safety.

6.2 However, for the reasons explained in this report, the development would cause significant harm to the Green Belt by reason of inappropriateness, harm to openness and conflict with the purposes of the Green Belt. Substantial weight is given to the harm to the Green Belt.

6.3 Overall, it is not considered that very special circumstances exist in this case and there are no other considerations with sufficient weight to outweigh that harm. Consequently the application is recommended for **Refusal**.

## **RECOMMENDATION Refuse**



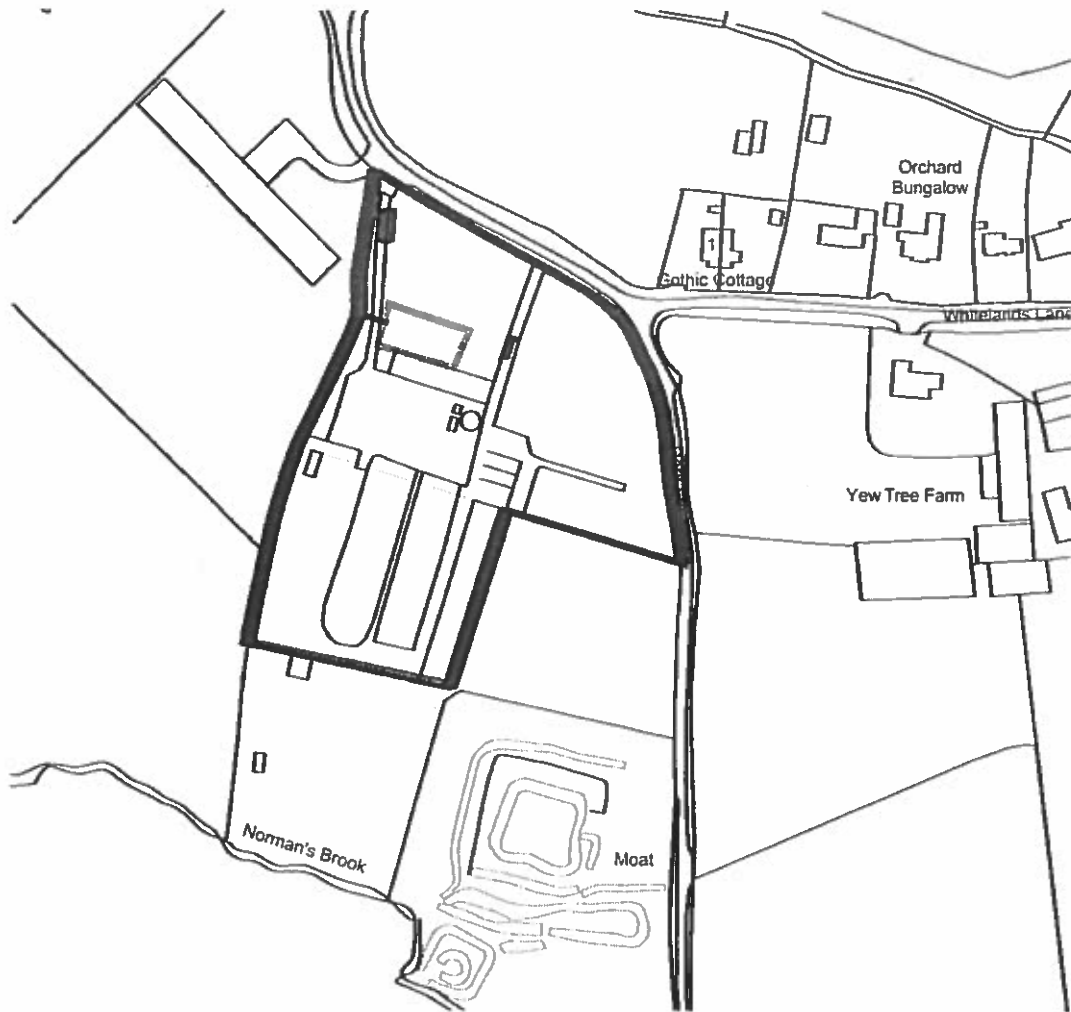
Reasons:

- 1 The proposal would represent inappropriate development in the Green Belt and would cause harm to the openness of the Green Belt, harm by reason of inappropriateness and conflict with one of the purposes of the Green Belt which is to protect the countryside from encroachment. The development thus conflicts with Policy SD5 of the Joint Core Strategy (December 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.



NORTH

SITE LOCATION PLAN

Scale - 1:2500 @ A4

76/a

17/01371/R2

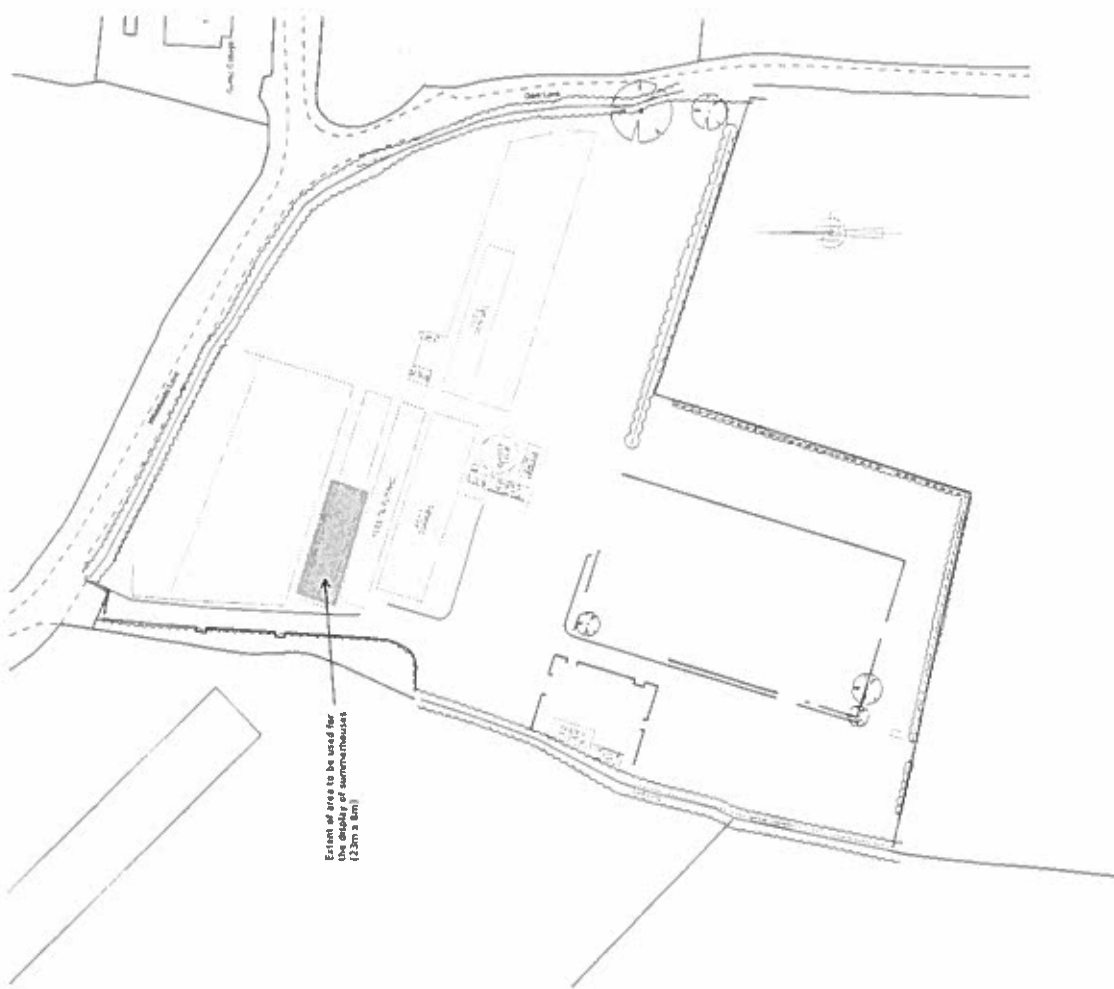


NORTH



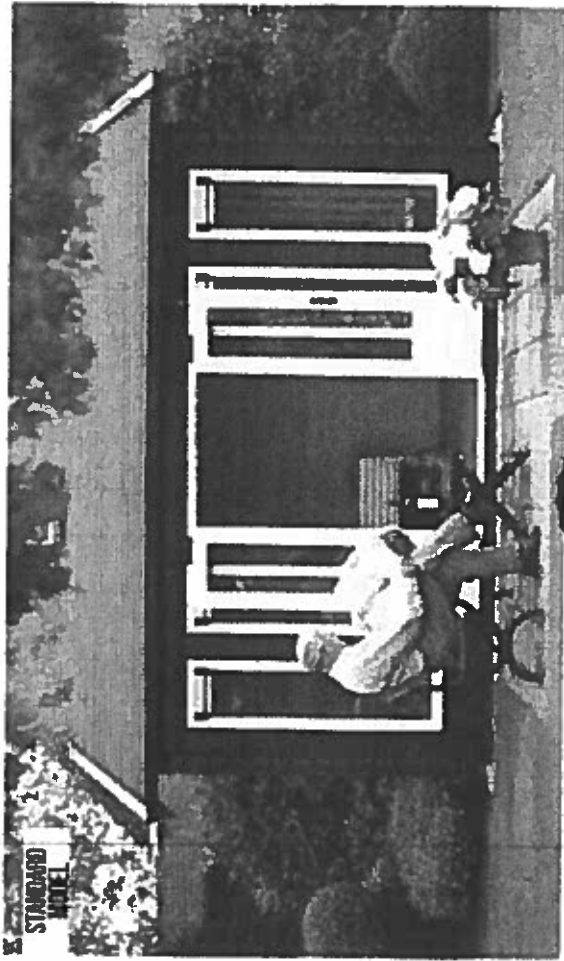
PROPOSED SITE LAYOUT PLAN

Scale - 1:500 @ A1



76/5

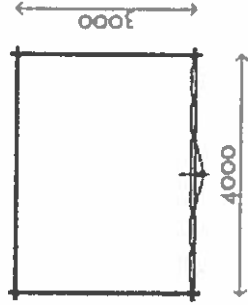
# LOG CABINS



**LOG CABIN ALABAMA**

300 x 400 cm

Articlenumber BA11



<b>DO YOU WANT TO MODIFY THIS LOG CABIN?</b> Simply change step(s) below:	
<b>1</b>	<b>LOG CABIN SIZE</b> 300 x 400 cm
<b>5</b>	<b>DOORS 1x PE26</b> <b>WINDOWS 4x P107</b>
<b>6</b>	<b>CHOOSE YOUR OPTIONS</b>

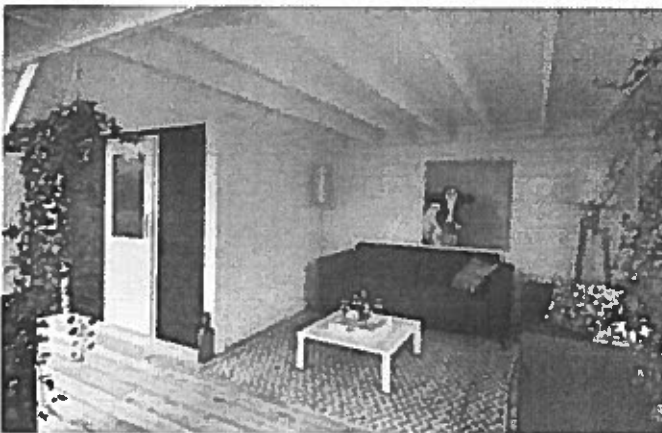
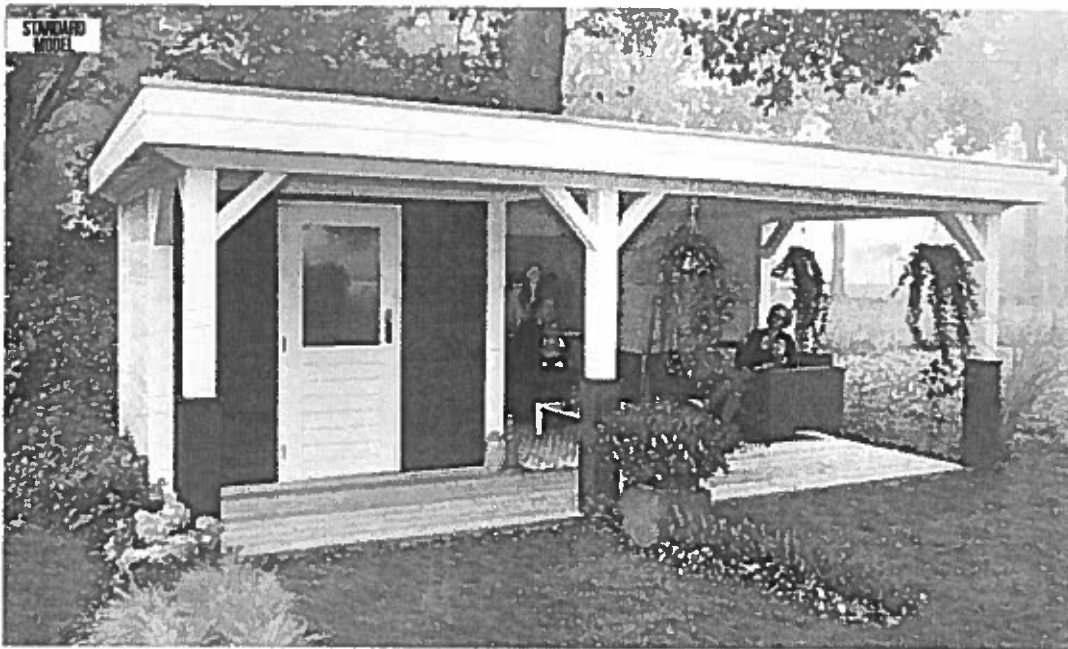
*Prices and available sizes of every step can be found in our pricelist*

	Roof slope	20°/22°	30°/35°	40°/45°	50°/55°
	Roof height	2000mm	2200mm	2400mm	2600mm
	Roof overhang	400mm	450mm	500mm	550mm
	Roof thickness	40mm	45mm	50mm	55mm
	Roof surface	1000	1100	1200	1300
	Roof weight	100kg	110kg	120kg	130kg

17101371/FUL

76/C

# RIVERTON

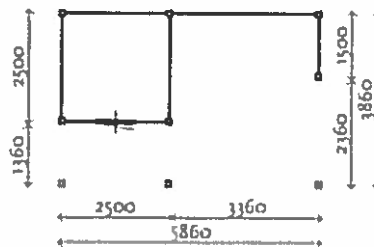


### DO YOU WANT TO MODIFY THIS SUMMERHOUSE?

Simply change step(s) below:

- 1 POSTS: 3x A / 1x B / 4x D / 1x E  
BRACES: 4 sets braces 9 x 9
- 2 WALLS: 1x B / 4x D / 1x F
- 3 FLAT ROOF: 22,62 m<sup>2</sup>
- 4 DOOR: 1x PE61H
- 5 OPTIONS: 3 x decorative base / 14 x 14 cm

**SIZE RIVERTON**  
386 x 586 cm  
Articlenumber PR32



Prices and available sizes of every step can be found in our pricelist





Paul

- Use boundary
- Proposed residential development
- Existing vegetation
- Proposed park: open space (to include new landscaping and tree planting)
- Proposed at least 1.5m deep
- Proposed new walkway
- Proposed location for sustainable transport (bicycle racks)
- Proposed emergency access & pedestrian/cycle way
- Proposed street pavements & cycle ways
- Proposed environmental roads
- Existing pavements
- Existing footways

CSA

Project Name	CSA
Client	CSA
Scale	1:500
Date	10/10/2017
Drawn by	CSA
Checked by	CSA

Valid 16.02.2018  
 Grid Ref 391524 217347  
 Parish Badgeworth  
 Ward Badgeworth

Retention of six storage containers and associated open storage

## RECOMMENDATION Refuse

### Policies and Constraints

National Planning Policy Framework (2012)  
 Planning Practice Guidance  
 Joint Core Strategy (2017) - SD1, SD4, SD5, SD6, SD7, INF1, INF2  
 Tewkesbury Borough Local Plan to 2011 (March 2006) - None relevant  
 The Cotswolds AONB Management Plan (2013-2018)  
 Human Rights Act 1998 - Article 8  
 The First Protocol - Article 1  
 Green Belt  
 Cotswolds Area of Outstanding Natural Beauty

### Consultations and Representations

**Badgeworth Parish Council** - Objects for the following reason:

- Containers are intrusive, out of character and would be inappropriate development

**GCC Highway Authority** - No objection raised.

**Environmental Health** - No objection in terms of noise/nuisance.

**Representations** - A number of representations objecting to the application have been received. The objections are summarised below:

- Containers not used in connection with the horticultural activities; used for commercial storage;
- Development would harm the AONB;
- Inappropriate development in the Green Belt;
- Containers are clearly seen from the outside the site and have a detrimental visual impact;
- Noise nuisance created;
- Development has resulted in an increased volume of traffic;
- Exacerbated localised flooding due to increase in surface water runoff.

**Councillor Vines has requested Committee determination to assess the suitability of this proposal given the location of the site in the Green Belt and Area of Outstanding Natural Beauty.**

**Planning Officers Comments:** Victoria Stone

## 1.0 Introduction

1.1 This application relates to a parcel of land at Shurdington Nurseries, which is located to the south of Whitelands Lane, Little Shurdington (**See attached location plan**). Shurdington Nurseries comprises approximately 1.5 hectares of land and is bound by open fields to the west and south, the junction of Whitelands Lane and Dark Lane to the east and agricultural land to the north.

1.2 The application site is located in the north eastern part of the Shurdington Nurseries, is irregular in shape, relatively flat and measures approximately 0.13 hectares.

1.3 The application site is located in the Green Belt and the Cotswolds Area of Outstanding Natural Beauty (AONB). A Public Right of Way runs along the west boundary of the site.

## 2.0 Planning History

2.1 Shurdington Nurseries is an established horticultural business which has been operating at the site for many years.

2.2 In 1998 planning application 98/5192/0570/FUL was granted for the erection of polythene cladding for two existing polythene frames, re-establish areas for growing containerised trees and shrubs, the restoration of an area of land to agricultural use, the erection of seven foot high entrance gates and fence and the erection of a storage building to house vehicles for the transportation of produce, potting machinery and horticultural products.

Part of the permission allowed the erection of five bays for a landscape garden business - within a restricted area and for a limited period of 5 years - in order to enable the development of the plant nursery. The landscape garden business was required by condition to be discontinued and the land restored to its former condition on or before 31st July 2003

2.3 A Certificate of Lawfulness, ref: 11/00901/CLE was granted in October 2011 for the continued use of the nursery without compliance with Condition 2 of 98/00570/FUL which prevented the sale of imported goods.

2.4 The Lawful use of the application site is therefore as a horticultural business.

### 3.0 Current Application

3.1 This application seeks retrospective planning permission for the retention of six storage containers and an area of land used for open storage used in association with a landscape garden business.

3.2 The dimension of the storage containers are as follows:

No.4 - 6.0 m (length) x 2.4m (width) x 2.6m (height)

No.1 - 7.0m (length) x 3.0m (width) x 2.6m (height)

No.1 - 9.0m (length) x 2.4m (width) x 2.6m (height)

Three of the containers are coloured green. It is proposed to paint the other three green to match.

3.3 Based on the information submitted containers A & B (as identified on the submitted layout plan) are used to store wooden fencing panels and concrete; containers C & D (as identified on the submitted layout plan) are used for the storage of arboricultural equipment including shredders, chippers and chainsaws; and containers E & F (see layout plan) are used for the storage of machinery and equipment in connection with landscape construction works.

3.4 A 2 metre high galvanised steel fence currently encloses one area of open storage. It is proposed to replace this with close boarded feather edge fencing. At the time the officer carried out the site visit there was a boat, a porta-cabin type structure, a skip and building material stored within this area.

3.5 As set out above, planning permission 98/5192/0570/FUL allowed use of part of the site for use as a landscaping garden business. A condition restricted the use to a specific area and required the use to cease on or before 31st July 2003 (see attached plan - Area E).

The reason given for this condition was:

*The element of the proposals involving the operation of a landscape gardening business represents inappropriate development in the Green Belt. Planning permission is granted exceptionally to enable the development of the plant nursery.*

3.6 Based on the information submitted it would appear the landscape gardening business at the site never ceased, therefore the use of the site for a landscape gardening business is in breach of the condition and currently unauthorised.

3.7 The storage containers at the site are located outside Area E and cannot be deemed to be ancillary to the unauthorised landscape gardening business because of the extent of the level of storage. It is considered to be too great an extent to be ancillary and is a use in its own right which needs permission. The storage of goods and open storage is classified as a B8 use under The Town and Country Planning (Use Classes) Order 1987 (as amended). If the containers and area of open storage are used for a mixed use (i.e. no identifiable primary use), which in this case it appears to be, the use is classified as Sui Generis. This is a different use class to agriculture/horticulture. Given this, it is reasonable to conclude that the application seeks permission for the change of use of land and the retention of the six storage containers and area of open storage to be used in association with the landscape gardening business and for general storage purposes (boat/skip/portacabin).



## **4.0 Policy Context**

4.1 The determination of a planning application is to be made pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004, which is to be read in conjunction with section 70(2) of The Town and Country Planning Act 1990. Section 38(6) requires the local planning authority to determine planning applications in accordance with the development plan, unless there are material circumstances which "indicate otherwise". Section 70(2) provides that in determining applications 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 materials considerations."

4.2 The development plan comprises the Joint Core Strategy (JCS) (2017) and saved policies in the Tewkesbury Borough Local Plan to 2011 (March 2006) (TBLP).

4.3 Other material policy considerations include national planning guidance contained within the National Planning Policy Framework.

4.4 The relevant policies are set out in the appropriate sections of this report.

## **5.0 Analysis**

5.1 The main issues to be considered are the principle of the change of use of land, the principle of the development in the Green Belt, the impact upon the Cotswolds AONB, amenity and highway safety.

### **Principle of the change of use**

5.2 In terms of economic growth, one of the 'core principles' of the NPPF is to proactively drive forward and support sustainable development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Paragraph 19 of the NPPF states that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth and that planning should operate to encourage and not act as an impediment to sustainable growth.

5.3 Paragraph 28 of the NPPF 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. It advises that local plans should promote the development and diversification of agricultural and other land-based rural businesses.

5.4 The vision for the borough, set out in the JCS, is underpinned by three specific strategic objectives to support a thriving economy. The third objective is to support a prosperous rural economy.

5.5 The application site is located in the wider countryside. In this location, criterion (vii) of Policy SD1 'Employment - except retail development' of the JCS sets out that employment-related development will be supported where it allows for the growth or expansion of existing businesses, subject to all other policies of the plan.

5.6 The applicant submits that there has been a general downturn in the horticultural industry therefore the nursery has had to diversify. The applicant contends that the landscaping/arboricultural/fencing activities not only offsets any downturn in the nursery business but also provides employment, both full time and part time and seasonal therefore Shurdington Nurseries has become a 'magnet' to the landscape industry.

5.7 The change of use of the land would help meet one of the strategic objectives of the JCS by supporting rural economic growth. However, the site is subject to a number of constraints posed by local and national designations. As such the significance of the impact of the development on these constraints/assets must be considered in assessing whether the principle of the development is acceptable.

### **Green Belt**

5.8 Policy SD5 of the JCS sets out that, to ensure the Green Belt continues to serve its key functions, it will be protected from harmful development. Within its boundaries, development will be restricted to those limited types of development which are deemed appropriate by the NPPF, unless it can be demonstrated that very special circumstances exist to outweigh the harm automatically caused to the Green Belt by virtue of the development being inappropriate and any other harm actually caused.

5.9 The NPPF provides that, 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. Paragraph 88 of the NPPF provides that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. '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.

5.10 To ensure the development is assessed against the correct policy provision it is essential to establish whether the storage containers would constitute a 'building'. In this case, given the sheer size, weight and bulk of the containers and as they would have a high degree of permanency in terms of significance in the planning context, it is considered the containers would fall within the definition of a 'building'.

5.11 Paragraph 89 of the NPPF sets out that the construction of new buildings in the Green Belt is inappropriate other than for a number of exceptions. The storage containers and the change of use of the land does not meet any of the exceptions therefore the development represents inappropriate development in the Green Belt, which by definition, is harmful to the Green Belt and should not be approved except in very special circumstances.

#### Preservation of openness

5.12 Openness, as highlighted in the NPPF, is an essential characteristic of Green Belts to which the Government attaches great importance and which is a separate issue from the character and appearance of an area. It is a matter of its physical presence rather than its visual qualities.

5.13 The storage containers and introduction of items stored in the open area introduces a structure/items that materially impinge on the openness. This would be regardless of the limited extent to which it would be seen from public vantage points due to the existing and proposed landscape screening. For those reasons, the proposed development would cause harm to the openness of the Green Belt. This is in addition to the harm arising from the inappropriate nature of the proposal.

#### Purposes of including land as Green Belt

5.14 The Green Belt serves five purposes:

- To check the unrestricted sprawl of large built-up areas;
- To prevent neighbouring towns merging into one another;
- To assist in safeguarding the countryside from encroachment;
- To preserve the setting and special character of historic towns; and
- To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

5.15 By reason of its siting on land, the development has inevitably increased the built-up area of the site. As such the proposal would fail to safeguard the countryside from encroachment.

#### Applicant's Very Special Circumstances

5.16 '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. The applicant has advanced 'very special circumstances.' These are:

- *The landscaping/arboricultural/fencing activities offset any downturns in the Nursery Business and provide employment for over a dozen local people. It provides a stable future for the Nursery.*
- *The Nursery provides a service not only to the landscape trade but also the general public. As a consequence Shurdington Nurseries has become a magnet to the landscape industry.*

#### Analysis of the Very Special Circumstances

5.17 The applicant has outlined the economic benefits the scheme brings to the long term viability of the business and the rural economy. However no financial evidence has been submitted to demonstrate how the landscape business supplements the horticultural business therefore very limited weight is attached to this element. As such, it is considered that the justification does not represent 'very special circumstances' and would not override the impact upon the Green Belt.

### Conclusion on Green Belt Matters

5.18 The development is inappropriate development in the Green Belt which is harmful by definition. In addition, there is identified harm to the openness and the purpose of the Green Belt. This carries substantial weight against the proposal.

5.19 In this particular case, the applicant has advanced 'very special circumstances'. However, it is considered that these should only be afforded limited weight and would not outweigh the identified harm and development plan conflict so as to justify inappropriate development in the Green Belt.

5.20 The overall conclusion in respect of Green Belt harm is dependent on the identification of any other harm which may arise following analysis of all material planning considerations which are discussed in the following sections of this report.

### **Impact upon the Area of Outstanding Natural Beauty**

5.21 The application site is located within the Cotswolds AONB. The AONB is an area of high scenic quality that has statutory protection in order to conserve and enhance the natural beauty of its landscape. The National Planning Policy Framework (NPPF) makes clear that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

5.22 Policy SD7 (The Cotswolds Area of Outstanding Natural Beauty) of the JCS specifies that all development proposals within the setting of the Cotswolds AONB will be required to conserve and, where appropriate, enhance its landscape, scenic beauty, wildlife, cultural heritage and other special qualities. Proposals will be required to be consistent with the policies set out in the Cotswolds AONB Management Plan.

5.23 The application site and its immediate landscape setting typify the Cotswold escarpment landscape, forming part of the transitional topography at the foot of the scarp of Leckhampton Hill to the east. It represents open countryside with scattered buildings in the surrounding landscape. The agent contends the proposal has minimal impact on the landscape and scenic character of the AONB. However, a Landscape and Visual Impact Assessment has not been submitted in support of this statement.

5.24 Whilst appreciating the site previously was laid to hard surfacing and the site is screened to some extent due to existing landscaping, the introduction of the storage containers and open storage would appear more industrial in nature than any development associated with the lawful agricultural/horticultural use at the site. Due to the topography of the land, it is likely the containers are visible when viewed from the east on higher land. As such, it is considered the structures have a greater impact upon the landscape character of the area than its previous use which would fail to conserve the AONB landscape. In addition the structure and open storage causes the site to have a more developed nature compared with its previous form and consequently cause visual intrusion within the Area of Outstanding Natural Beauty.

5.25 Accordingly, it is considered that the development would cause unacceptable harm to the character and appearance of the surrounding area including the landscape and scenic beauty of the Cotswolds AONB. This is a matter that weighs heavily against the proposal.

### *Design*

5.26 All development is expected to be of a high design quality. Development at any scale and location should make a positive contribution to providing better places for communities. Policy SD4 of the JCS states that new development should respond positively to, and respect the character of, the site and its surroundings.

5.27 The application site lies in the open countryside and its lawful use is as a horticultural nursery. The storage containers, by virtue of the industrial appearance and materials, fails to respond to the rural character of the site and its surroundings and therefore does not make a positive improvement to the visual quality of the built environment. Accordingly the development has a harmful impact on the character and appearance of the area, in conflict with policy SD4 of the JCS and guidance set out in the NPPF.

### *Residential amenity*

5.28 The application site is contained within the parameter of the nursery. The nearest residential properties to the application site are the Gothic Cottages which lie approximately 36m away to the north-east.

5.29 The proposed use (storage) is not known to be a noisy activity therefore the development should not generate any harm upon residential amenity. The Environmental Health Officer has confirmed the change of use and siting of the storage containers should not cause an unacceptable noise/nuisance.

5.30 Comments from third parties have been raised in respect to noise and odour issues at the nurseries. At the time the application was submitted no complaints had been received by the Council's Environmental Health Department relating to the use of the storage containers. Should members resolve to approve the application a condition could secure the hours of access to the site should it be necessary.

### **Highway Safety**

5.31 Policy INF1 of the JCS advises that proposals should ensure safe and efficient access to the highway network is provided for all transport modes and that the impact of development does not have a severe impact upon the highway network.

5.32 Access to the site is via the existing access point on the south side of Whitelands Lane. The junction of this lane with dark Lane is located approximately 90 m to the east of the existing access point.

5.33 The Highway Authority have raised no objection to the proposal. In light of the associated change of use of the land with the storage containers and open storage further comments are being sought on the commercial entity of the development. **An update will be provided at committee.**

### **Other Matters**

5.34 The applicant has indicated they would consider a temporary permission however due to the level of identified harm as set out above, officers do not consider this to be an acceptable solution.

### **6.0 Conclusions**

6.1 For the reasons explained in this report, the development causes significant harm to the Green Belt by reason of inappropriateness, harm to openness and conflict with the purposes of the Green Belt. Substantial weight is given to the harm to the Green Belt.

6.2 Further, the development would cause unacceptable harm to the character and appearance of the surrounding area including the landscape and scenic beauty of the Cotswolds AONB. This is a matter that weighs heavily against the proposal.

6.3 It is acknowledged that there are limited economic benefits arising from the proposal and subject to the imposition of appropriate planning conditions the development should not give rise to unacceptable impacts in relation to residential amenity or highway safety.

6.4 Overall though, it is not considered that very special circumstances exist in this case in that the harm to the Green Belt and the other harm identified is not clearly outweighed by other considerations. Consequently the application is recommended for **Refusal**.

### **RECOMMENDATION Refuse**

#### **Reasons:**

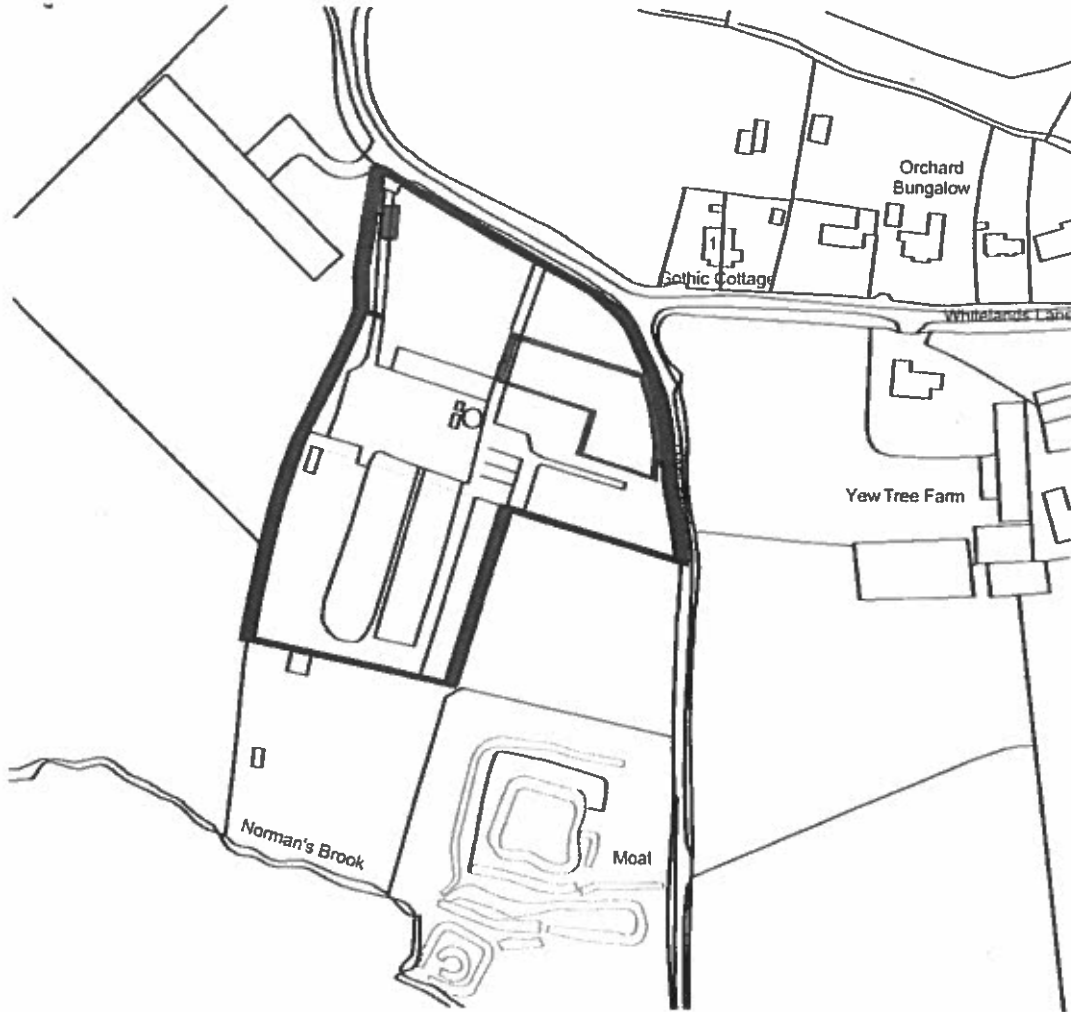
- 1 The proposal represents inappropriate development in the Green Belt and causes harm to the openness of the Green Belt, harm by reason of inappropriateness and conflict with one of the purposes of the Green Belt which is to protect the countryside from encroachment. The development thus conflicts with Policy SD5 of the Joint Core Strategy (December 2017) and the provisions of the National Planning Policy Framework.

- 2 The introduction of six storage containers and area of open storage, by virtue of its location, mass and industrial design appear visually intrusive and out of keeping with the surrounding environment and has a detrimental impact on the character and appearance of the Cotswolds Area of Outstanding Natural Beauty. As such the retrospective development conflicts with the NPPF, policy SD4 and SD7 of the Joint Core Strategy (2107) and the Cotswolds Area of Outstanding Natural Beauty Management Plan 2013-2018.

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.



NORTH

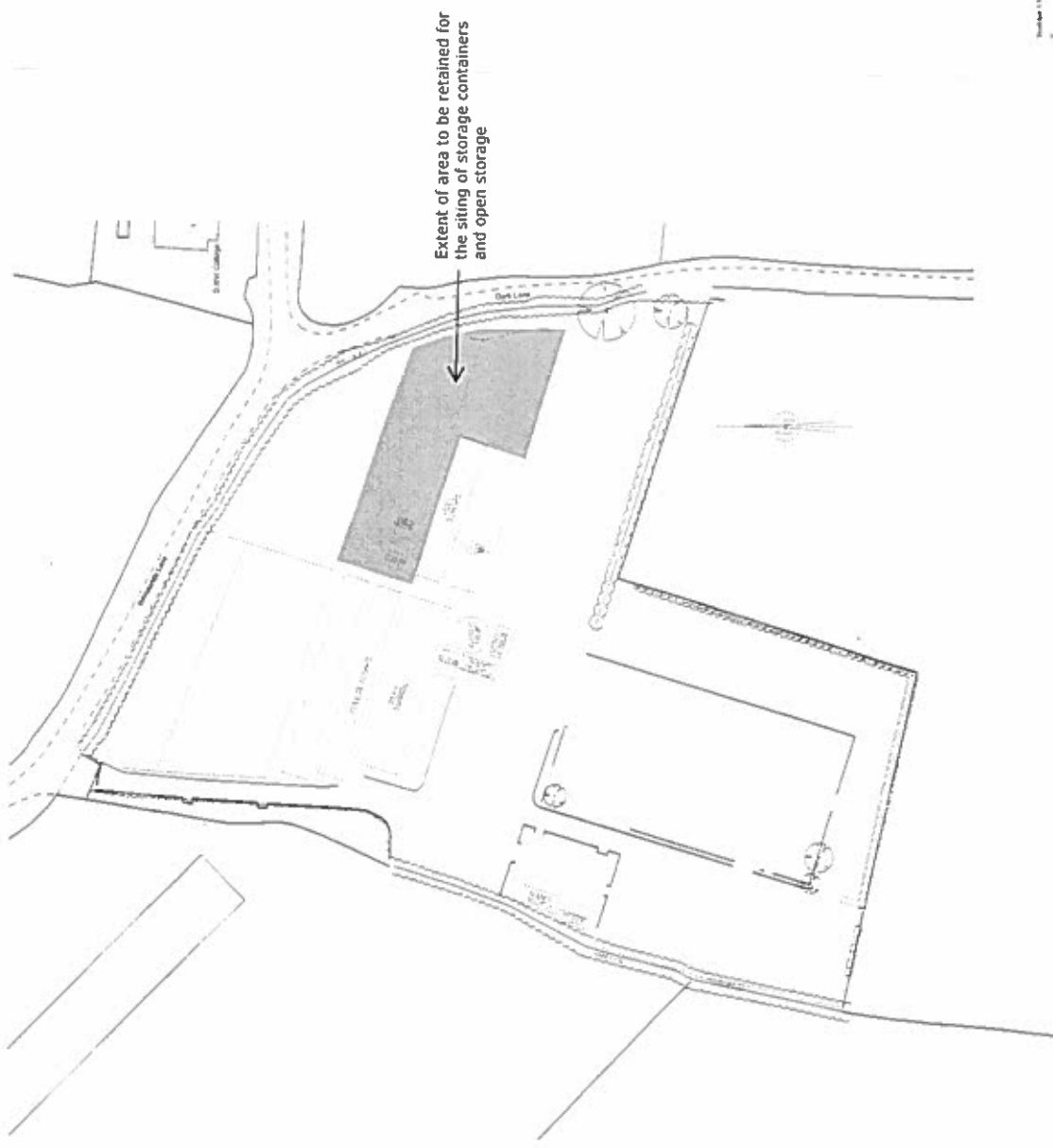
SITE LOCATION PLAN

Scale - 1:2500 @ A4

18/000W/R

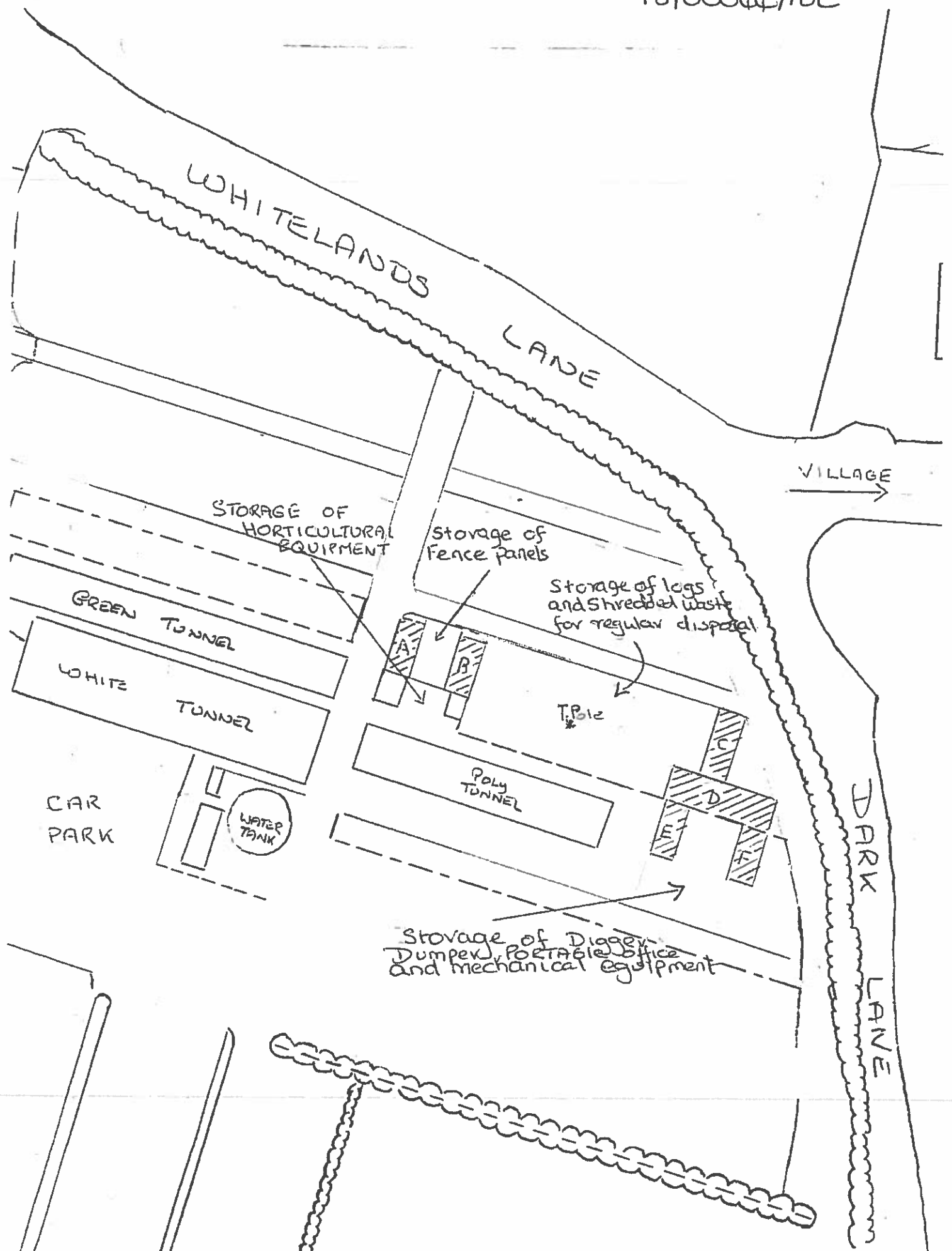


PROPOSED SITE LAYOUT PLAN  
Shurdington Nurseries  
Scale - 1:500 @ A1



83/b

18/00044/FL

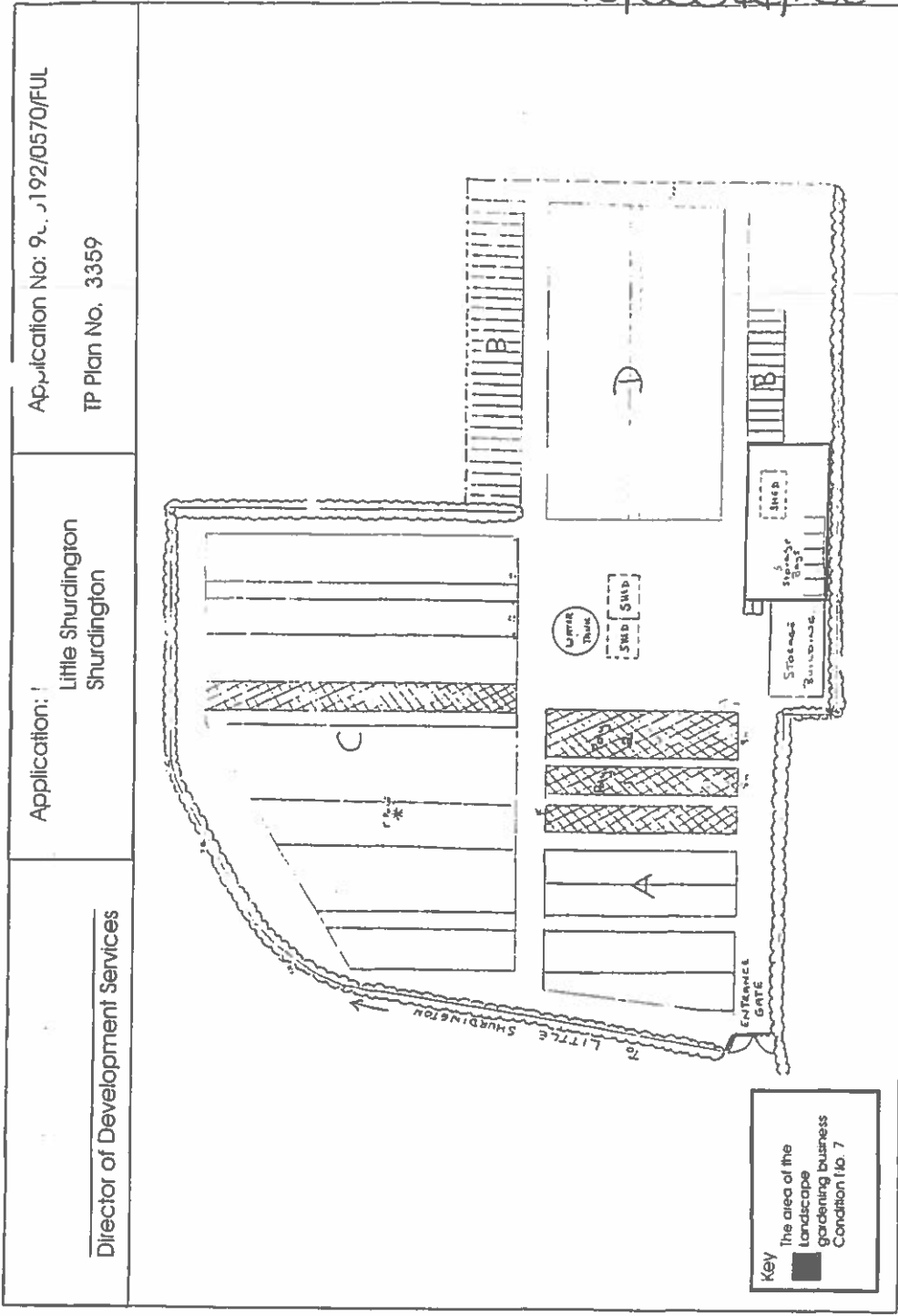


83/c

SCALE 1:500



18/0004/FUL



Valid 09.04.2018

Erection of a single storey front and side extension including garage conversion.

Grid Ref 396590 227551  
Parish Bishops Cleeve  
Ward Cleeve Hill

## RECOMMENDATION Permit

### Policies and Constraints

Joint Core Strategy (2017) (JCS) - Policy SD4  
Tewkesbury Borough Local Plan to 2011(TBLP) - March 2006 - Policy HOU8  
National Planning Policy Framework  
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** - objects. The extension is incongruous by virtue of it extending forward of the existing building line and its unusual combination of flat and pitched roof form.  
**Local residents** - no objections received.

**Planning Officers Comments:** Mrs Sarah Barnes

### 1.0 Application Site

1.1 This application relates to 5 Pine Bank, a linked semi-detached brick property located on a housing estate in Bishops Cleeve (site location plan attached).

### 2.0 Current application

2.1 The current application is for the erection of a single storey front and side extension including garage conversion (plans attached).

### 3.0 Recent History

3.1 There is no recent or relevant history.

### 4.0 Policy Context

4.1 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 SD4 of the JCS closely reflects this advice. Policy HOU8 of the TBLP supports the principle of residential extensions subject to satisfying certain design criteria. It sets out that extensions to existing dwellings will be permitted provided they respect the character, scale and proportions of the existing dwelling and do not have an unacceptable impact on adjacent property and residential amenity. This policy is considered consistent with the framework and as such should be given due weight according to paragraph 215 of Annex 1 of the framework.

### 5.0 Analysis

#### Design, Size and Residential amenity

5.1 The Parish Council have raised concerns about the proposal and consider that the extension would be incongruous by virtue of it extending forward of the existing building line and its unusual combination of flat and pitched roof form. There are however several similar extensions along Pine Bank so it is considered that the proposal would not be out of keeping with the street scene. The flat roof section would also not be

prominent in the streetscene. Whilst the Parish Council's concerns are noted, it is considered that the proposal would be of an appropriate size and design in keeping with the character and appearance of the property. It would be constructed from materials to match in with the existing dwelling.

5.2 With regards to residential amenity, the impact of the proposal upon neighbouring properties has therefore carefully been assessed and it is considered that there would not be an undue impact upon their amenity in accordance with Policy HOU8.

## **6.0 Conclusion**

6.1 Overall, it is considered that the 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 would also be of an acceptable size and design. It would therefore accord with Policy HOU8 of the Local Plan, the Joint Core Strategy and the NPPF. The application is therefore recommended for **permission**.

## **RECOMMENDATION Permit**

### Conditions:

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 The external materials of the proposed extensions shall match as near as possible the materials of the existing dwelling.
- 3 The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below.

Site plan, block plan, existing elevations / floor plans and proposed elevations received by the Council on the 20th March 2018 and proposed floor plans received by the Council on the 9th April 2018.

### 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.
- 3 To define the terms and extent of the permission.

### Note:

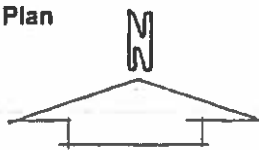
#### **Statement of Positive and Proactive Engagement**

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.

18/00288/ful



Site Location Plan



Scale: 1:1250

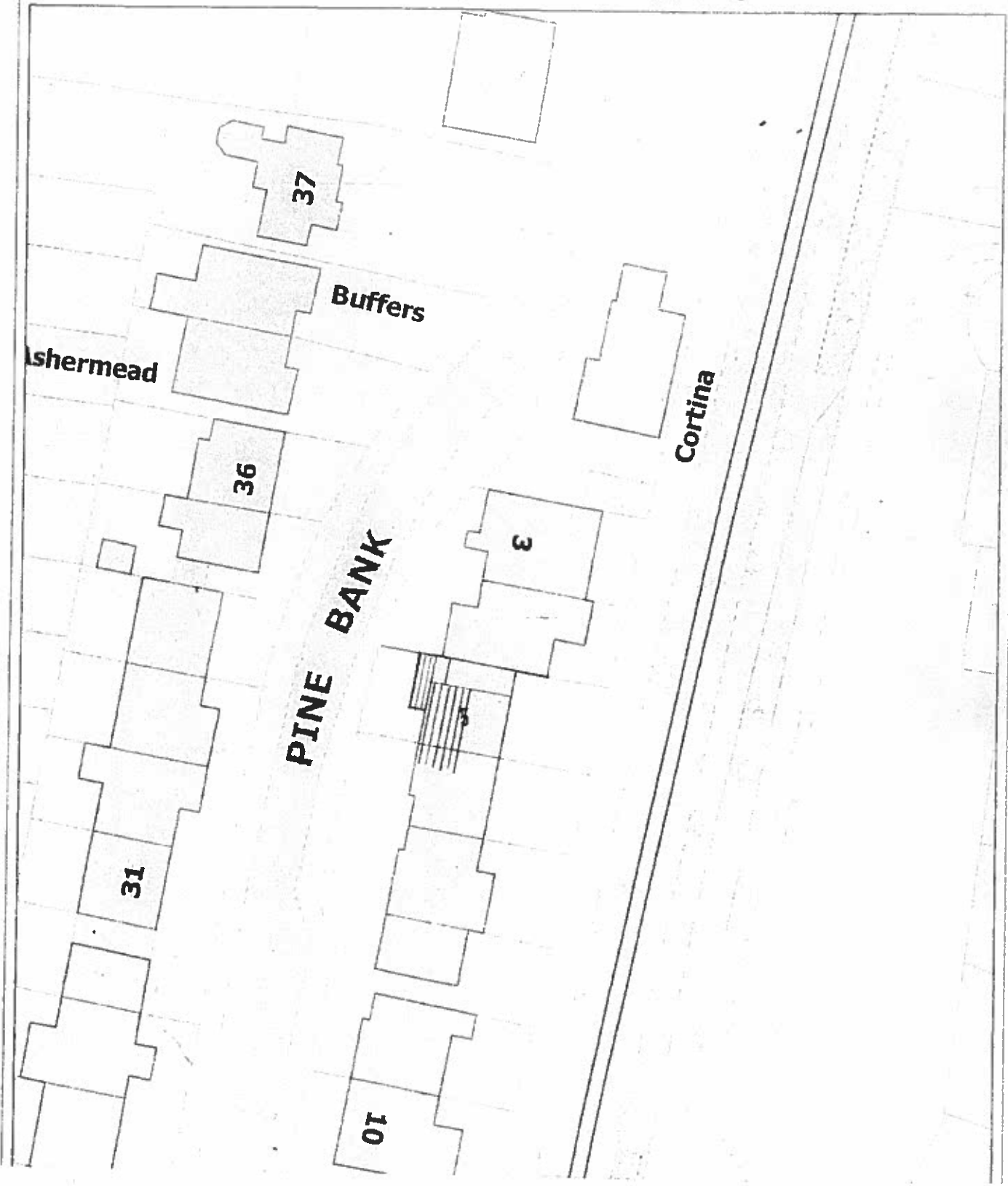
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 White Cottage  
 Leckhampton Hill  
 Cheltenham  
 Glos  
 GL53 9QG  
 01242 514455  
 07939 250120  
 ciones@cibds.co.uk



Building Design Services

85/a

18/00288/hul



Site Block Plan

As proposed

Scale 1:500

Clint Jones Building Design Services  
 White Cottage  
 Leckhampton Hill  
 Cheltenham  
 Glos  
 GL53 9QG

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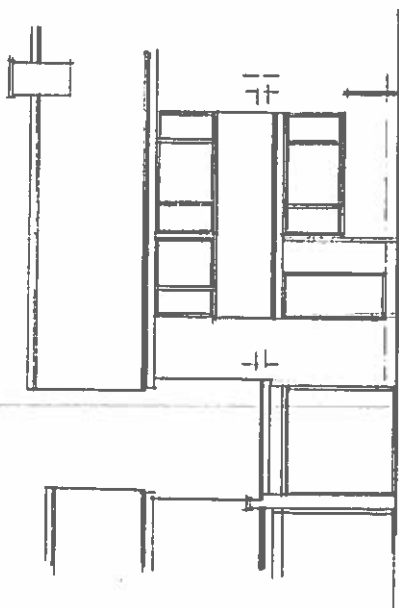
Architects/Engineers/Planners



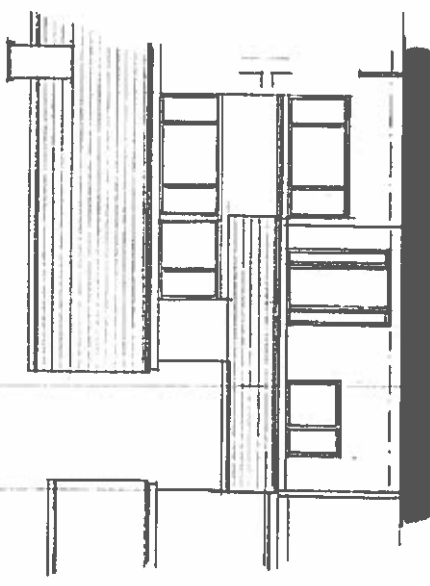
Building Design Services

85/b

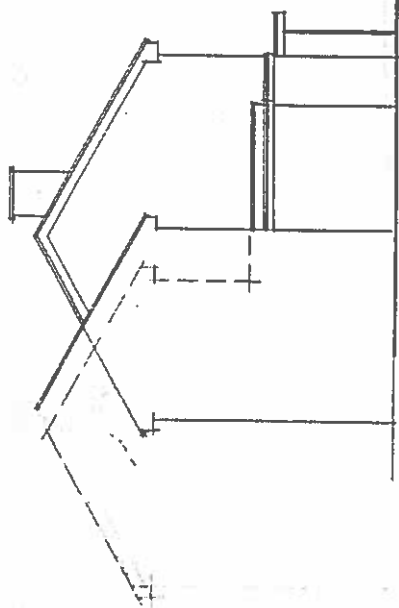
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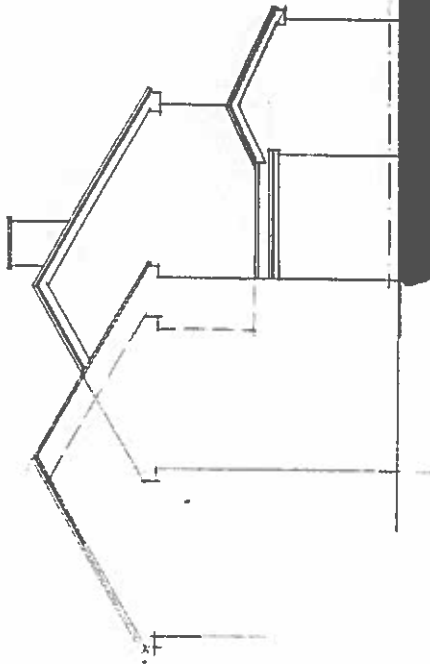
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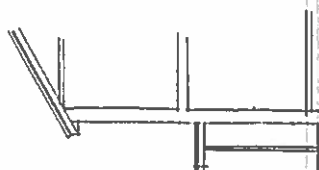
proposed front



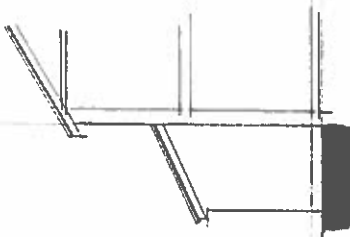
side



side



side



side

85/C



G Jones & Partners  
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Cheltenham  
Glos  
GL53 5QG  
01242 516737  
07639 250120  
cljones@cljbdps.co.uk

5 Pine Bank  
Blethops Cleeve  
Cheltenham  
Proposed single storey front extension to  
include garage conversion  
February 2016

elevations  
02034 / 03 1:100

18/00288/Ful

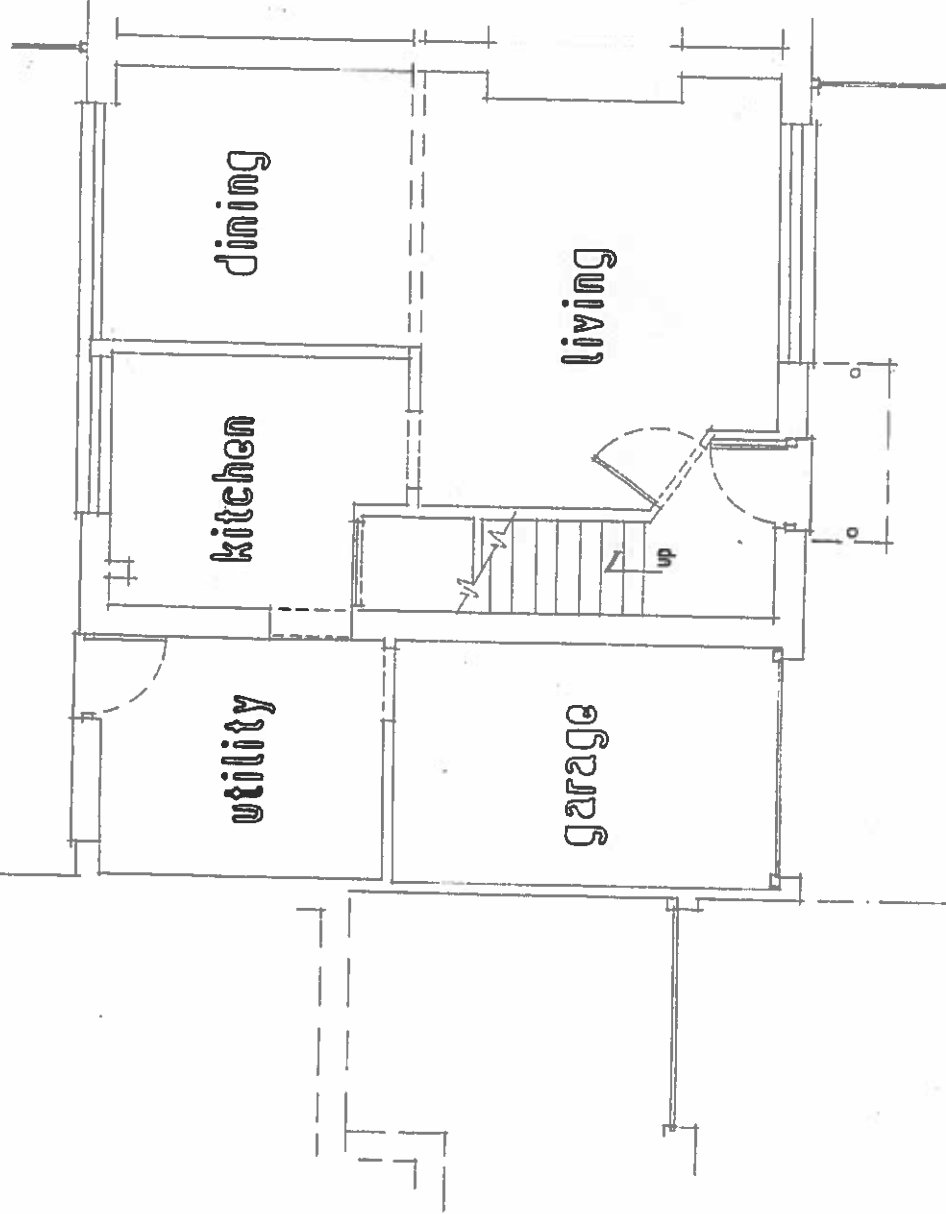
existing ground

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02034 / 01

Cint Jones Building Design Services  
White Cottage  
Leckrampian Hill  
Cheltenham  
Glos  
GL53 9QG  
01242 518737  
07839 250120  
cintjones@cbds.co.uk

5 Pine Bank  
Bishops Cleeve  
Cheltenham  
Proposed single storey front extension to  
include garage conversion  
February 2013



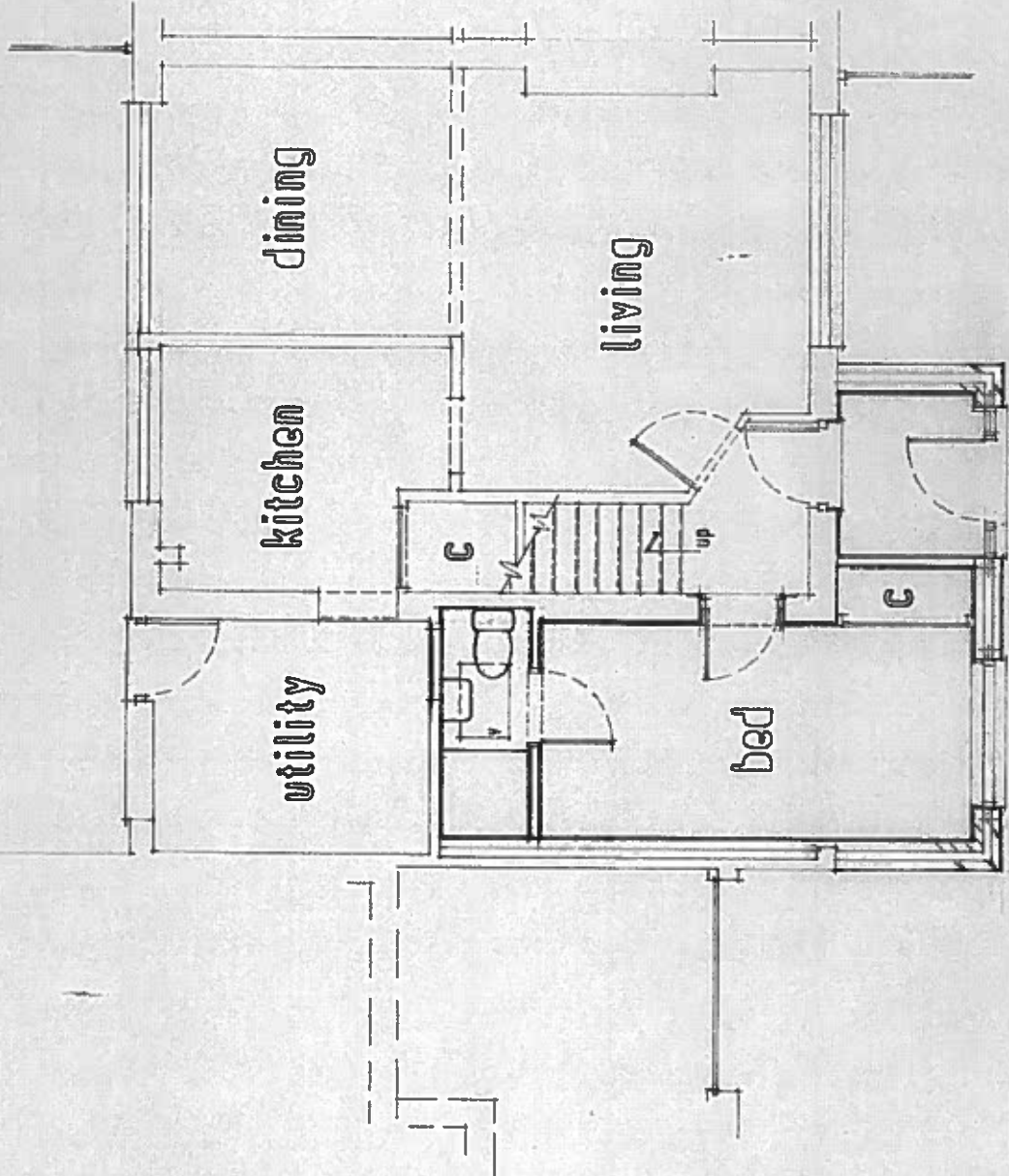
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18/00288/tul



Clint Jones Building Design Services  
White Cottage  
Leckhampton Hill  
Cheltenham  
Glos  
GL53 9QG  
01242 518737  
01938 250170  
clint@clintjones.co.uk

5 Pine Bank  
Bishop's Cleeve  
Cheltenham  
Proposed single storey front extension to  
include garage conversion  
February 2018



proposed ground  
02034 / 02  
1 50

85/e



Valid 18.04.2018

Erection of first floor / two storey side extension and single storey rear extension.

Grid Ref 397338 226096

Parish Southam

Ward Cleeve Hill

**RECOMMENDATION Permit****Policies and Constraints**

National Planning Policy Framework (2012)  
 Planning Practice Guidance  
 Joint Core Strategy (2017) - SD4, SD5, SD6  
 Tewkesbury Borough Local Plan to 2011 (March 2006) - HOU8, LND2  
 Flood and Water Management SPD (February 2018)  
 Human Rights Act 1998 - Article 8  
 The First Protocol - Article 1  
 Green Belt  
 Special Landscape Area

**Consultations and Representations**

**Southam Parish Council** - An initial objection was made on grounds that the substantial nature of the proposed extension will have an adverse impact on the neighbouring property, Broadmead, since the extension runs the full length of the boundary. This in turn will lead to loss of light and privacy in the neighbouring property. The Parish Council has reconsidered the application following the submission of revised plans and while it is commented that the revisions go some way to addressing previous concerns, the Council uphold their objection as the two storey extension will still cause some light restriction to the adjacent property.

**Public** - Nine letters of representation have been received from local residents; seven raise objections and two support the proposed development. The **objection** reasons have been summarised as follows:

- The proposed development will result in a loss of outlook creating an over-bearing / intrusive impact to Broadmead;
- It will result in overlooking and loss of privacy as the two first floor windows at the front of the proposed side extension would be level with and only approximately 7 metres from Broadmead's conservatory;
- Permanent overshadowing and loss of sunlight to Broadmead, including loss of vegetation;
- The loss of existing views from neighbouring property would adversely affect the residential amenity of the neighbouring owners;
- The application site is accessed via a private road with a very small and tight turning area and there are serious concerns about the potential damage to the road surface, under-lying pipework and culvert caused by construction vehicles.
- The proposal could result in heavily loaded HGVs crossing the culvert which is showing signs of insecurity. A construction survey should be carried out to assess the culvert. Otherwise properties could be at risk of flooding if a blockage were to occur or in the event of the culvert collapsing.
- The proposed two storey side extension will block our enjoyable views between existing properties over the countryside and should not be allowed.
- The road is unlikely to have sufficient foundations to sustain the type and amount of heavy traffic which would be involved in the proposed substantial development.
- The proposal represents overdevelopment of the site, with the two storey element being placed right on the boundary of Broadmead, thus taking all the light from the south and devaluing the property.
- The design has little architectural merit when viewed from all elevations. In considering the east elevation, the proposed two storey extension will finally destroy the visual amenity given to the area when considered alongside the already permitted two storey extensions to Broadmead and Cleeve Dell. It will almost result in 100 metres of solid wall and roofing.
- The north elevation is visible from The Gables and will be unsightly and block the mid-winter sunset in the south-west and the views of Cheltenham racecourse.
- Construction traffic would need to reverse along Haymes Drive presenting a dangerous situation for traffic on Cleeve Hill and considerable inconvenience to all residents of Haymes Drive.

- The revised plans make minor alterations and no external changes, with the proposed side extension still spanning the full width of the existing garage along the front elevation up to the boundary with Broadmead.

The representations received in **support** of the application comment as follows:

- The property has been neglected for a number of years and will benefit from modernisation;
- It is inevitable that any new owner would need to undertake work to update and improve the property and the applicant will want to work in a way to minimise the temporary, but necessary, disruption to themselves and their neighbours.

**County Highways Authority - Standing Advice.**

**Planning Officers Comments: Mrs Helen Stocks**

### **1.0 Application Site**

1.1 The application relates to Rollingwood, a two storey detached dwelling dating from the 1960s which is located off Haymes Drive on Cleeve Hill. The site is located within a residential area characterised by large detached properties of varying design sited in generous sized plots (see attached site location plan).

1.2 The application site is situated in the Green Belt and Special Landscape Area (SLA).

### **2.0 Planning History**

2.1 There is no relevant planning history relating to the application site.

### **3.0 Current Application**

3.1 The current application seeks full planning permission for the erection of a first floor / two storey side extension and single storey rear extension. This is an amended description to take account of revisions made to the original submission which had sought the demolition of the existing garage and erection of a two storey side extension in its place. However, the applicant has decided to retain the existing garage as part of the current proposal and reference to its demolition has therefore been omitted from the revised description of development.

3.2 The proposed side extension would be set 2.7 metres back from the front building line, with a width of approximately 3.5 metres and a depth of 6 metres. It would have an eaves and ridge of 5.8 metres and 7.9 metres respectively. At ground floor level, the proposed side extension would infill between the existing garage and the proposed rear extension to create a utility space. At first floor level, the proposed extension would be erected partly above the existing garage although it would have a reduced footprint, with the proposed gable wall running parallel to the existing dwelling rather than following the angled build line of the garage which immediately abut the north site boundary (**see attached plans**).

3.3 The proposed single storey rear extension would project 3.5 metres from the original rear wall of the dwelling and would have a width of 6.2 metres. It would have a mono-pitched roof, with an eaves and ridge height of 3 metres and 4.2 metres respectively.

3.4 The proposed extensions would be finished in bradstone cladding on the front and side elevations (to match the existing dwelling) and roughcast render of the rear elevation. The roofing materials would be concrete tiles to match the existing dwelling.

### **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.

4.2 The development plan comprises the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) (December 2017) and the saved policies of the Tewkesbury Borough Local Plan to 2011 (March 2006). The National Planning Policy Framework (NPPF) is recognised as a material consideration in the determination of planning applications.

4.3 JCS Policy SD5 relates to the Green Belt and states that within its boundaries, development will be restricted to those limited types of development which are deemed appropriate by the NPPF, unless very special circumstances can be demonstrated. Paragraph 89 of the NPPF regards the extension or alteration of a building as appropriate development in the Green Belt provided that it does not result in disproportionate additions over and above the size of the original building.

4.4 Local Plan Policy HOU8 seeks to ensure extensions to dwellings respect the character, scale and proportion of the existing dwelling and do not have a detrimental impact on the residential amenity of neighbouring property in terms of bulk, massing, size and overlooking. It also requires the detailed design to reflect or complement the design and materials of the existing dwelling. This is similarly recognised in JCS Policy SD4 which reiterates the importance of good design and requires proposals to respond positively to, and respect the character of, the site and its surroundings.

4.5 Local Plan Policy LND2 requires special attention to be given to the protection and enhancement of the landscape character of the SLA which is of local significance. Proposals must demonstrate that they do not adversely affect the quality of the natural and built environment, its visual attractiveness, wildlife and ecology or detract from the quiet enjoyment of the countryside.

## 5.0 Analysis

5.1 The main issues to be considered are the principle of development in the Green Belt, the impact on residential amenity, design and visual impact on the character and appearance of the Special Landscape Area.

### Green Belt

5.2 The existing dwelling (including the garage) has a floor area of 147 square metres and has not been extended since its original construction in the 1960s. The proposed first floor / two storey side extension and single storey rear extension would increase the overall floor area to 200 square metres. This equates to an increase of 36% (53 square metres) over and above the original dwelling. This addition is deemed to commensurate with the size of the existing dwelling and would not be disproportionate in Green Belt terms. As such, the proposal is considered to constitute appropriate development in the Green Belt in accordance with JCS Policy SD5 and Section 9 of the NPPF.

### Residential Amenity

5.3 Due to the nature of the proposal and the site's position in relation to surrounding property (see **attached location plan**), the only neighbour affected by the proposed development - namely the first floor / two storey side extension - is considered to be the neighbour to the north-east of the site at Broadmead. This property is set at a higher level than the application site and its existing conservatory would be level with and approximately 7 metres from the proposed side extension when taken at its closest point. It is acknowledged that there would be some loss of outlook and overshadowing to this neighbour as a result of the proposed development; however, the proposed side extension would be stepped in from the site boundary to reduce its impact and given the intervening distance and level change between the two properties, this element of the proposal is not considered to have an adverse overbearing impact significant enough to warrant a reason for refusal.

5.4 In terms of overlooking and loss of privacy, the first floor window openings on the proposed extension have been kept to a minimum and would serve two bathrooms. Given the proximity of Broadmead and the change in site levels, it is recommended that these window openings should be obscure glazed and non-opening, unless the parts which can be opened are more 1.7 metres above floor level, in the interests of protecting the residential amenity of existing and future occupants. This can be secured by way of an appropriately worded condition. There are no window openings on the proposed gable wall (north elevation) to avoid any overlooking issues.

5.5 The proposed single storey rear extension would be positioned on the west facing elevation and would not have an adverse impact on the residential amenity of neighbouring property in line with Local Plan Policy HOU8.

### Design and Visual Impact

5.6 The proposed side extension is set back from the front building line of the existing dwelling and would have a slightly lower ridge line which would give it a subservient appearance. The external facing

materials would comprise bradstone cladding on the front and side elevations and concrete roof tiles to match the existing dwelling. As such, it is considered that the proposed side extension would be in keeping with the scale and proportion of the existing dwelling and would have no undue impact on the character and appearance of the property or surrounding development. The proposal is therefore considered to accord with Local Plan Policy HOU8 in this regard.

5.7 Furthermore, the proposal would be read in the context of existing residential development and would not appear overly prominent in the surrounding landscape. The proposed extensions would be proportionate to and of a similar appearance to the existing dwelling and the development proposal is not considered to adversely affect the quality of the natural and built environment or the visual attractiveness of the Special Landscape Area in line with the requirements of Local Plan Policy LND2.

#### **Other Matters**

5.8 The proposal is considered to have an acceptable impact on the safe and efficient operation of the highway network and would not result in the loss of existing car parking or manoeuvring space and accords with Local Plan Policy HOU8 in this regard. A number of objections have been raised by local residents with regard to the increase in vehicular movements along Haymes Drive during the construction of the proposed development which could damage the road surface, underlying pipework and culvert. However, the construction phase of development is a short-term impact and any damage caused as a result would be dealt with under highways/civil legislation.

5.9 Objections have also been received stating the proposed development would result in the loss of views over the countryside from neighbouring properties. This is not a planning issue and has no bearing on the consideration of the application.

#### **6.0 Conclusion and Recommendation**

6.1 The proposed extensions are deemed to constitute appropriate development in the Green Belt in accordance with JCS Policy SD5 and Section 9 of the NPPF. The proposal would respect the character and form of the existing building and would be seen as a subservient addition to the host dwelling in accordance with JCS Policy SD4 and Local Plan Policy HOU8.

6.2 It is acknowledged that the proposed first floor / two storey side extension would have some impact on the adjacent neighbour at Broadmead by virtue of its positioning on the north-east site boundary. However, the change in levels between the application site and the neighbouring property reduces the prominence of the proposed extension which is not considered to have an unduly overbearing impact on Broadmead that would warrant a reason for refusal. Similarly, the proposed side extension is not considered to result in an unacceptable loss of privacy to this neighbouring property subject to the imposition of a planning condition requiring the new first floor window openings on the front (east facing) elevation and side (north facing elevation) to be obscure glazed and non-opening unless opening parts 1.7 metres above finished floor level.

6.3 The application is therefore recommended for **PERMIT subject to conditions**.

#### **RECOMMENDATION Permit**

##### **Conditions:**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, Proposed Block Plan (no: 101 Rev C), Proposed Floor Plans (no: 110 Rev J) and Proposed Elevations (no: 111 Rev D), received by the Local Planning Authority on the 18 April 2018 and 16 May 2018.
- 3 The external facing materials of the development hereby permitted shall be bradstone cladding and concrete roof tiles to match the existing dwelling apart from where otherwise specified on the approved plans.

- 4 Details of the colour, texture and finish of the render to be used on the west and south elevations of the proposed extensions shall be submitted to and approved in writing by the Local Planning Authority prior to completion of the development. The development shall be rendered in accordance with the approved details and thereafter maintained as such unless otherwise agreed by the Local Planning Authority in writing.
- 5 The proposed first floor window openings on the east and north elevations as shown on drawing no. 111 Rev D shall be obscure glazed and non-opening, unless the opening parts are 1.7 metres above finished floor level, and thereafter retained as such.

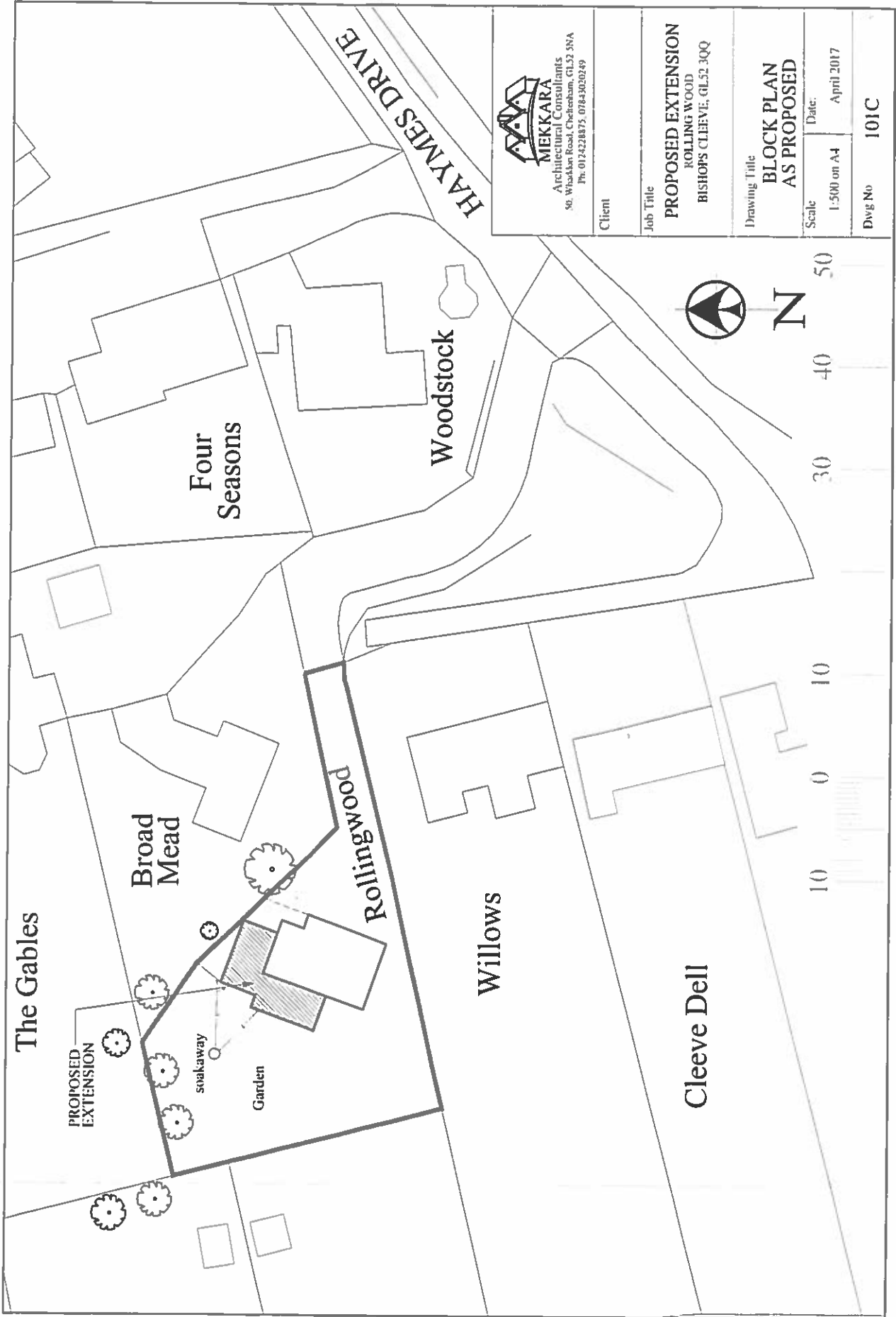
**Reasons:**

- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity in accordance with the NPPF.
- 4 To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity in accordance with the NPPF.
- 5 To safeguard the privacy of residents in the locality in accordance with the NPPF.

**Note:**

**Statement of Positive and Proactive Engagement**

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



MEKKARA  
 Architects & Consultants  
 50, Wicken Road, Chesham, GL52 3NA  
 Tel: 0129228875, 07843020249

Client

Job Title

**PROPOSED EXTENSION**  
 ROLLING WOOD  
 BISHOPS CLEEVE, GL52 3QQ

Drawing Title

**BLOCK PLAN  
 AS PROPOSED**

Scale

1:500 on A4

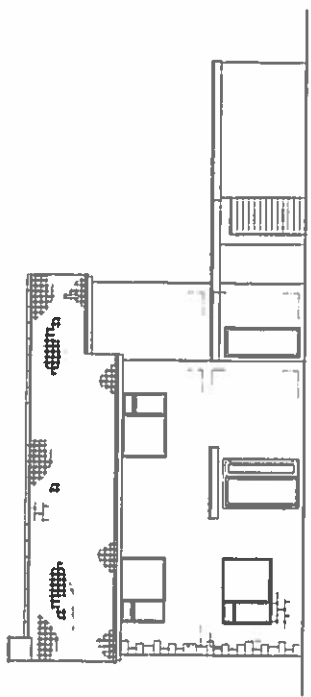
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April 2017

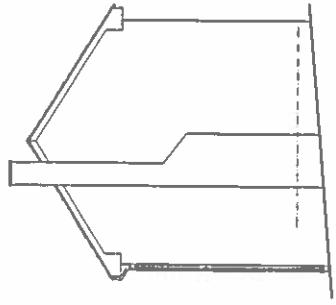
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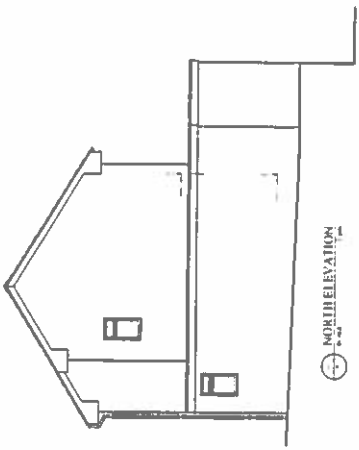
 <b>MEKKARA</b> Architects & Engineers 105, Park Road, 115, Colombo 03, Sri Lanka Ph: 94 11 5532201, 5532202	
Job Title <b>PROMISED EXTENSION</b> No. 42, No. 44 & 46, BANGALUVALE, COLOMBO 07	Scale 1:100
Drawing Title <b>FLOOR PLANS &amp; ELEVATIONS</b> AS EXISTING	
Drawing No. 18/00325/R2	Date 05.08.2018
Drawing No. 100	Scale 1:100



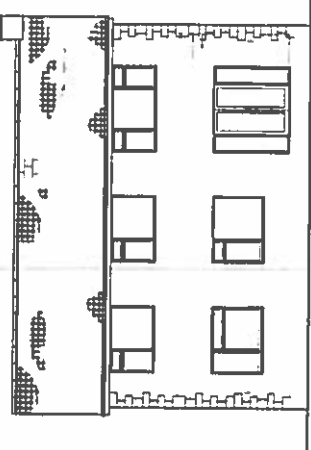
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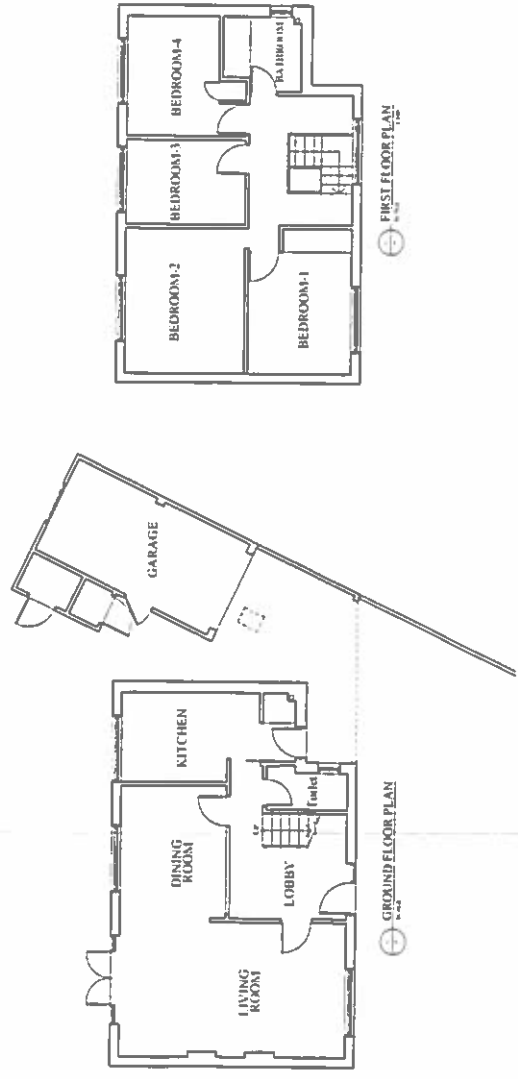
SOUTH ELEVATION



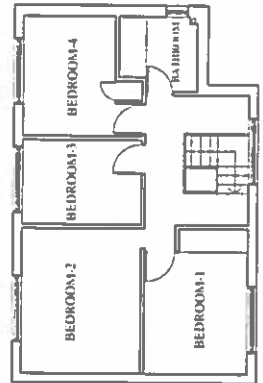
NORTH ELEVATION



WEST ELEVATION



GROUND FLOOR PLAN



FIRST FLOOR PLAN



**MATERIALS**

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WALL: BRAD STONE CLADDING SLIPS AND  
ROUGHCAST RENDER

WINDOWS: UPVC 'A' RATED DOUBLE GLAZED  
WINDOWS TO MATCH EXISTING  
DOORS: UPVC 'A' RATED DOUBLE GLAZED  
DOORS TO MATCH EXISTING

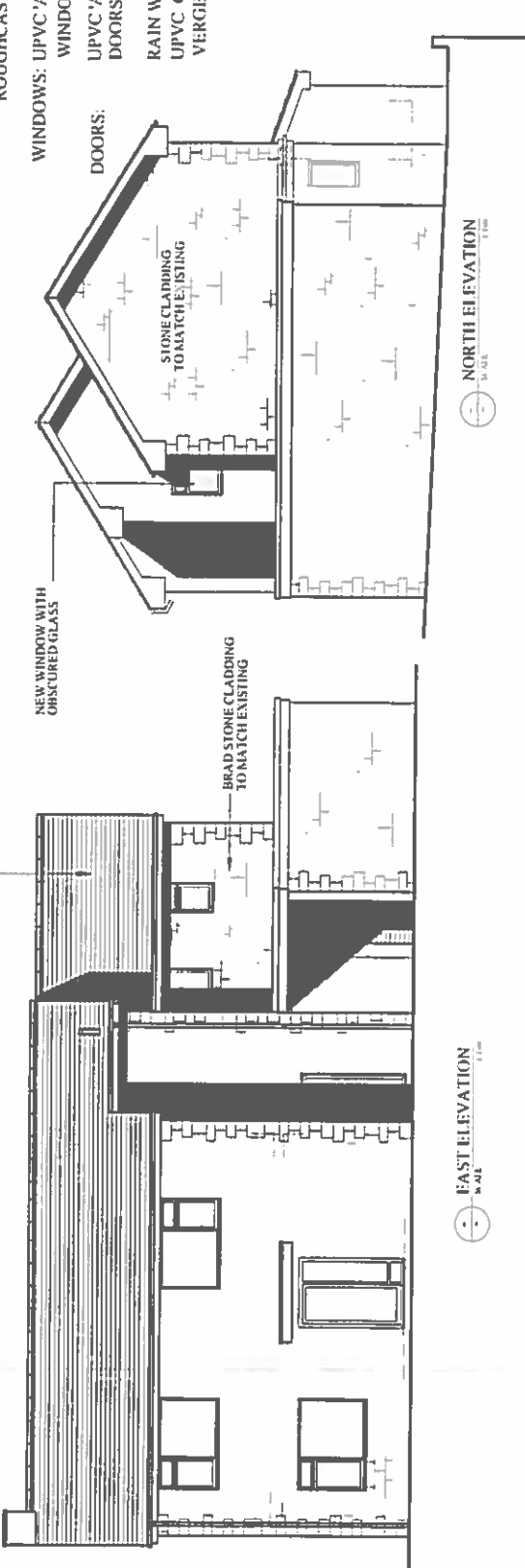
RAIN WATER GOODS:  
UPVC GUTTER, RWP, FASCIA AND  
VERGE BOARD TO MATCH EXISTING

CONCRETE ROOF TILES  
TO MATCH EXISTING

NEW WINDOW WITH  
OBSCURED GLASS

BRAD STONE CLADDING  
TO MATCH EXISTING

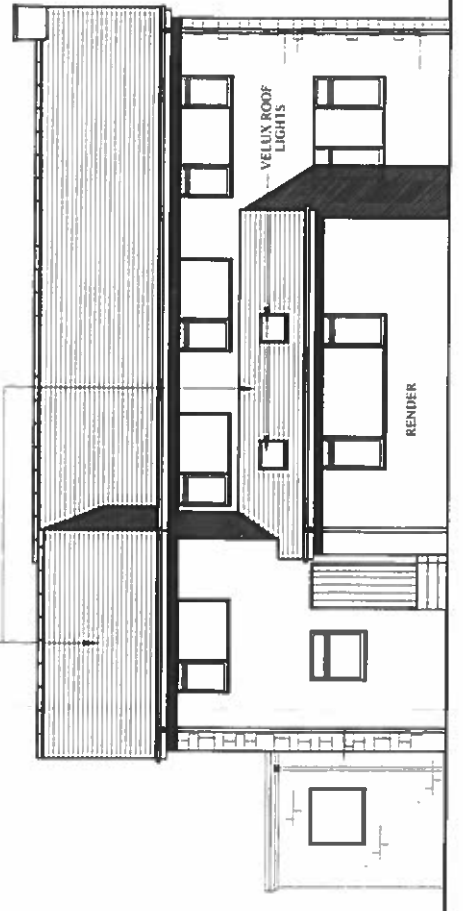
STONE CLADDING  
TO MATCH EXISTING



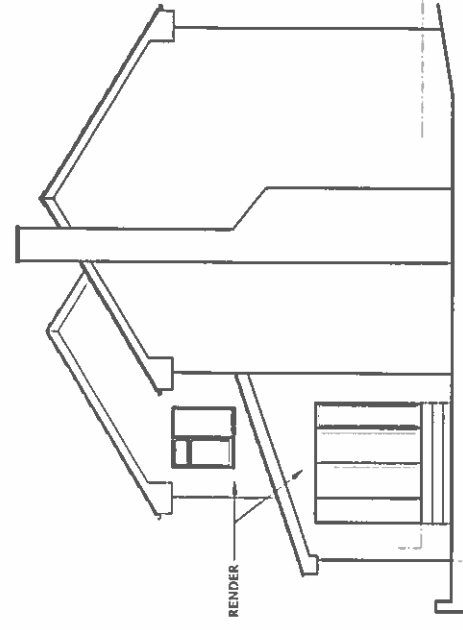
**NORTH ELEVATION**  
SCALE 1:100

**EAST ELEVATION**  
SCALE 1:100

CONCRETE ROOF TILES  
TO MATCH EXISTING



**WEST ELEVATION**  
SCALE 1:100



**SOUTH ELEVATION**  
SCALE 1:100



 <p><b>XENKARA</b> ARCHITECTURAL CONSULTANTS No. 15, HILL STREET, SINGAPORE 058917</p>	
Client	
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Date	MARCH 2018
Draw No	111
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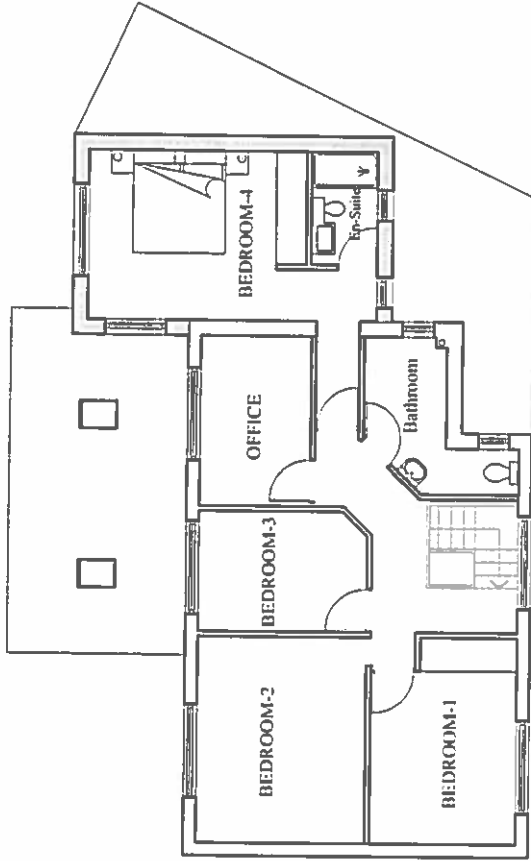


**MATERIALS**

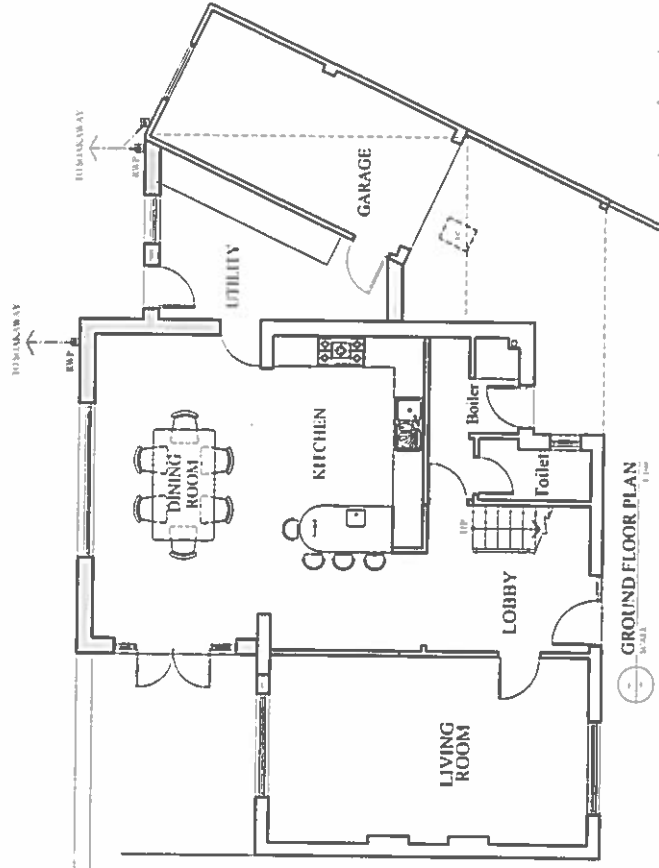
ROOF: CONCRETE ROOF TILES TO MATCH EXISTING  
 WALL: BRAD STONE CLADDING SLIPS AND  
 ROUGHCAST RENDER

WINDOWS: UPVC 'A' RATED DOUBLE GLAZED  
 WINDOWS TO MATCH EXISTING  
 DOORS: UPVC 'A' RATED DOUBLE GLAZED  
 DOORS TO MATCH EXISTING

RAIN WATER GOODS:  
 UPVC GUTTER, RWP, FASCIA AND  
 VERGE BOARD TO MATCH EXISTING




FIRST FLOOR PLAN  
 1:100  
 N.A.S.1



GROUND FLOOR PLAN  
 1:100  
 N.A.S.1



 MEKKARA Architects & Engineers No. 8, Leakey Avenue, Leakey Gardens, LE15 1AA, Leicestershire, LE15 1AA, UK Tel: 01530 212121 Fax: 01530 212122		Client Job Title PROPOSED EXTENSION BUILDING NO. 10 81528/105 CLIVE ALEZ 500
Drawing Title FLOOR PLANS AS PROPOSED		Scale 1:100 on A3
Date MARCH 2018		Dwg No 110
		J

18/00346/FUL

24 Ratcliff Lawns, Southam, Cheltenham

ITEM 7

Valid 06.04.2018

Two storey extension to rear. Demolition of existing garage and re-build larger with extensions to front and rear. Revised to dormer roof forms and various internal alterations. Replace existing doors and windows.

Grid Ref 396975 225690

Parish Southam

Ward Cleeve Hill

## RECOMMENDATION Permit

### Policies and Constraints

Joint Core Strategy (2017) (JCS) - Policy SD4, SD5

Tewkesbury Borough Local Plan to 2011(TBLP) - March 2006 - Policy HOU8

National Planning Policy Framework

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)

Green Belt

Special Landscape Area

### Consultations and Representations

**Parish Council** - Object due to the imposing nature of the two storey extension and its proximity to the neighbouring property at 26 Ratcliff Lawns. This will result in restriction of light to the downstairs living area and will overshadow the outside space. In addition, the proposed window in the east elevation of the extension will result in loss of privacy for the adjacent property.

**Local residents** - four letters of objection have been received from local residents. The reasons for objection are summarised as follows:

- Loss of outlook / light and view to neighbours
- Loss of residential amenity to no 26 - overshadowing of their patio area, loss of light to their sun-room window, domination, loss of privacy and outlook.
- No 24 is located on the corner so the rear extension would be highly visible.
- Harmful impact on the character and design of the street scene. The proposed dormer windows would be much lengthier.
- Harmful to the Green Belt
- Possible loss of off road parking which would lead to more parking on the road.
- The roof tiles should be double pantiles to match the existing
- Noise / disruption that may be created when the building works take place.
- Could set a precedent for more two storey extensions in Ratcliff Lawns

**Planning Officers Comments:** Mrs Sarah Barnes

### 1.0 Application Site

1.1 This application relates to 24 Ratcliff Lawns a detached dwelling located on a housing estate in Southam (site location plan attached). The site falls within the Green Belt and Special Landscape Area.

### 2.0 Current application

2.1 The current application is for a two storey extension to the rear. It also includes the demolition of the existing garage which is proposed to be rebuilt with extensions to the front and rear and revisions to the roof including the inclusion of gables to the side elevations. (plans attached).

### 3.0 Recent History

3.1 There is no recent / relevant planning history.

## **4.0 Policy Context**

4.1 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 SD4 of the JCS closely reflects this advice. Policy HOU8 of the TBLP supports the principle of residential extensions subject to satisfying certain design criteria. It sets out that extensions to existing dwellings will be permitted provided they respect the character, scale and proportions of the existing dwelling and do not have an unacceptable impact on adjacent property and residential amenity. This policy is considered consistent with the framework and as such should be given due weight according to paragraph 215 of Annex 1 of the framework.

4.2 Section 9 of the NPPF, particularly part 89 states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:

- The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.
- The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.'

Policy SD5 of the JCS similarly advises that 'within its boundaries, development will be restricted to those limited types of development which are deemed appropriate by the NPPF, unless very special circumstances can be demonstrated.

## **5.0 Analysis**

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

5.1 The Parish Council and local residents have objected on the grounds that the proposal would be substantial and would change the appearance of the existing street scene. Local residents also consider that the proposal would be out of keeping with the existing street scene.

5.2 The concerns raised are noted, however, there are examples of other properties in the close that have been extended. Indeed, there are a variety of different styles of dwellings in the close. With regards to the design, it is considered that the proposal would be of an appropriate size and design in keeping with the character and appearance of the property. In terms of the proposed roof tiles, it has been requested that 'grey double pantiles' be used rather than the specified plain tiles. Revised plans were submitted on the 8th June showing that grey double pantiles would be used on the roof which would match the existing. Therefore, it is considered that the proposal would have an acceptable impact on the character of the surrounding area and complies with the requirements of Policy HOU8 of the Local Plan and the NPPF.

### **Residential amenity**

5.3 The occupier of No 26 Ratcliff Lawn's and the Parish Council have raised concerns that the proposal would result in a loss of light to No 26, in-particular their sun-room and patio area. With regards to the patio area, the single storey garage extension would be adjacent to the boundary, whereas the two storey rear extension would be about 8 metres from the nearest part of the decked patio area. In terms of the sun-room, this window would be approximately 14 metres from the nearest side elevation of the proposed two storey rear extension. The proposed extension would not significantly breach a 45 degree horizontal or vertical splay from this neighbouring window. Furthermore, given the orientation of the sun (south facing garden), the proposal would not result in an unacceptable loss of light or outlook that would warrant a refusal on these grounds.

5.4 With regards to the concerns raised about overlooking, the first floor side windows serving the landing and bathroom would be conditioned to be obscure glazed with restricted opening. Similarly, the ground floor shower room window would also be conditioned to be obscure glazed with restricted opening. There would not therefore be any issues with over-looking.

5.5 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.

### **Green Belt**

5.6 The site falls within the Green Belt where only limited extensions and additions are permitted.

5.7 The original dwelling had a floor area of about 157.87m<sup>2</sup>. There have been no previous extensions. The proposed extensions would create an increase of about 73.54m<sup>2</sup> which be a 47% increase in the floor area of the original dwelling. It is therefore considered to be a proportionate addition which would not be harmful to the openness of the Green Belt.

#### **Other issues**

5.8 Concerns have been raised about the parking spaces at the site. However, the reduced driveway would still be 11 metres long (down from 13.5 metres) and would therefore still be able to accommodate two cars. It should also be noted that the re-built garage would be able to accommodate a car which the existing garage cannot. There would not therefore be any highway issues.

5.9 In terms of the precedent that may be set, each application is assessed on its own merits.

5.10 With regards to the 'hours of operation' and the noise that may be created from the proposal. Should the occupiers create unreasonable levels of noise this could be investigated as a statutory noise nuisance by the Environmental Protection Department.

#### **6.0 Conclusion**

6.1 Overall, it is considered that the proposal would not be harmful to the appearance of the existing dwelling nor the Green Belt and it would not result in an unacceptable loss of residential amenity to neighbouring dwellings. The proposal would also be of an acceptable size and design. It would therefore accord with Policy HOU8 of the Local Plan, Policy SD5 of the Joint Core Strategy 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 extensions shall have recon-stone walls and grey double pantile roof tiles on the roof to match the existing 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.

Site plan, proposed block plan, existing elevations / floor plans received by the Local Planning Authority on the 6th April 2018 and the proposed elevations and floor plans received on the 8th June 2018.

- 4 The first floor windows in the east side elevation of the extension serving the landing and the bathroom shall be glazed in obscure glass and fitted with 'DGS Egress Friction Stays with inbuilt child restrictors' to restrict the opening of the windows to a maximum of 150mm. The window shall thereafter be retained as such and not altered without the prior consent of the Local Planning Authority.
- 5 The ground floor window in the east side elevation of the extension serving the shower room shall be glazed in obscure glass and fitted with 'DGS Egress Friction Stays with inbuilt child restrictors' to restrict the opening of the windows to a maximum of 150mm. The window shall thereafter be retained as such and not altered without the prior consent of the Local Planning Authority.

##### **Reasons:**

- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
- 2 To ensure that the extension is in keeping with the existing building.
- 3 To define the terms and extent of the permission.

- 4 To safeguard the privacy of residents in the locality.
- 5 To safeguard the privacy of residents in the locality.

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.

18100346/1a

RIBA

Chartered Practice



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Drawing title: Site Location Plan

Client:

Drawn by: LJ Checked: JE

Project No: 17.10.028

Project: 24 Ratcliff Lawns, Southam,  
Cheltenham GL52 3PA

Scale: 1:1250 @ A4

Date: 07/09/2017

Project / Drawing No: 17.10.028 PL001

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94/a

18/00346/fal

24 Ratcliff Lawns, Southam,  
Cheltenham GL52 3PA



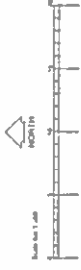
RATCLIFF LAWNS

Existing Block Plan @ 1:200



RATCLIFF LAWNS

Proposed Block Plan @ 1:200



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 Feasibility  
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1. The client and architect agree to comply with the provisions of the Building Act 1984 and the Building Regulations 2010.  
 2. The client and architect agree to comply with the provisions of the Building Act 1984 and the Building Regulations 2010.  
 3. The client and architect agree to comply with the provisions of the Building Act 1984 and the Building Regulations 2010.  
 4. The client and architect agree to comply with the provisions of the Building Act 1984 and the Building Regulations 2010.

**RIBA**

**Drawing title:** Existing and Proposed Block Plans

**Client:** SW

**Drawn by:** SW

**Project No:** 17 10 028

**Project:** 24 Ratcliff Lawns, Southam, Cheltenham GL52 3PA

**Scale:** 1:200 @ A1

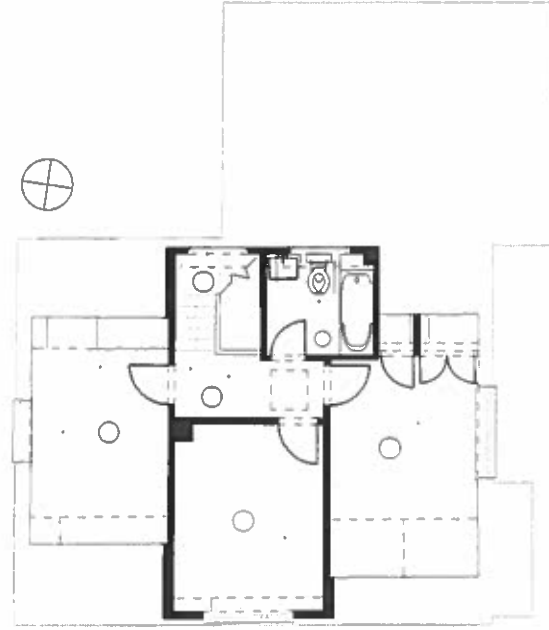
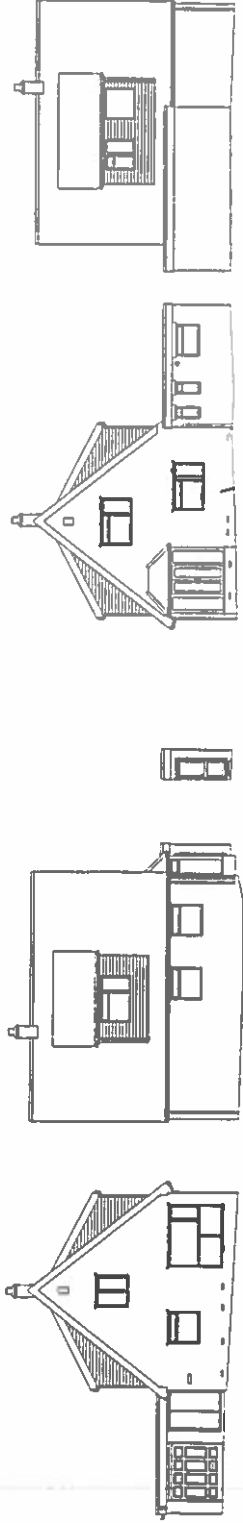
**Date:** March 2018

**Project / Drawing No:** 17 10 028 Pt.002

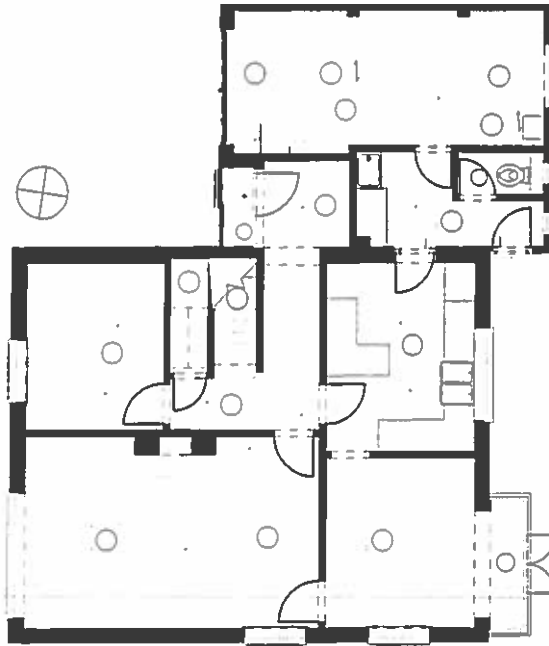
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24 Raicliffi Lawns, Southam,  
Cheltenham GL52 3PA



Proposed First Floor Plan @ 1:50



Proposed Ground Floor Plan @ 1:50

94/C

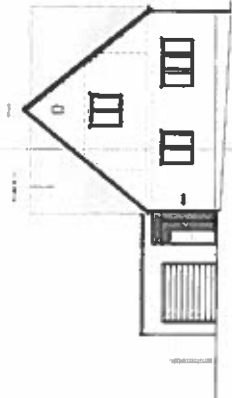
<p>coombes · eventit architects limited 105-107 Bath Road Cheltenham GL53 7LE</p> <p>T 01292 807727 W www.coombes-architects.co.uk www.eventit-architects.co.uk</p>	<p><input type="checkbox"/> Preliminary <input type="checkbox"/> Feasibility <input checked="" type="checkbox"/> Planning <input type="checkbox"/> Building Regulations <input type="checkbox"/> Tender <input type="checkbox"/> Construction Issue <input type="checkbox"/> As Built</p>	<p>1. Not shown and not to be interpreted as a guarantee, such as planning, listed building consent and so on. 2. Not shown and not to be interpreted as a guarantee, such as planning, listed building consent and so on. 3. Not shown and not to be interpreted as a guarantee, such as planning, listed building consent and so on. 4. Engineering structures to suit local soils, not shown, but should be taken into account in the design process.</p> <p>RIBA MEMBER</p>	<p>Drawing title: Existing floor Plans and Elevations</p> <p>Client: SW</p> <p>Checked: All</p> <p>Drawn by: SW</p> <p>Project No: 17 10 028</p>	<p>Project: 24 Raicliffi Lawns, Southam, Cheltenham GL52 3PA</p> <p>Scale: 1:50 @ A1</p> <p>Date: March 2018</p> <p>Project / Drawing No: 17 10 028 P1.003</p>
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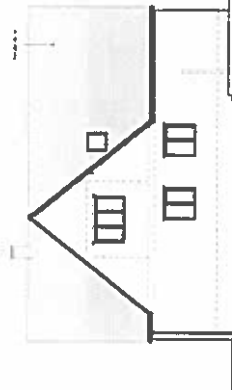


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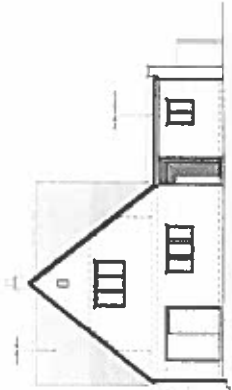
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Chiltenham GL52 3PA



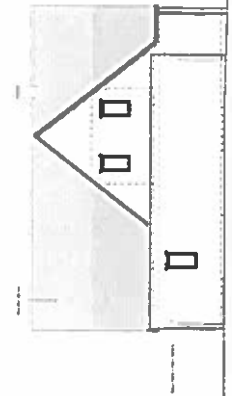
PROPOSED FRONT / NORTH ELEVATION



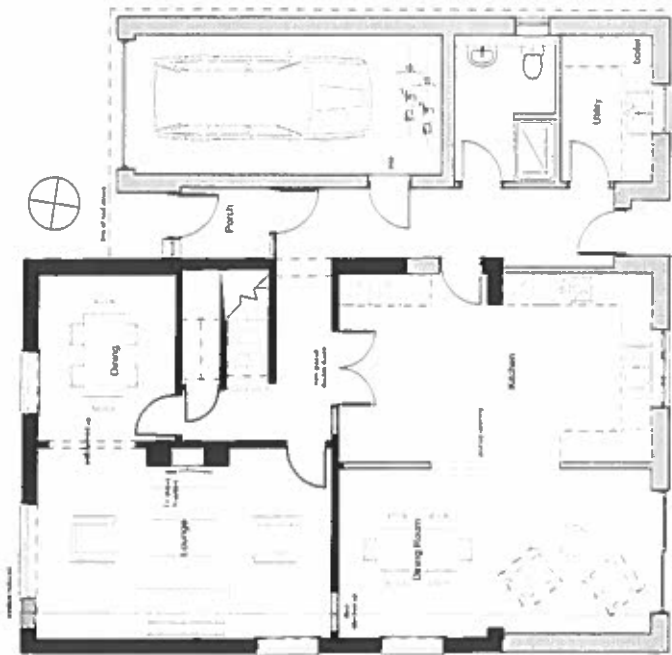
PROPOSED ROAD SIDE / WEST ELEVATION



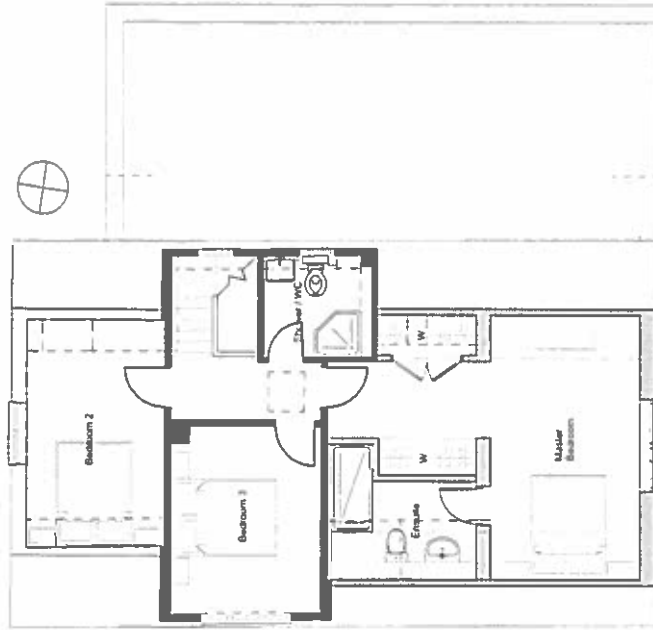
PROPOSED REAR / SOUTH ELEVATION



PROPOSED GARAGE SIDE / EAST ELEVATION



Proposed Ground Floor Plan @ 1:50



Proposed First Floor Plan @ 1:50

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Checked: AM

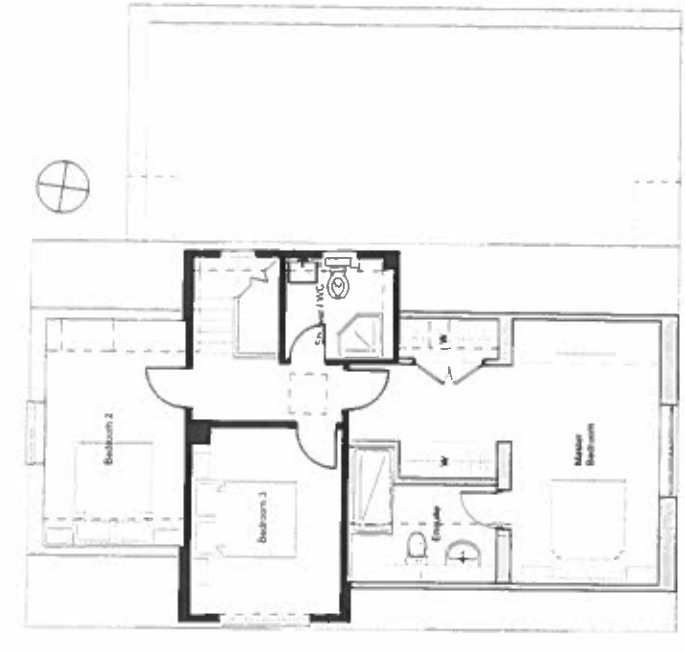
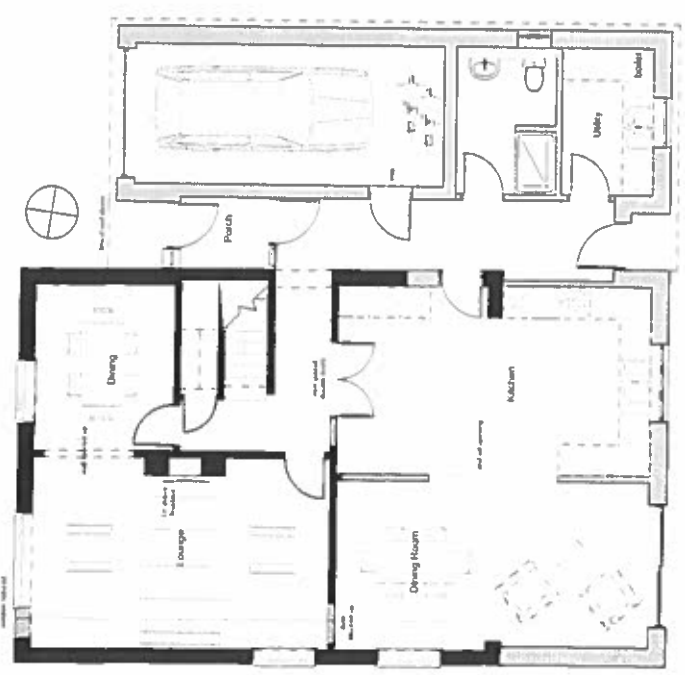
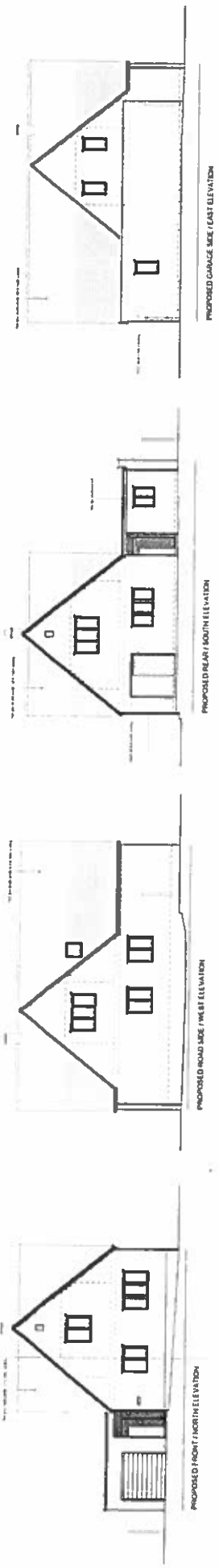
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Date: March 2018  
Project / Drawing No.: 17 10 028 PL 004

Project: 24 Ratcliff Lawns, Southam,  
Chiltenham GL52 3PA

94/d

18/00346/fal - 8th June

24 Ratcliff Lawns, Southam,  
Cheltenham GL52 3PA



94/e

Proposed Ground Floor Plan @ 1:50

Proposed First Floor Plan @ 1:50

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Rev A 06.06.2018 - Proposed has changed to grey double panes to match existing SW

Drawing title: Proposed Floor Plans and Elevations		Project: 24 Ratcliff Lawns, Southam, Cheltenham GL52 3PA
Client:	Scale: 1:50 / 1:100 @ A1	Date: March 2018
Drawn by: SJW	Checked: AJI	Project / Drawing No: 17.10.028 PL0014
Project No: 17.10.028		17.10.028 PL0014

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17/00852/OUT

Yew Tree Farm, Tewkesbury Road, Twigworth

ITEM 8

Valid 01.08.2017

Outline planning application for the erection of up to 74 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from Tewkesbury Road. All matters reserved except for the means of access.

Grid Ref 384902 222408  
Parish Twigworth  
Ward Coombe Hill

## **RECOMMENDATION Delegated Permit**

### **Policies and Constraints**

Joint Core Strategy - SP1, SP2, SD3, SD4, SD6, SD8, SD9, SD10, SD11, SD12, SD14, INF1, INF2, INF3, INF4, INF5, INF6, INF7.  
Tewkesbury Borough Local Plan to 2011 (March 2006) - TPT3, TPT5, TPT6, TPT9, RCN1, RCN2, NCN3.  
Flood and Water Management SPD  
Affordable Housing SPD  
National Planning Policy Framework  
Planning Practice Guidance  
Within 50m of listed buildings  
Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990  
Down Hatherley, Norton and Twigworth Neighbourhood Development Plan 2011-2031 (Submission Version)

### **Consultations and Representations**

#### **Twigworth Parish Council and Down Hatherley Parish Council**

The two Parish Council's vigorously oppose the application.

The previous application was for less than 60 houses and community concern was voiced at a meeting with Hunter Page in Down Hatherley Village Hall in March 2013. The hall was packed, and such was the concern, indeed, incredulity that the site was being considered for development that the planners' contentions were all vociferously rebutted.

Submissions from the councils included photographs from residents of Orchard Park whose homes directly bordered the site. They showed that the land does indeed flood after heavy rain, and remain so for many days beyond due to the heavy clay loam that defines this neighbourhood. This was attested to by all local residents, parish and borough councillors. Local concern was such that Twigworth PC sought the opinion of Professor Ian Cluckie, a hydrologist of international repute. His conclusion was that SUDS engineering to mitigate the issue of site flooding was not likely to solve the problem; that development of this scale on this site was 'unwise'.

In 2007 this site was flooded virtually everywhere and in places at a depth of between two and three feet.

The present application is for even more houses, a possible 75. Both parish councils and the entire community are again united in opposition.

Flooding concern: The site and the meadows around are a necessary soak for drainage towards the Severn yet liable to fluvial 'ponding' due to the soil type. The parish councils have many photographs showing significant pluvial flooding. It is not believed that SUDS engineering will eliminate surface flow beyond the borders of such a large housing estate. Properties bordering the A38 - and which also back the site- were badly flooded in 2007 one family at least having to vacate their home for over a year.

Dangers along the A38: The size and intensity of vehicles is increasing every year. Collisions at private and business turn-offs are not infrequent and a fatality occurs on average every 7 years. A junction for the proposed estate will only increase the volume of traffic and the congestion which is currently a mile long queue at peak times down to the Longford roundabout. Sections of Twigworth have very narrow pavements indeed and are already a constant source of danger to pedestrians. It also needs to be stressed that the A38 a diversion route during any M5 closure.

Twigworth is a parish with few facilities There is an absence of doctor's surgery, community centre, village hall, school, post office or other than a very small shop within Orchard Park.

It is within the Green Belt: Even if the Joint Core Strategy recommended some G.B. removal and this was then passed by the 3 boroughs, this site would not be included for release.

It does not conform with the emerging Neighbourhood Development Plan (Down Hatherley, Twigworth and Norton parishes). After nearly 5 years of preparation it is now in the final stages before anticipated acceptance by Tewkesbury Borough Council.

**Norton Parish Council** - Opposes the application and supports the objection submitted by Twigworth and Down Hatherley parish councils. Concerned about the inadequacy of the current road system to accommodate the unchecked growth of housing and mobile home developments on the A38, and the poorly designed, unfunded and unproven schemes suggested to alleviate this growing congestion. These developments have continued in contravention of saved planning policies, sound professional advice and years of work on our joint Neighbourhood Development Plan, held up by the authorities' poorly conceived approach to the Joint Core Strategy.

Norton school, the primary provision for this development, is already oversubscribed without taking into account the recent permitted developments in the area.

**Sandhurst Parish Council** - Object:

1. Traffic: The site is just outside the Parish of Sandhurst and the Parish Council is very concerned by the potential increase of some 150 cars using the roads in the area. If allowed, the development would increase the number of vehicles using the narrow and winding Sandhurst Lane as a 'rat run' through Sandhurst to avoid the daily tailbacks, particularly of southbound traffic, on the A38 between north of Twigworth and the Plock Court roundabout at Longford. Sandhurst Lane is a country road used by residents of Sandhurst, agricultural vehicles, milk tankers, cyclists, horse riders, pedestrians and road runners. Increase in traffic on Sandhurst Lane would be dangerous as it is single track, twisty and has limited visibility for much of its length. The junction of Sandhurst Lane with the A38 Tewkesbury Road is a difficult place to obtain a view when exiting from Sandhurst and the inevitable increase in traffic from this development would have a further adverse effect.

2. Flooding: The site sits in a flood risk area and is flooded regularly as evidenced by one of the photographs included in a previous planning application for the site ( Application Number: 13/00570/OUT). Sandhurst Parish Council is concerned that any development would cause the displacement of flood water which would inevitably flow towards Sandhurst, an area badly affected by flooding every year.

3. The site is in the Green Belt and this development would further erode the rural aesthetic of the area.

**County Highways** - No objection subject to conditions including and a S106 contribution of £161, 625 shall be entered into towards improvements along the A38 corridor for the improvements identified within DS7.

**Highways England** - No objection

**Local Lead Flood Authority** - Initially objected to the application as insufficient information was submitted and no consideration was given to SuDS. Further to the objection the applicant submitted a revised Flood Risk Assessment including a proposed location for a Sustainable Drainage Basin. The LLFA have now confirmed that there is no objection to the application subject to a condition requiring a detailed drainage design.

**Urban Design Officer** This site must be considered and designed in the context of the developments that are going on in the surrounding area. Links and connections must be made where possible. Overall the location of the site appears logical for residential development as it is within the existing built form of Twigworth and offers opportunities to integrate with the existing settlement. The built form responds to the existing morphology of the village. The parameter and illustrative material submitted with the design and access statement are well thought through and the layout responds well to the constraints of the site and achieves a good quality of design.

**County Archaeologist** - A Roman agricultural landscape is present in the application site and this is confirmed by the archaeological appraisal which supports the application. The Roman archaeology is not of the first order of preservation and it is recommended a condition is imposed requiring the implementation of a programme of archaeological work prior to the commencement of development.

**Natural England** - Initially objected to the application as the lack of detail in the proposed SuDS scheme meant that Natural England could not assess potentially significant effects on the Innsworth Meadow Site of Special Scientific Interest (SSSI). Further to the submission of an additional Drainage Strategy including proposed SuDS, Natural England confirmed that there was no objection to the application.

**Public Rights of Way Officer** - The development does not appear to affect the nearby public rights of way.

**Minerals and Waste Planning Authority** - The application should be supported by a Waste Minimisation Statement

**Historic England** - Do not wish to offer any comments

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

**Environmental Health** - The applicant should submit a noise assessment in support of the application setting out the necessary noise mitigation measures to meet the recommended noise levels for internal and external areas.

**Environmental Health Contamination** - No objection subject to conditions requiring an investigation and risk assessment and if necessary a remediation scheme.

**Gloucestershire County S106 Officer** - The scheme will generate a need for a contribution of £72,850 for additional pre-school places, £268,043 for additional primary school places, £213,814 for additional secondary school places and £14,504 for additional library resources

**Communities Officer** - The scheme will generate a need for a contribution of £89,188 for off-site playing pitches and changing facilities, £66,362 for sports facilities, £33,648 for community buildings and commuted sums for Tewkesbury Council's Grounds Maintenance Services in accordance with the Schedule of Rates 2017/18.

**NHS** - Based on 74 houses we would assume 162 patients - the total contribution requested is £7,607

**Housing Enabling Officer** - The proposal meets the affordable homes requirement on the site. 26 affordable housing properties are required on a development of 74 homes

#### **Local Residents**

8 objections have been received from local residents

- The proposal would be detrimental to the residential amenity, privacy and outlook of residents of Orchard Park caravan park
- The proposal would increase congestion on Tewkesbury Road
- The application is no different to the previous application which was refused
- The application site is frequently saturated with large areas of surface water
- The application site was previously a natural pond
- The proposal could result in run off to adjoining land
- There is no evidence that the SuDS system will work and it may not be maintained
- Heavy rain has previously caused flooding to properties near the application site
- The proposed access onto Tewkesbury Road is an accident black spot and is very close to existing junctions and there is an existing blind spot at the entrance to Norton Garden Centre.
- There is no pedestrian crossing on the Tewkesbury Road
- The site's emergency access is not wide enough for a fire engine
- The proposal would impact on the setting of grade II listed Yew Tree Cottage and the construction works could cause potential damage
- The site is in the Green Belt
- The proposal would not fit in with the current environment and would create a sprawl between Twigworth and Down Hatherley. There are insufficient local amenities and transport facilities to serve the development.
- The application is premature of the adoption of the JCS
- The development is not in keeping with the emerging Neighbourhood Plan and the opinions of locals has not been taken into consideration

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

### **1.0 Introduction**

1.1 The application relates to land at Yew Tree Farm, Twigworth. The site extends to approximately 3.1 hectares and consists of 2 pasture fields, a small barn, structures which lie within the rear curtilage of the dwelling at Yew Tree Farm, and an area of land which contains the remains of a small abandoned nursery with associated structures. The site also includes a finger of agricultural land in south east corner of site which extends to Brook Lane.

1.2 The site is bounded by the A38 to the north and there are three dwellings indented into the northern site boundary. Immediately to the west of the site are residential properties, with Orchard Park a residential park home beyond them which also wraps around the southern site boundary.

1.3 To the north east of the site is sporadic residential development and immediately to the east is a linear parcel of land which is currently used as a paddock. In the wider setting, the site is surrounded by open fields and countryside.

1.4 The application site forms part of Strategic Allocation A1 Innsworth and Twigworth in the Joint Core Strategy and is part of that allocation which is shown as Housing and Related Infrastructure on the JCS Indicative Site Layout Proposals Map. The site is also located within 50m of listed buildings, namely Yew Tree Cottage immediately to the north west of the site and the Manor House on the opposite side of the A38.

### **2.0 Relevant Planning History**

#### Application Site

2.1 13/00570/OUT - Outline application for a mixed residential development comprising up to 58 dwellings, a new vehicular access off the A38, public open space, landscaping and other associated works (Appearance, Landscaping, Layout and Scale to be reserved for future consideration). Refused August 2013.

2.2 This application was submitted and determined prior to the site being included in Strategic Allocation A1 and the site was in the Green Belt.

#### Adjacent Sites

2.3 15/01149/OUT - A mixed use development comprising demolition of existing buildings; up to 725 dwellings and a local centre of 0.33ha (A1,A2,A3,A4,A5,D1,D2 uses); primary school, open space, landscaping, parking and supporting infrastructure and utilities; and the creation of a new vehicular access from the A38 Tewkesbury Road. Permitted at appeal December 2017.

2.4 15/00749/OUT - A mixed use development comprising demolition of existing buildings, up to 1,300 dwellings and 8.31 hectares of land for employment generating uses comprising a neighbourhood centre of 4.23ha (A1, A2, A3, A4, A5, D1, D2, B1), office park of 1.31ha (B1) and business park of 2.77ha (B1 and B8 uses), primary school, open space, landscaping, parking and supporting infrastructure and utilities, and the creation of new vehicular accesses from the A40 Gloucester Northern Bypass, Innsworth Lane and Frogfurlong Lane. Permitted at appeal December 2017.

### **3.0 Current Application**

3.1 The current application seeks outline planning permission for up to 74 dwellings, to include a new vehicular access off the A38, associated landscaping, public open space and a sustainable drainage system. The application seeks to determine access at this stage; however, appearance, landscaping, layout and scale are reserved for future consideration.

3.2 Whilst the above matters are reserved, the applicant has provided an indicative layout, which indicates the likely characteristics of the development. A design and access statement has also been submitted which sets out the design and layout principles.

3.3 During the determination of the application a new layout has been submitted which allows for a SUDs pond within the scheme. The resultant factor of this is that the numbers of dwellings has fallen by 1 from 75 to 74.

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

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

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

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

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

## **5.0 The Development Plan/ National Planning Policy**

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the local planning authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. The key consideration in assessing the principle of development therefore are the existing and emerging development plans for the area and Government policy in respect of new housing development.

### **Cheltenham, Gloucester and Tewkesbury Joint Core Strategy - December 2017**

5.2 The Joint Core Strategy (JCS) was adopted in December 2017 and is part of the Development Plan for the area. Various policies in the JCS superseded some of the policies in the Tewkesbury Borough Local Plan to 2011 which had hitherto been saved by direction of the Secretary of State.

5.3 The JCS sets out the key spatial policies for the JCS area over the period of 2011-2031 and the preferred strategy to help meet the identified level of need. Policy SP1 sets out the overall strategy concerning the amount of development required, and Policy SP2 sets out the distribution of new development. These two policies, combined with Policy SD1 on the economy, provide the spatial strategy for the plan. This strategy, together with its aims, is expressed in relevant policies throughout the plan and will be supported by forthcoming district plans and neighbourhood plans.

5.4 Policy SP1 of the JCS sets out the need for new development and the overall housing requirement for each authority. Policy SP2 sets out the policy for the distribution of new development across the area.

5.5 To meet the needs of Gloucester City the JCS makes provision for at least 14,359 homes. At least 13,287 dwellings will be provided in the Gloucester City administrative boundary, including the Winnycroft Strategic Allocation, and urban extensions at Innsworth and Twigworth, South Churchdown and North Brockworth within Tewkesbury Borough defined in Policy SA1, and sites covered by a Memoranda of Agreement.

5.6 Tewkesbury Borough's needs of (at least 9,899 new homes) will be provided through existing commitments, development at Tewkesbury Town in line with its role as a market town, smaller-scale development meeting local needs at Rural Service Centres and Service Villages, and sites covered by any Memoranda of Agreement.

5.7 Policy SA1 sets out the Strategic Allocations Policy and states that new development will be provided in Strategic Allocations in order to deliver the scale and distribution of development set out in policies SP1 and SP2. Seven Strategic Allocations are identified and the application site forms part of the JCS Strategic Allocation A1 identified at Innsworth and Twigworth. The Indicative Site Layout on the Policies Map Plan A1 shows that the application site is identified as part of a wider area of 'Housing and Related Infrastructure'.

5.8 Policy SA1 states that development proposals should enable a comprehensive scheme to be delivered across the developable area within each Strategic Allocation. Developers must ensure that the sites provide an appropriate scale and mix of uses, in suitable locations, to create sustainable developments that support and complement the role of existing settlements and communities. Proposals must be accompanied by a comprehensive masterplan for the entire Strategic Allocation demonstrating how new development will integrate with and complement its surroundings in an appropriate manner.

5.9 Policy SA1 goes on to state that Strategic Allocations should seek in all cases to retain and enhance areas of local green space within the boundary of the allocation. Infrastructure should be planned and provided comprehensively across the site taking into account of the whole Strategic Allocation. The transport strategy to support the delivery of the Strategic Allocations should align with and where appropriate contribute towards the wider transport strategy contained within the Local Transport Plan, including transport corridors and junctions. The development of Strategic Allocations must encourage the use of walking, cycling and the use of public transport.

5.10 Policy A1 of the JCS provides policy on Strategic Allocation A1, of which the application site forms part of, and sets that whole Strategic Allocation is expected to deliver

- i. Approximately 2,295 new homes
- ii. ii. Approximately 9 hectares of employment generating land
- iii. A local centre including the provision of an appropriate scale of retail, healthcare and community facilities to meet the needs of the new community
- iv. New primary and secondary education schools and facilities
- v. A green infrastructure network of approximately 100 hectares, corresponding with flood zones 2 and 3.
- vi. Protection to key biodiversity assets, including a new nature reserve with the green infrastructure area to support the restoration of the SSSI and improve the ecology of the area to support restoration of the SSSI, improve the ecology of the area and contribute to water quality enhancements.
- vii. Adequate flood risk management across the site and ensure that all more vulnerable development is located wholly within flood zone 1. This includes measures to reduce flood risk downstream through increasing storage capacity.
- viii. Flood risk management will be a critical part of master planning the site in linking the Innsworth and Twigworth areas, avoiding overland flow routes and addressing surface water flooding. Detailed flood risk assessments must utilise the latest flood risk modelling information for the whole site and any other areas impacted by the development in terms of flood risk.
- ix. A layout and form of development that respects the landscape character as well as the character, significance and setting of heritage assets and the historic landscape.
- x. A layout and form that integrates, where appropriate, important hedgerows within the development.
- xi. A layout and form that reduces the impact of electricity pylons and high voltage lines; with the siting of residential development being a particular consideration.
- xii. Primary vehicle accesses from A38, Innsworth Lane and explore the potential for a new main junction onto the A40 to the south of the site.
- xiii. The potential for a highway link through both the Innsworth and Twigworth sites linking the A38 and A40.
- xiv. Measures necessary to mitigate the traffic impact of the site, including the use of travel plans to encourage the use of more sustainable transport modes.
- xv. High quality public transport facilities and connections within and adjacent to the site
- xvi. Safe, easy and convenient pedestrian and cycle links within the site and to key centres, providing segregated links where practical.

5.11 Other relevant JCS policies and saved policies of the Tewkesbury Local Plan 2006 are referred to in the relevant sections below.

### **Emerging Development Plan**

5.12 The Tewkesbury Borough Plan is at an early stage of preparation. Initial consultation took place in



2015 and a Pre-submission consultation is expected to take place in early 2018. Given its stage of preparation, in light of guidance at paragraph 216 of the NPPF, very limited weight can be given to the emerging Borough Plan.

### **National Planning Policy Framework and Planning Practice Guidance**

5.13 The NPPF aims to promote sustainable growth and requires applications to be considered in the context of sustainable development and sets out that there are three dimensions to sustainable development: economic, social and environmental.

- the economic role should contribute to building a strong, responsive and competitive economy;
- the social role should support strong, vibrant and healthy communities; and
- the environmental role should protect and enhance the natural, built and historic environment.

These roles should not be undertaken in isolation, because they are mutually dependant.

5.14 Paragraph 12 of the NPPF clarifies that it does not change the statutory status of the development plan as the starting point for decision-making. Proposed development that accords with the development plan should be approved, and proposed development that conflicts should be refused unless other material circumstances indicate otherwise. Paragraph 14 of the NPPF sets out that at the heart of the NPPF there is a presumption in favour of sustainable development and that for decision-taking this means (unless material considerations indicate otherwise) that development proposals that accord with the development plan should be permitted without delay; and that where the development plan is absent, silent or out-of-date, permission should be granted subject to certain caveats.

5.15 In terms of economic growth, one of the 'core principles' of the NPPF is to proactively drive forward and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Paragraph 19 of the NPPF states that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth and that planning should operate to encourage and not act as an impediment to sustainable growth.

5.16 In terms of housing delivery, the NPPF sets out that local authorities should use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing, including identifying key sites which are critical to the delivery of the housing strategy over the plan period (paragraph 47). Paragraph 49 sets out that housing application should be considered in the context of the presumption in favour of sustainable development.

5.17 Other specific relevant policies within the NPPF are set out in the appropriate sections of this report.

### **Emerging Neighbourhood Plan**

5.18 The Down Hatherley, Norton and Twigworth Neighbourhood Development Plan 2011 -2031 has been submitted to Tewkesbury Borough Council and a consultation, under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 was completed in April 2018. Policy H2 of the Plan sets out criteria for new housing development in Twigworth. The Plan also states that, whatever growth level is ultimately determined, for Twigworth, it should be delivered steadily over the plan's period through a series of modest developments and not on a single large site delivered in a short space of time. This NDP proposes an organic, piece by piece, approach to sustainable growth in Twigworth in line with the available infrastructure.

5.19 Given the stage of preparation of the Neighbourhood Plan, and in light of guidance at paragraph 216 of the NPPF, limited weight can be given to the Neighbourhood Plan

### **Principle of Development**

5.20 Planning policies should plan positively for development and infrastructure requirements and 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. The NPPF sets out a presumption in favour of sustainable development and states that development proposals that accord with the development plan should be approved without delay.

5.21 Policy SA1 states the new development will be provided within the Strategic Allocations in order to deliver the scale and distribution of new development set out in Policies SP1 and SP2.

5.22 The application site forms part of the wider Strategic Allocation A1 at Innsworth and Twigworth. The site itself is identified as an area for Housing and Related Infrastructure on the Indicative Site Layout Proposals Map A1. Policies SA1 and A1 identify provisions that applications within the Strategic Allocation will be expected to deliver (see paragraphs 5.7 - 5.10 above).

5.23 The principle of the application is therefore considered acceptable providing the provisions of policies SA1 and A1 as well wider planning objectives and policies are met, and subject to there being no material considerations indicating that the application should be determined other than in accordance with the development plan.

## 6.0 Design and Layout

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

6.2 Policy SD4 of the JCS states that where appropriate proposals for new development should be accompanied by a masterplan and design brief demonstrating principles including context and character, legibility and identity, amenity and space, public realm and landscape, safety and security and inclusiveness. In addition Policy SA1 states that proposals in Strategic Allocations must be accompanied by a Strategic Masterplan demonstrating how the new development will integrate and complement its surroundings, including the wider allocation.

6.3 All matters relating to design and layout are reserved for future consideration. However, the application has been supported with a design and access statement and an illustrative masterplan which provides an indication as to how the site could be developed. This would be used to inform the submission of any subsequent reserved matters applications.

6.4 The illustrative masterplan indicates a single primary access road off the A38. This road would then serve a series of smaller roads and spaces around the development. The design of the road network is such that it would allow future connections to land to the south and east. In addition a proposed emergency and pedestrian/cycle access point is proposed off the A38 and a new pedestrian/cycle link is also proposed to the east onto the existing bridleway on Brook Lane. The layout is considered to be relatively well connected to the surrounding movement networks and is felt to provide an appropriate level of permeability. Most of the proposed pedestrian and vehicular routes and connections to the wider network also appear well overlooked and relatively well defined by an active frontage.

6.5 A sustainable drainage (SuDS) basin and play area are incorporated into the development in the south west of the site. New planting including boundary vegetation is proposed to be incorporated into this area off open space.

6.6 A recreational route is proposed to the east of the site which would link to the footpath on the A38 to the north and the bridleway on Brook Lane to the south. The recreational route would lie within a green corridor which includes retained and enhanced planting, a new wildlife pond and long grass margins to filter views of the development.

6.7 The location of the proposed houses are such that they provide a frontage onto the A38, with an open character to the streetscene which generally reflects the character of Twigworth. The layout also allows for opportunities for further development to the south and east. The Council's urban design officer has been consulted on the application and stated that the built form responds to the existing morphology of the village. The parameter and illustrative material submitted with the design and access statement are well thought through and the layout responds well to the constraints of the site and achieves a good quality of design.

6.8 It is a requirement for proposals within the Strategic Allocations to be accompanied by a comprehensive masterplan to demonstrate how the development will take account of the development and infrastructure needs of the wider allocation.

6.9 To the west and south the site is adjoined by Orchard Park residential caravan site which does not form part of the Strategic Allocation. Beyond Orchard Park to the south and west of the application site is a site which benefits from planning permission (ref: 15/01149/OUT) for a mixed use development comprising

up to 725 dwellings and a local centre of 0.33ha (A1,A2,A3,A4,A5,D1,D2 uses); primary school, open space, landscaping, parking and supporting infrastructure and utilities; and the creation of a new vehicular access from the A38 Tewkesbury Road.

6.10 Whilst the current application site is separated from the development proposals to the south and west by Orchard Park Residential Caravan Site the applicant has provided a masterplan showing how the current proposal would relate to this wider site and it is noted that the proposed local centre and primary school in the adjacent development would be accessible to future residents either via the A38 or the footpath to Brook Lane.

6.11 No details are provided of how the application site would relate to potential development proposals on land to the east, but it is understood that this information is not available at this time. However, given that the land to the east can be accessed separately off Brook Lane it is not considered that the current proposals prejudice the sustainable delivery of the land to the east.

6.12 In conclusion, in terms of design it is considered that the proposed illustrative layout in isolation is acceptable and demonstrates that the new development would integrate with and complement its surroundings in an appropriate manner and would not prejudice the sustainable delivery of the of the wider allocation. The detailed design and size of the dwellings would be addressed through any subsequent reserved matters application; however, the Illustrative Masterplan and Design and Access Statement show that 74 dwellings could be accommodated on the site in an acceptable manner.

## 7.0 Landscape and Visual Impact

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

7.2 Policy SD6 (Landscape) of the JCS provides that Development will seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being. Proposals will have regard to the local distinctiveness and historic character of the different landscapes in the JCS area and will be required to demonstrate how the development will protect or enhance landscape character and avoid detrimental effects on types, patterns and features which make a significant contribution to the character, history and setting of a settlement or area. All applications for development will consider the landscape and visual sensitivity of the area in which they are to be located or which they may affect.

7.3 The site is located within the Settled Unwooded Vale of Gloucester as defined within the Gloucestershire Landscape Character Assessment. There are no national, regional or local landscape designations covering the site or adjacent to the site. However, there are a number of landscape features which reflect the character of the unwooded vale.

7.4 The application is supported by a Landscape and Visual Impact Assessment (LVIA) which describes the existing landscape character and quality of the site and surrounding area and assesses the ability of the site to accommodate the proposed development and the landscape and visual effects of the proposed development.

7.5 The site has a relatively flat topography and is bounded by built form to the north, west and south and a small linear landholding to the east which is bounded by hedgerows. The topography of the wider area, including the City of Gloucester is dominated by the low lying landscape of the Vale of Gloucester.

7.6 The LVIA assesses the landscape impact of the proposal from a number of near distance and longer distance views and concludes that visibility would be restricted to partial views from public vantage points and residential properties in close proximity to the site. In terms of more distant views the report identifies some visual impacts from the bridleways and public footpaths at Sandhurst Hill approximately 2.6 km to the north west. The visual effects of the proposal are assessed as being limited to moderate adverse effect from nearby residential views in the early years which would reduce as the landscaping matures to slight adverse. All of the effects from public vantage points are considered no greater than slight adverse. Officers have also assessed potential views from near distance and longer distance viewpoints and agree with the findings of the LVIA.

7.7 The site is predominately flat, semi-improved grassland with some low quality native hedgerows and no significant trees worthy of retention. The site's character is reduced by the main road to the north and its surrounding influences, such as the derelict former nursery and green houses.

7.8 Long distance views of the site from PROWs are restricted due to the existing built form, vegetation and the flat topography of the surrounding landscape. Views taken from the various PROW's around the site are partially filtered views due to the vegetation and the existing built form.

7.9 The views from the north of the site and the surrounding residential properties are considered to be more harmful whereby there would be a permanent adverse visual impact. However, it is considered that the overall harm to the landscape character and visual sensitivity of the site is mitigated by the design approach in the illustrative masterplan which includes retained and strengthened landscaping along the boundaries which would help the development become integrated into the fabric of the settlement and the wider landscape.

7.10 Overall it is considered that the site is of a low to medium landscape quality and there would be some impact on the landscape arising from the development, which is primarily at the local level. However the site is part of a Strategic Allocation and the principle of development and some associated landscape harm is already accepted. The design approach, including the positioning of built form and the inclusion of boundary landscaping would mitigate the impact of the proposal and it is considered that the landscape impact arising from the proposal is acceptable.

## **8.0 Accessibility and Highway Safety**

8.1 Policy INF1 of the JCS requires developers should provide safe and accessible connections to the transport network to enable travel choice for residents and commuters. All proposals should provide for safe and efficient access to the highway network for all transport modes; encourage maximum potential use of walking, cycling and passenger transport networks to ensure that credible travel choices are provided by sustainable modes. Planning permission will be granted only where the impact of development is not considered to be severe. Where severe impacts that are attributable to the development are considered likely, including as a consequence of cumulative impacts, they must be satisfactorily mitigated. Policy INF1 further requires Developers to provide transport assessments to demonstrate the impact, including cumulative impacts, of the prospective development along with travel plans where appropriate.

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

8.3 The application site is accessed via the A38 Tewkesbury Road, which is subject to the signposted 40mph speed limit along the frontage of the site. The speed limit increases to 50mph north of the site. There is an existing, albeit relatively narrow footway which fronts the site and provides access to the nearest bus stops which provide a school bus service and regular Tewkesbury-Gloucester services.

8.4 The nearest bus stop is located approximately 400m from the site and is serviced by service 71 which runs an hourly service between Tewkesbury and Gloucester throughout the day, whilst there are also a number of school only bus services. The bus stops are considered adequate for the existing level of usage and do not require upgrading in order to accommodate the number of public transport users that would be generated by the site, however for pedestrian safety a crossing between the two stops should be provided and can be secured by way of condition. The footways along the frontage of the site are proposed to be widened to provide for a safe and suitable access to the bus stops for pedestrians. The existing bus service therefore provides the opportunity for residents of the proposed development to access high quality public transport during peak times with scope for a modal shift away from the private motor car and onward travel.

8.5 It is proposed that the development would be served by a simple priority junction with a central pedestrian refuge island. The required Sight Stopping Distances commensurate with sign posted speed limit would require visibility splays of 120m in both directions from a 2.4m setback along the centre line of the site access. The required visibility can be achieved within land under the applicant's control and can be

controlled by way of an appropriate planning condition.

8.6 Vehicle tracking of the site access has been undertaken and demonstrates that the junction radii are acceptable. In addition, the proposed 5.5m carriageway with 2m footways is considered acceptable for the site access. Moreover a separate emergency and pedestrian/cycle access point would be located to the west of the main access on the A38 along with a new pedestrian link to the Brook Lane Bridleway.

8.7 A TRICS assessment has been undertaken in order to provide the projected trip generation for the site. The proposed development would generate approximately 39 two-way vehicle trips in the AM peak hour and 38 in the PM peak hours. These would be predominantly outbound trips in the AM peak, and inbound trips in the PM peak.

8.8 Based on the Census journey to work data (2011), the proposed vehicle distribution can be determined. Based on this data all traffic is assumed to initially travel to and from the east and west of the site along the A38 with the majority of trips traveling through the A38 / Down Hatherley Lane junction or the A38/ A40 Longford Roundabout.

8.9 Due to the assignment and distribution of the development traffic and the background committed development within the local area it was requested by the Highway Authority that the following junctions were capacity assessed:

- Site access;
- A38 / Down Hatherley Lane; and
- A38 / A40 Longford Roundabout

#### *Site Access*

8.10 The results of the site access junction assessment shows that the junction operates well below practical capacity levels in current and future year scenarios (2022) with and without development traffic.

#### *A38 / Down Hatherley Lane*

8.11 The assessment indicates that the operation of the junction is shown to deteriorate to just above practical in 2022 due to background traffic. The actual impact of the proposed development is however shown to be minor. Therefore whilst the proposed development makes the operation of this junction marginally worse, the impact would be minimal.

#### *A38 / A40 Longford Roundabout*

8.12 ARCADY modelling (which is specifically designed to model the operation of roundabouts) has been undertaken to assess the operational capacity of the A38 / A40 Longford Roundabout. ARCADY results also refer to the Ratio of Flow to Capacity (RFC) and queue length predicted on each arm of the roundabout junction. An RFC of 1.00 indicates that the arm in question is operating at its theoretical capacity, whilst RFC's of 0.85 or less indicates that the arm is operating within practical capacity. The results of this junction assessment show that the roundabout operates close to capacity in 2016, with the future years (2022) the maximum RFC's are around 1.0, with some of the arms operating at capacity at 0.98/ 0.99, 1.0 and slightly above. As the RFC's fall on or just either side of 1.0 the Highways Authority have confirmed that they consider the operational capacity of the roundabout as acceptable.

#### *Sandhurst Lane*

8.13 The concerns expressed by the Parish Council that the proposals would result in additional traffic using unsuitable roads in the area of the sites, particularly via Sandhurst are noted. This matter was considered as part of the Planning Inquiry for applications 15/00749/OUT and 15/01149/OUT on the wider allocation. The Inspector's recommendations concluded that there was insufficient substantive evidence to show that the proposal would cause any significant harm to safety or the flow of traffic on these roads and this remains the case.

#### *Mitigation*

8.14 As these dwellings would contribute towards the 35,175 objectively assessed housing need as identified within the Joint Core Strategy (JCS), the Highway Authority has deemed it reasonable in terms of mitigating the residual cumulative impact generated by the development to secure a S106 contribution of

£161, 625 towards the DS7 mitigation strategy which was developed to address the cumulative impact of the JCS development. **An update will be provided at committee whether the applicant has agreed to enter into this obligation**

#### *Travel Plan*

8.15 In respect to a Travel Plan, the NPPF 36 states that all significant generators of traffic movements should be required to provide a Travel Plan.

8.16 The submitted Travel Plan for this application aims to reduce the dependence upon single occupancy private car travel when accessing the site and in order to do so the Travel Plan aspires to;

- Reduce the percentage of residents travelling by single occupancy private car to and from the site.
- Generate increase in the percentage of residents utilising active modes (walking/cycling), public transport and car sharing.

8.17 In order for the Travel Plan to achieve these aims a number of actions and measures would need to be implemented. The developer would be required to appoint a Travel Plan Coordinator, whose duty it is to oversee the implementation and monitoring of the Travel Plan, prior to the dwellings being occupied. However as no targets have been set within the submitted Travel Plan document, a suitably worded condition requiring a revised Travel Plan to be submitted prior to works commencing on site has been recommended.

8.18 In light of the above and subject to conditions and securing a S106 contribution towards the DS7 Strategy it is considered that the proposal is acceptable in regards to highway safety and accessibility and complies with guidance contained within the NPPF, and policies INF1 and A1 of the JCS.

### **9.0 Flood Risk and Drainage**

9.1 Policy INF2 of the JCS seeks to prevent development that would be at risk of flooding. Proposals must not increase the level of risk to the safety of occupiers of a site, the local community or the wider environment either on the site or elsewhere. For sites of strategic scale, the cumulative impact of the proposed development on flood risk in relation to existing settlements, communities or allocated sites must be assessed and effectively mitigated. Development should also aim to minimise the risk of flooding and provide resilience to flooding, taking into account climate change and where possible reducing overall flood risk. Where appropriate applications should be informed by a Flood Risk Assessment (FRA) and incorporate suitable Sustainable Drainage Systems (SuDS) to manage surface water drainage.

9.2 Policy A1 of the JCS states that the Strategic Allocation will be expected to deliver adequate flood risk management across the site and that detailed flood risk assessments must utilise the latest flood risk modelling information for the whole site and any other areas impacted by the development in terms of flood risk.

9.3 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.

9.4 The site is located within Flood Zone 1 and is therefore at a low risk of flooding with less than a 1 in 1000 probability of river or sea flooding in any one year. In terms of flood risk from overland flow, during rainfall events runoff is known to pond on the site. This has been observed by a number of local residents and the Parish have objected on this basis... The site does not have a history of groundwater flooding.

9.5 The application is supported by a Flood Risk Assessment and Outline Drainage Strategy. The FRA confirms that the site would be arranged to allow reasonable level access allowing the site to be free-draining in case of local ponding at times of heavy rainfall. Floor levels of dwellings would be set as high as possible above the flood level giving regard to necessary access for the less-able.

9.6 The FRA confirms that the proposed development would not result in any reduction in flood plain storage compared to the existing situation. However, the proposed development would increase the proportion of the site covered by impermeable surfaces and would therefore generate more run off. Attenuation is therefore required and the application proposes attenuation based SuDS with storage in the south west corner of the site.

9.7 The LLFA has confirmed that they have no objection to the application based upon the surface water

management proposals however the LLFA recommends that a condition is imposed requiring a detailed design, maintenance and management strategy for the sustainable surface water drainage system prior to commencement of development. Severn Trent have also confirmed that they do not object to the application subject to the imposition of conditions requiring drainage plans for foul and surface water flows.

9.8 In light of the above, it is considered that the proposed drainage strategy complies with guidance contained within the NPPF, and policies INF2 and A1 of the JCS and that the Parish's concerns in this respect are overcome.

## 10.0 Heritage Assets

10.1 Section 66 of the Listed Buildings and Conservation Area Act places a statutory duty on LPAs to have special regard to the desirability of preserving the setting of listed buildings. Policy SD8 of the JCS sets out that development should make a positive contribution to local character and distinctiveness, having regard to valued and distinctive elements of the historic environment. Designated and undesignated heritage assets and their settings will be conserved and enhanced as appropriate to their significance, and for their important contribution to local character, distinctiveness and sense of place. Consideration will also be given to the contribution made by heritage assets to supporting sustainable communities and the local economy.

10.2 The NPPF sets out at Paragraph 134 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. Paragraph 135 advises that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

10.3 The application is supported by a Built Heritage Assessment which identifies eight Grade II listed buildings within 500 metres of the site. The site itself does not contain any formally designated heritage assets. However, there are three designated Grade II listed heritage assets within 50m of the site, namely The Manor House and an 18th Century milestone on the opposite side of the A38, and Yew Tree Cottage, which lies adjacent to the north west corner of the site.

10.4 Yew Tree Cottage is located to the south of the A38 and the application site lies to the east and south of the property. Yew Tree Cottage is a timber framed cottage dating to the seventeenth century. The significance of the listed building lies primarily in its architectural form and its historic fabric character. The setting of the listed building is dominated by the A38 and there are other buildings including residential buildings in the immediate vicinity.

10.5 The application site forms part of the setting of the building but contributes little to the significance of or special interest of the asset. The indicative masterplan shows that development would be set back from the A38 in the vicinity of Yew Tree Cottage.

10.6 The Manor House is a grade II timber framed house with a thatched roof which sits on the opposite side of the A38 within its own grounds surrounded by formal hedging. These grounds form part of the setting of the house and the application site contributes little to the significance of the listed building.

10.7 Other grade II listed building along the A38 in the vicinity of the application site include Court Farm House, Barn immediately to the north of Court Farm, Twigworth Lawn, Twigworth Court, Stable Block north of Twigworth Court and the milestone. Due to the distance of these listed buildings from the application site and the presence of the A38 and intervening structures it is considered that the application would have either a nil or negligible impact on the setting of the assets.

10.8 In conclusion it is considered that the proposal would result in a low level of less than substantial harm to heritage assets.

10.9 Where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, as set out in paragraph 134 of the NPPF. In this case, there are significant social and economic benefits arising from the delivery of new market and affordable housing on a site allocated for housing in the Joint Core Strategy. Great weight is given to the desirability to of preserving the heritage assets significance however in this case, given the limited harm arising from the proposals to the setting of heritage assets it is considered that the public benefits would outweigh that harm.

## **11.0 Affordable Housing/ Housing Mix**

11.1 The NPPF sets out that LPAs should set policies for meeting affordable housing need on development sites. Policy SD12 of the JCS requires a minimum of 35% affordable housing on sites within the Strategic Allocation Sites. The application proposes the provision of a policy compliant 26 affordable units which equates to 35.1%.

11.2 The application does not detail the precise mix of houses however it says that a range of house types/sizes would be provided. The exact detail of all housing types and sizes to be constructed will form part of the Reserved Matters application however a note is suggested to inform the developer that the housing mix should be informed by the Strategic Housing Market Assessment.

11.3 Subject to a S106 Agreement to secure the affordable housing provision, the proposal is considered acceptable in this regard.

## **12.0 Ecology and Nature Conservation**

12.1 Policy SD9 of the JCS seeks to protect and, wherever possible enhance biodiversity, including wildlife and habitats. Strategic Allocation Policy A1 also states that proposals will be expected to deliver protection to key biodiversity assets, including a new nature reserve and a green infrastructure area to support the restoration of the SSSI and improve the ecology of the area to support restoration of the SSSI, improve the ecology of the area and contribute to water quality enhancements.

12.2 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.

12.3 The application has been supported with an Ecological Impact Assessment which includes an Extended Phase 1 Habitat Survey, Bat Roost Assessments and Activity Surveys, Reptile Presence/Absence Surveys and a Great Crested Newt Habitat Suitability Index Assessment and Population Size Class Assessment Survey. The appraisal notes the Innsworth Meadow Site of Special Scientific Interest (SSSI) is located approximately 0.6km to the south of the site. Natural England objected to application as submitted as insufficient information on SuDS within the site was submitted to determine potential significant effects of the development on the SSSI.

12.4 Further to this objection, additional SuDS information was provided including details of a drainage basin and further to this revision Natural England confirmed that they considered that the proposed development would not have a significant adverse impact on designated sites and raised no objection.

12.5 The site itself is dominated by poor semi-improved grassland. There are also hedgerows within the site as well as 11 built structures which formed part of the former nursery. Bat surveys were undertaken on the structures which had a moderate potential for roosting bats and no bats were seen to re-enter or emerge from any of the structures surveyed although foraging activity was noted on the site. Great Crested Newts have been identified within a dispersible range of the site although no suitable aquatic habitats are present on the site.

12.6 The Illustrative Masterplan includes landscaping planting enhancements and the provision of a new wildlife pond and new habitat creation in hedgerows would make a positive contribution to bio-diversity on site. The application also states that bat roosting and bird nesting opportunities will be included in the proposal at detailed design stage.

12.7 Following the further information submitted, Natural England have raised no objections to the proposed development, however in accordance with the recommendations of the Ecological Impact Assessment it is recommended that a condition is imposed to deliver an Ecological Mitigation and Enhancement Plan to deliver the proposed enhancement measures.

12.8 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.

## **13.0 Archaeology**



13.1 The NPPF states that that where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate-desk based assessment and, where necessary, a field evaluation.

13.2 The wider locality is known to contain extensive archaeological remains relating to prehistoric and Roman activity and settlement. The application site has been the subject of a programme of archaeological evaluation, prompted by a previous development proposal which comprised of a programme of trial trenching.

13.3 From those investigations it is clear that a Roman agricultural landscape is present within the application site. The current application is also supported by an archaeological appraisal which confirms that significant archaeological remains are present within the proposed development area.

13.4 However, the archaeology is not of the first order of preservation, since it has undergone erosion from later ploughing with the results that all surfaces formerly associated with the remains have been removed. The County Archaeologist has been consulted on the proposal and considers that the archaeology present on site is not of the highest archaeological significance, so does not merit preservation on site. Nevertheless, while not of the highest significance, the archaeological deposits on this site have the potential to make an important contribution to understanding of the archaeology in the locality and wider region.

13.5 The County Archaeologist has confirmed that there is no objection to the principle of the development on the application site subject to a condition to secure an appropriate programme of work to excavate and record any significant archaeological remains prior to the commencement of development in order to mitigate the impact of construction works ground works required for the scheme.

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

#### **14.0 Noise/Dust/Odour/Air Quality**

14.1 Policy SD14 of the JCS seeks to protect health and improve environmental quality. The NPPF states at paragraph 120 that to prevent unacceptable risks from pollution, planning decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. In respect of air quality it advises that planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas (AQMAs), and the cumulative impacts on air quality from individual sites in local areas.

14.2 Environmental Health have requested that a Noise Assessment be submitted at outline stage. However, the applicant has stated that they are aware that noise mitigation may be required but consider that until a layout is finalised to base the noise assessment on Environmental Health's concerns can be adequately covered by a condition. This is confirmed in a Noise Screening Report which is submitted in support of the application.

14.3 This is an outline application and it is considered that mitigation measures could ensure internal and external noise criteria standards are met. With this in mind, it is recommended that a condition is imposed to secure a scheme to protect the development from noise.

14.4 An Air Quality Screening Report has also been submitted with the application which reviews the current land uses surrounding the site and identifies that there will be no significant air quality, dust or odour issues associated with these land uses for future developments. The report also identifies that the background pollution concentrations at the site are below the relevant annual mean air quality objectives and that any increase in pollutant concentrations arising from the proposal will not cause any air quality objectives to be approached or exceeded at existing or proposed receptor locations. Environmental Health have been consulted on the application and raise no objection in this regard.

14.5 In conclusion there is no objection to the application in respect of noise, vibration, dust, odour and air quality subject to the imposition of appropriate planning conditions.

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

15.1 Saved policy RCN1 of the Local Plan requires the provision of easily accessible outdoor playing space at a standard of 2.43ha per 1000 population. The Council's adopted Playing Pitch Strategy sets out requirements for formal playing pitches. Policy INF4 of the JCS requires appropriate social and community infrastructure to be delivered where development creates a need for it. Policies INF6 and INF7 support this requirement. The NPPF sets out that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.

15.2 The application does not propose any provision for sports pitches. However, the illustrative masterplan indicates a proposed children's play area and open space is shown within the development including a green corridor to the east of the proposed housing. The furthest dwelling is circa 400 metres from the children's play facility which is within the Fields in Trust standards.

15.3 With regards to playing pitches and changing facilities, as these are not being provided on site, an off-site contribution would be required. Based on Sport England figures, a 0.74 hectare adult pitch costs £85,000 and a two team changing room costs £245,000. A contribution of £22,972 would therefore be required for playing pitches and a contribution of £66,216 would be required for changing facilities.

15.4 In addition to sports pitches, demand for other sports facilities has been identified using the Sports Facility Calculator which is an interactive tool developed by Sport England. Based on 74 dwellings, demand has been identified for local sports facilities. In order to address these demands, the following contributions have been sought:

- Contribution for sports hall = £27,442
- Contribution for swimming pool = £30,197
- Contribution towards astroturf = £3,893
- Contribution towards indoor bowls = £4,830

15.5 In terms of community facilities based on calculation using the Gloucestershire Infrastructure Delivery Plan assessment formula a contribution of £33,648 is required for community buildings to serve the new population. The Community and Economic Development Manager advises that as this provision is unlikely to be on site, it is advised that this sum is used to improving facilities within Twigworth Parish.

15.6 These contributions have been requested and the applicant has agreed to them. Therefore, subject to the completion of S106 agreement to secure the provisions set out above the proposed development would be in accordance Local Plan policy RCN2 and JCS policies SA1, A1, INF4, INF6 and INF7 and the NPPF

## **16.0 Community, Education, Library and NHS Provision**

16.1 Policy INF4 of the JCS states that where new development will create, or add to a need for community facilities, it will be fully met as on-site provision and/or as a contribution to facilities or services off-site. Policies INF6 and INF7 of the JCS support this requirement. The NPPF states that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities.

16.2 With regards to education, following consultation with Gloucestershire County Council, it has been confirmed that the two schools most likely to be affected by the development; namely Norton C of E Primary and Churchdown Academy have insufficient capacity to deal with the increase in pupil numbers. It is noted that the Parish echo these concerns.

16.3 It is advised that the scheme would generate a need for 5.37 additional pre-school places, 19.77 additional primary school places and 10.34 additional secondary school places. There is no forecast capacity for the additional places and in accordance with the GCC publication 'Local Developer Guide' a contribution is required for £72,850 for additional pre-school places, £268,043 for additional primary school places and £213,814 for additional secondary school places.

16.4 Gloucestershire County Council has also identified a need for contributions towards public libraries on the basis that the increased population would have an impact on resource at the local library. On the basis of GCC Local Developer Guide it is calculated that a contribution of £14,504 is required towards additional library resources.

16.5 The NHS has also advised that based on 74 houses it is assumed 162 patients which would in accordance with formula provided in their consultation response create a requirement for a contribution of £7,607.

16.6 These contributions have been requested and the applicant has agreed to them. Therefore subject to the completion of S106 agreement to secure the provisions set out above the proposed development would be in accordance JCS policies SA1, A1, INF4, INF6 and INF7 and the NPPF

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

17.1 Section 38(6) of the Town and Country Planning Act 1990 provides that, if regard is to be had to the development plan, the determination must be made in accordance with the development plan unless other material circumstances indicate otherwise. Section 70 (2) of the Act 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.

17.2 The application site forms part of the wider Strategic Allocation A1 in the JCS at Innsworth and Twigworth. The site itself is identified as an area for Housing and Related Infrastructure on the Indicative Site Layout Proposals Map A1. Policies SA1 and A1 identify provisions that applications within the Strategic Allocation will be expected to deliver.

17.3 The principle of the application is therefore considered acceptable providing the provisions of policies SA1 and A1 as well wider planning objectives and policies are met, and subject to there being no material considerations indicating that the application should be determined other than in accordance with the development plan.

### **Benefits**

17.4 Significant weight is given to the provision of new housing, including 35.1% affordable housing, on a Strategic Allocation site which contributes towards the JCS Strategic Housing Needs. Significant weight is also given to the economic benefits that would arise from the proposal both during and post construction. The proposal would also provide contributions towards community infrastructure and highway improvements along the A38 corridor. These benefits are considered public benefits in the decision making process.

### **Harms**

17.5 There would some impact on landscape arising from the development, which is primarily at the local level. However the site is part of a Strategic Allocation and the principle of development and some associated landscape harm is already accepted. The design approach, including the positioning of built form and the inclusion of boundary landscaping will mitigate the impact of the proposal.

17.6 The proposal would result in a low level of less than substantial harm to heritage assets. 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, as set out in paragraph 134 of the NPPF. In this case, the social and economic benefits outlined above represent public benefits which would outweigh the limited harm to heritage assets.

### **Neutral**

17.7 The design and layout of the proposed illustrative layout is considered acceptable and demonstrates that the new development would integrate with and complement its surroundings in an appropriate manner and would not prejudice the sustainable delivery of the of the wider allocation.

17.8 The proposal is acceptable in regards to highway safety and accessibility subject to conditions and securing a S106 contribution towards the DS7 Strategy.

17.9 The flood risk impacts of the proposal are found to be acceptable and there are no other environmental, amenity or ecological impacts that cannot be satisfactorily addressed by conditions. There is no evidence to suggest that there are any overriding archaeological constraints to the development of the site for residential purposes

## Conclusion

17.10 The application proposes new housing on a site allocated for that purpose in the JCS. Subject to securing S106 obligations it is considered that the proposal represents sustainable development and it is therefore recommended that permission is delegated to the Technical Planning Manager subject to the addition of and amendments to planning conditions set out in the report and the completion of planning obligations to secure the following heads of terms:

- 35% affordable housing;
- Contribution for sports hall = £27,442
- Contribution for swimming pool = £30,197
- Contribution towards astroturf = £3,893
- Contribution towards indoor bowls = £4,830
- Contribution towards community buildings - £33,648
- Contribution towards playing pitches - £22,972
- Contribution towards changing facilities - £66,216
- Contributions towards recycling and dog waste bins/signs
- Contributions towards additional pre-school places - £72,850
- Contributions towards additional primary school places - £268,043
- Contributions towards additional secondary school places - £213,814
- Contributions towards libraries -£14,504
- Contributions towards NHS - £7,607.

## RECOMMENDATION Delegated Permit

### Conditions:

- 1 The development for which permission is hereby granted shall not be begun before detailed plans thereof showing the layout, scale and appearance of the buildings and the landscaping of the site (hereinafter referred to as "the reserved matters") have been submitted to and approved by the Local Planning Authority.
- 2 Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
- 3 The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
- 4 No more than 74 dwellings shall be constructed on the site pursuant to the planning permission.
- 5 Applications for the approval of the reserved matters shall be generally in accordance with the principles and parameters described in the approved Design and Access Statement dated September 2017 and the Illustrative Masterplan CSA/3257/112 Rev C.
- 6 The reserved matters submitted pursuant to condition 1 above shall include details of existing and proposed ground levels and finished floor levels of the buildings relative to Ordnance Datum Newlyn. The development shall be carried out in accordance with the approved details.
- 7 The details of landscaping required to be submitted to and approved by the Local Planning Authority in accordance with Condition 1 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.
- 8 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.
- 9 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 details before the buildings are occupied.

- 10 The reserved matters submitted pursuant to condition 1 shall include samples/details of the materials proposed to be used on the external surfaces of the development. The development shall be carried out using the approved materials unless otherwise agreed in writing by the Local Planning Authority
- 11 The reserved matters submitted pursuant to condition 1 shall include details of the materials proposed to be used on the surfaces of the roads, footpaths & driveways. The development shall be carried out using the approved materials unless otherwise agreed in writing by the Local Planning Authority.
- 12 Means of vehicular access to the development hereby permitted shall be from the A38 Tewkesbury Road only.
- 13 Prior to the occupation of the first dwelling the site access and associated pedestrian dropped tactile crossing with refuge island, including footways, shall be completed in all respects in accordance with drawing ref. 4746-54-01 and shall be retained as such thereafter unless and until adopted as highway maintainable at public expense.
- 14 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 120m distance 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.
- 15 No development shall commence until the existing hedge to the left and right of the proposed access has been cut back to provide the required visibility splays shown on approved plan ref. 4746-54-01.
- 16 No works shall commence on site (other than those required by this condition) on the development hereby permitted until the first 20m 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.
- 17 No dwelling on the development shall be occupied until the carriageway(s) (including surface water drainage/disposal, vehicular turning head(s) and street lighting) providing access from the nearest public Highway to that dwelling have been completed to at least binder course level and the footway(s) to surface course level.
- 18 The details to be submitted for the approval of reserved matters shall include vehicular parking and turning facilities within the site. The buildings hereby permitted shall not be occupied until those facilities have been provided in accordance with the approved plans and shall be maintained available for those purposes for the lifetime of the development.
- 19 Notwithstanding the submitted details, the development hereby permitted shall not be occupied until a minimum of 1no. electric charging points per dwelling have been provided in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority.
- 20 The development hereby permitted shall not be occupied until details of secure and covered cycle storage facilities for a minimum of 1no. bicycles per dwelling have been provided in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority.
- 21 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.
- 22 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.

- 23 No dwelling on site shall be occupied until the proposed emergency and pedestrian cycle/pedestrian access point on the A38 Tewkesbury Road and the pedestrian footway onto Brook Lane have been provided in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority. Those facilities shall be maintained available for those purposes for the lifetime of the development.
- 24 No development shall commence on site until a scheme has been submitted to and approved in writing by the Local Planning Authority, for a scheme to prevent the through flow of vehicles from / to the emergency and pedestrian cycle/pedestrian access on the A38 Tewkesbury Road. The development shall be carried out in accordance with the scheme so approved.
- 25 Notwithstanding the submitted details no dwelling on site shall be occupied until pedestrian crossing improvements consisting of a dropped tactile crossing at the Orchard Park junction shall be constructed and made available for public in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority.
- 26 Prior to works commencing on the development hereby permitted, details of a pedestrian crossing between the bus stops closest to the site (Bus Stop IDS: glodgaja and glodgama) shall be submitted to and approved in writing by the Local Planning Authority. The works shall then be constructed in accordance with the approved details and made available for public use prior to the first occupation of the dwellings hereby permitted.
- 27 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
- 28 No works shall commence on the development hereby permitted until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority, setting out;
- i. objectives and targets for promoting sustainable travel,
  - ii. appointment and funding of a travel plan coordinator,
  - iii. details of an annual monitoring and review process,
  - iv. means of funding of the travel plan, and;
  - v. an implementation timetable including the responsible body for each action.
- The approved Travel Plan shall be implemented in accordance with the details and timetable therein, and shall be continued thereafter, unless otherwise agreed in writing by the Local Planning Authority.
- 29 No development shall commence on site until a detailed design, maintenance and management strategy for a sustainable surface water drainage system has been submitted to and approved in writing by the Local Planning Authority. The design detail must demonstrate the technical feasibility/viability of the drainage system to manage the flood risk to the site and elsewhere, include measures to ensure water quality is protected and that these systems are managed for the life time of the development. The scheme for the surface water drainage shall be carried out in accordance with the approved details before the development is put into use or occupied.
- 30 No development shall take place within the application site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.
- 31 The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.
- 32 No dwelling hereby approved shall be occupied until the need for foul sewerage improvements have been investigated and the resulting foul sewerage improvements have been fully implemented and completed.

- 33 An investigation and risk assessment, in addition to any assessment provided with the planning application, must be 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. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must 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,
    - groundwater and surface waters,
    - ecological systems,
    - archaeological sites and ancient monuments;
  - iii. an appraisal of remedial options, and proposal of the preferred option(s).
- 34 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.
- 35 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 33, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 34, which is subject to the approval in writing of the Local Planning Authority.
- 36 The details submitted pursuant to condition 1 shall be accompanied by a noise survey to identify any dwellings that would be likely to be affected by road noise from the A38 Tewkesbury Road. The survey shall have been undertaken by a competent person, shall include periods for daytime as 0700 to 2300 hours and night-time as 2300 to 0700 hours, and shall identify those dwellings which require noise mitigation measures. All dwellings requiring noise mitigation shall thereafter be designed so as not to exceed the noise criteria based on current figures by the World Health Authority Community Noise Guideline Values/BS8233 'good' conditions given below:
- Dwellings indoors in daytime: 35 dB LAeq,16 hours
  - Outdoor living area in day time: 55 dB LAeq,16 hours
  - Inside bedrooms at night-time: 30 dB LAeq,8 hours (45 dB LAm<sub>ax</sub>)
  - Outside bedrooms at night-time: 45 dB LAeq,8 hours (60 dB LAm<sub>ax</sub>)
- No dwelling requiring noise mitigation measures shall be occupied until those noise mitigation measures have been implemented and they shall be maintained as approved thereafter.
- 37 The details submitted pursuant to Condition 1 above shall include a Waste Minimisation Statement for the approval in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
- 38 The details submitted pursuant to Condition 1 above shall include an Ecological Mitigation and Enhancement Plan, for the approval in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reasons:

- 1 The application is for outline planning permission
- 2 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 3 To 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 In order to define the permission
- 5 To ensure the development is carried out in accordance with the agreed principles and parameters and to ensure that the new development will be visually attractive in the interests of good design and amenity.
- 6 In the interests of amenity and to ensure satisfactory drainage.
- 7 In the interests of visual amenity and to ensure dwellings have satisfactory privacy.
- 8 In the interests of visual amenity and to ensure dwellings have satisfactory privacy.
- 9 In the interests of visual amenity and to ensure dwellings have satisfactory privacy.
- 10 To ensure a satisfactory appearance to the development in accordance with the NPPF
- 11 To ensure a satisfactory appearance to the development and to comply with the National Planning Policy Framework.
- 12 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.
- 13 To reduce potential highway impact by ensuring that there is a satisfactory access for pedestrians and vehicles, in accordance with paragraph 32 of The Framework.
- 14 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.
- 15 In the interests of highway safety and to ensure compliance with paragraph 32 of the National Planning Policy Framework.
- 16 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.
- 17 To minimise hazards and inconvenience for users of the development by ensuring that there is a safe and suitable means of access for all people.
- 18 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.
- 19 To ensure that the development incorporates facilitates for charging plug-in and other ultra-low emission vehicles in accordance with paragraph 35 of the National Planning Policy Framework.
- 20 To ensure that adequate cycle parking is provided, to promote cycle use and to ensure that the opportunities for sustainable transport modes have been taken up in accordance with paragraph 32 of the National Planning Policy Framework.



- 21 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.
- 22 To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire.
- 23 To ensure that the priority is given to pedestrian and cycle movements and that a safe and secure layout that minimises conflict can be created in accordance with Paragraph 35 of the NPPF
- 24 To ensure that the priority is given to pedestrian and cycle movements and that a safe and secure layout that minimises conflict can be created in accordance with Paragraph 35 of the NPPF.
- 25 To ensure that the priority is given to pedestrian and cycle movements and that a safe and secure layout that minimises conflict can be created in accordance with Paragraph 35 of the NPPF.
- 26 To ensure that the priority is given to pedestrian and cycle movements and that a safe and secure layout that minimises conflict can be created in accordance with Paragraph 35 of the NPPF.
- 27 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.
- 28 To ensure that the opportunities for sustainable transport modes are taken up in accordance with paragraphs 32 and 36 of the National Planning Policy Framework.
- 29 To ensure the development is provided with a satisfactory means of drainage and thereby preventing the risk of flooding. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage, flood risk and water quality in the locality.
- 30 It is important to agree a programme of archaeological work in advance of the commencement of development, so as to make provision for the investigation and recording of any archaeological remains that may be destroyed by ground works required for the scheme. The archaeological programme will advance understanding of any heritage assets which will be lost, in accordance with paragraph 141 of the National Planning Policy Framework
- 31 To ensure that appropriate provision is made for foul drainage to serve the development as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.
- 32 To ensure that appropriate provision is made for foul drainage to serve the development as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.
- 33 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
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- 35 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
- 36 In the interests of residential amenity
- 37 To comply with the requirements of Gloucestershire Waste Core Strategy Core Policy 02 - Waste Reduction

- 38 To comply with the requirements of the National Planning Policy Framework, , The Conservation of Habitats and Species Regulations 2010, and the Wildlife and Countryside Act 1981 (as amended)

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 details of SUDS and number of units

- 2 The applicant is advised that to discharge condition 21 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 managements and maintenance company confirming funding, management and maintenance regimes.
- 3 The developer will be expected to meet the full costs of supplying and installing the associated infrastructure.
- 4 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 appropriate bond) with the County Council before commencing those works.
- 5 You are advised to contact Amey Gloucestershire 08000 514 514 to discuss whether your development will require traffic management measures on the public highway.
- 6 The proposed development will involve hedgerow/verge clearance in order to supply the required emerging visibility splays. Therefore under S142 of the Highways Act 1980, the applicant is advised to contact Amey Gloucestershire (08000 514 514) regarding a license to cultivate
- 7 This planning permission does not give any authority to the Applicant to carry out any hedge cutting works on the public highway referred to in Condition 4). The hedge cutting must be carried out by either the owner of the hedge or the Local Highway Authority under S154 of The Highway Act 1980. S154 requires the Local Highway Authority to serve Notice on the owner of the hedge and the owner has the right to appeal the Notice to the Magistrates Court.
- 8 The Lead Local Flood Authority (LLFA) will give consideration to how the proposed sustainable drainage system can incorporate measures to help protect water quality, however pollution control is the Responsibility of the Environment Agency
- 9 Future management of Sustainable Drainage Systems is a matter that will be dealt with by the Local Planning Authority and has not, therefore, been considered by the LLFA.
- 10 The housing mix contained within the reserved matters submitted pursuant to condition 1 of this permission will be expected to have regard to the most recent Strategic Housing Market Assessment.

TEWKESBURY ROAD



Site Boundary

Proposed/Existing Development

Existing Vegetation

Proposed for this open space area (to include new planting)

Proposed 4.8km<sup>2</sup> of 20% tree cover (to include new planting)

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CSA

17/00852/OUT

Site plan showing proposed development and landscaping. The plan includes a central area with two star-shaped symbols labeled 'SUDS' and 'LEAP'. A road labeled 'TEWKESBURY ROAD' runs along the top edge. The site is bounded by dashed lines, and various landscaping elements like trees and paths are shown throughout the site.

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

20 October 2017

Please destroy previous lists.