

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

TEWKESBURY BOROUGH COUNCIL

Schedule of Planning Applications for the consideration of the **PLANNING COMMITTEE** at its meeting on 18 April 2019

	(NORTH)	(SOUTH)
General Development Applications Applications for Permission/Consent	(707 - 730)	(731 - 785)

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. (707 to 785)

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) 18th April 2019

Parish and Reference	Address	Recommendation	Item/page number
Brockworth 18/01239/FUL Click Here To View	Land Adjacent To Hucclecote Road And Golf Club Lane Brockworth Gloucestershire	Delegated Permit	6/738
Churchdown 18/01225/FUL Click Here To View	85 Pirton Lane Churchdown Gloucester Gloucestershire	Permit	3/728
Churchdown 19/00005/FUL Click Here To View	5 Winston Road Churchdown Gloucester Gloucestershire	Permit	4/731
Down Hatherley 19/00006/FUL Click Here To View	1 Down Hatherley Lane Down Hatherley Gloucester Gloucestershire	Delegated Permit	7/763
Innsworth 18/01285/APP Click Here To View	Land North Of Innsworth Lane Innsworth	Delegated Approve	8/771
Leigh 17/01337/OUT Click Here To View	Land Off A38 Part Parcel 0120 Tewkesbury Road Coombe Hill	Delegated Permit	1/707
Southam 19/00029/FUL Click Here To View	Cuckoo Farm Southam Lane Southam Cheltenham	Permit	5/734
Southam 19/00179/CLE Click Here To View	1 New Kayte Cottages Southam Lane Southam Cheltenham	Grant Certificate	9/784
Tewkesbury 19/00128/FUL Click Here To View	Oldbury Car Park Oldbury Road Tewkesbury Gloucestershire	Delegated Permit	2/723

Valid 12.12.2017

Outline application for up to 40 dwellings, associated infrastructure, ancillary facilities, open space and landscaping with vehicular and pedestrian access from A38. All matters (Access, Appearance, Landscaping, Layout and Scale) reserved for future consideration.

Grid Ref 388980 227200

Parish Leigh

Ward Coombe Hill

RECOMMENDATION Delegated Permit**Policies and Constraints**

National Planning Policy Framework (2012)

Planning Practice Guidance

Joint Core Strategy (JCS) 2017 - SP1, SP2, SD4, SD6, SD9, SD10, SD11, SD12, SD14, INF1 and INF2.

Tewkesbury Borough Local Plan to 2011 (March 2006) - TPT9

Preferred Options Consultation, Tewkesbury Borough Plan 2011-2031 (2018) - RES1 (Coombe Hill

Preferred sites - Site A)

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

Adjacent to a classified highway

In proximity to a Site of Special Scientific Interest

Consultations and Representations**Leigh Parish Council** - Object to the proposal for the following reasons:

- Coombe Hill is a service village recommended to take 18 new homes
- Nearly 50% increase to existing settlement of 41 houses
- Neighbourhood Plan is being drafted recommends no more than 20 houses
- Accounting for permitted dwellings since 2011, only 16 are required
- 5 year housing land supply has been met
- Application does not account for size of Coombe Hill
- 40 dwellings crammed onto field are disproportionate and do not integrate with village
- High density development out of keeping with individual houses and linear character
- Concerns with surface water, SUDS pond will not cope, discharge would pollute watercourse
- Wet ditch floods The Bellows. Leigh Brook also floods
- Flooding exacerbated by small culvert
- No water harvesting incorporated in new houses
- Uckington Development will drain to river Chelt and Leigh Brook
- Traffic flow already poor, will increase vehicles
- Local schools are oversubscribed and 2 of 3 schools are not on bus route
- Site will be dependent on car travel, buses are frequent but do not run in right direction

Elmstone Hardwicke Parish Council - Object to the proposal for the following reasons:

- Access is close to A38/A4019 Junction
- Splays entering and exiting development are minimal
- Adding a pedestrian crossing will add to congestion
- No mains sewage, concerns with foul and surface water
- Eastern part of site has standing water, which impacts neighbours
- Culvert under A4019 not deep enough to allow water to drain
- Parish council is in process of completing a neighbourhood plan

Deerhurst Parish Council - object to the proposal on the grounds that the proposed access will exacerbate an already problematic junction.

Strategic Housing and Enabling Officer - Proposed affordable housing mix and total of 16 dwellings is acceptable

Environmental Health - Contamination - No objections subject to condition

Environmental Health - Noise - No objections subject to condition

CPRE - Object

- Exceeds suggested number of houses required (20 of which 2 already built)
- Figure based on level of services
- Insufficient services to meet sustainability requirements

Gloucestershire Economic Development and Strategic Planning - No objections subject to contributions towards local schools.

Lead Local Flood Authority - No objections subject to condition.

Gloucestershire County Archaeologist - No objections subject to condition.

Gloucestershire Highways - No objections subject to conditions

Highways England - No objections

Gloucestershire Public Rights of Way Officer - No objections

Natural England - No objections subject to habitats regulations assessment.

Urban Design Officer - No objections

Sport England - No objections however, additional housing will generate additional demand for sport.

Local Residents - Thirty-nine representations have been received from members of the public in response to the consultation process. The comments raised are summarised below:

- Noise, light and traffic pollution.
- Loss of light and impact on views
- Housing estate would be out of keeping. Existing houses are individual
- Disproportionate addition 40 new homes would double the size of the village
- Neighbourhood development plan is proposing 20 homes in total
- Development not needed. TBC has a 5 year housing land supply
- Field should be protected
- Proposed development will be visible from a wide area
- Additional traffic congestion, pedestrian crossing and site access would be dangerous
- No safe cycle paths
- Does not benefit local community
- No connection to mains sewage and contamination from soakaways
- Land drains to bottom of site, The Bellows has suffered flooding
- Ditch runs wet for 8 months a year and dry periods allow for maintenance
- Concerned with midges from pond
- Bus service is inadequate
- Increased volume of population would affect equestrian developments
- No local services, schools at capacity
- Pub, farm shop and garage are no justification for amount of housing
- Smaller development at the Swan is more appropriate
- Large developments permitted at Uckington and Twigworth

Planning Officers Comments: Bob Ristic

1.0 Application Site

1.1 The application site comprises part of a field located to the northeast of the junction of the A4019 and A38 at Coombe Hill. More specifically, the application relates to the north-western and southeaster corners of the field and the site measure 2.41 hectares. **(See attached location plan)**

1.2 To the north of the site is Grange Farm and a dwelling at Fairview, to the south of the site is petrol filling station and convenience store (PFS) and to the east is open countryside and a dwelling at The Bellows, which fronts the A4019. On the opposite side of the A38 to the west, is a former vineyard which adjoins the Swann Inn.

1.3 The site and wider field parcel slope down to the south-eastern corner and are enclosed by hedgerow and tree planting to the northern, eastern and western edges, and a chain-link fence along the southern boundary with the A4019.

1.4 The site is not subject to any landscape designations and the A38 and A4019 are designated Public transport corridors on the proposals map to the Tewkesbury Borough Local Plan to 2011 (March 2006). The application site is also located within Flood Zone 1 as identified on the Gov.uk Flood Maps for Planning.

2.0 Relevant Planning History

2.1 There is no relevant history at the application site.

2.2 Land adjacent to the Swan Inn (opposite the application site)

- 18/00173/FUL - Residential development comprising 25 no. dwellings, with new vehicular/pedestrian access onto A38, relocation of bus stop, sustainable drainage and Foul Treatment Works and associated landscaping, access and parking - Pending consideration

3.0 Current Application

3.1 The current application seeks outline planning permission for up to 40 dwellings, associated infrastructure, ancillary facilities, open space and landscaping with vehicular and pedestrian access from the A38. All matters (Access, Appearance, Landscaping, Layout and Scale) are reserved for future consideration.

3.2 The application site would be accessed via a new junction onto the A38, approximately 65 metres to the north of the Texaco petrol filling station (PFS). The application also proposes a new pedestrian crossing over the A38 to provide a link to the north bund bus stop, Swan Inn and recreational walking at The Wharf.

3.3 The application has been accompanied by a concept master plan which shows how the residential development would be set towards the north-western part of the site, between the PFS to the south and Fairview and Grange Farm to the North. The south-eastern part of the site would include a drainage pond and waste water treatment plant. (See attached Concept Plan)

4.0 Planning Policy Context

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.

Cheltenham, Gloucester and Tewkesbury Joint Core Strategy

4.2 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.

4.3 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.

4.4 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 1,860 new homes and the Service Villages in the order of 880 new homes.

4.5 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. On other sites, housing development will only be permitted subject to certain criteria, none of which are applicable in this case.

4.6 In a recent appeal decision relating to a proposed development at Land at Oakridge, Highnam, the Secretary of State for Housing, Communities and Local Government concluded that the Council could not demonstrate a five year supply of deliverable housing sites. The key reason for this was that the Council includes advanced delivery against annual housing requirements in its five year supply calculations. The Council's approach in this respect is considered appropriate and as members are aware the Council is judicially reviewing the Secretary of State's conclusions in this regard. It is considered that the Council can demonstrate a five year supply of deliverable housing sites. For this reason the Council's policies for housing (including policy SD10) are considered to be up to date and the so-called 'tilted balance' at paragraph 11 of the NPPF is not engaged.

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 development and the planning system has there overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. The 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.

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. However, where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

The Emerging Development Plan

4.10 Paragraph 48 of the NPPF (2019) sets out that-

Local planning authorities may give weight to relevant policies in emerging plans according to:

(a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

(b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

(c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

4.11 The emerging Development Plan comprises the Preferred Options Tewkesbury Borough Plan (POTBP) (2018). The consultation period on this draft version ended on 30th November 2018. POTBP Policy RES1 proposes to allocate two sites for housing development at Coombe Hill, Site A, the larger field parcel (of which this application forms part) which is indicated as having a capacity of 50 dwellings. The second location, 'Site B', comprises land adjoining the Swan Inn (and subject to separate planning application no.18/00173/FUL) and is identified as having a capacity of 26 dwellings. The POTBP has been subject to consultation and there are objections to the allocation of Site B for housing development, for many of the same reasons that objections have been made to this planning application set out above. Because of the relatively early stage of preparation of the emerging plan and because there are unresolved objections to the allocation of this site, only very limited weight can be afforded to it in accordance with Paragraph 48 of the NPPF (2019).

4.12 Furthermore, the Parish of The Leigh is a designated Neighbourhood Area and the Parish Council are in the process of preparing a Neighbourhood Development Plan. However the NDP policies are yet to be published and have not been out to consultation. Accordingly, no weight can be afforded to that plan at this time.

5.0 Analysis

Principle of Development

5.1 With the exception of a cluster of dwellings at The Wharf, Coombe Hill is a dispersed linear settlement along the A38 and broadly centred on the Junction with the A4019, where there is a public house, PFS with convenience store and farm shop. The area also includes bus stops which link Cheltenham and Gloucester with Tewkesbury. The application site would be located amongst this cluster of development and is not therefore be considered isolated.

5.2 JCS Policy SP2 sets out that development at rural service centres and service villages will be allocated through the Tewkesbury Borough Plan and Neighbourhood Plans, proportional to their size and function, and also reflecting their proximity and accessibility to Cheltenham and Gloucester and considering the environmental, economic and social impacts including existing levels of growth over the plan period.

5.3 JCS Policy SD10 sets out the Council's approach to housing development and states that residential development will be permitted at sites allocated for housing through the development plan. Proposals on un-allocated sites will only be permitted under certain circumstances, none of which apply to the proposed development. Notwithstanding the Council's intention to allocate sites for housing within the Tewkesbury Borough Plan the current application is in conflict with this policy.

5.4 Coombe Hill is a Service Village and in this respect, new housing in this location would be broadly consistent with the JCS spatial strategy. Although most of the JCS allocation for the Service Villages (880 dwellings) has already been committed, the emerging Borough Plan seeks to allocate residential development at two sites within Coombe Hill, and this site forms part of one of these identified sites.

5.5 As set out above the emerging Borough Plan can be afforded very limited weight at this stage of its preparation, due in part to the outstanding objections, in particular to the allocation of the current application site, for housing. The emerging Neighbourhood Development Plan can be afforded no weight.

5.6 The Tewkesbury Borough Plan Housing Background Paper (HBP) (September 2018) Provides an 'indicative' housing requirement for the Rural Service Centres and Service Villages by disaggregating the SP2 allocation (880 dwellings) according to the SP2 criteria (size, function, proximity/accessibility to Cheltenham/Gloucester). Coombe Hill is given an indicative requirement of 22 dwellings (including dwellings which have already been committed in the village).

5.7 However, it is considered that the settlement could reasonably exceed its disaggregated requirement due to suitable, sustainable sites being available and this is to be balanced against the size, function and accessibility of the settlement in order to achieve a sustainable pattern of development.

5.8 In this instance the application is in conflict with JCS Policy SD10 and this weighs against the proposal.

5.9 However, the site located at a defined Service Village which, in accordance with Policy SP2 of the JCS, is expected to accommodate some new development proportional to its size and function and also reflecting their proximity and accessibility to Tewkesbury, Cheltenham and Gloucester and considering the environmental, economic and social impacts including existing levels of growth over the plan period. In this respect it is considered that the development could sustainably be accommodated at the settlement and this is a material consideration that weighs in favour of the proposal, along with other benefits of the proposal including economic benefits arising both during and post construction and the social benefits associated with the delivery of market and affordable housing. These matters must be considered in the overall planning balance.

Accessibility and Highway Safety

5.10 Paragraph 103 of the NPPF sets out that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making. Furthermore, development should only be prevented or refused on highways grounds where there would be an unacceptable impact on highway safety or 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.

5.11 The level of service provision in the immediate area is relatively basic (it has a general store, petrol station, a public house, farm shop and a mobile library), with some existing employment opportunities within walking distance at Knightsbridge Business Park. The application site is however located approximately 5 miles from the centre of Cheltenham and 3 miles from the services and employment opportunities at the north-western edge of the town. Gloucester City Centre is located approximately 6.5 miles from the site and Tewkesbury town centre is 4 miles away. All of these destinations are accessible by public transport with bus services operating during peak hours and are within cycling distance which contributes to the sustainability of the site.

5.12 As a result of this proximity and accessibility to Tewkesbury, Cheltenham, Gloucester and associated employment opportunities, it is considered that the suggested level of development resulting from the identified site options in the POTBP would be consistent with the requirement of Paragraph 103 of the NPPF for significant development to be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.

5.13 Whilst access is a reserved matter, the submitted details show how the site could be served by a new estate road from the A38 as well as the provision of a new pedestrian crossing to link to the western side of the A38. The application has been accompanied by a Transport Statement which advises that the site is well located in respect of larger settlements and employment areas as well as good links to the wider strategic road network. Furthermore, the submitted report advises that the area benefits from good bus provision with stops within 400 metres walking distance of the site. In terms of safety, the report advises that while a five year review of accidents displayed a rate greater than one event per annum, there was no identified correlation between causes or the design of the highway.

5.14 Paragraph 109 of the NPPF advises that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

5.15 The submitted details have been reviewed by the County Council Highways Officer (HO) who has advised that the new access would need to comply with the requirements for Manual for Gloucestershire Streets. The illustrative 'T' junction into the application site from the A38 has demonstrated that the required visibility splays of 2.4 metres x 120 metres commensurate with the 40mph highway and this is achievable in both directions.

5.16 The submitted details show how a pedestrian refuge island could be provided to improve safety and pedestrian connection across the A38. This would accord with paragraph 108(b) of the NPPF which seeks to ensure safe and suitable access for all users and this could be secured by a suitably worded condition.

5.17 In terms of safety and personal injury, the HO has reviewed the accident records for the area and confirmed that recorded incidents have no relation to the proposed site access. It is therefore considered that subject to compliance with conditions, safe and suitable access can be achieved without detriment to the operation of the highway network or public safety.

Drainage and Flood Risk

5.18 JCS Policy INF2 advises that development proposals must avoid areas at risk of flooding and must not increase the level of risk to the safety of occupiers of a site and that the risk of flooding should be minimised by providing resilience and taking into account climate change.

5.19 The application site is located within Flood Zone 1 and is in a location that would be least at risk from flooding. The application is supported with a Flood Risk assessment and Drainage Strategy. The LLFA have advised that the drainage strategy presented in the Flood Risk Assessment & Drainage Strategy has been shown to be capable of managing the surface water in accordance with national standards (S2 and S4 of the Non-Statutory Technical Standards for Sustainable Drainage Systems). In doing so the drainage strategy conforms to the NPPF's requirements to not increase flood risk elsewhere. While a pond with ample capacity has been indicated on the submitted drawings, a detailed design of the system would be required to ensure the final design of the site and drainage system is fully compliant. This could be secured by an appropriately worded planning condition.

5.20 Foul drainage from the application site would comprise a gravity fed private network which would connect to an on-site sewage treatment facility adjacent to the pond and this is proposed be maintained by a management company. The treated water is proposed to discharge to the Leigh Brook and this would be subject to a separate approval from the Environment Agency.

5.21 It is considered that suitable foul and surface water drainage can be provided to serve the development and subject to compliance with conditions the proposal would not exacerbate the risk of flooding or pollution.

Landscape

5.22 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. Proposals will have regard to local distinctiveness and historic character of different landscapes and proposals are required to demonstrate how the development will protect 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 area. Policy SD9 seeks the protection and enhancement of biodiversity and geological resources of the JCS area.

5.23 The Tewkesbury Borough Landscape and Visual Sensitivity Study for Rural Service Villages (2014) advises that Coombe Hill is sensitive to conspicuous development on the exposed side slopes of the ridge that would be visible in long distant views and would be at odds with the established settlement pattern (which is loosely cruciform). The application site comprises the southwestern pocket of the larger assessed Land Parcel Coo-06 which is identified as having a medium landscape sensitivity and high visual sensitivity and concluded as having a medium landscape character sensitivity.

5.24 The character summary advises that the dominant character of the larger assessment parcel (Coo-06) is open countryside. While the slope is open to wide views it is advised that existing development at the settlement exerts a limited influence at the western and southern edges. It also sets out that new residential development would have a strong influence on the character of the settlement form, however this would be moderated by the presence of existing detracting elements associated with the settlement edge such as the petrol filling station.

5.25 The application has been accompanied by a Landscape and Visual Appraisal and arboricultural survey. The LVA identifies that the site is of medium visual sensitivity, with the presence of detractor elements in the wider area. The report advises that development would not adversely impact the wider character area and that following implementation of landscape and mitigation measures the overall visual impact of the development would be medium to low, with the principle views of the site being from the A38 and B4019.

5.26 The introduction of built development upon an existing agricultural field would result in landscape harm however the scale of the development would be restrained and it would be located adjacent to existing built development to the north and west. Furthermore, the presence of hedgerows and trees to the boundaries of the proposed site and adjoining field parcels would allow of filtering of distant views from the north and east. Further screening and landscaping of the development would be considered as part of any future reserved matters application.

5.27 Whilst the impact of the development could be mitigated as set out above, there would be harm in conflict with JCS policy SD6 and this is a matter which weighs against the proposal.

Biodiversity

5.28 In terms of ecology, an extended habitat survey of the site and wider area has been undertaken, with particular regard to badgers, reptiles, newts and bats. The report confirms that the arable field is of negligible ecological value, with the rough grass and scrub at the site edges is of limited ecological value and hedgerow of greater value with the planting to the southeast of the attenuation pond being species rich. The report identified no evidence of badgers, roosting bats or Great Crested Newts, though grass snakes were recorded outside of the proposed development site.

5.29 The proposals would retain the majority of the planting and hedgerows with the exception of the area around the proposed site access and this loss will be mitigated through new native hedgerow and tree planting.

5.30 It is also noted that Natural England have raised no objections in principle to the development and the Councils Ecology adviser is presently undertaking a habitats regulations assessment to ensure that the development provides appropriate safeguards to European and Ramsar sites and recommendations to mitigate recreational pressures in the Coombe Hill SSSI. Discussions with regards to recreational impacts and ecological network enhancements are ongoing and it is considered that appropriate measures could be secured by condition.

5.31 Concerns have been raised with regards to the impacts of light pollution upon amenity and the natural environment. It is clear that development in this location would inevitably result in change with lighting from proposed dwellings, however such domestic lighting would not result in undue harm. In terms of street lighting details, it is considered that this can be controlled by condition.

Housing mix

5.32 Policy SD11 (Housing Mix and Standards) of the adopted JCS states that housing development will be required to provide an appropriate mix of dwelling sizes, types and tenures in order to contribute to mixed and balanced communities and a balanced housing market. Development should address the needs of the local area, including the needs of older people as set out in the local housing evidence base, including the most up to date Strategic Housing Market Assessment (SHMA).

5.33 The design and access statement advises that the site would be capable of delivering mix of dwellings ranging from 2 to 5 bed properties, however no precise mix has been put forward as part of this application. A condition would be required in order to secure an appropriate housing mix for any future reserved matters application in order that the development meets the needs of the Borough and as evidenced by the latest SHMA at the time of the reserved matters application.

Affordable housing

5.34 JCS Policy SD12 sets out that on sites outside of strategic allocations, a minimum of 40% affordable housing will be sought, should be provided on site and should be seamlessly integrated and distributed throughout the development scheme.

5.35 The proposed development would provide 16 affordable houses which represents a 40% proportion of the 40 dwellings proposed at the site. The Shared ownership dwellings would provide a mix comprising 2 no. 1 bed apartments and 14 no. 2 and 3 bed dwellings.

5.36 The Councils Strategic Housing Enabling Officer (SHEO) is satisfied with the proposed mix and tenure and it is considered that the proposed dwellings would contribute towards the need for appropriate affordable housing in the borough.

Impact on Heritage Assets

5.37 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.

5.38 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. The NPPF recognises the effect of an application on the significance of a heritage asset is a material consideration. Paragraph 193 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.

5.39 The application was accompanied by an archaeological evaluation and the County Council Archaeologist has advised that the development has low potential to have any adverse impact on archaeological remains and no further investigation or recording is required.

5.40 It is noted that there is a Grade II listed barn to the northern part of the yard to Grange Farm. This building is set some distance from the application site and is further separated by Fairview and its curtilage. In view of this relationship and the fact that the application site slopes down towards the southeast, the proposal would preserve the historic significance and setting of the listed building.

Design & Layout

5.41 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. Policy SD4 of the JCS advises 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. It should be of a scale, type, density and materials appropriate to the site and its setting.

5.42 While the application is in outline and appearance, layout and scale are reserved matters, the application has been accompanied by a design and access statement which identifies key architectural features of Coombe Hill and how the use of materials and detailing could be incorporated into the development. In addition, the application has been accompanied by a Concept Plan which demonstrates how the development including the provision of public open space and a LAP could be laid out in an appropriate manner. Furthermore it is noted that the provision of a public open space (and proposed by this application) for use by the wider community is in accordance with the site specific requirements of Policy RES1 of the POTBP.

5.43 The Borough Urban Design Officer is satisfied with the design principles for the development however the final design and layout would be considered in detail at the reserved matters stage. A condition would be required to tie the details of the reserved matters application to the principles set out within the Design and Access Statement (July 2018) Rev C.

Impact on Amenity of Adjoining Occupiers

5.44 JCS Policy SD14 sets out that development should protect and seek to improve environmental quality and should not cause unacceptable harm to local amenity including the amenity of neighbouring occupants.

5.45 Although the application is in outline it is considered that the development could be laid out so as not to adversely impact the living conditions of the occupiers of nearby dwellings at Fairview, Grange Farm or The Bellows, as a result of the topography and existing boundary treatments. The specific relationships to these adjoining dwellings would be considered at the reserved matters stage.

5.46 The application has been accompanied by a noise assessment which appraises the existing noise environment and sets out the principles to secure a satisfactory living environment for future occupiers. The Council's Environmental Health adviser is satisfied with the proposals but would require specific details of noise mitigation measures to properties and gardens at the reserved matters stage. These details can be secured by condition.

5.47 Concerns have been raised with regards to increased noise and air pollution as a result of the increase in dwellings in the area. However it is considered that the site is located adjacent to a significantly trafficked highway network with associated background noise levels. The addition of 40 dwellings would not in itself result in demonstrable harm in terms of noise or air pollution and no objections have been raised by the Council's Environmental Health adviser in this respect.

5.48 Concerns have been raised with regards to the development and light pollution, a condition is therefore recommended to restrict the installation of street lighting in order to protect the dark rural character of the area.

Community Infrastructure Levy/s106 Obligations

5.49 The Community Infrastructure Levy (CIL) Regulations allow local authorities to raise funds from developers undertaking new building projects in their area.

5.50 Following the implementation of CIL across the JCS authorities on 1st January 2019, the Councils' Regulation 123 lists set out the infrastructure projects or types of infrastructure that it is intended will be, or may be, wholly or partly funded by CIL. The intention is to ensure that there is no duplication in the use of both CIL and S106 from the same application for development for the same infrastructure project.

5.51 On-site requirements (whether they are delivered on or off site), and specific infrastructure requirements that can be robustly justified as necessary to make the development acceptable in planning terms (and otherwise the application would be refused without that infrastructure) will still be delivered via s106 obligations. 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.

5.52 This application result in the following infrastructure requirements which can be secured by s106 obligations:

- Affordable Housing - 40%
- On site Public Open Space - TBC
- On site play - TBC
- Ecological mitigation measures - TBC
- Recycling & waste bins - £73 per dwelling
- Dog bins & signs - 1 dog litter bin (£350) and 4 litter signs (one per 10 houses at £50 per sign).

5.53 It is noted that while the County Council's S.106 Officer has requested contributions towards provision of facilities at local schools this would not meet the prescribed tests and cannot be delivered through S.106. However this would be an infrastructure project capable of being delivered through CIL.

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 and social housing in a sustainable and accessible location with good links to Tewkesbury, Cheltenham, Gloucester and associated employment and services is a social and economic benefit arising from the proposal. Whilst the delivery of housing is tempered by the fact that the council can demonstrate a 5 year housing land supply, it should be recognised that this is a rolling calculation and the Council must ensure that sufficient sites are granted planning permission to meet the ongoing need for housing in the Borough.

6.3 While services at Coombe Hill are limited, there would be an economic benefit during the construction phase as well as from the additional population which would be generated by the development which would contribute to the sustainability of the PFS, convenience store, pub and Farm shop with resultant economic benefit to existing businesses and to the wider economy. Furthermore, these services and existing and future residents would benefit from the increased connectivity as a result of the proposed pedestrian crossing over the A38.

6.4 The provision of public open space would be a social benefit which would serve the existing community as well as new residents although these benefits are limited.

Harms

6.5 Harm arises from the conflict with the development plan and in particular policies SP2 and SD10. While the proposal would be consistent with Policy RES1 of the POTBP, this is still at the early stages of adoption and can be afforded little weight at this time. Further landscape harm will arise from the loss of part of an existing field at a prominent and exposed crossroads location. The proposal would have an urbanising effect upon the area through the development of 40 dwellings and associated infrastructure, however it is considered that this visual harm can be mitigated through appropriate design and landscaping as part of any reserved matters application.

Neutral

6.6 It is considered that the proposal would result in a neutral impact on ecology and geodiversity and that subject to compliance with conditions the development with regards to drainage, the proposal would not increase the risk of flooding or impact the operation of the highway. Furthermore, the proposal would not impact the significance of the listed barn at Grange Farm.

Conclusion

6.7 The consideration of material planning issues on this application is finely balanced. However, it is considered that the benefits set out above, and the location of the site within a Service Village, in proximity to the main JCS towns and services would outweigh the conflict with the development plan in respect of policies SP2 and SD10 and other identified harms. Therefore in accordance with Paragraph 12 of the NPPF, it is considered that, on balance, material considerations exist to justify a departure from policy.

6.8 It is therefore recommended that the decision is **DELEGATED to the Technical Planning Manager to permit the application subject to resolving the outstanding open space/play contributions; ecological mitigation measures; any additional/amended planning conditions; and the completion of a section 106 legal agreement to secure the following:**

- Affordable Housing - 40%
- On site Public Open Space - TBC
- On site play - TBC
- Ecological mitigation measures - TBC
- Recycling & waste bins - £73 per dwelling
- Dog bins & signs - 1 dog litter bin (£350) and 4 litter signs (one per 10 houses at £50 per sign)

RECOMMENDATION Delegated Permit

Conditions and reasons:

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

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

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

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

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

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

- 4 The details to be submitted as part of the Reserved Matters application in accordance with Condition 1 shall include existing and proposed levels, including finished floor levels and a datum point outside of the site. All development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities of the area.

- 5 The details to be submitted as part of the Reserved Matters application(s) for layout and access pursuant to Condition 1 shall include vehicular parking and turning facilities within the site. The dwellings 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 duration of the development.

Reason: In the interest of highway safety.

- 6 The details to be submitted as part of the Reserved Matters application(s) pursuant to Condition 1 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.

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenity of the area.

- 7 The details to be submitted as part of the Reserved Matters application (s) for appearance and layout pursuant to Condition 1 shall include precise details or samples of the external facing and roofing materials, and hard surfacing materials proposed to be used. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenity of the area.

- 8 The details of landscaping to be submitted as part of the Reserved Matters application in accordance with Condition 1 shall include a landscape scheme for the whole site. The submitted design shall include the proposed new landscaping scheme on scaled drawings accompanied by a written specification clearly describing the species, sizes, densities and planting numbers. The submitted drawings shall also include accurate details of all existing trees and hedgerows with their location, species, size, condition, any proposed tree surgery and which are to be removed and how those to be retained are to be protected during the course of development. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory and well planned development in the interest of visual amenity.

- 9 All planting, seeding or turfing in the approval of reserved matters for landscaping shall be carried out in the first planting and seeding season following the occupation of the building(s) or completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a satisfactory and well planned development in the interest of visual amenity.

- 10 The details to be submitted as part of the Reserved Matter(s) application for appearance and layout and appearance pursuant to Condition 1 shall be accompanied by details of secure and covered cycle storage facilities for a minimum of 1 bike per dwelling. The cycle parking facilities shall be provided in accordance with the approved details and prior to the first occupation of each dwelling.

Reason: 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.

- 11 The details to be submitted as part of the Reserved Matter(s) application for layout and appearance pursuant to Condition 1 shall be accompanied by an updated noise assessment/model, including details of any mitigation measures to ensure that the development will comply with the recommended internal and external noise limits specified in BS8233:2014 and Worcestershire Regulatory Services Technical Noise Guidance. The development shall be completed in accordance with those approved details.

Reason: To minimise the impact of noise and provide an acceptable living environment for future occupiers.

- 12 The details to be submitted as part of the Reserved Matter(s) application for layout, appearance and scale, pursuant to Condition 1 shall accord with principles set out within the Design and Access Statement (July 2018) Rev C. and Concept Plan 100.P.3.2 and received by the Local Planning Authority on 26th July 2018.

Reason: To ensure a satisfactory appearance to the development.

- 13 Prior to any development above ground level, a site investigation of the nature and extent of contamination shall be carried out in accordance with a methodology which has previously been submitted to and approved in writing by the Local Planning Authority. The results of the site investigation shall be made available to the Local Planning Authority before any built development begins. If any significant contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The site shall be remediated in accordance with the approved measures before development begins

If during the course of development any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 14 No development above DPC level shall take place on site until a detailed Sustainable Drainage System (SuDS) Strategy, in accordance with the principles set out in the applicant's submission (Flood Risk Assessment & Drainage Strategy (Project Reference 450)), has been submitted to and approved in writing by the Local Planning Authority. The SuDS Strategy must include a detailed design and a timetable for implementation. The SuDS Strategy must also demonstrate the technical feasibility/viability of the drainage system through the use of SuDS to manage the flood risk to the site and elsewhere and the measures taken to manage the water quality for the life time of the development. The scheme for the surface water drainage shall be carried out in accordance with the approved SuDS Strategy before the development is first put in to use/occupied.

Reason: 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.

- 15 No development shall be brought in to use/occupied until a SuDS management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in strict accordance with the approved SuDS management and maintenance plan.

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

16 The means of vehicular access to the development hereby permitted shall be from the A38 only.

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

17 The vehicular access 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 distant in both directions (the Y points). The area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between 1.05m and 2.0m at the X point and between 0.6m and 2.0m at the Y point above the adjacent carriageway level.

Reason: To avoid an unacceptable impact on highway safety by ensuring that adequate visibility is provided and maintained to ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians.

18 Prior to the first occupation of the proposed development hereby permitted the first 20m of the proposed access road, including the junction with the existing public road and associated visibility splays, shall be completed to at least binder course level.

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

19 Prior to the first occupation of the proposed development hereby permitted details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as either a dedication agreement has been entered into or a private management and maintenance company has been established.

Reason: To ensure that safe, suitable and secure access is achieved and maintained for all people that minimises the scope for conflict between traffic and cyclists and pedestrians and to establish and maintain a strong sense of place to create attractive and comfortable places to live, work and visit.

20 Notwithstanding the submitted details, no above ground works shall commence on site on the development hereby permitted until details of a scheme for a pedestrian refuge crossing point along the A38 including a street lighting scheme has been submitted to and approved in writing by the Local Planning Authority and no buildings on site shall be occupied until the approved works have been completed and are open to the public.

Reason: To ensure that appropriate opportunities to promote sustainable transport modes can be taken up.

21 Throughout the construction period of the development hereby permitted provision shall be within the site that is sufficient to accommodate the likely demand generated for the following:

- i. parking of vehicles of site operatives and visitors;
- ii. loading and unloading of plant and materials;
- iii. storage of plant and materials used in constructing the development;
- iv. wheel washing facilities.

Reason: To reduce the potential impact on the public highway and accommodate the efficient delivery of goods.

22 Prior to the occupation of the building(s) hereby permitted, the proposed car parking spaces shall be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Reason: To ensure that the development incorporates facilitates for charging plug-in and other ultra-low emission vehicles.

- 23 No dwelling shall be occupied until provision for the treatment, routing and disposal of foul water (including pollution control and monitoring measures) have been implemented in accordance with details which shall be first submitted to and approved in writing by the Local Planning Authority. The treatment equipment shall thereafter be maintained and operated in accordance with the manufacturer's specifications.

Reason: To ensure that adequate drainage is provided and to reduce the risk of flooding and pollution.

- 24 No street lighting shall be installed on any part of the development site.

Reason: To protect the rural character of the area.

- 25 The mix of houses submitted as part of the reserve matters shall be broadly in accordance with the latest version of the JCS SHMA unless an alternative local need can be demonstrated.

Reason: To ensure appropriate mix and range of dwellings within the housing market area.

Notes:

- 1 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.
- 2 Due to the presence of Cadent and/or National Grid apparatus in proximity to the specified area, National Grid advises that the contractor should contact Plant Protection before any works are carried out to ensure the apparatus is not affected by any of the proposed works. As the proposed activity is in close proximity to National Grid's Transmission assets, National Grid advises that, before carrying out any work you must:
 - Ensure that no works are undertaken in the vicinity of their gas pipelines and that no heavy plant, machinery or vehicles cross the route of the pipeline until detailed consultation has taken place.
 - Carefully read these requirements including the guidance documents and maps showing the location of apparatus.
 - Contact the landowner and ensure any proposed works in private land do not infringe Cadent and/or National Grid's legal rights (i.e. easements or wayleaves). If the works are in the road or footpath the relevant local authority should be contacted.
 - Ensure that all persons, including direct labour and contractors, working for you on or near Cadent and/or National Grid's apparatus follow the requirements of the HSE Guidance Notes HSG47 'Avoiding Danger from Underground Services' and GS6 - Avoidance of danger from overhead electric power lines'. This guidance can be downloaded free of charge at <http://www.hse.gov.uk>
 - In line with the above guidance, verify and establish the actual position of mains, pipes, cables, services and other apparatus on site before any activities are undertaken.
- 3 Wales and West Utilities advises that it has pipes in the area, and that their apparatus may be affected and at risk during construction works. Wales and West Utilities require the promoter of these works to contact them directly to discuss their requirements in detail before any works commence on site. Should diversion works be required, Wales and West Utilities advise that these will be fully chargeable. Wales and West Utilities state that you must not build over any of their plant or enclose their apparatus.
- 4 In order to minimise any nuisance during the construction phase, the applicant should refer to the Worcestershire Regulatory Services Demolition & Construction Guidance and ensure its recommendations are complied with.
- 5 The applicant is advised that to discharge condition #5 the local planning authority requires a copy of a completed dedication agreement between the applicant and the local highway authority or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes, 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.

- 6 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 works.
- 7 The proposed development will require the provision of a footway/verge crossing and the Applicant/Developer is required to obtain the permission of the Amey Gloucestershire (08000 514 514) before commencing any works on the highway.
- 8 The developer will be expected to meet the full costs of supplying and installing the fire hydrants and associated infrastructure.
- 9 The proposed development will involve works to be carried out on the public highway and the Applicant/Developer is required to enter into a legally binding Highway Works Agreement (including an appropriate bond) with the County Council before commencing those works.
- 10 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.
- 11 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.
- 12 **Statement of Positive and Proactive Engagement**

In accordance with the requirements of the National Planning Policy Framework (2018) the Local Planning Authority has sought to determine the application in a positive and proactive manner offering pre-application advice, detailed published guidance to assist the applicant and published to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.


17/01337/OUT



A4019 TENNESBURY ROAD

A4019 TENNESBURY ROAD

722/A

1:10 Scale Land off Coombe Hill	Drawing Number 100.P.1.2	Revision C	 Robert Hitchins The Complete Development Solution <small>The Manor, Boddington, Letchworth, Hertfordshire, SG11 9ET Tel: 01264 680000 www.roberthitchins.co.uk</small>
Drawing Title Location Plan	Drawn By POK	Date 23.08.2017	

17/01337/OUT

KEY



Building Blocks



Primary Route



Secondary Route



Application Red Line



Site Access From A38



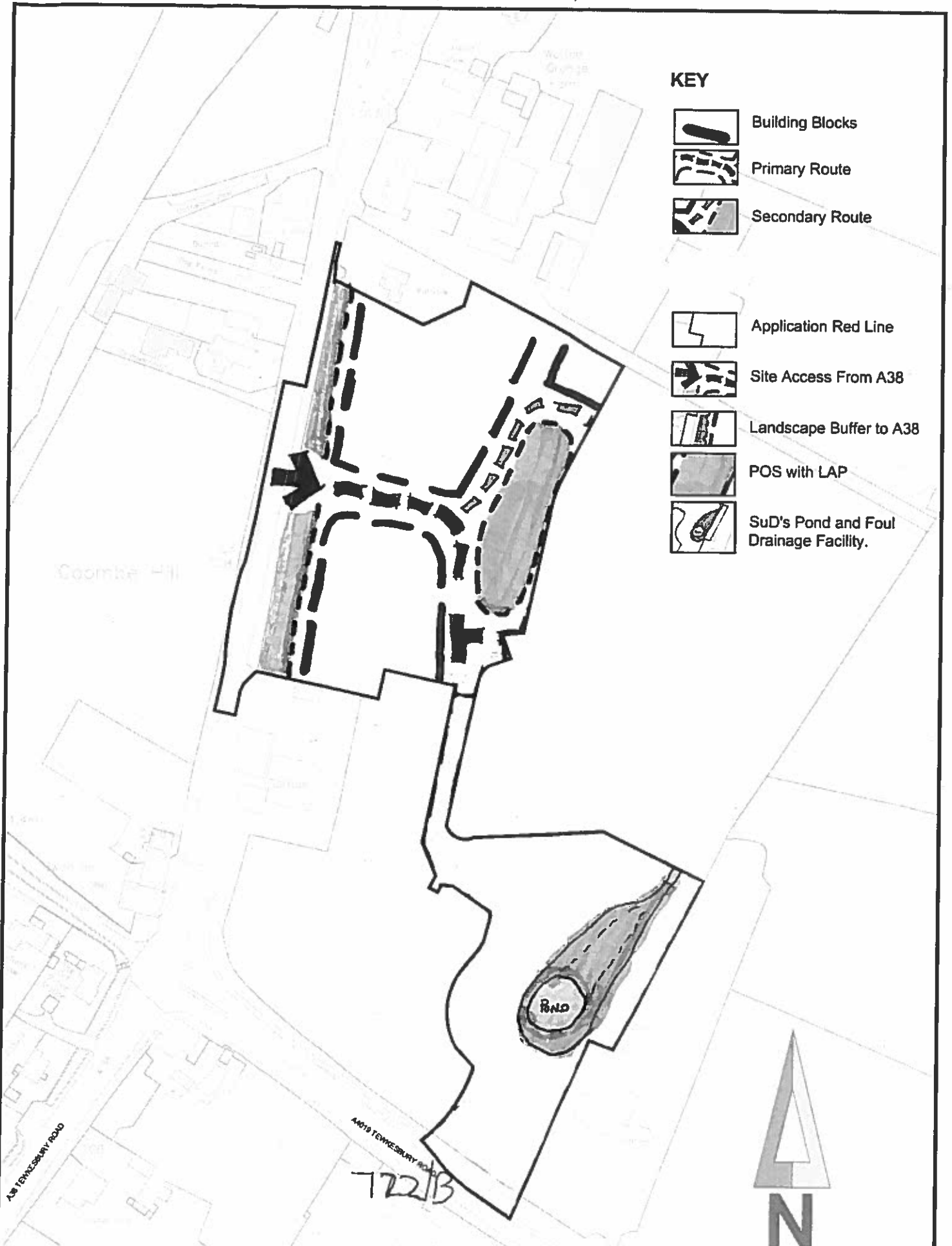
Landscape Buffer to A38



POS with LAP



SuD's Pond and Foul Drainage Facility.



<p>Site Name</p> <p>Land off Coombe Hill</p>	<p>Planning Number</p> <p>100.P.3.2</p>	<p>Project</p>
<p>Planning Title</p> <p>Concept Plan</p>	<p>Drawn By</p> <p>POK</p>	<p>Date</p> <p>13.06.2018</p>
<p>Scale</p> <p>1:1250 @ A3</p>	<p>Robert Hitchins</p> <p>The Complete Development Solution</p> <p>For more information, please contact: 01292 811111</p> <p>Tel: 01292 811111</p> <p>www.robert-hitchins.co.uk</p>	

Valid 12.02.2019

Change of use for weekly open air retail market (Wednesday & Saturday).

Grid Ref 389505 233006

Parish Tewkesbury

Ward Tewkesbury Town With

Mitton

RECOMMENDATION Delegated Permit**Policies and Constraints**

National Planning Policy Framework (2018)

Planning Practice Guidance

Joint Core Strategy (2017) - SD2, SD8, SD14, INF1

Tewkesbury Borough Local Plan to 2011; March 2006 (TBLP) saved policies HEN1

Tewkesbury Borough Local Plan 2011 - 2031 - Preferred Options (limited weight)

Human Rights Act 1998 - Article 8

The First Protocol - Article 1

Article 4 Direction

Conservation Area

Grade II listed building adjacent to the site

Consultations and Representations**Tewkesbury Town Council**

The Town Council requests additional information in respect of:

(1) Vehicular access - it is noted that some traders use large lorries and we are concerned that access onto the site will be difficult for them, due to space constraints around the entrance.

(2) Pedestrian and wheelchair access - the only formal pedestrian crossing on Oldbury Road links the town centre with the Spring Gardens car park, not with the Oldbury Road car park. The link between the two car parks is an informal one which wheelchair users find difficult to use. The Town Council would like to know how the Borough intends to provide a safe and accessible route onto the proposed market site.

(3) The Oldbury Road car park is very close to Gravel Walk. The Town Council is concerned that people living and home-working in Gravel Walk will be adversely affected by the sounds of generators, also traders setting-up early in the morning and calling -out and using loud-speaker systems to attract business during market hours. The Town Council would like to know what, if any, investigative work has been carried out concerning the noise levels generated by the market and also what mitigating strategies will be employed to protect local residents from the resulting noise nuisance.

Conservation Officer - No objection

Environmental Health Officer - The proposed new location appears to be in closer proximity to residential properties than the existing location. I would therefore recommend that the applicant submits a noise management plan for comment and approval.

Highways Officer - No principle objection but would like confirmation that the two markets would not run concurrently on the two car parks to ensure that there is sufficient public parking available.

4 letters of objection received raising the following points:

- the market will be located closer to residential properties creating a potential noise issue when stalls are setting up and coming down
- where would the larger, noisier stalls to be located on the site?
- No block plan showing where the individual stalls will be located
- No indication of where waste will be stored and collected
- No indication of how long the temporary permission will be granted for
- No heritage statement
- While it is understood a design and access statement is not required clarification on a number of issues would be appreciated, such as why is the market moving?
- impact on reduced / loss of car parking
- need a crossing point adjacent to Oldbury car park to prevent any accidents

- the review of the future of Spring Gardens and Oldbury car park should be finalised prior to this application being approved
- The applicant has not disclosed the real intention to reduce the market space by approx 50% smaller than existing
- The proposed site is much too small
- High level of business rates for the market holders has produced the decline in stalls and therefore reduced the market size

Planning Officers Comments: Gemma Webster

1.0 Application Site

1.1 The application site is located on the existing Oldbury Road public pay and display car park, accessed off Station Street and is to the east of the main town centre area. The site measures approximately 0.24ha and is a relatively flat and of rectangular shape.

1.2 There are residential properties to the north (Gravel Walk) and east of the car park, with a further car park to the South (Spring Gardens car park), and a retail building (Tesco) and the town centre to the west.

1.3 The site is within the Conservation Area which abuts the site to the east and west, and the Grade II listed former sheep market office is to the north west of the site.

1.4 The proposal is within flood zone 1.

2.0 Planning History

2.1 The site was originally granted planning permission for use as a pay and display car park in 1994 and this permission has subsequently been extended.

2.2 14/00876/FUL - Erection of Retirement Living Housing for the elderly (category II type accommodation), including communal facilities, landscaping and car parking. - Refused

2.3 No further relevant planning history

3.0 Current Application

3.1 The current proposal is for the change of use of the car park to allow a twice weekly open air retail market on a Wednesday and Saturday, this market would be relocated from its existing position at Spring Gardens car park which is to the south of this proposed site.

3.2 The market would be made up of temporary 'pop up' gazebos measuring 3m x 3m and vehicles.

3.3 The retail market would run from 8am until 4pm on each of the days, with a set up time from 6am.

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 material 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. The emerging Tewkesbury Borough Local Plan (Preferred Options Consultation) 2011-2031, in accordance with Paragraph 48 of the NPPF the policies within this emerging plan are currently afforded limited weight.

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 in this application are the principle of development, impact upon the residential amenity of local residents, transport and impact upon the historic environment.

Principle of development

5.2 Paragraph 80 of the NPPF states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Paragraph 85 states that planning decisions should support the role that town centres play at the heart of local communities, this includes, under part c), "retain and enhance existing markets and, where appropriate, re-introduce or create new ones."

5.3 Policy SD2 of the JCS states that the key principles for the determination of planning applications, such as new retail, leisure culture and community facilities that contribute to the vitality and viability of designated centres should be promoted and supported, ensuring that it is within a scale that is appropriate to its role and function.

5.4 The market is already in existence on Spring Gardens car park, therefore the principle of the retail element in this location is already accepted. However, it is whether the principle would remain acceptable with the proposed changed location of market. Oldbury car park is located directly adjacent to Spring Gardens car park and also directly to the east of the town centre, it is closely related to the existing centre and it would help to maintain the vitality and viability of the town offering an additional element for shoppers. It is therefore considered that retail within this location would be acceptable in principle, in planning policy terms, subject to it meeting the criteria of any other relevant development plan policies.

Impact on the residential amenity

5.5 Policy SD14 of the JCS states that new development should cause no unacceptable harm to local amenity including the amenity of neighbouring occupants, this includes no unacceptable levels of air, noise, water, light or soil pollution or odour, either alone or cumulatively. In addition, policy SD4 of the JCS states that development should avoid or mitigate for potential disturbances, including visual intrusion, noise, smell and pollution.

5.6 The effects of the proposal on the local residents to the north and east of the site have been carefully considered. It has been confirmed by the applicant that in the main the market stall holders do not use generators to operate their the stalls, however those stalls that do use generators would be located the furthest point away from the residential areas, adjacent to Station Street, thereby minimising the impact of any noise generated. In addition, the applicant has confirmed that the market no longer uses the older style metal poles and plank for stalls which were noisy and difficult to erect, instead they propose using 'pop up' gazebos to reduce any noise created. There are no stall holders that use a PA system.

5.7 The setting up time for the market will be set at 6am, as opposed to the current 4.30am start time, thereby reducing any adverse impact upon local residents from noise created during setting up. In order to alleviate any potential impact upon residential amenity the Environmental Health Officer has requested a noise management plan be submitted to the Local Authority, which at the time of writing, is being prepared and will include details such as not allowing amplified music and allocating stalls with generators to the far side of the market away from the residential properties. This would need to be the subject of a condition and would enable the local authority to control and enforce the noise emitted by the market to ensure its operation protects the amenity of local residents in the vicinity of the site.

5.8 In light of the above, and subject to the submission of an acceptable noise management plan, it is considered that the noise impacts arising from the operation of an open air retail market can be adequately controlled, and residential amenity protected in Policy SD14.

Historic Environment

5.9 Saved Policy HEN 1 of the Tewkesbury Local Plan states that 'within conservation areas special attention will be paid to the desirability of preserving or enhancing their character and appearance.' The open air market proposes the use of pop up gazebos that will be erected and dismantled on the day of the market and therefore will not have a permanent adverse effect on the Conservation Area.

5.10 Section 72 of the Listed Buildings and Conservation Areas Act requires special attention to be paid to the desirability of preserving or enhancing the character and appearance of that area. JCS policy SD8 states that 'Designated and undesignated heritage assets and their settings will be conserved'.

5.11 As set out above the proposal lies within the Conservation Area and is within close proximity to listed buildings. The Conservation Officer has stated that he has no objections as there will be no harm to the historic environment, due to no permanent features being erected or developed. Therefore the proposal is considered to be in accordance with saved Tewkesbury Plan policy HEN1 and the JCS policy SD8.

Transport

5.12 Section 9 of the NPPF relates to the promotion of sustainable transport and specifies that in assessing specific applications for development, it should be ensured that safe and suitable access to the site can be achieved for all users. JCS Policy INF1 reiterates this advice. Further the policy states permission will be granted where the impact of development is not considered to be severe.

5.13 The site is in a town centre location, easily accessible via public transport, with bus stops located within approximately 350 metres of the site on the High Street. The vehicular access is located off Station Street, the existing height restriction barrier would be unlocked on market days, there is additional car parking available at the Spring Gardens public car park directly to the south of the site. The applicant has provided further information in light of the Town Council's comments stating that the majority of vehicles for the stall holders will be small transit type vans, with only two lorries (the butcher and fishmonger)

5.14 Gloucestershire County Council has been consulted as Local Highway Authority (LHA). The LHA have requested a transport statement to state that outdoor markets will not be run on both car park sites at the same time to ensure no impact upon the level of parking available within the Town on market days. The applicant has confirmed that the market will only run on the Oldbury Car park, and not on both car parks at the same time. A formal transport statement is to be submitted by the applicant confirming this, the Council as the land owner is in a position to control this.

5.15 The Town Council also raised concerns regarding the pedestrian access and disabled access to the site. There are two pedestrian access points from the site which are level with the adjacent footpath and there are a number of dropped kerbs to allow access for disabled and pushchairs.

5.16 In light of the above the market will allow safe and suitable access to it for all users, there will be no adverse impact upon the public parking available therefore complies with the NPF and JCS Policy INF1.

6.0 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.

6.2 The proposal is located within the town centre, where policy encourages further retail proposals that improve the vitality and viability of the town centre therefore the principle of the development is considered acceptable.

6.3 The proposal would provide economic benefits by drawing in additional shoppers to the town on the market days, providing an economic boost for the other retailers as well as supporting public transport links for those utilising the buses.

6.4 A noise management plan (to be submitted) would be in place to ensure that the operation of the market would result in no adverse impact upon the residential amenity of the nearby residents, which can be controlled by condition.

6.5 A transport statement (to be submitted) would be in place to ensure that the market would only run on one site thereby overcoming the potential issue regarding the loss of available public car parking.

6.6 In light of the above, it is therefore recommended that the application be delegated to the Technical Planning Manager to permit subject to the satisfactory resolution of conditions to address the noise management plan and any highway / parking issues.

RECOMMENDATION Delegated Permit

Conditions and reasons:

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

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the application form, and drawing 'Site Location Plan' except where these may be modified by any other conditions attached to this permission.

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

Note:

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



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Tewkesbury
Borough Council

Asset Management
Council Offices
Gloucester Road
Tewkesbury
Glos
GL20 5TT

Tewkesbury Borough Council

Tel 01824 282010

DATE December 2015

DRAWN BY A/C

**SPRING GARDENS CAR PARK
TEWKESBURY MARKET SITE
TEWKESBURY**

SCALE 1:1250

DRWG NO

727/A

Valid 20.12.2018

Erection of a two storey side and rear and a single storey rear extension.

Grid Ref 387216 220490

Parish Churchdown

Ward Churchdown St Johns

RECOMMENDATION Permit**Policies and Constraints**

Joint Core Strategy (2018) (JCS) - Policy SD4, SD14

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

National Planning Policy Framework 2018

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 - Objection - the proposed extension is detrimental to the street scene.

Revised plans - Objection - on the grounds of overdevelopment. Further, the proposed plan will compromise the street scene as the design of the proposed development will give the impression of terraced housing in this location. Access to the rear of the property will also be restricted.

Local residents - One letter of concern has been received from the neighbours at no 83 Pirton Lane. The reasons are summarised as follows:

- They do not object to the overall principle of the extension, however, they have concerns relating to loss of light to their closest bedroom window at the rear and their rear conservatory.
- Devaluation of their property.

Planning Officers Comments: Mrs Sarah Barnes**1.0 Application Site**

1.1 This application relates to 85 Pirton Lane, a semi-detached dwelling located in Churchdown (site location plan attached).

2.0 Current application

2.1 The current application is for a two storey side / rear extension and a single storey rear extension (plans attached). It would create a larger kitchen plus utility room at ground floor level and an extra bedroom at first floor level.

3.0 Recent History

3.1 There is no recent or relevant site history although it appears as if a single storey extension was built under permitted development. This would however be demolished as part of the proposal.

4.0 Policy Context

4.1 The development plan comprises the Joint Core Strategy (JCS) (2018) and saved policies in the Tewkesbury Borough Local Plan to 2011 (March 2006) (TBLP).

4.2 Other material policy considerations include national planning guidance contained within The National Planning Policy Framework (NPPF) 2018.

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

5.0 Analysis

Design and Size

5.1 Section 12 of the NPPF relates to "Achieving well-designed places" and, Paragraph 124, sets out that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Likewise, Paragraph 127 specifies that planning policies and decisions should ensure that developments, inter alia: will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, and; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.

5.2 In this regard, Policy SD4 (Design Requirements) of the JCS and likewise Policy HOU8 of the TBCLP set out 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. It should be of a scale, type, density and materials appropriate to the site and its setting. It further sets out that design should establish a strong sense of place using streetscapes and buildings to create attractive and comfortable places to live.

5.3 The proposal is for a two storey side / rear extension plus a single storey rear extension. It would create a larger kitchen and utility room at ground floor level and an additional bedroom at first floor level.

5.4 Revised plans were requested to improve the design of the proposal. Revised plans were submitted on the 11th March 2019. The two storey extension would now have a pitched roof rather than a flat roof. It would be constructed from a mixture of render and timber.

5.5 In relation to the Parish Council's concerns regarding 'overdevelopment' of the site and resultant terracing effect, their concerns have been noted. It is not considered that the proposal as revised would result in 'overdevelopment' given that the dwelling has not been previously extended and there would still be a sufficient amount of garden space left free from additions / extensions. Indeed the adjoining dwelling has a substantial two storey rear extension. With regards to the design of the extension, there are other similar two storey side extensions along this road so it is considered that the proposal would not be out of keeping with the existing street scene. The side extension would also be set well back from the front elevation (by about 3 metres) and it would have a lower ridge height than the existing ridge line so it would read as subservient. Whilst the side extension would infill the gap with the neighbour, the setback from the building's frontage would maintain a degree of visual separation from the neighbouring property.

Residential amenity

5.6 Paragraph 127 of the NPPF specifies that planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Likewise, Policies HOU8 and SD4 state that development will only be permitted if the proposal does not have an unacceptable impact on adjacent property in terms of bulk, massing, size and overlooking.

5.7 Concerns were received from the neighbours at no 83 Pirton Lane. The impact of the proposal upon this neighbouring property has carefully been assessed. In terms of the neighbour's nearest bedroom window at the rear, this window would be approximately 3.2 metres from the side of the proposed two storey extension. The proposed extension would not significantly breach a 45 degree horizontal or vertical splay from this neighbouring bedroom window. In terms of the loss of light to the neighbour's conservatory, the single storey aspect of the proposal would be adjacent to their rear conservatory. Given the orientation of the sun and the reasonably low roof height, it is considered that the proposal would not result in an unacceptable loss of light or outlook that would warrant a refusal on these grounds.

Other Issues

5.8 In terms of the neighbour's concerns about the devaluation of their property this is not a planning issue.

6.0 Conclusion

6.1 Overall, whilst the Parish Council's comments are noted, it is considered that the proposal as revised 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 2018. The application is therefore recommended for **permission**.

RECOMMENDATION Permit

Conditions:

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 The development hereby permitted shall be carried out in accordance with the application form, site plan and block plan dated 7th December 2018, existing elevations / floor plans dated 20th December 2018 and proposed revised elevations / proposed floor plans dated the 11th March 2019 except where these may be modified by any other conditions attached to this permission.

Reasons:

- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
- 2 To ensure that the development is carried out in accordance with the approved plans.

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 amendments to the design of the proposal.

- 2 Your attention is drawn to the Party Wall Act 1996. The Act will apply where work is to be carried out on the following:

- o Work on an existing wall or structure shared with another property.
- o Building a free standing wall or a wall of a building up to or astride the boundary with a neighbouring property.
- o Excavating near a neighbouring building.

The legal requirements of this Act lies with the building/ site owner, they must find out whether the works subject of this planning permission falls within the terms of the Party Wall Act 1996. There are no requirements or duty on the part of the local authority in such matters. Further information can be obtained from the DCLG publication Preventing and resolving disputes in relation to party walls - explanatory booklet.

- 3 Your attention is drawn to the requirements of the Building Regulations, which must be obtained as a separate consent to this planning decision. You are advised to contact the Building Control Team on Buildingcontrol@cheltenham.gov.uk.

18/01225/fel



730/A

Location Plan
1 : 1250



Site Plan
1 : 500

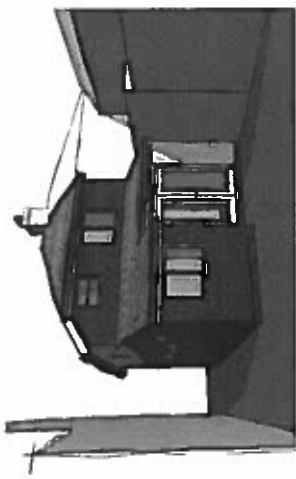
CLIENT

PROJECT
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Chuchdown
Gloucester

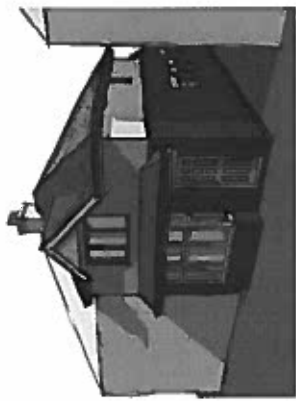
DRAWING TITLE
Site and Location Plan

DATE	DATE	DATE
DRAWN BY	DATE	DATE
SCALE	STATUS	STATUS
DRAWING NUMBER	REVISION	REVISION
PL003		

18/01/22.5/feel



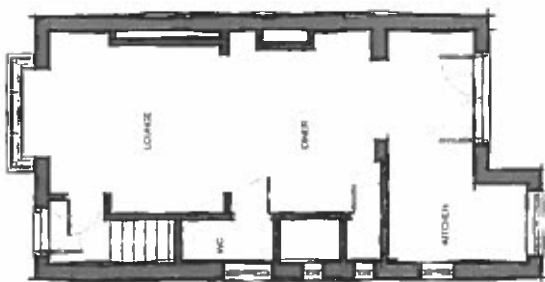
Existing Rear 3D



Existing Front 3D

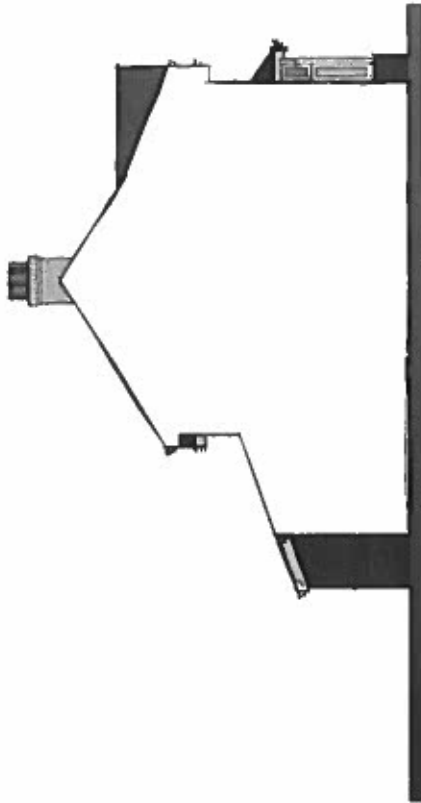


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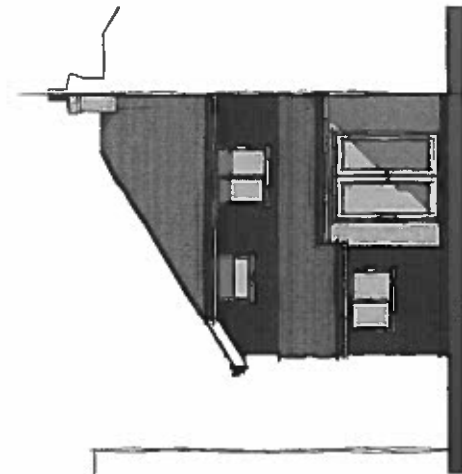


GROUND FLOOR EXISTING PLAN
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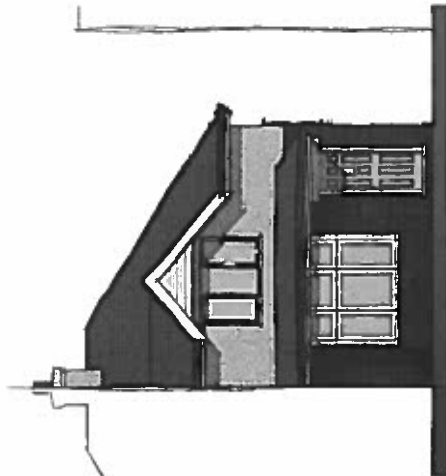
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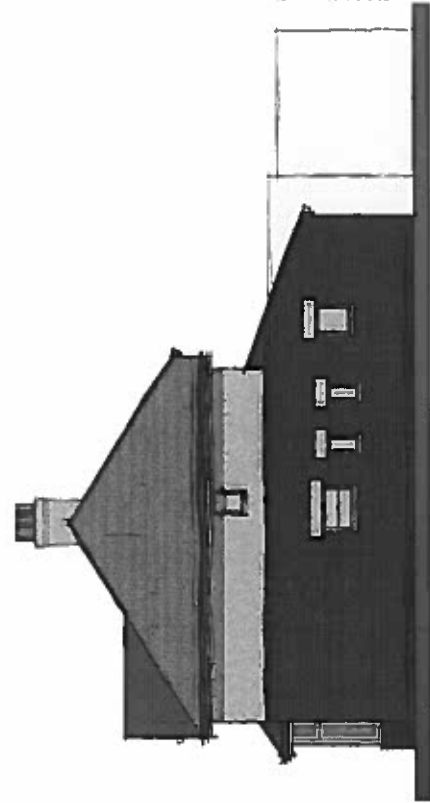
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1:50



REAR ELEVATION - EXISTING
1:50



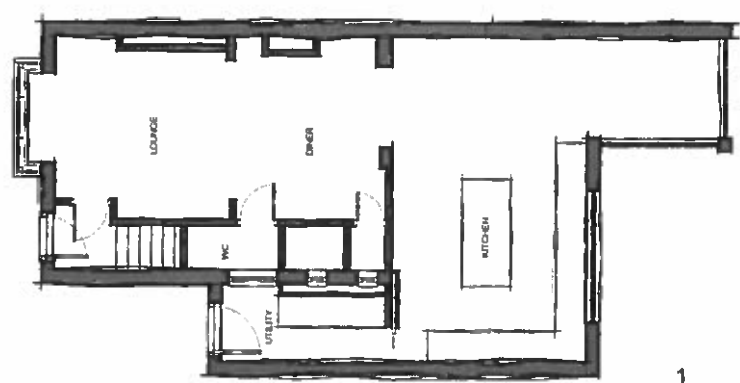
FRONT ELEVATION - EXISTING
1:50



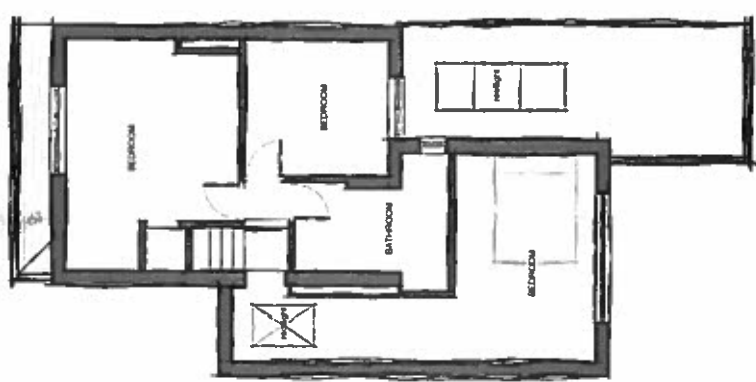
RIGHT SIDE ELEVATION - EXISTING
1:50

CLEAR	
PROJECT	25 Pylon Lane
CLIENT	Mr & Mrs [Name]
DESIGNED BY	Charles [Name]
DATE	18/01/22
SCALE	1:50
REVISIONS	
PL001	

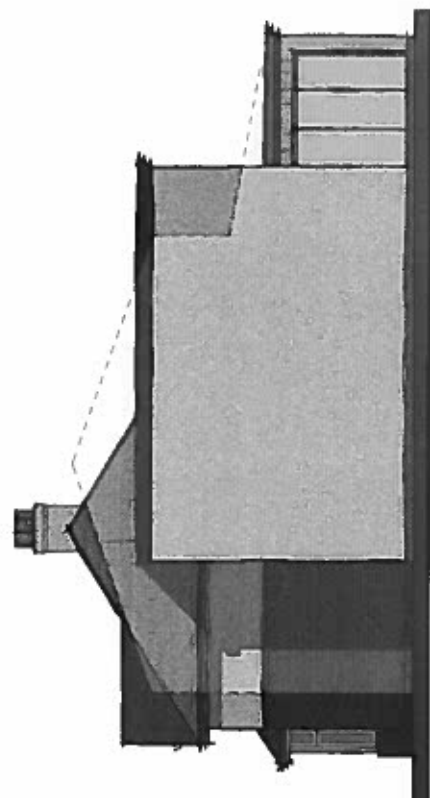
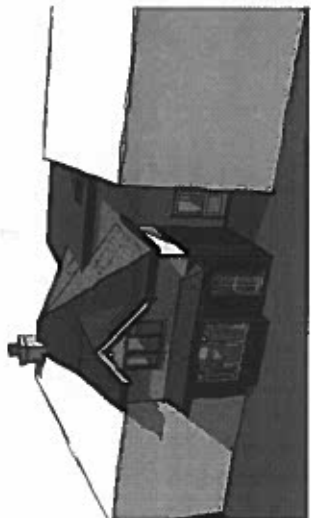
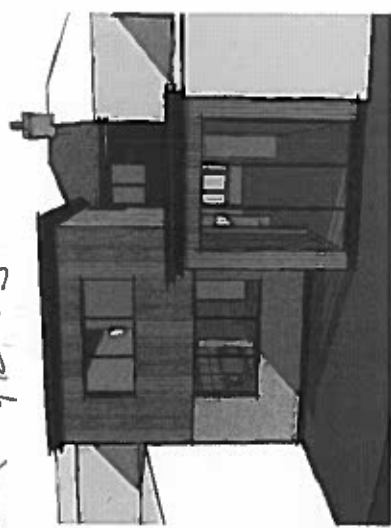
18/01/225/rel - original plans



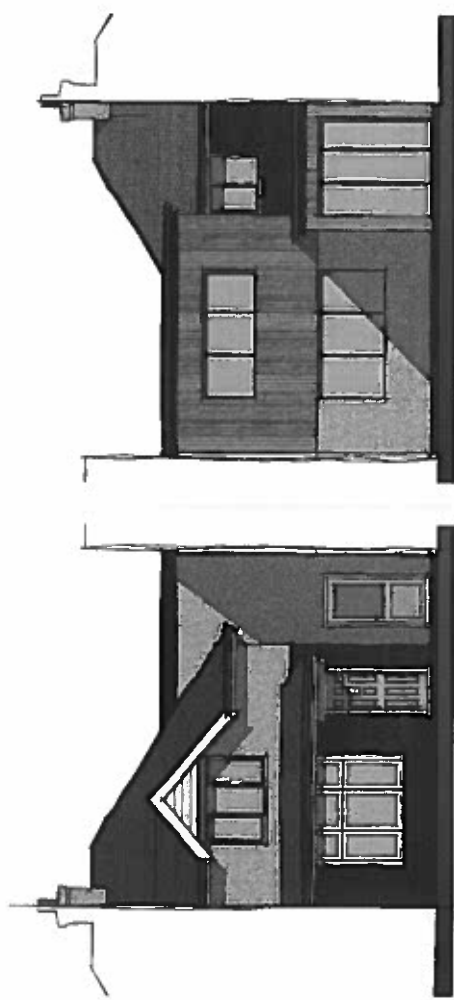
GROUND FLOOR PLAN
1 : 50



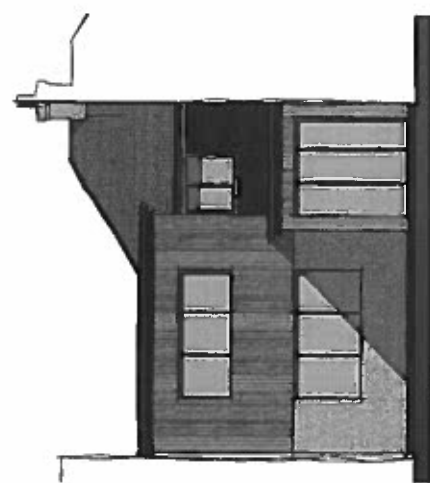
FIRST FLOOR PLAN
1 : 50



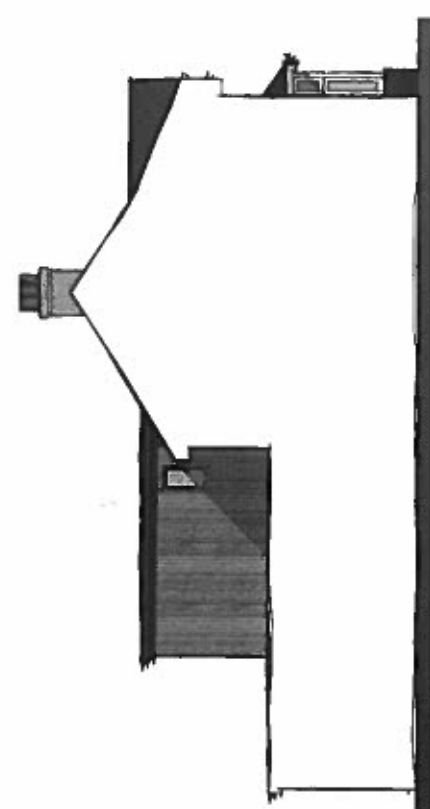
RIGHT SIDE ELEVATION - PROPOSED
1 : 50



FRONT ELEVATION PROPOSED
1 : 50



REAR ELEVATION PROPOSED
1 : 50



LEFT SIDE ELEVATION PROPOSED
1 : 50

PROJECT	85 Pinner Lane
CLIENT	Chandrasekhar
LOCATION	Chandrasekhar
DATE	18/01/22
DESIGN BY	Proposed Plans
SCALE	1 : 50
REVISIONS	PL002

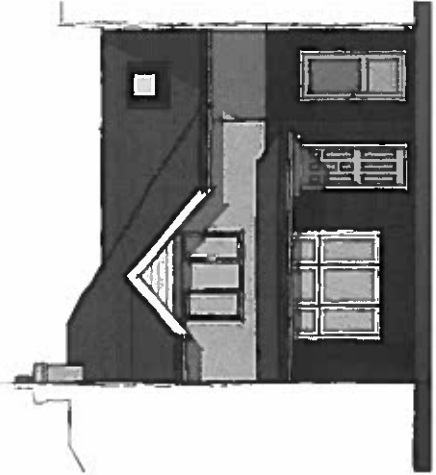
730/D



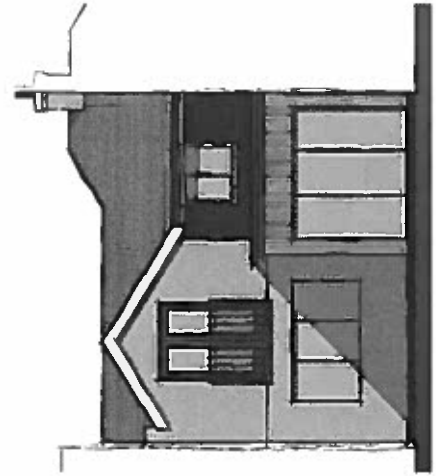
FIRST FLOOR PLAN
1 | 50



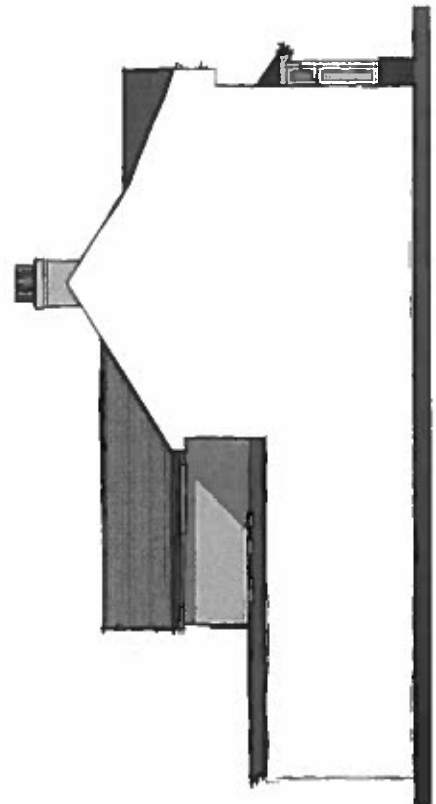
FRONT ELEVATION PROPOSED
1/50



1 50
REAR ELEVATION PROPOSED



LEFT SIDE ELEVATION PROPOSED



Valid 14.01.2019

Erection of a single storey rear extension.

Grid Ref 387738 220223

Parish Churchdown

Ward Churchdown Brookfield

RECOMMENDATION Permit

Policies and Constraints

Joint Core Strategy (2018) (JCS) - Policy SD4, SD14

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

National Planning Policy Framework 2018

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 - Objection on the ground that the proposed development represents overdevelopment of this property; the proposed design is not in keeping with other properties in this location

Revised plans - objects on the same grounds as before.

Local residents - One letter of objection was received to the original plans from the neighbour at 7 Winston Road. The planning reasons for objection are summarised as follows:

- Overdevelopment of the site - far too large.

- Loss of light to their rear garden.

- Devaluation of their property

Revised plans - no comments received.

Planning Officers Comments: Mrs Sarah Barnes

1.0 Application Site

1.1 This application relates to 5 Winston Road, a semi-detached dwelling located in Churchdown (**site location plan attached**).

2.0 Current application

2.1 The current application is for a single storey rear extension (**plans attached**).

3.0 Recent History

3.1 In 2018 an application was submitted for a single storey side and rear extension (18/00149/FUL). This application was withdrawn however.

4.0 Policy Context

4.1 The development plan comprises the Joint Core Strategy (JCS) (2018) and saved policies in the Tewkesbury Borough Local Plan to 2011 (March 2006) (TBLP).

4.2 Other material policy considerations include national planning guidance contained within The National Planning Policy Framework (NPPF) 2018.

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

5.0 Analysis

Design and Size

5.1 Section 12 of the NPPF relates to "Achieving well-designed places" and, Paragraph 124, sets out that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Likewise, Paragraph 127 specifies that planning policies and decisions should ensure that developments, inter alia: will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, and; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.

5.2 In this regard, Policy SD4 (Design Requirements) of the JCS and likewise Policy HOU8 of the TBCLP set out 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. It should be of a scale, type, density and materials appropriate to the site and its setting. It further sets out that design should establish a strong sense of place using streetscapes and buildings to create attractive and comfortable places to live.

5.3 Revised plans were requested to reduce the size of the extension which was considered to be too large. Revised plans were submitted on the 13th March 2019 reducing the proposal so that it would only be 6.3 metres in length adjacent to the adjoining neighbour's (no 7 Winston Road) boundary. Indeed the longest aspect of the extension would be a similar size to the neighbour's garage at no 3 Winston Road **see revised proposed block plan**.

5.4 The proposal would be for the applicants elderly relative to live in as an ancillary annex. It would be constructed from materials to match the existing dwelling. Whilst the flat roof design would not be ideal, given that the extension would be at the rear of the site and would not be vastly visible from outside of the site (other than from neighbouring dwellings) it would not be harmful or detrimental. Overall, it is considered that the proposal (as revised) would be of an acceptable size and design in keeping with the character / appearance of the property and would comply with the requirements of Policy HOU8 of the Local Plan and the NPPF.

5.5 In relation to the Parish Council's concerns regarding 'overdevelopment' of the site, their concerns have been noted. As already mentioned in paragraph 5.3 above, revised plans were submitted on the 13th March reducing the size of the proposal. It is not considered that the proposal as revised would result in 'overdevelopment' given that the dwelling has not been previously extended and there would still be sufficient amount of garden space left free from additions / extensions.

Residential amenity

5.6 Paragraph 127 of the NPPF specifies that planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Likewise, Policies HOU8 and SD4 state that development will only be permitted if the proposal does not have an unacceptable impact on adjacent property in terms of bulk, massing, size and overlooking.

5.7 Objections were received to the original plans from the adjoining neighbour at no 7 Winston Road. The impact of the proposal upon that neighbouring property has carefully been assessed. The nearest aspect of the single storey extension to their boundary would be 6.3 metres long rather than 10.5 metres as originally proposed. Given that the extension would have a flat roof and would only be 2.9 metres in height (only 1 metre higher than the existing fence) it is considered that there would not be an undue impact upon their amenity to warrant the refusal of permission.

Other Issues

5.8 In terms of the neighbours concerns about the devaluation of their property, this is not a planning issue.

6.0 Conclusion

6.1 Overall, whilst the Parish Council's comments are noted, it is considered that the proposal as revised would not be harmful to the appearance of the existing dwelling nor the street scene and it would not result in an unacceptable loss of residential amenity to neighbouring dwellings. The proposal as revised would also be of an acceptable size and design. It would therefore accord with Policy HOU8 of the Local Plan, the Joint Core Strategy and the NPPF 2019. The application is therefore recommended for **permission**.

RECOMMENDATION Permit

Conditions:

- 1 The works hereby permitted shall be begun before the expiration of five years from the date of this consent.
- 2 The development hereby permitted shall be carried out in accordance with the application form, revised proposed elevations / proposed floor plans dated 13th March 2019, revised block plan and revised site plan dated 29th March 2019 except where these may be modified by any other conditions attached to this permission.
- 3 The materials to be used in the construction of the external surfaces of the proposed development shall match those used in the existing dwelling

Reasons:

- 1 Required to be imposed by 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 ensure that the proposed development is in keeping with the existing dwelling.

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 amendments to the size of the proposal.

- 2 Your attention is drawn to the Party Wall Act 1996. The Act will apply where work is to be carried out on the following:

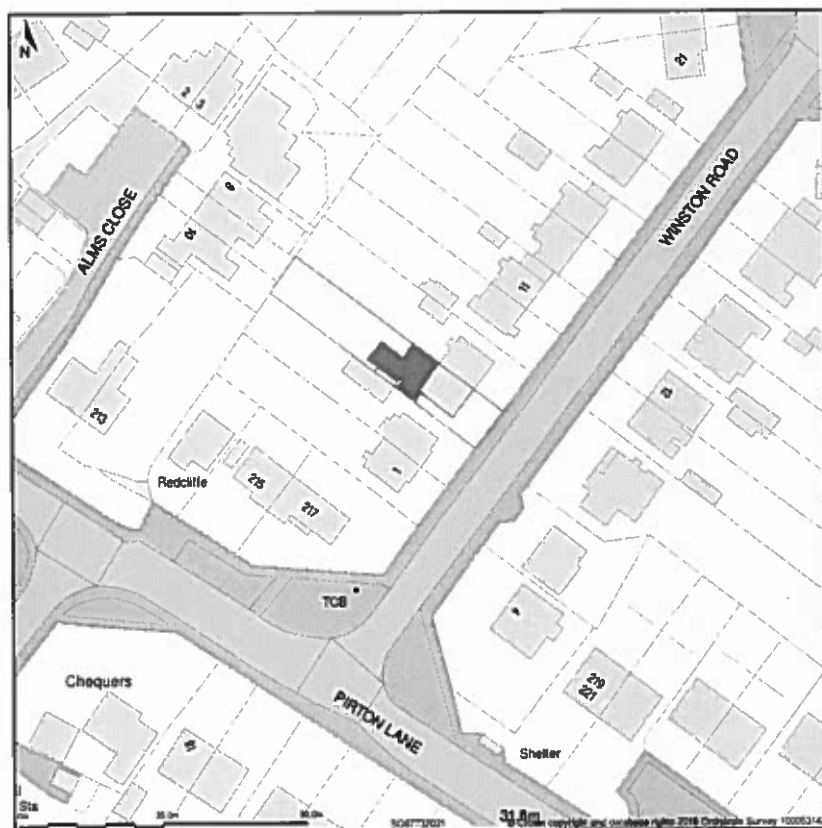
- o Work on an existing wall or structure shared with another property.
- o Building a free standing wall or a wall of a building up to or astride the boundary with a neighbouring property.
- o Excavating near a neighbouring building.

The legal requirements of this Act lies with the building/ site owner, they must find out whether the works subject of this planning permission falls within the terms of the Party Wall Act 1996. There are no requirements or duty on the part of the local authority in such matters. Further information can be obtained from the DCLG publication Preventing and resolving disputes in relation to party walls - explanatory booklet.

- 3 Your attention is drawn to the requirements of the Building Regulations, which must be obtained as a separate consent to this planning decision. You are advised to contact the Building Control Team on Buildingcontrol@cheltenham.gov.uk.

19/00005/Kel

5. Winston Road, Churchdown, Gloucester, Gloucestershire, GL3 2QZ



Site Plan shows area bounded by: 387663.39, 220145.99 387804.81, 220287.41 (at a scale of 1:1250), OSGridRef: SO87732021. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

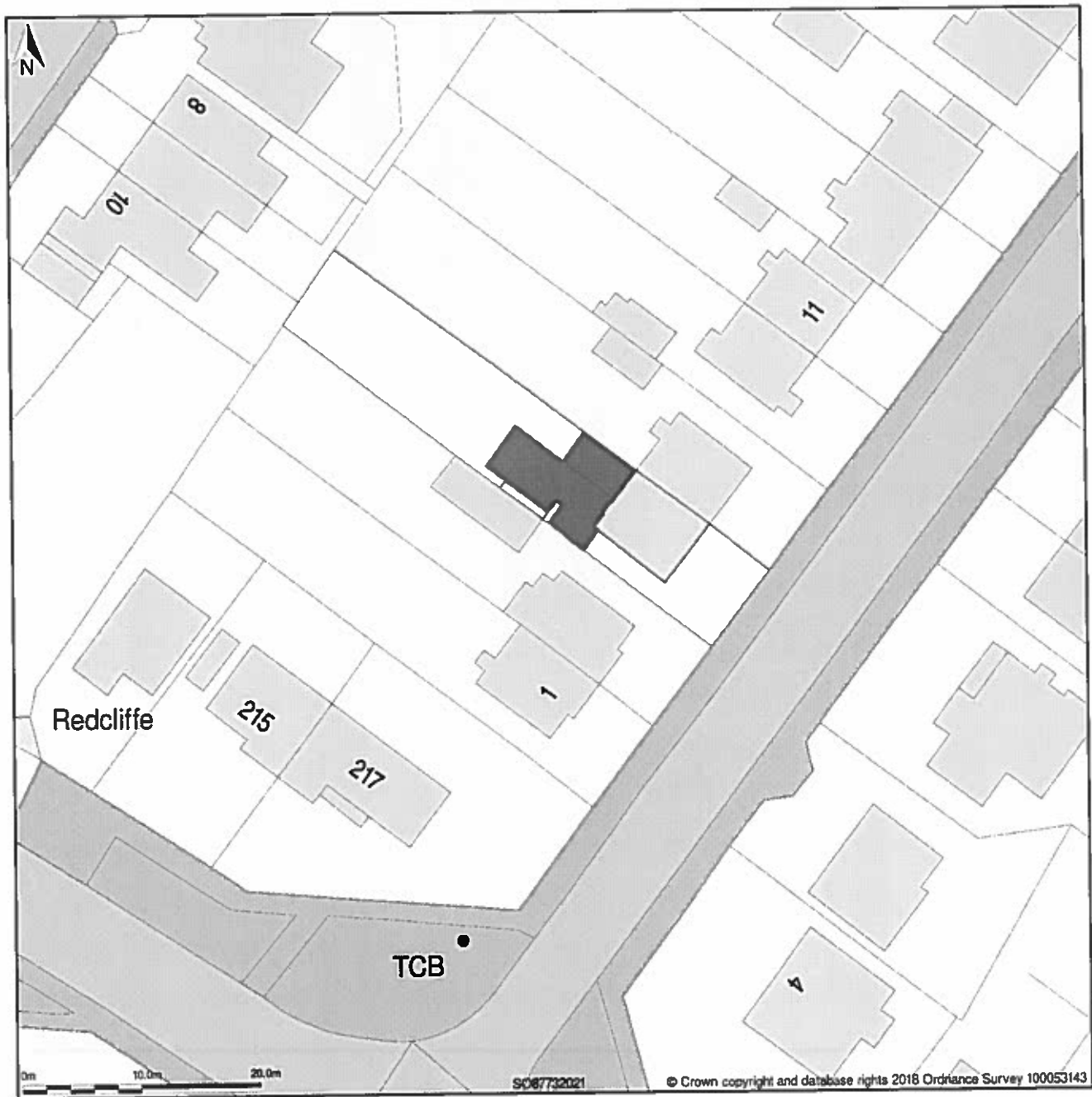
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733/A

19/0000 5/16/1

5, Winston Road, Churchdown, Gloucester, Gloucestershire, GL3 2QZ



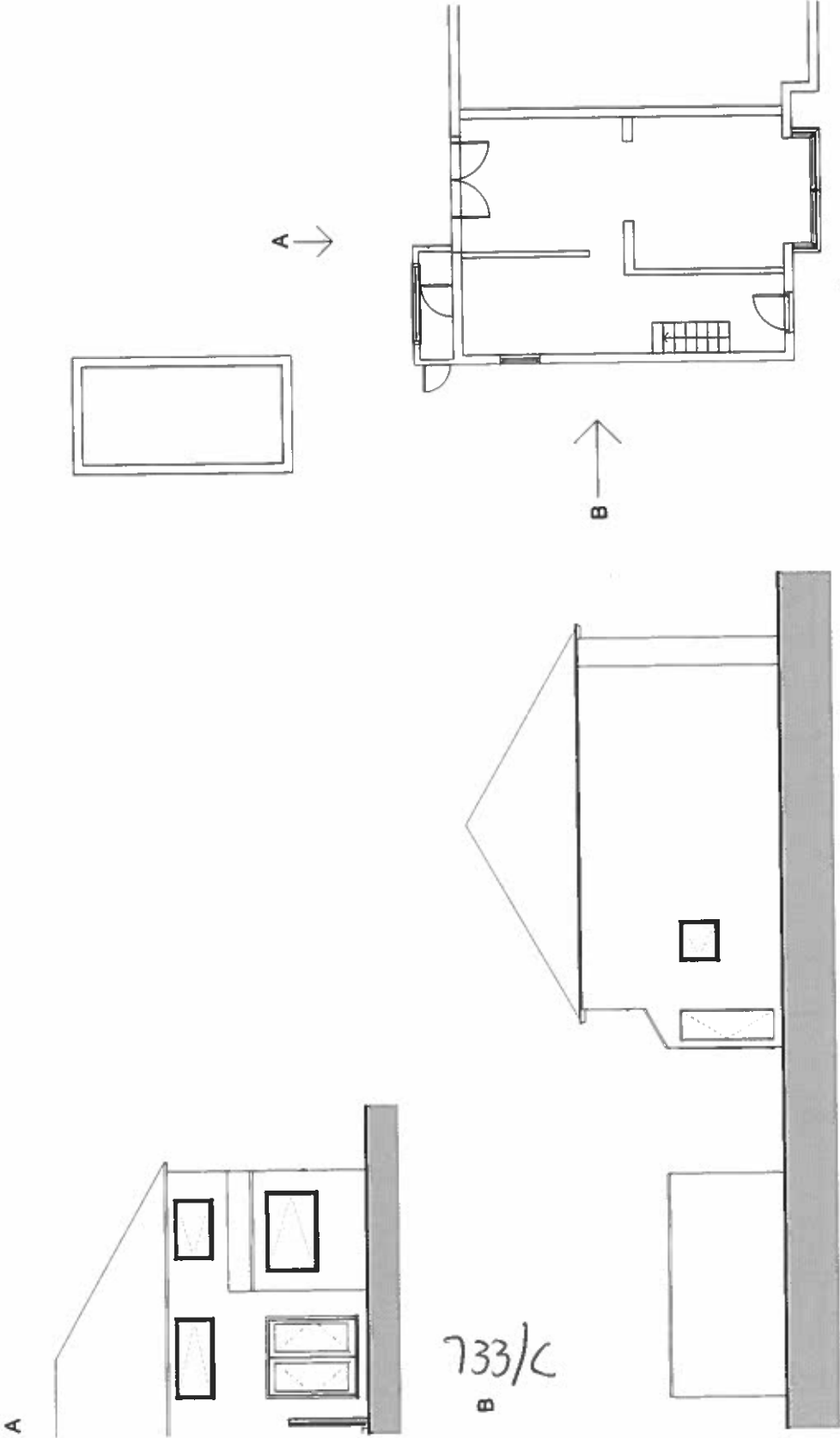
Block Plan shows area bounded by: 387685.37, 220174.98 387775.37, 220264.98 (at a scale of 1:500), OSGridRef: SO87732021. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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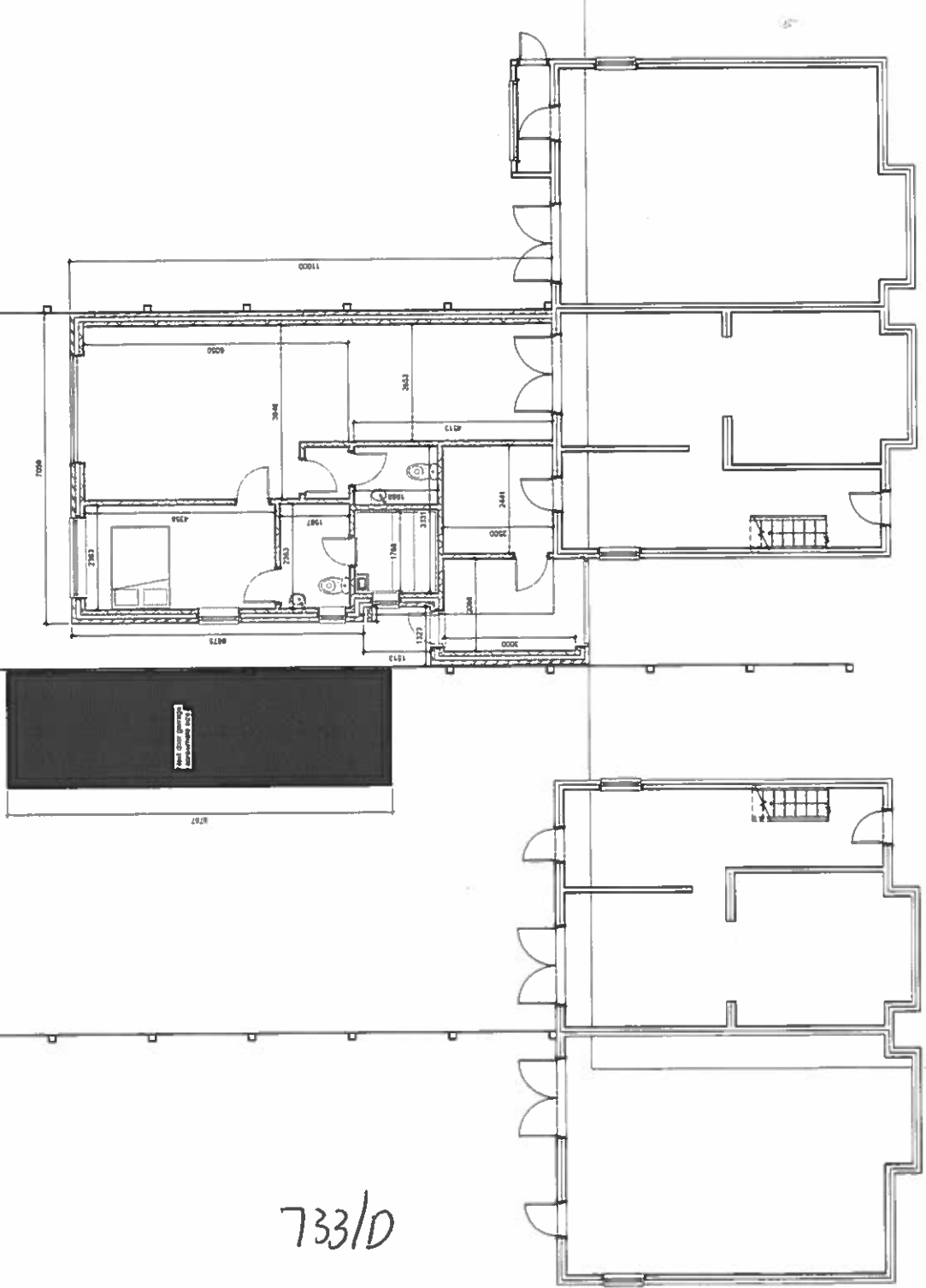
19/0005/hul - existing



Project Name: 5 Winston Road, Churchdown	Drawing Ref: A007 Existing	Client/Site Address: 5 Winston Road, Churchdown, Gloucester, GL3 2QZ	Client Name:	04/01/2019 14:07:06	1 : 50 @ A1	Project Notes:	DO NOT SCALE FROM THESE DRAWINGS! For construction purposes, dimensions are to be taken on site, checked and agreed before any work is started or materials ordered.	CORNERSTONE DESIGN & PLANNING Unit 1, Milton End, Arlingham, Gloucester GL2 7JH 01452 740 273 www.cornerstonebydesign.com
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original scheme - 19/10/2005/1st

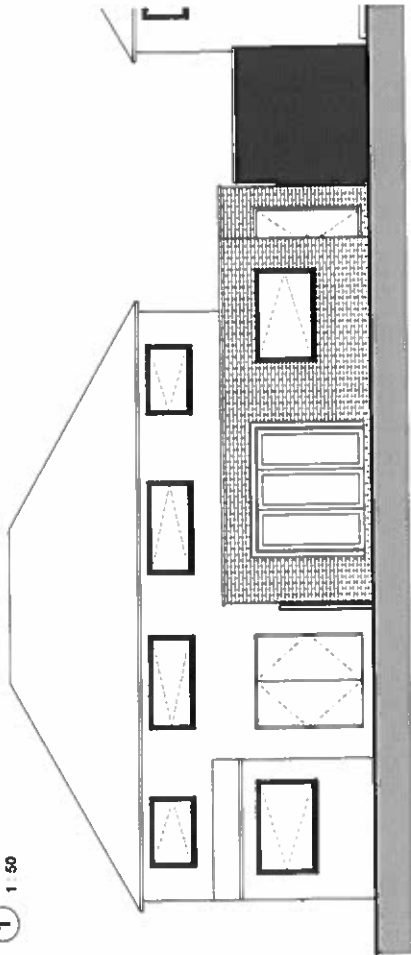
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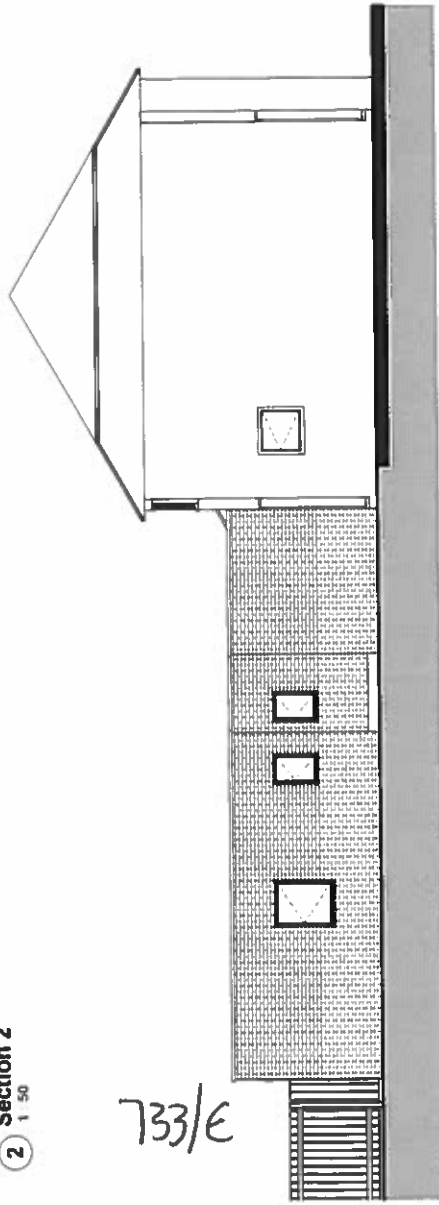
733/D

original scheme - 19/0005/144

1 Section 1
1:50

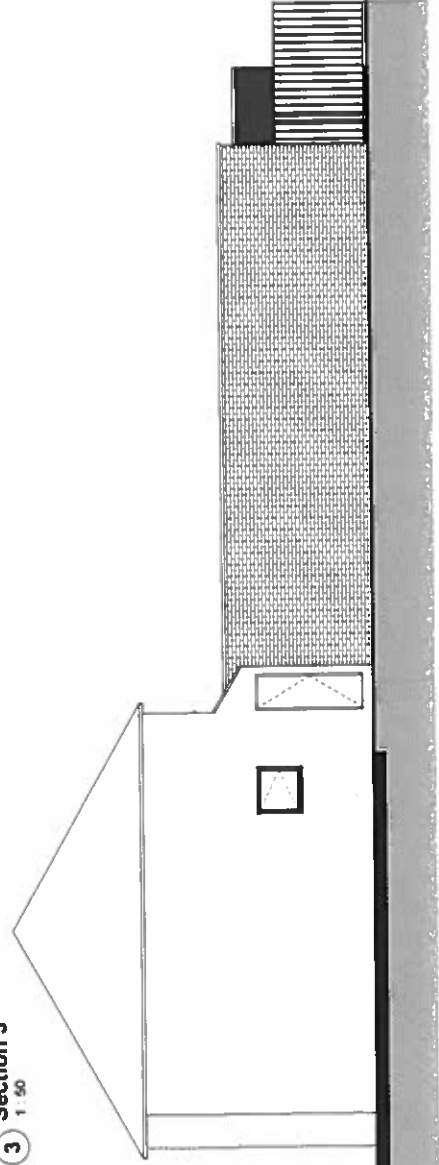


2 Section 2
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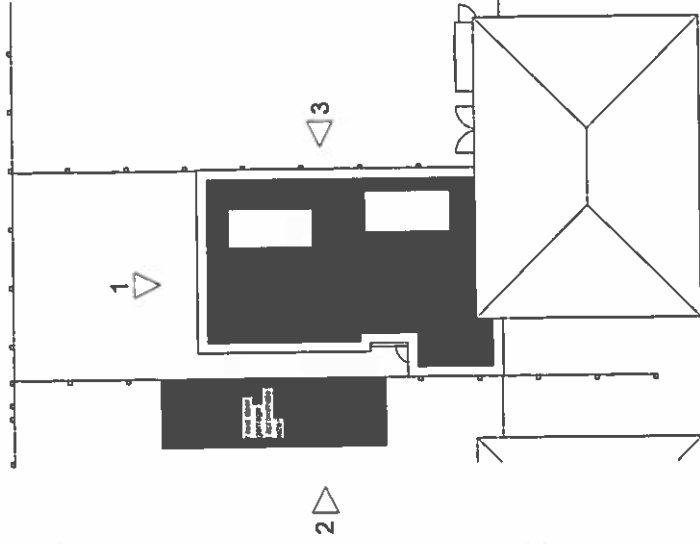


733/E

3 Section 3
1:50



4 Site - Callout 1
1:100



Project Name:
5 Winston Road, Churchdown

Drawing Ref:
A004 Elevations

Client/Site Address:
Enter address here

Client Name:
Owner

04/01/2019
13:40:11

As indicated
@ A1

Project Notes:

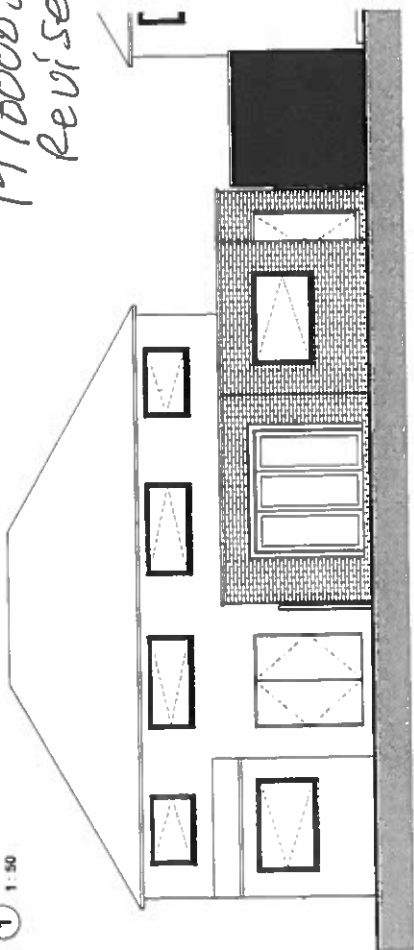
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CORNERSTONE
DESIGN & PLANNING

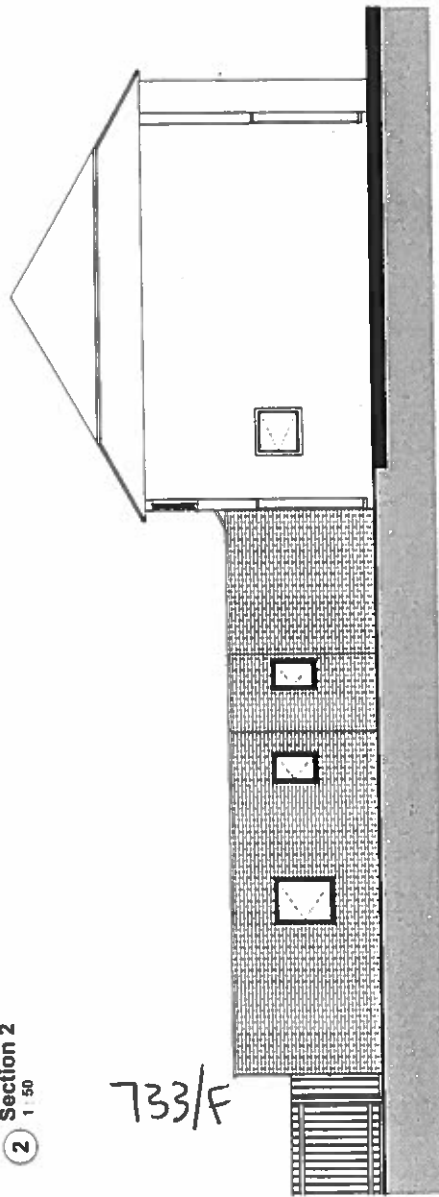
Unit 3, Millen End, Arlington, Gloucester
GL2 7JH
01452 740 278
www.cornerstonedesign.com

19/0005/ful -
revised plans

1 Section 1
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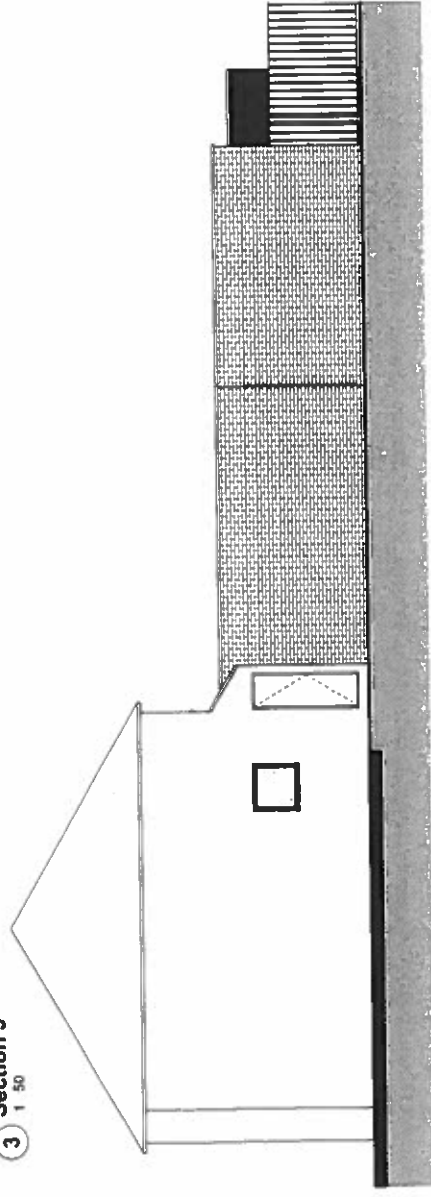


2 Section 2
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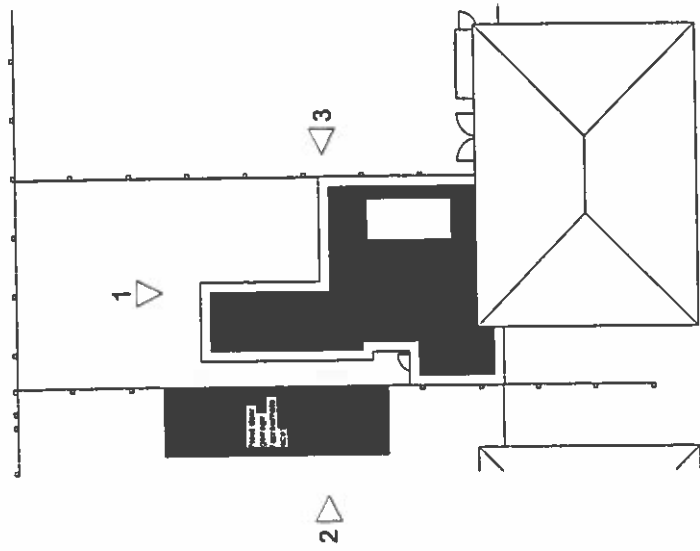


733/F

3 Section 3
1:50



4 Site - Callout 1
1:100



Project Name: 5 Winston Road, Churchdown	Drawing Ref: A004 Elevations	Client/Site Address: Enter address here	Client Name: Owner	06/03/2019 16:00:36 As indicated @ A1	Project Notes:	DO NOT SCALE FROM THESE DRAWINGS! For construction purposes, dimensions are to be taken on site, checked and agreed before any work is started or materials ordered.	CORNERSTONE DESIGN & PLANNING Unit 3, Milton End, Avingham, Gloucester GL3 7JH 01452 748 278 www.cornerstonebydesign.com
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19/0005/tel - Revised plans

Project Name:

5 Winston Road, Churchdown

Drawing Ref:

19005 3D Drawings

Client/Site Address:

Enter address here

Client Name:

Owner

06/03/2019
16:00:37

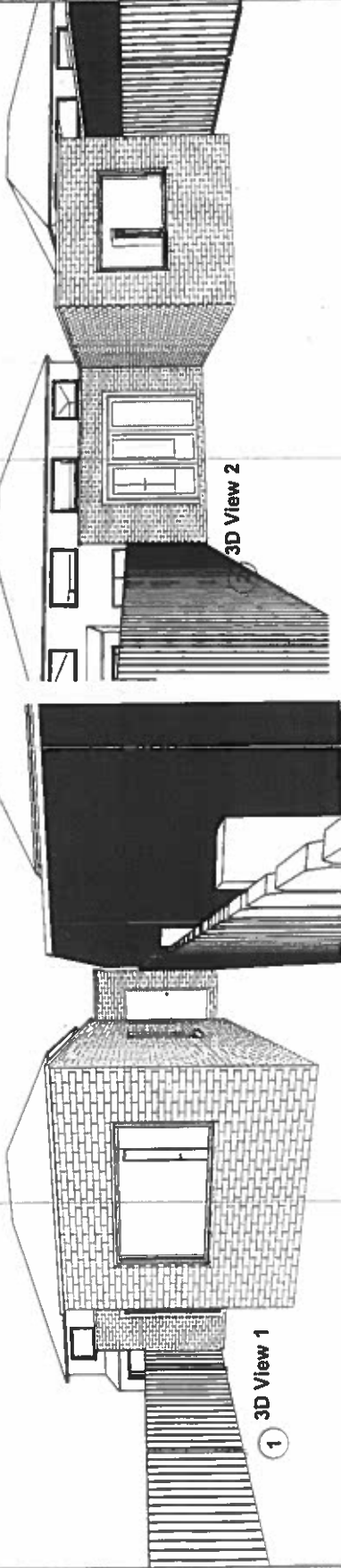
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Project Notes:

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before any work is started or
materials ordered.

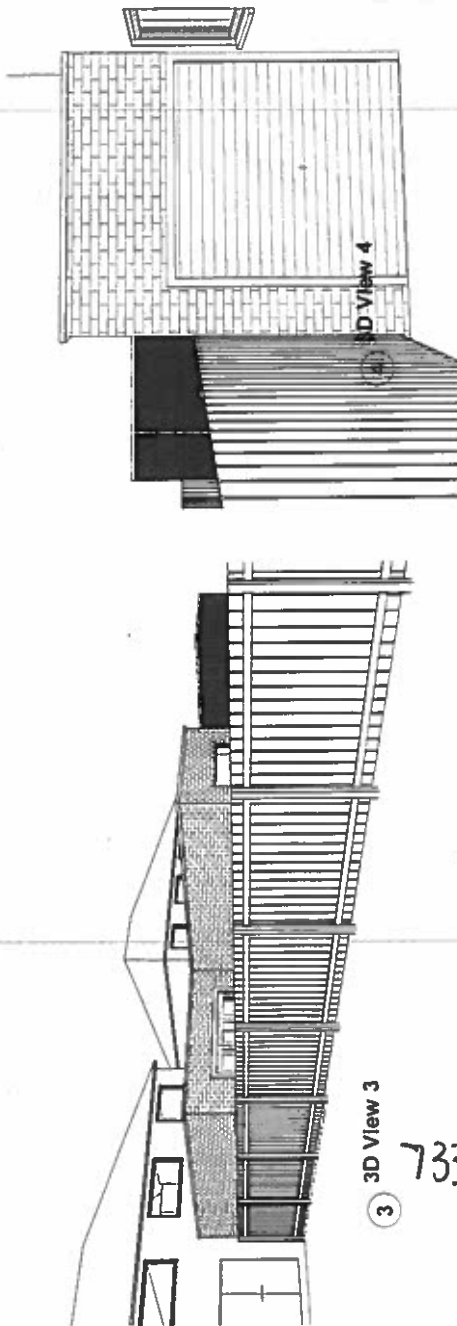
CORNERSTONE
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GL2 7 JH
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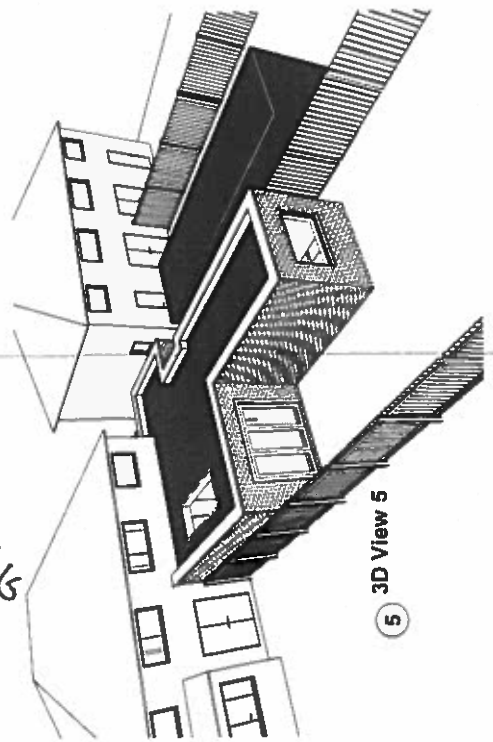
1 3D View 1

2 3D View 2

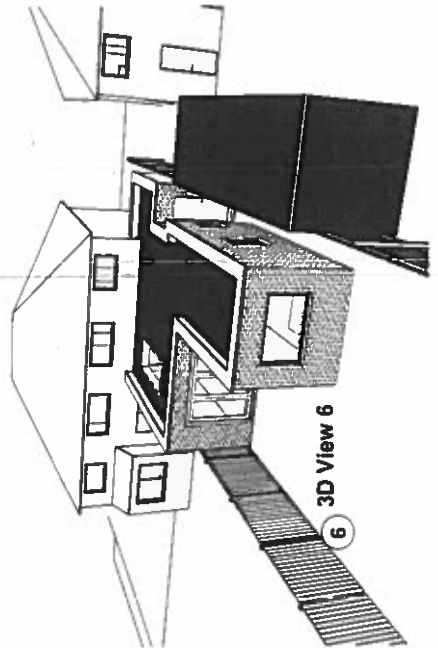


3 3D View 3

4 3D View 4




5 3D View 5

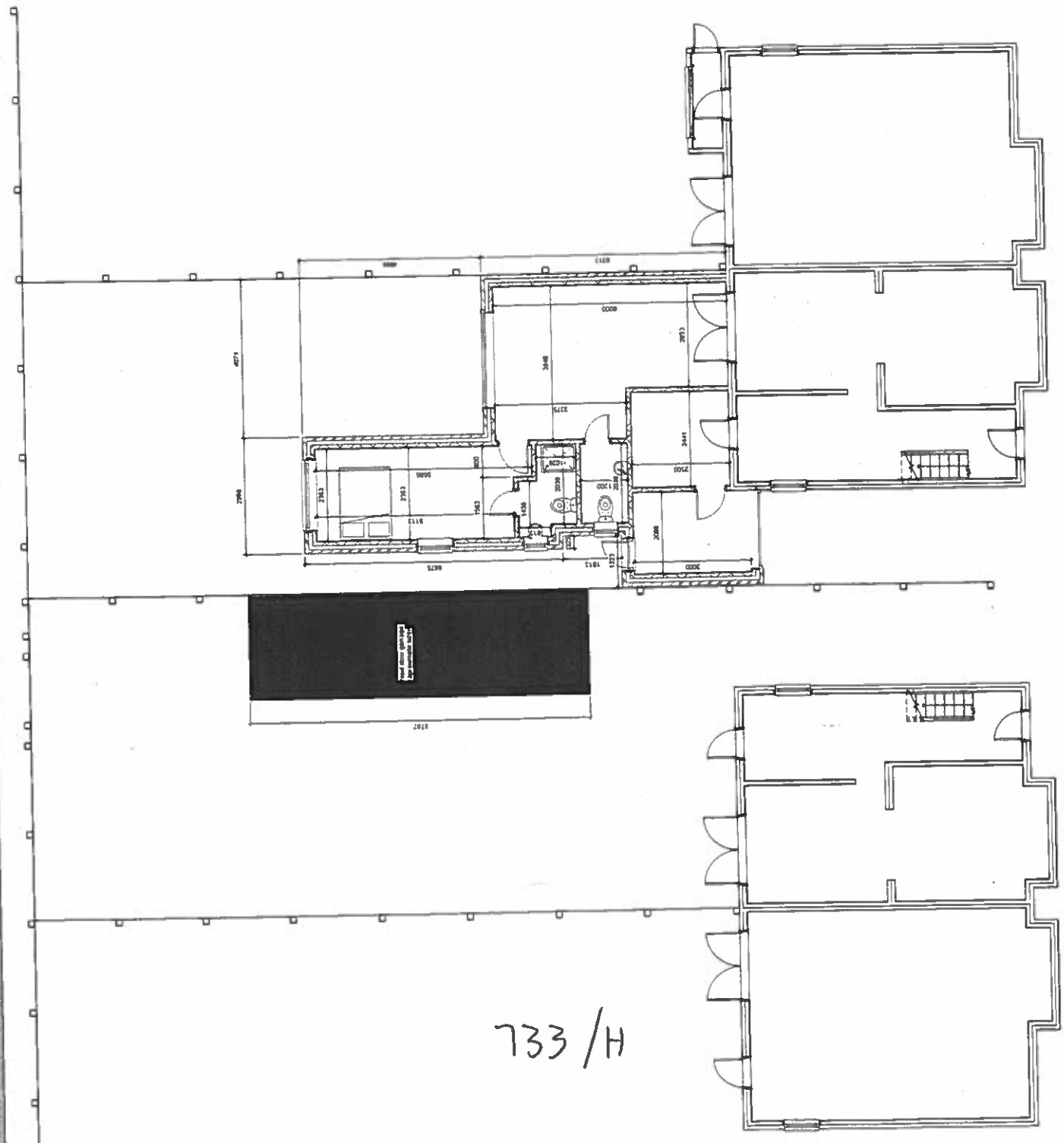


6 3D View 6

733/6

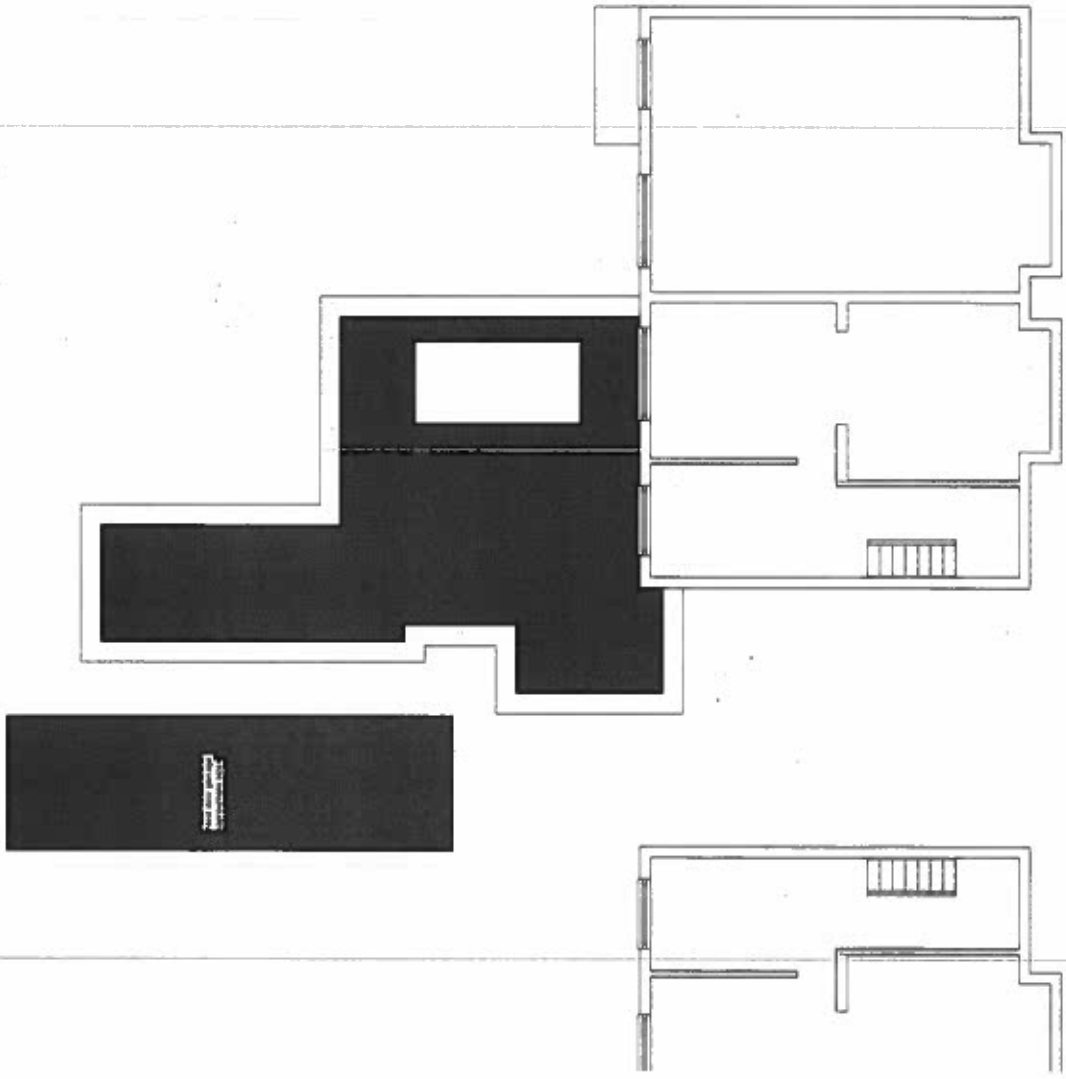
#19/0005/rel - Revised Plans

Project Name: 5 Winston Road, Churchdown	Drawing Ref: A001 Ground Floor Plan	Client/Site Address: Enter address here	Client Name: Owner	Date: 06/03/2019 Time: 16:00:35 Scale: 1 : 50 Sheet: @ A1	Project Notes:	DO NOT SCALE FROM THESE DRAWINGS! For construction purposes, dimensions are to be taken on site, checked and agreed before any work is started or materials ordered.	 CORNERSTONE DESIGN & PLANNING Unit 3, Millen End, Adingham, Gloucester GL2 1JH 01452 740 278 www.cornerstonedesign.com
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19/0005/144 - Revised Plans

733/I



Project Name: 5 Winston Road, Churchdown	
Drawing Ref: A003 Roof Plan	
Client/Site Address: Enter address here	
Client Name: Owner	
06/03/2019 16:00:35	1 : 50 @ A1
Project Notes:	
DO NOT SCALE FROM THESE DRAWINGS! For construction purposes, dimensions are to be taken on site, checked and agreed before any work is started or materials ordered.	
CORNERSTONE DESIGN & PLANNING Unit 1, Milton End, Aylesham, Gloscester GL2 7JH 01452 740 278 www.cornerstonedesign.com	

Valid 15.01.2019
Grid Ref 396247 225985
Parish Southam
Ward Cleeve Hill

Retention of Storage Barn

RECOMMENDATION Permit

Policies and Constraints

DEFERRED AT 19.03.19 COMMITTEE (ITEM 6 - PAGE NO 671)

National Planning Policy Framework (2018)

Planning Practice Guidance

The Town and Country Planning (General Permitted Development) (England) Order 2015 Amended 2018

The Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (2017) SD4, SD5, SD6, INF1, INF 2

Tewkesbury Borough Local Plan to 2011 (March 2006) AGR 5

Human Rights Act 1998 - Article 8

The First Protocol, Article 1 (Protection of Property)

Consultations and Representations

Southam Parish Council - No objection

County Highway Authority - The proposed barn was initially erected under permitted development on agricultural land (18/00993/AGR). There are no changes to the existing vehicular access to the highway and pedestrian access to remain as existing. The existing access arrangement can provide appropriate levels of visibility, and with no record of any recorded incidents within the vicinity of the development site, it can be concluded that this stretch of highway is operating in a safe manner. Therefore, no objection to the proposal.

Public representations - No representations received.

A Committee Determination is required on this application as the applicant is a relation of a Borough Councillor and Member of the Planning Committee (Cllr Hollaway).

Councillor Gore has also requested a Committee Determination to assess the impact of the proposal on the Green Belt and also on neighbouring properties.

Planning Officers Comments: Dawn Lloyd

1.0 Introduction

1.0 This application relates to an agricultural building at Cuckoo Farm, Southam. Kayte Farm has been split into two separate units to form Cuckoo Farm and Kayte Farm. The agricultural holding of Cuckoo Farm extends to 8 hectares it is located west of Southam and within the open countryside. There are no existing agricultural buildings on Cuckoo Farm. Kayte Farm has several agricultural buildings and the proposal is located to the east of the Kayte Farm buildings and is in close proximity to them. The main access road runs to the south of the site.

2.0 Relevant Planning History

12/00799/FUL - Proposed new agricultural vehicle access off Southam Lane, Southam. New timber post and rail fence both sides of the access. Kayte Farm, Southam Lane.

18/00993/AGR - Proposed new agricultural building for the storage of hay and farm machinery. Prior approval not required 29 October 2018.

3.0 Current Application

3.1 The building has been erected in a location further to the south than permitted by application 18/00993/AGR and is therefore unauthorised. The current application therefore seeks to regularise matters. As the building is already constructed it cannot be considered under an application for prior notification and a full application is required.

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 impacts of the proposal are considered to be the principle of an agricultural storage building in the Green Belt, the visual impact on the landscape, impact on neighbour amenity, surface water drainage and highways safety.

5.2 There are no landscape or other protective designations contained within the Joint Core Strategy or Tewkesbury Local Plan that apply to the application site.

6.0 Principle of the development

6.1 Cuckoo Farm is an agricultural holding that was formerly part of a larger agricultural unit known as Kayte Farm which has been subdivided.

6.2 The site lies within the Green Belt. The National Planning Policy Framework 2018 considers construction of new buildings within in the Green Belt as inappropriate development; the NPPF gives a list of exceptions to this general principle which includes buildings for agriculture and forestry. Therefore, an agricultural building is considered appropriate development within the Green Belt.

6.3 Policy SD5 ensures the Green Belt continues to serve its key functions and 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 very special circumstances can be demonstrated. The proposal is for an agricultural building which is in accordance with SD5.

7.0 Design and Impact on Landscape

7.1 Save policy AGR5 of the Tewkesbury Local Plan 2011 considers new agricultural buildings will be permitted provided the building is well sited in relation to existing buildings and the development is sympathetic in terms of design in terms of height, mass colour and landscaping where appropriate.

7.2 Policy SD4 of the Joint Core Strategy considers new development should respond positively to and respect the character of the site and its surroundings.

7.3 The design and external appearance of the building was found to be appropriate to the character of the site for application 18/00993/AGR. The development complies with SD4 in terms of design. The building is located further to the south than the permitted scheme. Therefore, an assessment will be made with regard to the impact of the building in the new location.

7.4 The building is taller than the neighbouring farm buildings, it is located towards the western side boundary of the site. Although the only farm building on Cuckoo Farm it is not considered isolated as it has a close relationship to the existing buildings of Kayte Farm and is therefore in accordance with AGR5.

7.5 The building is set back from the public Highway and is located to the rear of the Farmhouse. The building would be visible from distant views of the site from the south looking north.

7.6 Policy SD6 considers that development will seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environment and social well-being.

7.7 The site has no formal designation in the Joint Core Strategy or saved policy of the Tewkesbury Local Plan. The local area is agricultural in nature with larger urban settlements to south and north of the site.

7.8 The building is visible in the landscape however, it is not considered as isolated but is viewed alongside the existing built form of the adjacent farmstead. The building is also considered a 'typical' modern agricultural unit in terms of its design and size. It is concluded therefore that the design, siting or external appearance of the building would not have an undue negative impact on the surrounding landscape. The building is considered appropriate to the agricultural use of the land and is in accordance with policies SD4, SD6 and AGR 5.

8.0 Impact on amenity of adjacent occupiers

8.1 The building is not in close proximity to any residential property and is considered not to be detrimental in terms of impact on neighbour amenity.

9.0 Highway Safety

9.1 INF1 considers the Transport Network and that planning permission will only be granted where the impact of the development on the highway network is not considered to be severe.

9.2 The access to Cuckoo Farm was approved in February 2012 application 12/00799/FUL. There is no objection from the Highway Authority in terms of highway safety to the use of this access for the agricultural building. The existing access arrangement provides appropriate levels of visibility, and there are no recorded incidents within the vicinity of the application site. Therefore, this stretch of highway is operating in a safe manner and the proposal complies with INF1.

10.0 Drainage

10.1 Policy INF 2 part iv requires new development to incorporate suitable Sustainable Drainage Systems to manage surface water drainage.

10.2 The building uses soakaways the installation of which are subject to control through Building Regulation and there is a large area of land for their use.

11.0 Summary

11.1 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**.

RECOMMENDATION Permit

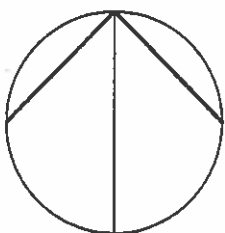
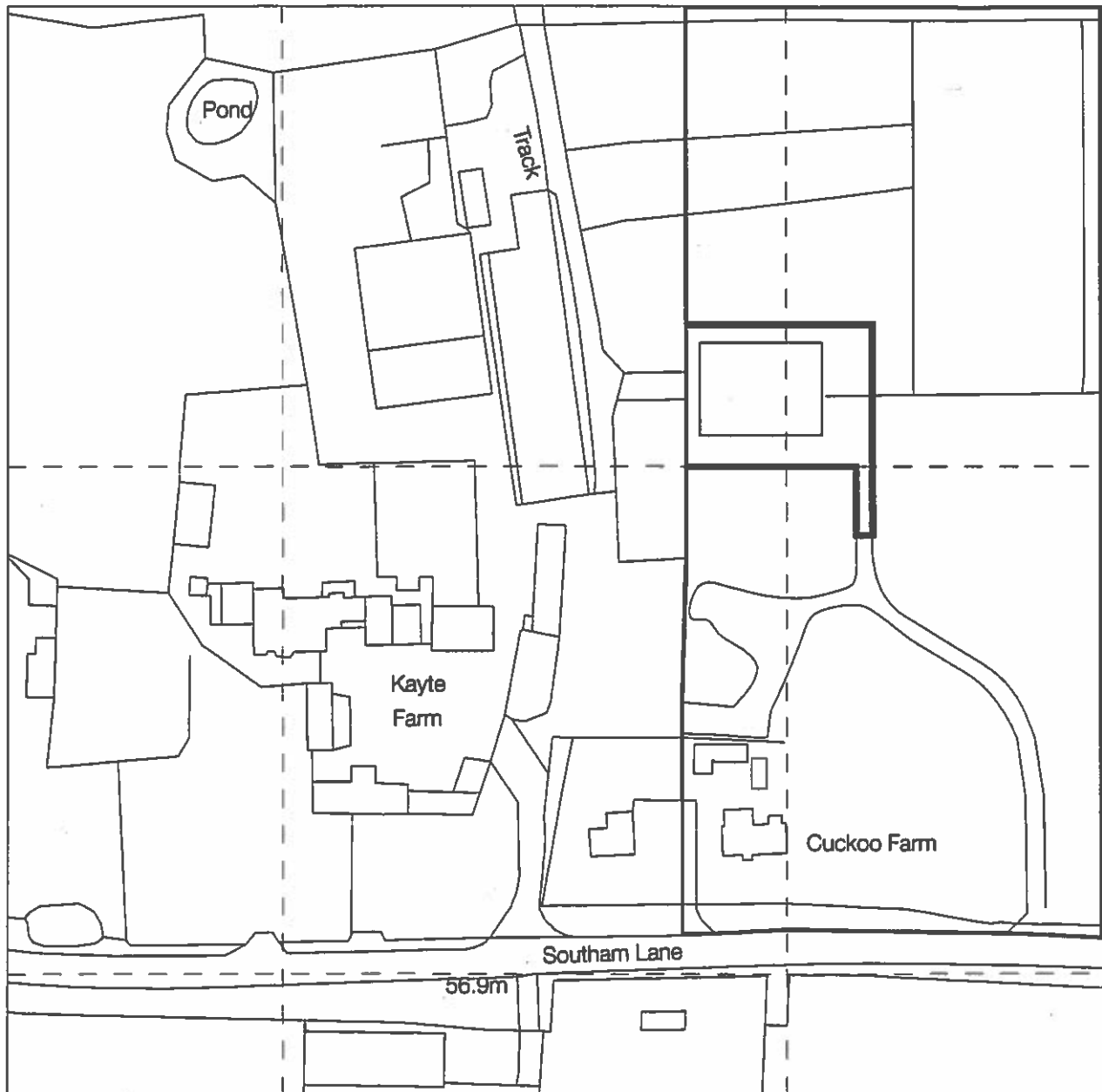
Conditions:

1 Nil

Notes:

1 Statement of Positive and Proactive Engagement

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



ORDNANCE SURVEY LOCATION PLAN

Job number 1454
Scale 1:1250
Address Cuckoo Farm Barn, Southam Lane,
 Cheltenham, GL52 3PE
Licence Ref 100019980
Supplier Dodwells Cheltenham Ltd.

Stanley Partnership

105-107 Bath Road
 Cheltenham
 Gloucestershire
 GL53 7LE

T : +44 (0)-1242 242943
 e : info@stanleypartnership.co.uk
 RIBA Chartered Architects

737/A

Fig and Dimensions only to be taken from the drawing. All dimensions are to be checked on site before any work is put in hand.

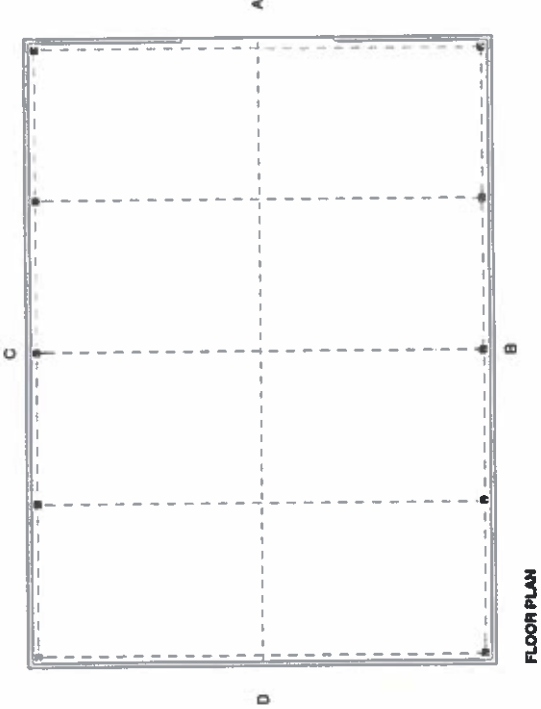
If in doubt, ask

NSA Chartered Architects

Note:
This drawing must be read in conjunction with all relevant specifications and other specialist drawings.

Rev	Description	Date

STRUCTURE & MATERIALS
Steel Frame
Profiled metal cladding to walls
(Colour - Green)
Fibre cement roof
(Colour - natural grey)



FLOOR PLAN



GABLE ELEVATION (D)



SIDE ELEVATIONS (B & C)



GABLE ELEVATION (A)

North Point

Stanley Partnership
44B
Oxford Road, Southern Lane
GL1 3JF
PROPOSED
Pine & Sawdust

Date: December 2019
Scale: 1:100
Drawing No: 145(SK0003)
Architecture Design Landscape
Phone: +44 (0) 1142 344444
Email: info@stanleypartnership.co.uk

SP
www.stanleypartnership.co.uk
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737/B

Valid 21.12.2018

Erection of 166 new homes including 40% affordable housing provision, 163 sq meters of flexible commercial/community uses (A1,A2,A3,A4,A5,B1 and D1) public open space and associated infrastructure.

Grid Ref 388479 216504

Parish Brockworth

Ward Brockworth

RECOMMENDATION Delegated Permit

Policies and Constraints

Joint Core Strategy - SP1, SP2, SD2, 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, BR3

Flood and Water Management SPD

Affordable Housing SPD

National Planning Policy Framework 2019

Planning Practice Guidance

The Conservation of Habitats and Species Regulations 2017

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

The First Protocol, Article 1 (Protection of Property)

Consultations and Representations

Brockworth Parish Council - No objection

Hucclecote Parish Council - No objection and broadly welcomes this development. The Parish like the basic layout and welcome the affordable homes, but do have some concerns about traffic and the impact of the scheme on wider public services, for example most local schools are currently oversubscribed. The Parish also comment that they would support a new surgery complex for Hucclecote/Brockworth on the site as both the current surgeries are in premises that are far too small and the GPs have been looking, for some time, to secure a plot large enough to accommodate a new joint facility. The location of this new joint surgery is critical at present land on the Perrybrook development has been pencilled in, though this would be a very poor location for most of the patients, as there would be minimal public transport, and the site is a long way from many of the residents who use the current Hucclecote surgery. We therefore suggested that part of the Edenstone site should be used for the new facility, as it is centrally located and has excellent public transport infrastructure provision.

Urban Design Officer - Support the proposals

The scheme is for a high density residential development and I am happy with the proposed layout and structure of the masterplan. The layout takes a non-standard approach with some units served from the rear with courtyard parking. However the design quality is considered to be high. Most of the courtyard areas are overlooked by some frontage and all include a generous amount of space and landscaping, this mitigates the often negative effects of courtyard areas and rear served units. This approach may be the only satisfactory way to achieve higher densities. As this is a full application I am satisfied that the quality of the layout can be sufficiently controlled. In addition the varied approach to the frontage along Hucclecote Road allows for good pedestrian connections through to the facilities.

Tree Officer - Initially raised concern regarding the impact on the T45 - Oak tree due to the proximity of buildings, parking, surfacing and also the construction of the surfacing within the Root Protection Area. Also raised concern with regards to light/shading arising from the retained line of trees on Golf Club Lane.

The scheme was re-designed following these comments and more space was afforded to the T45 Oak. The Officer has subsequently confirmed that the revised scheme is an improvement and acceptable, and that the proposed tree protection measures are acceptable subject to securing protection measures.

Housing Strategy Enabling Officer - No objection to revised scheme.

Environmental Health Contamination - No Objection subject to conditions

Environmental Health Noise - The noise mitigation measures relating to glazing, ventilation and glazing should be implemented and the applicant should submit details of the chosen glazing and ventilation product to meet the sound reduction values identified in the Noise Assessment. In terms of noise from the Tesco store and the Invista factory; the noise assessment indicates that noise from the Tesco store may have a marginal adverse impact and that noise from the Invista factory may have a moderate adverse impact. Therefore, in line with the noise assessment recommendations, the applicant should approach Invista to establish whether noise control at source options are viable, in line with the NPPF Agent of Change principle, and provide a supplementary statement on the outcome / options for additional noise mitigation from the Invista factory.

Conservation Officer - No objection

CIL Manager - The proposed development would be subject to CIL.

Building Control - The proposed development would be subject to a building regulations application.

County Archaeologist - No objection

Severn Trent Water - No objection subject to conditions

Highways England - No objection

County Highways - No objection subject to conditions

Lead Local Flood Authority - No objection subject to proposals being undertaken in accordance with submitted details

Natural England - Further information is required to determine impact on designated sites and Habitats Regulations Assessment is required. As submitted, the application could, in combination with other new residential development in the Council's area, have potential significant effects on The Cotswolds Beechwoods Special Area of Conservation (SAC). Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

In respect to recreational pressure, the Council should carry out an Appropriate Assessment of the proposed scheme and associated safeguarding measures.

In respect to air quality, an HRA screening in respect of the Cotswold Beechwoods SAC should also be carried out in recognition of the recent case law.

Without this information, Natural England may need to object to the proposal and should be re-consulted once this information has been obtained

Wales and West Utilities - No comments received

Sports England No formal comment. The proposed development does not fall within their statutory remit

Historic England - No comment

County Council's Minerals and Waste Policy Team - No objection subject to imposition of conditions

Public Rights of Way Officer - No objection. The proposal does not appear to affect any public right of way.

County S106 Officer - Contribution requested for secondary school provision

NHS - No request for contributions received

Communities Team - Contribution requested towards extending Brockworth Community Centre and towards youth providers in Brockworth parish.

Local Community Representations

Invista -Consider that applicant's noise assessment is flawed and the onus is on the applicant to ensure that suitable mitigation is in place so as not to prejudice the existing businesses. Invista should not be in a position whereby it is subject to considerable costs or limited in terms of potential growth as a result of the proposed development, particularly as it has been operating in the local area for many decades as an employer. It is requested that the Council defer determination of the application until such time as the applicant and has entered into discussions with Invista under the Agent of Change principle and has provided a supplementary noise report to the Council.

Invista also have concerns about the proposal for storm water attenuation and request that suitable details are submitted (Officer Note: Additional details of storm water attenuation have been subsequently submitted to the Planning Authority and are considered satisfactory by the Local Lead Flood Authority)

StageCoach - Strongly support residential development on this vacant site which is a sustainable location and would contribute towards housing need. The site is within immediate reach of many local trip destinations and Stagecoach west operates service 10 past the northern frontage of the site. Whilst strongly support the application suggest there may be scope to widen the link between Whittle Square and Hucclecote Road to accommodate bicycles. The option of providing a pedestrian island at the end of the link should also be considered which would allow easier access to the bus stop.

Local Residents

1 General Comment has been received

- o The site should be restored to its original levels
- o All "2.5" storey building should be kept well back from Hucclecote Road in keeping with existing properties.
- o Concern that there is no provision for local services, doctor's surgery etc
- o Parking is an issue throughout Brockworth and Hucclecote side roads therefore adequate provision for residents must be ensured.
- o Gloucester Business Park has always included excellent landscaping and trust that this will continue.
- o Provision should be made to control dust during construction

3 Objections have been received

- o There is no provision for a new Doctors Surgery which is much needed to provide access to medical services for both Hucclecote and Brockworth.
- o The developments of Coopers Edge, Churchdown Lane, Invista, Green Street, Kennel Lane and the intended development of Perrybrook the population will increase by about 9000, which in itself is enough to keep a new doctors practice running to capacity. It has been recognised by MP's, Councillors, the existing surgeries at Hucclecote and Brockworth and residents that a new combined surgery would be best suited to serve the existing communities of Hucclecote and Brockworth and the future residents within the new developments.
- o The JCS consultation identified that one of the key issues was the importance of having adequate community facilities and infrastructure to support new development
- o This new development site is ideally situated for a new surgery as it is on the number 10 and number 8 bus route and is a central point between Hucclecote and Brockworth and the new community of Coopers Edge.
- o Contributions via the Community levy or S106 will be of little use if there is no land to build a new surgery.
- o The Oak tree in the centre of the site which is category A should be retained and protected by a Tree Preservation Order

Planning Officers Comments: Paul Instone

1.0 Introduction

1.1 The application site relates to a parcel of land which extends to approximately 3.44 hectares and is a brownfield vacant site which originally formed part of Brockworth Airfield; home of the Brockworth Aircraft Company.

1.2 The site is bounded by Hucclecote Road to the north, including dwellings and a substation to the north west of the site which front onto Hucclecote Road. To south west the site is bounded by Tesco and adjoining retail units, and a private parking area which serves the district centre immediately adjoins the site. To the south east the site is bounded by the David Lloyd Gym and its associated car park, and to the east by Golf Club Lane beyond which is the Invista Factory and dwellings fronting Ermin Way.

1.3 There are three existing vehicular access points on to the site which are currently closed, two located to the south-west and one to the south east. Within the site itself there is an Oak Tree which is a Category A Tree.

1.4 The site is located within the Residential Development Boundary of Brockworth and forms part of a saved Local Plan Allocation BR3 Brockworth / Hucclecote District Centre. The existing Tesco Store, commercial and residential units to the south of the site, which form part of Brockworth District Centre, are also located on land which forms part of Allocation BR3.

2.0 Relevant Planning History

2.1 There is a considerable amount of planning history on the application site and the surrounding land parcels. The planning history of relevance to the current proposals is set out below.

The application site and adjoining land (107 hectares) was granted outline planning permission for B1, B2 and B8 business uses, residential development and access roads (88T/7689/01/01) in 1992.

04/01348/OUT - Outline application for Use Classes A1 (Shops), A2 (Financial and Professional Services), A3 (Restaurant and Cafe), A4 (Drinking Establishment), A5 (Hot Food Takeaway), residential development and residential institutions/community and care uses (Use Classes C2, D1). Permitted December 2005. This permission included the land which is subject to the current application as well as the land to the south which has now been developed and forms Brockworth District Centre. The permission has lapsed.

07/01146/APP - An application for reserved matters approval was granted in 2007 for 2,375 square metres of retail uses and for 60 one and two bed flats. The proposal was for 3 buildings arranged around a square (identified on the plans as "Whittle Square") extending northwards to create a "retail street." This approval was not been implemented.

04/01512/FUL - Erection of Class A1 foodstore with associated car parking, servicing, petrol filling station, means of access and ancillary works. Permitted April 2006.

08/01461/FUL - Extension to (Class A1) to existing foodstore and development of A1 - A5 class uses and 52 one and two bed residential units, together with associated highway works, public open space and hard and soft landscaping. Permitted November 2009. Phase 1A of that permission was implemented and completed and permission for Phase 1B, which includes further retail units and flats above, remains extant. The majority of the current application site, was to be delivered as Phase II, however no application was forthcoming.

10/00034/MINOR - Application for non-material amendment for - Variation of condition 23 attached to permission Ref: - 08/01461/FUL to allow for minor alterations to Block A to include revised siting, revised elevations, and the sub-division of 3 non-food retail/bar or restaurant units into 6 units. Permitted June 2010.

Adjacent Sites

04/00908/FUL - Erection of 48 bedroom "Travel Inn" Hotel with associated "Brewers Fayre" restaurant/public house. Permitted December 2004

04/01393/FUL - Racquets and fitness club with associated outdoor facilities and parking. Permitted February 2006

06/00924/FUL - Health and Racquets Club with associated outdoor facilities, car park, servicing and access. Permitted December 2006

3.0 Current Application

3.1 The application is submitted in full and proposes the erection of 166 dwellings, including 40% affordable housing provision, 163 square metres of flexible commercial/community uses (A1, A2, A3, A4, A5, B1 and D1), public open space and associated infrastructure.

3.2 The application proposes a mix of dwellings as follows:

- 19 no. 1 bedroom apartments
- 32 no. 2 bedroom apartments
- 3 no. 2 bedroom bungalows
- 16 no. 2 bedroom houses
- 65 no. 3 bedroom houses
- 31 no. 4 bedroom houses

3.3 Of these plots, the application proposes 66 affordable dwellings comprising:

- 19 no. 1 bedroom apartments of which 15 no. are affordable rented and 4 no. are shared ownership
- 17 no. 2 bedroom apartments of which 10 no. are affordable rented and 7 no. are shared ownership
- 3 no. 2 bedroom bungalows of which 2 no. are affordable rented and 1 no. are shared ownership
- 16 no. 2 bedroom houses of which 4 no. are affordable rented and 12 no. are shared ownership
- 9 no. 3 bedroom houses of which 2 no. are affordable rented and 7 no. are shared ownership
- 2 no. 4 bedroom houses of which 2 no. is 1 affordable rented and 1 no. is shared ownership

3.4 The proposed dwellings include a range of contemporary single, two, and two-and-a half storey dwellings and materials include use of render, cedar weather boarding, glass and brick.

3.5 The application also proposes a 3 and 4 storey building opposite the existing retail parade which would provide 3 commercial units at ground floor level which extend to a total of 163 sq m as well as 27 apartments, 12 of which would be affordable.

3.6 Vehicular access to the site would be provided through Whittle Way and off an existing roundabout off Golf Course Lane that also provides access to the leisure centre.

3.7 The proposal would retain existing trees along Golf Club Lane as well as the Category A Oak Tree. The proposal also includes an area of public open space in the south east corner of the site which includes provision for a LEAP.

3.8 The application as submitted has been amended further to comments from Officers and amendments include the removal of a dwelling, the creation of open space around the retained Oak Tree and the widening of the boulevard which would provide pedestrian access between Hucclecote Road and the commercial centre.

4.0 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. The regulations stipulate that, where planning applications are capable of being charged the levy, they must comply with the tests set out in the CIL regulations. These tests are as follows:

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

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

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

4.4 From 6 April 2015 new rules have been introduced regarding the pooling of contributions secured by S106 agreements. The Planning Practice Guidance sets out that from that date, no more contributions may be collected in respect of a specific infrastructure project or a type of infrastructure through a section 106 agreement, if five or more obligations for that project or type of infrastructure have already been entered into since 6 April 2010, and it is a type of infrastructure that is capable of being funded by the levy.

4.5 In October 2018 the Council adopted a CIL and implemented the levy on 1 January 2019. For CIL purposes the application site falls within a 'Generic Site' and is subject to the levy for residential development at £200 per square metre on all the market elements of the proposed development.

4.6 Infrastructure requirements specifically related to the impact of the development will be secured via a S106 legal agreement, which may include the provision of commuted sums. CIL would be collected in addition to any site specific S106 requirements.

5.0 Policy Context

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals are 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 plans for the area and Government policy in respect of new housing development.

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 (TBLP) to 2011 which had hitherto been saved by the Secretary of State.

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

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

6.0 Analysis

Principle of Development

6.1 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.

6.2 Strategic Policies SP1 and SP2 of the JCS set out the scale and distribution of development to be delivered across the JCS area in the period to 2031. Policy SD10 states that housing development will be permitted at sites allocated for housing through the Development Plan. In a recent appeal decision relating to a proposed development at Land at Oakridge, Highnam, the Secretary of State for Housing, Communities and Local Government concluded that the Council could not demonstrate a five year supply of deliverable housing sites. The key reason for this was that the Council includes advanced delivery against annual housing requirements in its five year supply calculations. The Council's approach in this respect is considered appropriate and as members are aware the Council is judicially reviewing the Secretary of State's conclusions in this regard. It is considered that the Council can demonstrate a five year supply of deliverable housing sites. For this reason the Council's policies for housing (including policy SD10) are considered to be up to date and the so-called 'tilted balance' at paragraph 11 of the NPPF is not engaged.

6.3 The application site forms part of saved Local Plan allocation BR3 (Brockworth/Hucclecote District Centre), an allocation for a mixed use district centre incorporating a foodstore of a minimum of 3250 sq m net sales, a number of unit shops with a total gross floorspace of about 2,375 sq m providing a range of convenience and comparison goods and services, leisure, community uses, a hotel, business and residential uses.

6.4 Much of the Local Plan allocation BR3 has been built out, including a foodstore (5,234 sq m net), and retail commercial units which extend to 1,102 sq m gross, alongside a hotel, leisure unit and 25 apartments.

6.5 Currently, 766 sq m of retail floorspace and 27 apartments permitted by planning permission ref: 08/01461/FUL have not been constructed and would not be implementable alongside the current application, if it is implemented in entirety.

6.6 The current application proposes 163 sq m of 'unit shops' floorspace which would result in a total of up to 1,265 sq m gross within the allocation. Whilst the total amount of amount of floorspace attributed to 'unit shops' is lower than the 'about 2,375 sq m' of units shops referred to in Policy BR3, it is material consideration that the existing Tesco Store is substantially larger than the minimum 3,250 sq m specified in Policy BR3. It should also be noted that a reduction to 1,868 square metres was accepted when the extension to the Tesco store was permitted (08/01461/FUL) and that policy BR3 does not actually set any upper or lower limits on the amount of retail floorspace to be provided.

6.7 The principle of the alternative retail floorspace composition has already been accepted by virtue of the extant permissions, and it is a material consideration that the overall quantum of retail floorspace exceeds the overall requirements of Policy BR3. The principle of a reduced quantum of floorspace attributed to unit shops arising from the current application is therefore accepted.

6.8 In addition to the 163 sq m of commercial floorspace, the current application seeks to provide residential uses on the site which is in accordance with Policy BR3. The principle of the application is therefore considered acceptable providing the provisions of policy BR3 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.

7.0 Design, Layout, Scale and Density

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

7.2 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.

7.3 Policy INF3 states the where green infrastructure assets are created, retained or replaced they should be integrated into the design and contribute to local character and distinctiveness.

7.4 Policy BR3 of the Local Plan states that detail proposals for the site shall facilitate the safe movement of pedestrians and cyclists between the adjacent employment areas and the District Centre.

Layout and Density

7.5 The scheme is for a high density residential development providing an overall density of 48 dwellings per hectare. This density of development is considered appropriate on this urban site, which is a sustainable location and has high levels of connectivity to services, employment opportunities and public transport.

7.6 In respect to layout, the proposal has been designed to reflect the previous masterplan on the site. The arrangement of streets would enable connectivity with the surrounding built environments. A tree lined pedestrian and cycle link would run from the Whittle Way through the site to Hucclecote Road which would provide strong connectivity and link the existing and proposed built environment together. On the east/west axis a larger boulevard fronted by town houses is proposed with semi-mature trees providing access to public open space in the south east corner.

7.7 The application proposes a varied approach to the frontage along Hucclecote Road, providing active frontages, landscaping and open space and multiple opportunities for pedestrian access. In addition, along Golf Club Lane the existing trees are proposed to be retained and enhanced by additional landscaping which would screen the built form, create privacy for residents and provide a continuation of the landscape treatment to Gloucester Business Park to the south.

7.8 Internally, the layout takes a non-standard approach with some units served from the rear with courtyard parking. However, most of the courtyard areas are overlooked by some frontage and all include a generous amount of space and landscaping and are considered acceptable.

Scale and Design

7.9 In terms of design, the application proposes a range of single, two storey and two and a half storey dwellings as well as a three/four storey block of apartments, with commercial uses at ground floor, which would form part of an enlarged local centre.

7.10 In respect to the apartment/retail block, this is a contemporary structure of a similar size and scale to Belgrave House which is appropriate for Whittle Square and its role as a retail centre. The layout of the building is such that the commercial units would be located on the south corner such that they would front onto Whittle Square providing a continuation and concentration of the retail environment focusing around Whittle Square.

7.11 The 27 apartments within the block would be served by multiple entrances on all elevations which would establish a sense of place and natural surveillance including over the courtyard to the rear which would provide 27 car parking spaces to serve the apartments.

7.12 In respect to the residential zone of the site the dwellings are of traditional proportions with pitched roofs. The two and a half storey dwellings are primarily located in the centre of the site framing the east west boulevard and fronting onto the open space to the south east. There are also two and half storey dwellings at key viewpoints within the development which create distinction in the built form and contribute to establishing a hierarchy in the streetscene. The dwellings fronting Hucclecote Road are two storey providing a continuation of the prevailing character along this thoroughfare.

7.13 In terms of the materials, the dwellings would comprise of a mixture of red brick, white render and grey weatherboarding, with the red brick dwellings primarily located at the edges of the site to providing a consistency with the surrounding built form. Internally, it is considered that the range of materials would contribute towards establishing a sense of place.

7.14 The Council's Urban Design Officer has been consulted on the application and considers the design quality of the development to be high. Overall, it is considered that the design, layout, scale and density of the proposal is acceptable, achieves good design and is in accordance with the NPPF and Policy SD4 of the JCS.

8.0 Housing Mix and Affordable Housing

8.1 The NPPF states that to support the Government's objectives to significantly boost the supply of housing it is important that a sufficient variety of land can come forward that meets the needs of groups with specific housing requirements. The NPPF also sets out that LPAs should set policies for meeting affordable housing need on development sites.

8.2 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 61 requires the size, type and tenure of housing needed for different groups within the community to be assessed and reflected in planning policies.

8.3 In respect to affordable housing Policy SD12 of the JCS states that outside of the Strategic Allocations, on Sites of 11 dwellings or more, a minimum of 40% affordable housing will be sought on developments within the Tewkesbury Borough administrative area.

8.4 In total the scheme provides 166 dwellings with the following mix:

- 19 no. 1 bedroom apartments
- 3 no. 2 bedroom bungalows
- 32 no. 2 bedroom apartments
- 16 no. 2 bedroom houses
- 65 no. 3 bedroom houses
- 31. no. 4 bedroom houses

8.5 In respect to open market dwellings, 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.

8.6 In respect to open market dwellings the application proposes 100 open market dwellings comprising

- 15 no. 2 bedroom apartments
- 56 no. 3 bedroom houses
- 29 no. 4 bedroom houses

8.7 With the emphasis on the delivery of three bedroom houses, it is considered that this mix generally accords with the requirements of the SHMA and would contribute to delivering a balanced housing market in accordance with Policy SD11.

8.8 In regard to affordable housing, the application proposes 66 (40%) affordable houses through a mix of shared ownership and affordable housing as follows:

- 19 no. 1 bedroom apartments (15 affordable rented and 4 shared ownership)
- 3 no. 2 bedroom bungalows (2 affordable rented and 1 shared ownership)
- 17 no. 2 bedroom apartments (10 affordable rented and 7 shared ownership)
- 16 no. 2 bedroom houses (4 affordable rented and 12 shared ownership)
- 9 no. 3 bedroom houses (2 affordable rented and 7 shared ownership)
- 2 no. 4 bedroom houses (1 affordable rented and 1 shared ownership)

8.9 The Strategic Housing & Enabling Officer has been consulted on the application and the type, mix, size and tenure of the affordable housing provision has been agreed with the officer, and the applicant has amended the scheme to meet these requirements.

8.10 As such, subject to applicant entering into a S106 agreement to secure the affordable housing provision it is considered that the affordable housing provision accords with the requirements of Policy SD12 and is considered acceptable.

9.0 Accessibility and Highway Safety

9.1 Section 4 of the NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. It states at paragraph 29 that the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. 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.

9.2 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. 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.

Accessibility

9.3 The site is located within acceptable walking and cycling distance of a range of day-to-day facilities such as education, employment health, retail and leisure, primarily located with Gloucester Business Park.

9.4 The site is well connected with the existing network of footways and cycleways that serve the surrounding area. The surrounding roads have footways on one or both sides of the carriageway, are street lit and make provision for crossing movements at junctions through uncontrolled crossings.

9.5 The nearest bus stops are located on Hucclecote Road, approximately 200m (via proposed pedestrian/cycle routes) from the centre of the site, within the 400m distance specified in the IHT's 'Guidelines for Planning for Public Transport in Developments' (1999). These bus stops provide access to Service 8 (operated by Stagecoach West), which routes between Gloucester and Brockworth, operating at a frequency of every 15-20 minutes on weekdays and Saturdays, and an hourly frequency on Sundays. Service 10 (also operated by Stagecoach), which routes between Lower Tuffley and Gloucester is also accessed from these bus stops, operating at a frequency of every 10-15 minutes on weekdays and Saturdays, and every 30 minutes on Sundays.

9.6 The nearest railway station is located in Gloucester City Centre, approximately 6km from the site. This provides access to hourly services to Cheltenham, Stroud and Bristol amongst others. The station is accessible via bus services 8 and 10 (approximately 30 minutes) or cycle (approximately 20 minutes).

9.7 Overall the site benefits from a good level of accessibility to walking, cycling, bus and rail modes.

Access

9.8 The site has three vehicular accesses (two to the southwest and one to the southeast). The southeast access connects to the north-western arm of the Delta Way/Golf Club Lane roundabout. The accesses to the southwest comprise of stubs from Whittle Way, which, when extended, would form a crossroads arrangement with the existing road network.

9.9 The south west access points form a crossroads junction with an industrial access road that provides access towards the Delta Way / Hurricane Road roundabout. The south east access point forms a continuation of an industrial access road which also provides access to the David Lloyd Gym, and meets the local road network at the Delta Way / Golf Club Lane roundabout.

9.10 The junction is already used by vehicles accessing the parking area to the rear of the Tesco store and the Highways Authority have requested that a condition is imposed to secure measures to reduce vehicle speeds within the junction area in the interests of highway safety.

9.11 In terms of pedestrian access, footways would be provided on both sides of each point of vehicular access, consistent with existing provision external to the site and maintained at a minimum 2m width within the site. In addition a 3m wide shared footway/cycleway is proposed between Whittle Square and Hucclecote Road which would be secured by condition.

Internal Layout

9.12 The internal estate roads have been designed to allow two cars to pass in all locations. A car and a refuse vehicle can pass each other at the majority of locations throughout the site. This is appropriate so as not to allow the requirements of service vehicles to dominate the layout.

9.13 It has been demonstrated that the minimum requirements for junction and forward visibility can be achieved throughout the site. A review of the Swept Path Analysis drawings confirm that two cars are able to pass each other on all sections of the main estate road and at the two main junctions within the site. At other junctions where side roads meet the main estate road, geometry does not allow two vehicles to pass but intervisibility allows vehicles to give way to one another to undertake a manoeuvre prior to passing.

9.14 It has been demonstrated that a refuse vehicle is able to access the main internal estate road. The refuse strategy provided identifies bin collection points throughout the site. According to Manual for Streets guidance a refuse vehicle should be able to get to within 25m of collection points, and in the majority of cases it is evident that this maximum distance is complied with.

9.15 In addition Swept Path Analysis drawings demonstrates that a fire appliance can safely access the majority of the development and get to within 45m of all points within each dwelling house, as per Building Regulations 2010.

Parking

9.16 Gloucestershire currently has no formal car parking standards; rather applicant/developers are required to demonstrate that sufficient parking is provided within developments using an evidence-based approach. Parking provision should be compliant with Paragraph 105 of the NPPF, a part of that methodology looks at local car ownership levels based upon the 2011 census data, with further consideration given to documents such as the DCLG Residential Car Parking Research Document.

9.17 As analysis of the required car parking spaces has been based on the 2011 Census for the 'Brockworth' ward and utilised forecasts for growth in car ownership. The data demonstrates that on average there are 1.36 vehicles per dwelling, requiring a total of 228 spaces for the proposed development. The required amount of residential car parking spaces are projected to increase to 248 by 2023. It is proposed to provide 281 residential car parking spaces and therefore this provision is deemed appropriate.

9.18 Four allocated visitor parking spaces are proposed, all to be equipped with electric car charging facilities. The spaces are located by the flats at the south-west of the development and by the open space at the south-eastern extent of the development. It is also the case that visitor parking will occur on the internal roads given the width of the internal carriageways.

Cycle Parking

9.19 It is proposed that cycle parking would be provided at a level of least one space per dwelling within the curtilage of each dwelling. These would be provided within garages where possible. Where this is not possible, cycle parking can also be accommodate within sheds or other secure storage areas, subject to sufficient internal space being provided.

9.20 It is also proposed that apparatus to facilitate a bicycle share scheme would be provided should there prove to be a need. It is understood that discussions with a potential provider are currently ongoing.

Vehicle Trip Generation

9.21 A comparison of the forecast vehicle trip generation of the proposals compared with the extant permission for the site (i.e. that which has not yet been implemented) has been undertaken; the extant permission comprises 27 flats and 765.9 sqm of A1-A5 use classes.

9.22 In total, the extant consent yet to be implemented is forecast to generate 146 and 182 vehicle trips during the AM and PM peak hours respectively. When compared with the vehicle trip generation of the proposed development, this results in a net reduction of 44 and 69 vehicle trips during the AM and PM peak hours respectively and is considered acceptable. However, whilst no assessment in terms of traffic modelling is required, the County Highways Authority requested an assessment of the distribution and assignment of vehicle trips for information purposes and have confirmed that the analysis is acceptable.

Travel Plan

9.23 The NPPF Paragraph 111 states that developments that will generate significant amounts of movement should be required to provide a Travel Plan (TP). A Full Travel Plan broadly in line with the submitted Outline Travel Plan can be secured through an appropriately worded planning condition.

Conclusions Accessibility and Highway Safety

9.24 On the basis of the submitted information, it is considered that the proposed development would ensure safe and efficient access to the highway network for all transport modes and would be well integrated with the movement network within and beyond the development itself, ensuring links by other modes, all in accordance with the relevant development plan policies.

10.0 Flood Risk and Drainage

10.1 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. Policy INF6 also requires that the infrastructure requirements generated by a proposal are met, including by adequate on and off site infrastructure.

10.2 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.

10.3 The site is located within Flood Zone 1 and is therefore at a low risk of flooding with less than a 1 in 1000 probability of river or sea flooding in any one year. The application is supported by a Drainage Strategy and Flood Risk Assessment.

10.4 With regard to drainage, the Report sets out that site investigations have concluded that infiltration drainage is not feasible on the site due to ground conditions and it is not possible to discharge into a watercourse. The only viable option is therefore to discharge into the drainage infrastructure to the south west of the site. This would be via a conventional piped gravity system serving the site and attenuation for the site will be split between the site's sewers and underground cellular storage. The surface water runoff generated in extreme rainfall events would be directed away from properties and other vulnerable areas and conveyed into an attention area in the public open space.

10.5 With regard to foul drainage, this has already been constructed for this development as part of the Gloucester Business Park with adopted drainage in Whittle Way. The site falls be gravity towards Whittle Way existing foul sewer to which it is proposed to connect.

10.6 The Lead Local Flood Authority has been consulted on the application and further to the submission of additional technical details have confirmed that that the proposals are acceptable. Similarly, Severn Trent have no objection to the application subject to a condition providing detailed design.

10.7 In light of the above, it is considered that the proposed drainage strategy complies with guidance contained within the NPPF and policy INF2 of the JCS and is acceptable subject to the imposition of conditions.

11.0 Public Realm, Trees, Landscaping

11.1 The NPPF states that planning policies and decisions should aim to achieve healthy, inclusive and safe places which includes, inter alia, high quality public open space which encourage the active and continual use of public areas and the provision of safe and accessible green infrastructure. Policy SD4 (iv) of the JCS requires the design of open space and landscaped areas to be of a high quality design, provide a clear structure and constitute an integral and cohesive element of the design. In respect to trees, policy INF3 of the JCS states that existing green infrastructure will be protected in a manner that reflects its contribution to ecosystem services including landscape and townscape quality.

11.2 The application is supported by a detailed Landscape Strategy. The proposal includes an area of open space in the south east corner of the application site adjacent to the access to the David Lloyd Gym which would serve the development, as well as the wider area, which extends to approximately 0.25 hectares. The open space would include a LEAP, which would be secured through a Section 106 agreement, as well as outdoor gym equipment. The details of the LEAP have not yet been provided and would require a separate planning application, but the Communities Team have confirmed that the location and the size of the zone set aside to accommodate the LEAP is acceptable. The open space includes an area of seating, formal resin pathways, amenity grassland and meadow mix flower planting. The existing trees fronting Golf Club Lane are proposed to be retained and would be supplemented by additional planting which would provide some screening to the open space. The open space would be contained by 1.2 metre high black railing. The application also proposes a further smaller area of open space to the north which comprises of a seating area, amenity grassland and shrub planting.

11.3 In respect to landscaping within the site, the application proposes a landscaped avenue which would provide pedestrian and cycle access between Hucclecote Road and Whittle Square, as well as wider landscaping within streetscape including the use of amenity grass, shrubs, hedgerows and trees which would help to establish a sense of place and define places and the private and public realm throughout the development.

11.4 In the northern part of the site there is an Oak Tree which is classified as Category A - a tree of high quality and value capable of making a significant contribution to an area of 40 years or more. Concerns was raised to the application as submitted about the potential impact of the development on the tree from proposed surfacing within the Root Protection Area (RPA) and the proximity to a row of terrace houses with a shared road surface and allocated parking areas.

11.5 In response to Officer's comments the layout has been re-designed in the vicinity of the tree and an area of open space has been incorporated adjacent to the tree comprising of amenity grass, surrounded by a retaining wall with block paving beyond.

11.6 The Tree Officer has recognised that this is a positive improvement and, whilst she considers the area could be bigger to allow for future growth, accepts the proposal are now in accordance with British Standards 5837:2012 and raised no objection. The officer has advised that the wall surrounding the tree should be constructed as a root protection barrier to defect roots lower into the soil to avoid future damage to the block paving. This can be controlled by condition.

11.7 In addition, the application proposes to retain the trees within the landscaped area running along the boundary of the site with Golf Club Lane which would continue to be maintained by the management company responsible for the provision of all estate services for the whole business park.

11.8 In light of the above, it is considered that the public realm, landscaping and provision and retention of green infrastructure accords with the NPPF and policies SD4 and INF3 of the JCS and is acceptable subject to the imposition of conditions.

12.0 Ecology and Nature Conservation

12.1 European designated sites, such as Special Areas of Conservations (SAC), are afforded strict protection under the Conservation of Habitats and Species Regulation 2017 (The Habitats Regulations). Local Planning authorities have a legal obligation to undertake a formal assessment of the implications of any new plans or projects that may be capable of affecting the designated interest features of European Sites before deciding whether to permit an application to ascertain any adverse effects on the integrity of the protected site. The process by which this is assessed is known as a Habitats Regulations Assessment (HRA).

12.2 Paragraph 170 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by, inter alia, protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils in a manner commensurate with their statutory status or identified quality in the development plan.

12.3 Policy SD9 of the JCS seeks to protect and, wherever possible enhance biodiversity, including wildlife and habitats.

On-Site Ecological Impact

12.4 The application site is supported by an Ecological Appraisal which includes habitat surveys which were undertaken in 2018. The application site is a brownfield site which is currently predominantly characterised by poor semi-improved grassland as well as dense scrub vegetation and scattered trees within a dense urban setting.

12.5 In terms of impact within the site itself, the Ecological Appraisal demonstrates that habitats and species within the site do not pose an ecological constraint to development. Whilst the proposed habitat loss is of negligible ecological importance the Appraisal suggests mitigation measures which include wildflower planting, provision of bat boxes on trees and installation of sensitive lighting. Subject to the imposition of planning conditions to secure these measures the impact of the proposal on bio-diversity within the site is considered acceptable.

Off-Site Ecological Impact

12.6 The application site is located approximately 1.75 km to the north of the Cotswolds Beechwoods Special Area of Conservation and Cotswolds Commons and Beechwoods Site of Scientific Interest. SAC's are of European importance and are protected by The Habitats Regulations.

12.7 In addition Hucclecote Meadows SSSI is located approximately 1 km to the south west. There are also a number of non-statutory designations within the application site's potential zone of influence.

12.8 Natural England have been consulted on the planning application and have advised that further information is required to determine the impact of the proposal on the Cotswolds Beechwoods Special Area of Conservation. Natural England consider that, as submitted, the application could, in combination with other new residential development in the Council's area, have potential significant effects on the SAC and require further information in order to determine the significance of these impacts and the scope for mitigation. As such, on the basis of the information submitted by the applicant it is the advice of Natural England that it is not possible to conclude that the proposal is unlikely to result in significant effects on the European sites in question.

12.9 Natural England identify potential impacts arising from recreational pressure and air quality. Natural England also advise that their advice in relation to recreational pressure and air quality impact similarly applies to the two SSSI which are located within 2 km of the site.

12.10 In accordance with The Habitats Regulations, the Council have commissioned an Appropriate Assessment in order to fully assess the recreational implications of the proposal and a Habitats Regulation Assessment screening to consider potential air quality impacts. It will also be necessary to re-consult Natural England following receipt of the Assessments.

12.11 Ecological matters are therefore not resolved at this stage and **an update will be provided at committee.**

13.0 Residential Amenity and Noise

13.1 Policy SD4 (iii) requires that new development should enhance comfort, convenience and enjoyment through the 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. Policy SD14 further requires that new development must cause no harm to local amenity, including the amenity of neighbouring occupiers.

13.2 Paragraph 182 of the NPPF states that planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.

13.3 The site layout has been carefully considered to ensure that the development can achieve acceptable levels of amenity for the proposed new dwellings. Whilst some gardens are small, it is considered that all dwellings would have access to an acceptable garden amenity area. The apartments are the exception as whilst these benefit from landscaped margins they do not have gardens. They instead have access to the public open space within the development, which is considered acceptable provision for these units.

13.4 The distances between dwellings has been assessed. The most sensitive rear facing elevations maintain a minimum 20m gap to minimise direct overlooking between dwellings. This distance is reduced where there is an angled relationship between dwellings which is acceptable as direct overlooking of rear elevations is reduced. The distance between front elevations across highways and private drives is a minimum of 14m which is acceptable in a frontage situation. Increased distances are maintained between the buildings which are in excess of two storeys which is assisted through the positioning of landscaped areas and open space.

13.5 In terms of existing residents, the proposal would not give rise to unacceptable overlooking of existing residents on Hucclecote Road. In respect to the existing apartments at Belgrave House, there is a separation distance of 23 metres between the front facing blocks and habitable room windows and balconies. This relationship is considered acceptable within an urban environment overlooking a public space.

13.6 In regard to the commercial units within the apartment block, it is recommended that conditions are imposed to control opening and delivery hours in order to protect the amenity of future residents.

13.7 In regard to noise, a Noise Assessment has been submitted with the application which identifies sources of noise from traffic, the Tesco Store to the south of the site and the Invista Factory to the east. In terms of noise from the Tesco store and the Invista factory; the noise assessment indicates that noise from the Tesco store may have a marginal adverse impact and that noise from the Invista factory may have a moderate adverse impact. The Assessment recommends a number of noise mitigation measures relating to glazing, ventilation and boundary fencing.

13.8 Invista have objected to the applicant's Noise Assessment on the basis that there are inaccuracies in the Noise Assessment and have raised concerns that Invista may be put in a position where it encounters future complaints, or statutory nuisance claims, potentially leading to onerous remedial works or substantial costs. In addition Invista have concerns that the proposed housing could constrain future developments on the western side of their site.

13.9 It is a material consideration that the application site is allocated for housing alongside other uses and the principle of housing is already accepted on this site. It is also a material consideration that Invista is already located in proximity dwellings. Notwithstanding this matter, the NPPF states that planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and facilities which should not have unreasonable restrictions placed on them as a result of development permitted after they were established.

13.10 The applicant has met with Invista to discuss the 'Agent of Change' principle and a joint updated noise monitoring by Invista's and the applicant's noise consultants has been undertaken in response to the concerns. It is understood that discussions are ongoing about potential mitigation measures which could be incorporated within the factory site itself and within the proposed development.

13.11 On the basis of the information submitted so far, Environmental Health have advised that there is likely to be an acceptable mitigation solution to respond to Invista's concerns and to protect the residential amenity of future residents from all sources of noise.

13.12 Overall, subject to securing appropriate mitigation measures in respect to noise, it is considered that the proposed development would result in acceptable levels of amenity being maintained for future residents and the nearby residents in accordance with the JCS policies. **An updated will be provided in respect to the ongoing discussions between Invista and the applicant at committee.**

14.0 Heritage Assets

14.1 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.

14.2 The Council's Conservation Officer has been consulted on the application and advises that there are no Heritage Assets identified in association with this site other than that it was the former location for a number of WWII air aid shelters documented on the 1965 Ordnance Survey Map.

14.3 As there would be no impact on heritage assets, the application is acceptable in this regard.

15.0 Archaeology

15.1 The NPPF states 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.

15.2 The County Archaeologist has been consulted on the application and checked the proposed development area against the County Historic Environment Record. The area in question is located adjacent to a major Roman road - Ermin Street. However there is no evidence at this location for any Roman settlement or activity on the margin of the road. In addition, records indicate that this land has been the subject of widespread modern ground disturbances relating to its former use as part of an aircraft factory.

15.3 For the above reason, the County Archaeologist considers that there is low potential for archaeological remains to be present within the proposed development area and recommends that no archaeological investigation or recording should be required in connection with this scheme.

15.4 In light of the above, there is no evidence to suggest that there are any overriding archaeological constraints to the development of the site for residential purposes and the proposal is considered acceptable in this regard.

16.0 Contamination

16.1 Paragraph 178 of the NPPF states that planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks from land instability and contamination.

16.2 The Site has a history as an aircraft field as well as an aircraft factory. A remediation strategy has been submitted in support of the application, which reviews previous investigations and conclude that there is a degree of contamination on site in the form of existing hard standings and structures associated with its previous use as an Aerodrome.

16.3 The Report suggests a recommended remediation strategy which would include the import of top soils to all soft landscaped areas providing a clean capping layer, which would be placed on an anti-dig membrane.

16.4 Environmental Health have been consulted on the application and provide no objection subject to an additional investigation and risk assessment being undertaken to assess the nature and extent of any contamination on the site and an appropriate remediation strategy being implemented.

16.5 Subject to the imposition of conditions to secure these measures it is considered that the proposal accords with paragraph 178 of the NPPF and is acceptable in this regard.

17.0 Community Infrastructure

17.1 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.

17.2 Following the implementation of CIL across the JCS authorities on 1st January 2019, the Councils' Regulation 123 lists set out the infrastructure projects or types of infrastructure that it is intended will be, or may be, wholly or partly funded by CIL. The intention is to ensure that there is no duplication in the use of both CIL and S106 from the same application for development for the same infrastructure project.

17.3 Regulation 122 of the CIL Regulations sets out that infrastructure contributions can only be made under Section 106 agreements where they are 1. necessary to make the development acceptable, 2. directly related to the development and 3. fairly and reasonably related in scale and kind to the development.

17.4 On-site requirements (whether they are delivered on or off site), and specific infrastructure requirements that can be robustly justified as necessary to make the development acceptable in planning terms (and otherwise the application would be refused without that infrastructure) will still be delivered via s106 obligations.

17.5 The County Council and the Communities Team initially requested S106 contributions towards secondary school places, extending Brockworth Community Centre and a contribution towards youth providers in Brockworth parish. However it is not considered that the requested contributions are justified in respect of s106 obligations - the County Council and Parish Council would however be able to request/utilise CIL receipts arising from the development for these purposes.

18.0 Conclusion

18.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals are 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.

18.2 The application site forms part of saved Local Plan allocation BR3 (Brockworth/Hucclecote District Centre), an allocation for a mixed use district centre incorporating retail uses, services, leisure, community uses, a hotel, business and residential uses.

18.3 The principle of the application is therefore considered acceptable subject to the provisions of policy BR3 as well wider planning objectives and policies being 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

18.4 Considerable weight is given to the economic benefits that would arise from the proposal both during and post construction. Positive weight is also given to the provision of new housing and the provision of affordable housing also weighs in favour of the proposals. The redevelopment of this longstanding vacant brownfield site is also a positive factor in the planning balance. There are also benefits arising from the proposed commercial units which would enhance the vitality and visibility of the centre and increase choice and competition.

Neutral Effects

18.5 It is considered that the proposal would be acceptable in terms of design and layout, highway safety, housing mix, accessibility and highway safety, flood risk and drainage, landscaping and trees, residential amenity in respect to layout, impact on heritage assets, archaeology and contamination, subject to the impositions of conditions and securing provisions through a S106.

Outstanding Matters

18.6 Discussions are ongoing between Invista and the applicant regarding noise mitigation measures and an update will be provided at committee. However, subject to securing appropriate mitigation measures in respect to noise, it is considered that the proposed development would result in acceptable levels of amenity being maintained for future residents and the proposal would not result in unreasonable restrictions being placed on Invista.

18.7 In accordance with The Habitats Regulations, the Council have commissioned an Appropriate Assessment in order to fully assess the recreational implications of the proposal and a Habitats Regulation Assessment screening to consider potential air quality impacts. An update of these Assessments will be provided at committee.

Recommendation

18.8 It is concluded that subject to the outstanding matters being resolved, it is considered that the proposal represents sustainable development that is in accordance with the development and it is therefore recommended that permission is granted.

18.9 It is therefore recommended that permission is delegated to the Technical Planning Manager subject to the addition of and amendments to planning conditions, re-consultation with Natural England and securing any necessary mitigation measures, and the completion of planning obligations to secure the following heads of terms:

- 40% affordable housing
- Securing an on-site LEAP in line with Fields In Trust specifications

RECOMMENDATION Delegated Permit

Conditions:

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

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans
- 1657 100 Rev B Planning Layout
 - 1657 102 Rev B Community Layout
 - 1657 104 Rev A Materials Layout
 - 1657 105 Rev A Enclosures Layout
 - 1657 106 Rev B Affordable Layout
 - 1657 107 Rev A Refuse & Cycle Strategy
 - 1657 108 Rev A Street Scenes
 - 1657 109 Tree Section
 - 1657 110-1 Rev B External Works Sheet 1 of 2
 - 1657 110-2 Rev B External Works Sheet 2 of 2
 - 1657 150 Rev A Eastbourne
 - 1657 151 Rev A Ashmore
 - 1657 152 Rev A Ashmore
 - 1657 152-1 Rev A Ashmore
 - 1657 153 Rev A Ashford
 - 1657 154 Rev A Ashford
 - 1657 154-1 Rev A Ashford
 - 1657 154-2 Rev A Ashford
 - 1657 155 Rev A Alveston
 - 1657 156 Rev A Alveston
 - 1657 156-1 Rev A Alveston
 - 1657 156-2 Rev A Alveston
 - 1657 157 Rev A Broughton
 - 1657 158 Rev A Broughton
 - 1657 159 Rev A Andover
 - 1657 160 Rev A Andover
 - 1657 160-1 Rev A Andover
 - 1657 160-2 Rev A Andover
 - 1657 161 Rev A Monnow
 - 1657 162 Rev A Monnow
 - 1657 163 Rev A Mythe
 - 1657 164 Rev A Mythe
 - 1657 165 Rev A Mythe
 - 1657 166 Rev A Mythe
 - 1657 167 Rev A Mythe
 - 1657 168-1 Rev A Apartment Block Second and Third Floor Plan
 - 1657 168 Rev A Apartment Block Ground and First Floor Plan
 - 1657 169 Rev A Apartment Block Elevations
 - 1657 200 Carport Details
 - 1657 201 Pergola Details - Double
 - 1657 202 Pergola Details - Single
 - 1657 203 Bin and Cycle Stores
 - 1657 204 Bin and Cycle Stores
 - 1798 001-3 F Engineering Layout
 - Edp4953_d001g Detailed Hard and Soft Landscape Plan (Sheet 1 of 5)
 - Edp4953_d001g Detailed Hard and Soft Landscape Plan (Sheet 2 of 5)
 - Edp4953_d001g Detailed Hard and Soft Landscape Plan (Sheet 3 of 5)
 - Edp4953_d001g Detailed Hard and Soft Landscape Plan (Sheet 4 of 5)
 - Edp4953_d001g Detailed Hard and Soft Landscape Plan (Sheet 5 of 5)
 - Edp4953_d002g Landscape Strategy
 - Engineering Layout Sheet 1 1798 001-1 Rev -
 - Engineering Layout Sheet 2 1798 001-2 Rev -
 - Road and Drainage longitudinal sections 1798 102 Rev
- 3 No development shall take place above DPC level until details of existing and proposed ground levels and ground floor slab levels of the buildings hereby permitted, relative to Ordnance Datum Newlyn, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

3 All planting, seeding and turfing detailed in the approved Landscaping Scheme as set out in:

- Edp4953_d001g Detailed Hard and Soft Landscape Plan (Sheet 1 of 5)
- Edp4953_d001g Detailed Hard and Soft Landscape Plan (Sheet 2 of 5)
- Edp4953_d001g Detailed Hard and Soft Landscape Plan (Sheet 3 of 5)
- Edp4953_d001g Detailed Hard and Soft Landscape Plan (Sheet 4 of 5)
- Edp4953_d001g Detailed Hard and Soft Landscape Plan (Sheet 5 of 5)
- Edp4953_d002g Landscape Strategy

shall be carried out in the first planting and seeding season following the first occupation of any of the buildings hereby permitted or completion of the development, whichever is the sooner. Any trees or plants which, within a period of five years from completion of the development, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

5 The materials to be used for external surfaces, including walls, roofs and doors shall be in accordance with approved plan 1657 104 Rev A.

6 Notwithstanding any indication of materials which have been given in the application, no works shall commence on the apartment block, as approved by plans 1657 168-1 Rev A, 1657 168 Rev A and 1657 169 Rev A until and a schedule and/or samples of all materials and finishes for the apartment block have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details.

7 The enclosures and boundary treatment for the development hereby permitted shall be constructed entirely in accordance with approved plan 105 Rev A.

8 No development shall commence until a detailed Site Waste Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall identify the main waste materials expected to be generated by the development during the construction phase and set out measures for dealing with such materials so as to minimise overall waste and to maximise re-use, recycling and recovery in line with the waste hierarchy. The detailed Site Waste Management Plan must include: -

i) Information on the type and amount of waste likely to be generated prior to and / or during the construction phase;

ii) Details of the practical arrangements for managing waste generated during construction in accordance with the principles of waste minimisation; and

iii) Details of the measures for ensuring the delivery of waste minimisation during the construction phase.

The Site Waste Management Plan shall be fully implemented as approved unless the Local Planning Authority gives prior written permission for any variation.

9 No above ground residential development shall commence until details of the provision made for facilitating the recycling of waste generated during the occupation phase have been submitted to and approved in writing by the Local Planning Authority. Provision must include appropriate and adequate space to allow for the separate storage of recyclable waste materials that will not prejudice the delivery of the local authority's waste management targets. All details shall be fully implemented as approved unless the Local Planning Authority gives prior written permission for any variation.

10 No above ground development of A1, A2, A3, A4, A5, B1 and D1 uses shall commence until details of the provision made for facilitating the recycling of waste generated during the occupation phase have been submitted to and approved in writing by the Local Planning Authority. Provision must include appropriate and adequate space to allow for the separate storage of recyclable waste materials in line with the waste hierarchy. All details shall be fully implemented and thereafter maintained as approved unless the Local Planning Authority gives prior written permission for any variation.

- 11 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,
 - groundwaters and surface waters,
 - ecological systems,
 - archeological sites and ancient monuments;
 - (iii) an appraisal of remedial options, and proposal of the preferred option(s).
- 12 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.
- 13 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 11 , and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 12 , which is subject to the approval in writing of the Local Planning Authority.
- 14 No building on phases 1, 2, 3 and 13 of the development hereby permitted shall be occupied until the first 20m of the proposed access roads (road infrastructure phase 1), as demonstrated on drawing ref. 175 Rev. A, including the junction with the existing public road and associated visibility splays, have been completed to at least binder course level.
- No building on phases 4, 5, 6, 7, 8, 9, 10, 11 and 12 of the development hereby permitted shall be occupied until the first 20m of the proposed access roads (road infrastructure phase 2), as demonstrated on drawing ref. 175 Rev. A, including the junction with the existing public road and associated visibility splays, have been completed to at least binder course level.
- 15 No building on any phase, as demonstrated on drawing ref. 175 Rev. A shall be occupied until the vehicular parking and turning facilities have been provided in accordance with the submitted plan drawing no. 100 Rev. A, and those facilities shall be maintained available for those purposes thereafter.
- 16 Notwithstanding the submitted details, the construction of the car parking associated with each building within the development (including garages and car ports where proposed) shall be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
- 17 No building on any phase, as demonstrated on drawing ref. 175 Rev. A shall be occupied until a minimum of 1 no. cycle storage facility per dwelling has been provided and those facilities shall be maintained for the duration of the development.
- 18 Notwithstanding the submitted details, no building on each associated phase as demonstrated on drawing ref. 175 Rev. A shall be occupied until delineated at grade pedestrian corridors throughout the layout (including to the rear of car parking spaces without an adjacent footway) where necessary have been made available for use.

- 19 Notwithstanding the submitted details, no building on phases 1, 2, 3 and 13 shall be occupied until a 3m wide footway/cycleway between plots 28-43 and 35-36 (running north to south) with cycle restraint features (and relevant warning signs and corduroy tactile paving) at either end has been provided and made available for public use.
- Notwithstanding the submitted details, no building on phases 4, 5, 6, 7, 8, 9, 10, 11 and 12 shall be occupied until a 3m wide footway/cycleway to the east of plot 62 (running north to south) with cycle restraint features (and relevant warning signs and corduroy tactile paving) at either end has been provided and made available for public use.
- 20 Notwithstanding the submitted details, no dwelling on phases 1, 2, 3 and 13 of the development hereby permitted shall be occupied until dropped kerb tactile/corduroy crossing points at all road junctions and aligning with key pedestrian and cycle desire lines in infrastructure phase 1 have been provided and made available for public use.
- Notwithstanding the submitted details, no dwelling on phases 4, 5, 6, 7, 8, 9, 10, 11 and 12 of the development hereby permitted shall be occupied until dropped kerb tactile/corduroy crossing points at all road junctions and aligning with key pedestrian and cycle desire lines in infrastructure phase 1 have been provided and made available for public use.
- 21 Notwithstanding the submitted details, all traffic calming measures throughout the site shall be constructed as to provide vertical deflection to control vehicle speeds.
- 22 No building 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.
- 23 Prior to occupation of the proposed development hereby permitted details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be 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.
- 24 No dwelling or commercial building hereby permitted shall be first occupied until a fire hydrant serving that property has been provided in strict accordance with details which have first been submitted to and approved in writing by the Local Planning Authority.
- 25 No building on the development hereby permitted shall be occupied until the Golf Club Lane bus shelters (Stop IDs: glodjwmd and glodjwmj) located on Hucclecote Road have been upgraded to Clear Channel shelters with seating and lighting and have been made available for public use.
- 26 Phase 3 of the development hereby permitted, as demonstrated on drawing ref. 175 Rev. A, shall not be occupied until the access onto Hucclecote Road has been fully closed up with the adjacent footway reinstated to full height and with full height kerbing at the carriageway edge
- 27 Throughout the construction period of the development hereby permitted provision shall be within the site that is sufficient to accommodate the likely demand generated for the following:
- i. parking of vehicles of site operatives and visitors;
 - ii. loading and unloading of plant and materials;
 - iii. storage of plant and materials used in constructing the development;
 - iv. wheel washing facilities
- 28 The approved Travel Plan shall be implemented in accordance with the details and timetable therein (with the exception that it will be fully funded and undertaken by the developer), and shall be continued thereafter.

- 29 The surface water drainage scheme hereby permitted shall be carried out fully in accordance with:
- Engineering Layout Sheet 1 1798 001-1 Rev -
 - Engineering Layout Sheet 2 1798 001-2 Rev -
 - Road and Drainage longitudinal sections 1798 102 Rev
 - Micro Drainage Model Results 1798 - WINDE.MDX 15/03/2019
- 30 No development shall take place above DPC level 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
- 31 No A3 (food and drink for consumption on the premises), A4 (public house, wine-bar or other dinking establishment) and A5 (hot food for consumption off the premises), use shall start until ventilation and cooking fume control measures have been installed in accordance with details to be submitted to and approved, in writing, by the Local Planning Authority. Thereafter the equipment shall be properly maintained and the A3, A4 and A5 use shall only operate whilst the equipment is operational.
- 32 No commercial use shall commence in the commercial units hereby permitted until a noise attenuation scheme to attenuate the noise from any noise-generating plant, equipment, fans, air conditioning units, ventilation equipment or similar equipment has been submitted to and approved, in writing, by the Local Planning Authority. Thereafter the commercial use shall only operate in accordance with the approved details.
- 33 The opening hours for the commercial units shall be between the hours of 0800 to 2300 Monday to Saturday and 1000 to 2230 on Sundays and public/bank holidays.
- 34 No deliveries shall be taken or dispatched from the commercial units outside of the hours of 0730 to 2300 Monday to Saturday and 0930 to 2230 on Sundays and public/bank holidays.
- 35 No goods, materials, stalls, erections and any other obstruction whatsoever of any kind shall be stored outside any non-residential building.
- 36 The development hereby approved shall be completed in strict accordance with measures to ensure that noise levels within each dwelling hereby permitted which is identified at risk of exceeding the LOAEL will not exceed those set out in BS8233:2014 "Sound Insulation and Noise Reduction for Buildings" which have first been submitted to and approved in writing by the Local Planning Authority. The mitigation measures so approved shall be completed prior to any dwellings to which they relate being first occupied.
- 37 The development hereby permitted shall be carried out in accordance with the mitigation measures set out in Section 5 of the Ecological Appraisal Report Reference edp4953_r001e 2 dated 2018 prepared by The Environmental Dimension Partnership Ltd.
- 38 The development hereby permitted shall take place in accordance with the Arboriculture Impact Assessment and Draft Tree Protection Plans as submitted by Treescene Ltd on 13th March 2019. The tree protection measures must be installed prior to any development commencing on site.
- 39 Prior to construction of the proposed low level wall on plan Tree (T45) Section, detailed cross section drawings demonstrating the footings of the wall showing the root deflection of the tree shall be submitted to and approved in writing by the Local Planning Authority. All details shall be fully implemented as approved unless the Local Planning Authority gives prior written permission for 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 For the avoidance of doubt and in the interest of proper planning.

- 3 To ensure that the development integrates harmoniously with the surrounding development and to safeguard the amenities of residents of adjoining properties.
- 4 In the interests of amenity and to secure a satisfactory standard of landscaping
- 5 To secure a satisfactory external appearance
- 6 To secure a satisfactory external appearance
- 7 In the interests of residential amenity and to secure a satisfactory standard of landscaping
- 8 To ensure the effective implementation of waste minimisation in accordance with Gloucester, Cheltenham, Tewkesbury Joint Core Strategy Policy SD3 - Sustainable Design and Construction; Gloucestershire Waste Core Strategy: Core Policy WCS2 - Waste Reduction; and paragraph 8 of the National Planning Policy for Waste (NPPW).
- 9 To ensure the effective implementation of waste minimisation in accordance with Gloucester, Cheltenham, Tewkesbury Joint Core Strategy Policy SD3 - Sustainable Design and Construction; Gloucestershire Waste Core Strategy: Core Policy WCS2 - Waste Reduction; and paragraph 8 of the National Planning Policy for Waste (NPPW).
- 10 To ensure the effective implementation of waste minimisation in accordance with Gloucester, Cheltenham, Tewkesbury Joint Core Strategy Policy SD3 - Sustainable Design and Construction; Gloucestershire Waste Core Strategy: Core Policy WCS2 - Waste Reduction; and paragraph 8 of the National Planning Policy for Waste (NPPW).
- 11 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
- 12 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
- 13 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
- 14 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 scope for conflict between traffic and cyclists and pedestrians in accordance with paragraphs 108 and 110 of the National Planning Policy Framework
- 15 To ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians is provided in accordance with the paragraphs 108 and 110 of the National Planning Policy Framework.
- 16 To ensure that the development incorporates facilitates for charging plug-in and other ultra-low emission vehicles in accordance with paragraph 110 of the National Planning Policy Framework
- 17 To give priority to cycle movements by ensuring that adequate cycle parking is provided, to promote cycle use and to ensure that the appropriate opportunities for sustainable transport modes have been taken up in accordance with paragraph 108 of the National Planning Policy Framework.
- 18 To ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians is provided in accordance with the paragraphs 108 and 110 of the National Planning Policy Framework.
- 19 To ensure that appropriate opportunities to promote sustainable transport modes can be taken up in accordance with paragraph 108 of the National Planning Policy Framework.

- 20 To ensure that safe and suitable access to the site can be achieved for all users and that the priority is first given to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second - so far as possible - to facilitating access to high quality public transport, in accordance with paragraphs 108 and 110 of the National Planning Policy Framework.
- 21 To minimise the scope of conflicts between pedestrians, cyclists and vehicles in accordance with paragraph 110 of the National Planning Policy Framework.
- 22 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 scope for conflict between traffic and cyclists and pedestrians in accordance with paragraphs 108 and 110 the National Planning Policy Framework.
- 23 To ensure that safe, suitable and secure access is achieved and maintained for all people that minimises the scope for conflict between traffic and cyclists and pedestrians in accordance with paragraph 108 and 110 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 127 of the Framework.
- 24 To ensure adequate water infrastructure provision is made on site for the local fire service to access and tackle any property fire in accordance with paragraph 110 of the National Planning Policy Framework.
- 25 To ensure that appropriate opportunities to promote sustainable transport modes can be taken up in accordance with paragraph 108 of the National Planning Policy Framework
- 26 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 paragraph 108 of the National Planning Policy Framework.
- 27 To reduce the potential impact on the public highway and accommodate the efficient delivery of goods in accordance with paragraph 110 of the National Planning Policy Framework.
- 28 The development will generate a significant amount of movement and to ensure that the appropriate opportunities to promote sustainable transport modes are taken up in accordance with paragraphs 108 and 111 of the National Planning Policy Framework.
- 29 To ensure the continued operation and maintenance of drainage features serving the site and avoid flooding
- 30 To ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.
- 31 To protect the amenities of the occupiers of adjoining property
- 32 To protect the amenities of the occupiers of adjoining property
- 33 To protect the amenities of the occupiers of adjoining property
- 34 To protect the amenities of the occupiers of adjoining property
- 35 To protect the amenities of the occupiers of adjoining property and in the interests of visual amenity
- 36 To protect the residential amenity of future occupiers
- 37 To ensure proper provision is made to safeguard protected species and their habitats, in accordance with the guidance set out in the NPPF
- 38 To ensure that retained trees are not damaged during the construction process and in the long term interests of local amenity value.
- 39 To protect the retained tree

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 amendments to the layout.

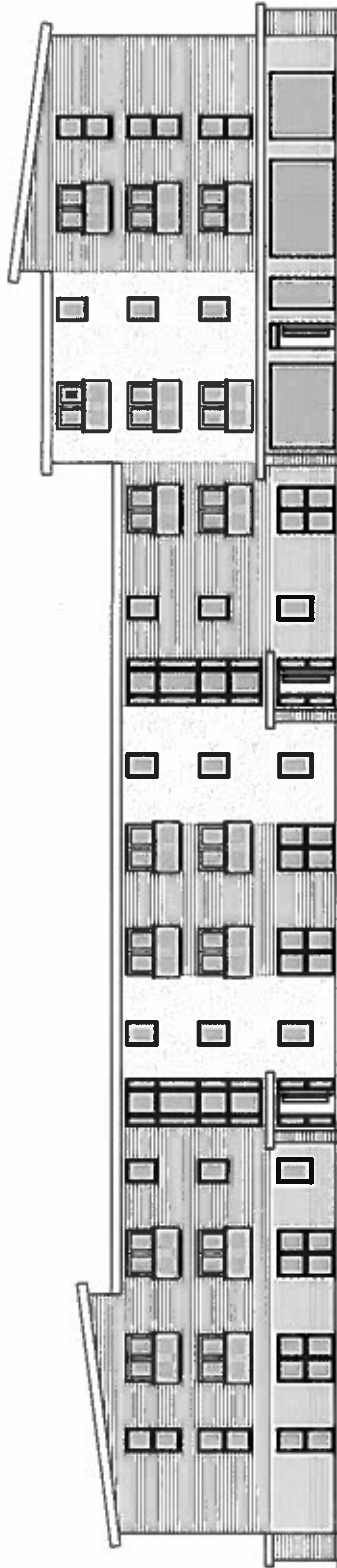
2 The proposed development will involve works to be carried out on the public highway and the applicant/developer is required to enter into a legally binding highway works agreement (including appropriate bond) with the County Council before commencing those works.

3 You are advised to contact Amey Gloucestershire 08000 514 514 to discuss whether your development will require traffic management measures on the public highway.

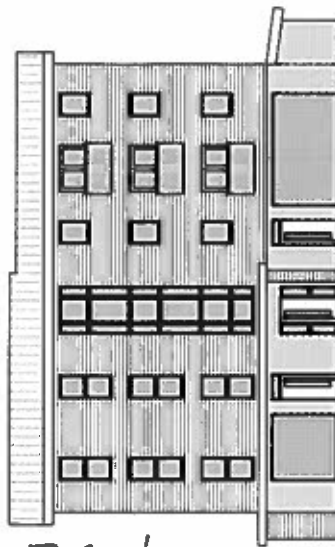
4 The developer will be expected to meet the full costs of supplying and installing the associated infrastructure.

5 The applicant/developer is advised that to discharge condition 23 that the local planning authority requires a copy of a completed dedication agreement between the applicant/developer and the Local Highway Authority or the constitution and details of a private managements and maintenance company confirming funding, management and maintenance regimes.

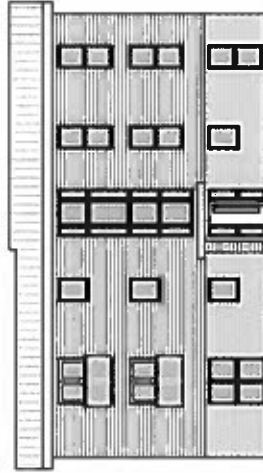
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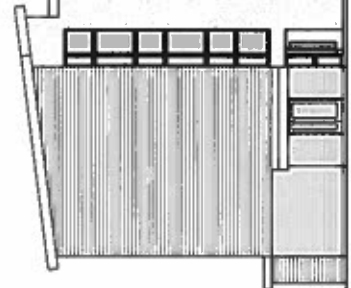
FRONT ELEVATION



REAR ELEVATION



SIDE ELEVATION



SIDE ELEVATION

28.02.19 DA

Eden
STONE
HOMES

Whittle Square
Brockworth
Gloucester

Severn
Apartment Block
Elevations

Project No.	1657	Drawing No.	169	Rev.	A
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Valid 23.01.2019
Grid Ref 385352 222604
Parish Down Hatherley
Ward Innsworth With Down
Hatherley

Erection of a detached dwelling and associated works.

RECOMMENDATION Delegated Permit

Policies and Constraints

National Planning Policy Framework (2018)
Planning Practice Guidance
Joint Core Strategy (2017) - SP2, SD4, SD5, SD10, SD14, INF1, INF2
Tewkesbury Borough Local Plan to 2011 (March 2006) - None relevant
Flood and Water Management SPD
Human Rights Act 1998 - Article 8
The First Protocol - Article 1
Safeguarded Area

Consultations and Representations

Down Hatherley Parish Council - Oppose the application for the following reasons:

Residential gardens in this location do not and cannot serve the purpose of meeting JCS housing targets in piecemeal developments;
Development would appear cramped and constricted representing overdevelopment of the plot;
Development would damage the character of Down Hatherley.

County Highway Authority - No objections subject to recommended conditions.

Natural England - The application could, in combination with other new residential development in the Borough, have potential significant effects on The Cotswolds Beechwoods Special Area of Conservation (SAC). Further information is required in order to determine the significance of these impacts and the scope for mitigation.

CPRE - Object to the application for the following reasons:

Down Hatherley is not a service village;
Down Hatherley is an important part of the Green Belt which needs protection from urban sprawl;
Not aware of any exceptional circumstances to permit;
If permission were granted it could set a precedent.

Local Residents - One representation objecting to the proposed development has been received. The objection is summarised below:

Adverse impact upon residential amenity;
Dwelling would be outside of the building line;
Proposal would set a precedent;
Development would cut through the root system for trees on the boundary of the site which would destabilise the trees and threaten neighbouring properties;
Public sewer runs across the site.

Planning Officers Comments: Victoria Stone

1.0 Site Description

1.1 The application relates to No.1 Down Hatherley Lane which is located in the western part of Down Hatherley, close to the A38 (see attached location plan).

1.2 The application site is rectangular in shape and measures approximately 0.09 hectares.

1.3 The site comprises a semi-detached two storey dwelling which fronts Down Hatherley Lane. The garden area extends beyond the rear elevation of the dwelling and along the rear garden of the neighbouring properties, No.2 Down Hatherley Lane and Applegarth.

1.4 The proposed dwelling would be bound by residential properties to the north, east and south. Currently, to the west of the site lies an open field however this land forms part of the Strategic Allocation A1 Innsworth and Twigworth in the Joint Core Strategy and is shown to be 'Housing and related Infrastructure' in the JCS Indicative Site Layout Proposal Map.

1.5 The site is located within an area of land safeguarded for future growth.

2.0 Planning History

2.1 15/00294/FUL - Two storey extension to rear of property, dining/kitchen area on ground floor and master bedroom on first floor - Permitted - 07.05.2015.

3.0 Details of Proposal

3.1 This application is submitted in full and seeks permission for the construction of one detached dwelling in the southernmost part of the rear garden of No.1 Down Hatherley Lane.

3.2 The proposed dwelling would be single storey in height, with a ridge height of 5.6m and an eaves height of 3.4m. The building would be 'L-shaped' with both gables incorporating a pitched roof. The dwelling would be constructed out of red brick and slate composite roof tiles to match the neighbouring properties.

3.3 The application site would be accessed utilising the existing vehicular access from Down Hatherley Lane. Each property would benefit from two off-road parking spaces.

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 and the emerging Tewkesbury Borough Local Plan (Preferred Options Consultation) 2011-2031 and the emerging Neighbourhood Development Plan.

4.4 The Down Hatherley, Norton and Twigworth Neighbourhood Development Plan 2011-2031 (NDP) was submitted to Tewkesbury Borough Council in February 2018. Following the close of the consultation the NDP was subject to Independent Examination. The report of the Independent Examiner was published in September 2018. The report recommended that, subject to certain modifications, the neighbourhood plan can proceed to a referendum. The referendum is likely to take place in May 2019. If successful, the NDP will then be put forward to Full Council for formal adoption and will then form part of the statutory Development Plan for the Borough of Tewkesbury. Given the stage of preparation of the NPD limited weight can be afforded to the plan.

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

4.6 In a recent appeal decision relating to a proposed development at Land at Oakridge, Highnam, the Secretary of State for Housing, Communities and Local Government concluded that the Council could not demonstrate a five year supply of deliverable housing sites. The key reason for this was that the Council includes advanced delivery against annual housing requirements in its five year supply calculations. The Council's approach in this respect is considered appropriate and as members are aware the Council is judicially reviewing the Secretary of State's conclusions in this regard. It is considered that the Council can demonstrate a five year supply of deliverable housing sites. For this reason the Council's policies for housing (including policy SD10) are considered to be up to date and the so-called 'tilted balance' at paragraph 11 of the NPPF is not engaged.

5.0 Analysis

5.1 The main issues to be considered in this application are the principle of the development, the impact upon the safeguarded land, the design, scale and layout of the new dwelling, the visual impact, the impact upon highway safety and upon residential amenity.

Principle of Development

5.2 In order to further sustainability objectives and in the interests of protecting the countryside, the housing policies of the JCS set out a development strategy for the Borough.

5.3 The application site has not been allocated for housing in the JCS and therefore the criterion of Policy SD10 applies.

5.4 Criterion 3 of the Policy SD10 states that residential development will be permitted on allocated sites and previously developed land in the built-up areas of Tewkesbury and the Rural Service Centres (RSC) or Service Villages (SV). Down Hatherley is not a RSC or SV therefore this part of the policy does not apply.

5.5 Criterion 4 of Policy SD10 is not restricted to RSCs and SVs and is applicable to any village within the Borough if the other requirements of this criterion are met. Criterion 4 (ii) of the JCS Policy SD10 states new housing development will be permitted where it is infilling within the existing built-up area of the City of Gloucestershire, the Principal Urban Area of Cheltenham or Tewkesbury Borough's towns and villages except where otherwise restricted by policies within district plans. For the purposes of criterion 4(ii), the supporting text defines 'infill development' as "the development of an under-developed plot well related to existing built development." It is considered that the existing built-up area of Down Hatherley includes the properties along Down Hatherley Lane and Ash Lane. The proposed dwelling would be bound by residential development to the north, east and south. Further, the western boundary of the site immediately abuts the boundary of the Innsworth and Twigworth Strategic Allocation A1. The land adjoining the application site is shown to 'Housing and related Infrastructure' in the JCS Indicative Site Layout Proposal Map. As such the proposal is considered to constitute infill in accordance with JCS Policy SD10.

5.6 However, the site is located in a safeguarded area therefore the significance of the impact of the development upon this area must be considered in assessing whether the principle of the development is acceptable.

Safeguarded Area

5.7 The application site was removed from the designated Green Belt as part of the boundary review during the adoption of the JCS and now forms part of the wider 'safeguarded land'. The new boundaries identified on the Green Belt map have taken into account longer-term need by identifying safeguarded land which may be required beyond the JCS plan period to ensure that the Green Belt does not need an early review. Criterion 7 (iv) of Policy SD5 of the JCS sets out that safeguarded areas are not allocated for development at the present time and planning permission for the permanent development of safeguarded land (except for uses that would not be deemed inappropriate within the Green Belt) will only be granted if a future review of the JCS deems the release of the land necessary and appropriate and proposes the development. As such it is important to establish whether the development would not be deemed inappropriate within the Green Belt.

Inappropriate development in the 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 144 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 Paragraph 145 of the NPPF sets out that the construction of new buildings in the Green Belt is inappropriate other than for a number of exceptions. One such exception (e) listed is limited infilling in villages. For the reasons set out above the development is considered to represent 'infilling' and given the application seeks permission for one additional unit, the development would represent 'limited infilling'.

5.11 In light of the above, the proposed dwelling would not be deemed inappropriate within the Green Belt and therefore it follows that the development would be acceptable in the safeguarded area.

Design

5.12 Section 12 of the NPPF which sets out that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve and that good design is a key aspect of sustainable development, creating better places in which to live and work and helping make development acceptable to communities. This advice is echoed in JCS Policy SD4 which states 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. It should be of a scale, type, density and materials appropriate to the site and its setting.

5.13 The proposed dwelling would incorporate satisfactory design features such as a pitched roof and the use of matching materials and finish to the neighbouring properties. The dwelling, being located in the rear garden of the host dwelling, would not reflect the linear form of development fronting Down Hatherley Lane. However, in this case the dwelling is considered appropriate in the site context given the dwelling would be sited adjacent to the outbuilding in the neighbouring property, No.2 Down Hatherley Lane, and within close proximity to the property to the south of the site, 'The Haven', which is accessed from Ash Lane but set back so that the property borders the application site. Further, it should be noted that there is an existing property (Applegarth) to the rear of No.5 and 6 Down Hatherley Lane and therefore the positioning of a dwelling behind No.1-6 Down Hatherley Lane would not be inconsistent with the settlement pattern.

5.14 The sub-division of the plot would marginally result in two smaller plots when compared to the other three pair of semi-detached properties along this part of Down Hatherley Lane however there are other plots in Down Hatherley of a similar size. The division of the plot would still provide satisfactory garden space to serve both the new dwelling and the host dwelling.

5.15 The Parish Council consider the proposal would represent over development which would damage the character of Down Hatherley. However, it is considered that the site layout presents an acceptable arrangement and demonstrates that an additional dwelling could be accommodated on the site without appearing constrained. Further, for the reasons set out above, the position of the proposed dwelling, set back from the roadside, would not appear at odds with the form and local character of the adjacent residential properties and outbuildings.

5.16 As such, it is considered that the design of the proposed development would be appropriate to the site and its setting. The proposal is therefore considered to accord with JCS Policy SD4 and guidance set out in the NPPF in this regard.

Impact upon visual amenity

5.17 The dwelling would be set back approximately 50 metres from the roadside therefore would not be seen readily from Down Hatherley Lane as you approach the site from the east. Given the land to the west is currently undeveloped the site is visible from the west and glimpses of the site from the A38 are afforded. However the building would be viewed in the context of the surrounding built form and once the adjacent land has been developed it is unlikely the site would be visible from the public domain. The western boundary treatment currently has a mixture of hedgerow/trees and low fencing; no details have been provided of the proposed boundary treatment therefore a condition securing a satisfactory boundary treatment is recommended.

5.18 In light of the above, the development should not cause a detrimental impact upon the visual amenity of the locality.

Impact upon residential amenity

5.19 In respect of the impact of the development upon residential amenity, paragraph 127 of the NPPF specifies that planning decisions should ensure development creates places with a high standard of amenity for existing and future users. This advice is reflected in JCS policies SD4 and SD14 which require development to enhance comfort, convenience and enjoyment through assessment of the opportunities for light, privacy and external space. Development should have no detrimental impact on the amenity of existing or new residents or occupants.

5.20 The proposed dwelling would be sandwiched between residential properties on three boundaries. However, due to the single storey nature of the property, the existing boundary treatment (6ft fencing and vegetation) and the considered positioning of the windows and doors the new dwelling should not cause any detrimental harm upon the amenity of the neighbouring properties.

5.21 In terms of the amenity of the future occupiers of the proposed dwelling, a sufficient distance is maintained from the surrounding two storey properties (No.1 & 2 Down Hatherley Lane) and all other buildings close to the site are single storey. As such, subject to the retention of satisfactory boundary treatment there should be no adverse overlooking or overbearing impact upon the future occupiers of the proposed dwelling. Further, the orientation of the dwelling is favourable which would ensure the main garden area would not be overshadowed.

5.22 In light of the above, due to the single storey nature of the dwelling, the orientation and the configuration of the internal layout the proposed new dwelling should not have a significant harmful impact upon the amenities of the neighbouring properties nor upon the occupiers of the new dwellings with regards to a loss of privacy, overbearing or loss of light.

Highways Safety

5.23 Section 9 of the NPPF relates to the promotion of sustainable transport and specifies that in assessing specific applications for development, it should be ensured that safe and suitable access to the site can be achieved for all users. Policy INF1 of the JCS reiterates this advice.

5.24 The existing vehicular access off Down Hatherley Lane would be utilised and each property would be provided with two off-road parking spaces. The County Highways Authority raises no objection to the proposed development therefore it is considered the development could be accommodated at the site without compromising highway safety.

Habitats Regulation Assessment

5.25 The application site is located within 8.5km of the Cotswolds Beechwoods Special area of Conservation (SAC) which is a European designated site. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2017, as amended (the 'Habitats Regulations'). As such, a Habitats Regulations Assessment (HRA) is required to assess the impact from the development specifically upon the European designated site. The process of HRA involves an initial 'Screening' stage to establish whether the proposed development would have a Likely Significant Effect (LSE), followed by an Appropriate Assessment (AA) if proposals are considered to have a LSE.

5.26 Natural England consider the development could, in combination with other new residential development in the Borough, have potential significant effects on the SAC and have requested the Council carry out an AA, under the provisions of the Habitats Regulations, of the proposed scheme and associated safeguarding measures. An appropriate assessment has been carried out and sent to Natural England for their comments but at the time of writing the report none have been received therefore **an update will be provided at Committee.**

Other Matters

5.27 There are two large trees on the eastern boundary of the site, belonging to the neighbouring property, 'Applegarth'. The proposed dwelling would be located approximately 3.5 metres from this boundary. A local resident is concerned the development would destabilise the trees and threaten neighbouring properties. The trees are considered to be of low amenity value and their retention is outside of the control of the applicant, hence they could be felled at any time. Further, the applicant could construct, subject to the provisions of The Town and Country Planning (General Permitted Development Order) 2015, an outbuilding in a similar position for a purpose incidental to the enjoyment of the dwellinghouse, without the need for planning permission. As such it would be unreasonable to restrict the construction method to take account of the roots system. A condition requiring protective fencing around the tree canopy overhangng the site to ensure the root system in this location is protected during the construction period is however recommended.

6.0 Planning Balancing and Conclusion

6.1 The proposal is acceptable in principle as it would constitute infilling within the existing built-up area of Down Hatherley in accordance with JCS Policy SD10. The development is also deemed not to be inappropriate development in the Green Belt therefore it follows that the development would be acceptable in the safeguarded area. The design, layout and scale of the proposed dwelling is considered appropriate and no other harm, in respect to amenity and highway safety has been identified. In view of this, it is therefore recommended that **the grant of permission be delegated to the Technical Planning Manager subject to the resolution of the outstanding matter related to the Habitats Regulation Assessment and the addition to/amendment of planning conditions as appropriate.**

RECOMMENDATION Delegated Permit

Conditions:

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 Unless where required or allowed by other conditions attached to this permission/consent, the development hereby approved shall be carried out in accordance with the information provided on the application form and the following plans/drawings/documents:

001 - Location Plan
001 - Proposed Block Plan
001 - Proposed Elevation, Floor Plan & Roof Plan
001 - Visibility Plan
- 3 Prior to its/their installation as part of the development hereby approved, a specification of the materials and finish for the external walls and roofing proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the materials as approved.
- 4 The dwelling hereby permitted shall not be occupied 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.

- 5 The development hereby permitted shall not be occupied until the car parking associated with each building within the development has been provided in accordance with the submitted plans and shall be maintained available for that purpose thereafter.
- 6 Throughout the construction period of the development hereby permitted provision shall be within the site that is sufficient to accommodate the likely demand generated for the following:
 - i. parking of vehicles of site operatives and visitors;
 - ii. loading and unloading of plant and materials;
 - iii. storage of plant and materials used in constructing the development;
 - iv. provide for wheel washing facilities.
- 7 The development hereby permitted shall not be occupied until details of secure and covered cycle storage facilities have been made available in accordance with details to be submitted to and approved in writing by the Local Planning Authority. These facilities shall thereafter be retained for the parking of cycles only.
- 8 Before the first occupation of the dwelling hereby permitted a plan indicating the positions, design, materials and type of boundary treatment to be erected (or to be retained) shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved details before the first occupation of the development hereby permitted.
- 9 The construction work on the building hereby approved shall not be commenced until details of existing and proposed ground levels across the site and relative to the adjoining land, together with the finished floor levels of the dwelling relative to Ordnance Datum Newlyn has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 10 Temporary fencing for the protection of all retained trees/hedges on site and trees outside the site whose Root Protection Areas fall within the site shall be erected in accordance with BS 5837:2012 (Trees in Relation to Design, Demolition and Construction) before development of any type commences, including site clearance, demolition, materials delivery, vehicular movement and erection of site huts.

Any alternative fencing type or position not strictly in accordance with BS 5837 (2012) must be agreed in writing by the local planning authority prior to the commencement of development.

This protective fencing shall remain in place until the completion of development or unless otherwise agreed in writing with the local planning authority. Nothing should be stored or placed (including soil), nor shall any ground levels altered, within the fenced area without the prior written consent of the local planning authority. There shall be no burning of any material within 10 metres of the extent of the canopy of any retained tree/hedge.

Reasons:

- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
- 2 To define the permission.
- 3 To ensure that the new materials are in keeping with the surroundings and/or represent quality design.
- 4 To avoid an unacceptable impact on highway safety by ensuring that adequate visibility is provided and maintained to ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians is provided.
- 5 To ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians is provided.
- 6 To reduce the potential impact on the public highway and accommodate the efficient delivery of goods.

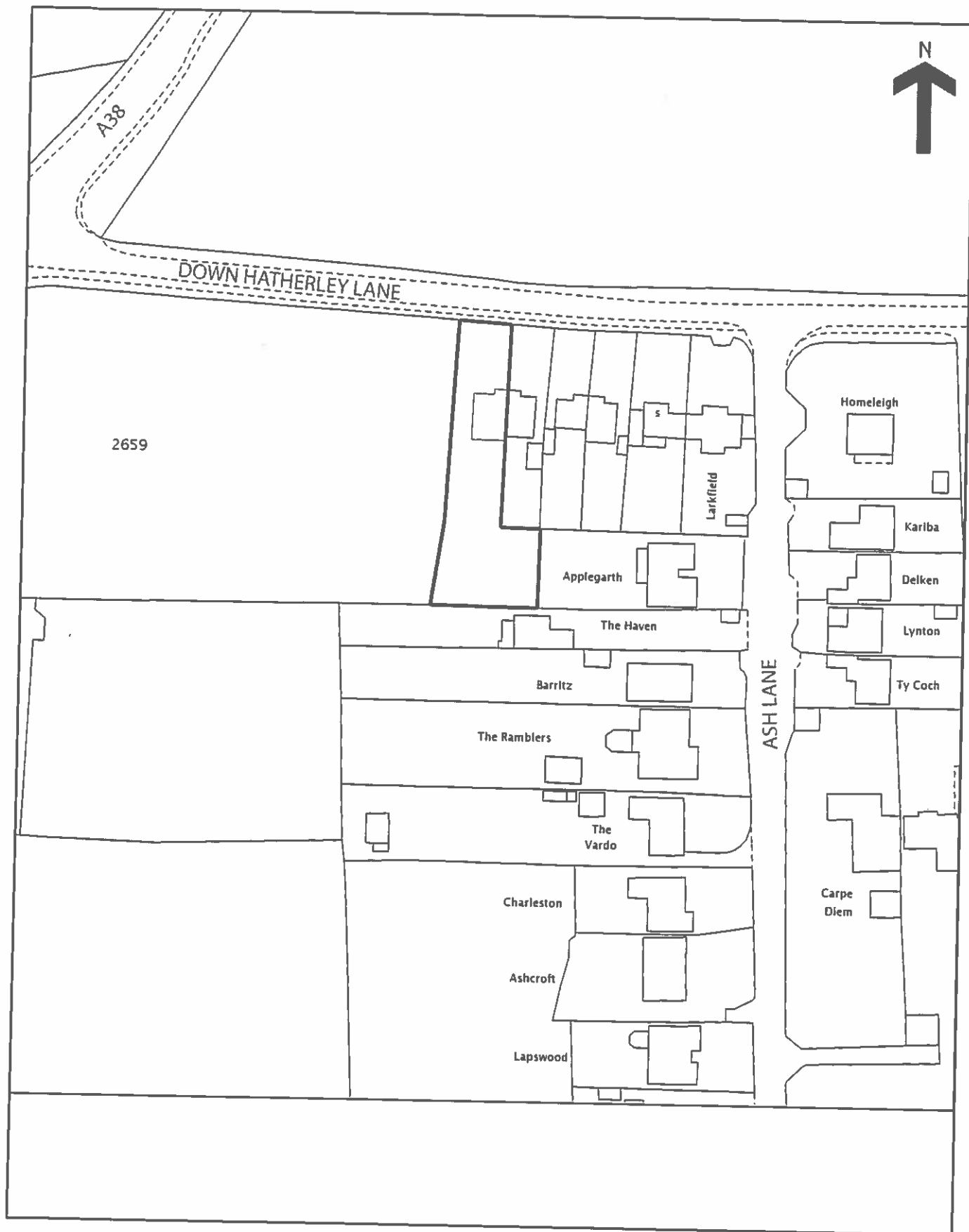
- 7 To give priority to cycle movements by ensuring that adequate cycle parking is provided, to promote cycle use and to ensure that the appropriate opportunities for sustainable transport modes have been taken up.
- 8 To protect the amenities of properties and ensure the proposed development does not have an adverse effect on the character and appearance of the area.
- 9 To protect the amenities of properties and ensure the proposed development does not have an adverse effect on the character and appearance of the area.
- 10 To prevent existing trees/hedges from being damaged during construction work.

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 seeking additional information/plans of the development.

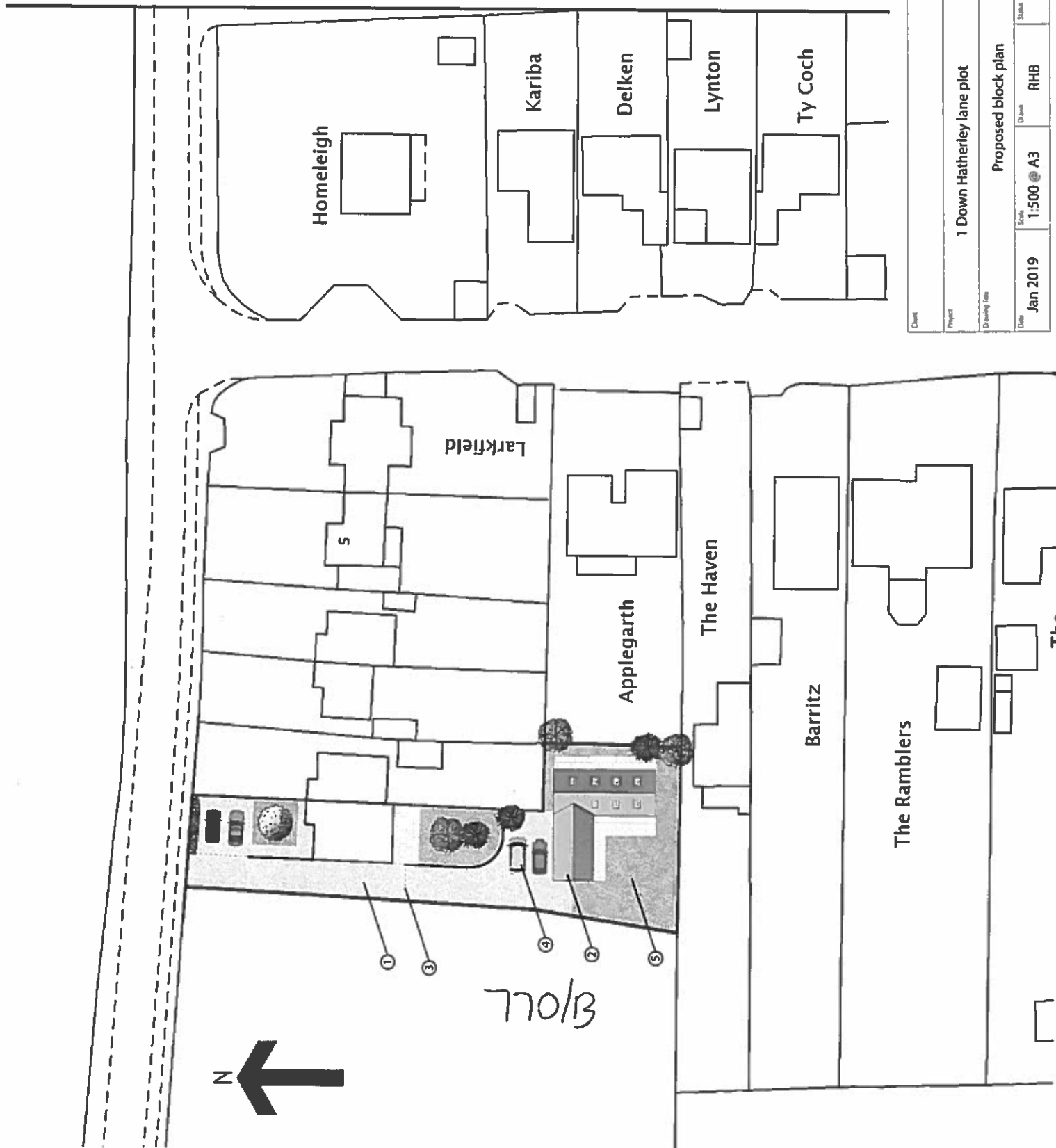
- 2 There may be a public sewer located within the application site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the proposed dwelling.



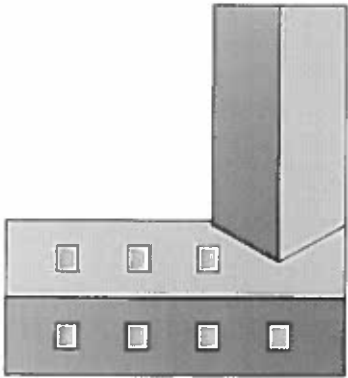
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Project 1 Down Hatherley lane plot 770/A						
Drawing Title Location Plan						
Date Jan 2019	Scale 1:1250 @ A4	Drawn RHB	Status PA	Job	Dwg No. 001	Rev.

Key	
1	Shared access
2	New dwelling
3	Access for new dwelling
4	New parking area
5	Turfed/levelled grass area
6	
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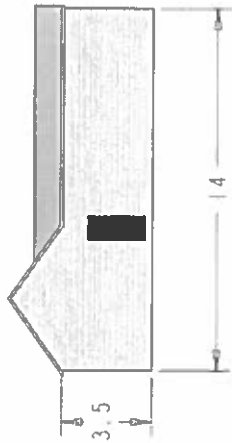
Site outline



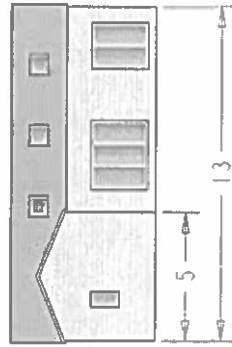
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Project	Proposed block plan			
Drawing title	Date	Scale	Drawn	Checked
Jan 2019	1:500 @ A3	RHB	PA	001
Job	Rev			



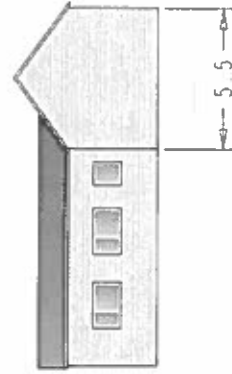
NORTH SIDE



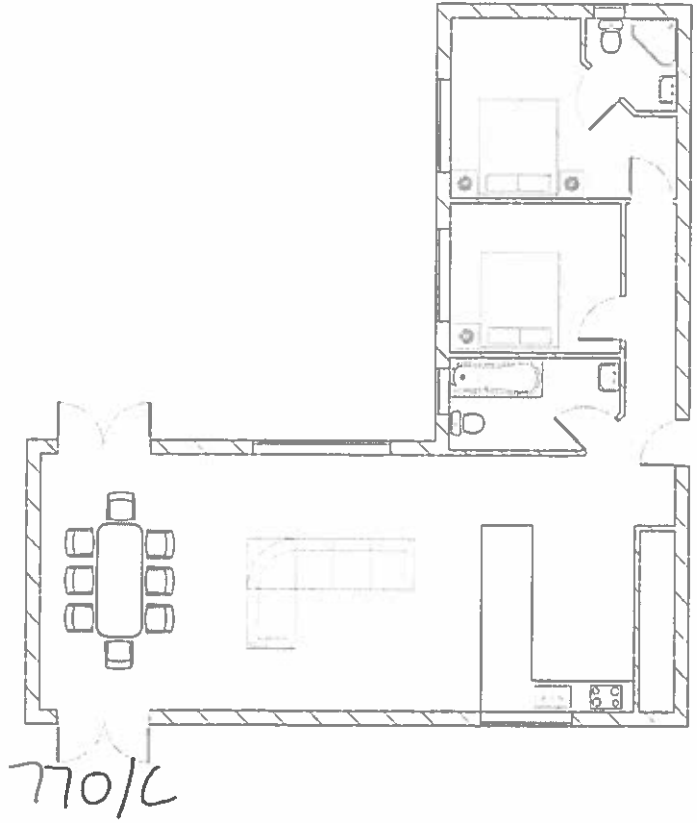
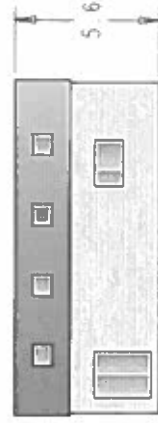
WEST SIDE



SOUTH SIDE



EAST SIDE



floor plan 1:100 @ A3

Client				
Project	1 Down Hatherley lane new dwelling			
Drawing / file	Elevation + floor plan			
Date	Jan 2019	Scale	1:200 @ A3	Drawn
		Status	RHB	PA
		Job		001
		Rev		

Valid 16.01.2019

Approval of Reserved Matters (access, appearance, landscaping, layout and scale) comprising Phase 1 of Outline planning permission ref: 15/00749/OUT for the erection of 253 no. dwellings with associated infrastructure.

Grid Ref 385508 221165

Parish Innsworth

Ward Innsworth With Down

Hatherley

RECOMMENDATION Delegated Approve

Policies and Constraints

National Planning Policy Framework (2019)

Planning Practice Guidance

Joint Core Strategy (2017) - SD3, SD4, SD6, SD10, SD11, SD12, SD14, INF1, INF2, INF3, INF5 A1
Tewkesbury Borough Local Plan to 2011 (March 2006) - TPT3, TPT6

Flood and Water Management SPD

Affordable Housing SPD

Manual for Gloucestershire Streets

Human Rights Act 1998 - Article 8

The First Protocol - Article 1

Flood Zone 1

Public Rights of Way

Consultations and Representations

Innsworth Parish Council: Comments

- Orchards, veteran trees and hedgerows must be protected. If hedgerows must be removed, replanting should be carried out in the interests of biodiversity/wildlife net gain.
- Variegated brick should be used for dwelling construction to mimic locally distinctive clay bricks
- The Parish is pleased to see that storage for wheelie bins appears to be adequately provided to the rear of houses
- Capacity of physical infrastructure - concern the development will overload the drainage system and result in problems.

Churchdown Parish Council: Objection

- Serious concern regarding the proposed access onto Frogfurlong Lane which would increase traffic congestion and compromise highway safety
- Concern regarding development within an area at risk of flooding

Churchdown and Innsworth Parish Council Steering Group: Joint response setting out a number of concerns and matters for consideration

- The developer should be required by planning condition to establish a 'Liaison Committee' which should meet a minimum of twice a year during construction of the site-wide development;
- Phase 1 omits any discussion of the LEAP, which should be clarified before permission is granted
- Overall, the Phase 1 scheme complies with the emerging NDP, though the status of the LEAP is unclear and inadequate consideration has been given to orchard plant species within the planting scheme
- Any remnant orchard present within the site should be protected if possible or replacement orchard planting incorporated elsewhere
- Closeboard fencing and brick screen walls are not in keeping with the emerging policies of the NDP. Boundary treatments should allow for the movement of wildlife

- The design of the LEAP should be included in Phase 1 of the development, in close consultation with the Parishes

Sandhurst Parish Council: Objection

- The site is subject to flooding;
- The lane is too narrow and development would create excess traffic and traffic jams within the area;
- There is currently insufficient infrastructure and is unsafe as there is no footpath for pedestrians

Urban Design Officer: No objection following the submission of a revised layout.

Housing Enabling Officer: No objection.

The affordable housing contribution was agreed at outline stage and the reserved matters application meets with the approved affordable housing scheme, although for completeness, a breakdown of the intermediate and rented units should be provided.

Landscape consultant: No objection.

Native hedgerow is proposed along the frontage to the Public Open Space, which is welcomed and the planting plans are appropriate.

The LC raised a number of points of detail to be addressed: Details should be indicated within the submitted layout plan as to how the public open space (including LEAP) would be accessed from the Phase 1 housing. A planting schedule or specification should be provided to accompany the submitted proposed landscape scheme.

Flood Risk Drainage Engineer: Comments awaited with regard to the Phase 1 Scheme but no objection to the Whole Site-wide drainage scheme.

Environmental Health Officer: No objection. The submitted noise assessment appears satisfactory.

County Highway Officer: The CHO raised a number of points of detail to be addressed relating to visibility, footpath widths, traffic calming measures, crossing points, car parking and refuse vehicle tracking. Revised plans are anticipated which would seek to address the above CHO queries. **An update will be provided at Committee.**

County Footpaths Officer - The public rights of way must not be built over or obstructed in any way, if the paths are to be affected by building works, the developer should seek to divert them under the planning process and the new path should be in place before the old one is stopped up.

LLFA: No objection further to the site wide Flooding and Drainage - Compensatory Flood Storage information submitted in order to discharge Condition 29 of the Outline consent.

County Archaeologist: No observations, archaeological mitigation secured by condition.

Conservation Officer: No objection.

Historic England: No comments to offer in respect of the proposal.

Severn Trent Water: No objection.

Wales and West Utilities: No objection

Highways England: No objection

County Minerals and Waste Officer: No objection.

Environment Agency - No further comments following comments given in respect of the Outline consent and subsequent conditions applications.

Local Residents: The application was advertised by means of site notices. 1 letter of objection has been received to date citing the following matters:

- This is flood zone 3 which if housing to any density is built there this will push pluvial and fluvial flooding further into flood zone 2 and 1. The houses will flood - Who will insure them and existing residents;
- Show us SUDS in this terrain that works - it does not exist;

- Frog Furlong Lane will not cope with excessive amounts of traffic. One car per household should be insisted upon in the deeds of each house if it does go ahead;
- Innsworth lane and Frogfurlong are already rat runs and will not cope. Building a new roundabout will encourage other road users to use the new estate and existing roads as a cut through.

Planning Officers Comments: Miss Lisa Dixon

1.0 Introduction

1.1 Outline planning permission (reference: 15/00749/OUT) was granted by the Secretary of State for Communities and Local Government (as was) in December 2017 following a non-determination appeal. The description of development was as follows:

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 4.23 ha (A1, A2, A3, A4, A5, D1, D2, B1), office park of 1.31 ha (B1) and business park of 2.77 ha (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.

1.2 The permission relates to the land located immediately to the north and west of Innsworth, and, for the purposes of the outline planning application, was referred to as 'Land at Innsworth' (see **location plan attached**). To the west, the wider site adjoins open countryside, including Horsbere Brook, which separates it from the settlement of Longford. Hatherley Brook defines the majority of the northern boundary, beyond which lies the adjoining 32 hectare site which is subject to outline planning permission for mixed use development comprising up to 725 dwellings, local centre, primary school, open space, supporting infrastructure and the creation of a new vehicular access off the A38 (Application ref: 15/01149/OUT).

1.3 A network of public rights of way (PRoW's) cross the outline site, including the Gloucestershire Way, which is a long distance footpath along its northern boundary.

1.4 The current Reserved Matters application represents residential Phase 1 of the approved outline scheme as defined in the approved phasing plan required by condition 7 of the outline permission. Phase 1 comprises a 5.77 hectare portion of the Outline site, which occupies a relatively central position in relation to the proposed, later phases of residential development. Phase 1 is bounded to the south by Innsworth Lane and partially to the east by Innsworth House Farm. A Public Right of Way bounds the south-eastern extent of the site and continues on through its centre before taking an easterly route through the wider Outline site. The first phase also includes part of the spine road which is the main principal transport route, running roughly west to east through the overall development and provides the context for the built form

1.5 The site would be abutted by Phase 2 (residential development and employment area), Phases 4 and 7 (Residential development) and proposed new primary school site (abutting Phase 1 to the north and west).

1.6 The current application seeks approval for the first phase of residential development (Phase 1) of the Innsworth development in respect of Layout, Scale, Appearance, Landscaping and Access (**plans will be displayed at Committee**). Phase 1 would deliver 253 no. dwellings, with an average density of 37 units per hectare. The scheme would deliver 160 open market and 93 affordable dwellings (social rented and shared ownership), totalling 253 dwellings. This includes 1 bed to 5 bed units for the open market dwellings, delivering a mix of apartments, terraced, semi-detached and detached properties. The affordable dwellings would comprise 1 and 2 bed flats, and 2, 3 and 4 bed houses. The number and tenure of affordable dwellings would reflect the requirements of the S106 agreement and approved Affordable Housing Scheme (whole site). Phase 1 includes a substantial section of the proposed spine road, which would form the main principal transport route running west to east through the overall Outline site.

1.7 A separate application for the site-wide highway and drainage infrastructure has also been submitted residential phase (Ref: 18/01284/APP) and remains undetermined at the current time. A number of applications for approval of details required by conditions attached to the outline permission have also been submitted, most of which have been approved.

Conditional Requirements

1.8 The outline permission includes conditions which required submission of information relating to the whole development with the first RMA. Other conditions required further information to be submitted with each phase of reserved matters. These conditions are summarised below:

- o Condition 7 - Prior to or as part of the first reserved matters application, a Phasing Plan for the whole site which should include details of the approximate numbers of market and affordable dwellings for each phase, together with general locations and phasing of key infrastructure, including surface water drainage, green infrastructure and informal and formal public open space. This has been approved.
- o Condition 8 - A Site Wide Masterplan Document (SWMD) , either prior to or as part of the first reserved matters application. This has been approved.
- o Condition 9 - A Recycling Strategy for the whole site - this has been approved and the RMA for each phase shall include details of waste storage provision for that phase which shall be in general accordance with the approved Recycling Strategy.
- o Condition 10 - The first RMA submitted shall include details of all existing trees within the site, which have a stem diameter exceeding 75mm, details of each retained tree including species and general health and stability.
- o Condition 11 - Submission of a tree and landscaping scheme for each phase.
- o Condition 21 - Details of proposed arrangements for future management and maintenance of the proposed streets for each RM phase.
- o Condition 25 - Details of existing and proposed ground levels included with RMA for each phase.

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

1.10 The following documents have been submitted in support of the application:

- Design Compliance Statement
- Site Wide Phasing Plan
- Proposed Street Adoption Plan and Refuse Vehicle Tracking Plan
- Proposed Drainage Strategy Plan
- Waste Minimisation Statement
- Arboricultural Survey and Tree Protection Plan
- Proposed Landscaping/planting Plans
- Noise Impact Assessment
- Affordable Housing Schedule for Distribution (Whole Site/All Phases) and Phase 1 Affordable Housing Layout plan.

2.0 Policy Context

2.1 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.

2.2 The development plan comprises the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) 2011 - 2031 (2017) and saved policies of the Tewkesbury Borough Local Plan to 2011 - March 2006.

2.3 The application site is subject to Policy A1 of the JCS which is the site specific policy for the Innsworth and Twigworth Strategic Allocation. Whilst much of the policy relates to the principle of development, of particular note to this reserved matters application are the following requirements:

- 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.
- 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.

2.4 Other material policy considerations include the National Planning Policy Framework (NPPF) 2018 and National Planning Practice Guidance.

2.5 Other relevant policies are set out within this report.

3.0 Analysis

3.1 The principle of residential development at the site has been established through the grant of outline planning permission and its subsequent allocation for housing in the JCS as part of the wider Innsworth and Twigworth allocation (Policy A1). This application relates to the approval of the Phase 1 Reserved Matters in respect of access, layout, appearance, landscaping and scale of the development, and the discharge of a number of conditions as detailed in section 3 of this report.

3.2 The key issues in relation to this reserved matters application are considered to be:

- Layout, character, scale and density;
- House types;
- Access, turning, parking and sustainable transport;
- Trees, landscaping and open space;
- Existing and future residential amenity;
- Affordable housing.

3.3 In assessing these matters it is also important to consider whether they accord with the Outline Consent and its supporting documents which set out the key principles governing the development of the site, namely: the approved Parameter Plans and the approved Site Wide Masterplan Document.

4.0 Layout, character, scale and density

4.1 The NPPF states that the creation, of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable in communities. Policy SD4 of the JCS advises that new development should respond positively to and respect the character of the site and its surroundings, enhance local distinctiveness and the grain of the locality. Policy INF3 states that where green infrastructure assets are created, retained or replaced within a scheme they should be properly integrated into the design and contribute to local character and distinctiveness.

4.2 A number of parameter plans were agreed as part of the outline consent (15/00749/OUT). Four Parameter Plans in total were secured as part of the Outline consent, relating to Land Use; Building Heights; Access and Movement and Green Infrastructure. Further, condition 8 of the outline permission required a Site Wide Masterplan Document (SWMD), which has been approved and includes a set of Design Principles, including;

- The principles for determining the design, form, heights and general arrangement of external architectural features of buildings;
- The principles of the hierarchy for roads and public spaces;
- Potential arrangements for car parking;
- The principles for the design of the public realm; and
- The principles for the laying out of the green infrastructure including the access, location and general arrangements of sports pitches and play areas

4.3 As such, the SWMD encapsulates and embeds a number of important principles of good design and appropriate parameters and establishes a 'template' for the various phases of development within the site. All RMAs are required to be in accordance with the approved SWMD.

4.4 The Phase 1 RMA has been supported by a Compliance Statement (CS) in order to demonstrate the scheme's compliance with the SWMD. The CS sets out the Design Objectives, Streetscape Strategy, Soft Landscaping and Built Form elements of the Phase 1 proposal and how these align with the overarching parameters secured within the SWMD. Officers have assessed the CS and consider that, overall, it reflects and builds upon the principles and parameters set out in the Parameter Plans agreed at Outline stage and the SWMD.

4.5 The development proposes a balance between built form and green corridors, street tree planting and soft landscaping, providing a full range of housing from one to five bedroom dwellings. The location of the greenways and landscape buffers is broadly consistent with the SWMD and the existing PRow which runs north to south through the application site would be integrated into the development to form a green corridor.

4.6 The layout has been designed to reflect the agreed Access and Movement Parameter Plan and Street Hierarchy principles set out within the SWMD, providing a clear hierarchy of routes and public spaces to enable safe navigation and movement through the site. The layout incorporates a network of Primary Roads, Secondary/Community Streets and Tertiary Roads, which include 'shared surface lanes and 'Private Drives'. The SWMD shows the Primary/Spine road passing through the site via the eastern and western ends with a hierarchy of secondary streets linking off it. Links would be maintained to the existing footpath network and the existing public right of way that crosses the site and provides links to the wider area has been accommodated. New pedestrian linkages have been incorporated into the layout to provide access to and through new informal, landscaped open space, including to the new LEAP children's play area (to be delivered as part of Phase 1), which would adjoin the application site to the north, and the proposed new primary school, which would adjoin the west of the application site.

4.7 The layout has been designed to provide a perimeter block formation, in order to provide secure rear garden amenity space. The orientation of dwellings, together with the use of dual aspect house types has been incorporated into the layout in order to provide active street frontages in addition to natural surveillance of the public realm. The architectural approach responds to the principles set out in the SWMD which requires a clearly defined Street Hierarchy to allow for legible and permeable access in and around the development. As such, the development has been designed with three distinct street characters, reflecting their general architectural approach, scale, size and density.

4.8 The main Primary Street/Spine Road would run centrally east to west through the application site, with a designed 6.75m wide carriageway with a 3m wide shared footway/cycleway on the northern side and 2m wide footway set behind a 2.5m wide verge to the south. Visitor car parking spaces have been added within the verge area where appropriate. There is limited direct vehicular access to dwellings from the spine road proposed; townhouses are designed with predominantly front courtyard parking and apartment blocks served by a single access to rear courtyard parking areas. Dwellings are set back from the highway with regularly spaced street trees placed within the highway verge and dwelling frontages to create a formal avenue. The Primary Street areas would have the highest density of residential development in order to reinforce the formality of the avenue and visual distinctiveness of key buildings. Building heights would be up to three storeys along the primary street. Both the overall building heights and higher density development is reflective of the design characteristics secured within the SWMD for the 'Spine Character Area'.

4.9 The proposed Secondary/Community Streets would provide vehicular and pedestrian connections off Innsworth Lane and within the residential areas and are designed with a 5.5m or 4.8m wide carriageway and 2m wide footways to either side. Staggered 2.5m wide verges have been added, alternating from one side of the carriageway to the other to provide deflection and natural traffic calming. Verges allow for occasional tree planting and visitors car parking spaces. Dwellings provide continuous frontage with a mix of semi-detached and detached dwellings. Direct vehicular access is provided to plots with parking on plot, either to the side or front of dwellings. Where parking is provided to the front the adopted footway has been taken behind car parking spaces to provide a safer pedestrian route. Frontages have been designed to provide sufficient space between private car parking spaces and drives to allow tree and shrub planting. Where the secondary street adjoins the Primary School site suitable vehicular access has been provided to allow safe drop-off.

4.10 A number of shared surface 'mews' type lanes have been designed on the periphery of the residential parcels to provide a more informal and pedestrian friendly environment. These have been designed with a minimum width of 6.8m (incorporating 4.8m wide carriageway and 2m wide continuous service margin to one side). Occasional widening of the adopted carriageway is provided allowing visitors car parking spaces. Tighter tracking and changes in surfacing would provide natural traffic calming features, legibility and character. In addition, 'private drives' would be located on the periphery of parcels where adjoining green spaces and would provide access to a limited number of predominantly detached dwellings. Dwellings here, would have generous frontages to allow for shrub and hedge planting with drives varying in width and size to create an informal rural edge.

4.11 A number of amendments were requested by Planning and Urban Design Officers in respect of the proposal. Consequently, continuous runs of frontage parking have been reduced to a maximum of six spaces, with appropriate soft landscaping proposed in between each run in order to provide visual enhancement. The green corridor which incorporates a section of the existing PRoW has been widened, with key buildings moved away from its edge in order to create a more pleasant pedestrian environment. The Secondary Street off Innsworth Lane has been re-designed in order to create a stronger building line and more definitive character which would more closely align with the agreed design parameters of the SWMD.

4.12 In addition, detailed matters were also identified in relation to pedestrian connectivity within certain areas, the quality of amenity space created for future residents for certain plots, architectural detail within apartment buildings, including the requirement for balconies in order to provide a degree of private amenity space and the requirement for the contemporary design to be incorporated elsewhere within the development, other than the spine road in order to facilitate the transition between character areas.

4.13 Following negotiations a revised and substantially improved layout has been submitted. The widths and layout of the roads and streets has been improved. The street character areas have been enhanced with a clear street hierarchy now apparent. Frontage parking has been reduced and softened with additional landscaping. Tree planting across the site has been enhanced, including street trees. The route of the existing PRoW has been enhanced and incorporated more appropriately and legibly within the development as a whole. Discussions have been ongoing and further revised plans are anticipated which seek to address the outstanding design detailing to the apartment buildings and the additional contemporary housing designs requested by officers (**Revised plans will be displayed at Committee**).

4.14 Subject to these outstanding issues being resolved, it is considered that the revised layout is now broadly in accordance with the SWMD and is of an acceptable design.

5.0 House Types

5.1 The approved SWMD sets out the underlying key design principles that will shape the fundamental structure of urban form, landscape and streetscape. The Compliance Statement submitted in respect of the current RM scheme takes forward the design principles and architectural approach embedded within the SWMP and notes that the application site falls within both the Spine Road and Core Neighbourhood Character Areas. The requirement for a clear street hierarchy and character is set out within the SWMD, and the current RMA seeks to deliver a hierarchy of legible street types, with streets being defined by appropriate use of formal and informal character with planting and hard materials.

5.2 The application proposes a mix of 1 and 2 bed apartments, and 2, 3, 4 and 5 bedroom detached, semi-detached and terraced properties (**House types, elevation and floor plans will be displayed at Committee**). The site would consist of 47 one bedroom units, 37 two bedroom units, 105 three bedroom units, 57 four bedroom units and 7 five bedroom units, providing a broad mix of homes and house types.

Spine Road Character Area

5.3 Along the spine road areas, higher density development is proposed with a range of 3 storey apartment blocks and two, two and a half and three storey town houses providing a strong continuous frontage. Dwellings are designed with a contemporary theme to be visually distinctive. A simple palette of materials is proposed comprising plain red brick with occasional weatherboarding/cladding. Detailing is limited with occasional narrow recon stone band and boxed window surrounds. Slate effect roof tiles are proposed, with boxed eaves to town houses and parapet walls and low hipped roofs to apartments. Contemporary fenestration pattern is proposed, with all frames in dark grey. All doors would be dark coloured with contemporary flat topped projecting porch canopies. Dormers would be flat topped and fully leaded in appearance. No chimneys are proposed within the Spine Road Character Area.

Core Neighbourhoods Character Area

5.4 The remainder of the application site falls within the Core Neighbourhoods Character Area and has been designed to act as a transition between the Spine Road and Hatherley Ribbon Park Character Areas. As such, in contrast to the Spine Road, a more informal and lower scale of development is proposed, with dwellings proposed of a more traditional architectural style. In order to provide a sensitive and suitable interface with the varying surrounding land uses, a series of minor sub character areas have been created within the overall Core Neighbourhoods area.

5.5 Secondary/ community streets within the Core area have a more formal traditional appearance, with a mix of semi and detached dwellings, of two and two and a half storeys in height. House designs are varied with mock sash windows, brick dentil courses, canted brick heads, reconstituted stone heads and cills and occasional chimneys. All windows and doors are proposed to be white. Roofs would be eaves or gable fronted in a mix of slate effect, red plain and red profiled tiles. Dormers would be gable fronted and coloured white. Walls are proposed to be a mix of red brick, light coloured renders, reconstituted stone and elements of weatherboarding/cladding.

5.6 Dwellings fronting out onto green spaces would be predominantly detached and have a more relaxed rural feel. Detailing would include simple reconstituted stone corbels, heads and cills with occasional plain brick arches to windows. Window styles would be more limited and less formal in a mix of plain horizontal or cottage bar casement styles. Reconstituted stone would be utilised as the predominant walling material in order to reflect the transition zone between the Spine Road and more rural 'Hatherley Ribbon Park Character Area, which is identified within the SWMD and lies beyond the application site. A range of gable, hipped or eaves fronted door canopies with cottage style front doors in oak effect and chimneys to most plots, are proposed within the rural edges of the Core Neighbourhood Character Area.

5.7 Shared surface roads are designed to provide a mews type feel with a mix of repetitive style semi and terraced dwellings. Dwellings have been designed to provide a cottage style of development with plain reconstituted stone heads and cills, limited cottage style doors and windows styles. Flat canopies to front doors reflect styles within the local area. Dwellings would be a maximum of 2 storeys in height and in a mix of brick and render with slate grey, brown and red roof tiles as proposed across the wider character area to provide a unified and harmonious development. Occasional chimney to provide interest to the roofscape.

5.8 Dwellings have been designed to have their principal entrance at the front. A range of canopies are proposed to front doors in each character area which would reflect the style and design of the house types and define the dwelling entrance. Houses have been designed to have habitable rooms overlooking the public realm and dual fronted buildings have been added at key junctions and corners to provide activity and closure to the street.

5.9 In terms of associated boundary treatments, continuous building frontage lines with variations in enclosures to private space have been designed to provide clear definition between private and public areas. Front garden boundaries would be defined with a mix of railings, brick piers and or new hedging and shrubs to soften and visually improve the overall appearance. Rear gardens would be clearly defined with a mix of timber closeboard and panel fencing. Brick screen walls at 1.8m in height would be provided where rear gardens adjoin the public realm.

5.10 The original submission restricted the elements of contemporary design to the Spine Road Character Area only. In response to the Urban Design Officer's (UDO) comments, the quantum and areas of contemporary housing has been increased within the site, in order to provide a more harmonious integration and flow between the Spine Road and Core Neighbourhood Areas whilst still retaining sufficient differentiation between the two character areas. Revised house types and layout have subsequently been submitted to address the UDO's design concerns.

5.11 It is considered that the architectural treatment of the buildings across the site is appropriate and, in combination with the proposed landscaping and layout, would provide for a coherent and cohesive scheme. In terms of design, it is considered that the additional areas of contemporary design within the Phase 1 development would be visually and architecturally appropriate and reflect the design aesthetic set out within the SWMD and Compliance Statement.

5.12 Subject to conditions requiring the submission of materials samples, details of boundary treatments, including proposed railing positioning within the secondary streets and door/ fenestration detailing, the proposal is considered acceptable in this regard.

6.0 Access, turning, parking and sustainable transport

6.1 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. Policy SD4 (vii) also requires development to be well integrated with the movement network within and beyond the development itself, ensuring links by other modes and to green infrastructure.

6.2 In support of the application a suite of technical plans and documents has been submitted, including: Refuse Vehicle Swept Path Analysis, Proposed Adoptable Highways Plan, External works Plan, which includes hard landscaping/surfacing details and detailed engineering plans.

6.3 The main issues for this application are the internal site layout and the proposed new priority T-junction access off Innsworth Lane, located approximately 70m, to the west of Rookery Road, which would serve one of the new secondary streets within Phase 1. 2nos. additional new accesses are proposed off Innsworth Lane, serving 6nos. dwellings and 7nos. dwellings respectively. Other highways infrastructure which would serve the development as a whole is controlled by conditions attached to the outline permission and the reserved matters approval for site-wide highway infrastructure referred to above (18/01284/APP).

6.4 The CS sets out how the detailed reserved matters submission complies with the SWMD. The SWMD outlines that the design of the development aims to create a legible layout, arranged on a walkable grid form to encourage ease of use by pedestrians and cyclists. A clear distinction should be provided between public and private space based on a hierarchy of streets. The grid will be based on a permeable network of primary, secondary and tertiary streets. The key proposed vehicular connections, the primary street/Spine Road and the secondary streets, reflect the meandering nature of the east west flowing Hatherley Brook. Access roads and streets across the site should allow views through to attractive planting and open spaces. Pedestrian and Cycle Movement should be prioritised, with segregated paths and connected streets which would prioritise ease of movement for pedestrians and cyclists to further encourage cycling and walking. Existing Public Rights of Way are to be retained including within sections of proposed streets. Off road segregated cycle/pedestrian routes are to be directed through open spaces and parkland as part of an attractive experience. These should have soft edges and permeable surfaces, where possible. A clear, legible hierarchy of street types should be used across the development, with streets defined by appropriate use of formal and informal character with planting and hard materials. Community Streets, Green Lanes and Squares are to have a more pedestrian focus which is appropriate to residential areas creating a welcoming space which can incorporate multiple social uses.

6.5 As explained, the approved SWMD is based around defined character areas and road types with a 'primary street' running through the heart of the site which would act as a main bus/transport corridor linking each phase of the wider masterplan. The carriageway would accommodate both buses and cars. A series of nodes are proposed along the primary street where landmark features, including bus stops, feature trees or feature buildings, are incorporated to increase the legibility of the development. 'Secondary' streets ('Core Neighbourhood') would accommodate car movements, with footways of varying width. 'Community Streets' and 'Green Lanes' incorporate shared surface, narrower carriageways and priority given to pedestrian movement.

6.6 The proposed site layout for Phase 1 included in the reserved matters application has been reviewed to check the level of compliance with the approved SWMD, as well as the extent to which the proposals align with local and national guidance regarding the design of new residential development. Following the receipt of comments by the County Highways Officer (CHO), the applicant has worked closely with CHO to address the issues raised, which has resulted in revisions to the layout and the provision of additional/updated information.

6.7 Nevertheless, there remain some outstanding concerns in respect of highways matters including the technical design of road junctions; visibility splays; conflict between cyclists/motorists; vehicle tracking; the location of parking bays close to junctions with the Spine Road. **An update on these outstanding matters will be provided at Committee.**

6.8 Comments have been received regarding the potential increase in congestion and impact on highway safety in particular in respect of Frogfurlong Lane to the east of the site. This issues in general were however considered at outline stage. It should also be noted that the access on to Frogfurlong Lane was shown on the parameters plans which form part of the outline permission. The principle of an access on to the Lane has thus been established.

6.9 On the basis of the submitted information, it is considered that, subject to the submission of revised plans to address the CHOs outstanding concerns, the proposed development would ensure safe and efficient access to the highway network for all transport modes and would be well integrated with the movement network within and beyond the development itself, ensuring links by other modes and to green infrastructure, all in accordance with the relevant development plan policies.

7.0 Trees, landscaping and open space

7.1 JCS Policy SD6 seeks to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being. All applications will consider the landscape and visual sensitivity of the area in which they are to be located and which they may affect. Furthermore, Policy GNDP09 seeks to protect and enhance the local landscape. Criterion (e) requires that the existing settlement pattern is preserved including the strong east-west form of the village, by avoiding encroachment into the open countryside. JCS Policy SD4 (iv) requires the design of open space and landscaped areas to be of a high quality design, proving a clear structure and constitute an integral and cohesive element of the design.

7.2 The Parameter Plans approved through the outline permission and subsequent approval of the SWMD in respect of Condition 8, details a strong network of existing and proposed green infrastructure across the wider site, with the creation of vegetated north south routes which retain existing hedgerows to form corridors connecting the developed areas of the site with the natural landscape to the north and east.

7.3 The Green Infrastructure (GI) Strategy embedded within the SWMD seeks to create a multifunctional network of open spaces and green corridors permeating through the new development and linking existing features such as Hatherley Brook, Hatherley Ribbon Park and surrounding areas of open space and the countryside. The SWMD further provides that GI assets will be incorporated into the development, including, but not limited to, hedgerows, trees, grassland, proposed street trees (using Sustainable Urban Tree Planting Systems), water bodies, balancing/attenuation ponds, sports pitches, natural play areas, community orchards and footpath and cycle ways. The design approach taken within the SWMD seeks to draw the best from the sites assets, landscape character and local context and responds to the issues of ecology, access, landscape and surface water management in an integrated way to create a multi-functional landscape. Key linear habitats and associated features are to be retained to maintain a comprehensive green and blue network across the site.

7.4 Hatherley Brook, existing mature trees, valuable hedgerows and existing ponds are identified for protection within the SWMD, where possible and enhanced to minimise impacts upon protected species. The SWMD GI strategy also identifies the creation of a connected network of open spaces and habitats for local wildlife. A principal green area running along the north of the development broadly stretching east west would create an attractive linkage between the developments of Innsworth and Twigworth. A number of equipped play areas will conform to play safety standards and incorporate natural play features, including grass mounds, boulders, logs, rocks and plants to create innovative and challenging play areas to encourage children and young people's physical development with an appreciation of the natural environment.

7.5 The applicant has submitted a suite of information in support of the application to demonstrate compliance with the SWMD and above referenced conditions 10 and 11 of the Outline consent. The information includes: soft landscape proposals, hard landscape proposals, Tree pit specifications for proposed street tree planting, landscape specification, 5 -year landscape management plan, Arboricultural survey and a Design Compliance Statement.

7.6 The submitted soft landscaping proposals indicate that new hedge and shrub planting would be added to the frontages of dwellings to provide a green edge and visually enhance the character and appearance of the area. New planting has also been designed to create the following:-

- Help strengthen the local green infrastructure networks and mitigate visual impact.
- Form a setting and soften the proposed build form.
- Provide contrasts of scale, colour, texture and form.
- Help define legibility of road, create a sense of place and enhance external spaces.
- Mitigate the visual impact of car parking courts and in front plot car parking.

Front garden boundaries are proposed to be defined with a mix of hard landscaping (railings, brick piers) and or new hedging and shrubs to soften and visually improve the overall appearance. A fully detailed landscaping scheme has been submitted as part of this Reserved Matters application. A significant number of existing trees and hedges would also be retained, incorporated and enhanced. The proposed landscape approach is as follows:

7.8 The strategic planting has been designed to meet the requirements of the approved strategy for site wide green infrastructure, as set out within the SWMD.

- The landscape design retains existing corridors of vegetation within the layout and where necessary these areas are strengthened (for example, the existing PRoW)
- Landscaping within the streetscape aims to create a sense of place with defined spaces, including the use of hedges and trees. Green Infrastructure would be incorporated into the development, including hedgerows and proposed street trees (utilising Sustainable Urban Tree Planting Systems),
- The protection, retention and enhancement of green infrastructure through the site would provide wildlife linkages and opportunities identified in the Green Infrastructure Strategy and Ecological Management Plan

7.9 The Landscape Adviser (LA) has been consulted in respect of the current scheme and considers the proposal to be acceptable but has requested that a planting schedule be submitted to accompany the landscaping proposals - this can be secured by condition if necessary. Furthermore, whilst the LEAP proposed in Phase 1 of the proposed development does not form part of the current RMA, it would be located adjoining to it. On that basis, the LA has requested that the proposed route through to the POS from the adjoining housing be indicated within the layout plans.

7.10 Subject to submission of the above details, the landscaping proposals for the development are considered to be acceptable.

8.0 Existing and future residential amenity

8.1 Policy SD4 (iii) requires that new development should enhance comfort, convenience and enjoyment through the assessment of the opportunities for light, privacy and external space, and the avoidance of mitigation of potential disturbance, including visual intrusion, noise, smell and pollution. Policy SD14 further requires that new development must cause no harm to local amenity, including the amenity of neighbouring occupiers.

8.2 The layout and proximity of the Phase 1 site to the existing community of Innsworth (Innsworth Lane and connecting residential streets) is such that there would be no undue impact on the residential amenity of existing residents. The site is separated from the existing residential area by Innsworth Lane and this provides a defensible buffer between the application site and the existing dwellings to the south. The proposed new dwellings along the frontage of the Phase 1 site, would be set back from Innsworth Lane, behind shared driveways and soft landscaping. This set back, together with the intervening highway of Innsworth Lane, provides a substantial buffer (32m) between the front elevations of the existing properties to the south of the Lane and new properties to the north.

8.3 The amenity of residents to the immediate east of the site at Innsworth House Farm, and the pair of semi-detached properties to the immediate west of the site, have also been carefully considered. Innsworth House Farm would be separated from the development by the existing PRoW which runs from Innsworth Lane through the Phase 1 site, in a north-wards direction. The route of the PRoW would be retained as part of the development, with additional planting added in order to provide a green corridor through the site. The green corridor would provide a landscaped buffer between the existing dwelling and the new residential properties to its west, which would therefore preserve the residential amenity of both existing and future occupiers. A pair of semi-detached properties adjoin the site to the west, however, given the garden area between the closest proposed new dwelling and the neighbouring existing dwelling there would be no undue impact on the living conditions of that dwelling.

8.4 Condition 33 of the Outline consent requires each reserved matters application which includes dwellings to be accompanied by a noise survey to identify any dwellings that would be likely to be affected by road noise by Innsworth Lane. A Noise Impact Assessment was duly submitted to accompany the current Phase 1 proposal. The Environmental Health Officer (EHO) has considered the submitted Noise Assessment and advised that it is satisfactory and recommends that rooms on the south facades of the closest dwellings to Innsworth Lane should have trickle ventilators fitted that meet the sound reduction performance detailed in Table 6.2 of the noise assessment. In accordance with the submitted details, the EHO has advised that all glazing throughout the development should also meet the sound reduction performance detailed in Table 6.2 of the noise assessment. This element of the proposal can be secured by appropriate planning condition.

8.5 The site layout has been carefully considered to ensure that the development can achieve acceptable levels of amenity for the proposed new dwellings. It is considered that all dwellings would have access to an acceptable garden amenity area. The apartments are the exception as whilst these benefit from landscaped margins they do not have gardens. They instead, would have access to the public open space within the development, which is considered acceptable provision for these units. In addition, following discussions with officers, balconies have been added to apartment units in order to provide a degree of private amenity space for each. Dwellings have also been designed to front out onto the public realm to maximise activity, surveillance and an attractive outlook for residents/occupiers.

8.6 The distances between dwellings has been assessed. The most sensitive rear facing elevations maintain a minimum 20m gap to minimise direct overlooking between dwellings. This distance is reduced where dwellings face onto each other at oblique angles which is acceptable as direct overlooking of rear elevations is reduced. The distance between front elevations across highways and private drives is a minimum of 14m which is acceptable in a frontage situation. Increased distances are maintained between the three-storey apartment buildings and two-storey dwellings, with three storey and two and a half storey buildings being predominantly clustered together along the Spine Core Area.

8.7 The perimeter block layout serves to provide secure and private rear garden amenity space. Rear garden boundaries would be close board fencing to clearly define and enclose the private spaces and where visible from the public realm, would be 1.8m high screen wall. This would serve to further secure an appropriate level of private amenity space for each dwelling.

8.8 Overall, it is considered that the proposed development would result in acceptable levels of amenity being maintained for future residents of the development and the nearby existing residents of Innsworth, in accordance with the relevant JCS policies.

9.0 Affordable Housing

9.1 JCS Policy SD12 seeks 35% affordable housing to be provided, where possible, on site, within Strategic Allocation sites.

9.2 The application is accompanied by an Affordable Housing Scheme for the site. This is required by the S106 Agreement governing the outline permission which sets out the obligations for affordable housing delivery across the development. The approved Affordable Housing Scheme (Whole Site) identifies that 35% of the total number of residential units constructed on the site shall be affordable housing and that no more than 50% of the dwellings and no less than 10% of the dwellings on any phase should be provided as general affordable housing units.

9.3 Condition 7 of the Outline approval requires a Phasing Plan to be submitted for the whole site, either prior to or as part of the first reserved matters application. The submitted Phasing Plan should include details of the approximate number of market and affordable dwellings for each phase of development. A Phasing Plan has been submitted as part of the current Phase 1 RMA, together with a Schedule for Distribution. Furthermore, an Affordable Housing Layout Plan has been submitted which indicates the position and type of affordable housing units proposed within the development. The current Phase 1 scheme proposes a mix of 47nos. one-bedroom apartments, 19nos. two- bedroom apartments (provided at ground, first and second floor levels within the apartment blocks); 6nos. two-bedroom houses, 14nos. three-bedroom houses and 7nos. four- bedroom dwellings, either as affordable rent or affordable intermediate properties. The affordable units would be dispersed throughout the development, although the affordable apartments would be predominantly sited along the spine road area.

9.4 The Housing Enabling Officer (HEO) has been consulted and raises no objections to the proposed provision of affordable housing which is confirmed to be in accordance with the approved whole site affordable housing scheme and submitted Phasing Plan. However, the HEO has requested a complete breakdown of the proposed affordable housing for completeness, so that the breakdown of proposed affordable rent of affordable intermediate units can clearly be identified.

9.5 It is considered that, subject to the additional information requested by the HEO, the scheme provides an appropriate requirement for affordable housing in accordance with the relevant policies of the JCS and the approved outline permission.

10.0 Other Matters

10.1 Concerns have been raised in respect of the potential for flood risk and the ability of drainage infrastructure to cope with the new development. The principle of developing the site is of course already established by the outline permission; condition 22 of that permission requires all dwellings to be built in flood zone 1, whilst condition 22 controls the finished floor levels of new buildings. Furthermore, a drainage strategy for the entire site has been approved pursuant to condition 21 of the outline permission. The current application has been assessed by the Lead Local Flood Authority in light of the approved drainage strategy and no objection is raised.

11.0 Conclusions & Recommendations

11.1 Subject to the resolution of the technical matters raised within this report, it is considered that the proposal would result in an acceptable layout, scale, appearance, landscaping and access arrangements, which would be well related to the existing settlement of Innsworth and would integrate successfully into the surrounding landscape of the open countryside and later phases of the development.

11.2 It is recommended that authority be delegated to the Technical Planning Manager to **Approve the application subject to a satisfactory response from the Flood Risk Drainage Engineer, revised plans which satisfactorily address outstanding minor matters concerning highways/detailed design/layout and landscaping being resolved and any other additional/revisions to conditions which may be required.**

RECOMMENDATION Delegated Approve

Conditions:

Nil



783/A

Project PHASE 1 INNSWORTH GLOUCESTER		Date 20 12 18	Author Application Boundary Agreement
Location Plan		Scale 1:1250	
Notes Taylor Wimpey Gloucester 11 1250 20 11 18			
Project PHASE 1 INNSWORTH GLOUCESTER		Date 20 12 18	
Author Application Boundary Agreement		Scale 1:1250	
Notes Taylor Wimpey Gloucester 11 1250 20 11 18			



Valid 21.02.2019

Continued residential use of the dwelling in breach of agricultural occupancy condition (condition g of planning permission T.6113/A/AP).

Grid Ref 395966 225828

Parish Southam

Ward Cleeve Hill

RECOMMENDATION Grant Certificate**Policies and Constraints**

Town and Country Planning Act 1990, as amended

Town and Country Planning (General Permitted Development) Order 1995 - as amended

National Planning Policy Framework; 2018 (NPPF)

Planning Practice Guidance

The Gloucester, Cheltenham and Tewkesbury Joint Core Strategy; 2017 (JCS) SD6

Tewkesbury Borough Local Plan to 2011; March 2006 (TBLP)

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

The First Protocol, Article 1 (Protection of Property)

Consultations and Representations

Southam Parish Council - No objections.

This application is being reported to the Planning Committee as the Applicant is a Borough Councillor.**Planning Officers Comments:** Dawn Lloyd**1.0 Application site**

1.1 The application site relates to 1 New Kayte Cottages.

1.2 The property is a two storey detached dwelling located on Southam Lane adjacent to Kayte Farm and Cuckoo Farm. The site lies to the west of the settlement of Southam and is within the green belt.

2.0 Details of the proposal

2.1 This application is for a Certificate of Lawfulness for the continued occupation of the dwelling without complying with the agricultural condition. The existing property was one of a pair of agricultural workers cottages granted permission (T.6113/A and T6113/A/AP) on 21st March 1973 and 15th June 1973. Condition (g) of the outline permission T.6113/A states:

"The occupation of the dwelling shall be limited to persons employed or last employed solely or mainly and locally in agriculture as defined by Section 290(1) of the Town and Country Planning Act 1971 or forestry and the dependents (which shall be taken to include a widow or widower) of such persons.

Reason: The site is not in an area intended for general development. Permission is granted to the present proposal solely because the dwellings are required to house persons employed in agriculture or forestry.

2.2 A Certificate of Lawfulness enables an applicant to submit evidence to the planning authority to ascertain whether a particular use or, in this case, non-compliance with a condition, has been carried out continuously for 10 years up to the date that the application was submitted. The onus is firmly on the applicant to provide the necessary evidence. If a Certificate is forthcoming the unauthorised development becomes immune from any enforcement action.

3.3 In support of the case, the applicant has provided the following evidence:

- o Email from the Letting Agent stating they have been managing the property since June 2011.
- o Letter from Letting Agent, property managed from August 2005 to April 2008.
- o Rent invoices from Letting Agent from December 2011 to January 2019.
- o Rent invoices from Letting Agent Ltd June 2010 to Nov 2011.

- o Tenancy Agreements from August 2009, August 2008, August 2005, June 2004 and May 1999
- o Council tax invoices from 2010.
- o Statement from resident from August 2005 to July 2008.
- o Bank Statements from 2008, 2009, 2010 and 2011.
- o Letting Agent Inventory of repair works.
- o Bills for repairs/ maintenance 2017, March 2010, August 2008 and June 2005.
- o Letter from Solicitors for advice regarding non-payment by a tenant in November 2004.
- o Notification of benefit from Tewkesbury Borough Council Nov 2005 to April 2005, February 2005, November 2004.

3.0 Relevant Legislation

3.1 Section 191(4) of the Town and Country Planning Act requires local planning authorities to issue a Certificate of Lawfulness of Existing Use or Development (CLUEDS) where they are satisfied of the lawfulness at the time of the application of the use described in the application. In any other case they shall refuse the application.

3.2 The advice in the PPG on 'Lawful development certificates' makes it clear that the applicant is responsible for providing sufficient information to support an application. The relevant legal test of the evidence is 'on the balance of probability'. An applicant's own evidence does not need to be corroborated by independent evidence to be accepted. A local planning authority is entitled to canvass evidence if it so wishes before determining an application. Where the Council has no evidence of its own, or from others, to contradict or make less than probable the applicant's version of events, there is no good reasons to refuse the application provided that the applicant's evidence is sufficiently precise and unambiguous to pass the 'balance of probability' test.

4.0 Analysis

4.1 The application form states the dwelling has been occupied in breach of the condition since 1984. The information and evidence put forward by the applicant makes a compelling case that the dwelling has been occupied in breach of Condition (g) of the outline permission T.6113/A since 2004.

4.2 Whilst there are some gaps in the information that has been submitted in support of the application, the Council's own records support the applicants case that there has been continuous occupation of the cottage since at least 1993 to the current time.

4.3 It is concluded therefore that having considered the evidence, and in the absence of any other evidence contrary to the submission, on the balance of probability the dwelling as identified on the plan submitted with this application has been occupied by persons not related to agriculture or forestry continuously for a period of ten years.

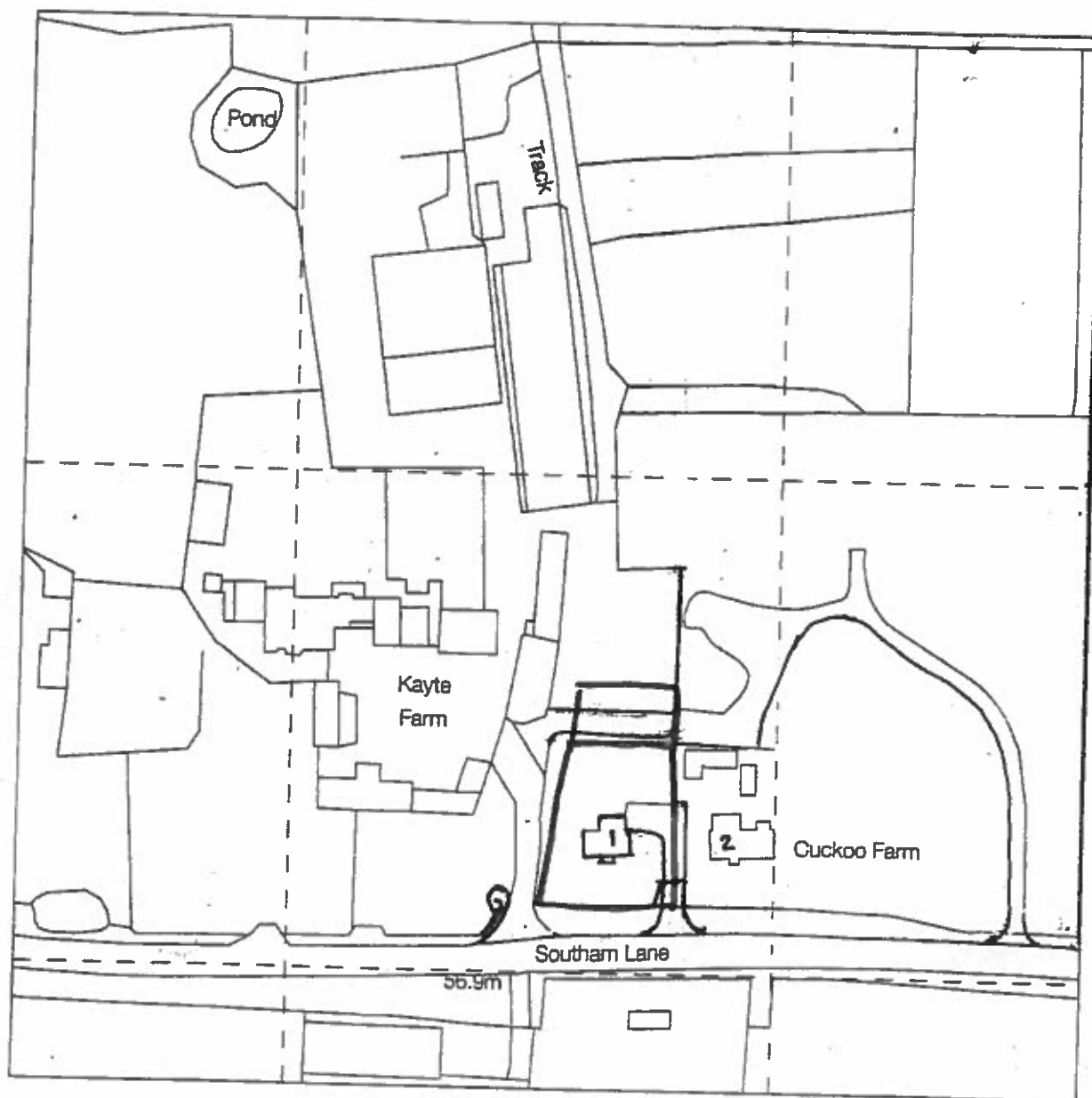
5.0 Conclusion

5.1 Based on the evidence provided to justify the case and on the balance of probability, it is considered that there has been a breach of the condition for 10 or more years. Therefore there is no objection to a Certificate of Lawfulness being granted.

RECOMMENDATION Grant Certificate

Conditions:

- 1 The evidence submitted to the Council demonstrates that, on the balance of probability, the land edged red on the plan attached to this certificate has been used as a dwellinghouse without compliance with Condition (g) of Planning Permission ref: T6113/A, which relates to the agricultural occupancy of the property, for a period in excess of 10 years. As such, no enforcement action may be taken in respect of the breach and the unrestricted occupancy of the dwellinghouse is therefore lawful by virtue of Section 171B (3) and Section 191 of the Town and County Planning Act 1990 (as amended).

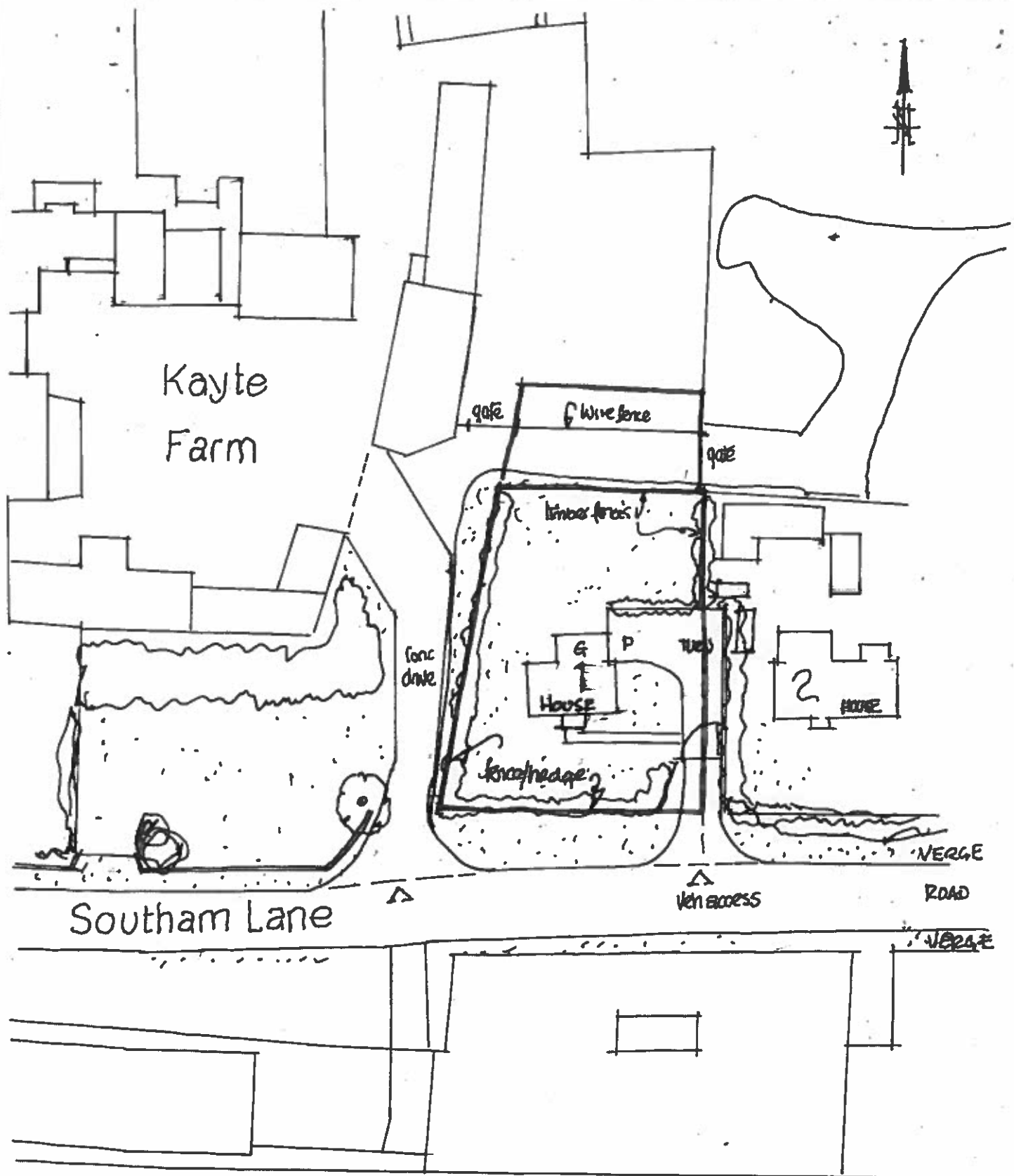


No 1 KAYTE FARM COTTAGES.
 SOUTHAM LANE. SOUTHAM.
 CHELTENHAM. GLOS. GL52 3PE 785/A

SITE LOCATION PLAN. 1:1250

18:1862:LP01 JANUARY 2019

DENNIS L RAYTON tel 01242 620818



NO 1 KAYTE FARM COTTAGES.

SOUTHAM LANE. SOUTHAM.

CHETENHAM. ELOS. GL52 3PE. 785/B

SITE PLAN

1:500

18:1862:5P01 JANUARY 2019.

Dennis L Rauten tel 01242 620818

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

20 October 2017

Please destroy previous lists.