

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

TEWKESBURY BOROUGH COUNCIL

Schedule of Planning Applications for the consideration of the **PLANNING COMMITTEE** at its meeting on 16 July 2019

	(NORTH)	(SOUTH)
General Development Applications Applications for Permission/Consent	(154 - 173)	(174 - 236)

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. (154 to 236)

INDEX TO PLANNING SCHEDULE (RECOMMENDATIONS) 16th July 2019

Parish and Reference	Address	Recommendation	Item/page number
Alderton 19/00414/FUL Click Here To View	6 Orchard Road Alderton Tewkesbury Gloucestershire	Permit	1/154
Ashchurch Rural 18/00043/OUT Click Here To View	Land At Fitzhamon Park Ashchurch Road Tewkesbury Ashchurch	Delegated Permit	2/159
Badgeworth 18/01295/OUT Click Here To View	Fortitude Birdlip Hill Witcombe Gloucester	Refuse	3/174
Bishops Cleeve 18/00249/OUT Click Here To View	Land At Stoke Road Bishops Cleeve GL52 7DG	Minded to Refuse	7/201
Brockworth 18/00864/APP Click Here To View	Phases 2 & 5, Land At Perrybrook North Brockworth GL3 4QY	Delegated Approve	8/228
Gotherington 19/00184/FUL Click Here To View	Clematis Cottage Shutter Lane Gotherington Cheltenham	Permit	5/191
Longford 19/00284/FUL Click Here To View	4 Meadvale Close Longford Gloucester Gloucestershire	Permit	6/197
Woodmancote 19/00135/FUL Click Here To View	Bishops Leys Farm Butts Lane Woodmancote Cheltenham	Refuse	4/183

Valid 16.04.2019

Grid Ref 400289 233352

Parish Alderton

Ward

WinchcombeAldertonGrettonHawlingPrescott

Proposed two storey and single storey rear extensions.

RECOMMENDATION Permit**Policies and Constraints**

National Planning Policy Framework; 2018 (NPPF)

Planning Practice Guidance

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

*Policy SD4 (Design Requirements)**Policy SD14 (Health and Environmental Quality)*

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

*Policy HOU8 (Domestic Extensions)**Policy LND2 (Special Landscape Area)*

Alderton Neighbourhood Development Plan 2011-2031 (ANDP)

Policy LC1 (Promoting Local Distinctiveness in Built Form)

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

The First Protocol, Article 1 (Protection of Property)

Special Landscape Area (SLA)

Consultations and Representations**Alderton Parish Council** - Objection & raise a number of questions, these are summarised below;

- The boundaries appear to encroach over to the neighbouring site
- What will happen to the electricity supply cables?
- First floor window would be close to the overhead electricity cable
- Build over agreement is needed for the drain to the rear
- Roof lights on front of building - should this be included with the application?

Building Control Officer - The application will require Building Regulations approval. Please contact Cheltenham and Tewkesbury Building Control on 01242 264321 for further information.

Members of the public - The application has been publicised through the posting of a site notice and 2 letters of representation have been received in the 21 day statutory consultation period. Objections are summarised below;

- Potential loss of light to number 8 Orchard Road
- New roof windows will need frosted glass to maintain privacy
- Sound proofing needs to be in place on party wall
- Protection of built over drain in the rear garden is needed
- Blocks light into the kitchen window
- Would block light into alleyway making it dark and damp
- Blocks light into rear gardens of neighbouring properties
- Overlooks into neighbours rear gardens
- New window on side would look directly into neighbour's kitchen
- New steps would obstruct shared alleyway
- Extension would extend beyond the rear of No. 4
- Electricity lines would need relocating
- Impacts upon drainage

Planning Officers Comments: Mr James Lloyd

1.0 Application Site

1.1 The application relates to 11 Orchard Road Alderton, a semi-detached two storey dwelling constructed with render and brown concrete interlocking tiles. The area is characterised by a mix of house types of differing styles and designs. A number of properties have projecting garages or extensions to their frontages.

1.2 The site is located within the Special Landscape Area (SLA) as designated by the TBLP. **see site location plan.**

2.0 Relevant Planning History

None

3.0 Current Application

3.1 The current application seeks the erection of rear extensions which comprise of two elements - a single storey mono-pitched extension and a two storey dual-pitched, gable ended extension.

3.2 Materials used in the construction would comprise of render, concrete pan tiles (two storey extension) Redland mock bond mini Stonewood concrete tiles (single storey extension) and UPVC doors and windows (including Velux style roof windows) - all to match existing.

3.3 The application also proposes two new windows on the roof slope of the front elevation.

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), the saved policies in the Tewkesbury Borough Local Plan to 2011 (March 2006) (TBLP) and the Alderton Neighbourhood Development Plan (ANDP) (2011-2031).

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

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

5.0 Analysis

5.1 The main issues to be considered are design, impact upon neighbouring residential amenity and the impact upon the Special Landscape Area.

Design

5.2 Policies HOU8 of the TBLP and SD4 JCS state that development must respect the character, scale and proportion of the existing dwelling and the surrounding development. The detailed design, materials and layout of buildings and structures must be appropriate to their setting and the character of the surrounding area. Neighbourhood Plan Policy LC1 (Promoting Local Distinctiveness in Built Form) sets out the design principles for assessing planning applications.

5.3 The proposal seeks the erection of a two storey rear, and a single storey rear extension. Both extensions would project approximately 5 metres from the rear of the building and would span approximately 7.5 metres. The two storey element would be dual-pitched with an outwards facing gable that sits slightly lower than the ridge line of the original building.

5.4 The design of the rear extensions are simple in form and similar to that built at No.4 Orchard Road. Whilst large in foot print, that scale would not overly dominate the existing building and the materials proposed would match those of the original dwelling.

5.5 The extensions would project into the modest rear garden and reduce the space between dwellings in the immediate vicinity. However, given the tight knit design of the residential estate, which is not uniform by design, it is not considered that this would significantly detract from the overall design and appearance of the wider area.

5.6 The extensions would not be prominent in views from the main road and would read as subservient to the main dwellinghouse. It is therefore considered that the design of the extensions are acceptable and comply with the requirements set out in Policies SD4, HOU8 and LC1.

Impact on the Special Landscape Area

5.7 Policy LND2 states that proposals for development will accord special attention to the protection and enhancement of the landscape character of the special landscape area. Proposals must demonstrate that they do not adversely affect the quality of the natural and built environment and its visual attractiveness.

5.8 Given the setting of the site within an existing residential estate, and the nature of those dwellings - lots of which feature individual landscaping, alterations and extensions, it is not considered that this proposal would be of detriment to the character of the special landscape area. The scheme therefore complies with the requirements set out in Policy LND2.

Impact on Residential Amenity

5.9 Policies HOU8 and SD4 also 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.

5.10 The site is located in a dense residential estate and as such there are several neighbours in close proximity. Nos. 4 & 8 are the direct neighbours located to the east and west respectively. There are no properties located to the north of the site as the rear garden abuts open country side.

5.11 Objections to the scheme have been submitted by both immediate neighbouring properties (Nos. 4 & 8).

5.12 No. 4 is located approximately 2.5 metres to the east of No.6 and is set at a higher level, separated by a shared access that leads to the rear gardens of both properties. No.4 benefits from a large two storey extension (permitted in 2002) that is similar in size, scale and design as the proposal. The rear of both properties face north, the sites enjoy large residential gardens. A ground floor window is located on the western (side) elevation of No.4, directly facing the side of No.6. Objections have been raised in terms of the impact that the two storey rear extension would have upon this window and the kitchen that it serves, the kitchen is only served by this side window.

5.13 Having assessed the proposal it is apparent that the existing relationship between the two properties already breach's the 45 degree rule of thumb, therefore an existing impact already exists. It is therefore important to assess whether the addition of this two storey extension would exacerbate the existing situation that it causes unacceptable impact upon the residential amenity of neighbouring property.

5.14 The rear of the buildings already face north, a direction where the sunlight is limited throughout the day, at present the projecting rear extension of No.4 creates shadowing to the rear of No.6. The proposed rear extension would contribute to further shading to the side elevation of No.4. However, given the existing relationships between the two properties this increase is not deemed to unduly impact the light levels over and above the existing relationship that would warrant a reason for refusal. It is also important to note that the applicants could also undertake rear extensions under permitted development (subject to certain conditions being met), these include a single storey rear extension up to 3 metres in depth and 4 metres in height or a two storey rear extension three metres in depth and a height that matches the existing property. It is therefore considered that the additional 2 metres in depth (over permitted development) proposed by this application would not result in the loss of sunlight to No.4 that would warrant refusal in this instance.

5.15 Concerns have also been raised in terms of the proposed first floor window (side) facing onto the side elevation of No.4 and looking down into the aforementioned kitchen window. This window will serve a bathroom and it is recommended that this window opening should be obscure glazed and non-opening, unless the parts which can be opened are more 1.7 metres above floor level, in the interests of protecting the residential amenity of existing and future occupants. This can be secured by way of an appropriately worded condition.

5.16 Given the existing windows located on the rear of No.6, it is not considered that the proposed windows to the rear of the extension would have an increased impact upon the neighbours in terms of over looking into the rear gardens. The extension would project approximately 5 metres into the rear garden and would serve to protect the immediate amenity space (directly to the rear of these properties) of both neighbouring properties.

5.17 In terms of the impact upon No.8, there is an existing relationship between the single storey extension and this neighbour. As with the two storey extension, the applicant could undertake a rear extension projecting approximately 3 metres from the rear. The additional 2 metres in this instance would not overly increase the impact upon No.8. It is also noteworthy that the two storey element is located 4 metres from the boundary and the single storey element has a shallow pitch roof sloping away from the neighbouring boundary. It is therefore considered that the proposal would not have an undue impact upon the residential amenity (in planning terms) to No.8 Orchard Road.

5.18 It is further considered that the extensions would not unreasonably reduce the amount of amenity space serving the dwelling.

Impact on parking and highways

5.19 Policy INF1 sets out that permission shall only be granted where the impact of development is not severe. It further states that safe and efficient access to the highway network should be provided for all transport means.

5.20 Given that the developments are proposed to be located in the rear garden, the existing parking and access arrangements are not affected and as such the scheme complies with the requirements set out in INF1.

Other matters

5.21 Objections have been raised in terms of the impact upon drainage, the existing electricity cables/supply and sound proofing. Whilst these objections are acknowledged, the matters raised are not material planning considerations and would be controlled/assessed through other regulations (such as building control regulations and party wall acts).

6.0 Conclusion & Recommendation

6.1 Whilst the Parish Council and neighbour comments have been carefully considered, taking all matters into account it is considered that the proposed scheme accords with the relevant policies of the development plan, and it is therefore recommended that planning permission is granted subject to conditions.

RECOMMENDATION Permit

Conditions:

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

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with following approved documents:
- Application Form, received 16th April 2019.
 - Site location plan, received 16th April 2019
 - Proposed Elevations & Floorplans: "18/02", received 16th April 2019
 - Existing Elevations & Floorplans: "18/01", received 16th April 2019
and any other conditions attached to this permission.

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

3. The external facing materials of the development hereby permitted shall be render and concrete roof tiles to match the existing dwelling.

Reason - To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity in accordance with the NPPF.

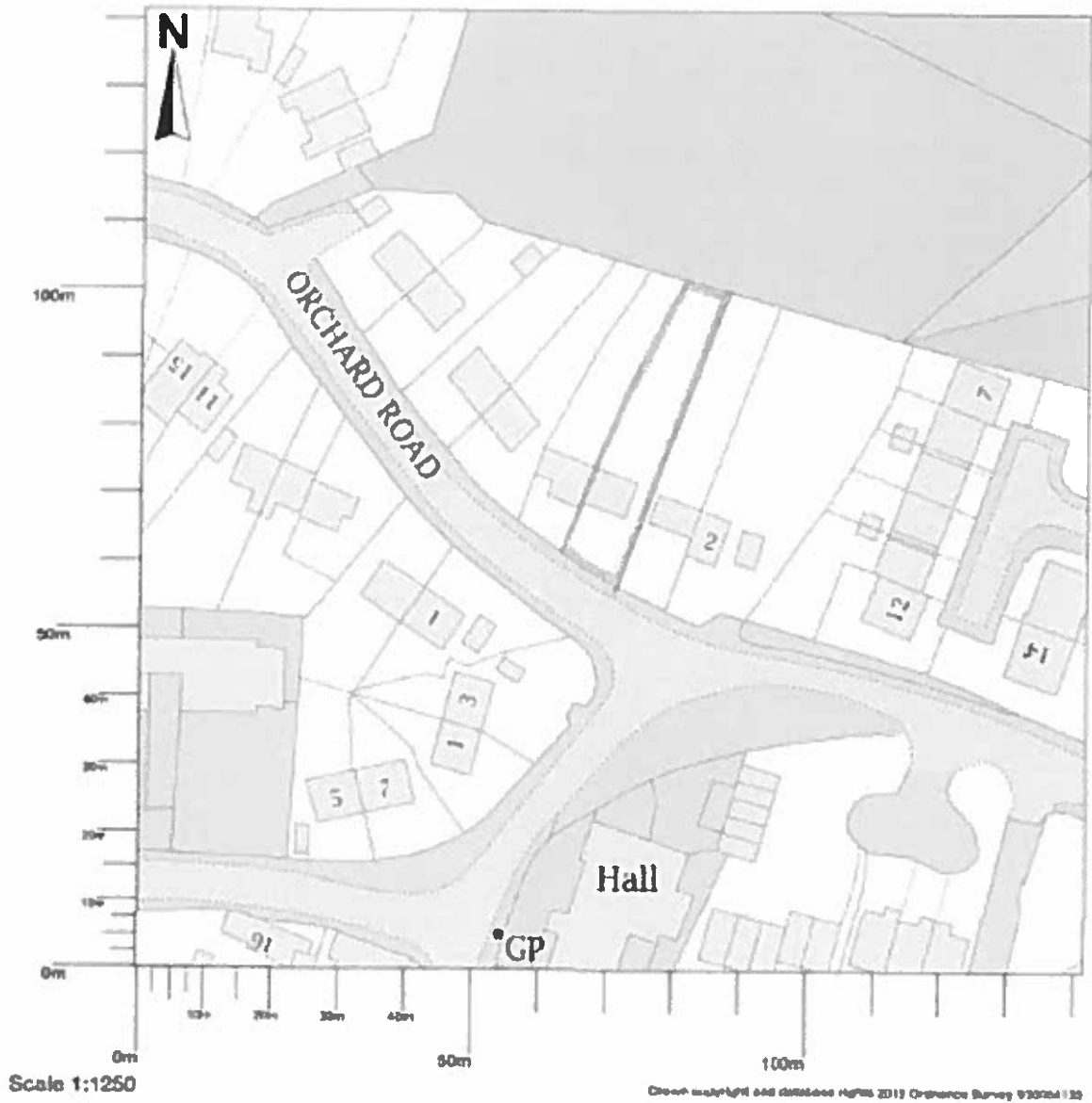
4. The proposed first floor window opening on the eastern elevation (side) as shown on drawing no. "18/02" shall be obscure glazed and non-opening, unless the opening parts are 1.7 metres above finished floor level, and thereafter retained as such.

Reason - To safeguard the privacy of residents in the locality in accordance with the NPPF.

Notes:

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 offering pre-application advice, detailed published guidance to assist the applicant and published to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.
2. This permission does not imply any rights of entry to any adjoining property nor does it imply that the development may extend into or project over or under any adjoining boundary.
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.

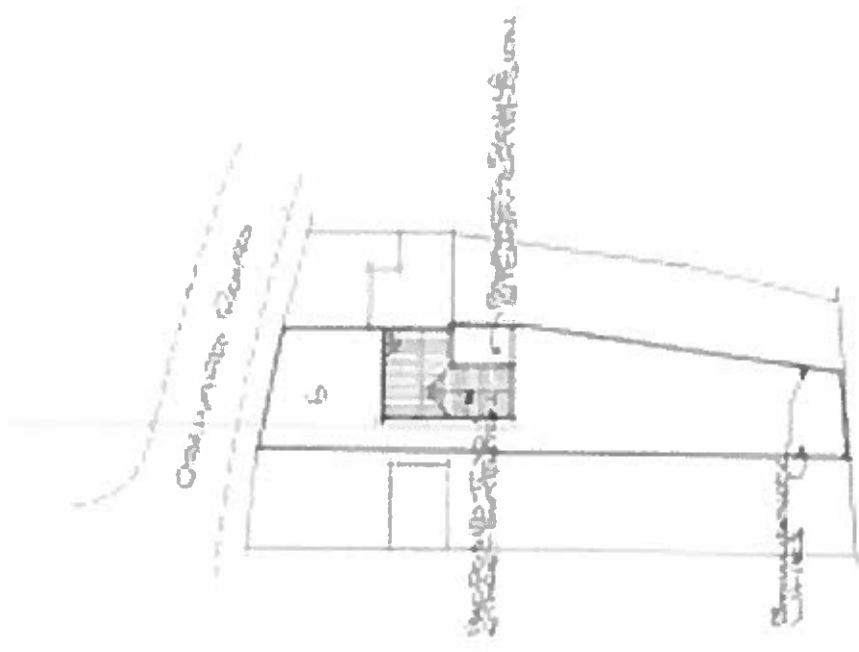
6 Orchard Road, Alderton, Tewkesbury, GL20 8NS



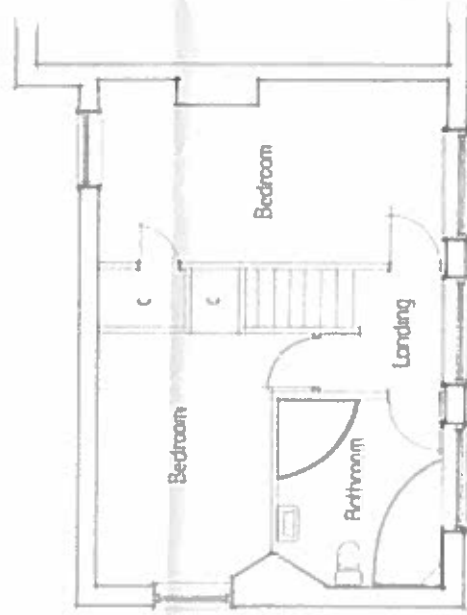
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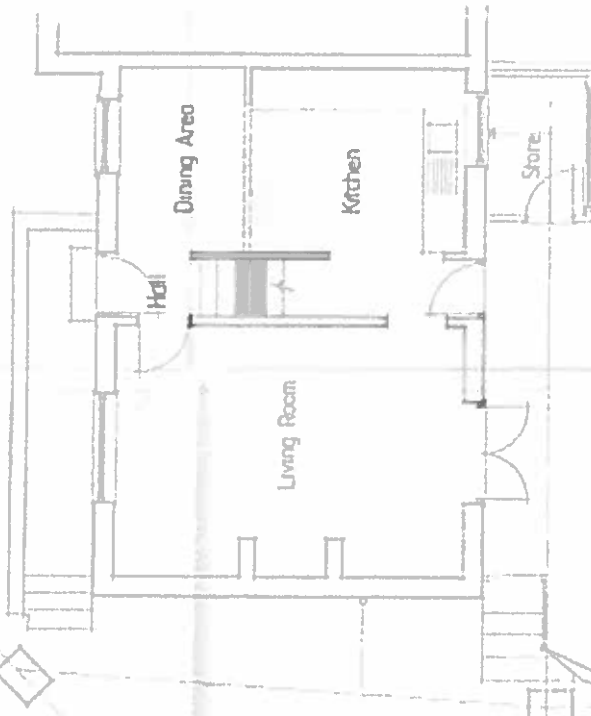
Existing Block Plan 1500



Proposed Block Plan 1500

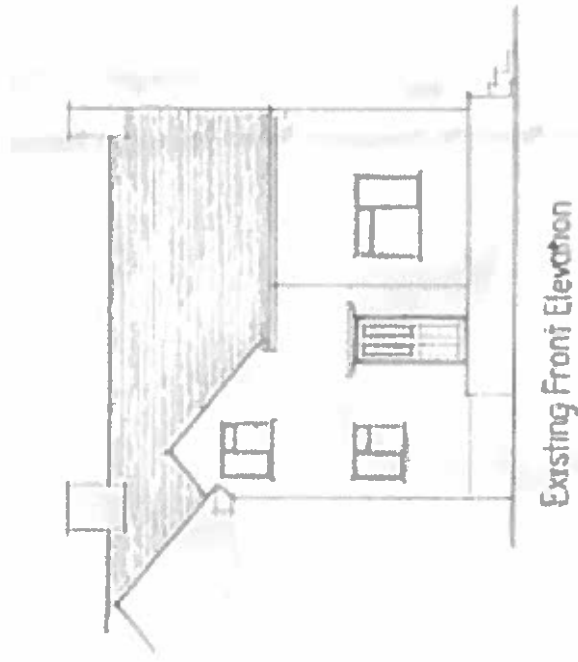


Existing First Floor Layout Plan

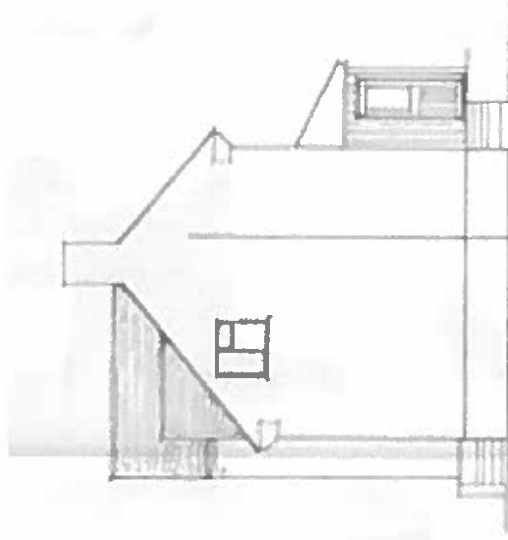


Existing Ground Floor Layout Plan

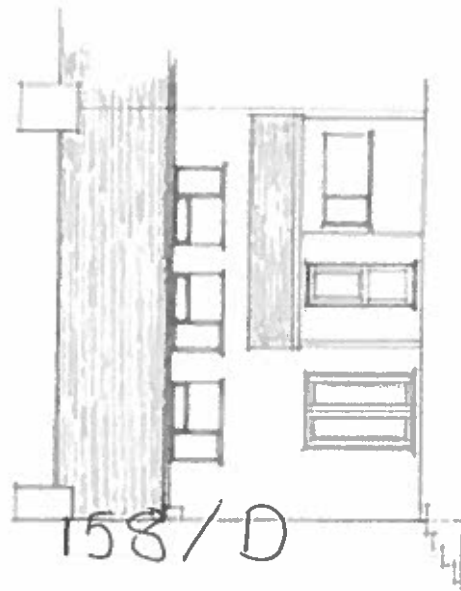
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Existing Front Elevation

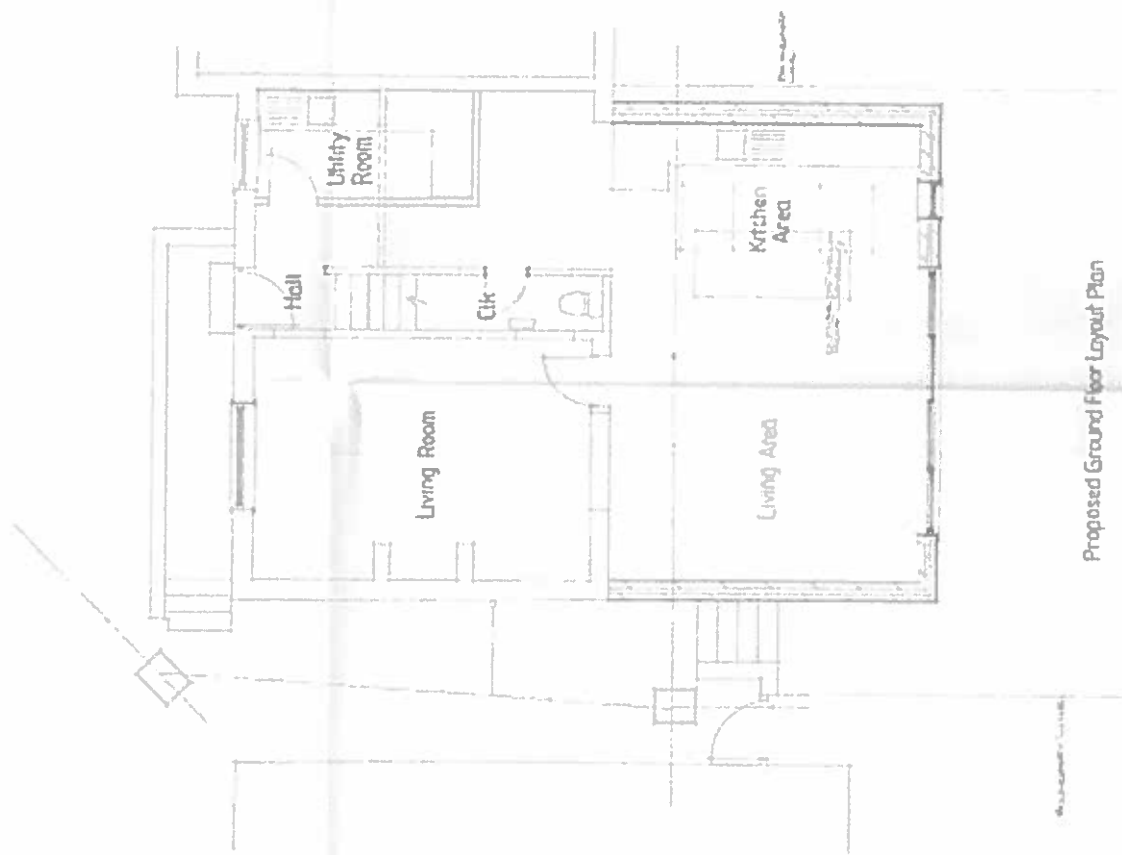


Existing Side Elevation

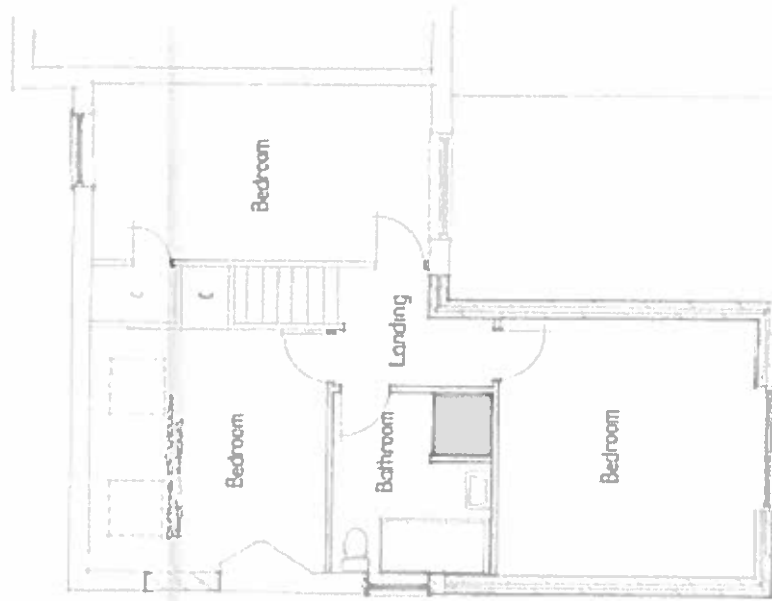


Existing Rear Elevation

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Proposed Ground Floor Layout Plan

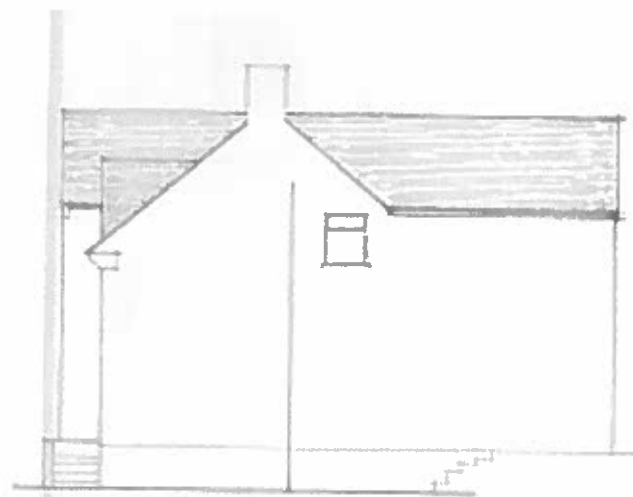


Proposed First Floor Layout Plan

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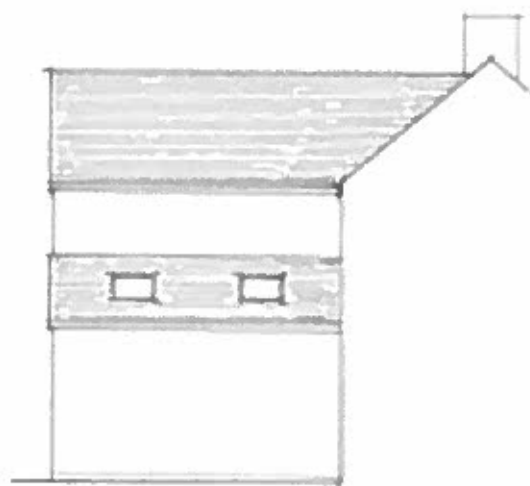
Proposed Rear Elevation



Proposed Side Elevation



Proposed Front Elevation



Proposed Side Elevation

Valid 18.01.2018

Outline planning application for the erection of up to 90 houses, a care home, community centre and associated works.

Grid Ref 393022 233150

Parish Ashchurch Rural

Ward

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, INF2 ad INF4

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

Tewkesbury Area Draft Concept Masterplan (2018)

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

Adjacent to a classified highway

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

- A46 heavily congested
- Highways England will not support further development
- Shops is not within walking distance
- Shops at Northway are unlikely to be used
- No retail within the development
- Details of proposed community building will need clarifying
- Linkages to adjoining development should be provided

Strategic Housing and Enabling Officer - No objections to a 40% provision of affordable housing.**Environmental Health - Contamination** - No objections subject to condition**Environmental Health - Environmental** - No objections subject to condition**Highways England** - No objections subject to conditions**Gloucestershire Highways** - No objections subject to conditions**Gloucestershire Public Rights of Way Officer** - No objections**Gloucestershire County Archaeologist** - No objections.**Lead Local Flood Authority** - Further observations are awaited.**Natural England** - No objections**Urban Design Officer** - Site is well located for commuting and employment. No objections in principle. Further design analysis required.**Sport England** - No objections, however residential development will increase demand for sports facilities.**Gloucestershire Economic Development and Strategic Planning** - No objections subject to contributions towards local schools.**Severn Trent Water** - No objections subject to condition.**Wales and West Utilities** - draw applicant's attention to infrastructure in the area.

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

- Ashchurch already provides proportion of housing for TBC
- More housing with no increase in employment
- Would provide depth of development beyond existing ribbon development
- Proposed access is via a small road
- Highway safety
- Would add to congestion
- Would reduce on street parking for existing residents
- No bus services
- No local amenities and 3 miles from Tewkesbury Town
- Risk of flooding

Planning Officers Comments: Bob Ristic

1.0 Application Site

1.1 The application site comprises two field parcels located to the southern side of the A46 in Ashchurch. The site measures 5.7 hectares in area and lies to the south of Fitzhammon Park and Ashchurch View Care Home. **(See attached location plan)**

1.2 The site would be accessed from St Barbara's Close, a residential cul-de-sac and via Fitzhammon Park. To the north of the site is residential development at Fitzhammon Park, St Barbara's Close and Ashchurch View Care Home. To the west of the site is the playing field to Ashchurch Primary School, which is screened by existing tree and hedge planting. To the east are open fields and the Linden Homes development at Pamington. The Tirl Brook runs along the southern boundary of the site.

1.3 The site comprises two agricultural fields which are used as pasture and the land slopes gently down to the south before dropping down sharply around the northern bank of the Tirl Brook.

1.4 The site is not subject to any landscape designations and the main body of the site lies within Flood Zone 1. The channel to the Tirl Brook and land to the south, (outside of the site) lie within Flood Zone 3 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, however the following developments have been permitted on land to the east and west of the application site.

Land South Of A46 Pamington Lane

14/00972/OUT - Outline planning application for the proposed development of up to 150 dwellings including access, landscaping, open space, and associated infrastructure with all matters reserved other than access - Permitted April 2015. Reserved matters approval has been granted for the entire site and development is under way.

Land behind Newton Cottages

14/00343/OUT - Outline permission granted for the erection of up to 45 dwellings to include open space and new vehicular access (appearance, landscaping, layout and scale to be reserved for future consideration). Reserved matters approval (18/00794/APP) has a resolution to approve subject to details to be addressed.

3.0 Current Application

3.1 The current application seeks outline planning permission for erection of up to 90 houses, a 66 bed care home, community facility, public open space and associated works with all matters (Appearance, Landscaping, Layout and Scale) except means of access reserved for future consideration.

3.2 The application has been accompanied by an illustrative masterplan which demonstrates how the site could be accessed from the A46 via Fitzhamon Park and through St Barbara's Close. **(See attached Illustrative Master Plan)**

3.3 The submitted masterplan demonstrates how the proposal could be laid out with the development concentrated to the central part of the site with the provision of informal public open space along the boundaries of the site, additional planting throughout and opportunities to provide pedestrian linkages to adjoining developments.

4.0 Planning Policy Context

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

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

National Planning Policy Framework and Planning Practice Guidance

4.7 The NPPF aims to promote sustainable development and the planning system has three 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.

4.8 Paragraph 11 of the NPPF includes a presumption in favour of sustainable development; this is discussed in detail in section 6 below. 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.

5.0 Community Infrastructure Levy Regulations

5.1 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.

5.2 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.

5.3 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.

5.4 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.

5.5 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.

5.6 Infrastructure requirements specifically related to the impact of the development can 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.

5.7 It should be noted that CIL receipts are not a material planning consideration.

6.0 Analysis

Principle of Development

6.1 The application site lies to the south of the A46 at Ashchurch, which is characterised by commercial and residential development along its length. The proposed development would be set to the rear of existing residential development and in proximity to Ashchurch Primary School and Village Hall as well as being in proximity to employment and public transport - both bus and rail. The application site is not therefore considered isolated however other services such as shops and leisure are limited.

6.2 JCS Policy SP2 sets out that development outside of Tewkesbury Town and Service Villages and within the remainder of the rural area will be subject to Policy SD10.

6.3 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.

6.4 In terms of the emerging Development Plan, this comprises the Preferred Options Tewkesbury Borough Plan (POTBP) (2018). The consultation period on this draft version ended on 30th November 2018. While the application site was submitted for allocation within the plan, site allocations in Ashchurch were excluded in favour of pursuing the comprehensive development of the area through the Tewkesbury Area Draft Concept Masterplan (TADCM) (2018).

6.5 The TADCM has been subject to public consultation as part of the JCS Issues and Options Consultation between 12th November 2018 and 11th January 2019. While the application site is indicated as a 'potential residential area', the masterplan is in the early stages of adoption and cannot be afforded weight at this time.

6.6 While the application site is sustainably located in proximity to Tewkesbury Town, employment at Ashchurch and public transport routes, 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, public open space. These matters must be considered in the overall planning balance.

6.7 Nevertheless, in this instance the application is in conflict with JCS Policy SD10 and this weighs against the proposal.

6.8 Paragraph 11 of the NPPF sets out that plans and decisions should apply a presumption in favour of sustainable development. For decision making this means:

*(c) approving development proposals that accord with an up-to-date development plan without delay; or
(d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
(i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

6.9 The NPPF clarifies (footnote 7) that planning policies for housing will be judged out of date, inter alia, where the local planning authority cannot demonstrate a 5 year supply of deliverable housing sites.

6.10 The latest published evidence (the Tewkesbury Borough Five Year Housing Land Supply Statement - March 2018 Update) concludes that the Council can demonstrate a 5.22 year supply. A recent appeal decision relating to a land at Oakridge, Highnam, 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.

6.11 Nevertheless, work is progressing on the annual Authority Monitoring Report, which provides the evidence for the Five Year Land Supply Statement. Whilst this work is not yet complete it is now clear that in respect of the 31 March 2019 base date data, the Council cannot demonstrate a five year supply of deliverable housing sites. The latest available information indicates that the Council can demonstrate a 4.33 year supply of deliverable housing sites, amounting to a shortfall of approximately 223 dwellings.

6.12 In conclusion on this point, the Council cannot at this time demonstrate a deliverable five year supply of housing land and thus the Council's policies for the supply of housing are out of date. There are no NPPF policies for the protection of areas or assets of particular importance which apply in this case and therefore, it is clear that the decision-making process for the determination of this application is to assess whether there are adverse impacts of granting planning permission which would significantly and demonstrably outweigh the benefits.

Accessibility and Highway Safety

6.13 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.

6.14 The level of service provision in the immediate area is relatively limited in terms of retail and leisure, however the site is located in proximity to Tewkesbury Town and is within walking and cycling distance of employment uses at Ashchurch as well as bus stops and the Ashchurch railway station. This contributes to the sustainability of the site and is 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.

6.15 The application proposes improvements at the junction of Fitzhamon Park and the A46 to re-prioritise traffic onto St Barbara's Close. The proposed works would entail the widening of the access road and provision of a crossing point and central island. Within the site the proposal would provide parking bays and a 2 metre footway into the application site.

6.16 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.

6.17 Highways England (HE) have assessed the information submitted in support of this application and have concluded that the proposed development is unlikely to have a significant impact on the Strategic Road Network (SRN) in highway capacity terms at this location as well as potential safety implications associated with right turning traffic onto the A46.

6.18 It is considered that the A46 junction has been assessed and, subject to improvements, it has been demonstrated that the junction can safely accommodate the additional traffic demand as a result of the proposed development. Furthermore HE advise that the scheme proposed for the A46 / Fitzhamon Park junction would improve the junction layout and provide additional capacity for any vehicles wishing to turn right onto the A46 without material impact on the flow of traffic on the A46 and the principle of the development is acceptable in traffic terms.

6.19 The internal site access arrangements and routing through St Barbara's Close have been assessed by the Gloucestershire County Highways Officer (HO). The HO has advised that the submitted swept path plans have demonstrated suitable space for expected vehicles and movements which demonstrate the availability of suitable forward visibility and tracking space for expected vehicles on the bend adjacent to Tirlebrook Grange.

6.20 A continuous pedestrian 2m width footway has been illustrated from the A46 along St Barbara's Close with suitable visibility at pedestrian crossings as well as reconfigured parking arrangement to serve the existing dwellings. Due to the length of the straight section of St Barbara's Close into the site, traffic calming into the site access would need to be provided and a priority narrowing scheme has been indicated on the submitted drawings.

6.21 The detailed access and layout arrangements into the site would be considered at reserved matters stage however these should provide forward and emerging visibility along roads and at junctions calculated by design speed to be stated. Swept path two-way tracking for largest regularly expected refuse vehicles passing a box van on the main arterial road and estate car on other roads in both directions and inter-visible passing will be required with clearance to carriageway edges and between vehicles. Pedestrian protected footways would be required to all dwellings and other building entrances and parking spaces throughout the development.

6.22 Accordingly and subject to compliance with conditions set out below it is considered that safe and suitable access can be provided to the site and the development and the residual cumulative impacts on the highway network would not be severe.

Drainage and Flood Risk

6.23 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.

6.24 The application site is located within Flood Zone 1 and is in a location that would be least at risk from flooding. The application has been accompanied by a flood risk assessment. This has been reviewed by the LLFA who have requested further details with regards to the proposed surface water drainage proposals to ensure that the development would not exacerbate the risk of flooding.

6.25 Further information in the form of a revised Flood Risk Assessment which includes relevant drainage calculations has been submitted by the applicant and this is being reviewed by the LLFA. **An update will be provided at committee.**

Landscape

6.26 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.

6.27 The JCS Landscape and Visual Sensitivity Study Addendum (Nov 2014) defines landscape and visual sensitivity for the area. The site lies within area 'Ash-05' and the landscape and visual sensitivity is described as 'low'.

6.28 The application has been accompanied by a Landscape and Visual Appraisal (LVA) which advises that the site is not subject to any landscape designation and is in pastoral use. The eastern and western boundaries are defined by hedgerow, while the northern boundary comprises a post and wire fence and planting. The LVA concludes that the proposals would be visible from localised viewpoints and the visual harm would be low. Furthermore the LVA sets out measures including landscaping and planting which would minimise the impact on the area.

6.29 It is considered that 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 new residential development to the east and west. While no public footpaths cross the site, Ashchurch Footpath 40 AAS40 runs to the eastern boundary of the site before turning westwards some way to the south. While the development would exert some presence, views from the east would be screened to a significant degree by existing tree and hedge planting as well as the provision of a landscape buffer within the site which would provide significant screening. It is also relevant that the site is identified in the TADCM as a location for future development.

6.30 Views from the south are more open however the development would be set back from the edge of the site behind a landscaped buffer and would be viewed in the context of existing development at Fitzhammon Park and St Barbara's Close which exert an influence upon the area and the overall landscape impact is not considered significant.

6.31 In conclusion, the proposed development would result in landscape harm at a site specific scale by introducing new development into the open, agricultural fields. Nevertheless the LVA demonstrates that the development, subject to appropriate landscaping and design, would not lead to any significant landscape effects. Consequently, it is not considered that there would be significant and demonstrable harm arising from the proposed development on landscape and visual grounds which would justify refusal of planning permission. It is also noteworthy in this context that the site is identified for future development in the TADCM.

Biodiversity

6.32 Policy SD9 of the JCS reflects NPPF guidance and seeks the protection and enhancement of biodiversity and geological resources of the JCS area. In terms of ecology, the site presently comprises made-up land used as pasture. The submitted ecological report advises that the site is of limited ecological value due to the managed nature of the land.

6.33 The report advises that there was no evidence of roosting bats within the site however it is recommended that light spill along the site boundaries is controlled. The report identifies evidence of a small population of Great Crested newts within the area of the pond to the eastern part of the site. The application proposes the retention of existing trees and planting in this area as a 'stand-off' and the report advises that the favourable conservation of the newts can be achieved through trapping or exclusion from the development area for the duration of the construction period and this will be subject of Natural England Licencing. Further habitat enhancement is proposed through the provision of a further pond and habitat improvements to the existing.

6.34 The report also sets out a series of recommendations and measures to protect and enhance biodiversity during the construction phase and post development and this could be controlled by condition.

Design, Layout and Amenity

6.35 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.

6.36 The submitted indicative layout plan shows how the development would be set to the central part of the site with landscaped buffers and public open space provided to the southern, eastern and western margins of the site. Furthermore, the submitted details indicate how pedestrian connections could be provided to adjoining developments and the wider area.

6.37 Design and Access Statement (DAS) identifies a mix of dwelling sizes, and styles within the surrounding area, ranging from small rendered cottages to more substantial 3 storey apartment blocks. The DAS sets out that the proposed design of the dwellings would draw upon traditional features found on existing development in the area, such as half eaves dormers, with a mix of brick and render facing materials.

6.38 Whilst the application is in outline form, it is considered that the proposals as indicated would result in a suitable design approach and layout which would respond to the character of the area and minimise the impacts upon the landscape, however the detailed design would be subject to further consideration at the reserved matters stage.

6.39 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.

6.40 The proposed development would be set a significant distance away from existing residential development at Fitzhammon Park and St Barbara's Close and would not result in any harm from overlooking. While the proposal would result in increased traffic movements along St Barbara's Close, this would not result in demonstrable harm to the occupiers of those properties in terms of noise or disturbance given the low speeds of vehicles using the estate road.

6.41 It is considered that it has been demonstrated that the site can deliver a suitably high quality development without demonstrable harm to the living conditions of the occupiers of adjoining properties.

Affordable housing/Housing mix

6.42 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.

6.43 The proposed development would provide 36 affordable houses which represents a 40% proportion of the 90 dwellings proposed at the site. The specific type, mix and tenure will need to reflect the requirements highlighted by the 2016 Housing Needs Survey and this provision would need to be secured by way of a S.106 agreement.

6.44 The application proposes a 66 bed care home. It is understood that while discussions with prospective operators have taken place the precise details of the accommodation and occupation are still to be agreed.

6.45 It is noted that bullet 2 of Policy SD12 requires the provision of affordable housing within residential institutions (use Class C2). Whilst the application proposes a care home no specific details have been provided at this stage with regards to the nature of the accommodation. If self-contained units are provided an affordable housing of 40% would be due and provision would need to be made within any S.106 agreement to allow for this to be secured should such units be proposed at the reserved matters stage.

6.46 In terms of housing mix, policy SD11 of the JCS sets out that the market housing mix of new development should reflect the identified local housing need, to ensure the delivery of a mix of dwelling sizes to meet existing need and the creation of a mixed and balanced community going forward. Development should address the needs of the local area and should be based on the most up-to-date Strategic Housing Market Assessment (SHMA). The application makes no reference to the mix of market dwellings however this is a matter that can be properly controlled via a suitably worded planning condition.

Other matters

6.47 Following the implementation of CIL, infrastructure requirements specifically related to the impact of the development will continue to be secured via a S106 legal agreement. This application would require as.106 agreement to secure the following contributions:

- Affordable Housing - 40%
- Recycling & waste bins - £73 per dwelling
- Public open space & maintenance

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

6.49 JCS Policy INF4 advises that new community facility provision should be of an appropriate type, standard and size and new provision should meet the needs of the community that it will serve. The application proposes a community building however details at this outline stage are limited.

6.50 While the proposed development is not of a scale which would generate the need for a community building to be provided to mitigate the impacts of the development, the Parish council have advised that the existing village hall is at capacity and there are no opportunities to extend the building at the existing site and the principle of a new community building is welcome. However further details of the proposal will be required before the Parish Council can support the proposal. Further clarification has been sought from the applicant and an update will be provided at committee.

6.51 It should also be noted that the community building would not meet the tests for planning obligations set out at Paragraph 56 of the NPPF in that it would not be necessary to make the development acceptable in planning terms or fairly and reasonably related in scale and kind to the development and can-not be required by this application.

6.52 With regards to the proposed care home, the applicant has advised that the proposed facility could provide up to 50 new jobs, based on other similar facilities. This facility and associated employment would provide a social and economic benefit.

7.0 Overall Balancing Exercise and Conclusion

7.1 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.

7.2 On the basis that the Council cannot at this time demonstrate a five year supply of deliverable housing sites, the Council's policies for the supply of housing are out of date. In accordance with paragraph 11 of the NPPF, the presumption in favour of sustainable development indicates that permission should be granted unless policies for protecting areas of assets of particular importance in the NPPF provide a clear reason for refusing the development proposed, or any adverse impacts of permitting the development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

7.3 There are no NPPF policies for the protection of areas or assets of particular importance which apply in this case and therefore, it is clear that the decision-making process for the determination of this application is to assess whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits.

Benefits

7.4 The delivery of market and social housing and a care facility in a sustainable and accessible location with good links to Tewkesbury and local employment and services is a social benefit arising from the proposal. Given the scale of the proposal, these benefits are given moderate weight.

7.5 There would be economic benefit during the construction phase and employment generated by the proposed care facility. Further economic benefits would arise from the additional population which would benefit local services. These economic benefits, along with the economic benefits arising from the construction phase, are given some weight.

7.6 Furthermore, the provision of a community facility (subject to further clarification) and public open space would be a social benefit which would serve the existing community as well as new residents although these benefits are given some weight, as they are required in any event to mitigate the impacts of development.

Harms

7.7 Harm arises from the conflict with the development plan and in particular policies SP2 and SD10. Notwithstanding the conflict with the development plan, the Council cannot demonstrate a five year supply of deliverable housing sites and this must be weighed in the overall planning balance.

7.8 Further, landscape harm will arise from the loss of part of the existing field parcels, however the site is not subject to a landscape designation and its sensitivity has been defined as 'low'. The proposal would have an urbanising effect upon the area however it is considered that this visual harm can be mitigated through appropriate design and landscaping as part of any reserved matters applications. The site's identification for future development in the Tewkesbury Area Draft Concept Masterplan is also noteworthy in this respect.

Neutral

7.9 It is considered that the proposal would result in a neutral impact on ecology and geodiversity and subject to compliance with conditions the development would not have an unacceptable impact the operation of the highway or highway safety.

Conclusion

7.10 On the basis that the Council cannot demonstrate a five year supply of deliverable housing sites, the planning balance must be struck having regard to the presumption in favour of sustainable development at paragraph 11 of the NPPF. Whilst there is conflict with the development plan housing policies, these policies are considered out of date. There would also be harm to the landscape.

7.10 However in the absence of policies in the NPPF which would provide a clear reason for refusal, it is not considered that these harms would significantly and demonstrably outweigh the benefits set out above and it is therefore recommended that **permission is DELEGATED to the Technical Planning Manager subject to resolution of outstanding surface water drainage matters; imposition of/amendments to appropriate planning conditions; and the completion of a section 106 legal agreement to secure the following:**

- Affordable Housing - 40%
- On site Public Open Space
- Recycling & waste bins - £73 per dwelling

RECOMMENDATION Delegated Permit

Conditions:

1. The development for which permission is hereby granted shall not be begun before detailed plans thereof showing the 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 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.

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 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 be 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.

8. 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.

9. 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 Fitzhamon Park, Ashchurch Design and Access Statement (October 2018) and illustrative masterplan RHIN160211 IMP-01 Rev.F.

Reason: To ensure a satisfactory appearance to the development.

10. The development hereby permitted shall not begin until a scheme to deal with contamination of land, ground gas and controlled waters has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include all of the following measures, unless the Local Planning Authority dispenses with any such requirement specifically in writing:
- i. A Phase I site investigation report carried out by a competent person to include a desk study, site walkover, the production of a site conceptual model and a human health and environmental risk assessment, undertaken in accordance with BS 10175: 2011 Investigation of Potentially Contaminated Sites - Code of Practice.
 - ii. A Phase II intrusive investigation report detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011 Investigation of Potentially Contaminated Sites - Code of Practice. The report shall include a detailed quantitative human health and environmental risk assessment.
 - iii. A remediation scheme detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. A clear end point of the remediation shall be stated, and how this will be validated. Any ongoing monitoring shall also be determined.
 - iv. A validation report detailing the proposed remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology shall be submitted prior to the development being brought into use.
 - v. Details of any post-remedial sampling and analysis to demonstrate that the site has achieved the required clean-up criteria , together with the necessary documentation detailing what waste materials have been removed from the site.

If during the works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed in an appropriate remediation scheme which shall be submitted to and approved in writing by the Local Planning Authority.

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

11. The first reserved matters application submitted pursuant to Condition 1 above shall include a detailed design for the A46/Fitzhamon Park junction scheme in accordance with drawing reference W162192_A01-Rev i. The scheme shall comply with the design requirements and procedures of the Design Manual for Roads and Bridges as required by Highways England, including those relating to Road Safety Audit and Walking, Cycling and Horse-Riding Assessment and Review (WCHAR). The junction scheme shall be implemented and completed in full, in accordance with the approved detailed design, prior to first occupation of any building/dwelling on the development.

Reason: In order to ensure the safety of users on the A46 and enable it to continue to be an effective part of the Strategic Road Network.

12. Prior to the commencement of development a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved Plan.

Reason: In order to ensure the safety of users on the A46 and enable it to continue to be an effective part of the Strategic Road Network.

13. No works shall commence on site until the footway illustrated on the submitted plans has been provided into the site from the A46 in general accordance with plan W162192_A01 Rev i.

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.

14. The access hereby permitted shall not be brought into use for the development until the existing roadside frontage boundaries have been set back to provide visibility splays as illustrated on plan W162192_A01 Rev I with splays of 20m or to road ends from the back edge of the pedestrian crossing on the west side of Fitzhamon Park to the nearside carriageway edges, and the area between those splays and the footway shall be reduced in level and thereafter maintained so as to provide clear visibility at a height of 600mm above the adjacent footway level.

Reason: To avoid an unacceptable impact on highway safety by ensuring that adequate pedestrian visibility is provided and maintained and 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.

15. No works shall commence on site on the development hereby permitted until details of the site access have been submitted to and approved in writing by the Local Planning Authority including traffic calming and no dwelling, building or land use occupied or beneficially used until the approved works have been completed and are open to the public.

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.

16. Throughout the construction phase of the development hereby permitted provision shall be made within the site (and thereafter retained for the duration of construction works) 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.

17. No part of the development hereby permitted shall be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority, setting out;
- i. objectives and targets for promoting sustainable travel,
 - ii. appointment and funding of a travel plan coordinator,
 - iii. details of an annual monitoring and review process,
 - iv. means of funding of the travel plan, and;
 - v. an implementation timetable including the responsible body for each action.

The approved Travel Plan shall be implemented in accordance with the details and timetable therein, and shall be continued thereafter.

Reason: The development will generate a significant amount of movement and to ensure that the appropriate opportunities to promote sustainable transport modes are taken up.

18. Prior to the first occupation of the 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.

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.

19. No part of the development shall be occupied until fire hydrants (served by mains water supply) to serve that part of the development have been provided in accordance with a scheme which shall first be submitted to and approved in writing by the Local Planning Authority.

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

20. Prior to first occupation of the proposed development hereby permitted the first 15m of the proposed access road, including the junction with the existing public road, 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.

21. The layout details required pursuant to condition 1 above shall include details of secure and covered cycle storage facilities for a minimum of 1 bicycle per dwelling and such facilities based on evidenced demand for non-residential uses. No dwelling/building shall be first occupied until the covered cycle storage facilities have been provided for that dwelling/building in accordance with the details so approved.

Reason: 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.

22. The first application for reserved matters pursuant to condition 1 above shall include details of the mix of houses proposed. Those details shall be broadly in accordance with the most up to date version of the JCS SHMA at the time of the first reserved matters application unless an alternative local need can be demonstrated.

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

23. No demolition, construction works or machinery (audible beyond the application site) shall be operated, or process carried out and no deliveries taken at or despatched from the site outside the following times 07.30 hours to 18.00 hours Mondays to Fridays and 08.00 hours to 13.00 hours on Saturdays nor at any time on Sundays, Bank or Public Holidays.

Reason: In order to protect the amenity of occupiers of nearby properties.

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. 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.
3. 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.
4. The highway scheme associated with this consent involves works within the public highway, which is land over which you have no control. Highways England therefore requires you to enter into a suitable legal Section 278 agreement to cover the design check, construction and supervision of the works. Contact should be made with the Highways England Section 278 Business Manager Nigel Wilkins to discuss these matters on nigel.wilkins@highwaysengland.co.uk.
5. 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.
6. The applicant is advised that to discharge the street management and maintenance condition that the local planning authority requires a copy of a completed dedication agreement between the applicant and the local highway authority or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.

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

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.



Valid 08.01.2019

Outline application for the demolition of an existing log cabin and the cessation of the extant log cabin development and erection of a new single dwelling (including means of access)

Grid Ref 391434 215118

Parish Badgeworth

Ward Badgeworth

RECOMMENDATION Refuse

Policies and Constraints

National Planning Policy Framework (NPPF)

National Planning Policy Guidance (NPPG)

Joint Core Strategy (2017) - SD4, SD6, SD7, SD9, SD10, SD14, INF1

Tewkesbury Borough Local Plan to 2011

Human Rights Act 1998 - Article 8

The First Protocol - Article 1

Cotswold AONB Management Plan 2018 - 2023

Consultations and Representations

Great Witcombe Parish Council - Object. Due to the following reasons:

- Negative impact upon the AONB and contrary to planning policy.
- The landowner never installed any drainage or utilities for the log cabins therefore did he ever intend on building them;
- If a dwelling was approved it would set a precedent and further single dwellings would be applied for on site;
- The applicant states it will boost housing supply, this is seen as a weak argument as it is for only one single dwelling;
- The applicant also states reduction in noise, this argument is not justified as there is currently only one log cabin in situ

Badgeworth Parish Council - Object for the same reasons as previous applications for dwellings on this site. As detailed below:

1. This application site is situated within the Cotswold AONB and is within attractive and somewhat isolated countryside on the slopes of Birdlip Hill, Witcombe. Members of the Borough Planning Committee will be aware of the long planning and enforcement history relating to this development site.
2. Following a successful planning appeal in 1992, approval was granted for the erection of 10 log cabins for use as holiday homes - these homes were to be used for temporary residence for holiday/leisure purposes only. This is not a brownfield site where the removal of existing buildings would allow arguments to be put forward that the AONB would be significantly enhanced through the erection of new dwellings or some other form of new build. The substitution of log cabins by the erection of 4 modern detached dwellings would do nothing to improve this area of the AONB landscape. Quite the reverse.
3. The National Planning Policy Framework makes it abundantly clear that great weight should be given to conserving landscape and scenic beauty. Areas of Outstanding Natural Beauty have the highest status of protection in relation to landscape and scenic beauty. There is no doubt, in the eyes of the Parish Council and the local community, that the erection of 4 large detached dwellings would have a damaging effect on this local landscape. The applicant, in the opinion of the Parish Council, has not made a case that very special circumstances exist which would allow for the development to be classed as an appropriate development in the AONB.
4. The Parish Council concurs with the opinion of the Borough Councils Urban Design Officer that this development should not be approved because of its position within the AONB.

5. The development site is not within a defined settlement area. The Witcombe/Birdlip/Bentham areas have not been classified as Service Villages and the development site is not identified within a strategic development area or emerging Local Plan. The Joint Core Strategy clearly endorses that the whole of this area should remain within the Green Belt and AONB. Building 4 detached dwellings on the slope of Birdlip Hill would certainly be seen as inappropriate development.

6. The development site is not sustainable. It is, as mentioned by the Urban Design Officer, a car dependent location. There are no services such as a local shop, health centre/doctors surgery, public transport, community meeting place. The local primary school in Birdlip is at the top of the escarpment and can only safely be reached by car. There are no pavements or street lighting on Birdlip Hill.

7. In November 2011, a development application for the erection of 3 houses on this site was refused by the Borough Planning Committee. The principal grounds for refusal were that the site was not sustainable, it was outside any settlement boundary and was within the AONB. Nothing has changed and the Parish Council considers that the Planning Committee should reach the same decision in respect of the present application.

8. Access in and out of the development site is not ideal. Birdlip Hill is a steep, twisting and narrow rat-run road to and from the A417 where extreme caution would be required by those emerging from the development site.

PROW - No objection as development does not appear to affect public right of way

Tree Officer - No objection subject to conditions

Gloucestershire County Highways - No highway objection

Five letters of support were received raising, in summary, the following points:

- The proposal would be more fitting / in keeping than the log cabin development;
- The site is large, with stunning views, and would make a wonderful location for a house
- The site would be more sympathetic to the surrounding landscape than the existing holiday Cabin Development
- One dwelling would have less of an impact upon the AONB than a log cabin development

Five letters of objection were received raising, in summary, the following points:

- Somebody is living in the holiday home full time currently, which contravenes the current planning permission
- Applicant has disrespect to local inhabitants, "give an inch, take a mile attitude"
- Another attempt from the applicant to circumvent planning laws in an AONB to develop the land;
- Not plausible argument for stating it will help with housing need;
- Site lies within open countryside and outside the boundary for development;
- No new reasons have been put forward from the refusal of the previous applications;
- Planning Inspectorate was clear in their decision that the approval in 1992 was to promote tourism and residential housing on this site would not be approved
- Within 17 years the applicant has only built one log cabin therefore his intentions do not appear to be to build the entire site

In addition; a petition with **30 signatures in objection** to the proposal was received, making the following points:

- Protection of the AONB is paramount;
- The footprint of the proposed detached dwelling is substantial, it would constitute a blot on the landscape which no amount of screening could eradicate;
- The developer was granted permission to develop the site at appeal because the Inspectorate was assured it was to promote tourism and work in the area, it was then conditioned that the lodges could only be holiday lets not permanent residency;
- If application is successful then there would be no control as to further inappropriate expansion on site;
- Would set a precedent for future development in the AONB

Planning Officers Comments: Gemma Webster

1.0 Application Site

1.1 The application relates to land at Woodview, Birdlip Hill, Witcombe, which is located within an area of open countryside forming the lower slopes of the Cotswold Scarp within the Area of Outstanding Natural Beauty.

1.2 The site comprises approximately 1.3 hectares of land and benefits from an existing access off the Birdlip Hill Road, which is a classified highway. A single detached timber log cabin, which is used as holiday accommodation, and an access track and gates are located on the land.

2.0 Planning History

2.1 Outline planning permission was originally granted on Appeal by in 1992 for the erection of 10 holiday log cabins, with associated sports facilities, manager's accommodation and access under planning ref: 90T/7589/02/01. This permission has subsequently renewed on a number of occasions, and the permission has now been implemented following the construction of one of the log cabins on the site. Although the remaining log cabins and associated leisure facilities have not been built to date the permission is considered to be extant. In allowing the appeal, the Planning Inspector imposed a planning condition preventing the 'proprietor's accommodation' from being occupied prior to the completion of the 10 holiday log cabins, and its occupation limited to a person solely or mainly working in the business comprising the 10 holiday log cabins with associated sports facilities. The condition was imposed for the reason that the site was considered unacceptable for general residential use by reason of its location within the open countryside and Cotswold AONB and due to its access on to the Birdlip Road, where vehicle speeds are high.

2.2 An outline planning application was refused in 2011 for the erection of 3 detached dwellings on the site (app ref: 11/01028/OUT). The development was predominantly refused due to the site being considered unsuitable for housing due to its location outside an established settlement boundary and its location within the AONB.

2.3 An application was permitted in June 2014 for the removal of condition 9 of the log cabins permission to allow the leisure/sporting facilities to be used by the general public (14/00244/FUL).

2.4 An application was refused in 2014 to vary condition 10 attached to permission ref: 98/7589/0097/OUT to allow the proprietor's accommodation to be occupied after 5 log cabins being complete. This application was refused because, *"The site is unsuitable for unrestricted residential use by reason of its isolated location within the open countryside, where there are poor pedestrian, cycle and public transport links to the nearest facilities and amenities. It has not been demonstrated that the variation of condition to allow the occupation of the proprietor's accommodation after the completion of the 5th holiday log cabin is reasonably necessary to serve this tourism related use. The proposal therefore conflicts with paragraph 55 of the National Planning Policy Framework (NPPF)".*

2.5 A further application was submitted in January 2015 for the variation of condition 10 from application 02/7859/1723/OUT to allow the proprietor's accommodation to be occupied after 5 log cabins have been completed as opposed to 10. This was subsequently refused for the same reason as the 2014 application above.

2.6 An application was submitted (15/01188/FUL) for the erection of four detached dwellings and associated works and this was refused by Planning Committee in February 2016. Prior to consideration by the Planning Committee the applicants had requested that committee defer the application to allow the removal of one of the units. This matter was discussed at Planning Committee and members resolved to determine the application in front of them. This application was refused for the following reasons:

1. *The proposed development conflicts with paragraph 55 of the NPPF in that the application site is in isolated countryside location and there are no special circumstances in this case that would justify supporting the development.*

2. *The proposed development by virtue of its size and location would have a visually intrusive impact on the open character and visual attractiveness of the Cotswold Area of Outstanding Natural Beauty.*

3. *The site is not well served by public transport, pedestrian or cycling facilities and residents of the proposed development would be heavily reliant on the use of the private motor car to meet their daily transport needs. The proposed development is therefore contrary to the core principles of land-use planning set out at paragraph 17 of the NPPF, sections 4 (Promoting Sustainable Transport), 8 (Promoting healthy communities), policies TPT1 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and emerging policies SP2 and SD7 of the Submission Joint Core Strategy (November 2014).*

4. *The proposal, by virtue of its design, layout and density, would result in an adverse visual impact on the street scene and locality generally. Furthermore, the proposal would represent an isolated form of development which would be poorly connected to existing settlements and wider residential areas. The proposal would therefore not respect the form, character and history of the area and fail to achieve high quality and inclusive design contrary to section 7 of the NPPF (Requiring good design) and emerging Policy SD5 of the Submission Joint Core Strategy (November 2014).*

2.7 In February 2016, an application was submitted for the proposal for three dwellings on the site. (16/00274/FUL) this was also refused at planning committee for the same reasons as above.

3.0 Current Application

3.1 The current application is to demolish the existing log cabin that is on site and for the cessation of the extant planning permission for the wider log cabin development, and seeks to erect 1 detached dwelling. This application is in outline form and therefore the applicant seeks the principle of the development and the means of access to be determined. No indication of the size of the dwelling nor design have been included and would be subject to a subsequent reserve matters application.

3.2 The proposed development would utilise the existing access off of Bridlip Hill, which is currently a gated access set back from the road and the access track is already in place across to the indicative location of the proposed dwelling.

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

Principle of Development

5.1 The application proposes the erection of one dwelling at the application site. The site is located outside of a recognised settlement boundary in a countryside location. The NPPF seeks to prevent the unsustainable creation of new housing development in the remote countryside. It states at paragraph 79 that isolated new dwellings in the countryside should be avoided. JCS policy SD10 states that housing development not on allocated land or previously developed land within the existing built up areas, will only be permitted where it is infilling within the existing built up areas of the City of Gloucester, the Principal Urban Area of Cheltenham or Tewkesbury Borough's towns and villages except where otherwise restricted by policies within District Plans. Emerging Borough Plan Policy RES3 identifies a number of circumstances where the creation of new dwellings outside of Settlement Boundaries are acceptable. None of the identified circumstances are considered applicable in the case of this application.

5.2 In this case, it is clear that the site is in an isolated location, remote from the nearest larger settlement of Brockworth, and poorly served by sustainable means of travel and local facilities and amenities and is contrary to Policy in this regard.

5.3 Notwithstanding the above, the applicant argues that the Council cannot demonstrate a five year supply of housing and therefore the application falls to be determined with a presumption in favour of sustainable development. It is further argued that, and within this context, that there are a number positive material benefits that would outweigh the negatives. These matters are discussed below.

5 year supply

5.4 Paragraph 11 of the NPPF sets out that plans and decisions should apply a presumption in favour of sustainable development. For decision making this means:

(d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

(i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

5.5 The NPPF clarifies (footnote 7) that planning policies for housing will be judged out of date, inter alia, where the local planning authority cannot demonstrate a 5 year supply of deliverable housing sites.

5.6 The latest published evidence (the Tewkesbury Borough Five Year Housing Land Supply Statement - March 2019 Update) concludes that the Council can demonstrate a 5.22 year supply. A recent appeal decision relating to a land at Oakridge, Highnam, 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.

5.7 Nevertheless, work is progressing on the annual Authority Monitoring Report, which provides the evidence for the Five Year Land Supply Statement. Whilst this work is not yet complete, it is now clear that, in respect of the 31 March 2019 base date data, the Council is not able to show a five year supply of deliverable housing sites and, as a result, can no longer demonstrate a five year supply of deliverable housing sites. The latest available information indicates that the Council can demonstrate a 4.33 year supply of deliverable housing sites, amounting to a shortfall of approximately 223 dwellings.

5.8 Therefore, notwithstanding the conflict with the Development Plan, the Council's policies for the supply of housing are considered to be out-of-date having regard to paragraph 11 of the NPPF. In these circumstances, as set out above, the NPPF advises that the presumption should be that planning permission is granted unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or there are adverse impacts of doing so which would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole.

5.9 Footnote 6 of Paragraph 11 d)i. clarifies that the presumption (otherwise referred to as the 'tilted balance') is not triggered in 'protect areas or assets of particular importance' where there is a conflict with policy resulting with a clear reason to refuse the application. AONBs are specifically referred to in footnote 6 and recent appeal decision have held that footnote 6 brings into play the whole of paragraph 172 of the NPPF, not just that part which deals with major development. Therefore, if it is considered the current proposal would result in harm to the AONB that would warrant refusal, in accordance with Paragraph 11 d)i footnote 6, the tilted balance would not be engaged. This is discussed below.

Fall-back position

5.10 The applicant has referred to the fall-back position on the site that would allow the construction of tourist facilities including 10 log cabins, proprietors' accommodation and associated facilities. It is argued that this fall-back position, if fully implemented, would have more harmful impacts in terms of: harm to the AONB; and higher vehicle / car movements, than would result from the current proposal. Furthermore, that there would be benefits to the neighbours in terms of reduced noise and disturbance.

5.11 It is acknowledged that the use of the site for tourist purposes has been implemented and the extant permission *could* be implemented in full. However, it is an important factor that whilst market dwellings are unacceptable in principle in this location, tourist accommodation can be acceptable as different planning policies apply to each. Indeed tourist accommodation serves a very different function than market dwellings.

5.12 In granting planning permission for this use, the Appeal Inspector highlighted that there was a clear difference between allowing holiday accommodation for tourism purposes and allowing permanent residential development. He reasoned that the proposal was for a tourism related use, which is fundamentally supported by national and local planning policy, including on sites within the AONB. The Inspector considered that the holiday accommodation scheme would have been of high quality, and given the low-key form of the log cabins and the nature of the use, the development would not have contributed to the appearance of sporadic residential development in the countryside.

5.13 It should also be borne in mind that it has been almost 30 years since the permission for the log cabin development was originally permitted and whilst one cabin has been constructed, there seems to be little intent to implement the remainder of the permission. Indeed the applicant argues in the conclusion to his supporting statement that the local community have never been supportive of the tourism facility and that whilst its loss could be considered a negative impact *"...given that this use has never fully been implement the effect on the local tourism industry is likely to be minimal"*. The weight that can be given to the applicant's fall-back argument for full implementation should be judged accordingly.

5.14 Therefore, whilst there is a fall-back position in relation to what could be built on site the fact remains that tourist accommodation is acceptable in principle in this location and market dwellings are not (as set out above).

5.15 Nonetheless, the applicant's case for the current proposal in the context of the fall-back position is explored further below.

Landscape Impacts

5.8 The application site is located within the AONB. The site slopes downwards from east to west. The Framework at paragraph 170 states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and, at paragraph 172, it emphasises that great weight should be given to conserving landscape and scenic beauty in AONBs. Additionally, it points out that AONBs have the highest status of protection in relation to landscape and scenic beauty. This is reflected in Policy SD7 of the JCS. Policy CE1 of the Cotswolds AONB Management Plan provides further guidance setting out, amongst other things, that proposals that are likely to impact on, or create change in, the landscape of the Cotswolds AONB should have regard to the scenic quality of the location and its setting and ensure that views – including those into and out of the AONB - and visual amenity are conserved and enhanced.

5.9 The application has been submitted with a LVIA, which was the LVIA that was submitted with the previous application, which concludes that the development can be achieved without significant harm to the landscape character. Whilst the absence of wider impacts on the AONB described in the LVIA are generally accepted it is considered that the assessment underplays the impact the development would have on local views particularly from the public highway to the west and viewpoints 1 and 2 identified in the submitted LVIA.

5.10 Further, the LVIA appraisal summary concludes that the sensitivity of the landscape is considered to be low. However this assessment seems to be largely as a result of the "uncharacteristic" wooden chalet style buildings. The appraisal describes this as "detractor elements" and the summary goes on to say that the development offers opportunities to introduce enhancements replacing uncharacteristic built form with build form that reflects local architectural style.

5.11 Whilst it is accepted that the extant planning permission could be implemented, the log cabin buildings were deemed to have an acceptable landscape impact by the Inspector and to be a characteristic form of tourism development. In refusing the previous applications for 3 / 4 residential properties it was considered that by virtue of their urban design and character and the inevitable domestication of the land as a result of residential curtilages and domestic paraphernalia, the development would have a significantly greater impact on the AONB than the extant permission.

5.12 The applicant argues that the current proposal for a single dwelling would have less of a landscape impact than the previous proposals for 3 - 4 dwellings that were refused. Furthermore, that the likely design for the dwelling would be Cotswold Vernacular and far more in keeping within this AONB setting than the log cabin development.

5.13 However, as the application has been made in Outline form, no details of the design have been provided. Without these details no assessment can be made on the design merits, and it follows that no weight can be attributed to this aspiration.

5.14 Although layout is a reserved matter (with no plans submitted for determination) an indicative sketch layout has been provided and the applicant's supporting statement suggests the dwelling would be a very substantial 2 storey dwelling with a floorspace of up to 800 square metres. It would also sit within a very large curtilage that would cover the whole site of the log cabin development. On the basis of the information provided, Officer opinion is that (and in common with the previously refused applications), the erection of such a substantial building in a prominent and elevated location would be likely to have a visually intrusive and urbanising impact on the open character and visual attractiveness of the Cotswold Area of Outstanding Natural Beauty.

5.15 Notwithstanding the above, Officers do agree that the log cabin development would have a landscape impact and that an argument could be made that a different, smaller scale and high quality residential scheme could potentially result in a better and less harmful development which in the overall balance, could potentially outweigh the conflict with housing policy. However, it is likely such a proposal would necessarily be smaller in scale, set within a much reduced curtilage and of an exceptionally high quality design. It would be for the applicant to make this case through the submission of further details or a revised, detailed planning application. Whilst this suggestion has been made to the applicant, he has chosen to have the application determined on the basis of the submitted information.

5.16 As set out at paragraph 2.13 above, the weight that can be attributed to the fall-back position is tempered somewhat by the fact that only one log cabin has been implemented since planning permission was granted in 1993. On this basis it is concluded that the proposal would therefore be contrary to Policies SD6 and SD7 of the Joint Core Strategy and section 15 of the NPPF (Conserving and enhancing the natural environment). Therefore having regard to footnote 6 to paragraph 11 d) i) of the NPPF, applying the NPPF and Development Plan Policies for the AONB provides a clear reason for refusing the proposed development and the presumption in favour of sustainable development (*tilted balance*) is not engaged.

Sustainable Transport and Highway Safety

5.17 Section 9 of the NPPF (Promoting sustainable transport) recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. It states at paragraph 103 that the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that "opportunities to maximise sustainable transport solutions will vary from urban to rural areas". Paragraph 108 states that planning decisions should take account of whether opportunities for sustainable transport modes have been taken up depending on the type and location of the site. Furthermore, paragraph 109 states that "development should only be prevented or refused on transport grounds where the residual cumulative impacts on the road network are severe".

5.18 Policy SD4 of the JCS requires new development to be designed to integrate, where appropriate, with existing development, and prioritise movement by sustainable transport modes, both through the application of legible connections to the wider movement network.

5.19 With regards to the amount of services accessible to the site, there are few if any and the application site is located within an isolated location outside of a settlement boundary and remote from any service village or centre as defined by the JCS. The NPPF sets out in paragraph 9 of the NPPF that development should be guided towards sustainable solutions, but in doing so should take into account the local circumstances to reflect the character, needs and opportunities of each area. The proposed development would add more development in a place which is not currently well served by public transport. Furthermore, walking and cycling along the Birdlip Hill Road would not be desirable, owing to the rural and unlit nature of the road.

5.20 The applicants point to the fall-back position, in relation to tourist accommodation. However tourist accommodation is considered differently in planning policy terms. This is because permanent residential uses are likely to create significantly greater levels of vehicular traffic movements than that of holiday accommodation, which is unlikely to achieve year round occupancy and does not usually result in the same number of daily vehicular trips. However, it is agreed that if the log cabin development were to be fully implemented, there would likely be a reduction in vehicle movements as compared to a single dwelling/ However, given the conclusions above (paragraph 5.10 – 5.15), only limited weight can be attributed to this argument.

5.21 In terms of highway safety, the County Highway Authority have assessed the application and confirmed that the access is capable of achieving an appropriate level of visibility and the proposed development would not significantly intensify the use of the access to the detriment of highway safety. The CHA raise no objection to the proposed development on highway safety grounds.

Drainage and Flooding

5.22 The site is located within Flood Zone 1 (low risk) according to the Environment Agency's most recent data, which means that the site has a less than 1 in 1000 annual chance of flooding (0.1% possibility of flooding). In light of this low risk and the relatively small-scale nature of the development, it is not considered that the development would present any significant risk of flooding.

Ecology and Nature Conservation

5.23 The NPPF sets out, inter alia, that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by encouraging opportunities to incorporate biodiversity in and around developments. Furthermore, planning permission should be refused for development resulting in the loss of deterioration of irreplaceable habitats. Policy SD9 of the JCS seeks to protect and enhance biodiversity in considering development proposals.

5.24 An Ecological Survey has been provided with the application. The Survey is the same as the one submitted with the previous applications and is dated August 2015. The Chartered Institute of Ecology and Environmental Management (CIEEM) advise that where reports / surveys are more than 3 years old they are unlikely to still be valid and most, if not all, of the survey are likely to need to be updated. The 2015 survey is therefore out of date and cannot be relied on. There cannot be any certainty that there are no ecological constraints that would preclude planning permission being granted. The proposed development is therefore considered to conflict with the NPPF and policy SD9 of the JCS.

Other Matters

Trees

5.25 Whilst there are a number of trees along the site boundaries a tree survey has been submitted with the application which confirms that no tree felling would be required to facilitate the development. Some tree surgery and management is proposed. Tree protective barriers would also be in place during in construction to protect the trees and their root protection areas.

Residential amenity

5.26 In terms of residential amenity, the site is within a secluded rural location and is a significant distance to the nearest residential properties. As such, the development would not have an undue impact on the residential amenity of neighbouring properties.

6.0 Conclusions / Balancing exercise

6.1 In light of the above, it is considered that the proposed development conflicts with the housing policies of the Joint Core Strategy and the NPPF. Whilst the Council accepts that, at this time, it cannot demonstrate a five year supply of housing, given the conclusions set out above with regard to the harm to the open character and visual attractiveness of the Cotswold Area of Outstanding Natural Beauty, the presumption in favour of sustainable development (the 'tilted balance') is not engaged. Therefore, the planning balance in this case is a straight or flat balance of benefits against harm. In accordance with Section 38(6) of the of the Planning and Compulsory Purchase Act 2004, and section 70(2) of The Town and Country Planning Act 1990, the applications must be determined in accordance with the development plan, unless there are material circumstances which 'indicate otherwise'.

Harms

6.2 In terms of the harms, the proposal for a new dwelling in this location would conflict with national guidance and development plan housing policy. The site is also within a location with poor accessibility other than by private car, and is not well served by opportunities for sustainable modes of transport. It is also considered that (on the basis of the submitted information) the erection of such a substantial building within a very large curtilage in a prominent and elevated location would be likely to have a visually intrusive and urbanising impact on the open character and visual attractiveness of the Cotswold Area of Outstanding Natural Beauty. The proposal would also result in the loss of a policy compliant tourism facility with a consequential loss to the rural economy (albeit only one log cabin has been constructed to date which limits the harm). Furthermore, it has not been demonstrated that there are no ecological constraints that would preclude planning permission being granted.

Benefits

6.3 In terms of the benefits, the proposal would make a contribution towards addressing the Council's housing shortfall. However, only very limited weight could be attached to such a modest contribution. The provision of one dwelling would also result in some economic and social benefit, however these minor benefits should be balanced against the loss of the tourist facility.

6.4 It is concluded that the planning balance falls against the proposal. The proposal would be contrary to the provisions of the development plan taken as a whole and is not supported by the Framework. There are no material considerations which indicate that the determination of the appeal should be other than in accordance with the development plan. The application is therefore recommended for **Refusal**.

RECOMMENDATION Refuse

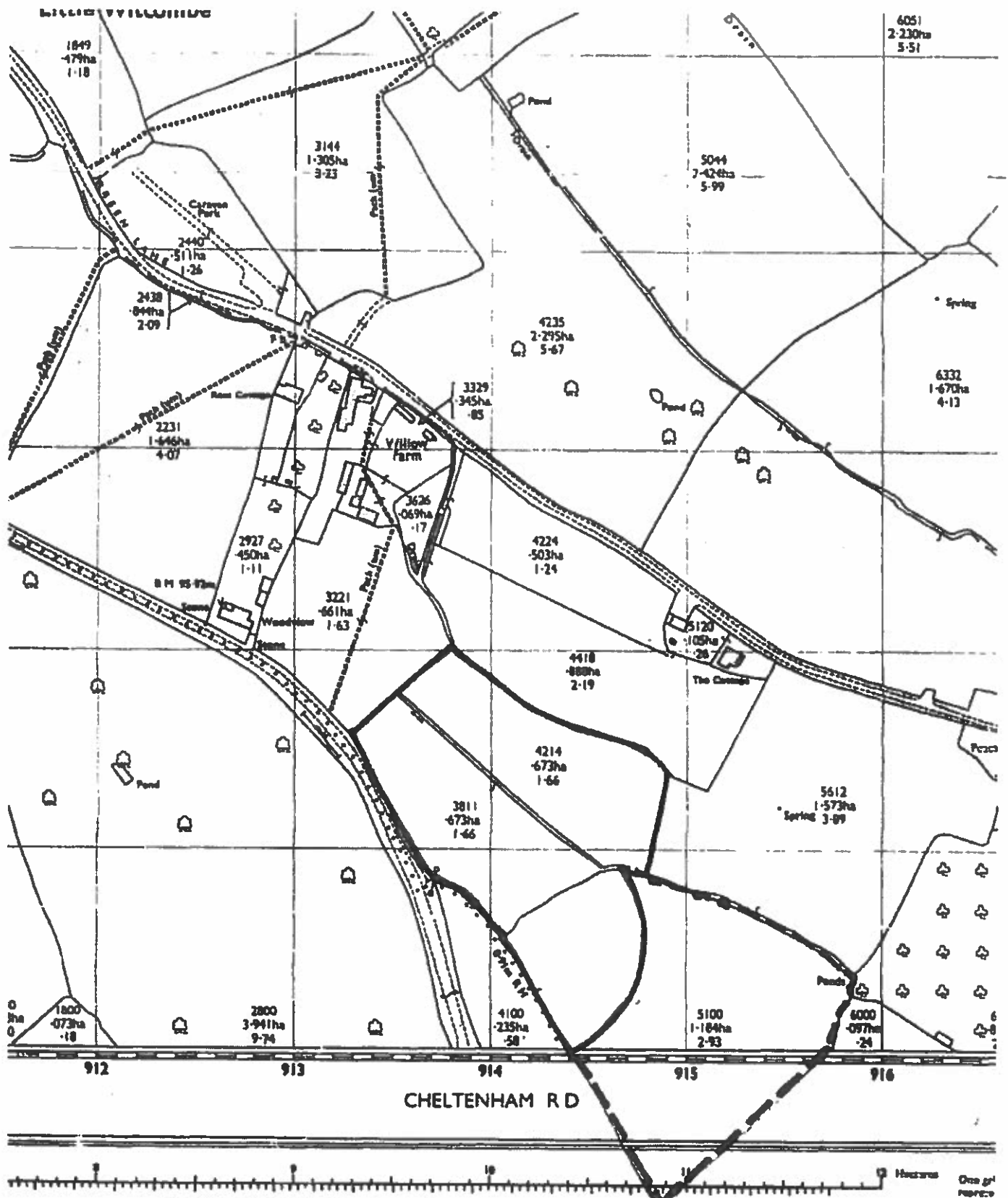
Reasons:

- 1 The proposed development conflicts with paragraph 79 of the NPPF and Policies SP2 and SP10 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 -2031 (December 2017) in that the proposed development is in isolated countryside location that is not well served by public transport, pedestrian or cycling facilities and does not meet the strategy for the distribution of new development in Tewkesbury Borough and the application site is not an appropriate location for a new market dwelling.
- 2 On the basis of the submitted information, the proposed development would result in an unwarranted and visually intrusive impact on the open character and visual attractiveness of the Cotswold Area of Outstanding Natural Beauty. The proposed development would therefore fail to conserve or enhance its landscape and scenic beauty. Accordingly, the proposed development would conflict with Policy SD7 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 -2031 (December 2017), Section 15 of the NPPF and the Cotswolds AONB Management Plan 2018-2023.
- 3 The Ecological survey submitted with the application is in excess of three years old and therefore the recommendations set out in Ecological report by AA Environmental dated August 2015 are considered out of date. There cannot be any certainty that there are no ecological constraints that would preclude planning permission being granted. The proposed development is therefore considered to conflict with the NPPF, Policy SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (December 2017) and Policy CE7 of the Cotswold AONB Management Plan 2018 - 2023.

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. However, as a consequence of the clear conflict with Development Plan Policy no direct negotiation during the consideration of the application has taken place.



Ian Johnstone Associates **Building Planning & Design**

Fortitude Birdlip Hill Little Witcombe Glos GL3 4SN

1:2500 scale site location plan

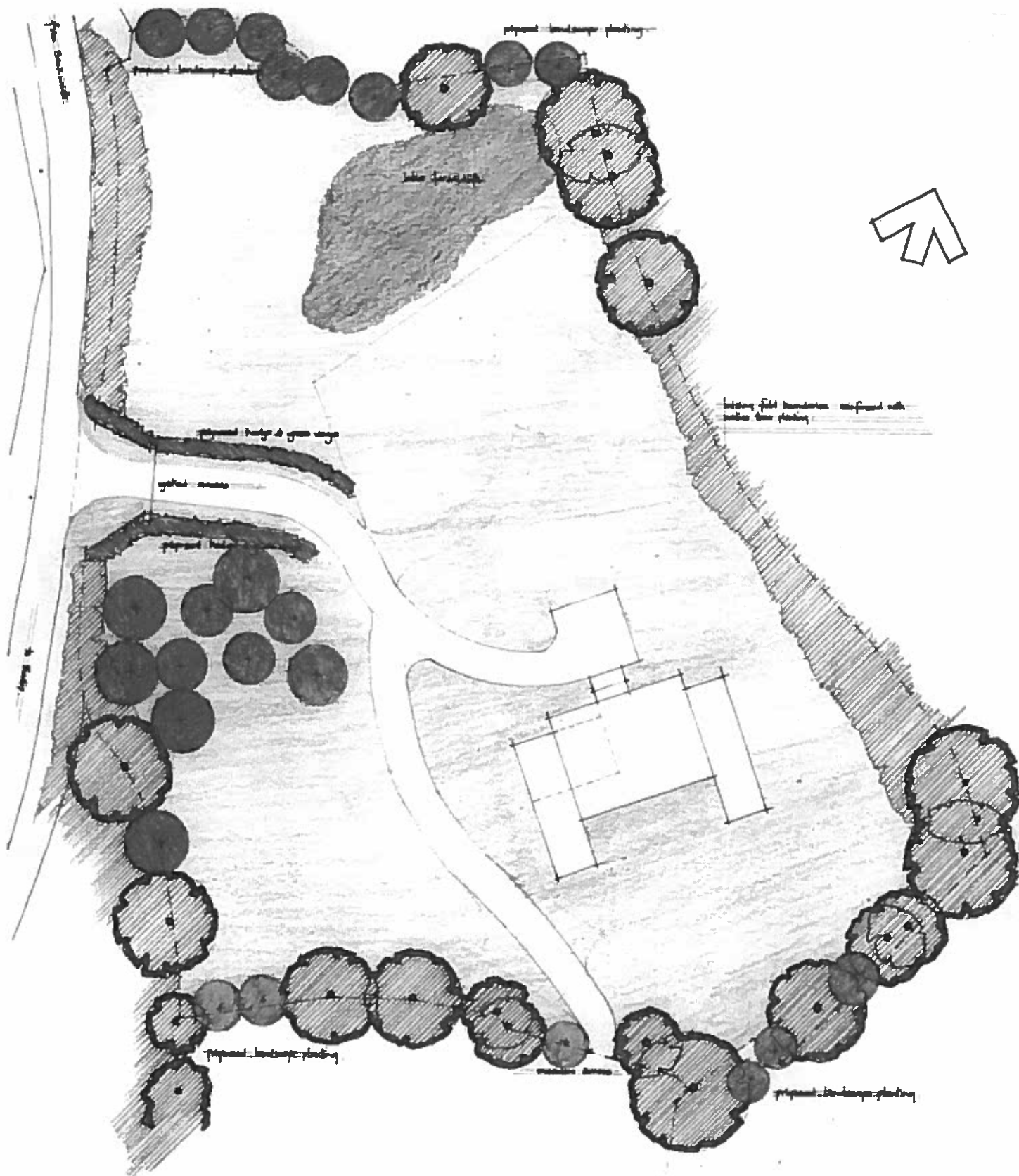
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Job : **FORTITUDE BIRDLIP HILL LITTLE WITCOMBE
GLOS GL3 4SN**

Drawing : **Illustrative Scheme for a Single Detached Dwelling**

Scale : **1: 500**

Date : **December 2018**

Job No : **928**

Drawing No : **13**

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182/B

Valid 15.02.2019
Grid Ref 397107 228077
Parish Woodmancote
Ward Cleeve Hill

The erection of a detached dwelling with integrated garage.

RECOMMENDATION Refuse

Policies and Constraints

National Planning Policy Framework; 2018 (NPPF)
Planning Practice Guidance
The Gloucester, Cheltenham and Tewkesbury Joint Core Strategy; 2017 (JCS) Policies SP2, SD4, SD6, SD7, SD9, SD10, SD11, INF1, INF2
Tewkesbury Borough Local Plan to 2011; March 2006 (TBLP)
The Cotswolds AONB Management Plan (2013-2018)
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

Woodmancote Parish Council - the size of the proposed dwelling to be disproportionate to its location and does not enhance the AONB.

Gloucestershire County Highway Authority - apply standing advice.

Building Control - works require Building Regulation approval.

CPRE - Objection the site lies within the Cotswold AONB. Development in such designated places is opposed in the Local Plan, JCS NPPF and even at European level under the European Landscape Convention which seeks to protect the rich diversity and locally distinct features of landscape and to assist as a tool with decision making. There can be no justification for eating away piece by piece at designated areas and the application does not meet the criteria for development within the AONB.

Three letters of support have been received raising the following comments:

- the dwelling would help with security and safety;
- due to increase in crime in Woodmancote and Bishops Cleeve it's sensible for land owners to live on site;
- the build would make it safer for animals and it would fit in well with the landscape.

Councillor East has requested a Committee Determination to assess the impact of the proposal on the AONB.

Planning Officers Comments: Dawn Lloyd

1.0 Application Site

1.1 The application site lies adjacent to a detached agricultural dwelling Bishops Leys Farm. The existing dwelling has a large area of mowed grass to the front and side of the property with little formal amenity space. The site lies immediately to the south of the existing dwelling on a parcel of land between the access drive for Bishops Leys Farm and a track which serves land to the rear. The site is steeply sloping with ground levels rising to the east. There are no dwellings to the rear of the site but properties directly to the north, south and west of the site across Butts Lane.

1.2 The site is located to the north-east of the village of Woodmancote and has access from Butts Lane a single track road. There is a public right of way to the west of the site.

1.3 The application site is triangular in shape and measures approximately 0.4 hectares in size.

1.4 The site is located in the Cotswolds Area of Outstanding Natural Beauty.

2.0 Details of Proposal

2.1 This application seeks permission for the erection of a two storey four bedroom detached dwelling of individual design with an integrated double garage with accommodation above to the rear.

2.2 The proposed dwelling would have stone walls. The roof would be asymmetric in form with lower eaves and dormers towards the rear. The main amenity space is to the front of the dwelling with a parking area in front of the south side elevation.

2.3 The plans indicate that the site would be enclosed by additional planting on the boundaries with a retaining boundary wall to the east. No details of the proposed landscaping have been submitted.

2.4 The proposed dwelling would use the existing access off of Butts Lane.

3.0 Planning History

77/00310/OUT- Outline application for the erection of an agricultural workers dwelling. Permitted 13th September 1977.

4.0 Analysis

4.1 The main issues to consider when determining this application relate to the principle of the development, the effect upon the Cotswolds Area of Outstanding Natural Beauty (AONB), the impact upon the character and appearance of the area, the design and impact upon residential amenity, highway safety matters and flooding and drainage issues.

Principle of Development

4.2 Policy SP2 of the JCS sets out the strategy for the distribution of new development across the JCS area, and JCS Policy SD10 ('Residential Development') specifies that, within the JCS area, new housing will be planned in order to deliver the scale and distribution of housing development set out in Policies SP1 and SP2. It sets out that housing development will be permitted at sites allocated for housing through the development plan, including Strategic Allocations and allocations in district and neighbourhood plans. Policy SA1 of the JCS formally designates seven Strategic Allocations on the edges of existing urban areas and focuses on the need to deliver comprehensive development in each of these areas. The application site is not located within any of these Strategic Allocations.

4.3 JCS Policy SD10 specifies that, on sites that are not allocated, housing development and conversions to dwellings will be permitted on previously-developed land in the existing built-up areas of Gloucester City, the Principal Urban Area of Cheltenham and Tewkesbury town, rural service centres and service villages except where otherwise restricted by policies within district plans. Housing development on other sites will only be permitted where it constitutes affordable housing; constitutes infilling within a town or village, is brought forward via a Community Right to Build Order; or is allowed for in district or neighbourhood plans. This strategy is consistent with the NPPF which (paragraph 79 refers) seeks to avoid isolated new homes in the countryside.

4.4 Paragraph 11 of the NPPF sets out that plans and decisions should apply a presumption in favour of sustainable development. For decision making this means:

(d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

(i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

4.5 The NPPF clarifies (footnote 7) that planning policies for housing will be judged out of date, inter alia, where the local planning authority cannot demonstrate a 5 year supply of deliverable housing sites.

4.6 The latest published evidence (the Tewkesbury Borough Five Year Housing Land Supply Statement - March 2019 Update) concludes that the Council can demonstrate a 5.22 year supply. A recent appeal decision relating to a land at Oakridge, Highnam, 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.

4.7 Nevertheless, work is progressing on the annual Authority Monitoring Report, which provides the evidence for the Five Year Land Supply Statement. Whilst this work is not yet complete, it is now clear that, in respect of the 31 March 2019 base date data, the Council is not able to show a five year supply of deliverable housing sites and, as a result, can no longer demonstrate a five year supply of deliverable housing sites. The latest available information indicates that the Council can demonstrate a 4.33 year supply of deliverable housing sites, amounting to a shortfall of approximately 223 dwellings.

4.8 Therefore, notwithstanding the conflict with the Development Plan, the Council's policies for the supply of housing are considered to be out-of-date having regard to paragraph 11 of the NPPF. In these circumstances, as set out above, the NPPF advises that the presumption should be that planning permission is granted unless the application of policies in this Framework that protect areas or assets of particular importance (this includes land designated as AONB) provides a clear reason for refusing the development proposed; or there are adverse impacts of doing so which would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole.

4.9 As the site is within AONB, a judgment must be made as to whether the proposal would protect the AONB, and whether any impacts provide a clear justification for refusing permission, before a judgment can be made as to whether the 'tilted balance' applies.

4.10 The Tewkesbury Borough Plan (2011-2031) Preferred Options (TBPPO), which was published for consultation between 10th October 2018 and 30th November 2018, acknowledges that the JCS identifies a settlement hierarchy as the basis for the strategy for delivering growth targets, derived from the objectively assessed need for housing, in the most sustainable manner possible. The TBPPO does, however, also acknowledge that, further to the planned growth at Tewkesbury town, the Rural Service Centre and Service Villages as defined within the JCS, some opportunities for small scale new housing will be necessary in order to support the vitality of communities at other rural settlements across the Borough, but that it is essential that the levels of rural housing growth are manageable and sustainable in order to protect existing communities and the rural landscape and avoid harmful over development.

4.11 The application site is not identified as a Housing Site Allocation within the TBPPO, and is not located within a settlement boundary as defined within the TBPPO Proposals Map. Emerging Policy RES3 of the TBPPO provides a set of 7 criteria in which the principle of new residential development outside of the defined settlement boundaries will be considered acceptable. The only criteria of possible relevance to this application are: (3) very small scale development at rural settlements in accordance with Policy RES4.

4.12 Policy RES4 of the TBPPO, as referred to within criterion (3) of TBPPO Policy RES3, provides a set of 5 criteria which applications proposing very small-scale residential development within and adjacent to the built up area of other rural settlements (i.e. those not featured within the settlement hierarchy) except for those located in the Green Belt need to comply with for the purpose of being acceptable in principle. Policy RE4 b) does not consider gardens, paddocks, and other underdevelopment land within the curtilage of the buildings on the edge of the settlement where the land relates to the surrounding countryside than to the built up area of the settlement. Whilst the application form indicates that the site is within the curtilage of the existing dwelling, it is unclear as to whether all of the proposed new dwelling would be within authorised residential garden.

4.13 In addition development must comply with the criteria set out in Policy RES5 of the TBPPO. Where particular attention is given to the effect of the development on the form, character and landscape setting of the development.

4.14 Therefore, whilst only limited weight can be afforded to emerging Policy RES4 and RES5 of the TBPPO currently on the basis that it is still at a relatively early stage of preparation having regard to paragraph 48 of the NPPF, it is a material consideration which indicates the direction of travel for planning applications relating to housing in areas such as this.

4.15 The application site is located approximately 440m along Butts Lane, which comprises a loose collection of dwellings strung out along the lane.

4.16 The Agent considers that recent Appeal decisions for new dwellings in the area indicate that Woodmancote has no defined settlement boundary and that development on the site of an existing property constitutes previous developed land - citing a recent decision on land at Bushcombe Lane as one being of particular relevance. Nevertheless, the site lies outside the residential development boundary as defined in the 2006 Local Plan Proposals Map. It is also outside the settlement boundary contained within the emerging Borough Plan. Furthermore, although the current application site is not considered isolated in the context of the NPPF, there are important and material differences to the Bushcombe Lane appeal site. It is considered that Butts Lane (a no through road) has a very different character to that of Bushcombe Lane - particularly at its northern end where dwellings are far sparser and dispersed (see location plan). As a consequence, it is rural in character and considered to be more closely associated with the farm land to the west, east and north of the site than to the settlement edge. The proposal does not comply with emerging local plan policies RES4 part b) or RES5 in this regard. However this can only be afforded limited weight due to the early stage of the development plan.

Conclusion on the principle of residential development

4.17 The proposal is contrary to the development plan. Whilst the Council cannot currently demonstrate a five year supply of housing sites, the application of the 'tilted balance' at paragraph 11 of the NPPF is dependent on the judgement to be made on whether the proposal would have a harmful impact on the AONB. This is considered below.

Effect on the AONB

4.18 The application site is located within the Cotswolds AONB. An AONB is an area of high scenic quality that has statutory protection in order to conserve and enhance the natural beauty of its landscape. The National Planning Policy Framework (NPPF) makes clear that great weight should be given to conserving landscape and scenic beauty in AONBs, which have the highest status of protection in relation to landscape and scenic beauty Para 172.

4.19 Policy SD7 (The Cotswolds Area of Outstanding Natural Beauty) of the JCS specifies that all development proposals within the setting of the Cotswolds AONB will be required to conserve and, where appropriate, enhance its landscape, scenic beauty, wildlife, cultural heritage and other special qualities. The Cotswolds AONB Management Plan (2013-2018) is prepared by the Cotswolds Conservation Board and is the statutory plan which sets out the Boards' policies for the management of the Cotswolds AONB and for the carrying out of its functions in relation to it.

4.20 The application site and its immediate landscape setting typify the Cotswold escarpment landscape, forming part of the transitional topography at the foot of the scarp and framing views of the escarpment. The proposal would be located in an area of transition from semi- rural to rural character. Beyond this point lies the rising, open land of the AONB and scattered buildings. The scarp slope rises sharply from the edge of the settlement and provides the AONB with an attractive setting. As a result, the landscape sensitivity of the area is high.

4.21 Landscape character assessments for the area have been carried out at national, county and AONB level by Natural England; National Character Area, Gloucestershire County Council; Gloucester Landscape Character Assessment, LDA Design, 2006, and the Cotswolds AONB Conservation Board; Cotswolds AONB Landscape Character Assessment, 2006, respectively. In addition, Tewkesbury Borough Council has recently produced a district level landscape character assessment: Landscape and Visual Sensitivity Study - Rural Service Centres and Service Villages, 2014 (LVSS).

4.22 The LVSS puts the proposal within the landscape parcel Cotswolds AONB Landscape Character Area 2E: 'Winchcombe to Dovers Hill - (Escarpment)'. The "Escarpment" landscape is characterised as a narrow landscape type, forming a dramatic, prominent and well known landscape feature as part of the distinctive topography of the area. A key characteristic is "small scale settlement generally confined to lower shallower slopes of the escarpment, in sheltered locations and adjacent to spring lines".

4.23 The Inspector in considering the appeal of residential develop of land to the west of Butts Lane (APP/G1630/W/15/3138954) regarded Butts Lane as having the character of a narrow country lane with a tranquil quality. He stated:

"Beyond this point lies the rising, open land of the AONB. The scarp slope, which includes the appeal site, rises sharply from the edge of the settlement and provides the AONB with a distinctive, attractive setting. As a result, the landscape sensitivity of the area is high."

"While there is wayside development to be found along the lanes that climb the escarpment slopes, these do not form concentrated areas of development and convey a sense of having grown organically, in character with the landscape."

4.24 The more recent dismissed appeal in 2018 for the conversion of barns at Yew Tree Farm, also on Bushcombe Lane, (APP/G1630/W/17/3187211) confirmed that even small developments will be unacceptable if they introduce a fundamental change of character in this sensitive area. Here the Inspector concluded that *"The site is located at a point of transition from built area to open countryside and harm would be caused to the rural setting of the village, reducing the contribution which the hillside makes to the landscape character of the AONB."* It is notable that the current application site is more remote from the built up area of Woodmancote than Yew Tree Farm.

4.25 In the vicinity of the site, the character is of individual properties in large plots with significant visual separation. The proposal would introduce a new similar sized dwelling in close proximity to the existing property, forming a more concentrated area of development in a prominent position on the escarpment.

4.26 The Cotswolds AONB Landscape Strategy and Guidelines oppose new housing on the Escarpment unless special circumstances apply in accordance with Paragraph 55 (now 79) of the NPPF and development conserves and enhances the AONB as required by the CRoW Act 2000. None of the exceptions in paragraph 79 are applicable in this case. The CPRE has objected to the application due to the impact on the AONB. The Agent has responded to these comments by saying that the CPRE objection seems to be on the basis that the site is within the AONB but there are no policies at national or local level that seek to place a blanket restriction on new small scale development, and a blanket approach to ban new housing within the AONB would not comply with JCS and emerging local plan objective of supporting small-scale developments in rural areas that will help to support the vitality of local communities. Further, he takes the view that the infill of an additional dwelling on this "spacious plot" will therefore not lead to a piece by piece encroachment of the countryside. He considers that the CPRE response should be given very little weight.

4.27 Nevertheless, paragraph 172 of the NPPF states that great weight should be given to conserving landscape and scenic beauty in AONB and that such areas have the highest status of protection in relation to their landscape and scenic beauty. The proposal conflicts with that advice and with JCS Policy SD7 and SD6 which requires that proposals in the AONB should conserve and, where appropriate, enhance its landscape and scenic beauty and have regard to the local distinctiveness and historic character of the different landscapes.

4.28 For the reasons set out above the proposed development would significantly change the character of this part of the AONB and adversely affect the relationship between the Cotswold escarpment and its setting. As such, the proposed development would not comply with policies set out in the Cotswolds AONB Management Plan, Policy SD7 and SD6 of the Joint Core Strategy and Para 172 of the National Planning Policy Framework 2019. As a consequence of this, following the application of NPPF policy in respect of protecting AONBs, the harm to the AONB landscape in this instance provides a clear justification for refusing the development proposed and it is not considered that the tilted balance applies.

Design

4.29 The NPPF highlights that the creation of high quality buildings and places is fundamental to what planning and development process should achieve. Paragraph 127 states, amongst other things, that planning decisions should ensure that development will function well and add to the overall quality of the area; will be visually attractive as a result of good architecture, layout and appropriate and effective landscaping and will be sympathetic to local character and history, including the surrounding built environment and landscape setting.

4.30 Policy SD4 of the JCS states 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.

4.31 As set out above, the existing properties in the immediate vicinity are large detached properties of individual design in significant plots with large visual separation.

4.32 The proposed dwelling would be sited in close proximity to the south of existing dwelling and would be of a similar size, scale and mass. The dwelling would be sited in a visual prominent position from public vantage being forward of the existing building and by virtue of this close proximity would appear uncharacteristic of the surrounding development and rural character of this part of Butts Lane.

4.33 Whilst the proposal does include some traditional Cotswold vernacular features and materials, the detailed design is not reflective of high quality design. The front two storey projection with a glazed screen at ground floor, the gablet above the first floor window and the porch all contribute to a weak composition of the front elevation. The North elevation is overly bulky with poorly arranged fenestration. The use of bargeboards as opposed to a plain verge, and pvc rainwater goods, also contributes to the poor quality of the overall design. The proposed layout which, as a result of the rear projection including integral garages, includes two oddly shaped and very small garden areas

4.34 The proposal does not represent the high quality design which should be expected in the AONB and conflicts with Policy SD4 and NPPF guidance in this regard.

Impact on neighbour amenity

4.35 Policy SD14 of the JCS requires that new development must cause no harm to local amenity including the amenity of neighbouring occupants.

4.36 The proposed dwelling is orientated in a west to east direction, is sited 15m from the south elevation of the nearest property and set forward of its front elevation. There is no overlooking or breach of light to habitable rooms to neighbouring properties and there is no undue impacts in terms of neighbour amenity.

Impact upon highway safety

4.37 The NPPF states 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. 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.

4.38 The proposal would use the existing access to Butts Lane, there is sufficient parking provision and manoeuvrability, The Highway Authority have raised no adverse comment in terms of highway safety and it is not considered that the traffic associated with a single additional dwelling in this location would have an undue impact on the safety of this lightly trafficked lane.

Flooding and drainage

4.39 JCS Policy INF2 sets out that development proposals must avoid areas at risk of flooding. Proposals must not increase the level of risk to the safety or occupiers of a site, the local community or the wider environment either on the site or elsewhere.

4.40 The site falls within Flood Zone 1 as shown on the Environment Agency's indicative flood map indicating that it has a low probability of river or sea flooding. The EA's updated Flood Map for Surface Water identifies part of the site as having either a very low or low risk of surface water flooding. Surface water is proposed to be disposed of via sustainable drainage system and foul drainage to the main sewer and the proposal is therefore considered acceptable in this respect.

Biodiversity

4.41 The site is not subject to any national or local ecology or biodiversity designations. In light of this given the nature of the development proposed and subject to securing ecological enhancement measures, the proposal should not adversely affect biodiversity. Such measures could be secured by an appropriately worded planning condition.

5.0 Overall Balancing Exercise and Conclusion

5.1 As set out above the starting point for determination of this application is the conflict with housing policies of the JCS (SP2 and SD10). The presumption in favour of development at Paragraph 11 of the NPPF states that where policies are out of date planning permission should be granted unless:

- i) policies in the framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or
- ii) any adverse impacts of doing so would significantly outweigh the benefits, when assessed against the policies in this framework taken as a whole.

5.2 Whilst the Council cannot demonstrate a five year supply of housing sites and its housing policies are therefore out of date, in this instance there is unacceptable harm to the Cotswolds AONB and therefore, as explained above, the tilted balance does not apply.

Benefits

5.3 Only very limited weight is given to the economic benefits which would arise both as a result of, and post-construction, given the scale of the development proposed. Very limited weight is also given to the social benefits given the scale of development.

Harms

5.4 The proposal, by reason of its location and design, would fail to conserve the landscape and scenic beauty of the AONB and would be harmful to the character of the area, contrary to the aims of the NPPF, local plan policies and the AONB Management Plan.

Neutral

5.5 There would be no undue impact in terms of residential amenity, drainage, biodiversity or the local highway network subject to the approval of technical details.

Conclusion

5.6 It is concluded that the very limited benefits identified above are not sufficient to outweigh the clear conflict with the Council's adopted policies or the identified harm to the AONB, which must be afforded the highest status of protection. In any event, for the avoidance of doubt, the harms identified significantly and demonstrably outweigh the limited benefits.

5.7 For those reasons it is recommended that the application is **REFUSED**.

RECOMMENDATION Refuse

Reasons:

- 1 The proposed development conflicts with Policies SP2 and SP10 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 -2031 (December 2017) in that the proposed development does not meet the strategy for the distribution of new development in Tewkesbury Borough and the application site is not an appropriate location for a new market dwelling.
- 2 The proposed development would result in an unwarranted intrusion into the Cotswold Area of Outstanding Natural Beauty at a transitional point where the built development of Woodmancote gives way to a predominantly rural landscape beneath and leading up to the Cotswold escarpment. Furthermore, the proposal represents poor design which does not reflect the high standard of design required in the Area of Outstanding Natural Beauty. The proposed development would therefore cause significant and demonstrable harm to the qualities and intrinsic beauty of the Cotswold Area of Outstanding Natural Beauty. Accordingly, the proposed development would conflict with guidance in the NPPF, policies set out in the Cotswolds AONB Management Plan 2013-2018, and Policy SD4, SD6 and SD7 of the Joint Core Strategy (2017).

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. However, as a consequence of the clear conflict with Development Plan Policy no direct negotiation during the consideration of the application has taken place.

OS 1:1250 SCALE



Bishops Leys Farm
Butts Lane
Cheltenham
Gloucestershire
GL52 9QH

OS MasterMap 1250/250/1000 scale
Friday, April 27, 2018, 10:07:00Z
www.themapshop.co.uk

1:1250 scale print at A4, Centre 397145 E 226553 N

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18:1856:901 9PT.2018. SITE LOCATION PLAN

190/A

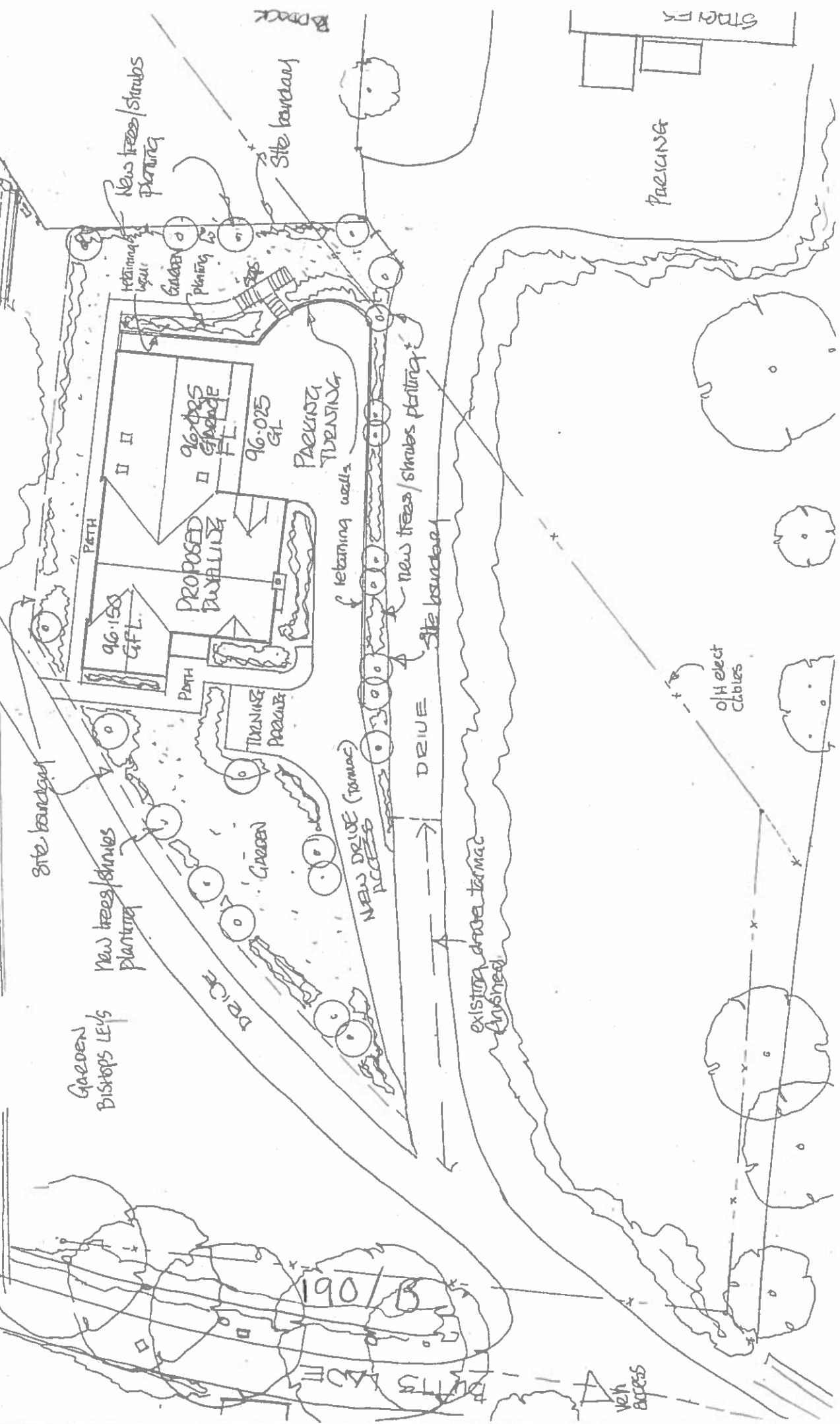
LAND AT BISHOPS LEYS, BUTTS LANE, WOODMANCOTE, CHESTERHAM, GILS P/QQH

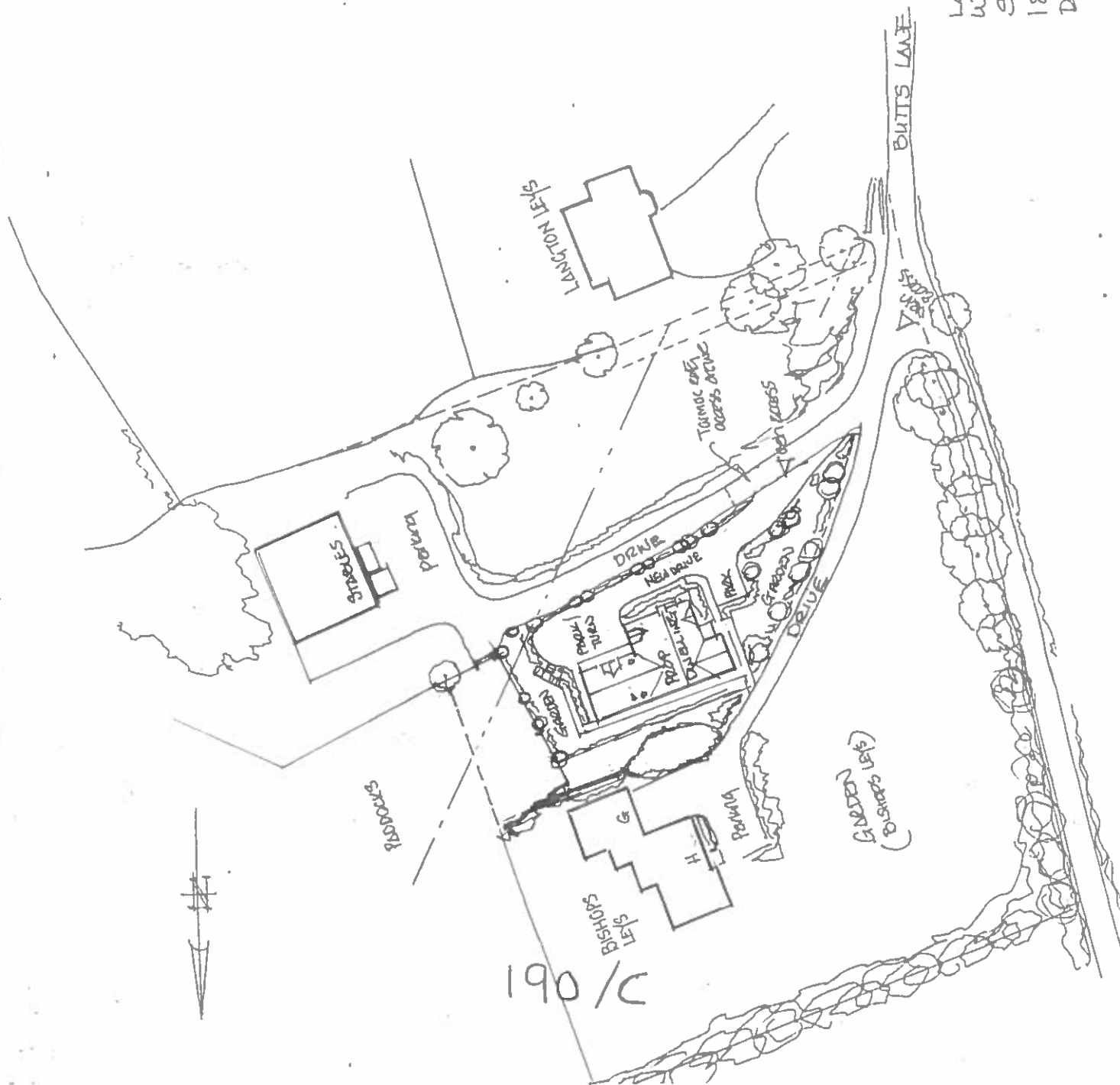
SITE PLAN AS PROPOSED. 1:200

OCTOBER 2018

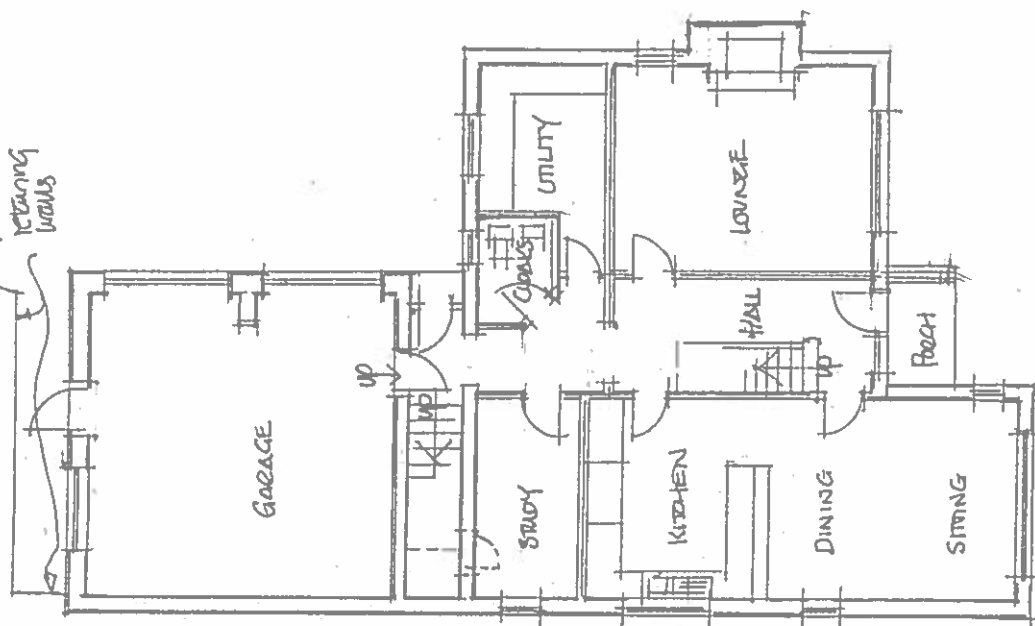
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Dennis L Rafter 21 02 12 620818

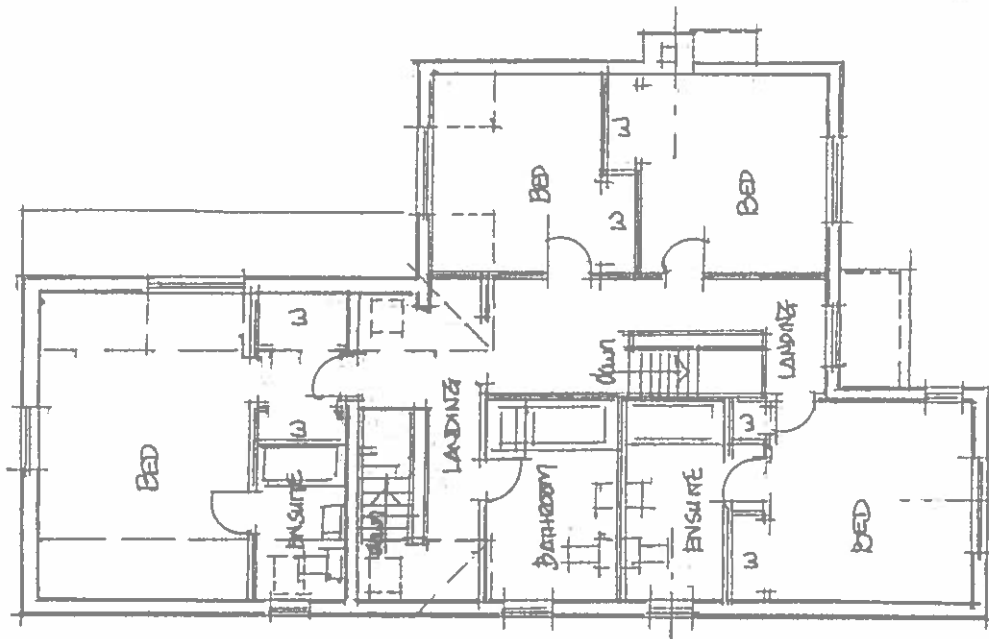




LAND OF BISHOPS LEYS. BUTTS LAKE.
 WOODMANCOTE. CHETENHAM. GL52 9QH
 SITE PLAN AS PROPOSED. 1:500
 18: 1856: 9/08 OCTOBER 2018
 DAVIS L RAFTER DA 01242 620818



GROUND FLOOR PLAN.

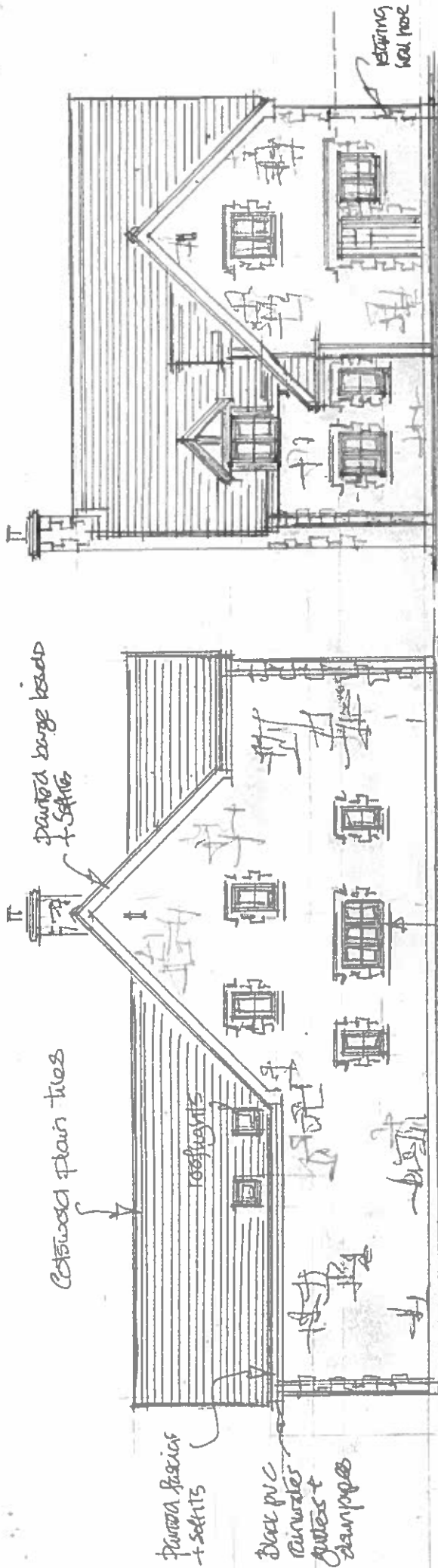


FIRST FLOOR PLAN.

PROPOSED DWELLING. LAND AT BISHOPS LEYS.
 BUTTS LAKE. WOODMANSCOTE. CHESTERHAM
 GLOS. GL52 9QH

PLANS 1:100 SEPT. 2018
 18:1856:01
 DENIS L RAYTON BA 01242 620818

190/D



NORTH ELEVATION.

Walls - cathedral stone, random coursed with jumpers, quoins at corners - tyne, label, mullion, stonework.

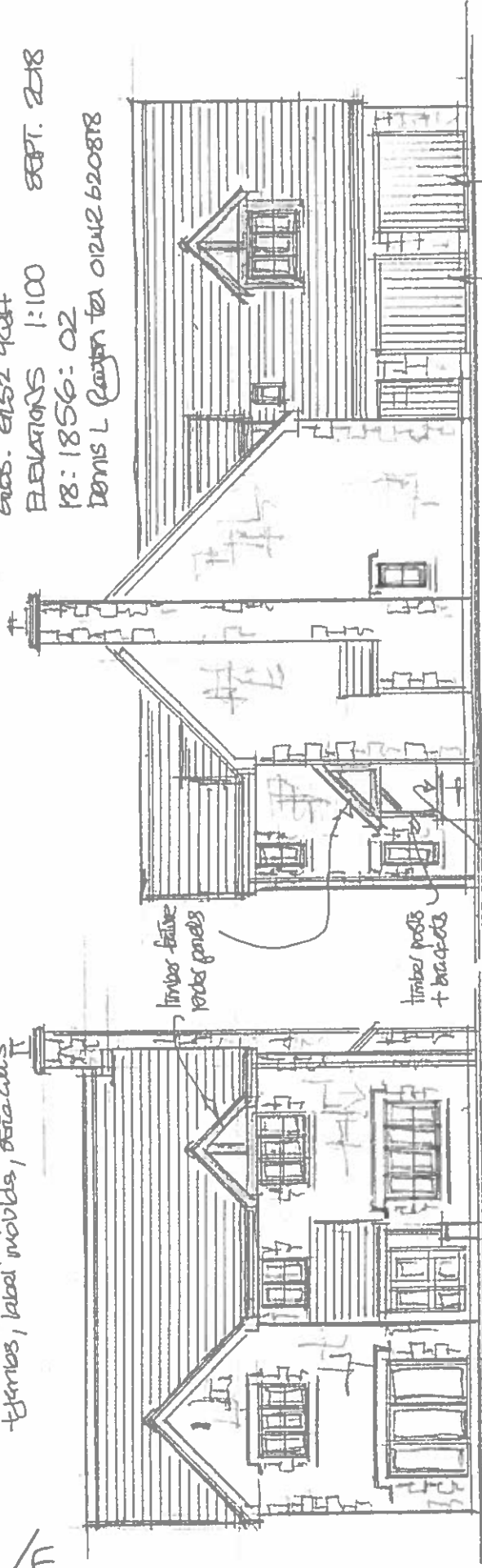
EAST ELEVATION.

PROPOSED DWELLING - LAND AT BISHOPS LEYS. BUTTS LANE. WIDMANSLOPE - CHELTENHAM. GLOS. GL52 9QT

ELEVATIONS 1:100 SEPT. 2018

18:1856:02

DENIS L. (01242) 620818



WEST ELEVATION

SOUTH ELEVATION.

upward facing doors + frames

190/E

Valid 18.02.2019

The demolition of the existing extension and erection of a two storey side/ rear extension and external alterations to the existing building, a link extension to the existing garage, erection of a detached double garage for Butts Orchard and the demolition of a single garage.

Grid Ref 395918 229506

Parish Gotherington

Ward Oxenton Hill

RECOMMENDATION Permit

Policies and Constraints

National Planning Policy Framework; 2019 (NPPF)

Planning Practice Guidance

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

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

Gotherington Neighbourhood Development Plan, 2011 - 2031 ; 2017 (NDP)

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

Gotherington Parish Council Objection in summary

- design does not fit in with its setting
- object to the height and size
- unsympathetic to the area.

The Parish Council have been consulted on the proposed amendments and will respond after their meeting on the 9th July 2019. An update on the Parish Council comments will be reported to members.

Conservation Area - Objection in summary

The house is not listed, nor is it within a conservation area, however, it is considered to be a non designated heritage asset.

The significance of Clematis Cottage as a heritage asset includes its age, form, context and materials. It is a vernacular composition of modest proportions constructed of local stone and appears clearly on the 1884 Ordnance Survey. The roof is clad in artificial Cotswold stone slates which although not original nevertheless preserves the vernacular appearance. The appearance of the cottage is only diluted by the imposition of UPVC windows of inappropriate design.

The Conservation Officer initially objected to the proposed submitted plans but following extensive consultation amended plans were submitted on 20th June 2019 . The Conservation Officer has no objection to the revised scheme and is satisfied that the proposals are respectful of the host building as a heritage asset and that the detailing of the proposals are suitably sympathetic to the historic context and character of the area. Conditions are recommend as follows:

- All windows and external doors to be recessed within their openings by a minimum of 75mm.
- Roofs to be artificial Cotswold stone slates laid in diminishing courses with matching ridges.
- Stone to match
- Sample of render
- Sample of artificial Cotswold stone slate
- Prior to installation, design details of windows and external doors (and colour finish) to be agreed.
- Components of oak porch to be unstained and left to silver naturally.
- No bargeboards or deep fascia's on the stone cottage.

Public right of way Officer- no objection as the development does not appear to affect the nearby public right of way AGO14 immediately south east of the property. If a temporary closure required the PROW team to be contacted.

Building Control - works require building consent.

Neighbour objections - 3 letters of objection, in summary

- objection with to the design, modern extension is not subservient, should not join existing garage to reduce mass and bulk of proposal
- need to ensure gardens of Cotswold Cottage and Greengages are not overlooked.
- Garden of Greengaes is overlooked and this property is overwhelmed by this high building.
- Proposed garage too close to boundary with Greenages.
- Impact privacy of Cotswold Cottage through overlooking.
- Existing character of the area should be retained.

The amendments were advertised by site notices. The Planning Officer visited the site of Greenages and met with the occupier. No further neighbour comments have been received.

Planning Officers Comments: Dawn Lloyd

1.0 Application site

1.1 The application site is located within the village of Gotherington. Clematis cottage is to the south east of Butts Orchard, the development site includes the plot of the existing cottage, the access and part of the residential curtilage of Butts Orchard.

1.2 Gotherington Parish has an adopted Neighbourhood Development Plan, the site is within the setting of listed buildings and Clematis Cottages is a non designated Heritage asset.

2.0 Relevant Planning History

T.4564/A Alterations and extension to house to provide bathroom and enlarged kitchen. Permitted 20th August 1973.

03/00405/FUL Two bedroomed Eco-house Permitted 19th May 2003

03/01776/FUL Erection of detached garage Permitted 2nd March 2004

09/00120/CLP Single storey extension Butts Orchard Certificate granted 27 February 2009.

3.0 Current Application

3.1 The proposal is for the demolition of the existing extension and erection of a two storey side/ rear extension and external alterations to the existing building, a link extension to the existing garage, erection of a detached double garage for Butts Orchard and the demolition of a single garage.

3.2 Clematis Cottage is a historic Cotswold stone cottage, dating from 19th Century or earlier. It forms part of the early settlement of Gotherington. This historic area of the village is characterised by a proliferation of traditional and historic cottages of Cotswold stone, timber frame and some brick. The original plot of the cottage had access via pedestrian lanes only which reinforces the historic character of the area.

4.0 Analysis

4.1 The main issue for consideration is design and impact on non designated heritage asset.

Design

4.2 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.

4.3 In this regard, Policy SD4 (Design Requirements) of the JCS and likewise Policy HOU8 of the TBLP sets 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, proportion and materials appropriate to the original dwelling 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, and having appropriate regard to the historic environment.

4.4 The host dwelling is a traditional linear Cotswold stone two storey dwelling with roof dormers and single storey extensions to the west elevation. The cottage fronts an alley and the main amenity area is to the south.

4.5 The proposal seeks to create a larger dwelling by erecting a two storey extension to the west elevation of the property. The original plans were not considered sympathetic to the existing cottage and disproportionate in terms of height scale and mass. Amendments were submitted and final revisions were submitted on 20th June 2019 in accordance with the recommendations of our Conservation Officer.

4.6 The amendments of the 20th of June include a small two storey extension to the north elevation in similar materials to the host dwelling, the extension follows the existing form of the cottage. The two storey extension to the west elevation is large and of modern design, in render with a gable feature at first floor on the south elevation and a first floor front dormer to the north elevation. The existing brick double garage would be rendered, with two garage doors installed, a small extension to the rear of the garage would provide a link to the cottage.

4.7 The site is surrounded by residential properties and is significantly set back when viewed from Shutter Lane. From the alley the proposal is viewed as a small extension to the original dwelling in similar materials. From Shutter Lane the large two storey extension is the dominant feature with the end gable of the cottage partially visually.

4.8 The site is part of plot of a large detached rendered property of Butts Orchard and the existing access of Butts Orchard provides vehicular access to Clematis Cottage on to Shutter Lane. The two storey extension on the west elevation when viewed from Shutter Lane is of a design distinct from the original cottage but is appropriate to the character and setting of Butts Orchard. There are properties of varied age, type and design within the vicinity of the site and therefore the proposal is not considered harmful to the character of the area.

4.9 The two storey extension would be a large addition to the cottage and the proposal does not comply with policy HOU8 part 1) in this regard. However, it is considered that the design accords with HOU8 2) as it complements the existing dwelling by forming a distinct separation between the new development and the historic cottage.

4.10 The application would replace the existing single garage which is significantly set back from the access with a double garage for Butts Orchard, the design is similar to the existing structure. The new garage is considered appropriate in terms of scale and design and in keeping with the character of Butts Orchard and the wider area.

4.11 The proposal therefore complies with the requirements set out in Policy SD4, HOU8 and section 12 of the NPPF and is acceptable in terms of design.

Impact on neighbour amenity

5.0. Paragraph 127 of the NPPF specifies that planning decisions should ensure that developments create places with a high standard of amenity for existing and future users. This advice is reflected in JCS Policies SD4 and SD14 which require new development to enhance comfort, convenience and enjoyment through assessment of the opportunities for light, privacy and external space, and cause no unacceptable harm to local amenity including the amenity of neighbouring occupants.

5.1 Neighbour objections have been received regarding overlooking, over bearing nature and impact on privacy from the proposal. The existing cottage has first floor windows that overlook the bungalow to the south west of the site. The direct view from the bedroom window on the extension are to the southern rear amenity space of the host property. There are oblique views to the west however the degree of overlooking is not considered more harmful than from the existing first floor windows of the host property. Roof lights are also proposed on the east elevation, and the existing cottage has dormer windows in the roof space. It is considered due to the orientation and siting of the roof lights there is no substantial harm to the privacy of neighbouring properties.

5.2 The replacement garage is sited 1.4 metres from the adjacent to the side boundary with Greengages it is located slightly further to the west than the existing garage. The eaves height is 2.2m and due to the design of the roof it is considered there is no substantial harm in terms of loss light or overbearing impact.

5.3 Greenages has a small amenity area to the east which is 4 metres to the boundary with Clematis Cottage at its closest point. The separation distance between the rear elevation of Greengages and the proposed two storey extension on the west elevation is 5 m. Greenages has very small windows on the east elevation and a solid door, the main amenity area is to the south of the site. The closest window is to a dressing room. Therefore, the impact on the light received to the nearest neighbour habitable room would not result in substantial harm.

5.4 The development is considered not to have a significant impact on neighbour amenity in accordance with policies SD4 and SD14.

Impact on Heritage Assets

6.0 The house is not listed, nor is it within a conservation area, however, it is considered to be a non designated heritage asset. The NPPF defines a heritage asset as a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Principles of selection for heritage assets and assessment of significance is set out in Historic England historic Englands publication Conservation Principles, Policies and Guidance (2008) and British Standard BS 7913: Guide to the Conservation of Historic Buildings.

6.1 The significance of Clematis Cottage as a heritage asset includes its age, form, context and materials. It is a vernacular composition of modest proportions constructed of local stone and appears clearly on the 1884 Ordnance Survey. The roof is clad in artificial Cotswold stone slates which although not original nevertheless preserves the vernacular appearance. The appearance of the cottage is only diluted by the imposition of UPVC windows of inappropriate design.

6.2 Policy GNDP08 of the Gotherington Neighbourhood Plan considers development affecting non-designated Heritage Assets. Development affecting buildings and other historic features on the emerging local List of non designated assets and their setting will be expected to preserve and enhance such assets will be assessed as to the scale of any harm or loss and the significance of the heritage asset. Where the loss of such an asset is proposed and accepted suitable arrangements should be made for the recording of that asset and if appropriate, preservation elsewhere in the village.

6.3 In regard to the constraints identified above Section 16 of the NPPF, JCS Policy SD8 and GNDP08.

6.4 The original scheme was considered detrimental to the non designated heritage asset. Negotiations were had with Council Officers and amended plans submitted substantially in accordance with our recommendations. The Conservation Officer has no objection to the amended plans submitted on 20th June 2019 subject to appropriate conditions and is satisfied that the proposals are respectful of the host building as a heritage asset and that the detailing of the proposals are suitably sympathetic to the historic context and character of the area.

6.5 The National Planning Policy Framework requires that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation irrespective of the level of harm. Paragraph 197 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

6.6 The public benefit of the proposal is the retention of the non-designated heritage asset utilising it fit for modern living. The proposal will provide a family dwelling in a sustainable location. Therefore, on balance the impact of the extension and alterations to the non-designated heritage asset is outweighed by the public benefit.

Highway safety

7.10 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.

7.1 The County Highways Authority have been consulted on the application and raise no highway objection to the provision of a vehicular access via the existing access to Butts Orchard and to the parking arrangements.

7.2 It is considered that the proposal is in accordance with Section 9 of the NPPF and policy INF1 of the JCS and is therefore acceptable in respect to highway safety.

8.0 Conclusion

8.1 The proposal as amended is considered appropriate in terms of design, character of the area and historic context. On balance the proposal has an acceptable impact on neighbouring property and the public benefit of the proposal outweighs the less than substantial harm to the original dwelling. It is therefore recommended that the application is **Permitted**.

RECOMMENDATION Permit

Conditions:

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

1689-30C Elevation North and West 20th June 2019
1689-31C Elevations South and East 20th June 2019
1689-06B Floor Plans 13th June 2019
1689- 26A Block Plan 30 th June 2019
1689-01 Location Plan 18th February 2019
- 3 No construction of the external walls and roof of the development hereby permitted shall commence until details and samples have been submitted and agreed with the local planning authority.
 - Sample and colour of the render.
 - Sample of the artificial Cotswold stone slate
 - Prior to installation, design details of windows and external doors (and colour finish) to be agreed.

The development shall thereafter be carried out and maintained in accordance with those approved details.

- 4 The development shall be implemented and maintained thereafter in accordance with the following :
 - All windows and external doors to be recessed within their openings by a minimum of 75mm.
 - Roofs to be artificial Cotswold stone slates laid in diminishing courses with matching ridges.
 - Stone to match the existing property Clematis Cottage
 - Components of oak porch to be unstained and left to silver naturally.
 - No bargeboards or deep fascia's on the stone cottage.

Reasons:

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

- 3 To safeguard the character and appearance of this building of special architectural and historical interest.
- 4 To safeguard the character and appearance of this building of special architectural and historical interest.

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 material and external colour of the proposal.

A. CLARKE DESIGN

3

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1689-01	1202.10
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196/A

1990). The fact that the two studies have been conducted in different countries and with different samples of patients is a strength of the study. A limitation of the study is that the sample size was small. The study was conducted in a tertiary care hospital and the results may not be generalizable to other settings. The study was conducted in a tertiary care hospital and the results may not be generalizable to other settings. The study was conducted in a tertiary care hospital and the results may not be generalizable to other settings.

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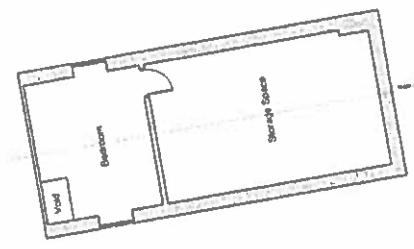
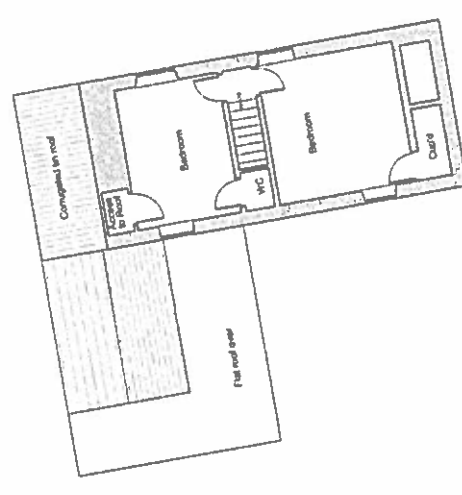
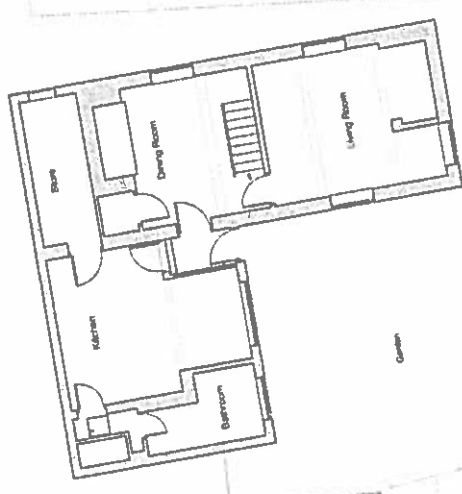
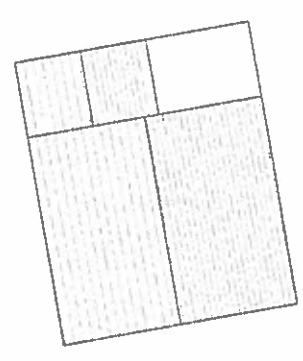
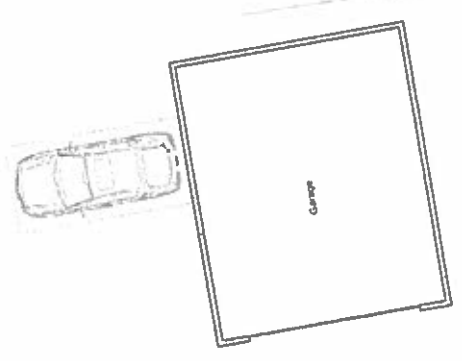
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PROPOSED EXTENSION & RE MODEL CLEMatis Cottage PROPOSED SITE PLAN	Scale 1:200 (NAS) Date 12 02 19 Drawn AC	PLANNING 1689-26A
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196/C



Existing Ground Floor

Existing First Floor

Existing Second Floor



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PROPOSED EXTENSION & RE-MODEL	
CLEMENS COTTAGE	
EXISTING LAYOUTS	
Sheet	1.10208A3
Date	12.02.19
Project	1689-05
AC	

Ridge line of Butts Orchard

Red brick chimney

Gable end of Clematis Cottage in Natural Cotswold Stone in need of re-pointing

Corrugated metal roof to lean-to section

Red clay tiles to hipped roof of single garage to Butts Orchard

Timber access gate from shared courtyard to garden of Butts Orchard

Existing garage elevation removed for clarity

Existing North Elevation

Pitched roof and flat roof single storey section - previous extension

Red brick boundary wall to garden of Butts Orchard

White Upvc windows throughout

Large red brick garage with steel up and over door - Parking for Clematis cottage

Previously approved single storey red brick and Bradstone additions to Clematis cottage

Natural Stonework to Clematis cottage

Existing West Elevation

Timber fencing to rear boundary

196/D

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Architectural & Planning
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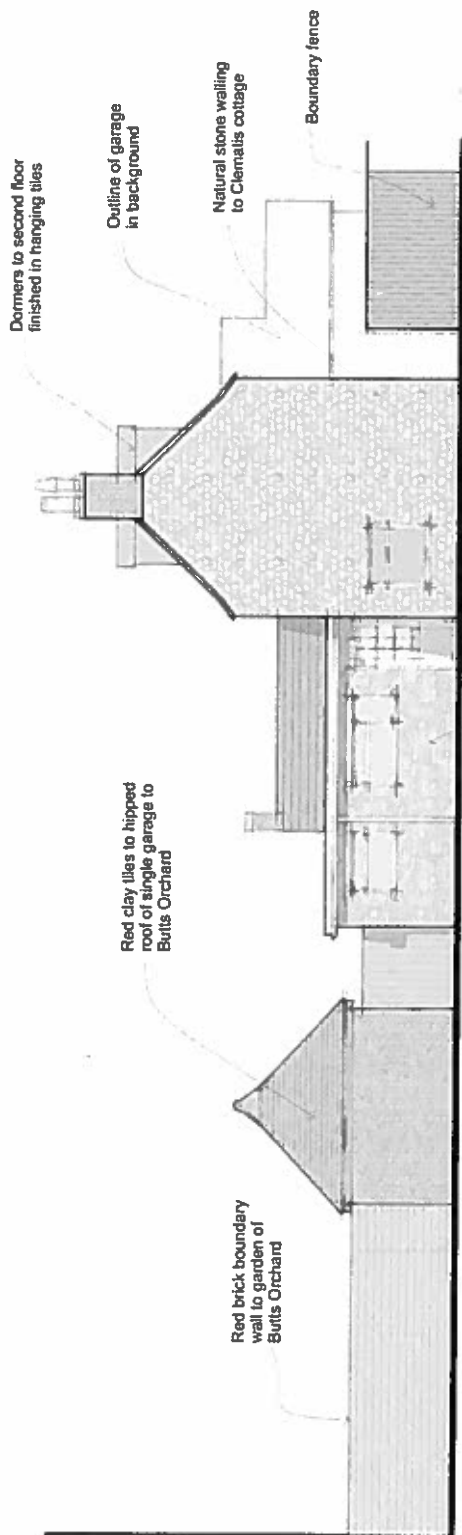
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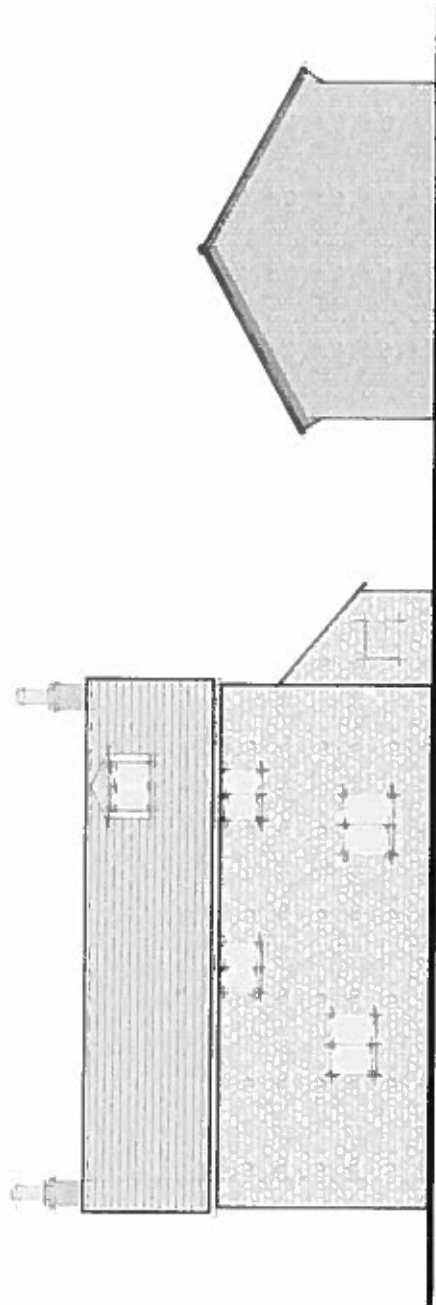
PLANNING

Proposed Extension - Clematis Cottage

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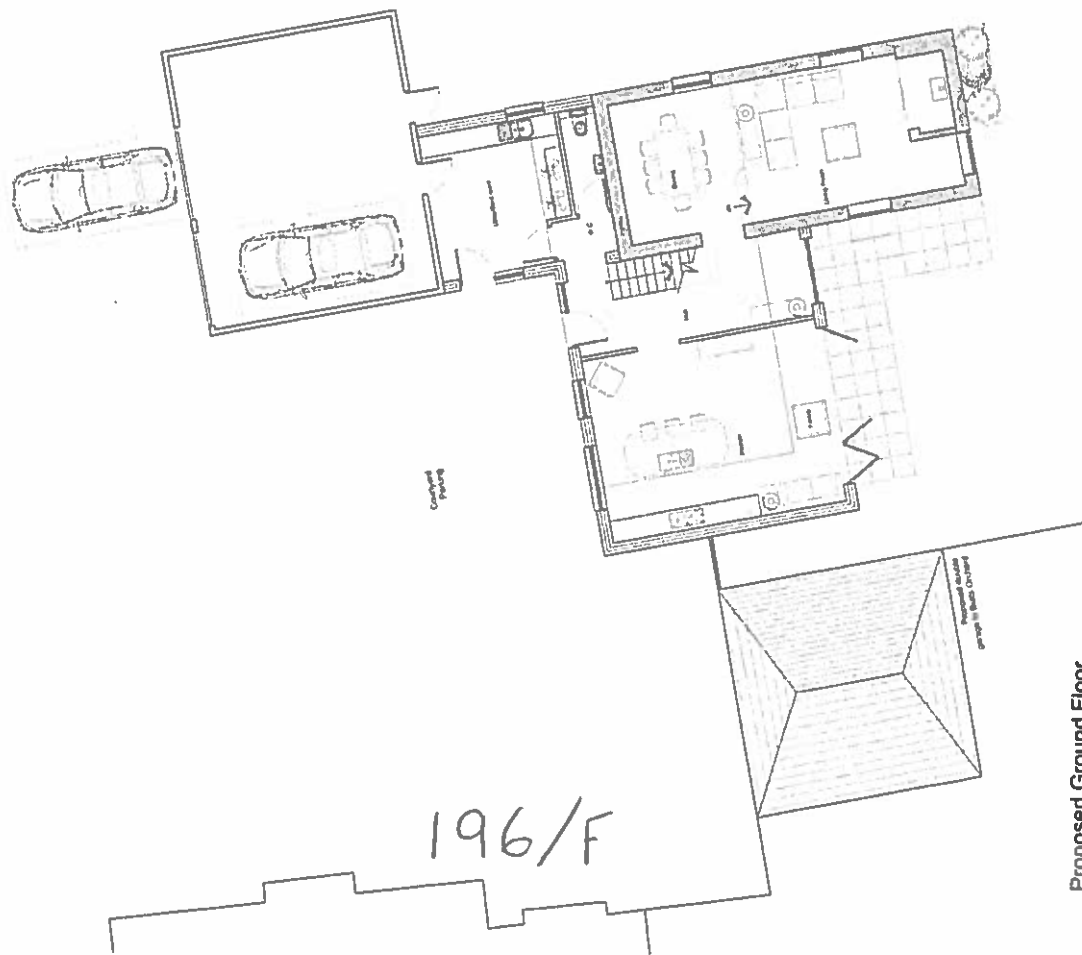


Existing South Elevation



Existing East Elevation

196/F



Proposed Ground Floor



Proposed First Floor

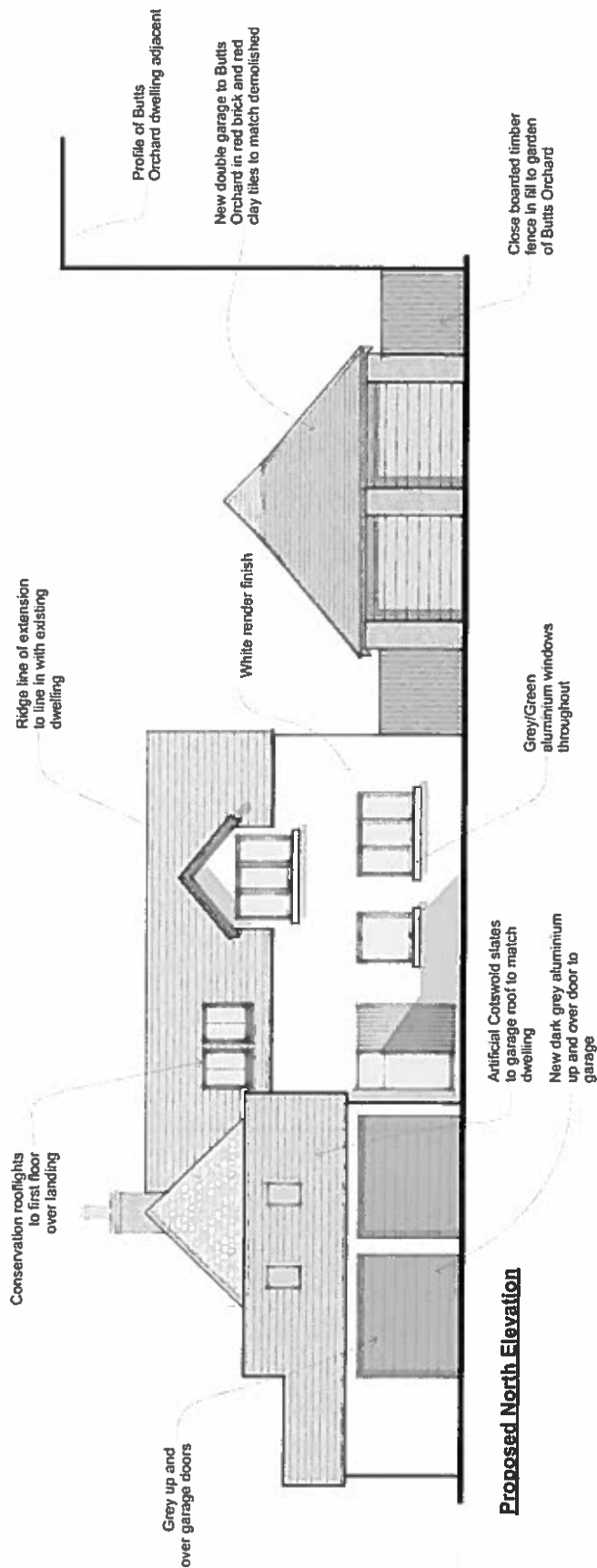
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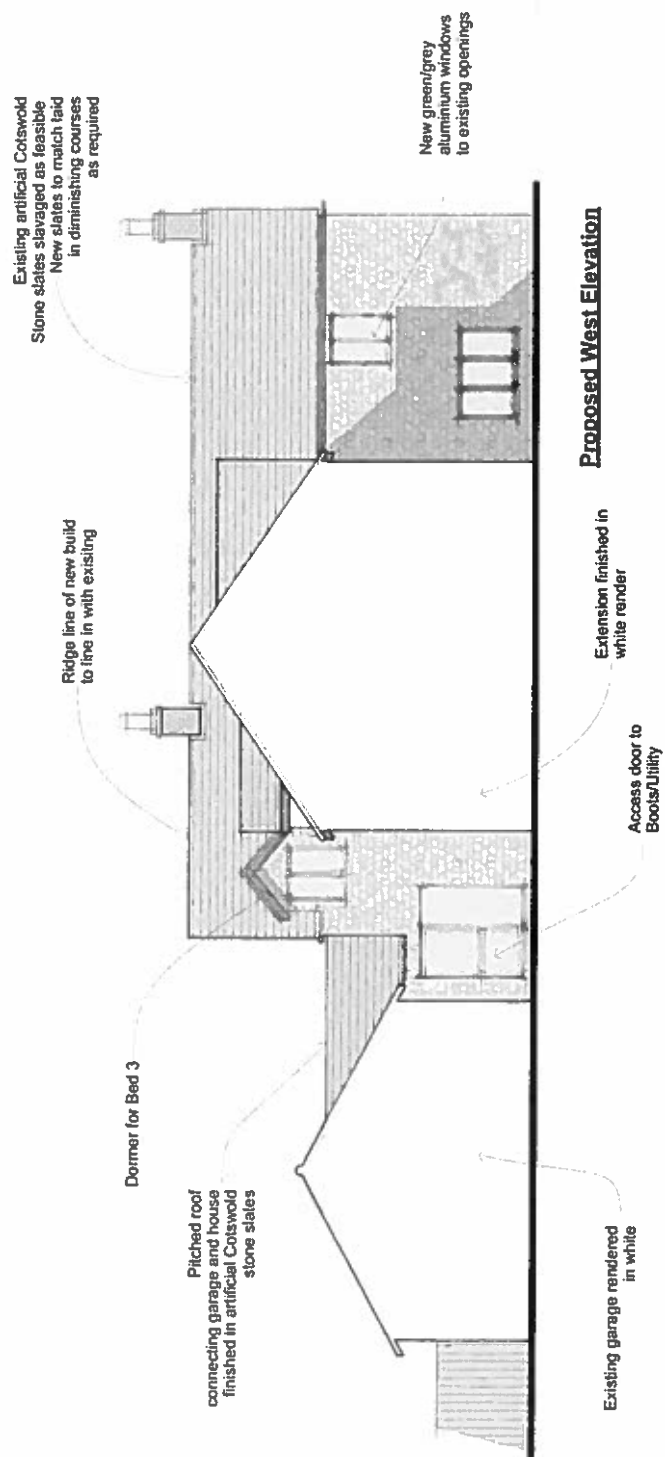
PROPOSED EXTENSION & RE-MODEL
CLEMATIS COTTAGE
PROPOSED LAYOUTS

Scale: 1/100 @ A3
Date: 12 Oct 19

PLANNING
1689-06B



Proposed North Elevation

**Proposed West Elevation**

Proposed Extension - Clematis Cottage

Valid 13.03.2019

Proposed two storey side extension and dropped kerb to Fircroft Road to create vehicular access to property.

Grid Ref 383765 220579

Parish Longford

Ward Coombe Hill

RECOMMENDATION Permit

Policies and Constraints

National Planning Policy Framework (2018)

Planning Practice Guidance

Joint Core Strategy (2017) - SD4, SD14, INF1, INF2

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

Flood and Water Management SPD

Human Rights Act 1998 - Article 8

The First Protocol - Article 1

Consultations and Representations

Longford Parish Council - Object to the application for the following reason:

Concerned about road safety - the proposed vehicular access to the property would join Fircroft Road very close to the junction with Tewkesbury Road.

County Highway Authority - No objections.

Local Residents - None received.

Planning Officers Comments: Victoria Stone

1.0 Site Description

1.1 The application relates to No.4 Meadvale Close, a two-storey end of terraced property in the village of Longford (**see attached location plan**). The property is brick built and occupies a prominent position on the corner of Fircroft Road and the Tewkesbury Road.

1.2 The site is not subject to any landscape designations but is located in Flood Zone 3.

2.0 Planning History

2.1 18/00194/FUL - Proposed first floor rear extension - Refused - 27.04.18.

3.0 Details of Proposal

3.1 This current application seeks planning permission for the erection of a two storey side extension and the creation of a new vehicular access and parking space off Fircroft Road.

3.2 The proposed extension would be set back from the front elevation of the existing dwelling and would incorporate a similar 'cat slide' roof to the host dwelling. It would be constructed using materials to match the main dwelling.

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.

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 design and visual impact of the proposed extension, the impact upon highway safety and upon flooding.

Design and Visual Impact

5.2 Section 12 of the NPPF which sets out that the creation of high quality buildings and places is fundamentally 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.

5.3 Policy HOU8 of the TBLP states that development must respect the character, scale and proportion of the existing dwelling and the surrounding development. The detailed design, materials and layout of buildings and structures must be appropriate to their setting and the character of the surrounding area. Likewise, Criterion 1(i) of JCS Policy SD4 states that new development should respond positively to, and respect the character of, the site and its surroundings.

5.4 The design of the proposed extension is considered to be satisfactory. The incorporation of similar design features such as a cat-slide roof, fenestration details and the use of matching materials to the host dwelling would ensure the proposed extension would integrate effectively.

5.5 With regard to the visual impact, given the small scale nature of the development; the set-back position of the extension and the considered design approach the proposed extension should not cause any harm to the street scene. Whilst noting the proposed extension would bring the built form closer to the site boundary this would not be unduly harmful given the set-back position of the proposed extension and as there would still be a visual gap between the extension and the site boundary. Further, there are other properties along Fircroft Road where the side elevations abut the footpath therefore the proposed extension would not appear at odds with the form and local character.

5.6 The creation of a new parking space would require the removal of a small section of the existing hedgerow boundary. This is regrettable however the hedge is not protected and could be removed at any time. In addition, it should be noted there are other forms of boundary treatment in the vicinity, which includes brick walls and close-boarded fencing.

5.7 In light of the above, 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 TBLP Policy HOU8, JCS Policy SD4 and guidance set out in the NPPF in this regard.

Impact upon residential amenity

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

5.9 Due to the position of the proposed extension on the side elevation of an end of terraced property and as there would be no windows above ground floor on the rear facing elevation the proposed development would not have an adverse impact upon the amenities of the neighbouring properties.

Highways Safety

5.10 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.

5.11 As mentioned previously the proposal also seeks permission for the creation of a new access and parking space and associated dropped kerb.

5.12 The comments from the Parish Council in relation to highway safety are noted. However, having reviewed the information submitted, the County Highways Authority confirmed that appropriate levels of emerging visibility are achievable based on the nature of the environment and highway. They have also confirmed that no recorded incidents have been reported within the past 5 years, which indicate no safety concerns from a highway perspective. As such County Highways have raised no objection to the proposal therefore it is considered the development could be accommodated at the site without compromising highway safety.

Flood / Drainage Matters

5.13 Policy INF2 of the JCS states that development proposals must avoid areas at risk of flooding, in accordance with a risk-based sequential approach and that 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.

5.14 The proposed extension and parking space would be located in Flood Zone 3, an area at a high probability of flooding.

5.15 The PPG states that the Sequential Test does not need to be applied to minor development [paragraph 033, Reference ID: 7-033-20140306]. The PPG confirms householder development would constitute 'minor development'. Notwithstanding this, a Flood Risk Assessment (using the Environment Agency's template) has been provided in accordance with the guidance which confirms that the extension would be set no lower than the existing ground level and that flood resilience measures would be put in place. These normally comprise, for example, setting plug sockets at a higher level Subject to a condition requiring details of the flood resilience measures there are no objections are raised on flooding grounds.

6.0 Planning Balancing and Conclusion

6.1 Overall, whilst the concerns from the Parish Council are noted, it is considered, following consultation with County Highways, that the proposed development would not compromise highway safety. No other harm, in respect to design, visual impact, residential amenity and flooding has been identified. In view of this, it is therefore recommended that **permission is granted**.

RECOMMENDATION Permit

Conditions:

- 1 The works hereby permitted shall be begun before the expiration of five years from the date of this consent.
- 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:
18.12.01 - Location Plan and Existing Elevation/Floor Plan and Section Plan
18.12.02 - Proposed Elevations/Floor Plan/Site Plan and Section Plan
- 3 The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing dwelling.

- 4 Prior to commencing the ground floor internal works, details of the flood resilience measures proposed to be incorporated shall be submitted to and approved in writing by the Local Planning Authority. The flood resilience measures shall then be implemented in accordance with the details so approved prior to beneficial use of the extension.

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.
- 4 To ensure flood risk is not exacerbated.

Notes:

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

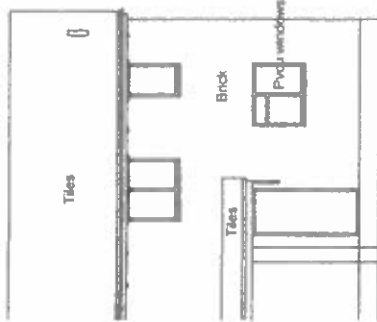
In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner offering pre-application advice, detailed published guidance to assist the applicant and published to the council's website relevant information received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

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

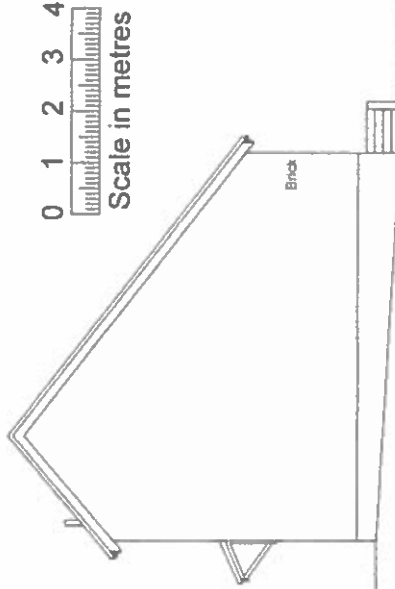
- Work on an existing wall or structure shared with another property.
- Building a free standing wall or a wall of a building up to or astride the boundary with a neighbouring property.
- Excavating near a neighbouring building.

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.

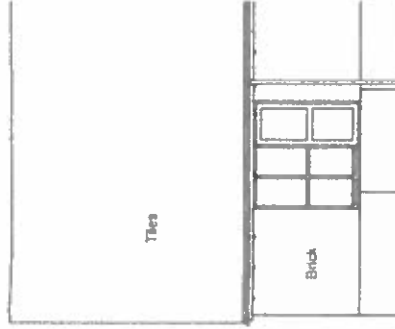
- 3 Your attention is drawn to the requirements of the Building Regulations, which must be obtained as a separate consent to this planning decision. You are advised to contact the Building Control Team on Buildingcontrol@cheltenham.gov.uk.



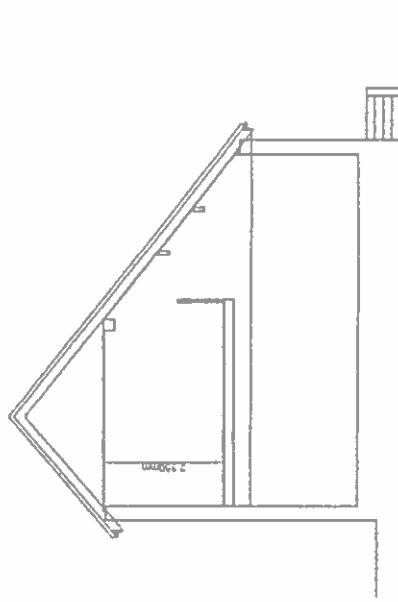
Rear Elevation
Elevations - scale 1:100



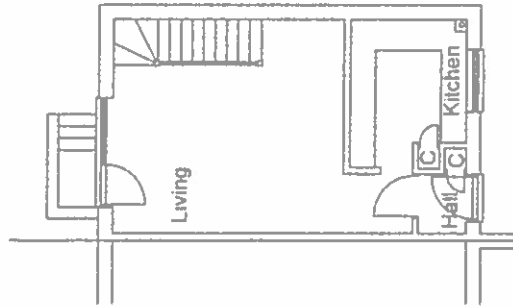
Side Elevation



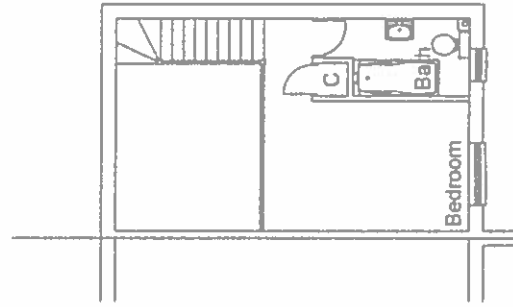
Rear Elevation



Section - scale 1:100



Ground Floor Plan
Plans - scale 1:100



First Floor Plan

PLANNING AND
DEVELOPMENT SERVICES
Officer -
Scanned -
Rec'd 13 MAR 2019
Ack'd
File



Location Plan - scale 1:1250



The Clients attention is drawn to the CDM Regulations and Party wall Act.
The Contractor is to provide to the Client a Health and Safety plan for the works.

All figured dimensions to be checked on site before commencing work.
No dimensions are to be scaled from this drawing.
This drawing is to be used for Planning Permission only.

Project

Survey of 4 Meadowdale Close, Longford,
Gloucestershire GL2 9AU

Date

Dec 2018

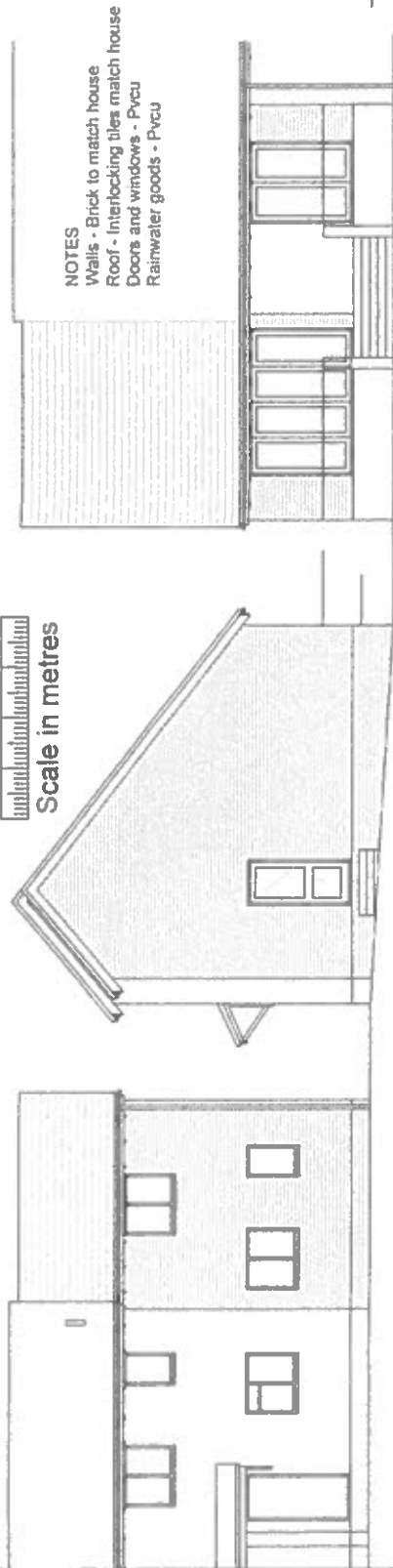
Scale

1:100

Drawing No

18.12.01

0 1 2 3 4
Scale in metres



NOTES

Walls - Brick to match house
Roof - Interlocking tiles match house
Doors and windows - Pvcu
Rainwater goods - Pvcu

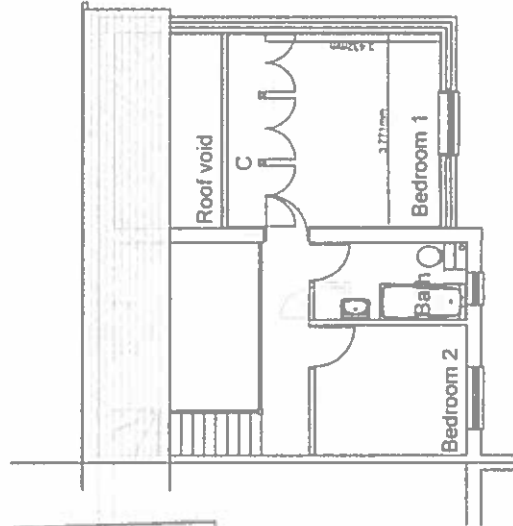
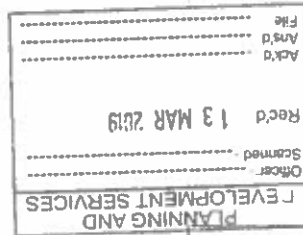
Rear Elevation
Elevations - scale 1:100

Side Elevation

Rear Elevation

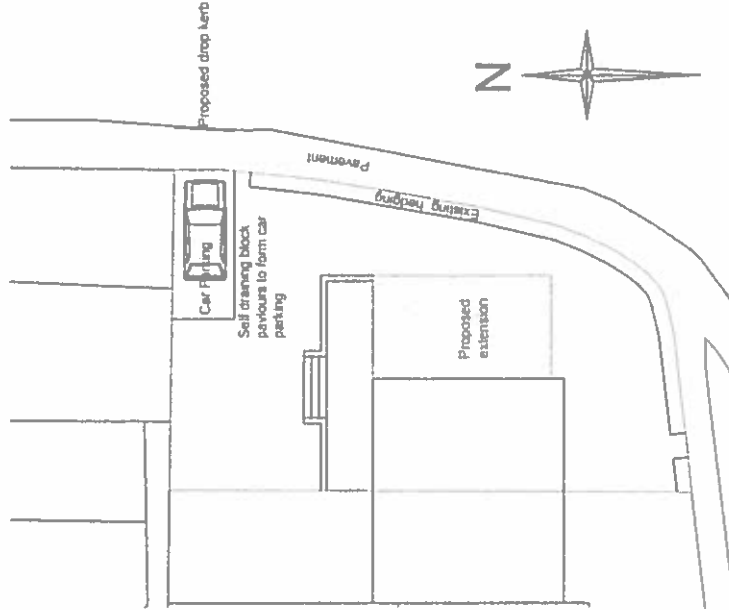
Section - scale 1:100

200/B



Ground Floor Plan
Plans - scale 1:100

Ground Floor Plan



Site Plan - scale 1:500

The Clients attention is drawn to the CDM Regulations and Party wall act.
The Contractor is to provide to the Client a Health and Safety plan for the works

All figured dimensions to be checked on site before commencing work.
No dimensions are to be scaled from this drawing.
This drawing is to be used for Planning Permission only

Project

Alterations to 4 Meadvale Close, Longford,
Gloucester, Gloucestershire GL2 9AU

Date
Dec 2018

Scale
1:50

Drawing No.

18.12.02

Valid 27.03.2018

Outline planning application for up to 215 dwellings up to 2.24 HA of commercial use (B1 and B8), up to 0.2 HA of retail uses (A1), with public open space, landscaping and sustainable urban drainage including associated works and two vehicular access points from Stoke Road.

Grid Ref 394401 227895
Parish Bishops Cleeve
Ward Cleeve West

RECOMMENDATION **Minded to Refuse**

Policies and Constraints

National Planning Policy Framework (2018)

Planning Practice Guidance

Joint Core Strategy (2017) - SP1, SP2, SD1, SD2, SD3, SD4, SD6, SD9, SD10, SD11, SD12, SD14, INF1, INF2, INF3, INF4, INF6, INF7

Tewkesbury Borough Local Plan (2006) - TPT3, TPT6, RET4, RCN1, RCN2

Waste Core Strategy - WSC11

Flood and Water Management SPD

Human Rights Act 1998 - Article 8

The First Protocol - Article 1

Consultations and Representations

Bishops Cleeve Parish Council - Object due to the following reasons:

- The cumulative impact of development in the village is unsustainable and would have an adverse impact on community cohesion and social wellbeing;
- Bishops Cleeve has already fulfilled the allocated number of new homes identified in the recently adopted JCS to be provided by 2031;
- Any further development is at risk of skewing the whole spatial strategy for the area;
- The lack of infrastructure improvements and employment opportunities has resulted in the village becoming a commuter/dormitory settlement;
- Village needs a more sustainable balance between population and employment;
- No need for further housing in the village;
- Concerned about flood risk management - The revised hydraulic report does not materially affect the concerns;
- Foul drainage capacity of Bishop's Cleeve has already been exceeded;
- Development would conflict with neighbouring land use, given the site's close proximity to the various processing facilities at the - Wingmoor Farm Waste Facility, affecting residential amenity and residents' health and wellbeing.

Stoke Orchard Parish Council - Strongly object on account of the effect of this development on the potential flood risk downstream of the site in Stoke Orchard Parish. Have demanded a £1,000,000 settlement to improve flood defence and flood avoidance within the Parish.

County Highway Authority - Recommend the application be refused as insufficient information has been submitted to demonstrate safe and suitable access at this stage.

County Archaeologist - No objection subject to a condition requiring a programme of archaeological work.

County Minerals and Waste Authority - The development remains within close proximity of permitted waste infrastructure facilities and therefore should still be subject to the requirements of the development plan policy Waste Core Strategy Core Policy WCS11 - Safeguarding Sites for Waste Management. The revisions have been brought forward by the applicant to attempt to sufficiently address the concerns of previous applications linked to policy WCS11. The revisions could prove to be significant and may meet the expectations of the policy. However, a judgement on this can only be made following a careful review of the conclusions drawn by technical experts, particularly where relevant amenity matters are concerned.

Lead Local Flood Authority - No objection.

Environment Agency - No objections in principle however require further information.

Highways England - No objection.

Environmental Health Adviser- Air Quality - Initially advised that the air quality assessment is considered to represent an appropriate impact assessment. The outcome of the assessment indicates that the proposed development would have a negligible and not significant impact on local air quality. Background concentrations have been determined as well below the national objectives. Recommend that the standard air quality mitigations measures for domestic and commercial developments are applied should permission be granted.

Following submissions by Grundons, the EHA reviewed their comments and advised that the modelled odour impact relating to current operations appear acceptable, however future activities relating to Cell 9B may have a significant impact, albeit over a limited period - this will depend on the type of waste to be landfilled. Due consideration should be given to this specific matter in terms of the need for housing and the potential significant impact at some point in the future.

Environmental Health Officer - Noise - The submitted noise assessment appears acceptable in terms of methodology and the conclusions reached. When the detailed design has been finalised the applicant should submit a revised assessment detailing the proposed noise mitigation measures necessary to achieve the internal and external noise limits recommended in BS8233:2014. In terms of noise from Elliot Aggregates and the wider Malvern Business Park, specific additional noise mitigation measures should be proposed to minimise the impact at the nearest noise sensitive receptors.

Environmental Health Officer - Contaminated Land - There is potentially contaminated land to the south east of the proposed site at Malvern View Business Park. A condition to secure a risk assessment of the site for contamination has been recommended.

Natural England - The proposal is unlikely to affect any statutorily protected sites or landscapes. Refer to standing advice.

Urban Design Officer - Objection raised as the development would fail to connect with the existing settlement and represents an encroachment into open countryside, extending the built up area of Bishops Cleeve even further west.

CPRE - Object to the application for the following reasons:

- The site is not allocated for development;
- No present requirements for the additional housing proposed;
- The site is very close to the Wingmoor Farm Waste Disposal site - considerably closer than the distance recommended for residential buildings.

Strategic Housing and Enabling Officer - No objection - The development proposes 40% affordable housing on site, this is compliant with the JCS policy SD12.

Severn Trent - No objection subject to conditions.

Community and Economic Development Officer - Awaiting revised comments following the implementation of CIL.

NHS Estates Adviser - Awaiting revised comments following the implementation of CIL.

County S106 Officer - Economic Development and Strategic Planning - Awaiting revised comments following the implementation of CIL.

Local residents - 57 representations objecting to the application have been received. The objections are summarised below:

- Bishops Cleeve has had enough development - it is absolutely saturated;
- There are a further 850 homes with permission which have not been built yet in the Homeland and Cleevelands development therefore Bishops Cleeve neither needs or can take anymore dwellings;
- Inconsistent with the spatial plan - Bishops Cleeve are providing more development than Tewkesbury;

- Bishops Cleeve has already delivered 97% of the new dwellings required to meet the JCS target for the period 2011 to 2031;
- Site is not designated in the local plan;
- Bishops Cleeve is congested, polluted and parking is a major problem - traffic on the surrounding road network is at breaking point;
- Bishops Cleeve was once a village now it resembles a town;
- Development would have an adverse impact on community cohesion and social wellbeing;
- Bishops Cleeve does not have the infrastructure to support additional houses (healthcare, education, employment, shops, restaurants, facilities for children, parks, green spaces, roads, policing, drainage, local council services, sports and general facilities);
- No opportunities for any pedestrian access points to connect into existing residential areas as a result the development would fail to connect with the existing residential settlement and would encroach into open countryside;
- The proposed development does not include any sports facilities, playing pitches or changing rooms - there are not enough facilities in the village and local clubs currently have to turn children away;
- Bishops Cleeve Parish Council have said they will not support any further large scale development;
- The proximity to the Wingmoor Farm Waste Management Facility is a real health concern - the development would be directly impacted by the environmental issues the site causes (noise, smell, flies, dust, vibration, light spillage and HGV traffic);
- The Wingmoor Farm Waste Management Facility causes no end of problems to include damage to the roads, rubbish being dropped and smell;
- The Wingmoor Farm Waste Management Facility regularly gives off an unpleasant aroma which can be smelt from surrounding houses;
- Approving this housing application would place unprecedented and unjustifiable pressure on the Grundon Landfill site;
- The development is too close to the Malvern View Business Park and would prevent future expansion of the park in the future;
- The Malvern View Business Park generates odour issues that would be noticeable to the occupiers of the new houses;
- Adding further houses in close proximity to the Wingmoor Farm Waste Management Facility was be absolutely folly;
- Incomplete information to accompany the application especially in relation to the cumulative effects on health on existing residents and future residents;
- Stoke Road is a busy road and not capable of taking the extra traffic and parking provision;
- No consideration of pedestrian safety;
- Access off a busy road is not suitable;
- Development would exacerbate existing traffic congestion;
- Location of retail units on the development would increase customer traffic and deliveries is likely to add to congestion and existing air and noise pollution;
- Increase in traffic would cause noise and air pollution;
- The development would increase risk of flooding;
- A Health Impact Assessment should be carried out;
- Development may increase crime levels and anti-social behaviour;
- Bishops Cleeve lacks local employment opportunities;
- The application has been refused previously by Tewkesbury Borough Council and nothing has really changed;
- Development is on the edge of the Green Belt so further development would be inappropriate;
- No apparent relevance to the provision of affordable housing in a location offering major employment opportunities;
- Parking provision unlikely to be enough to meet the needs of future occupiers;

A representation has been received on behalf of Grundon Waste Management Ltd - Object due to the following reasons:

- The updated odour constraints assessment concludes that during the landfilling operations in cell 9B at the Wingmoor Farm - Integrated Waste Management Facility (IWMF) the application site would be subject to a moderate and therefore significant effect from odour;
- The standoff distances for noise indicates that the area of proposed commercial development is largely located within an area in which noise from the operations associated with the landfill at the IWMF will be above the 55dB limit set for sensitive properties;
- The construction of commercial and residential properties in such close proximity to a strategic waste management facility does not comprise suitable development in land use planning terms;
- There is potential for noise and odour to have an adverse effect on the proposed development;

- The presence of commercial and residential properties could result in increased operational constraints being placed on the current and future activities at the IWMF.

A representation has been received on behalf of Cleevewood Properties. The objections are summarised below:

- The noise report submitted does not appear to have given any consideration to the allocated employment site to the north of Malvern View Business Park;
- Concerned that when this land comes forward for development the proposed residential development would have a significant impact on the future opportunities for employment development at this site;

Planning Officers Comments: Victoria Stone

1.0 Introduction

Purpose of the Report

1.1 This application was made to the Council on 27 March 2018. Since that date the Council's officers and a number of consultees have worked proactively with the appellant, in accordance with guidance set out in paragraph 38 of the NPPF, so that the application could be put into an appropriate condition for presentation to this Committee. During this period the appellant agreed to several extensions of time to determine the application. The appellants have not provided all of the required information however they have decided to lodge an appeal in respect of the application with the Secretary of State (a 'non-determination' appeal). The Council must therefore advise the Secretary of State of its views on the proposals.

Site Location

1.2 The appeal site is located to the west of Bishops Cleeve and north of Stoke Road. It covers an area of approximately 13.5 hectares, is irregular in shape and comprises four fields separated by a number of hedgerows. The land within the site gradually rises from 37m AOD along the western-most edge to a highpoint of 43m AOD where the site meets the rear gardens of properties fronting Acacia Park.

1.3 The southern boundary of the site is defined by Stoke Road and bound by mature hedgerow which runs parallel to the carriageway with occasional mature hedgerow trees. Beyond this lies Cheltenham Road Rugby Club and Wingmoor Farm Integrated Waste Management Facility (IWMF). To the northern and western boundaries of the site lies the open countryside, with the Cleavelands residential development, much of which has now been completed, located to the far north-east corner. The site wraps around the west and north of the Malvern View Business Park and the existing residential development on Acacia Park.

1.4 The site is located approximately 1.4km west of the centre of Bishops Cleeve.

1.5 The site is bisected by Glebe Farm Brook, a designated main river watercourse, conveying flow north westward through the centre of the site. A second main river watercourse, Gilders Brook, conveys flows along the northeast boundary and joins Glebe Farm Brook on the northwest boundary.

1.6 The site is not subject to any landscape designations.

2.0 Planning History

2.1 Pre-application advice was provided in 2015 for a proposal of up to 285 dwellings with associated open space and landscaping - 14/00320/PRE.

2.2 An Environmental Impact Screening Opinion was given in February 2015 advising that the Council's considered a proposal for up to 300 dwelling and associated A1 convenience retail store of up to 2000 square feet, with associated open space and landscaping would require an Environmental Impact Assessment.

2.3 Outline planning permission for up to 265 dwellings and A1 convenience retail store of up to 200 square metres, with associated open space and landscaping with all matters reserved, except for access was refused in April 2016, reference 15/00166/OUT, for the following reasons:

1. The application has not demonstrated that the proposed residential development would not be exposed to unacceptable risk from pollution and in particular it has not been demonstrated that the proposed development would not be adversely affected by the nearby allocated waste management site at Wingmoor Farm which is safeguarded in the Waste Core Strategy. Furthermore, whilst all matters relating to design and layout are reserved for future consideration, the proposed development would fail to provide good connectivity with the existing settlement and for this reason does not represent good design. As such the proposed development does not represent sustainable development and the identified harms would significantly and demonstrably outweigh the benefits of the proposal contrary to advice at paragraph 124 and section 7 (Requiring good design) of the National Planning Policy Framework, Policy EVT4 of the Tewkesbury Borough Local Plan, Policy WCS11 of the Gloucestershire Waste Core Strategy (November 2012) and policies SD5 SD15 of the emerging Joint Core Strategy (Submission Version - November 2014).

2. In the absence of an appropriate planning obligation, the application does not provide housing that would be available to households who cannot afford to rent or buy houses available on the existing housing market. As such, the proposed development conflicts with Policy HOU13 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and emerging policies SD12 and SD13 of the Joint Core strategy Submission Version November 2014.

3. In the absence of an appropriate planning obligation, the application does not make adequate provision for on-site or off-site playing pitches with changing facilities and sports facilities to meet the needs of the proposed community. The application therefore conflicts with Policy RCN1 of the Tewkesbury Borough Local Plan to 2011 - March 2006, section 8 of the NPPF (Promoting healthy communities) and emerging policies INF5 and INF7 of the Joint Core strategy Submission Version (November 2014).

4. In the absence of an appropriate planning obligation, the application does not make provision for the delivery of education, health and community infrastructure or library provision and therefore the proposed development is contrary to Policy GNL11 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and section 8 of the NPPF (Promoting healthy communities) and policies INF5 and INF7 of the Joint Core strategy Submission Version (November 2014).

2.4 An appeal was lodged against the refusal of planning permission outlined above however this was withdrawn during the Public Inquiry.

2.5 A further planning application seeking permission for the same scheme as above, ref: 16/00582/OUT, was refused by the Council in December 2016. The refusal reasons were exactly the same as the previously refused scheme.

2.6 An Environmental Impact Scoping Opinion was given in July 2017 advising as to the information to be provided and subsequently reported in an Environmental Statement (ES).

3.0 Appeal Proposal

3.1 This application is made in outline with all matters reserved for subsequent approval, with the exception of the two access points from Stoke Road (**see attached plans**).

3.2 The proposed development seeks to provide up to 215 dwellings; up to 2.24 hectares of commercial use (B1 and B8); up 0.2 hectares of land for 300 square metres of retail use; two vehicular access routes off Stoke Road; green infrastructure including open space to include informal open space for play; an equipped play area; landscaping and an attenuation basin.

3.3 The application documents include a Development Framework Plan (DFP) and Illustrative Masterplan (IM) which indicates how the quantum of development could be delivered (**these will be displayed at Committee**) and a Design and Access Statement, which sets out the rationale for the development. The application is also supported by a Planning Statement, Draft Planning Obligation Heads of Terms, Statement of Community Involvement, Affordable Housing Statement, Socio-Economic Sustainability Statement and numerous technical reports assessing the potential impacts of the proposals.

3.4 The application is also accompanied by an Environmental Statement which is required because the proposed development constitutes EIA (Environmental Impact Assessment) development in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The Environmental Statement (ES) assesses a range of social, environmental and economic issues and includes assessments of Archaeology and Heritage; Landscape and Visual; Water Environment, Drainage and Flood Risk; Transport and Access; Air Quality, Dust and Odour and Noise and Vibration.

3.5 This application differs to the two previously refused schemes in that the number of dwellings proposed has been reduced to 215 and the proposal includes up to 2.24 hectares of land for commercial use (B1 and B8). As a consequence the layout has been revised so that the commercial development would be located in the most southern part of the site, alongside the potential retail use and the proposed dwellings would be located beyond this, resulting in a standoff distance of 160 metres from the Wingmoor Farm IWMF. In addition, the amount of retail use proposed has increased from that originally proposed as part of the two previous submissions.

4.0 The Community Infrastructure Levy Regulations

4.1 The Community Infrastructure Levy (CIL) Regulations allow local authorities to raise funds from developers undertaking new building projects in their area. Where planning applications are capable of being charged the levy, they must comply with the tests set out in the CIL regulations. These tests are as follows:

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

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

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

4.4 On 15th October 2018 the Council resolved to publish and adopt a CIL. This commenced on 1st January 2019. Based on a requirement for 40 percent affordable housing up to 129 open market dwellings would be CIL liable. The affordable housing, commercial and retail units would be exempt from CIL.

5.0 Planning Policy Context

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

Cheltenham, Gloucester and Tewkesbury Joint Core Strategy

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

5.3 The JCS sets out the key spatial policies for the JCS area over the period of 2011-2031 and the preferred strategy to help meet the identified level of need.

5.4 Policy SP1 sets out the overall strategy concerning the amount of development required and Policy SP2 sets out the distribution of new development. These two policies, combined with Policy SD1 on the economy, provide the spatial strategy for the plan. This strategy, together with its aims, is expressed in relevant policies throughout the plan and will be supported by forthcoming district plans and neighbourhood plans.

5.5 Policy SP1 of the JCS sets out an objectively assessed housing need (OAHN) for Tewkesbury Borough of 9,899 new homes. Policy SP2 provides the overall spatial strategy for development in the area. For Tewkesbury it states that (policy points 4, 5, 6 and 9):

4. To meet the needs of Tewkesbury Borough, none of which is being met by the urban extensions to Gloucester and Cheltenham, the JCS will make provision for at least 9,899 new homes. At least 7,445 dwellings will be provided through existing commitments, development at Tewkesbury town in line with its role as a market town, smaller-scale development meeting local needs at Rural Service Centres and Service Villages, and sites covered by any Memoranda of Agreement;

5. Rural service centres and service villages as identified in Table SP2c below will accommodate lower levels of development to 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 taking into account the environmental, economic and social impacts including existing levels of growth over the plan period. Over the plan period to 2031:

i. The rural service centres will accommodate in the order of 1860 new homes, and;

ii. The service villages will accommodate in the order of 880 new homes;

6. In the remainder of the rural area, Policy SD10 will apply to proposals for residential development;

9. To support economic growth in the JCS area, the JCS will make provision for at least 192 hectares of B-class employment land. At least 84 hectares of B-Class employment land will be delivered on Strategic Allocation sites as detailed at Policy SA1. Any further capacity will be identified in District plans.

5.6 As set out in Policy SP2, for the rural area of the Borough, Policy SD10 applies to proposals for residential development. This policy sets out the detail around the appropriate locations for residential development in the JCS area. Most pertinent to this application are policy points 2, 3 and 4 of SD10 which state that:

2. Housing development will be permitted at sites allocated for housing through the development plan, including Strategic Allocations and allocations in district and neighbourhood plans;

3. 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;

4. Housing development on other sites will only be permitted where:

i. It is for affordable housing on a rural exception site in accordance with Policy SD12, or;

ii. It is infilling within the existing built up areas of the City of Gloucester, the Principal Urban Area of Cheltenham or Tewkesbury Borough's towns and villages except where otherwise restricted by policies within District plans, or;

iii. It is brought forward through Community Right to Build Orders, or;

iv. There are other specific exceptions/circumstances defined in district or neighbourhood plans.

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

Emerging Development Plan

JCS Review

5.8 The JCS authorities have begun the review process and published an Issues & Options consultation document (in accordance with Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012). This consultation took place between 12th November 2018 and 11th January 2019. The timetable that the JCS authorities are working to is as follows:

- Issue and Options - October 2018
- Draft Plan consultation - Autumn 2019
- Pre-Submission Plan consultation - Summer 2020
- Submission to the Secretary of State - Autumn 2020
- Examination - Winter 2020/21
- Adoption - Winter 2021

5.9 The Issues and Options document identifies the issue of housing supply for all three JCS authorities and seeks opinions on the spatial strategy for meeting growth needs and includes a call for sites process. It also deals with the level of growth that will be required in the area and also the time period that the plan should cover.

Tewkesbury Borough Plan

5.10 The Tewkesbury Borough Plan is currently under review. The Tewkesbury Borough Plan (2011 - 2031) Preferred Options (TBPPPO) was published for consultation between 10 October and 30 November 2018.

5.11 Given its stage of preparation, in light of guidance at paragraph 48(a) of the NPPF, very limited weight can be given to the emerging Borough Plan.

National Planning Policy Framework and Planning Practice Guidance

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

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

5.13 Paragraph 11 of the NPPF includes a presumption in favour of sustainable development - this is considered in detail in section 6 below. 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 permission should not usually be granted, unless material considerations in a particular case indicate otherwise. 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.

5.14 In terms of the commercial development proposed, to achieve sustainable development the NPPF (paragraph 8(a)) states that one of the overarching objectives of the planning system is to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support economic growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure. To promote economic growth, paragraph 80 of the Framework states that planning policies and decisions should help to create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local businesses needs and wider opportunities for development.

5.15 In terms of housing delivery, the NPPF sets out that the supply of a sufficient number and range of homes to meet the current and future needs of generations is key to delivering the Government's social objective of sustainable development (paragraph 8(b)). To support the Government's objective of significantly boosting the supply of homes, local authorities should use their evidence base to identify a sufficient supply and mix of sites for market housing needs and the requirements of other specific groups over the plan period, taking into account their availability, suitability and likely economic availability. In doing so planning policies should identify a supply of (a) specific, deliverable sites for years one to five of the plan period (with an appropriate buffer), and (b) specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15 of the plan (paragraph 67).

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

6.0 Principle of the development

The principle of residential development

6.1 As set out above, policies SP1, SP2 and SD10 of the JCS sets out the strategic and implementation policies for new housing development in the JCS area. The proposal in this case is not considered to meet the strategy for the distribution of new development and thus conflicts with the adopted development plan.

Planning Policy Position

6.2 The appeal site has not been allocated for housing in the JCS.

6.3 The JCS identifies a settlement hierarchy as the basis for the strategy for delivering growth targets, derived from the objectively assessed need for housing, in the most sustainable manner possible. The JCS settlement hierarchy for Tewkesbury Borough includes Tewkesbury Town as the top tiered settlement followed by the two Rural Service Centres and then the twelve Service Villages. The Rural Service Centre and Service Village classification was informed by the JCS Settlement Audit (2017). Bishops Cleeve is identified as a Rural Service Centre in the Settlement Hierarchy (Table SP2c) of the JCS.

6.4 Criterion 4 of JCS Policy SP2 states that dwellings to meet the identified housing needs of Tewkesbury Borough will be provided through, amongst other things, smaller scale development meeting local needs at Rural Service Centres. In this respect, new housing in this location would be broadly consistent with the JCS spatial strategy.

6.5 However, criterion 5 of Policy SP2 of the JCS explicitly states that *"rural service centres will accommodate lower levels of development which will be allocated through the Borough Plan and NDPs, proportional to their size and function, and also reflecting their proximity to Cheltenham and Gloucester and taking into account the environmental, economic and social impacts including existing levels of growth over the plan period."* These criteria were applied when considering the scale of development to be allocated at each settlement in the emerging Tewkesbury Borough Plan. Based on the application of the above criteria and given the level of commitments already in the village, only two small scale sites are proposed to be allocated in the emerging plan. The appeal site has not been allocated for housing, though it has been allocated as a new Major Employment Site.

6.6 Whilst appreciating the emerging Borough Plan holds very limited weight at this stage of the plan-making process, it does set out the proposed future approach for housing and commercial development in Bishops Cleeve. A further development of up to 215 dwellings would be contrary to the approach set out in the emerging plan, particularly given its allocation for employment use.

6.7 Although the appeal site is broadly consistent with criterion 4 of the Policy SP2, the site is outside of the built up area of Bishops Cleeve and as such, in accordance with criterion 6 of Policy SP2 proposals for residential development must be assessed against the requirement of policy SD10. In relation to Policy SD10 of the JCS, as the appeal site is not 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 appeal proposal. As such, in this instance the appeal proposal is in conflict with JCS Policy SD10 and this weighs against the proposal.

Five Year Housing Land Supply (5YHLS)

6.8 The latest **published evidence** (the Tewkesbury Borough Five Year Housing Land Supply Statement - March 2018 Update) concludes that the Council can demonstrate a 5.22 year supply. A recent appeal decision relating to land at Oakridge, Highnam, 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. Notwithstanding the Secretary of State's comments in the Oakridge appeal, the Council's approach in this respect is considered appropriate.

6.9 Nevertheless, work is progressing on the annual Authority Monitoring Report, which provides the evidence for the Five Year Land Supply Statement. Whilst this work is not yet complete it is now clear that in respect of the 31 March 2019 base date data, the Council is **not able to show a five year supply of deliverable housing sites**. The latest available information indicates that the Council can demonstrate a 4.33 year supply of deliverable housing sites, amounting to a shortfall of approximately 223 dwellings.

6.10 Paragraph 11 of the NPPF sets out that plans and decisions should apply a presumption in favour of sustainable development. For decision-makers this means:

- (c) approving development proposals that accord with an up-to-date development plan without delay; or
- (d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

6.11 The NPPF clarifies (footnote 7) that planning policies for housing will be judged out of date, inter alia, where the local planning authority cannot demonstrate a 5 year supply of deliverable housing sites.

6.12 On the basis that the Council cannot at this time demonstrate a five year supply of deliverable housing sites, the Council's policies for the supply of housing are out of date. In accordance with paragraph 11 of the NPPF, the presumption in favour of sustainable development indicates that permission should be granted unless policies for protecting areas or assets of particular importance in the NPPF provide a clear reason for refusing the development proposed, or any adverse impacts of permitting the development would significantly and demonstrably outweigh the benefits.

Housing Shortfall

6.13 The appellant points out that the Council has a 2,400 dwelling shortfall against their objectively assessed housing need (OAHN) over the plan period and infers that there is no certainty that the Council will be able to meet their full OAHN. The approach to dealing with the shortfall is through the plan led process, as set out through the JCS.

6.14 Policy SP2 states that the identification of additional urban extensions to meet the unmet needs of a Local Planning Authority must be undertaken through a review of the plan and Policy REV1 of the JCS confirms that a partial review of the JCS (to deal with the housing supply shortfall) needed to be commenced immediately upon adoption of the JCS.

6.15 In this respect the Council has already commenced work in pursuance of meeting the shortfall. The approach for dealing with the shortfall is through growth in the Tewkesbury town/Ashchurch area. It is not proposed that the shortfall is addressed through further growth at either the Rural Service Centres or Service Villages. Bishops Cleeve falls significantly short of Tewkesbury Town in terms of its service provision and employment opportunities and has already experienced significant growth during the plan period, above that of Tewkesbury Town.

Conclusions on the principle of residential development

6.16 In respect to the housing element of the appeal proposal, the Council cannot at this time demonstrate a deliverable five year supply of housing land and thus the Council's policies for the supply of housing are out of date. There are no NPPF policies for the protection of areas or assets of particular importance which apply in this case and therefore, it is clear that the decision-making process for the determination of this appeal is to assess whether there are adverse impacts of granting planning permission which would significantly and demonstrably outweigh the benefits.

Principle of Employment Development

6.17 The appeal proposal includes the provision of 2.24 hectares of employment land; of which up to 4180 sqm of office floor space (use class B1) is proposed and up to 2,700 sqm of storage and distribution uses (use class B8) is proposed. The area would be located in the southern part of the site and would be served by a dedicated access off Stoke Road. As such the principle of the employment-related development needs to be considered.

6.18 Section 6 of the Framework sets out that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

6.19 Policy SD1 of the JCS is focused on B-class employment related development and provides that such development will be supported in the wider countryside when it is (inter alia) located within or adjacent to a settlement or existing employment area and of an appropriate scale and character.

6.20 The appeal site has not been allocated as either employment land in the JCS, as a Major Employment Site under saved policy EMP1 of the TBLP or as a Rural Business Centre under saved policy EMP3 of the TBLP. The entire site is nevertheless allocated as a Major Employment Site in the emerging Borough Plan.

6.21 In light of the above, the principle of employment related development on this site is considered acceptable.

6.22 Notwithstanding this, the proposal does not maximise the employment development potential of the site. The site was assessed as being a good/very good site for B Class development in the 'Tewkesbury Borough Employment Land and Economic Development Strategy Review (Bruton Knowles, November 2016)'. The appeal site has been identified as one of the best sites in the Borough for employment and as mentioned above has been allocated as a Major Employment Site in the emerging Borough Plan. The exclusion or loss for a non B class use may be detrimental to the Borough's future economic growth targets. However the NPPF makes it clear that the refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination. As such it is considered the above concerns would not provide sufficient justification for refusing the application.

Principle of Retail Development

6.23 The appeal proposal also includes the provision of 0.2 hectares of land for a 300 square metre retail food unit, access for customers and delivery vehicles and parking provision with landscaping as necessary. Based on the plan submitted the retail use would be located in the south east corner of the appeal site.

6.24 Criterion 6 of Policy SD2 of the JCS echoes the advice at Section 7 of the NPPF (Ensuring the vitality of town centres) and provides that proposals for retail and other main town centre uses that are not located in a designated centre, and are not in accordance with a policy either in the JCS or district plans, will be robustly assessed against the requirements of the sequential test as set out the NPPF and NPPG, or locally defined impact assessment thresholds as appropriate.

6.25 Further to the assessment under JCS Policy SD1 because the proposed office development is defined in the NPPF as a 'main town centre use' this element of the proposal, along with the retail element, needs to be assessed against the requirements of JCS Policy SD2 (Retail and City/Town Centres). The site is located in an out of centre location.

6.26 As the site is not located in a designated centre or featured in an adopted Development Plan policy, the retail and office elements of the proposal are subject to the sequential test. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

6.27 The application does not demonstrate compliance with the sequential test in respect to the retail element of the proposals. It is argued by the applicant's retail consultant in the submitted 'Retail and Office Sequential and Impact Assessments' document (HOW Planning, December 2017) that the proposed development would serve the localised need of existing and proposed residents living within a local catchment. Based on this localised need, the applicant argues that there is no requirement to consider the sequential test. The premise for this argument is saved Policy RET4 (New Local Facilities) of the TBLP which gives support to schemes to establish small single shop units of small groups of shops within new residential areas or existing settlements subject to a number of criteria.

6.28 There are however two issues with this approach. Firstly, it is considered that a premise providing 300sqm of retail floorspace cannot be regarded as a small shop unit and is therefore beyond the scope of Policy RET4. Secondly, Policy RET4 of the TBLP does not necessarily preclude proposals from the application of the sequential test as it provides that proposals will only be permitted where there are no suitable existing sites within the new residential areas of existing settlements, and requires that proposals do not affect the vitality and viability of existing retail centres, which is precisely the reason for applying the Sequential Test.

6.29 The appellant disagrees with officers views in relation to the above and suggests that a condition restricting the floorspace of the retail unit to 280sqm would negate the need to carry out the sequential test. This figure is based on the definition of a small shop in the Government's trading laws hours and taken from the emerging Borough Plan Policy RET5. However, although the Council is proposing a policy in the emerging Borough Plan whereby the sequential test will not be required for shops of 280sqm or under, this can only be given very limited weight at this stage due to the status of the plan.

6.30 In light of the above the appellant has failed to demonstrate compliance with the sequential test for the retail element of the proposal and insufficient information has been submitted to demonstrate whether the retail element of the proposal would have a harmful impact upon the vitality of Bishops Cleeve Village Centre, or other retail centres. The NPPF states that where an application fails to satisfy the sequential test it should be refused (paragraph 90). This counts against the proposal.

7.0 Landscape and Visual Impact

7.1 The NPPF sets out that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside. Policy SD6 of the JCS states that development will seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being. 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.

7.2 The site does not fall under any statutory or non-statutory landscape designation and lies some distance (2.2km) from the Cotswolds AONB.

7.3 The landscape character of the site is represented by its agricultural nature and the agricultural nature of land to the west. The character of the site is also influenced in part by tree cover along its eastern boundary and tall hedgerows and riparian vegetation to the north and west that provides some sense of enclosure. Views from within the site towards the Malvern View Business Park and housing off Acacia Park and Ashlea Meadows provide an urbanising influence.

7.4 The application is supported by a Landscape and Visual Impact Appraisal (LVIA) which concludes the following:

Landscape Character

- During construction there would be some adverse landscape effects occurring over a relatively short duration. All construction works would be carried out in accordance with best practice procedures to minimise effects;
- Effects on landscape character at a national level would be no greater than negligible overall at year 0 through to year 15. At a county level effects would be no greater than minor adverse at year 0, reducing to negligible by year 15. At a district level, effects would be no greater than moderate adverse at year 0 and moderate-minor adverse at year 15. At a site specific level, the proposed development would lead to moderate adverse landscape effects at year 0 reducing to moderate-minor adverse by year 15 as structural planting matures and built form weathers in to the landscape;

- The proposed development would not cause unacceptable harm to the character or setting of the Cotswolds AONB.

Visual Impact

- During construction there would be some adverse visual effects occurring over a relatively short duration. All construction works would be carried out in accordance with best practice procedures to minimise effects;

- The visual envelope of the proposed development is considered to be relatively limited in most directions and does not extend over any extensive areas of the settlement. The visual effects for residential receptors would primarily be restricted to properties that fringe the site.

- Residential receptors close to the site (the property known as Haydon and approximately 8 dwellings off Acacia Park) would experience major-moderate adverse effects in the short to medium term. These receptors would experience effects reducing to moderate adverse in the longer term as structural planting matures and built form weathers and softens in to the landscape. The effect on receptors is considered to be significant in the short term but not by year 15;

- Effects on users of the public footpath to the north of the site would be no greater than moderate adverse at year 0 and minor adverse by year 15. On the wider Public Right of Way network effects have been assessed as no greater than minor adverse at year 0 and negligible by year 15;

- The proposed development would be visible from short sections of Stoke Road. Where views of the proposed development would be direct, either above the top of the hedgerow or where the site access would necessitate the removal of hedgerow planting. Effects would quickly reduce with distance as the site is screened from view.

7.5 Overall, in terms of the impact upon the landscape, the LVIA repeats the conclusions found in the previous two applications at the site in that the proposals would not lead to any significant landscape effects with all effects on landscape anticipated to be moderate adverse or less. In terms of the visual effects of the proposed development, the LVIA deemed there to be significant effects for residential receptors on the fringe of the appeal site. Despite this, the effects relate to private views for a small number of receptors and the significant effects are limited in duration and would not be present at year 15.

7.6 Design and mitigation measures would be 'embedded' into both the construction phase and completed development. These include:

- The Green Infrastructure (GI) for the proposed development includes retained hedgerows and trees both internally within the site and around the boundaries which contribute to landscape character and would help to screen views of the construction phase;
- Areas of green space have been retained to fringe the southern, western and northern edges of the site providing a buffer to the wider landscape that allow the retention of existing vegetation where possible;
- Restrictive maximum height of all buildings at the site;
- 8m buffer either side of the watercourses within or adjacent to the site.

7.7 The findings of the LVIA relating to the sensitivity of the site to development of this nature and to the assessment of predicted effects are generally accepted. It is also accepted that whilst the site is clearly in open countryside and shares typical characteristics of the wider Vale landscape, it is influenced by the settlement edge, including the landfill operations to the south and the adjacent Malvern View Business Park to the east. It is therefore considered that the site is capable of accommodating some development given its relationship to the existing settlement, and the fact that locally characteristic and effective landscaping could be incorporated into the proposed development. Furthermore, due to the effect of distance, the location of the site relative to the rest of Bishops Cleeve, and the effectiveness of existing structure and screen planting, it is not considered that the proposed development would exert a significant influence upon views from the AONB.

7.8 In conclusion, the proposed development would result in landscape harm at a site specific scale by introducing new development into the open, agricultural fields. Nevertheless the LVIA demonstrates that the development would not lead to any significant landscape effects. The LVIA sets out there would be significant visual effects to the residential receptors on the fringe of the site however the effects relate to private views for a small number of receptors and would be limited in duration.

7.9 As such it is not considered that there would be significant and demonstrable harm arising from the proposed development on landscape and visual grounds which would justify refusal of planning permission. It should be noted that the previous two schemes at the site were not refused on landscape or visual grounds. It is also noteworthy in this context that the site is allocated for employment related use in the emerging Borough Plan.

8.0 Design and Layout

8.1 Section 12 of the NPPF which sets out that the creation of high quality buildings and places is fundamentally to what the planning and development process should achieve. It continues by stating that good design is a key aspect of sustainable development, creating better places in which to live and work. Planning decisions should, amongst other things, ensure that developments will function well and add to the overall quality of the area and should be sympathetic to the local character, including the surrounding built environment. Paragraph 130 of the NPPF clarifies that planning permission should be refused for development of poor design that fails to take the opportunity for improving the character and quality of an area and the way it functions.

8.2 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.

8.3 Criterion 1 (vii) of Policy SD4 states that new development should be designed to integrate, where appropriate, with existing development, and prioritise movement by sustainable transport modes. It should, amongst other criterion, be well integrated with the movement network within and beyond the development itself; provide safe and legible connections to the existing walking, cycling and public transport networks and ensure accessibility to local services for pedestrians and cyclists and those using public transport.

8.4 In terms of promoting healthy communities, paragraph 91 of the NPPF states that planning decisions should promote social interaction, to include opportunities for meetings between people who might not otherwise come into contact with each other - for example through street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods. Paragraph 92 of the NPPF states that planning decisions should, amongst other things ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

8.5 All matters relating to the design and layout are reserved for future consideration. However, the application includes a Development Framework Plan (DFP) and Illustrative Masterplan (IM) which show how the site could be developed, and a Design and Access Statement (DAS). **A copy of both the DFP and IM will be displayed at Committee.** The DFP demonstrates the disposition of land uses and the proposed structure for movement within the development. The purpose of the IM is to provide guidance for the detailed design stage of future reserved matters applications. The DAS aims to detail how the proposals evolved, including an assessment of the site and its context, identification of the constraints and opportunities which lead to the key urban design principles for the development and an explanation of how the site is proposed to be developed in design terms.

8.6 The Council's Urban Design Officer (UDO) has considered the content of the submitted material and advised that the DAS provides a good amount of information given this is an outline application and the principles set regarding appearance and materials appear well considered and appropriate for the area.

8.7 Despite its length, configuration and immediateness to the main body of the settlement, the site is inherently poorly connected to existing built development. Most of its interface with the settlement comprises defensive boundaries shared with the Malvern Business Park and its allocated northern extension. Similarly, the north-eastern boundary of the site coincides with the rear boundaries of Acacia Park. Moreover, the layouts and buildings of the Business Park and Acacia Park turn their back to the site. The remaining northern boundary would coincide with the extensive meadow area of Cleavelands which is peripheral to its housing layout.

8.8 The only vehicular and pedestrian link that can be achieved within the appellant's landownership is onto Stoke Road to the south of the site. The DFP and IM indicate a scheme with its main vehicular and pedestrian access originating from Stoke Road. The proposal is thus essentially a cul-de-sac development and, with the exception of the frontage development onto Stoke Road (confined to commercial uses which would potentially have little by way of active frontage facing Stoke Road), is isolated from the village and has poor connectivity to it.

8.9 This arrangement alone would require all residents to direct themselves to these access points up to 650 metres away from their respective homes. From the main entrance to the appeal site, pedestrians would then need to walk for approximately 200 metres along Stoke Road across the business park entrance before they can enter the less busy Stoke Road housing area. The 40 miles per hour speed limit along Stoke Road allied to the volume of heavy traffic would not present an attractive, pedestrian-friendly route, certainly not one the Council would endorse for its residents.

8.10 In terms of pedestrian access the DFP indicates two potential points; one extending off the northern site boundary to link with the meadow area of the Cleavelands housing scheme and the other through the north-eastern corner to link with a parcel of land adjoining the Acacia Park housing estate.

8.11 In respect of the proposed pedestrian access to the Cleavelands residential development, the public open space which adjoins the appeal site is currently not within the ownership of the appellant. The landowner have opted for the public open space on this site to go to a management company and therefore any connection from the adjacent site would need to be agreed with the landowner. It is also worth mentioning that there is currently a watercourse that separates the two sites. Thus to gain a connection they will need land drainage consent and agreement on both sides of the watercourse and a clear understanding who owns what.

8.12 Irrespective of this, were this northern link to be created, it would not provide the user with a direct route to Acacia Park or to the Bishops Cleeve centre. Further, unless the owner of the meadow agrees to the creation of a formal and lit footpath (and planning permission is granted for it), this northern link would not provide its users with a safe and easily-used route. In addition, without prejudice to any future proposals, if a formal footpath were created through the Cleavelands meadow it would detract from its intended informal function and appearance.

8.13 In respect of the proposed pedestrian access to the north-eastern boundary of the appeal site with the rear boundaries of Acacia Park, it should be noted outline permission was granted and the subsequent reserved matters have been recently approved for the erection of up to five dwellings on the land shown to provide the connection route (ref: 17/00955/OUT & 18/01094/APP).

8.14 Whilst the appellant has offered to financially contribute towards any footpath links no evidence has been submitted to demonstrate the agreement of owners of the adjoining land to create and retain new footpath links. It is accepted that under certain circumstances, it might be possible to secure such footpath links by the imposition of a Grampian planning condition in the grant of planning permission. However, the NPPG confirms that such conditions should not be used where there are no prospects at all of the action in question being performed within the time-limit imposed by the permission.

8.15 In the absence of the formal agreement of the owners of the land to the north and north-west of the appeal site to the creation of the proposed pedestrian links, no weight can be given to the creation and retain of the links proposed.

8.16 This poor degree of connectivity of the site in its current form with the adjoining settlement limits the scope by which the proposal could integrate with existing built development.

8.17 In conclusion, due to this lack of ease of movement through its boundaries the proposal would not positively contribute to making places better for people, would not achieve inclusive design having regard to the wider area and would do little to integrate itself with the existing built development of Bishops Cleeve. It is therefore considered the development would not constitute good design. This would be a failing of the scheme of significant weight.

9.0 Accessibility and Highway Safety

9.1 Policy INF1 of the JCS requires developers to 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.

9.2 Section 9 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. Paragraph 103 states that the planning system should actively manage patterns of growth in support of these objectives and significant development should 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. In assessing applications for development the NPPF (paragraph 108) requires local authorities to ensure that;

- appropriate opportunities to promote sustainable transport modes can be or have been taken up, given the type of development and its location;
- safe and suitable access to the site can be achieved for all users; and
- any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

9.3 The application is supported by a Transport Statement (TA) and a Framework Travel Plan which also forms an appendix to chapter of the Environment Statement (ES). The ES clarifies that the cumulative impacts of existing developments in the area, notably Homelands; Cleavelands; Evesham Road (71 dwellings); Malleson Road (50 dwellings) and the pending application, Land To The West Of Evesham Road (North Cleavelands) for up to 500 dwellings located approximately 700 metres to the north of the site have been taken into account where appropriate in assessing the baseline traffic flows.

9.4 The ES concludes that, taking into account the cumulative effects of other development in the surrounding area, the increase in traffic associated with the proposed development would not create a significant impact in environmental terms and that there are no significant impacts associated with traffic and transportation such that planning permission should be refused.

9.5 Similarly the TA concludes that for the proposed mixed residential and commercial development;

- Access to the required design standard is proposed with separate access points of the residential and employment uses;
- The site is well located to allow travel by the more sustainable modes;
- A Framework Travel Plan accompanies the application;
- There are no material traffic impacts associated with the proposal;
- There are no road safety issues associated with the development;
- Overall there are no material transport issues associated with the proposal.

9.6 Highways England (HE) have been consulted on the application and initially recommended that planning permission was not granted so as to provide the applicant with sufficient time to address outstanding concerns regarding development traffic impact on the Strategic Road Network (SNR). Subsequent information was submitted in response to address these issues which satisfied HEs concerns. HE now offer no objection to the proposals commenting that the transport impact of the development on the Strategic Road Network would not be significant.

9.7 Gloucestershire County Council (GCC) have been consulted as Local Highway Authority (LHA) and assessed the proposed development in terms of sustainable access, traffic impact, the impact on off-site junctions, road safety and the travel plan proposals. Having reviewed the submission documents the LHA raised a number of concerns with the information submitted and despite ongoing discussions during the course of the application between the LHA and the appellants there are still a number of technical matters related to highways which have not been resolved to date. These are:

Traffic Impact

- The submitted modelling includes a significant discrepancy between modelled flows and flows presented on traffic flow diagrams for modelled junction 4 (A435/Hyde Lane/Southam Lane). The discrepancy between the traffic flow diagrams provided and the modelled traffic flows for movement A - C by order of 200 vehicles, underestimating traffic through-put on Arm A. This has a significant impact on the results of this capacity assessment, especially given that the capacity results of the ahead movement on the A435 is approaching practical capacity limits (83% DoS). In the absence of re-run modelling with correct traffic flows capacity impact cannot be determined.
- The junction impacts have been assessed with the approved mitigation as part of the Cleavelands and Homelands developments and therefore will only be accepted with these mitigation works prior to site occupation.

Site Accesses

- The plans have not demonstrated suitable visibility splays based on DMRB TA 22 81 compliant speed surveys for actual speeds or the existing speed 40mph limit of 2.4m x 120m according to DMRB from and to both site accesses.
- The swept path tracking for the western site access fails to demonstrate two-way swept path tracking of articulated HGV's accessing/egressing the employment uses in all directions with clearance from carriageway edges and between vehicles.
- Eastern access two-way swept path inter-visible tracking has not been submitted to demonstrate refuse vehicle passing largest regularly expected vehicles in all directions with clearance from carriageway edges and between vehicles.

Off-site connections

- New bus stops eastbound and westbound with footway connections with widened footways and pedestrian crossing points and associated infrastructure would be sought along the site frontage to maximise accessibility subject to design compliance and RSA checks.
- A contribution toward the upgraded T bus service is sought which has not been agreed.

9.8 Despite submitting an appeal, the appellant has recently (3 July 2019) submitted further information to address the concerns raised by the LHA. This does not allow the LHA sufficient time to review the information and determine if it overcomes the objections raised before the Planning Committee and therefore a recommendation of refusal stands. However the appellant and the LHA have confirmed they are keen to reach an agreement on the outstanding issues (or at least reduce the list).

9.9 In light of the above, whilst the above matters may be capable of resolution through negotiation prior to the Planning Inquiry, at this stage, in the absence of suitable details to address the concerns raised by the LHA, insufficient information has been submitted to demonstrate that safe and suitable access to the site can be achieved and to accurately determine the likely transport impacts of the development in accordance with paragraph 108 and 110 of the NPPF and Policy INF1 of the JCS. This carries significant weight.

10.0 Scale of Development and Social Impacts

10.1 The NPPF at paragraph 8 recognises that sustainable development includes a social role that planning performs and Section 8 sets out how healthy communities can be promoted. The JCS recognises that the retention of services within rural service centres is intrinsically linked to the size and distribution of the resident population and it is important that these services remain viable.

10.2 Concerns have been raised by the local community and Bishops Cleeve Parish Council (BCPC) about the rapid rate of change in population, particularly with the ongoing Homelands and Cleavelands developments, which alone accounted for up to 1450 new dwellings. It has been established in a number of previous appeal decisions that the cumulative impact of development and the consequential increase in population without proportionate increases in infrastructure, employment opportunities and other local services risk eroding community cohesion. This is a material planning consideration.

10.3 BCPC consider the rapid increase in housing experienced in Bishops Cleeve, without proportional increases in employment, infrastructure and local services and facilities erodes social cohesion and the social well-being of the community. This matter was considered by the Secretary of State (SoS) in dealing with both the Homelands and Cleavelands applications. Concluding on the sustainability of the two proposals the SoS in agreement with his Inspector's comments considered *"....both schemes would take the right approach to achieving social cohesion and result in balanced communities, with good access to employment and services, which would be well integrated into pleasant environments."* It is worth noting that the Parish Council would be beneficiaries of a proportion of any CIL payment and this could be spent on community infrastructure which may help offset the impact of the proposed development.

10.4 With regard to the size, function and accessibility of Bishops Cleeve and the potential social impacts of development, the Tewkesbury Borough Plan Preferred Options Housing Background Paper (Sept 2018) sets out the Council's methodology for disaggregating the JCS SP2 requirement for the rural service centres. This evidence identifies that, at the start of the plan period, 2011, Bishops Cleeve had 4843 houses. Based on the SP2 methodology (size, function, accessibility) the settlement has been given an indicative housing requirement of 1263 dwellings (with the remainder of the 1860 dwelling SP2 requirement for the rural service centres being allocated to Winchcombe). As at September 2018 Bishops Cleeve already had 1569 dwellings committed over the plan period. Adding a further 215 dwellings to the village would bring this up to 1784 additional dwellings committed over the plan period so far which would equate to a 41% increase over and above the size of the village pre-plan period.

10.5 Whilst the impact of a further 215 dwellings at Bishops Cleeve is not underestimated, given the scale and role of Bishops Cleeve as a Rural Service Centre, as the range of services in the village will increase with the completion of the Homelands/Cleavelands development and as the development proposal includes land for employment and a new retail unit it is not considered that the proposed development would have a significant and demonstrable unacceptable impact on the social wellbeing and cohesion of Bishops Cleeve. It should be recognised that the two previous applications on the site were not refused on this matter. Further, this proposal seeks permission for less dwellings than the previous two applications and includes land for commercial use and retail.

11.0 Noise

11.1 The NPPF states at paragraph 180 that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so, they should, amongst other things mitigate and reduce to a minimum potential adverse impacts from noise from new development - and avoid noise giving rise to significant adverse impacts on health and quality of life. Paragraph 182 of the NPPF sets out that planning decisions should ensure that new development can be integrated effectively with existing businesses and community facilities. Such existing uses 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 in its vicinity, the applicant should be required to provide mitigation before the development has been completed.

11.2 Policy SD14 of the JCS seeks to protect health and improve environmental quality. It sets out that high quality design should protect and seek to improve environmental quality and that development should not create or exacerbate conditions that could impact on human health. The policy states that new development must cause no unacceptable harm to local amenity including the amenity of neighbouring occupants and must result in no unacceptable risk from existing or potential sources of pollution.

11.3 A noise and vibration assessment was undertaken to consider the potential effects of the existing and future noise and vibration climates on the proposed development, and the potential effect of the proposed development on noise sensitive receptors within the vicinity of the site. The assessment concluded the following:

- Construction works have the potential to impact sensitive receptors in close proximity to the site. However, any adverse effects would be reduced through the use of best practice measures on site;
- In the long term, the noise associated with the development generated vehicles would not adversely affect existing sensitive receptors and as such the effect would be considered to be negligible;
- The noise associated with the existing uses and activities within the vicinity of the site are anticipated to be negligible following the implementation of embedded mitigation measures such as less sensitive uses being located at the site's frontage, and appropriate building façade layout and design;
- No significant effects are anticipated during the operational phases of development, subject to the implementation of the identified mitigation measures.

11.4 Concerns have been raised regarding the potential impact of the existing noise generating uses close to site, in particular from the existing Wingmoor Farm Integrated Waste Management Facility (IWMF) and the Malvern View Business Park. The main concern is centred around the integration of the residential use and whether this would then result in unreasonable restrictions placed on the existing businesses.

11.5 The proposed Development Framework (DFP) Plan and the Illustrative Masterplan (IM) indicates residential development within close proximity to the boundary with the commercial uses and to the northern part of Malvern View Business Park which is currently undeveloped. It is considered that should development proposals come forward for this site in the future, it could be designed in such a way as not to create conflict between the business and residential use.

11.6 It is recognised however that this is an outline application and it is considered that the potential effects of noise could be addressed by planning conditions requiring detailed noise assessments, to include mitigation measures. It should be noted though that this could have the effect of reducing the quantum of development possible on the site.

12.0 Air Quality

12.1 In addition to the general pollution policy matters discussed in Section 11 above, paragraph 181 of the NPPF sets out that planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas (AQMAs) and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Further Policy SD4 of the JCS states that new development should enhance comfort, convenience and enjoyment through assessment of the opportunities for light, privacy and external space and the avoidance or mitigation of potential disturbances, including visual intrusion, noise, smell and pollution.

12.2 Of particular importance on the matter of air quality is the guidance set out in Paragraph 182 of the NPPF which states that planning decisions should ensure that new development can be integrated effectively with existing businesses and community facilities. 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 in its vicinity, the applicant should be required to provide mitigation before the development has been completed.

12.3 The adopted Waste Core Strategy (WCS) also forms part of the Development Plan for the area. Policy WCS11 (Safeguarding sites for Waste Management) provides that existing and allocated sites for waste management use will normally be safeguarded by local planning authorities. This policy seeks to prevent incompatible development from occurring. It specifically necessitates applicants to demonstrate how their proposal will not adversely affect waste management uses and how their proposal will not be adversely affected by future operations of waste management facilities. This matter was a key issue with both the previous submissions and the revisions advanced have attempted to address the previous concerns linked to policy WCS11.

12.4 The ES describes the methods used to present the baseline conditions currently existing at the site and surroundings, assess the potential direct and indirect impacts of the surrounding commercial activities on the proposed development's sensitive receptors with regards to odour and dust, and the air quality impacts of the proposed development. It is supported by an Air Quality Impact Assessment (December 2017) and an Odour Constraints Assessment (December 2017). The ES concludes:

- During the construction phase the potential effects in relation to air quality and dust would be negligible following the implementation of best practice construction management measures;
- In the long term, the traffic generation associated with the proposed development is not considered to affect local air quality, and therefore the potential effects are considered to be negligible;
- The potential effects of Wingmoor Farm IWMF activities in the long term include dust effects on future residents and odour constraints associated with the existing and committed operations at the facility. The assessment concluded that as a worst case, the committed operations at the IWMF would have a slight adverse and moderate adverse impact on future residents and future employees of the proposed development during the landfilling of the nearest landfill cell to the application site boundary (known as Cell 9B);
- The potential effects associated with all other activities at the IWMF were identified as negligible.

12.5 The County Council have commented on the application in its capacity as the Minerals & Waste Planning Authority (M&WPA) for Gloucestershire. They have confirmed the site is located within close proximity to a number of permitted waste management facilities and associated infrastructure at Wingmoor Farm. These include hazardous and non-hazardous landfill; a waste treatment plant; a Materials Recovery Facility (MRF); a leachate treatment plant; and Anaerobic Digestion (AD) plant; and a biomethane gas unit. In respect to the current appeal they consider the revisions could prove to be significant and may meet the expectations of the policy however they have said a judgement on this can only be made following careful review of the conclusions drawn by technical experts.

12.6 The operators of the Wingmoor Farm Integrated Waste Management Facility (IWMP) (Grundon Waste Management Limited) have also objected to the proposals. They consider the construction of commercial and residential properties in such close proximity to the strategic waste management facility does not comprise suitable development in land use planning terms and that there is the potential for noise and odour to have an adverse effect on the proposed development even where the IWMP is operating in accordance with its planning permission and Environmental Permits. They also consider that the presence of commercial and residential properties could result in increased operational constraints being placed on the current and future activities at the waste management facility.

12.7 The Environmental Health Officer (EHO) has been consulted on this particular matter and has raised concerns regarding the impact of the odour from waste activities taking place at the adjacent Wingmoor IWMP. The modelling details in the Odour Constraints Assessment, January 2018, indicate that there is likely to be a substantial impact on the most southerly commercial premises, a moderate impact on the other commercial premises and a moderate adverse impact on approximately 26 of the proposed residential properties (nearest the southern boundary). The report states the most significant impact would occur when Cell 9B is filled with putrescible waste. The filling of the Cell and capping taking 12-18 months to complete. The EHO considers this would likely have a significant detrimental impact on the amenity of these areas and is likely to generate a significant number of complaints. Given the cause of the odour is the infill of Cell 9B there would be limited scope to mitigate any odours generated.

12.8 Based on the above comment from the EHO and the findings in the ES it would appear the main concern in respect to odour is related to the future operations at the IWMP, in particular during the landfilling and capping of one of the cells at the facility, Cell 9B which is the nearest landfill to the proposed development site. It is understood that the landfilling and capping of Cell 9B will take approximately 12-18 months assuming a period of site preparation prior to main landfilling activities. It should be noted that the ES concluded *"based on the results of the dispersion modelling, it is predicted that the emissions from the Cell 9B of the Grundon Wingmoor Quarry non-hazardous landfill site in 2029 will be significant but short term."* (Paragraph 11.162 of the ES Chapter). In addition, the Odour Constraints Assessment concludes that *"during landfilling (Cell 9B) the application site would be subject to a moderate (and therefore 'significant') effect is regarded and this would need to be considered in the overall planning balance."* (Paragraph 8.1)

12.9 Taking into account the above the appeal has failed to demonstrate that the proposed development would not be at significant risk from air quality issues arising from uses close to the site, nor that the existing and proposed waste management operations would be put at risk due to the close proximity of residential properties. In light of this the proposals would be contrary to guidance in the NPPF, Policy WCS11 of the adopted Waste Core Strategy and Policy SD4 and SD14 of the JCS.

13.0 Ground Conditions/Contaminated Land

13.1 Policy SD14 of the JCS seeks to protect health and improve environmental quality by ensuring no unacceptable risk from existing or potential courses of pollution. The NPPF states at paragraph 178 that planning decisions should ensure a site is suitable for its proposed use taking account of ground conditions and any risks arising from land stability and contamination.

13.2 The Council's Environmental Health Officer (EHO) has reviewed the Phase 1 (Desk Study) Site Investigation Report, Geoenvironmental Report and Ground Gas Risk Assessment and is satisfied with the conclusions of the reports and advises that no further investigations or remedial works would be necessary.

13.3 In conclusion there is no objection to the application in respect of ground conditions subject to the imposition of appropriate planning conditions.

14.0 Flood Risk and Drainage

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

14.2 The NPPF states at paragraph 155 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 for its lifetime without increasing flood risk elsewhere.

14.3 The adopted Flood and Water Management Supplementary Planning Document (FWMSPD) has the following key objectives: to ensure that new development does not increase the risk of flooding either on a site or cumulatively elsewhere and to seek betterment, where possible; to require the inclusion of Sustainable Drainage Systems (SuDS) within new developments, which mimic natural drainage as closely as possible (e.g. permeable paving, planted roofs, filter drains, swales and ponds) and provision for their long-term maintenance, in order to mitigate the risk of flooding; to ensure that development incorporates appropriate water management techniques that maintain existing hydrological conditions and avoid adverse effects upon the natural water cycle and to encourage on-site storage capacity for surface water attenuation for storm events up to the 1% probability event (1 in 100 years) including allowance for climate change.

14.4 The ES contains a chapter on the Water Environment, Drainage and Flood Risk, which is supported by a Flood Risk Assessment (FRA) and Surface Water Management Strategy (SWMS). This assessed the impact of the proposed development on surface water resources and the potential for on-site and off-site flooding. The ES concluded:

- During the construction phase, potential effects include impacts on surface water and watercourse quality, fluvial and surface water flood risk. As such a detailed surface water management strategy, pollution prevention measures and best practice management measures will be agreed with the Council prior to commencing works on site;
- In the long term, potential effects include impacts on water quality both surface water and fluvial, and impacts of surface water and groundwater flood risk. A comprehensive Sustainable Drainage System will be developed at the detailed design stage;
- The mitigation measures include an attenuation pond outside of existing surface water flow rates and an 8-metre buffer/easement either side of the on-site watercourses will be provided within, and adjacent, to the site.

14.5 The Environment Agency (EA) were consulted and initially objected to the proposals as the supporting Flood Risk Assessment (FRA) had not included the most up-to-date climate change allowances. The additional flood model was submitted and reviewed by the EA who confirmed they have no objections to the proposals in principle, subject to receipt of a table of comparison results with regard to levels from the return periods run in the new modelling. This is required to ensure any resultant permission is secured with precise conditions in regard to finished floor levels.

14.6 Gloucestershire County Council Lead Local Flood Authority (LLFA) were also consulted and have raised no objection to the proposed development subject to conditions to secure the precise details and a timetable for its implementation of the surface water drainage works and details of a management and maintenance plan for the SuDs.

14.7 A Foul Drainage Analysis, prepared by Utility Law Solutions, accompanied the application. Severn Trent Water also raise no objections to the proposed development subject to securing specific details of the proposed drainage for the disposal of foul and surface water flows.

14.8 On the basis of the advice of the EA, the LLFA and STW it is considered that the appeal, as submitted, would not cause any significant effects upon flood risk and drainage, subject to the implementation of best practice mitigation measures.

14.9 Concerns have been raised by the local community regarding potential flood risk. Stoke Orchard Parish Council object most strongly to the appeal proposal on account of the effect of this development on the storm water flow levels in the Dean Brook and the detrimental effect on the Parish and the resident's properties. In the case of the appeal being allowed the Parish Council demand a large financial settlement to improve flood defence and flood avoidance within the Parish. However, the conclusions set out in the ES, which have been accepted by all relevant consultees, state that the assessment has shown that no cumulative impacts or residual effects will affect areas local to the site in relation to flood risk, drainage or water quality.

15.0 Minerals and Waste

15.1 One of the key sustainable development objectives of the NPPF, set out at paragraph 2(c), is the prudent use of natural resources, including minimising waste and pollution. Paragraph 204 of the NPPF also advises on the sustainable use of minerals and resources and states that policies as far as practicable should take account of the contribution that substitute or secondary and recycled materials and minerals would make to the supply of materials, before considering extraction of primary materials. It further confirms that locations of specific minerals resources of local and national significance should be safeguarded and development avoided in such areas. Policy SD3 of the JCS, Policy WCS2 of the Gloucestershire Waste Core Strategy (GWCS) and Policy SR01 of the emerging Minerals Local Plan for Gloucestershire (MLPG) accord with these objectives.

15.2 The appeal is supported by an Outline Waste Minimisation Statement which has been reviewed by officers of Gloucestershire County Council Strategic Infrastructure (Minerals and Waste) Team in their capacity as Mineral Planning Authority (MPA). In respect of waste minimisation matters, GCC have raised no objections subject to the imposition of appropriate planning conditions to secure details of a Site Waste Management Plan and details for the recycling of waste for residential and commercial uses on the site.

16.0 Affordable Housing and Housing Mix

16.1 The NPPF sets out the LPAs should set policies for meeting affordable housing need on development sites. 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.

16.2 The application was accompanied by a Planning and Affordable Housing Statement that sets out the appellant proposes 40% affordable housing on site. This would be compliant with the requirements of Policy SD12 of the JCS. This is a matter that weighs in favour of the proposal.

16.3 The Council's Strategic Housing Enabling Officer (SHEO) is satisfied with the level of affordable housing proposed and advises that a 70/30 split between rented and intermediate housing would be requested and also a mix of housing types. This provision would need to be secured by way of a S106 agreement.

16.4 The applicant has indicated a willingness to enter into a legal agreement to secure the affordable housing however at this stage there is no agreement to secure the affordable housing provision contrary to the requirements of Policy SD12. This counts against the proposal.

16.5 In addition to affordable housing there is also the expectation through Policy SD11 that the market housing mix of new development should reflect the identified local housing need, to ensure the delivery of a mix of dwelling sizes to meet existing need and the creation of a mixed and balanced community going forward. Development should address the needs of the local area and should be based on the most up-to-date Strategic Housing Market Assessment (SHMA).

16.6 The latest JCS SHMA Update (2015) states that, in Tewkesbury, 42.7% of new market dwellings should be three bedroom properties, with 26.9% having two bedrooms, 19.2% containing four or more bedrooms and 11.3% having one bedroom. The applicant has suggested the following mix;

- 8 x 1 bed - 4% of total number of homes
- 60 x 2 bed - 28% of total number of homes
- 94 x 3 bed - 43% of total number of homes
- 46 x 4 bed - 22% of total number of homes
- 7 x 5 bed - 3% of total number of homes

16.7 The schedule of accommodation is closely in line with the provisions of Policy SD11 and the SHMA though this mix is for the entire site, both the affordable housing and market housing. Nevertheless, the exact details could be secured via a planning condition.

17.0 Other Developer Contributions

17.1 The Council adopted a CIL in October 2018 and implemented the levy on 1 January 2019. As referred to earlier in this report, the development would be CIL liable on all of the open market houses of which the Parish would be beneficiary of a proportion of the contribution. Infrastructure requirements specifically related to the impact of the development will continue to be secured via a S106 legal agreement, which may include on-site delivery and/or the provision of commuted sums. CIL would be collected in addition to the site specific S106 requirements.

17.2 It is noted that a number of relevant consultees have requested contributions towards local infrastructure. At the time of writing the report ongoing discussions are taking place in respect to whether the requested contributions would meet the prescribed tests to be delivered through the S106. **An update will be provided at Committee.**

18.0 Archaeology and Cultural Heritage

18.1 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.

18.2 The NPPF sets out at Paragraph 196 that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Paragraph 197 advises that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

18.3 The Environmental Statement (ES) includes an assessment to consider the potential effects of the development on designated and non-designated assets. There are no Scheduled Monuments, Conservation Areas, Registered Parks and Gardens, World Heritage Sites and Registered Battlefields or Listed Buildings judged to be either within or in the immediate surroundings of the site.

18.4 In terms of archaeology the locality is known to contain widespread archaeological remains relating to prehistoric and Roman settlement and activity. The ES has assessed the impact of the development on archaeology which is based on the results of a programme of archaeological assessment and evaluation.

18.5 The ES concludes that the potential effects on the archaeological assets range from moderate adverse to minor adverse, prior to the implementation of mitigation. As such, prior to the commencement of works on site it is recommended that a programme of recording through archaeological excavation is undertaken which will reduce any effects to minor adverse or negligible.

18.6 The County Archaeologist (CA) has raised no objections in principle to the development of this site, with the proviso that an appropriate programme of work to excavate and record any significant archaeological remains should be undertaken prior to the development in order to mitigate the ground impacts of this scheme. This could be secured via condition.

18.7 Officers concur with the findings of the ES which concludes that there are no designated heritage assets within, or in the immediate vicinity of the study such that the proposed development would affect their significance or setting and that the modest archaeological interest of the study site can be addressed via an appropriate condition.

19.0 Ecology and Nature Conservation

19.1 Policy SD9 of the JCS seeks to protect and, wherever possible enhance biodiversity, including wildlife and habitats. The NPPF sets out, inter alia, that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by encouraging opportunities to incorporate biodiversity in and around developments, especially where this can secure measurable gains for biodiversity. Furthermore, planning permission should be refused for development resulting in the loss of deterioration of irreplaceable habitats.

19.2 This application is supported by an Ecological Appraisal (EcA) has been prepared by FPCR Environment and Design Ltd. Surveys of bats (all species), reptiles (all species), riparian mammals and breeding birds were undertaken as advocated by an earlier desk study and Phase 1 Habitat and preliminary protected species survey of the site. Badgers were sufficiently surveyed during the Phase I and subsequent site visits.

19.3 The key findings of the appraisal and subsequent protected species surveys include the following;

- There are no negative impacts expected as a result of the proposed development upon statutory and non-statutory designated sites identified;
- Activity surveys for bats provided results of relatively low numbers of bats utilising the site. The highest value habitat for bats should be prioritised for retention and enhancement as part of any proposals;
- 'Low' populations of grass snakes were present within the survey area with suitable habitat limited to marginal areas. The majority of these features are planned for retention as part of the proposals;
- A relatively low number of common, widespread bird species were recorded during a scoping bird survey, including ten notable or protected species. The composition of species was typical of edge-of-settlement and woodland habitats common to the locality. As such the proposed scheme should incorporate and enhance habitats known to be of the highest value to these species.

19.4 Overall, the biodiversity value of the habitats was low and typical of edge of settlement farmland. The habitats of higher value are the watercourses, rough grassland verges, outgrown hedgerows, mature trees and woodland on the eastern development boundary.

19.5 The submitted plans, Development Framework Plan (DFP) and the Illustrative Masterplan (IM) proposes that all boundary features and hedgerows within the application area are proposed to be retained, with only small sections being removed for access.

19.6 Ecological enhancements are proposed throughout the scheme, in addition to mitigation. The enhancements seek to confirm that the site achieves a net gain in biodiversity. Enhancements include the provision of species-rich wildflower grassland; newly created wet and marginal habitats in association with attenuation features and a range of bat and bird boxes to be situated on trees and incorporated within residential properties.

19.7 In conclusion, subject to the inclusion of a suitably worded planning condition ensuring the development would be carried out in accordance with the recommendations set out in the EcA to secure biodiversity enhancements and mitigation as necessary there is no objection to the appeal in respect of its impact on ecology.

20.0 Loss of Agricultural Land

20.1 Paragraph 170 of the NPPF advises that local planning authorities should take into account the economic and other benefits of the best and most versatile land (BMV). Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use poorer quality land in Grades 3b, 4 and 5 in preference to higher quality land. Paragraph 170 of the NPPF puts the protection and enhancement of soils as a priority in the conservation and enhancement of the natural environment.

20.2 The ES chapter on the Water Environment, Drainage and Flood Risk makes reference to a 'Soil Resources and Agricultural Use & Quality of Land Report' for the site, dated July 2014. The report set out that 2.53 hectares of the site is classified as Sub Grade 3a Agricultural Quality, the remaining land is classified as Sub Grade 3b Agricultural Quality. Land in grades 1, 2 and 3a constitutes the best and most versatile (BMV) land in the line with the NPPF. The development site therefore includes land of significant quality.

20.3 The proportion of the site identified as BMV is relatively small overall but its loss would be permanent. This weighs against the proposal in the planning balance, although the weight to be applied to this matter is limited, particularly in the context of the allocation of the site for employment use in the emerging Borough Plan.

21.0 Residential Amenity

21.1 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.

21.2 The appeal is in outline and seeks permission for *'up to 215 dwellings'*. The specific relationship between the proposed development and the surrounding built form on the site boundaries will need careful consideration as part of any future reserved matters. As the proposal seeks consent for up to 215 this is a maximum value and could be reduced should it be necessary to achieve a satisfactory scheme in respect of the overall design and amenity. Nevertheless, issues in respect of noise and odour are considered in detail at sections 11 (noise) and 12 (air quality) above.

22.0 Overall Balancing Exercise and Conclusions

22.1 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.

22.2 On the basis the Council cannot at this time demonstrate a five year supply of deliverable housing land, the Council's policies for the supply of housing are out of date. In accordance with paragraph 11 of the NPPF, the presumption in favour of sustainable development indicates that permission should be granted unless policies for protecting areas of assets of particular importance in the NPPF provide a clear reason for refusing the development proposed, or any adverse impacts of permitting the development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

22.3 There are no NPPF policies for the protection of areas or assets of particular importance which apply in this case and therefore, it is clear that the decision-making process for the determination of this application is to assess whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits.

Benefits

22.4 The development would contribute towards the supply of market and affordable housing to help meet the objectively assessed need for housing in the area. This is of particular relevance given the fact that the Council cannot currently demonstrate a deliverable supply of housing. This weighs significantly in favour of the appeal.

22.5 Considerable weight is given to the economic benefits that would arise from the proposal both during and post construction and through the provision of the proposed employment generating development and the new retail store. There would also be economic benefits arising from additional residents supporting local businesses.

22.6 Other benefits include net ecological gains identified in the Ecological Appraisal.

Harms

22.7 Harm arises from the conflict with the development plan and in particular policies SP2 and SD10. Notwithstanding this conflict, the Council cannot demonstrate a five year supply of deliverable housing sites and this must be weighed in the overall planning balance.

22.8 It is clear that the proposed development would result in some harm to the landscape by introducing new urban development where there are currently green fields. However, it is considered that the landscape impacts could be successfully mitigated through appropriate design and landscaping as part of any reserved matters application. This is a matter which weighs against the development though it would not justify refusal on its own.

22.9 The proposal would result in the loss of a small area of Best and Most Versatile agricultural land. Again this is a matter which weighs against the development though it would not justify refusal on its own.

22.10 The appeal site is proposed to be allocated as a Major Employment Site in the emerging Borough Plan. The site was assessed as being a very good/good site for B Class development in the 'Tewkesbury Borough Employment Land and Economic Development Strategy Review (Bruton Knowles, November 2016). This is one of the best sites in the Borough whose exclusion or loss for a non B class use would be detrimental to the Borough's future economic growth targets. As such the proposal would not maximise the employment development potential of the site. This is a matter which weighs against the development although given the stage of preparation of the emerging Borough Plan only very limited weight could be afforded to this issue at this stage.

22.11 The appellant has failed to demonstrate compliance with the sequential test for the retail element of the proposal and whether the retail element of the proposal would have a harmful impact upon the vitality of Bishops Cleeve Village Centre. The NPPF states that where an application fails to satisfy the sequential test it should be refused. This counts against the proposal.

22.12 In respect to the impact of the development upon the transport network, insufficient information has been submitted to demonstrate that safe and suitable access to the site can be achieved and to accurately determine the likely transport impacts of the development in accordance with paragraph 108 and 110 of the NPPF and Policy INF1 of the JCS. This is a matter that significantly counts against the proposal.

22.13 In terms of design the proposals indicate that the site itself could be developed in an acceptable way however there is only one main pedestrian access into and out of the site which can be secured. This poor degree of connectivity of the appeal site in its current form with the adjoining settlement limits the scope by which the appeal proposal could integrate with existing built development. The proposal would not positively contribute to making places better for people, would not achieve inclusive design having regard to the wider area and would do little to integrate itself with the existing built development of Bishops Cleeve. It is therefore considered the development would not constitute good design. This would be a failing of the scheme of significant weight.

22.14 Of equal concern is the location of the proposed commercial and residential development in such close proximity to a strategic waste management facility, a site protected in the Waste Core Strategy. The appeal fails to demonstrate that residents of the proposed development would not be at risk from pollution arising from Wingmoor Farm, nor that the proposals would not prejudice the operation of the site for waste management purposes. On this basis it is considered that the proposed development does not comprise suitable development in land use planning terms. This is a matter that weighs heavily against the proposal.

Neutral

22.15 It has been established through the Environmental Statement and other submission documents that subject to the imposition of appropriate planning conditions the development would not give rise to unacceptable impacts in relation to flood risk and drainage, heritage assets, ground conditions/contaminated land, noise/vibration/dust or minerals and waste. Issues in respect of any noise pollution arising from the mixed uses on the site and neighbouring uses could be addressed by condition and through reserved matters applications, as could issues such as overlooking/overbearing impact.

22.16 Due to the mixed use nature of the development the proposal may help to minimise the number and length of journeys needed for employment and shopping. This would help promote sustainable transport however is offset by the poor connectivity of the site to the rest of Bishop's Cleeve which would be likely to result in vehicular trips.

Overall Conclusion

22.17 The benefits set out above are not underestimated. However for the reasons set out above, and in particular the concerns raised in respect of potential air quality impacts arising from Wingmoor Farm, poor design quality due to the poor degree of connectivity and potential transport network, and because the site has not been demonstrated to pass the sequential test for retail development, it has not been demonstrated that this is a suitable site for housing and retail development, it is considered that the identified harms would significantly and demonstrably outweigh the benefits in the overall planning balance.

22.18 For these reasons it is recommended that the Secretary of State be advised that the Council would be **Minded to refuse** the appeal proposals.

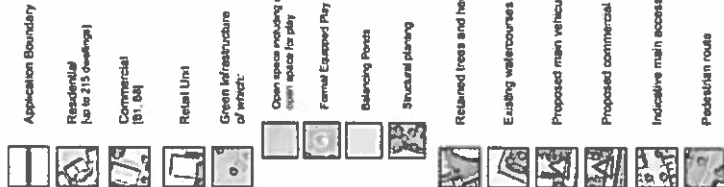
RECOMMENDATION Minded to Refuse

Reasons:

- 1 The appellant has failed to demonstrate that the proposed development would not be exposed to unacceptable risk from pollution, in particular air quality issues arising from the nearby strategic Wingmoor Farm Integrate Waste Management Facility which is safeguarded in the Waste Core Strategy. Accordingly the proposal would be contrary to guidance in the National Planning Policy Framework, Policy WCS11 of the adopted Waste Core Strategy and Policy SD4 and SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017).
- 2 Whilst all matters relating to design and layout are reserved for future reservation, the proposed development would fail to provide good connectivity and ease of movement through its boundaries to the existing built development of Bishops Cleeve. As such the proposal would not positively contribute to making places better for people and would not achieve inclusive design having regard to the wider area. For this reason the development would not constitute good design. It therefore follows that the proposal would be contrary to guidance in the National Planning Policy Framework and Policy SD4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017).
- 3 Insufficient information has been submitted to demonstrate that safe and suitable access to the site can be achieved and to accurately determine the likely transport impacts of the development contrary to guidance in the National Planning Policy Framework and Policy SD4 and INF1 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017).
- 4 The appellant has failed to demonstrate compliance with the sequential test for the retail element of the proposal. As such insufficient information has been submitted to demonstrate whether the retail element of the proposal would have a harmful impact upon the vitality of Bishops Cleeve Village Centre. In failing to do so, the development would be contrary to guidance in the National Planning Policy Framework and Policy SD2 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017).
- 5 In the absence of an appropriate planning obligation, the proposals do not provide housing that would be available to households who cannot afford to rent or buy houses available on the existing housing market. As such, the proposed development conflicts with Policy SD12 of the Gloucestershire, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017) and the guidance set out in the National Planning Policy Framework.

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ILLUSTRATIVE MASTERPLAN

Gladman Developments Ltd
Hilke Road
Fishap's Cleeve

6335-L-03 D

1. **QUESTION**
 2. **ANSWER**
 3. **EXPLANATION**
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Play area and development proposed as part of approved planning application 1400350/APP/1001216/OUT

Woodland Proposed as part of approved planning application 1400350/APP/1001216/OUT

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- Application Boundary 13.56Ha
- Potential Residential 6.18Ha
- Potential Commercial 2.24Ha
- Potential 300sq m A1 Retail (Max height 7.5m) 0.20Ha
- Green Infrastructure of which: 4.96Ha
- Open space including informal open space for play 2.55Ha
- Formal Equipped Play Area 0.08Ha
- Indicative Balancing Ponds 0.33Ha
- Potential structural planting and root protection areas where required 1.62Ha
- Retained trees and hedgerows
- Existing watercourses and drainage
- Proposed main vehicular and pedestrian access point
- Proposed commercial access point
- Indicative main access routes
- Pedestrian route
- Potential connectivity route



227/c

WPCB VALUATION/PLANNING/DESIGN/1400350/APP/1001216/OUT

Gladman Developments Ltd
Stoke Road
Bishop's Cleeve

DEVELOPMENT FRAMEWORK

1:1000 A1
27 October 2017
6335-L-02 - M

WPCB VALUATION/PLANNING/DESIGN/1400350/APP/1001216/OUT

WPCB VALUATION/PLANNING/DESIGN/1400350/APP/1001216/OUT

Valid 23.10.2018

Approval of Reserved Matters (appearance, landscaping, layout and scale) comprising Phase 5 and Phase 2 (in part) of Outline planning permission 12/01256/OUT for the erection of 240 no. dwellings with public open space, play area, and associated infrastructure.

Grid Ref 388189 217382
Parish Brockworth
Ward Hucclecote

RECOMMENDATION Delegated Approve

Policies and Constraints

National Planning Policy Framework (2018)
Planning Practice Guidance
Joint Core Strategy (2017) - SP1, SP2, SD3, SD4, SD6, SD8, SD10, SD11, SD12, SD14, INF1, INF2, INF3, INF5, INF6, INF7
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

Brockworth Parish Council: Objection

- Noise and disturbance to flats near A417
- Do not agree with fixed windows
- Traffic will increase in area until spine road is built
- Capacity of existing infrastructure is limited
- Pressure on Brockworth Doctors Surgery
- Does not account for sensitive landscape
- 3 storey buildings will impact area

Hucclecote Parish Council do not object but have following observations

- Experience of poor layout and design at Coopers Edge
- Concerned about level of on-street parking
- Challenge to emergency vehicles
- Provision of good broadband should be conditioned

Urban Design Officer: No objection to the scheme as amended however concerned with exclusion of pockets for development by others.

Housing Enabling Officer: No objection. The affordable housing requirements were agreed at outline stage and the reserved matters application meets with the approved affordable housing scheme.

Landscape Officer: No objection in principle to the landscaping scheme however further clarification is awaited.

Environmental Health Advisor: Concerns with internal noise levels, details of mitigation are required.

Highways England: No objection

County Highway Authority: Further clarification has been requested and received from the applicant. The CHA observations are awaited.

LLFA: No objections.

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

Historic England: Concerns with the proposal and the urbanising effect upon Brockworth Court.

Borough Conservation Officer: No objection

Severn Trent Water: No objections

County Public Rights of Way Officer: Existing pedestrian access and route of Public Footpath EBW8 will be retained and should not be obstructed.

Gloucester group of Ramblers: No objections

Local Residents: The application was advertised by site notices posted in the local area. In response to the consultation process, 4 representations have been received to date citing the following matters:

- Outline permission requires a spine road
- Out of sequence build will result in traffic/congestion on Brockworth Road and Mill Lane
- Road wide enough to deal with all traffic
- Bends look too tight and straight will encourage racing and antisocial behaviour
- 3 storey buildings are too high and intrude on rural landscape
- Site is located on high ground
- Concerns with noise from A417 and suitability of site
- Acoustic fencing will block views to north
- Increase in likelihood of flooding locally and down-stream of Horsbere Brook
- Pond opposite Brockworth Court will be steep and deep
- Sewage issues
- Listed well head does not appear on drawings
- Number of trees are protected
- Sections of historic hedgerow will be removed
- Impact on Brockworth Court
- Restricted access for construction traffic
- Impact on GP surgery

Planning Officers Comments: Bob Ristic

1.0 Introduction

1.1 The outline application site relates to the land located immediately to the north of the settlements of Brockworth and Hucclecote and for the purposes of the outline planning application, was named 'Perrybrook'. The outline application site comprises an area of approximately 76.65 hectares of land. The majority of land within the site is agricultural land with a generally open, slightly undulating rural landscape. Other land uses within and around the application site include areas of open space, sports pitches and clubhouse associated with Brockworth Rugby Club, orchards, isolated dwellings and a small number of commercial enterprises of a rural nature.

1.2 The northern boundary of the wider Perrybrook site is formed by the A417. The western boundary is formed by the M5 motorway. To the east the site is bounded by the A46 Shurdington Road. The southern boundary of the site is formed by Mill Lane from its junction with the A46 in the east to the Horsbere Brook. The Brook forms the southern boundary of the site up to the western limit of Cedar Road. The north and south orientation of Valliant Way and Court Road serve to divide the site into three distinct parcels. A network of Public Rights of Way (PROW's) also crosses the land as well as a significant number of mature trees covered by Tree Preservation Order (TPO).

1.3 The banks of the Horsbere Brook, immediately to the south of the site, fall within Flood Zone 3 as defined by the Environment Agency's most up-to-date flood risk maps, but otherwise the land is designated as being within Flood Zone 1.

1.4 The listed Manorial complex of Brockworth Court is located just outside the application site (but enveloped by it) to the south, which includes a Grade I listed church, a grade II* listed manor house and tythe barn, and some other grade II listed structures. A poorly maintained Perry Pear Orchard is located within the application site, along the eastern boundary along the Shurdington Road.

1.5 The current Reserved Matters application relates to two adjoining phases of the approved outline scheme and relates to part of Phase 2 and the whole of Phase 5 (in relation to the approved phasing plan) of the approved outline scheme.

1.6 The current application site formed by Phases 2 and 5 extends from Court Road/Brockworth Road to its western boundary, to Brockworth Rugby Football Club to the east. The northern boundary of the site is formed by the embankment to the A417 which runs in a cutting and the southern boundary comprises the Horsbere Brook (see attached location plan).

2.0 Relevant Planning History

2.1 A valid outline planning application for a mixed-use scheme of up to 1500 dwellings and ancillary development, including the principal means of access, was received in January 2013. All matters except for access were reserved for future consideration. The application proposed:

- Residential development of up to 1,500 dwellings;
- 40% affordable housing including up to 150 units of extra care accommodation;
- 3.3ha of new Classes B1 and B8 employment uses, comprising up to 22,000sqm of floor space along the western boundary of the site;
- A mixed use community hub including Classes A1, A2, A3, A4 and A5 local retail uses (totalling 2,500sqm) and Class D1 health facilities;
- 2 ha. of land for a new primary school of 1.5 form entry capacity;
- Playing pitches and associated facilities around the Brockworth Rugby Club site;
- Formal and informal areas of open space and children's play areas, as well as a green corridor along the Horsbere Brook; and
- 0.78 ha of on-site allotments.

2.2 At that time the site was located wholly within the Gloucestershire Green Belt as defined by the Tewkesbury Borough Local Plan to 2011 - March 2006. In considering the application in August 2014, Tewkesbury Borough Planning Committee was of the view that the principle of the scheme was sound and that very special circumstances existed to remove the site from the Green Belt. Planning Committee were therefore 'Minded to Permit', but owing to the scale and nature of the proposals they were referred to the Secretary of State to consider whether to 'call-in' the application. The Secretary of State subsequently decided that the application should be determined through the call-in procedure. Following a Public Inquiry Outline planning permission was granted by the Secretary of State on 31st March 2016.

2.3 The permission has since been carried forward into the adopted Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 as a strategic housing allocation (Policy A3 North Brockworth) and its Green Belt designation has been removed.

2.4 Following the grant of planning permission a number of non-material amendments have been received and approved in respect of the Outline permission conditions, and a number of pre-commencement conditions have also been discharged.

2.5 Reserved Matters approval was granted in September 2018 for the landscaping, layout, scale and external appearance of the formal sports area (excluding the Changing Room Facilities and associated car parking) forming part of the outline permission (ref: 18/00410/APP).

2.6 An application for the Approval of Reserved Matters (appearance, layout, landscaping and scale) comprising Phase 3 of Outline planning permission 12/01256/OUT for the erection of 225 no. dwellings with public open space, play area, and associated infrastructure was approved in May 2019.

3.0 Current Application

3.1 This current application seeks approval of Reserved Matters (appearance, landscaping, layout and scale) for Phase 5 and Phase 2 (in part) of Outline planning permission 12/01256/OUT for the erection of 240 no. dwellings with public open space, play area, and associated infrastructure. All the proposed dwellings within this application are in Phase 5 with only open space and infrastructure with Phase 2.

3.2 The site would be served by a new spine road and associated junctions which would extend from Court Road/Brockworth Road to the west to Mill Lane to the south east. The spine road would in turn give access to secondary and tertiary roads to serve the development.

3.3 The proposed residential development would be laid out in a swathe to the northeast of the main spine road and would provide a total of 240 dwellings of which 78 would be affordable. These dwellings would include a range of size from 1 bed apartments to 5 bedroom houses.

3.4 The landscaping to the site would include a swathe of formal landscaping to the northern and eastern boundaries, which will include a LEAP. To the southern part of the site the proposal would provide a landscaped buffer to the southwestern corner of the site and along the Horsbere Brook, providing a buffer to Brockworth Court. The proposal would include extensive tree planting within the public open space as well as to properties within the residential element of the development.

3.5 A comprehensive Sustainable Drainage System (SuDS) has been approved for the outline site and this application is accompanied by a detailed surface water drainage scheme pursuant of the discharge of Condition 8. In respect of these phases the proposal includes 2 attenuation basins, one to the southwestern corner of the site and one within the central part.

3.6 While the application provides full proposals for Phase 5, the Phase 2 site excludes two details of two parcels of land which are identified on the drawings as 'development by others' and covers the area defined for a community hub and further residential development as set out on the Conceptual Masterplan approved under the outline planning permission.

4.0 Policy Context

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

4.2 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.

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

4.4 Other relevant policies are set out within this report.

5.0 Analysis

5.1 The principle of residential development at the site has been established through the grant of outline planning permission and subsequent allocation for housing in the JCS as part of the wider North Brockworth Allocation (Policy A3). This application relates to the approval of the Phase 5 and part of Phase 2 Reserved Matters in respect of layout, appearance, landscaping and scale of the development.

5.2 The principal issues in relation to this reserved matters application are considered to be:

- Layout, character and scale;
- House types;
- Traffic and transport;
- Landscaping and open space;
- Impact on the setting of heritage assets;
- Surface Water Drainage;
- Existing and future residential amenity;
- Affordable housing.

5.3 Furthermore, whether the above matters accord with the Outline Consent and its supporting documents which set out the key principles governing the development of the site, namely: the Illustrative Masterplan, Conceptual Masterplan and the Design and Access Statement.

5.1 Layout, character and scale

5.1.1 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.

5.1.2 An 'Illustrative' and 'Conceptual' Masterplan layout was agreed as part of the outline consent (12/01256/OUT). A number of important principles of good design and appropriate parameters were also established during the determination of the outline application which were encapsulated in a detailed Design and Access Statement (DAS). The 'vision' outlined in the DAS was for a development that respected its wider context and worked within the surrounding landscape. The DAS envisages a series of inter-connecting, locally distinctive and walkable neighbourhoods with fragmented edges abutting open space and set within a strong green framework linking to natural and Heritage assets. As set out above, it is a conditional requirement that the RMA accords with the Masterplan and the principles and parameters described and identified in the DAS.

5.1.3 In addition, Condition 5 of the outline planning approval requires a Design Compliance Statement (DCS) to be submitted with each RMA for each phase, to ensure that design quality and design parameters set out at the outline stage are carried forward to the detailed design. The submitted DCS sets out and explains the design response of the current application and it is considered to reflect and build upon the principles and parameters set out in the original DAS and Conceptual Masterplan layout.

5.1.4 The current scheme proposes a balance between developed and undeveloped areas with a scale that would be reflective of the mixed character of northern Brockworth, albeit in a more condensed form. The overall layout reflects a landscape led approach by providing extensive planted landscape buffers to the edges of the site to provide a transition to the open countryside to the north and the retention of the setting to Brockworth Court to the south and west. The scheme is broadly consistent with the Masterplan and DAS as required by the outline permission.

5.1.5 Access arrangements have been designed reflecting the DAS access principles which are to provide a clear hierarchy of routes and public spaces to enable safe navigation and movement through the site to include a network comprising a Primary Road through the site to link with adjoining development, as well as a Secondary Road through the central part of the site, lined by larger more spacious plots which in turn provide access to Tertiary Roads and a more intimate scale of development principally to the northern and eastern parts of the site. The proposed layout is consistent with that set out in the original masterplan and serves to define the different character areas of 'Village Streets' and 'Village Marginal' character areas. Furthermore, the development would retain existing footpath connectivity as well as providing additional walking routes and connections through the public open space network.

5.1.6 The layout as proposed provides a rational approach with clearly defined character areas providing legibility, so the different character zones as well as appropriate transitions in terms of house type design and layout, respond appropriately to the principles set out in the DAS which requires the development to be designed into distinct residential zones, relating to their general character in terms of scale, size and density.

5.1.7 The DAS sets out that that the scale of the development in these character areas would be between one and two and a half storey's high. The majority of dwellings on the site would be two storeys high with a number of two and a half storey properties located along the main streets which are considered appropriate to the more spacious setting. It is noted that three apartment blocks rising to three storeys in height are located to the eastern edge of the development. These blocks would be relatively constrained and abutted by attached 2 storey properties which serve to provide a visual transition to the street and are considered acceptable in terms of their design and context.

5.1.8 Concerns were raised with regards to elements of the originally submitted design and a revised layout has been submitted which breaks up lengths of frontage parking and to introduce planting to soften the streetscene. The Urban Design Officer has raised no objections to the revised details. These changes have substantially improved appearance of the scheme and the layout is considered to be broadly in accordance with the approved DAS and Masterplan.

5.2 House Types

5.2.1 The DAS for the outline application sets out the underlying concept of the development as, "an extension to the village of Brockworth which retains a sense of the Gloucestershire village character and a strong relationship with the rural landscape surrounding it. It is envisaged that to do this some traditional approaches to architecture, road design and landscaping will need to be applied. The development will take direction from desirable local characteristics of the vale landscape; such as the village of Badgeworth which provides an appropriate influence. In the far east of the proposed site there is influence from both the Vale landscape and the Cotswolds landscape; such as the village of Witcombe". Thus, rather than take design influences from northern Brockworth, the DAS proposed that the development would adopt a new rural 'village' character.

5.2.2 The scheme proposes a mix of 1 and 2 bed apartments 2, 3, 4 and 5 bedroom detached, semi-detached and terraced properties (**see typical house types attached**). The design of the dwellings has been based on traditional forms as stipulated in the DAS and the proposal includes detailing to the dwellings such as pitched roofs, storm porches, stone cills, reconstituted stone and brick window heads and dentil course detailing and glazing bars to windows. This would provide an acceptable and well detailed appearance to the plots.

5.2.3 The proposed materials have been subject to discussions and a pallet of materials has now been submitted which is considered appropriate for the scheme and context. The principal materials would be reconstituted stone principally to the margins of the site reflecting the Cotswold vernacular, with use of red brick and render to the central parts of the site. The roofing material would be a mix of artificial slate and duo-pain tiles. It is considered that this pallet of materials would be appropriate and reflective of the urban village design approach

5.2.4 In terms of associated boundary treatments, in public areas flank walls would be constructed in facing brick and reconstituted stone, with close-boarded fencing restricted to rear/side garden locations. Timber knee rails and estate fencing would be set along the highway adjoining the public open space to prevent vehicular access and indiscriminate parking.

5.2.5 It is considered that the design approach and would provide an appropriate appearance and layout to the development which would provide for a coherent and cohesive scheme. In terms of design, it is considered that the proposed dwellings would reflect principles set out in the DAS.

5.3 Traffic and transport

5.3.1 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.

5.3.2 The County Highway Authority (CHA) has reviewed the originally submitted drawings and sought further clarification with regards to the tracking of vehicles through the site and visibility splays, parking arrangements and details of demarcation to pedestrian routes through any shared surface areas.

5.3.3 Revised drawings and supporting information have since been received and are presently being reviewed County Highway Authority. A response from the CHA is not available at the time of writing and an **update will be provided at committee.**

5.4 Landscaping and open space

5.4.1 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. 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.

5.4.2 The Design and Access Statement (DAS) and Masterplan approved through the outline permission details a strong network of existing and proposed green infrastructure across the wider site, with vegetated corridors linking north-south and east-west, incorporating existing trees and hedgerows, and significant areas of informal public open space and formal play and recreation space.

5.4.3 The landscaping scheme proposes a green band of open space encompassing the residential development as well as providing links and transitions to the wider area. The proposal would provide informal recreational space as well as a buffer to the proposed built development. The open space would accommodate an existing public right of way as well as new routes and connections for walking as well as a children's play area (LEAP). The proposal seeks to maintain existing trees and hedges where possible, which would be integrated into the scheme. Furthermore, the proposal would include significant additional tree planting within the public open space and within plots as well as traditional orchard tree planting to the southern corner of the site.

5.4.4 The Council's Landscape Advisor (LA) reviewed the initial submitted scheme and provided detailed comments that identified a number of shortcomings with the proposed landscape approach. The applicant has sought to address these matters through the submission of revised plans. The LA has subsequently confirmed that the majority of her concerns have now been addressed and that outstanding matters relating to trees in proximity to the southwestern drainage pond are being addressed by the applicant. **An update will be provided at Committee.** It is considered that the proposed landscaping plans are generally acceptable and would provide an acceptable balance between formal and informal spaces. The application has been informed by a Tree Quality report which includes details of protection during construction, which satisfied the requirements of Condition 12 of the outline permission.

5.4.5 Subject to resolving the outstanding matters it is considered that the landscaping and public open space proposals for the development are acceptable and in compliance with Conditions 5 and 12 of the outline permission.

5.5 Impact on the setting of heritage assets

5.5.1 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.

5.5.2 The NPPF sets out at Paragraph 196 that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Paragraph 197 advises that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

5.5.3 Historic England have raised concerns with regards to the impact of the development upon Brockworth Court, however it is noted that the impact of the development was assessed as part of the outline planning permission. The Secretary of State concluded that whilst there would be harm to the manorial complex of Brockworth Court, the harm would be less than substantial and outweighed by the public benefits of the development. The location of the proposed residential element of the scheme would accord with the approved Conceptual Masterplan and would be set at its nearest point to the north-western corner of the application site. Furthermore the existing highways boundary hedge and planting would remain outside of the application site and would continue to provide significant screening to the development.

5.5.4 The Historic England concerns and specific impacts on the Manorial Complex have been reviewed by the Borough Conservation Officer who is satisfied that the relationship and siting of the proposed built development would be acceptable in the context of the Secretary of State's conclusions outlined above.

5.6 Surface Water Drainage

5.6.1 JCS Policy INF2 (2) (iv) requires new development to incorporate Sustainable Urban Drainage Systems (SUDS) where appropriate to manage surface water drainage. Policy INF6 also requires that the infrastructure requirements generated by a proposal are met, including by adequate on and off-site infrastructure.

5.6.2 Condition 8 of the outline permission required the first reserved matters application submitted in respect of the whole site to include a surface water drainage strategy for the entire site, which was included with the application for Phase 3.

5.6.3 The Lead Local Flood Authority (LLFA) has considered the submitted surface water drainage strategy which principally comprises two SUDS ponds with additional underground storage and provides a controlled discharge to two locations along the Horsbere Brook. The LLFA have raised no objections. These details satisfy the requirements of Condition 8 in respect of part of phase 2 and Phase 5.

5.7 Existing and future residential amenity

5.7.1 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.

5.7.2 The application site is set away from the existing residential development at Brockworth which is to the south of the tree lined corridor to Horsbere Brook. Accordingly, the proposed development would not result in harm to the living conditions of the occupiers of Tanners Close or Hickley Gardens which back onto the southern side of the brook as the existing planting would remain. This would serve to provide a significant buffer between the application site and the existing residential area.

5.7.3 The amenity of future residents of the development was considered in the outline application particularly with regards to the proximity of the site to the A417(T). Condition 24 of the outline permission requires that a noise assessment is submitted with each phase of development to identify, mitigate and minimise any adverse noise effects to future occupiers.

5.7.4 Whilst noise is subject of a separate condition on the outline permission, the application has been accompanied by an acoustic report which has been informed by an acoustic survey and has also accounted for noise from Henley Bank Kennels to the east of the site. The assessment identifies the need for a 2 metre acoustic fence running parallel to the A417(T) which would provide appropriate mitigation to private garden areas. The report also identifies that the most exposed facades would be subject to noise impacts and mitigation is proposed in the form of fixed windows and mechanical ventilation to achieve acceptable internal noise levels.

5.7.5 The Council's Environmental Health Adviser has reviewed the report and proposed mitigation measures which are considered acceptable in principle. The precise details of mitigation required for each plot will be dealt with under the submissions relating to the condition on the outline permission.

5.7.6 In light of the above the proposed layout demonstrates that the proposal would result in a development with acceptable living conditions for future occupiers. Furthermore the existing screening and separation will ensure that there would be no demonstrable harm to the amenity of the occupiers of adjoining residential properties.

5.8 Affordable Housing

5.8.1 JCS Policy SD12 seeks 40% affordable housing to be provided, where possible, on site.

5.8.2 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 no more than 40% affordable housing shall be provided across the whole site and the number of dwellings that this equates to per phase of development. Of the 600 total affordable housing units 425 will be 'General Affordable Housing' and 175 will be 'Extra Care Affordable Housing'. Phases 2 and 5 would provide 78 'General' affordable dwellings of which roughly 50% will be social rented and 50% will be intermediate (shared ownership) units.

5.8.3 Discussions are ongoing with the applicant in respect of the consistency of the proposals with the site wide affordable housing scheme and an update will be provided at Committee.

5.9 Other matters

5.9. Brockworth Parish Council and the local community have raised concerns with pressure on the existing doctor's surgery from additional residents. The delivery of the local centre falls within Phase 2 however this element has been excluded from this application as it will be brought forward through a separate reserved matters application by another developer. An application for this element is yet to be received.

6.0 Conclusions & Recommendations

6.1 It is considered that, subject to the outstanding matters outlined above being resolved, the proposal would result in an acceptable layout, scale, appearance and landscaping, which would be well related to northern Brockworth and would integrate successfully into the surrounding landscape and transition to the adjoining open countryside.

6.2 It is recommended that authority be delegated to the Technical Planning Manager to Approve the application subject to matters concerning highways, landscaping and affordable housing as highlighted in the report being resolved; and the imposition of any other conditions as appropriate.

RECOMMENDATION Delegated Approve

Conditions:

1. 1. Other than where varied by the conditions below the development hereby approved shall be implemented in accordance with the plans, documents and details set out on the approved Planning Application Documents list received on (TBC).

Reason: To clarify the terms of the approval

2. The development hereby permitted shall be carried out in accordance with the materials and boundary treatments set out on amended drawing no.ML.01D.

Reason: To ensure an acceptable appearance to the development.

3. All door and window frames shall be recessed into the external walls of the building by 75mm.



Reason: In the interests of visual amenity.

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 to improve the site layout and house type design.

2. The decision is to be read in conjunction with planning permission 12/01256/OUT including the associated S106 legal agreements.

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LAYOUT SET <input type="checkbox"/> Application Document <input checked="" type="checkbox"/> Public copy of any issued				Scale 1:250 	
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BOROUGH COUNCILLORS FOR THE RESPECTIVE WARDS 2019-2023

Ward	Parishes or Wards of	Councillors	Ward	Parishes or Wards of	Councillors
Badgeworth	Badgeworth (incl. Bentham) Great Witcombe Staverton	Robert Vines	Isbourne	Ashchurch Rural (incl. Walton Cardiff) Buckland Dumbleton Oxenton Snowshill Stanton Stanway Teddington Toddington	John Evetts Mel Gore
Brockworth East	Brockworth Parish (East Ward)	Louise Gerrard Sara Stevens			
Brockworth West	Brockworth Parish (West Ward)	Craig Carter Deborah Harwood			
Churchdown Brookfield with Hucclecote	Churchdown Parish (Brookfield Ward) Hucclecote	Gill Blackwell Paul Smith Richard Smith			
Churchdown St John's	Churchdown Parish (St John's Ward)	Mary Jordan Clare Softley Scott Thomson	Northway	Northway	Pauline Godwin Elaine MacTiernan
Cleeve Grange	Cleeve Grange Ward	Helen Munro			
Cleeve Hill	Gotherington Southam Woodmancote	Mike Dean Anna Hollaway	Severn Vale North	Deerhurst Elmstone Hardwicke Leigh Stoke Orchard & Tredington	Heather McLain
Cleeve St Michael's	Cleeve St Michael's Ward	Bob East Andrew Reece			
Cleeve West	Cleeve West Ward	Rob Bird Richard Stanley			
Highnam with Haw Bridge	Ashleworth Chaceley Forthampton Hasfield Highnam Maisemore Minsterworth Tirley	Paul McLain Jill Smith	Severn Vale South	Boddington Down Hatherley Norton Sandhurst Uckington	Mark Williams
Innsworth	Innsworth Longford Twigworth	Graham Bocking Paul Ockelton	Shurdington	Shurdington	Philip Surman
			Tewkesbury East	Tewkesbury Town (Newtown Ward) Wheatpieces	Christine Reid Vernon Smith
			Tewkesbury North and Twyning	Tewkesbury Town (North Ward) Twyning	Mike Sztymiak Philip Workman
			Tewkesbury South	Tewkesbury Town (South Ward)	Cate Cody Kevin Cromwell
Innsworth	Innsworth Longford Twigworth	Graham Bocking Paul Ockelton	Winchcombe	Alderton Gretton Hawling Prescott Sudeley Winchcombe	David Gray Jim Mason John Murphy