



APPENDIX A
Agenda Item No. 5A

TEWKESBURY BOROUGH COUNCIL

Schedule of Planning Applications for the consideration of the **PLANNING COMMITTEE** at its meeting on 20 August 2019

	(NORTH)	(SOUTH)
General Development Applications Applications for Permission/Consent	(237 - 251)	(252 - 292)

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. (237 to 292)

Codes for Application Types

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

National Planning Policy

National Planning Policy Framework (NPPF)

Technical Guidance to the National Planning Policy Framework

Planning Policy for Traveller Sites

Planning Policy Statement 10: Planning for Sustainable Waste Management

Planning Policy Statement 11: Regional Spatial Strategies

INDEX TO PLANNING SCHEDULE (RECOMMENDATIONS) 20th August 2019

Parish and Reference	Address	Recommendation	Item/page number
Churchdown 19/00320/FUL	Land Adjacent To 53 Parton Road Churchdown Gloucester Gloucestershire	Permit	6/281
Click Here To View			
Gotherington 19/00422/APP	Land Adjoining, Gretton Road Gotherington Cheltenham	Delegated Approve	2/248
Click Here To View			
Maisemore 18/01129/FUL	6 Persh Way Maisemore Gloucester Gloucestershire	Delegated Permit	4/260
Click Here To View			
Maisemore 18/01202/OUT	Part Parcel 3538 Church Road Maisemore Gloucester	Refuse	5/264
Click Here To View			
Minsterworth 19/00550/PIP	Land To The West Of The A48 Minsterworth Village Hygrove Lane Minsterworth	Permit	7/287
Click Here To View			
Wheatpieces 19/00269/FUL	10 Columbine Road Walton Cardiff Tewkesbury Gloucestershire	Permit	1/237
Click Here To View			
Woodmancote 19/00135/FUL	Bishops Leys Farm Butts Lane Woodmancote Cheltenham	Refuse	3/252
Click Here To View			

Valid 10.04.2019

Construction of new place of worship and provision of associated vehicular access and parking area, cycle store, landscaping and drainage

Grid Ref 390323 231222
Parish Wheatpieces
Ward

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)
- Flood and Water Management Supplementary Planning Document
- Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)
- The First Protocol, Article 1 (Protection of Property)

Consultations and Representations

Wheatpieces Parish Council objected to the application as originally submitted on the following parking and road safety grounds:

- The entrance into the proposed car park is off Columbine Road near to the John Moore Primary School - concerns regarding the safety of the school children as the proposed access to the car park would be across the footpath leading to the school entrance.
- Concerns of the increase of vehicles on the road leading to the school.
- Concerns in relation to the proposed car park, and whether the number of proposed parking spaces (14 vehicles in addition to 3 disabled spaces) would be enough, particularly when events (i.e. weddings/other events) are held, or whether this would create further parking problems on already congested roads in the immediate vicinity. Members note that the existing similar place of worship in Barton Road, Tewkesbury creates significant parking problems within its immediate vicinity when services and other functions such as weddings are taking place. If this application is to be of a similar usage the Parish Council would have serious concerns in relation to pedestrian safety/highway matters as the proposed site at Wheatpieces is considerably more constrained.
- The Parish Council advises that in recent years it was made aware of parking problems outside of the John Moore Primary School and worked closely with Gloucestershire County Council regarding the installation of bollards on the pavement opposite the proposed site of the planning application to prevent cars parking on the pavements in Columbine Road in addition to yellow lines on the carriageway.
- The Parish Council question whether the proposed site may be better suited for additional retail units which would be more in keeping with the existing site.

Further to the submission of revised plans and details, Wheatpieces Parish Council was re-consulted, and objects for the following reasons:

- With regard to the details of the car parking survey: the car count as shown for the existing hall in the town is not felt to be relevant to the Wheatpieces site in that the number of cars used will depend on where the members actually live and therefore there could be more cars than the 29 used on the 13th June. Additionally, the shops car park was only checked on one Thursday at 7.15pm (start of congregation meeting) - the Parish Council believe it would be more accurate to have been monitored for at least 4 Thursdays plus for the full duration of the congregation meeting.
- Concerns are also raised of the noise impact of the Daikin units on the local vicinity and the potential loss of amenity to local residents.

The Local Highway Authority raises no objection subject to condition.

The Urban Design Officer raises no objection to the revised plans.

The Landscape Officer raises no objection to the revised plans.

The Environmental Health Officer raises no objection subject to condition.

The Flood Risk Support Officer raises no objection to the revised plans.

Severn Trent Water raises no objection subject to condition.

Building Control Services advise that the application will require Building Regulations approval.

The application as originally submitted has been publicised through the posting of 4 site notices and 4 letters of representation have been received in the 21 day statutory consultation period or since. The main points raised relate to:

- This is not a great use of this space
- Object to any building on this land - landscaping only
- The need for this building is not understood - the community centre has facilities for this kind of use, so to build a separate building does not make much sense.
- The development will look unsightly
- This is already a busy road during school hours and there are already problems with parking. Placing this building here would only add to more cars and more traffic and parking issues. The congestion it will cause will be more dangerous than it is already with school children walking to school.
- It will cause extra pollution
- 16 car parking spaces is not many - are they expecting to use the existing car park for the school/shops behind the garden of 21 Thatcham Road, Walton Cardiff, and will this car park be kept in the same ownership?
- Would block out light to 5 Columbine Road, which is limited as it is
- Adding this building would only create a noise that would resonate throughout the road and surrounding area
- Is the air conditioning unit at the rear of the proposed building inside or outside, and will it be quiet?
- Will the building be sound proofed?
- Is it possible to have more security lights on this wall as unwanted late night drivers may use this area as a hiding place?
- Will alarms be fitted?
- The white facing wall is a positive wall for graffiti/destruction
- Could there be trees planted or railings to protect and screen the bright wall

One of these letters of representation notes that, on a positive note, the building is considered to be very nice looking and not too high, therefore not blocking light.

Planning Officers Comments: Emma Dee

1.0 Application Site

1.1 The application site forms a vacant parcel of land, located in the context of an existing local centre of a large residential area on the edge of Tewkesbury, on the western side of Columbine Road (**See Location Plan**). The site is bounded by a vehicular car park on its northern and western boundaries which is associated with a mixture of retail units, the adjacent Veterinary Centre and some restaurants, and residential properties are located to the south and on the opposite side of Columbine Road to the east. The access to The John Moore Primary School is located some 30 metres to the south of the application site.

1.2 The site is not subject to any landscape designations and is located within Flood Zone 1 as defined by the most up-to-date Environment Agency flood risk maps.

2.0 Relevant Planning History

2.1 Planning permission was granted on 7th March 2002 for the erection of new units for A1 (retail), A2 (financial and professional services) and A3 use (food and drink), day nursery and veterinary centre and new access on land identified as "Wheatpieces 1", Tewkesbury Eastern Relief Road, Tewkesbury (reference 01/8613/0656/FUL). Whilst the majority of the site has been developed out, the day nursery (originally proposed on the current site) has not although the permission is still extant and it could be built at any time. Planning permission was granted 9th August 2004 for the variation of condition 20 attached to reference 01/8613/0656/FUL to increase the number of children at the day nursery to 24, subject to condition that the condition shall be varied for a maximum of 12 months commencing from the date the day nursery is brought into use (reference 04/8613/0889/FUL).

3.0 Current Application

3.1 The application proposes the construction of a new place of worship (**See Proposed Floor Plan**). The proposed building would be single storey, measuring some 21.3 metres in length by 14.4 metres in width. The building would be designed with a dual-pitched roof measuring 3.3 metres in height to eaves and 6.65 metres in height to ridge, with a smooth grey interlocking concrete tile covering. The building would also include a flat roofed glazed porch on its front (eastern) elevation.

3.2 The proposed building would be set back some 17 metres from the front (eastern) site boundary, and it is proposed to provide an associated vehicular parking area towards the eastern side of the site, to provide 14 general parking spaces and 3 no. disabled persons' parking spaces (**See Proposed Site Plan**).

3.3 It is also proposed to erect a cycle store between the proposed building and the site's southern boundary. Existing close boarded fencing along the southern boundary of the site would be retained. It is proposed to erect 0.9 metre high ball-top railings and gates to the northern, eastern and western site boundaries (**See Proposed Railings and Cycle Store**).

3.4 During the application, revised plans have been submitted as follows:

- Revised elevations to amend the facing materials of the proposed building from white render and grey fibre cement weatherboard cladding as originally proposed (**See originally proposed elevations - superseded**) to buff colour facing brick and weatherboard cladding in a similar colour to surroundings (**See revised proposed elevations**), to address concerns raised by the Urban Design Officer
- Revised layout and landscaping, to show the proposed building located slightly further south within the site boundaries, in order to provide landscaping adjacent to the northern boundary of the site (**See Originally Proposed Site Plan - superseded and Revised Proposed Site Plan**), to address concerns raised by the Landscape Officer. Planting is also proposed under the revised plans along the eastern site boundary adjacent to Columbine Road. A Specification for Soft Landscape Works was submitted alongside the revised Proposed Site Plan. The originally submitted plans proposed no landscaping adjacent to the northern or eastern site boundaries.
- The application originally proposed block paving to the carriageway of the proposed car park and the disabled persons' parking bays, with washed stone to the general parking bays. The revised plans propose block paving to the entirety of the car park to address the Landscape Officer's concerns.
- Revised drainage proposals, to address the Flood Risk Support Officer's concerns
- Additional details regarding 4 no. external Daikin air conditioning condensing units proposed to be placed adjacent to the site's northern boundary and 1 no. Topvex unit proposed to be provided internally within the plant room, as requested by the Environmental Health Officer.
- Additional details providing an explanation of the proposed use, additional parking details and a night time parking assessment, as requested by the Local Highway Authority.

3.5 The application is supported by a Planning Statement which advises that the proposal is required by the local congregation of Jehovah's Witnesses and that it would be used for worship and Bible education along with other associated activities. The applicant's Agent has confirmed that the proposal would replace an existing place of worship which is not fit for purpose, as it is in a Grade II listed building that is in need of constant upkeep/maintenance and increasing running costs, meaning that it is no longer viable to stay within the existing building.

3.6 The application explains that weekly meetings would be held on a regular basis, with the Tewkesbury congregation meeting on one weekday evening from 7:15pm until 9:15pm and on a Sunday from 10am until 12 noon and that, in these instances, the hall would be occupied by around 20 congregation members. The Planning Statement advises that, as scheduled services would take place on a regular basis, the building should always remain accessible for small informal daytime meetings, including meetings of trustees, smaller groups for ancillary activities related to the use of the building as a place of worship, and for cleaning, repairs and maintenance. It notes that congregation trustees would have the responsibility of deciding when the meeting times take place and would control via a prior booking system the use of the building for non-regular activities such as weddings and funerals, of which there are expected to be 5-8 per annum. The application sets out that, outside of these meetings, there would be one additional special event held once a year around March/April time in the early evening for approximately 2 hours, and that the hall would be used for no other social events.

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 adopted Development Plan for Tewkesbury Borough comprises the Joint Core Strategy 2011 to 2031 (JCS) and the saved policies of the Tewkesbury Borough Local Plan to 2011 (TBLP). The Council is also in the process of carrying out a review of the Local Plan. The Tewkesbury Borough Plan (2011-2031) Preferred Options (TBPPPO) was published for consultation between 10th October 2018 and 30th November 2018. On 30th July 2019 the Council resolved to publish the Pre-submission version of the Tewkesbury Borough Plan and to submit it for examination. Other material policy considerations include National Planning Guidance contained within the National Planning Policy Framework; 2019 (NPPF).

4.3 The relevant policies of the adopted and emerging development plan are set out in the appropriate sections of this report.

5.0 Analysis

Design and Impact on Character and Appearance of Area:

5.1 Section 12 of the NPPF relates to "Achieving well-designed places" and, at 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. Paragraph 127 specifies that planning policies and decisions should ensure that developments 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 (such as increased densities).

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

5.3 The existing vacant parcel of land on which the proposed development would be constructed does not appear to have been well maintained, and the site is not defined on the Local Plan Proposals Map as an "Important Open Space". It does not appear to be of amenity value to the public nor important to the character of the settlement or street scene. Further, the principal of constructing a building on this area of land has previously been established under approved application references 01/8613/0656/FUL and 04/8613/0889/FUL. These approved applications proposed the construction of a day nursery on this parcel of land.

5.4 The proposed building would be most closely associated with the existing buildings forming part of the adjacent local centre, in terms of its location, its use, and its scale. Whilst it is disappointing that the area has been developed in a piecemeal fashion, with the application site appearing as a left over parcel of land surrounded by car parking, it is considered that the scale and form of the proposed single storey building would be in-keeping with the surrounding buildings as approved under application reference 01/8613/0656/FUL. As noted above, revised plans were submitted to amend the proposed facing materials, and it is considered that the proposed use of buff facing brick and weather boarding would be sympathetic in materials to neighbouring buildings within this local centre. It is recommended that any approval of planning permission is subject to condition requiring samples of all roofing and walling materials to be submitted to and approved in writing by the Local Planning Authority, in order to ensure a satisfactory and well planned development that would respect the character and appearance of the area.

5.5 The proposed plans as originally submitted showed a lack of trees and planting. The Landscape Officer considered that, whilst this is a highly constricted site, some imaginative landscape design could overcome the issues, and would help to soften the impact of the proposed building and associated vehicular parking area, and would help to define the boundary.

5.6 Further to discussions between the Council's Landscape Officer and the applicant's Landscape Architect, a revised plan and planting specification were submitted showing the building moved slightly southwards to allow for additional planting along the north side of the proposed building. The revised plan and planting specification further propose some tall-growing narrow trees to the eastern frontage of the site boundary, with climbers between to allow these to climb through the trees. These would be broken up by some tall growing flowering shrubs to help soften the view and create added interest to the street scape.

5.7 The revised plans, however, propose no planting to the northern side boundary of the proposed vehicular parking area. It is acknowledged that the proposed parking spaces would be tight against this boundary, leaving very little room for any planting. 0.9 metre high ball-top railings would be constructed along this boundary. It has been queried throughout the consideration of the application whether a planting scheme could be provided on the undeveloped land between the application site and the adjacent veterinary clinic. However, the applicant's agent confirmed that this land is outside of the proposed ownership and it is not currently possible to add a planting scheme on this portion of land.

5.8 Given the limited space available and the constraints of the application site, the Landscape Officer considers that the proposed planting scheme shown in the revised plan and planting specification is the best that could be achieved, so recommends approval of the revised planting plan.

5.9 The plans as originally submitted proposed the use of washed stone (i.e. loose gravel or chippings) for the regular parking bays. As this can be a messy surface spilling onto the adjacent proposed block paving, can be noisy when vehicles are driven over it, and as it can create difficulties in delineating the individual parking bays, the Landscape Officer suggested the use of an alternative surfacing material on these regular parking bays. Revised plans were subsequently submitted to show block paving throughout, which is considered to be acceptable. The Landscape Officer considers this to be an improvement to the originally proposed use of washed stone surfacing materials.

5.10 Overall, the Urban Design Officer and Landscape Officer raise no objection to the revised plan and it is considered that the proposed development would respect the character and appearance of the area, reflecting the scale, form and materials of nearby units within the adjacent local centre.

Impact on Residential Amenity:

5.11 Paragraph 127 of the NPPF specifies that planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

5.12 In terms of 'Amenity and Space' Policy SD4 of the JCS sets out 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. Policy SD14 of the JCS, which relates to 'Health and Environmental Quality', specifies that new development must cause no unacceptable harm to local amenity including the amenity of neighbouring occupants

5.13 As a result of the scale and form of the proposed building and its proximity to the nearest residential dwellings, it is considered that there would be no significant adverse effect on adjoining occupiers in terms of overshadowing or overbearing impact. The fenestration proposed for installation on the northern, eastern and western elevations would not directly overlook residential premises. Whilst windows are proposed for installation on the southern elevation, which would be set back approximately 3 metres from the respective site boundary which backs onto the rear garden areas of dwellings at Nos. 16, 22 and 24 Columbine Road, it is proposed to provide some planting in this intervening gap and to retain the existing close boarded fencing along this southern site boundary. It is therefore considered that there would be no significant detrimental impact on adjoining occupiers to the south of the application site in terms of overlooking or loss of privacy. The other elevations of the building are considered to be suitably distanced from nearby premises, to avoid unreasonably affecting the amenity of occupiers in terms of loss of privacy.

5.14 The application proposes the provision of 4 no. external Daikin air conditioning condensing units (550mm x 765mm x 285mm) adjacent to the site's northern boundary, and a Topvex unit internally within the plant room. The manufacturer's specifications for these units have been submitted with the application. The Environmental Health Officer considers that these would be acceptable and would not adversely impact nearby residents.

5.15 The Planning Statement also advises that the proposed place of worship would be fitted with voice amplification equipment for the benefit of the congregation members, and that this would therefore only be used at a level for comfortable listening within the building. It confirms that suitable acoustic absorption material would be incorporated into the auditorium which would reduce reverberant sound within the building. Further, it advises that the structural building materials would be of sufficient density (Acoustic Insulation) and completeness to retain sound levels within the building. The Environmental Health Officer does not consider that this voice amplification equipment would be at a level that would impact on nearby residents. Therefore the Environmental Health Officer raises no objection to the application in terms of noise. The Environmental Health Officer does not think it necessary to place a condition on any approval of planning permission restricting the hours of use and advises that, if for any reason complaints of noise / nuisance are made in the future, these would be investigated under the nuisance provisions of the Environmental Protection Act 1990.

5.16 The application proposes the installation of external lighting on all elevations of the building, with each lighting unit providing a downlight and an uplight, (GU10, 35W), and installed 2.5 metres above adjacent ground level. By virtue of the proposed level of illumination, and as these external lighting units would not be directed into nearby residential properties, it is considered that there would be no significant detrimental impact on adjoining occupiers in terms of light pollution.

5.17 In terms of potential air quality issues, the Environmental Health Officer recommends that, as the proposed development would have provision for 17 vehicles, any approval of planning permission should be subject to condition for the applicant to incorporate mitigation measures as part of the development to minimise impact from the development on local areas of poor air quality and assist in alleviating pollution creep arising in the general area. Therefore the Environmental Health Officer recommends that, in line with paragraphs 105 and 110 of the NPPF, a condition is attached to any approval of planning permission requiring electric charging points to be installed in 10% (as a minimum) of the allocated parking spaces at the development, noting that this may be phased with 5% of spaces operational initially and a further 5% of spaces made EV recharging ready (i.e. incorporating appropriate cabling) to allow additional provision to meet future demand. The Environmental Health Officer advises that the developer is responsible for ensuring the charging point complies with BS EN 62196 Mode 3 or 4 charging and BS EN 61851. A revised site plan was subsequently submitted to show an electric car charging point to BS EN 62196 Mode 3 or 4 charging and BS EN 61851 and also wiring to be provided for a second charging point. Any approval of planning permission would be subject to condition for development to be carried out in accordance with details shown on this revised plan. Subject to this condition it is considered that the proposed development would incorporate appropriate mitigation measures to minimise impact from the development on local areas of poor air quality and assist in alleviating pollution creep arising in the general area.

Highways Impact:

5.18 Section 9 of the NPPF relates to "Promoting sustainable transport" and, at paragraph 108, 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. Paragraph 109 specifies that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 110 sets out that, within this context, applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second - so far as possible - to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) create places that are safe, secure and attractive - which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

5.19 In this regard, Policy INF1 (Transport Network) of the JCS is also relevant.

5.20 The application proposes the provision of a vehicular parking area towards the eastern side of the site, comprising 14 general vehicular parking bays and 3 no. disabled persons' parking bays. Vehicular access into the site would be provided towards the southern side of the eastern site boundary, from Columbine Road which is a class 4 highway subject to a sign posted speed limit of 30mph. The application site is in close walking and cycling distances of various amenities and access points to sustainable means of transport. The Local Highway Authority (LHA) acknowledges that the site is in close walking proximity to a bus stop (circa 200m from the site) which provides regular services to Tewkesbury, Cheltenham and Gloucester.

5.21 The application includes the submission of a Construction Method Plan and Planning Statement, which sets out that the congregation meeting times would not be during peak traffic times. It further sets out that it is anticipated that the congregation members would be from the local area, and therefore public transport and cycling would be encouraged as alternative methods of transport.

5.22 Further to the receipt of the original objection from Wheatpieces Parish Council, the LHA met with the Parish Council on site to discuss their concerns. Within their consultee comments, the LHA has taken into consideration the objection comments.

5.23 The LHA originally recognised that vehicles may find it difficult to access the proposed parking spaces located further from the site access, due to the number of likely turning movements required. The LHA further noted that the originally proposed positioning of the lamp columns may present difficulties for disabled users when entering and leaving their vehicles, and requested the submission of revised plans in respect to this. Revised drawings were subsequently submitted to show vehicle tracking for forward parking and entry as well as reverse parking and exit, and the relocation of the lighting bollards away from the disabled car parking bays to avoid any potential impediment to the access for users of these spaces.

5.24 The LHA advises that vehicular access visibility splays of 2.4m x 54m are required to either side of the edge of the adjacent carriageway, which the LHA perceives as being achievable. This has been demonstrated on the submitted Proposed Site Plan. Furthermore, the LHA advises that pedestrian access visibility requirements subject to 2m back along the edges of the vehicular access extending at an angle of 45 degrees to the footway would be equally achievable, which allows for vehicles to see pedestrians walking onto the adjacent footway. The LHA recommends that any approval of planning permission is subject to conditions for these vehicular access and pedestrian visibility requirements to be implemented and maintained.

5.25 The LHA comments that, further to a TRICS assessment, the proposed development could (based on national average trips rates data) generate 3 trips between the AM peak times (08:00 - 09:00) and 4 trips between the PM peak times (17:00 - 18:00). It acknowledges that the highest recorded average number of trips for the proposed development takes place between 10:00 - 11:00 (7 arrivals and 3 departures). In the absence of material evidence of the number of vehicular trips that would occur for the proposed place of worship, the LHA deemed the proposed parking provision to accommodate the expected vehicular demand.

5.26 The LHA, however, recognised that there may be instances where the proposed development would generate an increased demand for which the parking provision is deemed insufficient. It further acknowledged the objection raised by the Parish Council relating to the operating hours of the site and a possible conflict with the school drop-off and pick-up times. The LHA therefore required the applicant to submit a written statement to provide details of operating hours and means to overcome possible exceeding parking demand (i.e. alternative parking arrangements).

5.27 Subsequently submitted details confirm that the proposal would allow for 17 dedicated car parking spaces for the sole use of the proposed hall, and that the site also has shared rights to make use of the 43 car parking spaces to the rear as needed, therefore resulting in the total availability of 60 car parking spaces (although it is accepted that not all the spaces would necessarily be available at the time of meetings. The applicant's Agent has provided an extract of the contract documents regarding the shared car park arrangements.

5.28 The LHA requested that the applicant ascertain travel modes and typical congregation size via a hands up survey. The applicant's Agent has confirmed that, at a congregation meeting on the evening of Thursday 13th June, there were 66 people in attendance, 55 of which travelled to the meeting by car, and that there were a total of 29 cars used.

5.29 The LHA further requested the submission of a night time parking assessment, showing public and private areas. The applicant's agent confirmed that a survey was carried out at the shared car park adjacent to the proposed site at the same time as the meeting; at 6:55pm on Thursday evening. The applicant's agent confirms that there were 20 cars parked in the shared car park, which has a total of 43 car parking spaces.

5.30 The applicant's agent advises that the congregation of the proposed place of worship would not need to park on the street as it would have shared rights to make use of the 43 car parking spaces to the rear as needed. The applicant's agent sets out that the operating hours of the proposed building would be outside of the peak use times for the businesses that have shared access rights to the shared car park, and therefore considers that there would be ample parking provision between the shared spaces and the spaces proposed. Whilst again, it is not necessarily the case that all the shared spaces would be available at the time of meetings taking place, it is considered that there would generally be sufficient spaces available for the intended use.

5.31 In light of the above, the Local Highway Authority confirms that it is satisfied that the proposed level of parking is sufficient to accommodate the expected level of demand, and therefore raises no objection subject to conditions for appropriate specified vehicular and pedestrian visibility splays to be provided prior to the vehicular access being brought into use, and for the vehicular parking and turning facilities and cycle storage facilities to be provided prior to the occupation of the proposed building. Subject to these conditions, it is considered that the proposed development would accord with the relevant development plan policies in this regard.

Drainage Considerations:

5.32 Whilst the application site is located within Flood Zone 1, as defined by the most up-to-date Environment Agency flood risk maps, the applicant was required to demonstrate that the proposed development would provide suitable measures for the sustainable drainage of the site in the long term, in accordance with the Council's adopted Flood and Water Management Supplementary Planning Document.

5.33 The application as originally submitted proposed a mixture of block paving and washed stone within the proposed vehicular parking area, and included the submission of a proposed drainage plan.

5.34 Further to the submission of revised plans to amend the proposed surfacing materials to block paving only, additional information has been provided to show that appropriate discharge rates can be achieved. The revised drainage plans further show the provision of three Bioretention areas north and south of the proposed building together with the use of permeable block paving for the proposed car park. The Flood Risk Officer advises that they are satisfied with the revised drainage proposal, acknowledging that the scheme now proposed a sustainable solution that would provide betterment for the site, the local area and help with increasing local biodiversity. The Flood Risk Officer advises that the submission of this information has satisfied their earlier concerns subject to condition for development to be carried out in accordance with the approved drainage details. Severn Trent Water raise no objection subject to a condition for drainage plans for the disposal of foul and surface water flows.

6.0 Summary

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

RECOMMENDATION Permit

Conditions:

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 The development hereby permitted shall be carried out in accordance with the following plans and details, and any other conditions attached to this permission:
 - Approved drawing nos. A-101 (Proposed Floor Plan) and LOC (Site Location Plan) and details within the "Construction Management Plan and Planning Statement" and the "SYSTEMAIR - TOPVEX TR09 HWL-R-CAV" manufacturer specification received by the Local Planning Authority on 7th March 2019

- Approved drawing no. A-103 (Proposed Railings and Cycle Store) received by the Local Planning Authority on 1st April 2019
- Approved drawing no. A-100 Rev C (Proposed Site Plan) and details within the Specification for Soft Landscape Works received by the Local Planning Authority on 29th May 2019
- Approved drawing no. A-102 Rev D (Proposed Elevations) and details within the report entitled "Explanation of Proposed Use" received by the Local Planning Authority on 31st May 2019 and details regarding the proposed Topvex and Daikin units provided by the applicant's Agent within the email entitled "Re: FW: FW: FW: 10 Columbine Road, Walton Cardiff, Tewkesbury (reference 19/00269/FUL)" and dated 31st May 2019
- Additional parking details and night time parking assessment provided by the applicant's Agent within the email entitled "Re: FW: FW: FW: FW: 10 Columbine Road, Walton Cardiff, Tewkesbury (reference 19/00269/FUL)" and dated 17th June 2019
- Approved drawing nos. C-001 Rev B (Proposed Drainage General Arrangement), C-002 Rev A (Drainage Construction Details 1 of 3), C-004 Rev B (Block Paving Construction Details) and C-005 (Drainage Construction Details 3 of 3) received by the Local Planning Authority on 19th June 2019
- Approved drawing no. C-003 Rev B (Drainage Construction Details 2 of 3) and details within the Surface Water Drainage Calculations received by the Local Planning Authority on 28th June 2019; and
- The Mechanical Plant Data and Sound Levels details relating to the Daikin ventilation units, received by the Local Planning Authority on 30th July 2019.

- 3 Notwithstanding the approved plans, no construction of the external walls of the development shall commence until a sample of the weatherboarding (including finish) and the brickwork proposed to be used for the external walls have been submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the samples so approved.
- 4 Notwithstanding the approved plans, no construction of the roof of the development shall commence until a sample of the concrete tiles to be used for the roofing has been submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the sample(s) so approved.
- 5 The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 2.4m back along the centre of the access measured from the public road carriageway edge (the X point) to a point on the nearer carriageway edge of the public road 54m distant in both directions (the Y points). The area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between 1.05m and 2.0m at the X point and between 0.26m and 2.0m at the Y point above the adjacent carriageway level.
- 6 The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 2m back along each edge of the access, measured from the carriageway edge, extending at an angle of 45 degrees to the footway, 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.
- 7 The building hereby permitted shall not be occupied until the vehicular parking and turning facilities have been provided in accordance with the submitted plans, and those facilities shall be maintained available for those purposes thereafter.
- 8 The development hereby permitted shall not be occupied until the cycle storage facilities have been made available for use in accordance with the submitted plans, and those facilities shall be maintained for the duration of the development.
- 9 Electric charging points shall be installed in 10% (as a minimum) of the allocated parking spaces at the development. This may be phased with 5% of spaces operational initially and a further 5% of spaces made EV recharging ready (i.e. incorporating appropriate cabling) to allow additional provision to meet future demand. The developer is responsible for ensuring the charging point complies with BS EN 62196 Mode 3 or 4 charging and BS EN 61851.

- 10 All planting, seeding or turfing in the approved details of landscaping (as shown on approved drawing no. A-100 Rev C (Proposed Site Plan) and within the Specification for Soft Landscape Works received by the Local Planning Authority on 29th May 2019) 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.
- 11 Notwithstanding the submitted plans, the development hereby permitted shall be carried out in accordance with details of existing and proposed levels, based on a fixed datum point outside the application site, which have first been submitted to and approved in writing by the Local Planning Authority.

Reasons:

- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To ensure that the development is carried out in accordance with the approved plans.
- 3 To ensure a satisfactory and well planned development that would respect the character and appearance of the area.
- 4 To ensure a satisfactory and well planned development that would respect the character and appearance of the area.
- 5 To avoid an unacceptable impact on highway safety by ensuring that adequate visibility is provided and maintained to ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians is provided.
- 6 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 is provided.
- 7 To ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians is provided.
- 8 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.
- 9 In order to minimise impact from the development on local areas of poor air quality and assist in alleviating pollution creep arising in the general area, and to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
- 10 To ensure a satisfactory and well planned development, and to preserve and enhance the quality of the environment.
- 11 In the interests of the visual amenity of the area and living conditions of nearby residents.

Notes:

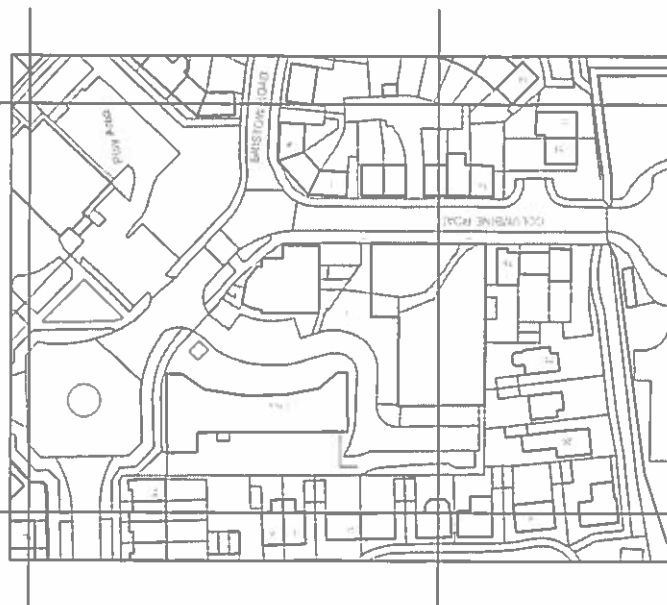
- 1 Statement of Positive and Proactive Engagement

In accordance with the requirements of the National Planning Policy Framework (2019) the Local Planning Authority has worked with the applicant in a positive and proactive manner in order to secure sustainable development which will improve the economic, social and environmental conditions of the area by negotiating to improve the design, landscaping and drainage proposals and to ensure the character and appearance of the area would be protected and that there would be no unacceptable impact on highway safety.

- 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 Severn Trent Water further advises that there may be a public sewer located within the application site. Although its statutory sewer records do not show any public sewers within the area specified, there may be sewers that have been recently adopted under the Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building.
- 4 A fee is payable where written confirmation is required that one or more conditions imposed on this permission have been complied with. The fee is currently £116 per request. The fee must be paid when the request is made.



SITE PLAN
Scale 1:500



390300m

390400m

SITE LOCATION PLAN
Scale 1:1250

247/A

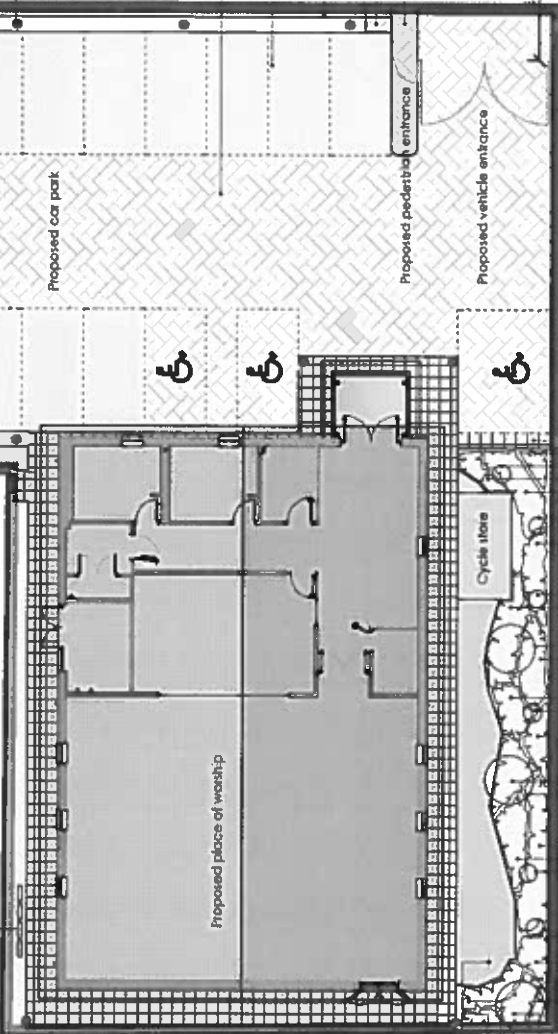


ORIGINALLY PROPOSED
SITE PLAN - SUPERSEDED

Utilities Muck

Existing communal car park area

Air conditioning condensing units



Illustrated bollards, stainless steel, 100mm dia, 2400mm high, black (●)

Block paving to carway of car park and accessible parking bays

Washed stone without lines to general car parking bays

900mm high ball-top railings & gates to N, E & W perimeter (---)

Waste collection storage

Pedestrian vs. splay 2m x 2m

Vision splay 54m x 2.4m

Existing close boarded fence to boundaries of adjacent properties



Cycle store

- 600mm paving overruns
- 10no. Amelanchier canadensis
- 10no. Hebe Red Edge
- 10no. Physocarpus Diabolo
- 10no. Physocarpus Diabolo
- 10no. Physocarpus Diabolo
- 12no. Hebe Rakensis
- 10no. Betula Ulm Jacquiniana
- 10no. Osmanthus Delavayi
- 10no. Sarcococca humilis
- 10no. Phoradendron Purpureum

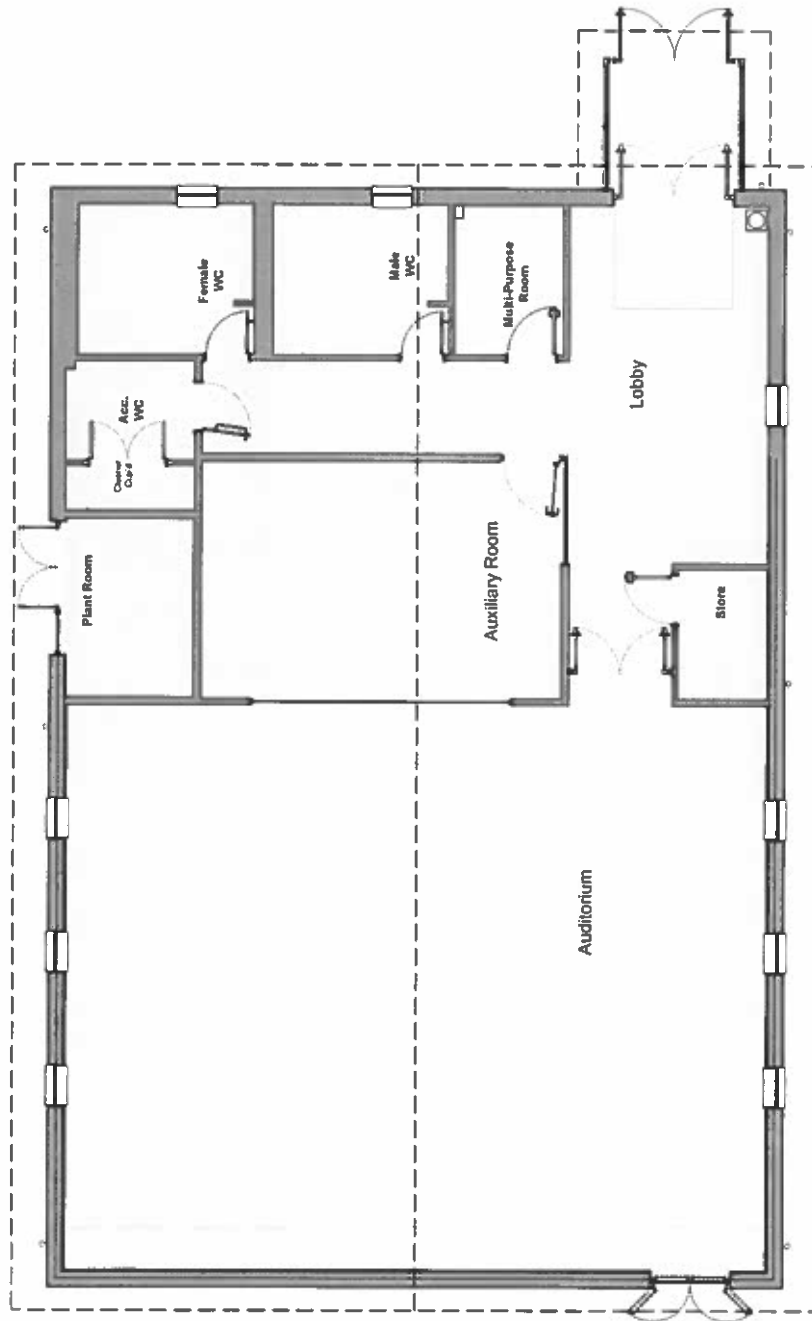
Purple slate hard surfacing

- 3no. Lonicera Maygreen
- 6no. Euonymus Emerald N Gold

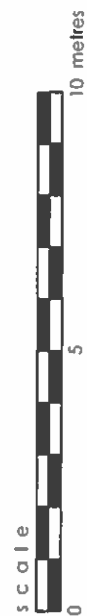
6no. Sarcococca humilis

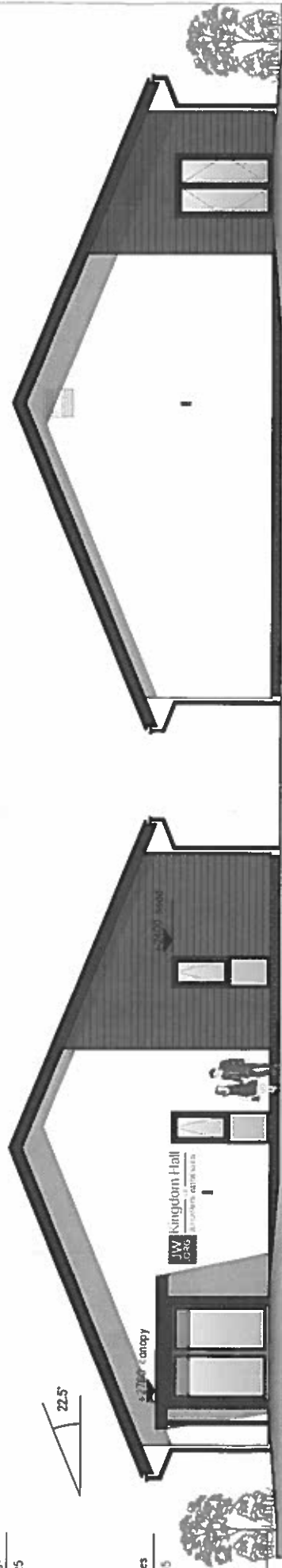
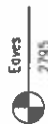
- 3no. Hypericum Hidcote
- 6no. Clove female Sundance
- 10no. Mahonia Winter Sun
- 10no. Piers Firer Flame
- 10no. Sierale Gold Flame
- 10no. Euonymus Emerald N Gold
- 10no. Sarcococca humilis
- 10no. Stephanandra Inessa Crispia

2471B



247/0





FRONT ELEVATION A (EAST)

REAR ELEVATION B (WEST)

Materials

Roof Tile - Smooth Grey Interlocking Concrete Tiles

Rainwater Goods: Round PVC,
Colour: Black

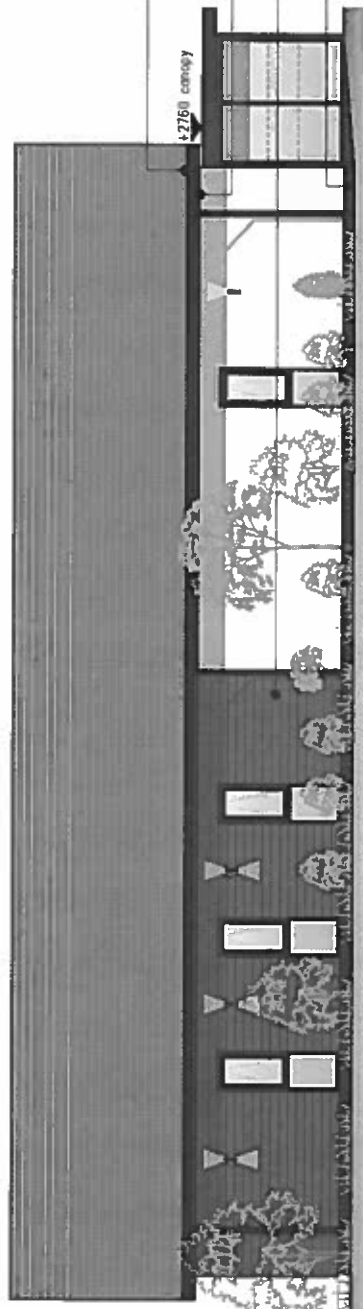
Fascade lighting: downlight/uplight, GU10, 35W

Doors & Windows: Powder Coat Aluminium,
Colour: RAL 7016 Anthracite Grey

Acrylic Textured Through Colour Render,
Colour: Marble White

247/e

SIDE ELEVATION C (NORTH)



SIDE ELEVATION D (SOUTH)

scale



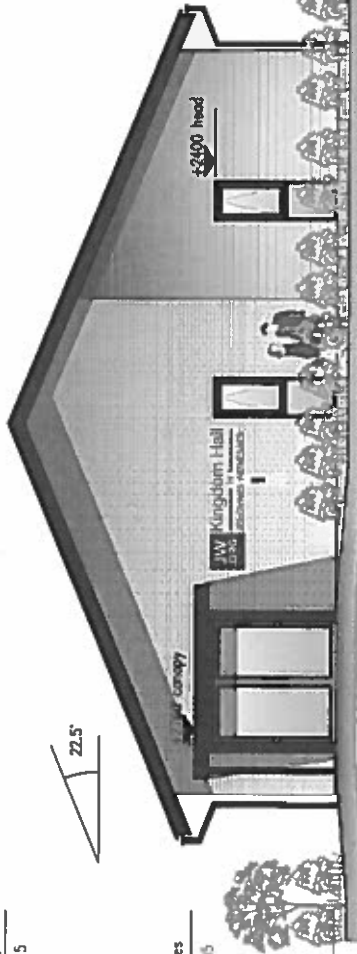
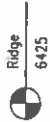
ORIGINALLY PROPOSED
ELEVATIONS - SUPERSEDED

Fascias: Smooth Finish UPVC,
Colour: RAL 7016 Anthracite Grey

Soffits: Smooth Finish UPVC Tongue and Groove,
Colour: White

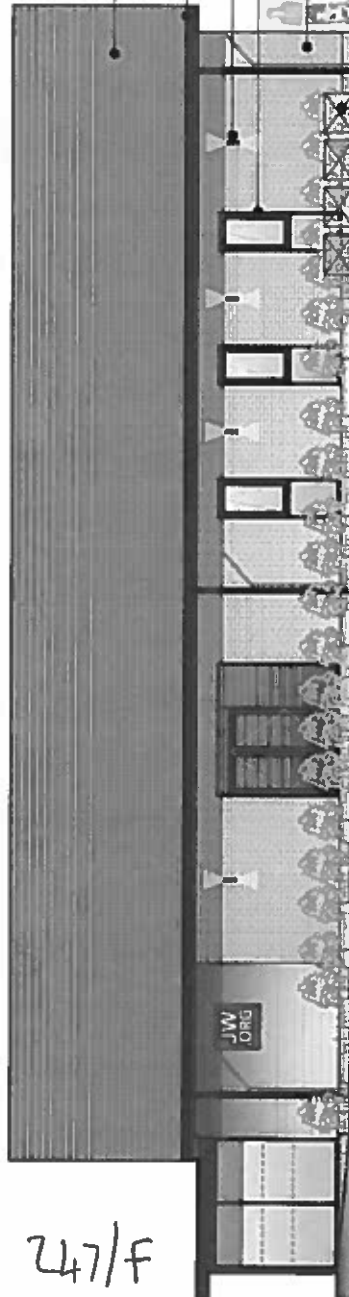
Wall Cladding: Marley 'Cedral LAP' Fibre Cement Weatherboard,
Colour: C18 Slate Grey

Plinths: Engineering Facing Brick,
Colour: Blue

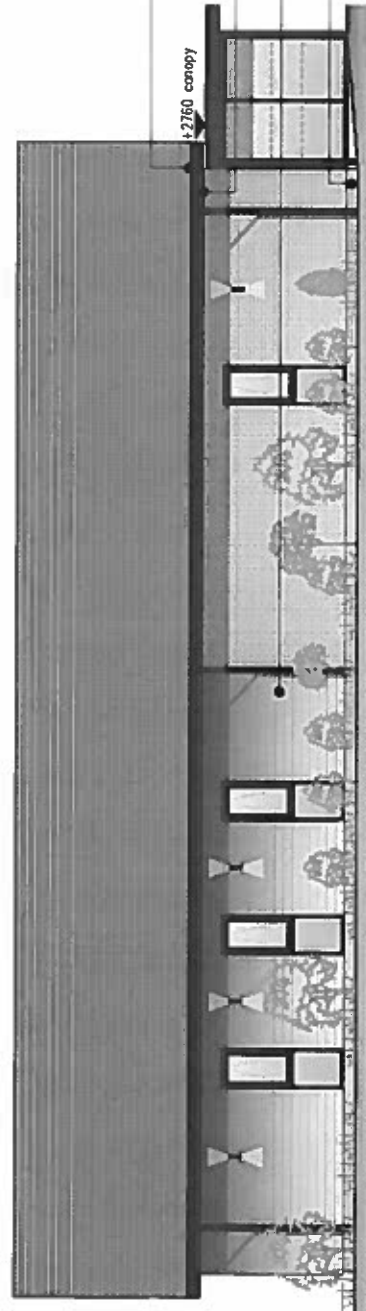
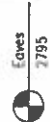


FRONT ELEVATION A (EAST)

REAR ELEVATION B (WEST)



SIDE ELEVATION C (NORTH)



SIDE ELEVATION D (SOUTH)

scale



Materials

Roof Tile - Smooth Grey Interlocking Concrete Tiles

Rainwater Goods: Round PVC,
Colour: Black

Facade lighting: downlight/uplight, GU10, 35W

Doors & Windows: Powder Coat Aluminium,

Colour: RAL 7016 Anthracite Grey

Facing Brick

Colour: Buff

4no External Air Conditioning Condensers

REVISED PROPOSED ELEVATIONS

Fascias: Smooth Finish UPVC,
Colour: RAL 7016 Anthracite Grey

Soffits: Smooth Finish UPVC Tongue and Groove,
Colour: White

Wall Cladding: Weatherboard,

Colour: Similar to surrounding

Plinths: Facing Brick,

Colour: Buff

PLANNING

PROPOSED PLACE OF WORSHIP
10, COLUMBINE ROAD, TEWKESBURY GL20 7SP

TEWKESBURY KINGDOM HALL
PROPOSED ELEVATIONS

Scale 1:100
Date APR 2018

A-102 D

Steel pedestrian access gate, painted black

Steel ball-top railings, painted black

RAILINGS & PEDESTRIAN GATE ELEVATION (NORTH BOUNDARY)

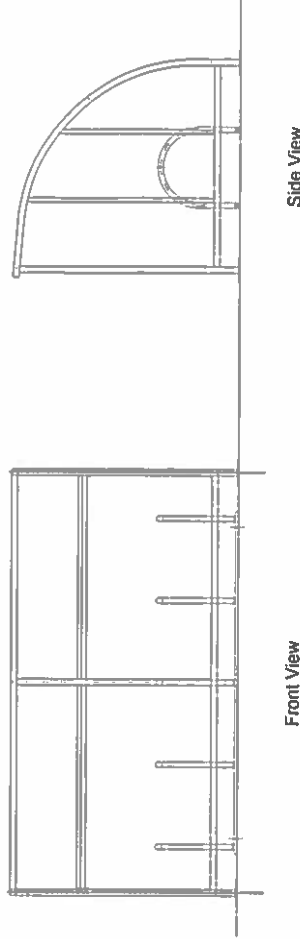
Steel vehicle access gates, painted black

Steel pedestrian access gate, painted black

Steel ball-top railings, painted black

RAILINGS & PEDESTRIAN GATE ELEVATION (EAST BOUNDARY)

247/G

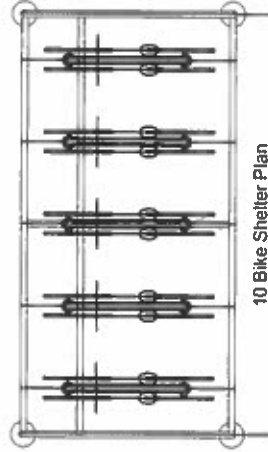


Proprietary cycle storage shelter to be provided that is adequate, secure, convenient and weather-proof for 10 cycles. To Have galvanized steel frame with transparent weather-proof covering.

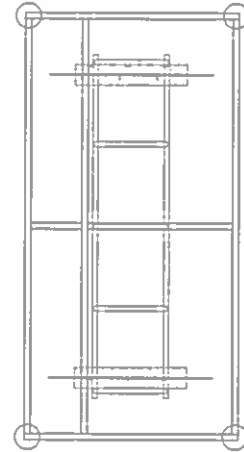
The proprietary storage system is to allow each cycle to be removed independently and meet all other criteria.

Easy and direct access from/to the main building and from/to the cycle store to a public right of way.

A steel fixing set in concrete (or similar solid foundations/standing) to manufacturer's instructions, which allows both the wheel and frame to be locked securely. An example of a secure fixing would be the 'Shetland' type frame - as shown below.



10 Bike Shelter Plan



10 Bike Shelter Foundation Plan

Valid 22.04.2019

Approval of Reserved Matters (Access, Scale, Appearance, Landscaping) pursuant to Outline Planning Permission reference: 16/00336/OUT

Grid Ref 396950 229712

Parish Gotherington

Ward Oxenton Hill

RECOMMENDATION Delegated Approve**Policies and Constraints**

Planning Practice Guidance

Adopted Joint Core Strategy (December 2017) - SD4, SP2, INF1, SD14

Tewkesbury Borough Local Plan to 2011 - March 2006 - Policies TPT3, TPT6,

Gotherington Neighbourhood Plan 2011 - 2031 - GNDP02, GNDP04, GNDP07, GNDP09

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 - Object**

- Appearance is not in keeping with local housing
- Not in accordance with NDP

Urban Design Officer - No objections.**Lead Local Flood Authority - No Objections****Council's Landscape Consultant - No objections****County Highways - Further observations are awaited.**

Local Residents One letter of objection and one letter in support of the application have been received which are summarised as follows:

Objections

- Inadequate visibility splays
- Dangerous stretch of road
- Speeds exceed 30mph
- Road is also a bus route
- in line of sight of Nottingham Hill and Crane Hill
- Development would dwarf dwellings in the local area
- Site is higher than Gretton Road
- Infill development within the site should be restricted

Support

- Layout appropriate for 10 dwellings
- 1 ½ storey houses matches many of the homes in Gotherington
- Will have less impact on views from the AONB
- Garages are set back and will not dominate views
- Developers will retain hedgerow
- Further planting around houses to soften impact
- Extension of footpath to join Gretton Road is welcome
- Proposed trees are a reasonable choice

Planning Officers Comments: Bob Ristic

1.0 Introduction

1.1 The application site comprises a single former agricultural field located at the eastern end of Gotherington and on the northern side of Gretton Road. The site itself comprises grassland and is enclosed by mature trees and hedgerows to its north and east boundaries and a low hedgerow to its south boundary along Gretton Road (**See attached Location Plan**).

1.2 The site is located on the eastern edge of the Settlement Boundary as defined the Gotherington Neighbourhood Plan Proposals Map. The site is also located in the Special Landscape Area (SLA) as defined in the Tewkesbury Borough Local Plan to 2011 (TBLP). The Cotswold Area of Outstanding Natural Beauty and the elevated land associated with Oxenton Hill, Crane Hill and Woolstone Hill is located approximately 500m to the north of the site.

1.3 There is a public right of way running immediately adjacent to (but outside of) the eastern boundary to the site and runs parallel to a small watercourse. The site is located in Flood Zone 1 indicating that it is at low risk of flooding and the site slopes down to the northeast.

2.0 Relevant Planning History

2.1 Outline planning permission no. 16/00336/OUT for 'up to 10 dwellings (Class C3)' was permitted in November 2017. Layout, Scale, Appearance Access and Landscaping were reserved for future consideration.

2.2 A reserved matters application no.17/00922/APP for the layout of the site was approved in January 2018.

3.0 Current Application

3.1 This application seeks approval for the remaining reserved matters, scale, appearance, access and landscaping of the development.

3.2 The development would be served by two points of access from Gretton Road, the western access serving plots 1-4 and the central access serving plots 5-10. **See Site Layout Plan**.

3.3 Plots 1, 4, 5, 6 and 7 would be set to the southern part of the site and would set back from and aligned parallel to the road and broadly in line with the existing dwellings to the west of the site. **See proposed Street scene Plan**. Plots 2, 3, and 9 would be set to the rear (northern part of the site) and plot 10 would staggered-back from the frontage properties and would be set slightly askew to the other properties and to the eastern end of the site.

3.4 The proposes development would provide 4 no. 4 bed houses and 6 no.5 bed houses, with a mix of 1½ storey chalet style dwellings and 2 storey houses. The frontage properties would comprise 2 storey dwellings at plots 1 and 10 with 1 ½ storey chalet style properties on plots 4-7 fronting towards Gretton Road. To the rear of these properties would be 4 chalet style properties arranged in 2 clusters at the northern end of each of the two estate roads.

3.5 Each of the properties would benefit from 2 off street parking spaces and a further two garage spaces each. A further 5 visitor spaces would be provided on designated bays within the site.

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 Adopted Joint Core strategy (2017), The Gotherington Neighbourhood Plan 2011- 2031 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) national Planning Practice Guidance.

4.4 Other relevant policies are set out within this report.

5.0 Analysis

5.1 The application site is allocated for housing in the Gotherington Neighbourhood Development Plan (GNDP) and the principle of a residential development for 10 dwellings at the site has already been established through the grant of outline planning permission. This application relates to the approval of the remaining reserved matters, scale, appearance, access and landscaping.

Scale and Appearance

5.2 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. Neighbourhood Plan Policy GNPD07 sets out the design principles for assessing planning applications and requires new buildings to enhance the distinctive character of the village by way of their layout with provision of off-road parking.

5.3 The proposed frontage properties would be set back from the road and would provide a continuation of the broadly linear form of the village and would provide a mix of house types and sizes which would reflect the varied character of the village which too includes a mix of chalet style properties along Gretton Road as well as two storey dwellings on the Southern side of Gretton Road and immediately to the east of the site. The four courtyard/barn style buildings to the rear, northern part of the site would be 1½ storeys high. The proposed mix and scale of the dwellings are considered appropriate for the site.

5.4 The proposed dwellings would draw upon the features of existing dwellings and the mix of materials used in the village. The application proposes the use of red brick and reconstituted stone as the principal facing materials, with reconstituted stone and slate roof tiles. The properties would be detailed with reconstituted stone lintels, lead facing to dormers. This varied materials palette is considered appropriate for the site however the precise details of the materials will require further consideration and can be secured by condition in order to ensure a high-quality finish to the development.

5.5 Each of the frontage dwellings would have detached double garages which would typically be set behind the building line which would result in a subservient appearance to these structures and would allow for the development to have a spacious layout and the appearance with prominent gaps between buildings being maintained. The garaging to the rear units would be in blocks of 4 (two attached pairs) which would have a linear form and would contribute to the 'farmyard' character to this part of the site.

5.6 The proposed appearance and scale of the dwellings would allow the development to deliver a variety of house sizes and styles which would reflect upon elements of the existing village whilst delivering a development of its own character. As a result it is considered that the appearance and scale of proposal would be of an acceptable standard. Due to the previously approved layout, there would be an acceptable impact on living conditions of existing and future residents.

Landscaping

5.7 The application site is located within the Special Landscape Area. Policy LND2 of the TBLP provides that special attention will be accorded to the protection and enhancement of the SLA and that, proposals must demonstrate that they do not adversely affect the environment, its visual attractiveness, wildlife or ecology or detract from the quiet enjoyment of the countryside. Furthermore, Policy GNPD09 requires development to preserve the existing settlement patterns, including the strong East-West form and preservation of hedgerows and field patterns.

5.8 The proposed dwellings would be set back from the road behind a landscaped buffer and existing hedgerow fronting Gretton Road. The proposed landscaping scheme would entail the retention where possible and enhancement of the existing site boundary planting to the north, southern and eastern boundaries of the site. However, some hedgerow removal will be necessary to the southern boundary in order to form the site access points and associated visibility splays. In these instances, the landscaping scheme proposes additional compensatory tree and hedge planting.

5.9 Within the site the application proposes SuDS pond and associated planting to the north-eastern lowest corner of the site with a landscaped buffer to the south of the frontage dwellings, between Gretton Road. Each of the properties would also include extensive tree and shrub planting to the property frontages and the rear gardens would be laid to lawn.

5.10 In terms of hard landscaping, the application proposes the use of block paving to all the proposed parking areas and private access drives. Boundary treatments would comprise 0.9 metre high re-constituted stone walling to frontages and 1.8 metre high brick garden walls flanking onto the access roads. These would be softened in parts with hedge and shrub planting on the facing street side.

5.11 It is considered that the proposed hard and soft landscaping scheme would be acceptable and would provide for appropriate softening of the development, the benefits of which will increase over time and would protect the special landscape character of the SLA.

Access

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

5.13 The application has been accompanied by a Stage ½ Road Safety Audit and the scheme proposes 2 access points from Gretton Road, one serving plots 1-4 to the western part of the site and a further access to the mid part of the site which would serve the remaining plots. A 2 metre wide public footway is also proposed from the eastern site access along the frontage to provide a pedestrian link to the village.

5.14 Each of the plots would have a minimum of two off street parking spaces and a further two garage spaces each. In addition, 5 visitor spaces would be provided within designated bays.

5.15 The County Highways & Development Management Consultant has requested further details to be provided to demonstrate that safe and suitable access can be achieved. Additional details have since been received and the further observations from the Local Highway Authority are awaited. **An update will be provided at committee.**

6.0 Conclusion & Recommendations

6.1 Subject to the satisfactory resolution of the outstanding highway requirements, the proposal would result in an acceptable layout to the development which would relate to the varied character, appearance and scale of development within the village. Furthermore the proposed landscaping scheme would be of an acceptable quality which would protect the SLA.

6.2 It is therefore recommended that authority is delegated to the Development Manager to **Approve the application subject to highways matters being resolved and any other associated revisions or conditions.**

RECOMMENDATION Delegated Approve

Conditions:

- 1 The development hereby approved shall be carried out in accordance with drawing nos. P17_1209_05 Rev.B, P17_1209_06 Rev.A, P17_1209_07-2 Rev.A, P17_1209_07-3, P17_1209_08 Sheets 1-8, P17_1209_09, P17_1209_10 Rev.A, and P17_1209_11 Rev.A Received by the local planning authority on 22nd April 2019, drawing no. P17_1209_12 received on and drawing no.P17_1209_07 Rev.D received on 18th July 2019 and any other conditions attached to this approval.

Reason: For the avoidance of doubt and in the interest of proper planning.

2. No works above DPC level shall take place until samples of the external materials proposed to be used have been submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the sample so approved.

Reason: To ensure a satisfactory appearance to the development.

3. Notwithstanding the submitted details all windows and doors shall be recessed within their reveals by a minimum of 75mm from the external surface of the building.

Reason: To ensure a high quality finish to the development in the interest of the visual amenities of the area.

KEY

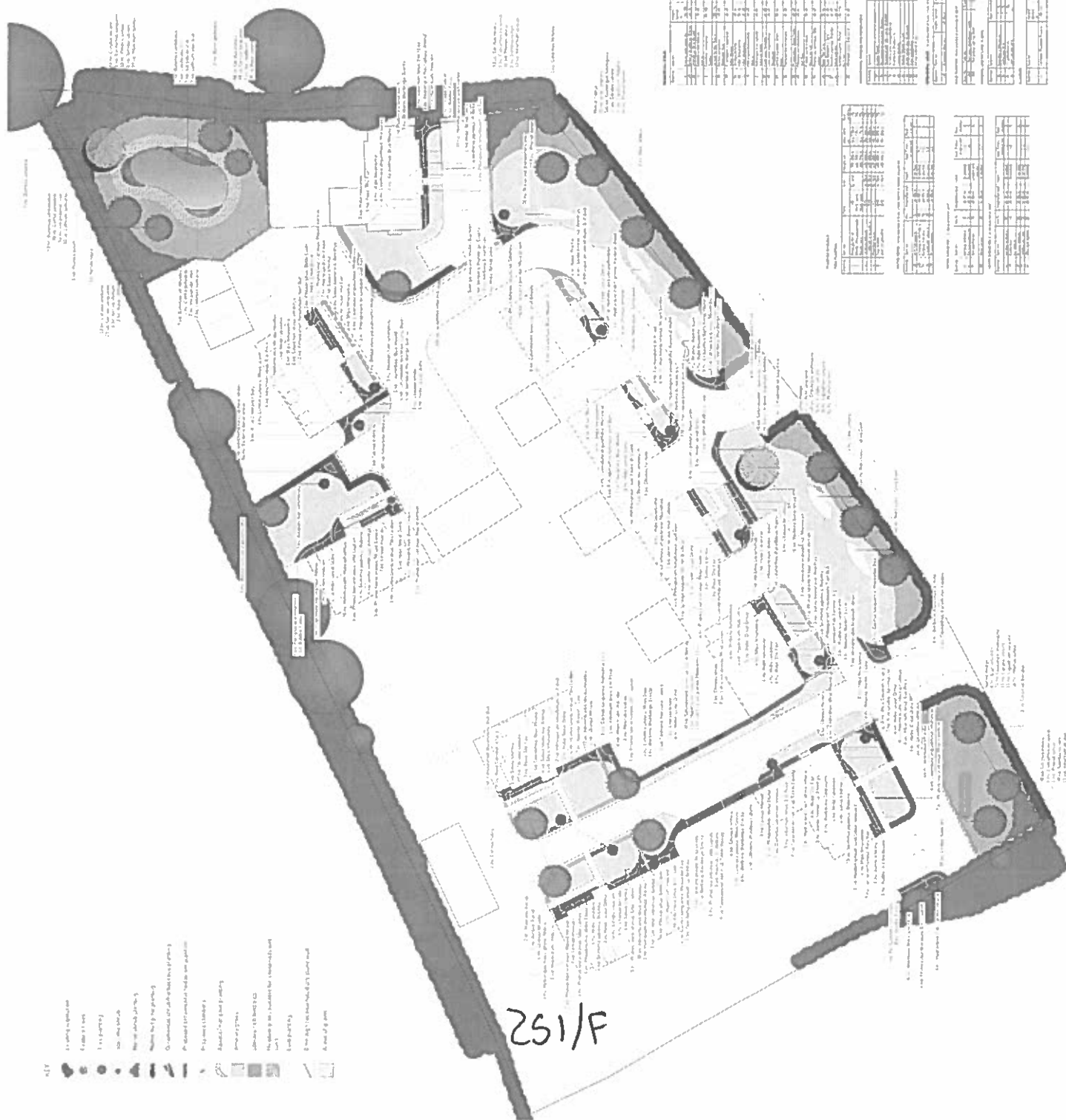
- SITE BOUNDARY
- OTHER LAND IN APPLICANTS OWNERSHIP

Gotherington

Map details include:

- Scale:** 0 to 250m
- Compass Rose:** N, S, E, W
- Locations:** Gotherington, Truman's Farm, Baldwin's Farm, Manor Farm, Gotherington County Primary School, Gotherington Post Office, Ashmead Drive, Aggs Lane, Cleeve, Tife Brook, Nursery, Playing Field, Track, Issues.
- Paths:** Multiple paths are marked with dashed lines and labels like 'Path'.
- Roads:** Manor Lane, Ashmead Drive, Aggs Lane, Cleeve.
- Other Features:** A playing field, a track, and a nursery are also shown.

251/F



Case No.	Case Name	Case Type	Case Status	Case Date	Case Location	Case Description	Case Details	Case Outcome
1	John Doe	Case 1	Open	2023-01-01	New York	Case 1 Description	Case 1 Details	Case 1 Outcome
2	Jane Smith	Case 2	Closed	2023-01-02	California	Case 2 Description	Case 2 Details	Case 2 Outcome
3	Bob Johnson	Case 3	Pending	2023-01-03	Texas	Case 3 Description	Case 3 Details	Case 3 Outcome
4	Alice Brown	Case 4	Open	2023-01-04	Florida	Case 4 Description	Case 4 Details	Case 4 Outcome
5	Charlie Davis	Case 5	Closed	2023-01-05	Illinois	Case 5 Description	Case 5 Details	Case 5 Outcome
6	Diana Evans	Case 6	Pending	2023-01-06	Ohio	Case 6 Description	Case 6 Details	Case 6 Outcome
7	Frank Green	Case 7	Open	2023-01-07	Georgia	Case 7 Description	Case 7 Details	Case 7 Outcome
8	Grace Hill	Case 8	Closed	2023-01-08	Arizona	Case 8 Description	Case 8 Details	Case 8 Outcome
9	Henry King	Case 9	Pending	2023-01-09	Colorado	Case 9 Description	Case 9 Details	Case 9 Outcome
10	Ivy Lee	Case 10	Open	2023-01-10	Connecticut	Case 10 Description	Case 10 Details	Case 10 Outcome
11	Jack Miller	Case 11	Closed	2023-01-11	Delaware	Case 11 Description	Case 11 Details	Case 11 Outcome
12	Karen Wilson	Case 12	Pending	2023-01-12	District of Columbia	Case 12 Description	Case 12 Details	Case 12 Outcome
13	Leo White	Case 13	Open	2023-01-13	Idaho	Case 13 Description	Case 13 Details	Case 13 Outcome
14	Mia Young	Case 14	Closed	2023-01-14	Indiana	Case 14 Description	Case 14 Details	Case 14 Outcome
15	Noah Adams	Case 15	Pending	2023-01-15	Iowa	Case 15 Description	Case 15 Details	Case 15 Outcome
16	Olivia Baker	Case 16	Open	2023-01-16	Kansas	Case 16 Description	Case 16 Details	Case 16 Outcome
17	Peter Clark	Case 17	Closed	2023-01-17	Kentucky	Case 17 Description	Case 17 Details	Case 17 Outcome
18	Quinn Hall	Case 18	Pending	2023-01-18	Louisiana	Case 18 Description	Case 18 Details	Case 18 Outcome
19	Rachel King	Case 19	Open	2023-01-19	Maine	Case 19 Description	Case 19 Details	Case 19 Outcome
20	Samuel Lee	Case 20	Closed	2023-01-20	Maryland	Case 20 Description	Case 20 Details	Case 20 Outcome
21	Tina Miller	Case 21	Pending	2023-01-21	Massachusetts	Case 21 Description	Case 21 Details	Case 21 Outcome
22	Uma Wilson	Case 22	Open	2023-01-22	Michigan	Case 22 Description	Case 22 Details	Case 22 Outcome
23	Victor Adams	Case 23	Closed	2023-01-23	Minnesota	Case 23 Description	Case 23 Details	Case 23 Outcome
24	Wendy Baker	Case 24	Pending	2023-01-24	Mississippi	Case 24 Description	Case 24 Details	Case 24 Outcome
25	Xavier Clark	Case 25	Open	2023-01-25	Missouri	Case 25 Description	Case 25 Details	Case 25 Outcome
26	Yara Hall	Case 26	Closed	2023-01-26	Montana	Case 26 Description	Case 26 Details	Case 26 Outcome
27	Zoe King	Case 27	Pending	2023-01-27	Nebraska	Case 27 Description	Case 27 Details	Case 27 Outcome
28	Adam Lee	Case 28	Open	2023-01-28	Nevada	Case 28 Description	Case 28 Details	Case 28 Outcome
29	Bella Miller	Case 29	Closed	2023-01-29	New Hampshire	Case 29 Description	Case 29 Details	Case 29 Outcome
30	Charlie Wilson	Case 30	Pending	2023-01-30	New Jersey	Case 30 Description	Case 30 Details	Case 30 Outcome
31	Diana Adams	Case 31	Open	2023-01-31	New Mexico	Case 31 Description	Case 31 Details	Case 31 Outcome
32	Frank Baker	Case 32	Closed	2023-02-01	New York	Case 32 Description	Case 32 Details	Case 32 Outcome
33	Grace Clark	Case 33	Pending	2023-02-02	North Carolina	Case 33 Description	Case 33 Details	Case 33 Outcome
34	Henry Hall	Case 34	Open	2023-02-03	North Dakota	Case 34 Description	Case 34 Details	Case 34 Outcome
35	Ivy King	Case 35	Closed	2023-02-04	Ohio	Case 35 Description	Case 35 Details	Case 35 Outcome
36	Jack Lee	Case 36	Pending	2023-02-05	Oklahoma	Case 36 Description	Case 36 Details	Case 36 Outcome
37	Karen Miller	Case 37	Open	2023-02-06	Oregon	Case 37 Description	Case 37 Details	Case 37 Outcome
38	Leo Wilson	Case 38	Closed	2023-02-07	Pennsylvania	Case 38 Description	Case 38 Details	Case 38 Outcome
39	Mia Adams	Case 39	Pending	2023-02-08	Rhode Island	Case 39 Description	Case 39 Details	Case 39 Outcome
40	Noah Baker	Case 40	Open	2023-02-09	South Carolina	Case 40 Description	Case 40 Details	Case 40 Outcome
41	Olivia Clark	Case 41	Closed	2023-02-10	South Dakota	Case 41 Description	Case 41 Details	Case 41 Outcome
42	Peter Hall	Case 42	Pending	2023-02-11	Tennessee	Case 42 Description	Case 42 Details	Case 42 Outcome

Year	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100
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Region	Population	Area	Population Density
North America	300,000,000	10,000,000	30
Europe	500,000,000	10,000,000	50
Asia	1,000,000,000	40,000,000	25
Africa	500,000,000	30,000,000	17
South America	200,000,000	17,000,000	12
Oceania	30,000,000	10,000,000	3

1. Name	2. Age	3. Sex	4. Date

[illegible][illegible]

Year	Population	Population	Population	Population
1990	100	100	100	100
1991	100	100	100	100
1992	100	100	100	100
1993	100	100	100	100
1994	100	100	100	100
1995	100	100	100	100
1996	100	100	100	100
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Year	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100
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Shirley M. Chant

- [illegible]

$$f_{\text{max}} = \frac{1}{2\pi} \sqrt{\frac{1}{L C_{\text{eq}}}}$$

Detailed Soft Landscape Proposals

Land North of Gretton Road,
Gotherington

017-1299_18

Pegasus

100





251/5



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

DEFERRED at 16.07.19 COMMITTEE (ITEM 4 - PAGE NO 183)

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

4.39 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:

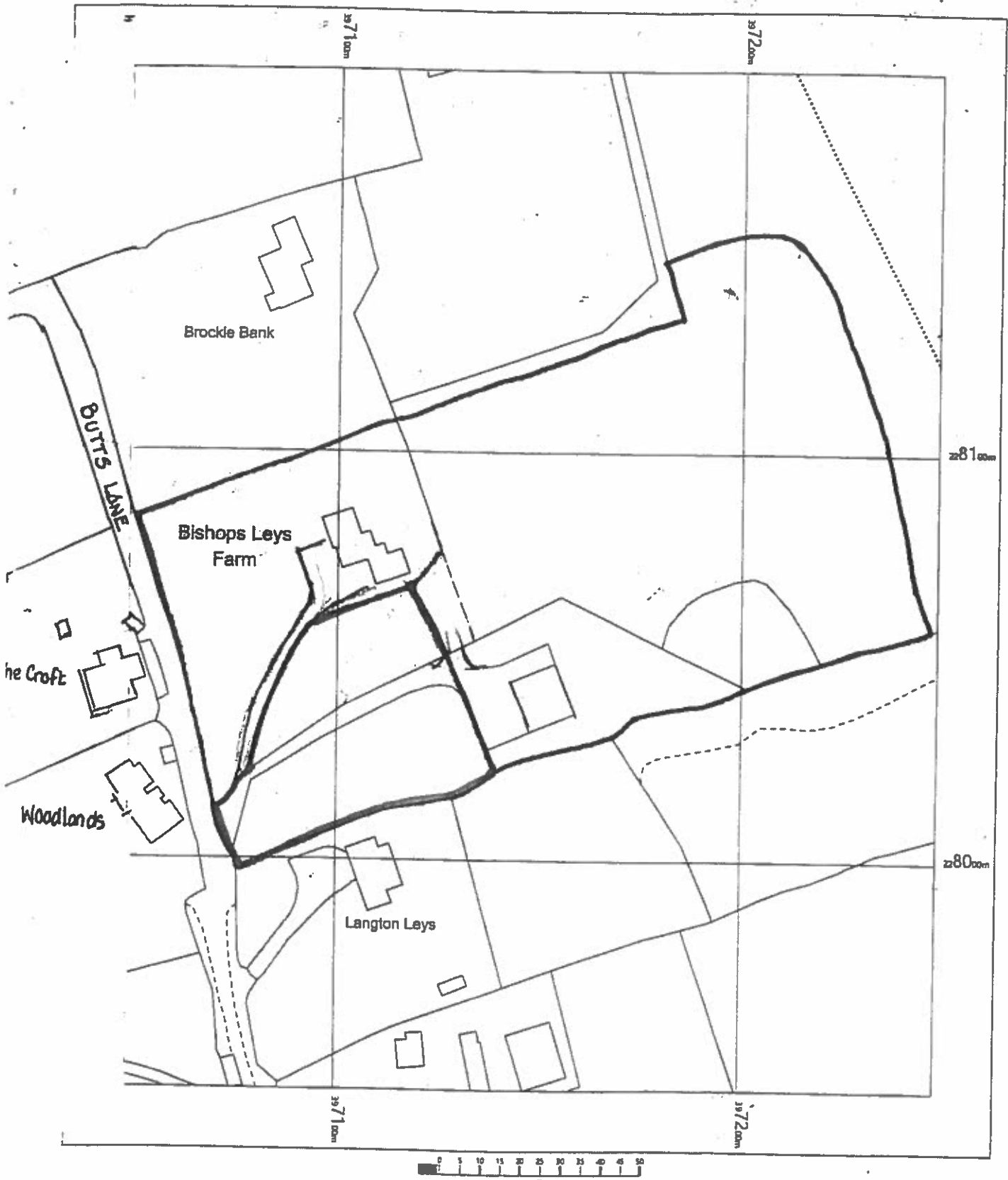
- 1 The proposed development conflicts with Policies SP2 and SP10 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 -2031 (December 2017) in that the proposed development does not meet the strategy for the distribution of new development in Tewkesbury Borough and the application site 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 1250/2500/10000 scale
Friday, April 27, 2018, ID: UPT-00708279
www.themapshop.co.uk

1:1250 scale print at A4, Centre: 397149 E, 228069 N

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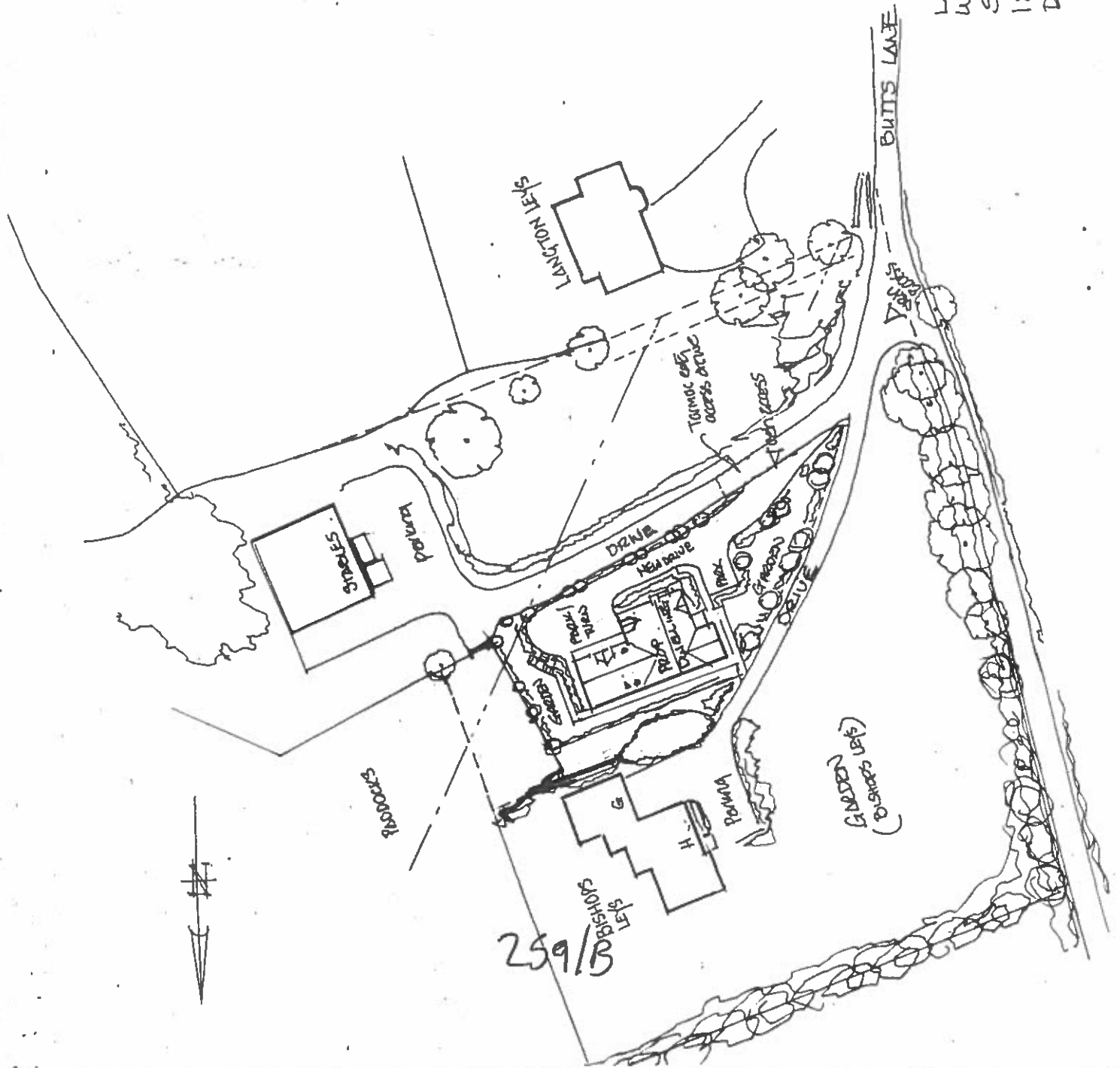
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FAX: 01684 594559
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18:1856:9P01

SEPT. 2018

SITE LOCATION PLAN



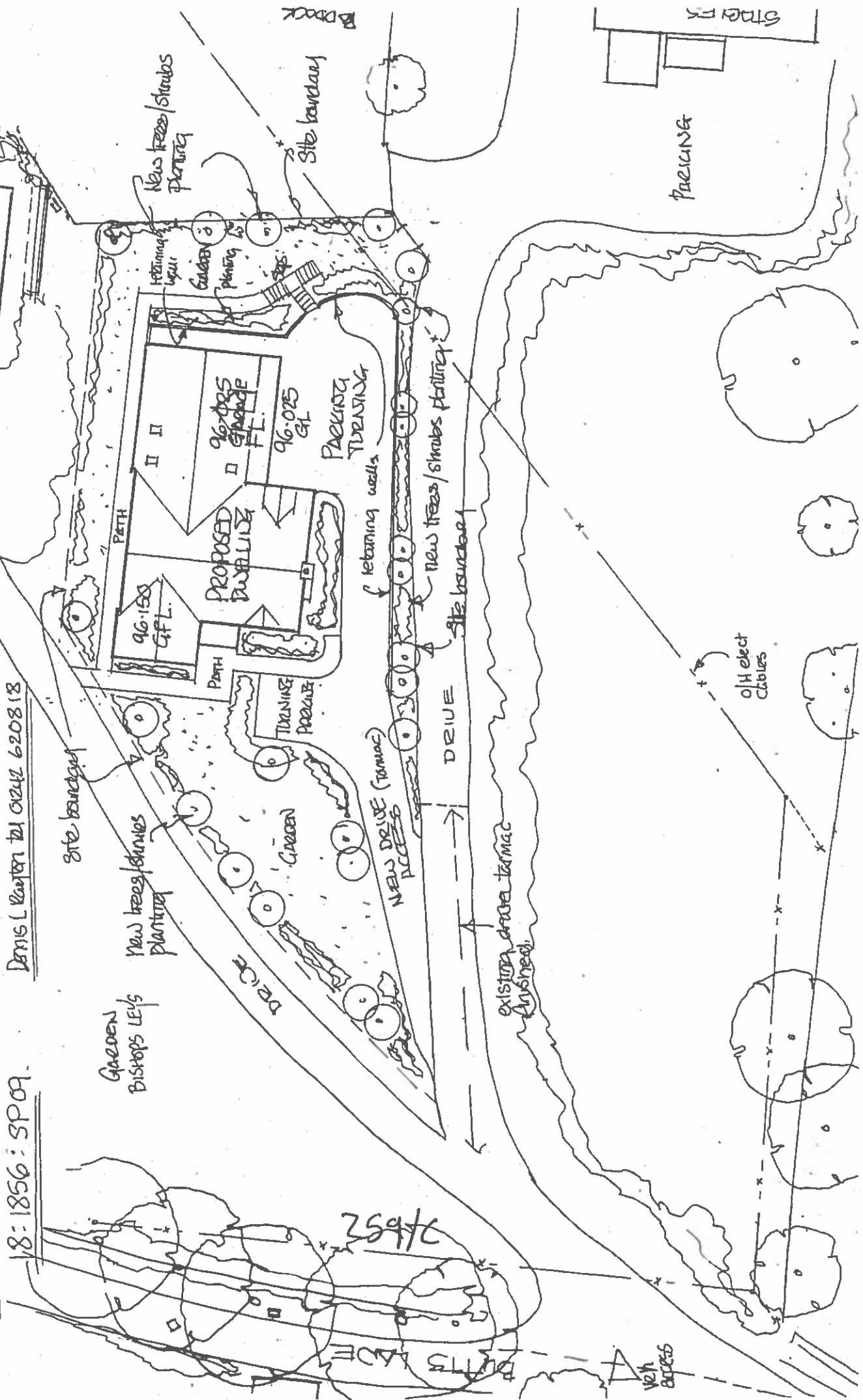
LAND AT BISHOPS LEYS. BUTTS LAKE.
 WOODMANSCOTE, CHESTERHAM. GL52 9QH
 SITE PLAN AS PROPOSED. 1:500
 18: 1856: SP08 OCTOBER 2018
 Dennis L Rayton DA 01242 660818

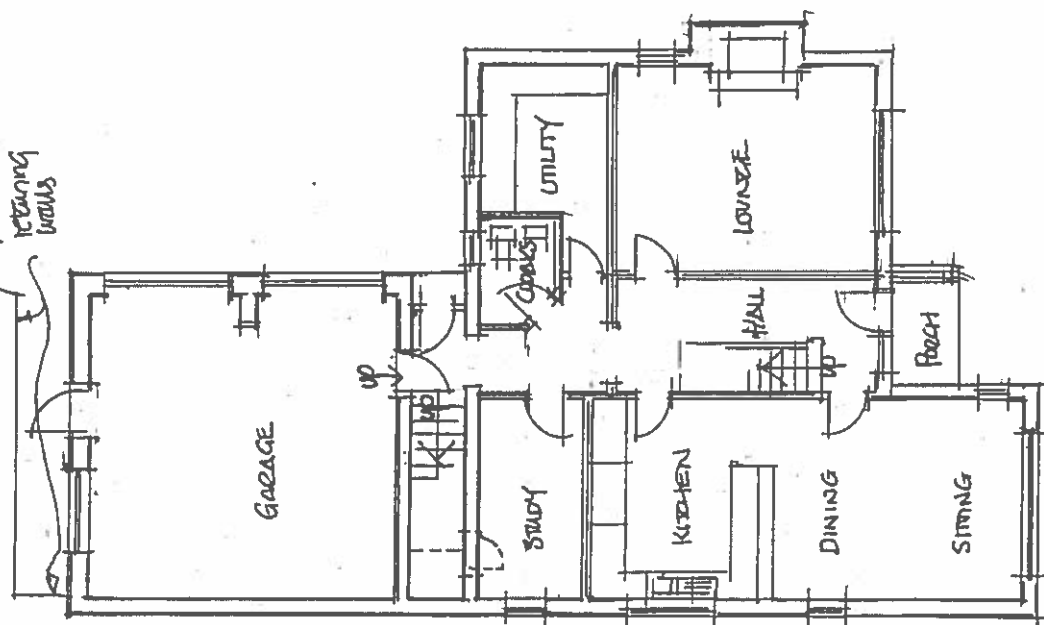
BISHOPS LEYS
GRADE

Paekling

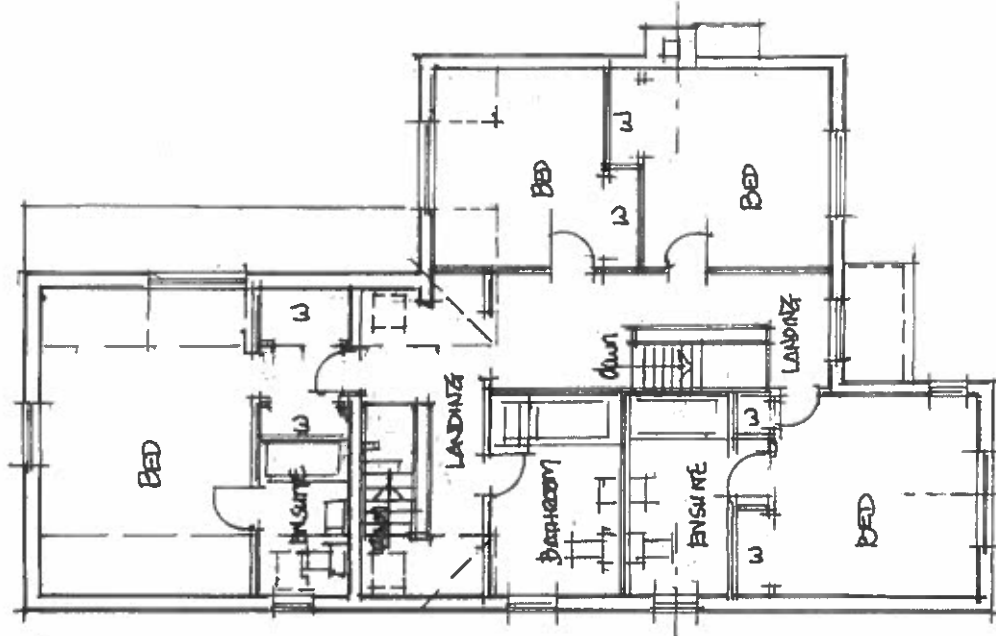
Dennis L. Kauten by 01247 620818

October 2018





GROUND FLOOR PLAN.

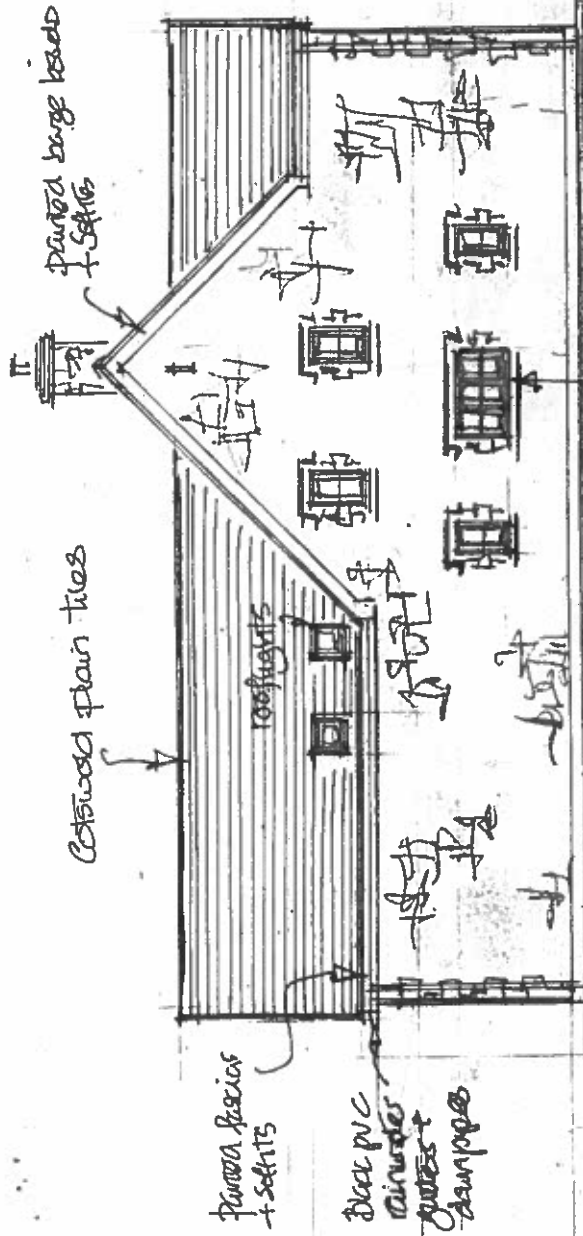


FIRST FLOOR PLAN.

PROPOSED DWELLING, LAND AT BISHOPS LEYS.
BUTTS LANE, WOODMANSCOTE, CHESTERHAM.
GLCS. 6252 9QH

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

01652



CEDAR WINDOWS

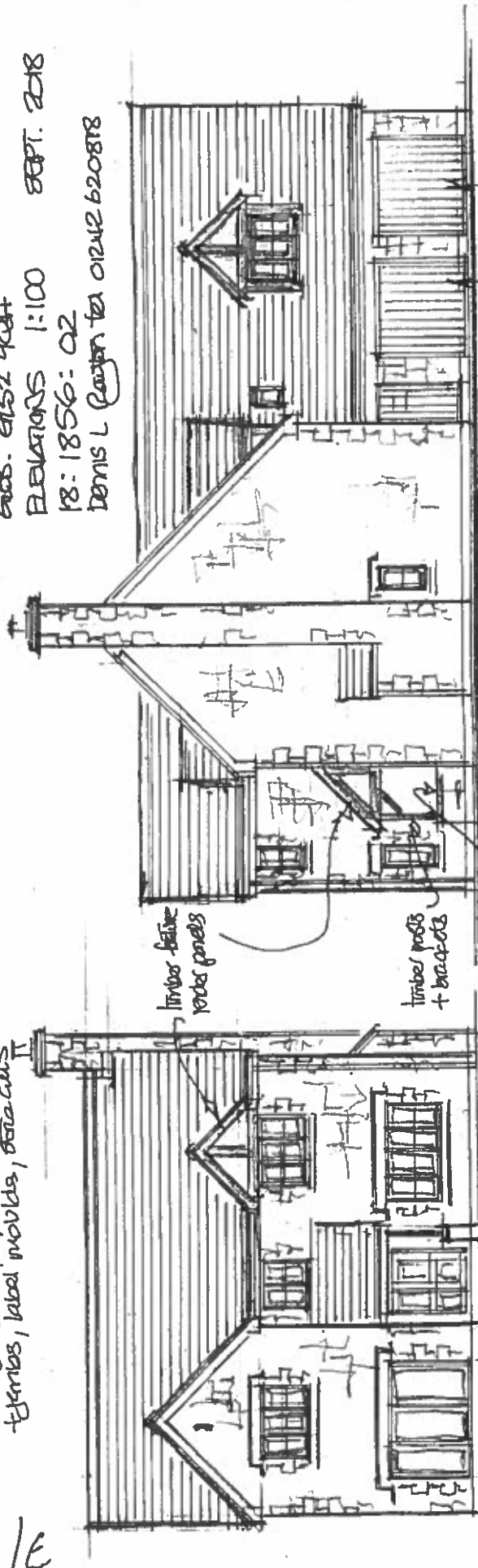
NORTH ELEVATION

Walls - cedar siding, random banded with jumpers, quoins at corners + tympans, label moulds, brackets

259/E

EAST ELEVATION

PROPOSED DWELLING - LAND AT BISHOPS LEYS.
PUTTIS LANE - WOODMANSCOTE - CHESTERHAM.
GLOS. GL52 9QH
ELEVATIONS 1:100 SEPT. 2018
18:1856:02
DENIS L (01242 620878)



WEST ELEVATION

SOUTH ELEVATION

uplaid garage doors + frames

Valid 09.11.2018
 Grid Ref 381032 221255
 Parish Maisemore
 Ward Highnam With Haw
 Bridge

Erection of a playhouse in rear garden (retrospective).

RECOMMENDATION Delegated Permit

Policies and Constraints

DEFERRED at 18.06.19 COMMITTEE (ITEM 12 - PAGE NO 108)

National Planning Policy Framework; 2018 (NPPF)
 Planning Practice Guidance
 The Gloucester, Cheltenham and Tewkesbury Joint Core Strategy; 2017 (JCS)
 Tewkesbury Borough Local Plan to 2011; March 2006 (TBLP)
 Flood and Water Management Supplementary Planning Document
 Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)
 The First Protocol, Article 1 (Protection of Property)

Consultations and Representations

Maisemore Parish Council - No comments received.

Local residents - Several objections have been received from the adjoining neighbour. The most recent objection clarifies the objections as follows:

- the structure was built without planning approval and more changes have been which don't reflect the submitted plans/dimensions;
- the original application was rejected by officers due to overlooking and an intrusion of privacy;
- months of trying to make compromises and changes to the structure have all proved negative;
- in Jun, the Committee voted to delegate permission to officers - it is requested that the Planning Committee take responsibility for the decision and do not vote for delegated permit;
- the current drawings do not reflect what has now been fully constructed. It has now been reconstructed as a child/teenagers and adults viewing platform. It is NOT a playhouse, it is an adults entertaining area;
- the structure exceeds the height on the plans. another level has been added which is making the structure approximately 3 feet higher; this level is a frame that is walked on with handrails;
- the application should be refused as there is now more overlooking than from the original plans and more of an invasion of privacy to the neighbouring property;
- the structure does not allow any privacy whatsoever in the neighbouring garden. There is a direct view into a bedroom window and kitchen/diner;
- we don't understand why our privacy is being taken away and the intrusion that no.6 is having on us is even being considered.

Planning Officers Comments: Emily Pugh

1.0 Application Site

1.1 This application relates to 6 Persh Way, a mid-terrace property located in a prominent position on a crescent development, comprised of dwellings similar in appearance. The rear garden is elongated, backing on to agricultural land - however the site is not affected by any restrictive landscape designations (**see site location plan**).

2.0 Relevant Planning History

2.1 The application was considered by the Planning Committee on 18th June 2019 when it was resolved to delegate permission to the Technical Planning Manager subject to satisfactory completion of the consultation process in respect of the revised plans.

2.2 Since committee in June, however further objections have been received from occupiers of the neighbouring property and it is as a result of these objections that the application is returned to the Planning Committee.

2.3 Furthermore, since the June meeting, further work has been carried out to the structure and it is now substantially complete. It is noted however that the playhouse as it currently stands is not in accordance with the most recently submitted plans. Therefore, if the Committee resolves to grant permission on the basis of the structure as it stands, amended plans should be secured.

3.0 Current Application

3.1 The current application seeks the retention of a timber children's playhouse structure in the rear garden of the application site. The structure comprises a playhouse (resembling a typical garden shed), which is stationed on a raised platform (some 1.2m from ground level), and as such comprises some 3.6m in total height.

3.2 The structure as has been constructed also includes a raised platform at one end (closest to the dwelling) to which are attached timber monkey bars with rope 'safety rails' above, and a children's slide (see elevations and photographs).

4.0 Policy Context

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

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

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

5.0 Analysis

5.1 The main issues to be considered are: the impact on residential amenity and design.

Impact on Residential Amenity

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

5.3 The play house was originally located centrally within the rear garden (see original site layout) and objections were raised from an adjoining neighbour in relation to loss of privacy due to overlooking as a result of children playing on the raised platform and looking out of the windows in the playhouse. The applicant subsequently obscure glazed the windows in the playhouse.

5.4 In order to further mitigate overlooking, it was suggested that consideration be given to move the structure to sit tight with the rear boundary in order that it would be at the furthest possible point away from the neighbours, allowing a 17m gap between the structure and closest neighbouring property. It was further suggested that screening be erected to the sides of the raised platform and the overall height of the structure reduced.

5.5 The applicant subsequently moved the structure to the rear of the garden in a position that runs parallel to the intervening boundary fence. Subsequent discussions were held with the applicant about moving the playhouse further away from the fence, lowering the height by 360mm and re-orientating the monkey bars and swings to a 90 degree angle to face away from the neighbours instead of along their boundary, which was agreed to and revised plans were submitted. The applicant also agreed to provide privacy screening to the raised platform which can be secured by way of a time restricted condition.

5.6 The neighbours have raised concerns through the application process. Their current concerns are set out in the consultations and representations section above. Primarily they are concerned about the overbearing impact of the structure and the loss of privacy to their garden, a rear facing bedroom window and their kitchen/diner. Whilst it is accepted that the neighbours do not necessarily agree, it is considered that the changes made to the structure during the course of the application have helped to reduce overbearing and overlooking. Whilst the structure is clearly visible over the common boundary fence, given the separation from the common boundary it is not considered to be overbearing to such an extent that it would warrant refusal.

5.7 Officers take the view that the structure is a children's play facility and by its very nature and due to its design is unlikely to give rise to prolonged periods of overlooking. In this context it is noted that the neighbouring property has a low picket fence on the common boundary with the adjoining neighbour on the other side. Therefore their garden does not enjoy a great degree of privacy.

5.8 Whilst the neighbour's concerns are noted, in view of the steps taken to mitigate loss of amenity to neighbour properties, it is considered that, on balance, the structure is acceptable and does not pose an overbearing impact or loss of privacy to warrant refusal in this case subject to a condition requiring obscure glazing and fence screening being provided and retained for the lifetime of the development.

Design and Appearance

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

5.10 In this regard, Policy SD4 (Design Requirements) of the JCS and likewise Policy HOU8 of the TBCLP set out that new development should respond positively to, and respect the character of, the site and its surroundings, enhancing local distinctiveness, and addressing the urban structure and grain of the locality in terms of street pattern, layout, mass and form. It should be of a scale, type, density and materials appropriate to the site and its setting. It further sets out that design should establish a strong sense of place using streetscapes and buildings to create attractive and comfortable places to live.

5.11 The playhouse supporting structure is constructed from timber beams with timber weatherboarding and slate roofing to the playhouse, which resembles an untreated garden shed. Given its elevated position, the playhouse appears rather prominent and incongruous. The neighbours have raised objections to its appearance (including in its current siting at the rear of the garden). It is also the case that a larger structure (albeit with lower eaves) could be erected in the rear garden to a height of 4m under permitted development, provided it was located further than 2m from the boundary. Given that the playhouse is unlikely to be retained in the applicant's garden after it is no longer required for the family's children, on balance, the appearance of the playhouse is considered acceptable.

6.0 Conclusion & Recommendation

6.1 It is concluded that on balance, the proposal has an acceptable impact on neighbouring property. It is therefore recommended that permission be **delegated to the Technical Planning Manager to secure amended plans to reflect the structure as built.**

RECOMMENDATION Delegated Permit

Conditions and reasons:

- 1 The development hereby permitted shall be carried out in accordance with the following approved documents:
 - Block plan reference 2023-P-02D, received 5th June 2019.
 - Revised elevations reference 2023-P-01-C, received 12th June 2019.;except where these may be modified by any other conditions attached to this permission.

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

2. The external materials shall be left to weather naturally unless otherwise stated in writing by the local planning authority.

Reason: To ensure that the proposed development is in keeping with the existing dwelling

3. Within 1 month of the date of this permission, all windows in the playhouse hereby permitted shall be fitted with obscure glazing (Minimum Pilkington Level 4 or equivalent). The windows shall thereafter be retained as such and not altered without the prior express consent of the Local Planning Authority.

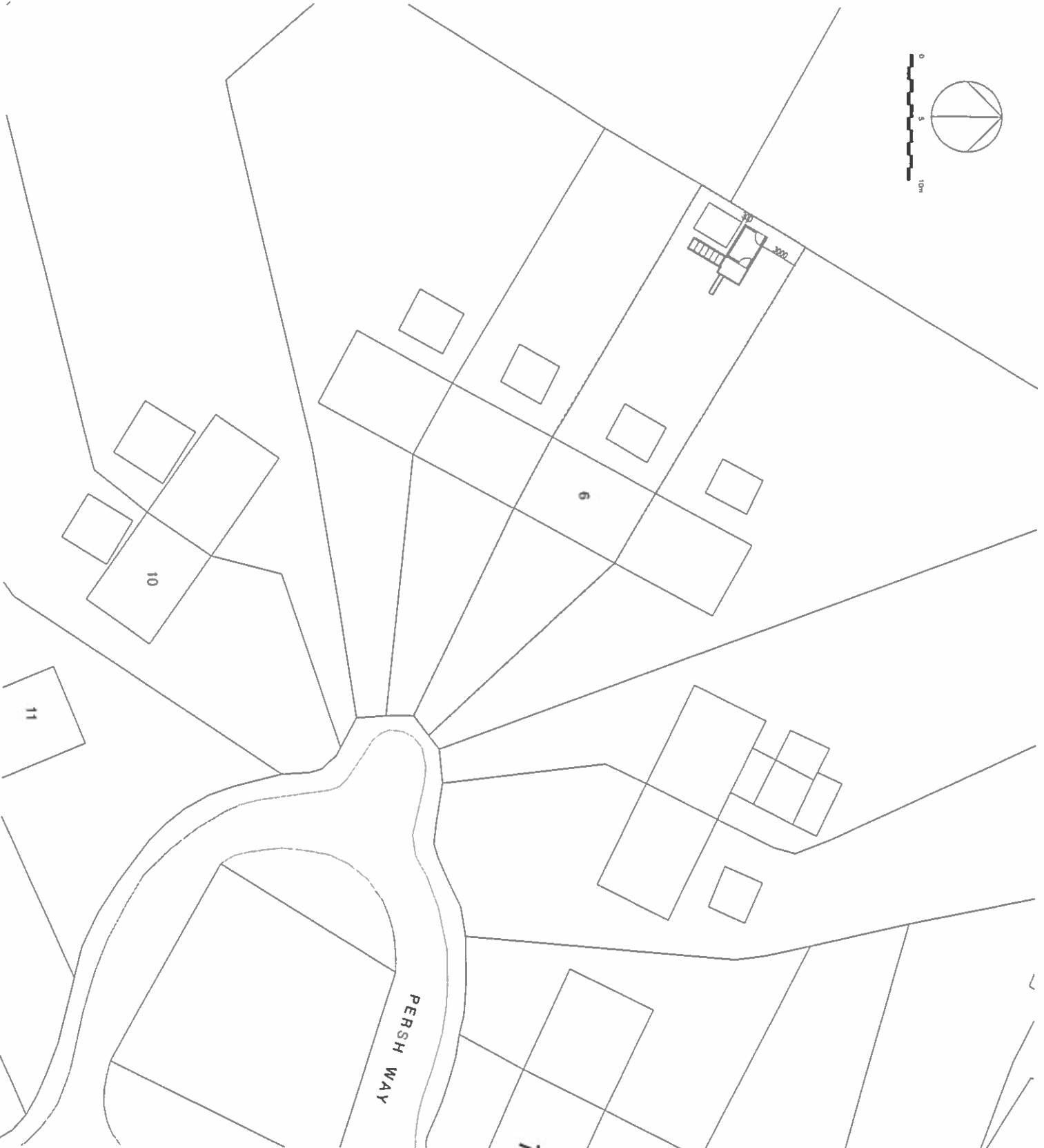
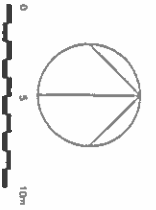
Reason: To safeguard the amenities of adjoining occupiers from overlooking and loss of privacy.

- 4 Prior to the first use of the structure hereby permitted, details of screening to the raised platform shall be submitted to and approved in writing by the Local Planning Authority. The screening shall thereafter be retained in accordance with details so approved for the lifetime of the development.

Reason: To safeguard the amenities of adjoining occupiers from overlooking and loss of privacy.

Notes:

- 1 In accordance with the requirements of the NPPF the Local Planning Authority has worked with the applicant in a positive and proactive manner in order to secure sustainable development which will improve the economic, social and environmental conditions of the area by negotiating amendments to the design and positioning of the structure.
- 2 A fee is payable where written confirmation is required that one or more conditions imposed on this permission have been complied with. The fee is currently £97 per request. The fee must be paid when the request is made.



PLANNING DRAWING

263/A

Use figure dimensions, do not scale.
All drawings, notes, details and dimensions are to be checked prior to starting work and any discrepancies must be reported immediately to DesignForLiving.
If in doubt, ASK!
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revision	description	date	drawn
D	Building indicated	5-6-19	DP5
C	Building indicated	6-2-19	DP5
B	Building indicated	5-2-19	DP5
A	Building indicated	7-11-18	DP5

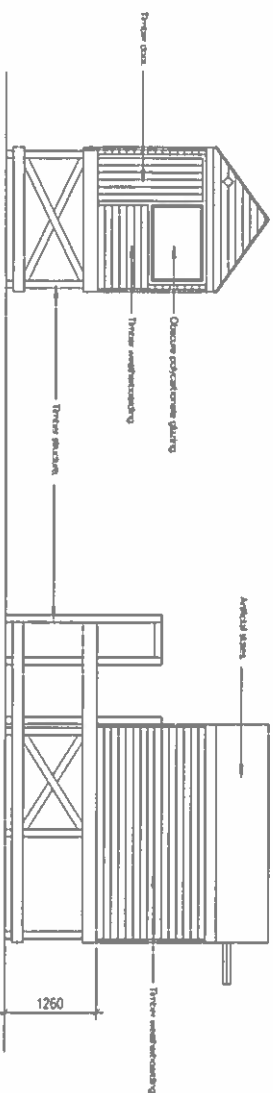
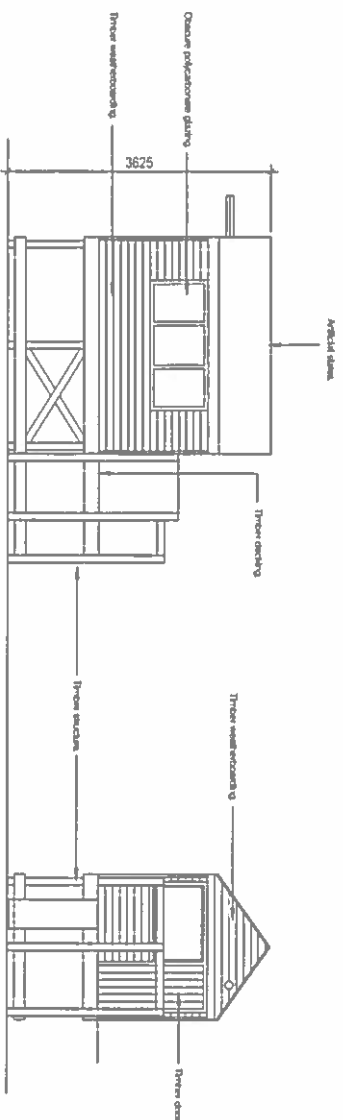
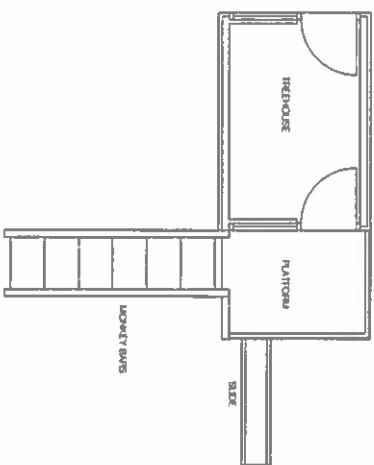
drawing status BUILDING REGULATIONS
DesignForLiving

Scale 8' by 10' (24' x 30')
Tel 01453 259389 Macc 01702 996208 info@designforliving.co.uk

SITE PLAN

CHILDREN'S PLAYHOUSE
6 PERSH WAY
MASSEMORE

client NOV 2018
date 1:200 @ A2
drawn DP5
2023-P-02D



PLANNING DRAWING

263/B

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BUILDING REGULATIONS DesignForLiving

Scale: 1:1000 (as shown)
Tel: 01453 295288 Mobile: 07702 996208 info@designforliving.com

PROPOSED PLAN AND ELEVATIONS

CHILDREN'S PLAYHOUSE
6 PERSCH WAY
MANSEMORE

Client: NOV 2018
Date: 1:50 @ A2
Scale: 2023-P-01C

Valid 04.12.2018

Outline application for up to 25 dwellings (consisting of 15 self-build and 10 discounted market houses) together with access and associated works such as footpath links to village hall and play area (all matters reserved).

Grid Ref 381249 221425
Parish Maisemore
Ward Highnam With Haw
Bridge

RECOMMENDATION Refuse

Policies and Constraints

National Planning Policy Framework (NPPF) (2019)
Planning Practice Guidance (PPG)
Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990
Gloucester, Cheltenham & Tewkesbury Joint Core Strategy (JCS) (December 2017) - Policies SP2, SD3, SD4, SD6, SD8, SD9, SD10, SD11, SD12, SD14, INF1, INF2, INF3, INF4 INF7.
Tewkesbury Borough Local Plan to 2011 (March 2006) - Policy LND3
Tewkesbury Borough Plan Pre-Submission Version (2019)
Tewkesbury Borough Flood and Water Management SPD
Tewkesbury Borough Affordable Housing SPD
Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)
The First Protocol, Article 1 (Protection of Property)

Grade II* Listed Buildings - St Giles Church and Maisemore Court
Public Right of Way (ref: EMA/14)
Landscape Protection Zone (LPZ) - 50m Buffer

Consultations and Representations

Maisemore Parish Council - Object to the proposed development for the following reasons:

- The site is located in open countryside, outside the residential development boundary and on prime agricultural land.
- There is insufficient sewerage capacity within the village to accommodate this level of growth.
- There is no requirement for further houses in Maisemore when taking account of previous permissions.
- There is limited parish facilities.
- The access via Church Road is designated access to The Steadings Business Park and could cause a danger to highway safety.
- The proximity of the site to the village hall could also have a negative impact on future use of the hall, reducing the open aspect currently afforded to the hall and its amenity.

Gloucestershire County Highways - No objection subject to conditions.

Gloucestershire Minerals & Waste Strategy - Require further information in form of a Waste Minimisation Statement for the proposal.

Environmental Health Officer - No objections.

Natural England - No comments.

Severn Trent Water - No objection subject to condition.

Urban Design Officer - Objects to the proposal on grounds that the site is not an appropriate location for development and the proposal fails to respect the context and character of the area. The indicative layout is unacceptable and fails to address the site characteristics.

Local Lead Flood Authority (LLFA) - No objection subject to condition. It is noted that Land Drainage Consent would be required for the proposed access/footway.

Flood Risk Support Engineer - No comments.

County Archaeologist - No archaeological investigation or recording required. No further observation.

Tree Officer There is a row of Lime trees along Church Road which provide an attractive avenue and hold high amenity value. The row of Willow trees by the watercourse appear to be in the process of being pollarded. The proposed access is shown between the Lime trees and further clarification is sought on how this could impact on the health of the trees. Conditions recommended.

Housing Enabling Officer - No objection subject to securing an appropriate tenure mix.

Planning Policy Officer - Maisemore is recognised as a service village. The site was rejected as a potential allocation in the emerging Borough Plan and the proposal would be contrary to JCS Policy SD10 although is deemed compliant with JCS Policies SD12 (4) and SD11 (1ii). There are no landscape designations; however, the site is adjacent to the Landscape Protection Zone (LPZ) on its northern boundary. There is potential harm to landscape character and the 'Landscape and Visual Sensitivity Study' identifies the site as being of medium sensitivity.

Conservation Officer - Objects to the proposed development on grounds that the application site is visually sensitive in regard to the historic environment (setting of Grade II* Listed Buildings). The proposed development would encroach upon the setting of these designated assets diminishing the feeling of rural isolation and separation which is an important characteristic of the manner in which this collection of historic buildings is experienced. The proposal would cause less than substantial harm to the setting of the Grade II* Listed Buildings. Some public benefit can be attributed to the proposal given the provision of new housing; however, it is not clear that the benefit generated would be sufficient to outweigh the harm. Recommend refusal.

Historic England - Concerns raised on heritage grounds. The proposal would occupy a marked proportion of an important historic gap between the main village and the Grade II* Listed Buildings - St Giles Church and Maisemore Court. The undeveloped character of the application site contributes to the church/court approach significantly, offering a positive open, rural separation from the village. The proposal is considered to conflict with paragraphs 127, 192 and 200 of the NPPF and to cause less than substantial harm to the designated heritage assets; this triggers the planning balance as required by paragraph 196 of the NPPF.

Public Rights of Way (PROW) Officer - The proposed access road would cross the public footpath (EMA14) which runs along the northern side of the watercourse bordering the proposed development. This would be acceptable providing adequate steps are taken to safeguard pedestrians e.g. road signs and good sight-lines. Further information has been requested in respect of the existing/new informal paths and bridges, namely in regard to their legal status and future maintenance. Financial contributions and conditions have been recommended for the provision of dog waste bins and the improvement of local footpaths.

Local Residents - 25 letters of representations have been received from members of the public in response to the consultation process, 17 raising objections and 8 supporting the proposal. The representations have been summarised below.

Objections

- The application site is outside the village envelope and the size of the plot is not capable of accommodating 25 dwellings.
- The proposal would not be in-keeping with the existing properties that surround the application site. The indicative house types (although the detailed design would be subject to reserved matters) are unacceptable and exhibit a number of inconsistencies.
- The indicative site layout is incoherent and fails to create a sense of place. It also fails to address the outlook from and into the site from the north and east.
- Maisemore has already committed to housing development above the JCS requirement and far in excess of what would be perceived as reasonable and proportionate development for a village of this size - 28 dwellings at Rectory Farm and 15 dwellings at Bell House Farm.
- The village has limited amenities (no school, shop, doctors surgery) and poor public transport provision - only four buses operating daily between Maisemore and Gloucester with irregular timings.
- It is not an appropriate location for social housing and in any case there are already a number of affordable homes within the village, plus another 16 with planning permission or in the process of being built.

- The proposal represents inappropriate development due to the lack of site facilities such as mains drainage, gas and electricity provision. It has been questioned where all the sewage would go from these houses, particularly when the sewage system at Maisemore is already at full capacity and frequently overflows onto the A417 during heavy rainfall.
- There is a chance of contaminating the watercourse, with the application site below the level of the main sewer in Maisemore. There is a real risk that sewerage from the site could leak out into the nearby watercourse.
- The proposal would have a detrimental impact on the landscape and would affect the view of St Giles Church and the access to it. The proposed development would also have a negative impact on the village hall and would be located too close to the village MUGA.
- An outdoor play area / communal area should be provided within the application site itself, rather than relying on the adjacent MUGA.
- The proposed development would blight the view from the back of the village hall and would discourage people from renting the village hall for events or wedding receptions if there is no green space to look onto.
- There has been no assessment on the additional light and noise pollution that the development would generate.
- The access is unpassable at times. It is very narrow and can be dangerous, with inadequate footpaths. The proposal for 25 houses could result in 50 cars driving in and out of the site and using the Church Road/A417 junction, where there have been a number of accidents/near misses over the years.
- Parking on Church Road is a real issue and this proposal, coupled with the refurbishment of the nursing home at the junction of Church Road/A417, would exacerbate parking issues and access problems from the A417. The existing single track road already causes problems with business park traffic.
- The proposed new road bridge crossing the watercourse would require a public footpath diversion. This matter has not been addressed within the submission documents.
- There is a transmission line crossing the site which affects a number of the proposed plots. This is neither shown nor mentioned.
- The provision of 'self-build' plots is disingenuous. Self-build plots are not intended to be sold to developers. There should be conditions to the effect that a plot purchaser may only buy one plot and not multiple. This should be enforceable at a family level rather than on an individual basis.
- There are a number of inaccuracies within the application form and supporting information.

Support

- The provision of market and affordable housing is an important factor in attracting people to the area and to sustain a balanced population.
- The village has become stagnant and at risk of becoming a 'pensioner pocket'.
- The proposal is a logical extension to Maisemore and would enhance the village by providing sorely needed affordable and discounted market homes. It would ensure a choice of housing for all.
- The level of service provision, namely the bus service, is reduced due to the lack of demand. More dwellings could improve services on offer to local residents.
- Self-build plots offers the opportunity for local builders to work in the area and also provide further diversity to the residents and community of Maisemore village.
- Families (including people who have been brought up in the village) should be given the opportunity to buy in this rural area.
- It would be great to have affordable housing in the village that first time buyers and young families can afford. This will provide a more varied community within Maisemore and give some much needed longevity to the community. There is no opportunity for younger people to join the property market in Maisemore.
- The proposed dwellings would overlook an area of public open space which would increase natural surveillance and deter anti-social behaviour.

Planning Officers Comments: Mrs Helen Stocks

1.0 Application Site

1.1 The application site comprises a field, of approximately 1.4 hectares, located immediately north of Maisemore (see attached location plan). The site is roughly rectangular in shape and rises from north to south and is currently in agricultural use. The site is bounded by open fields to the north, Maisemore village hall and residential development to the south and west, and Church Road to the east.

1.2 The Landscape Protection Zone (LPZ) lies to the north and the main part of the site does not fall within any landscape designation. However, there is a narrow strip of land along the northern site boundary, including a small watercourse, which is located within the LPZ. A public footpath also (EMA/14) runs along the northern side of the watercourse and borders the application site.

1.3 The Grade II* Listed buildings - Maisemore Court and St Giles Church - are located on higher ground to the north of site, with a separation distance of approximately 120 metres and 195 metres respectively.

1.4 There are a row of established Lime trees along the boundary of the site with Church Road.

2.0 Planning History

2.1 Pre-application advice was provided on a proposal for up to 25 homes (including self-build plots) in October 2017. It was advised that the site's location outside of a recognised settlement boundary would be in conflict with the then Saved Local Plan Policy HOU4 and that any further growth, at this time, would be disproportionate to the size and function of Maisemore as a Service Village. The Joint Core Strategy (JCS) had not been formally adopted at the time of the pre-application response but had been found sound and legally compliant and the relevant policies were therefore afforded significant weight. It was duly advised that the proposal would be contrary to JCS Policy SD10 on the basis that it would fail to constitute infilling within the built-up area of Maisemore. It was also commented that the additional work undertaken as part of the evidence base for the emerging Borough Plan had established that, for landscape, heritage asset setting, urban design and flooding reasons, the site has very limited potential for housing.

2.2 The site has been actively promoted as a potential housing allocation through the emerging Tewkesbury Borough Plan. The site assessment is detailed in the 'Preferred Options Consultation Housing Background Paper' (September 2018) which summarises the results of further investigations as follows:

Landscape Officer (LO) considers that development here would significantly alter the parkland setting and have a detrimental impact on the character of the area. Development would affect landscape setting of the avenue of trees and would also detrimentally affect the rural setting of the village. Urban Design Officer (UDO) considers that there may be scope for limited development tucked in the corner of the site against the existing housing. Conservation Officer (CO) identifies that the principal heritage assets are 1091377 Maisemore Court (Grade II listed building) and 1171533 St Giles' church (Grade II* listed building). The site has inter-visibility with the Court and Church but has a more oblique relationship as it is offset to the west. The setting impacts are less immediate but any potential development would need to avoid the lower and eastern portions of the site to avoid any conflict; this would limit its scope. Overall, it would appear that there may be some potential at the south west corner of the site but noted that this would require a long access drive from Church Road which is not considered to be appropriate. Consequently the site is not considered to be a suitable option for allocation.*

2.3 In light of the above, the site has been discounted as a potential housing allocation and does not feature in the Tewkesbury Borough Plan Pre-Submission Version (2019).

3.0 Current Application

3.1 The current application seeks outline planning permission for up to 25 dwellings, consisting of 15 self-build and 10 discounted market houses, together with access and associated works such as footpath links to the village hall and play area. All matters (Access, Appearance, Landscaping, Layout and Scale) are reserved for future consideration. **(See attached plans).**

3.2 An indicative layout plan has been submitted in respect of the application which proposes a single point of vehicular access off Church Road, approximately 195 metres north of the junction with the A417. The indicative access is shown to be located in the north-eastern corner of the application site, utilising a gap between existing Lime trees and crossing the watercourse. Two new pedestrian only accesses are also proposed along the eastern boundary abutting Church Road and from the application site to the existing Multi Use Games Area (MUGA) to the south.

3.3 The indicative layout shows a mix of detached, semi-detached and terrace properties accessed from one main road running through the centre of the site. Indicative building heights range from one-storey to two-storey.

3.4 The existing row of Lime trees along Church Road are shown as being retained. Existing trees and vegetation would also be retained along the south and west boundaries, with a landscaped wildlife corridor to be constructed along the existing watercourse which forms the northern boundary.

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

4.3 The Pre-Submission version of the Tewkesbury Borough Plan (PSTBP) was approved for publication and submission at the Council meeting held on 30 July 2019. On the basis of the stage of preparation the plan has reached, and the consistency of its policies with the NPPF, the emerging policies of the plan can be afforded at least moderate weight, subject to the extent to which there are unresolved objections to each individual policy (the less significant the unresolved objections, the greater the weight that may be given).

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

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

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

6.0 Analysis

Principle of Development

6.1 Maisemore is a relatively tightly clustered settlement, set predominately along a section of the A417 highway. It is a named Service Village in the JCS and Policy SP2 states that service villages will accommodate lower levels of development, to be allocated through the Borough Plan and NDP's, proportional to their size and function, and also reflecting their proximity to Cheltenham and Gloucester and taking into account the environmental, economic and social impacts.

6.2 The Tewkesbury Borough Housing Background Paper (HBP) (September 2018) provides an 'indicative' housing requirement for the Rural Service Centres and Service Villages by disaggregating the SP2 allocation (880 dwellings) according to the SP2 criteria (size, function, proximity/accessibility to Cheltenham / Gloucester). Maisemore is given an indicative housing requirement of 41 dwellings, although 52 dwellings have already been committed in the village over the plan period. This indicative housing requirement does not place an 'upper limit' on development but recent housing commitments cannot be overlooked when considering the current proposal. Indeed, the proposed development would add a further 25 dwellings to the settlement and the Planning Policy Team has advised that this would result in the disproportionate growth of the settlement when taking account of the size and function of Maisemore.

6.3 In this case, JCS Policy SD10 is the relevant starting point in considering the principle of development. 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 these circumstances would be applicable in this case. The application site is not allocated for housing development and comprises a completely undeveloped (green) field which is located beyond the built-up area of the village and outside the settlement boundary as defined on the Tewkesbury Borough Local Plan Proposals Map. The proposal is not considered to constitute infill development nor is it being promoted as a rural exception site. Furthermore, the site has not been brought forward for development through a Community Right to Build Order and there are no policies in the existing Tewkesbury Borough Local Plan to 2011 which allow for the type of development proposed here.

6.4 With regard to the Tewkesbury Borough Plan Pre-Submission Version (2019), the site does not feature as one of the identified Housing Site Allocations for Maisemore and is outside the residential development boundary defined on the proposals map. The proposed development would be in conflict with emerging Borough Plan Policy RES3 which is to be afforded at least moderate weight in the consideration and determination of planning applications in accordance with paragraph 48 of the NPPF.

6.5 The proposal is therefore in conflict with JCS Policy SD10. This weighs against the proposal in the overall planning balance.

Council's 5 Year Housing Land Supply

6.6 While it is noted that the proposal is not considered acceptable in principle by reason of its conflict with JCS Policy SD10, consideration must be given to Paragraph 11 of the NPPF which 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.*

6.7 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. 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. Officers maintain that including advanced delivery is the correct approach, despite the Secretary of State's conclusions in determining the Highnam appeal.

6.8 Nevertheless, work is progressing on the annual Authority Monitoring Report (AMR), which provides the evidence for the Five Year Land Supply Statement. Whilst the AMR is not yet published, 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.

6.9 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 policies related to designated heritage assets) 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.

6.10 As the site is within the setting of Grade II* listed buildings, a judgment must be made as to whether the proposal would sustain and enhance the significance of the heritage assets, and whether any impacts provide a clear justification for refusing permission, before a judgment can be made as to whether the 'tilted balance' applies. This is considered in detail in the 'Impact on Heritage Assets' section below.

Self-build considerations

6.11 The proposal is promoted as a 'self-build' development. Whilst it is acknowledged that the JCS indicates general support for self-building housing, the JCS does not do so in circumstances where the proposed development would conflict with JCS Policy SD10.

6.12 The Self-build and Custom House Building Act 2015 requires the council to maintain a self-build and custom house building register of individuals and associations of individuals who are seeking to acquire serviced plots of land in the authority's area in order to build houses for those individuals to occupy as homes. The purpose of the register is to provide information on the demand for self-build and custom housebuilding in the authority area and to form an evidence base of demand for this type of housing.

6.13 The PPG advises that Councils have a duty to have regard to the register in terms of plan making and decision-taking functions and that the registers that relate to their area may be a material consideration in decision-taking. The Council currently has 50 entries on Part 1 of its self-build register expressing an interest in self-build or custom housing as of 28th May 2019. Part 1 of the register includes those who meet the local-connection test or were on the register prior to the local connect test being introduced. It is understood that none of the entrants on the self-build register have specifically mentioned Maisemore as their preferred location and there is not considered to be the level of self-build demand locally to support the scale of the proposed development, which makes provision for 15 self-build plots.

6.14 While the Council needs to account for this type of housing in its plan making function, the demand is relatively small in relation to the authority's overall housing need of 9,899 dwellings as established in the 'objectively assessed need' (OAN). The legislation however does not mean that LPAs should permit housing in unsuitable locations, in conflict with the development plan. Applications must continue to be considered in light of s38(6) of the 2004 Act. In this case the self-build considerations attract only very limited weight in favour of the application in the overall planning balance.

Housing Mix

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

6.16 No precise housing mix has been put forward as part of this application, although the indicative layout suggests the site would be capable of delivering a mix of dwellings, ranging from 2 to 4 bed properties. A condition would be required in order to secure an appropriate housing mix for any future reserve matters application in order that the development meets the needs of the Borough and as evidenced by the latest SHMA at the time of the reserved matters application.

Affordable Housing

6.17 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. Annex 2 of the NPPF provides a definition of affordable housing. This is taken to include **discounted market sales housing** which is "sold at a discount of at least 20% below local market value. Eligibility is determined with regard to local incomes and local house prices. Provisions should be in place to ensure housing remains at a discount for future eligible households."

6.18 The current proposal seeks to provide 10 discounted market houses which accounts for 40% of the total no. of dwellings proposed on site. No suggested mix has been submitted by the applicant with regard to the affordable housing provision.

6.19 The Council's Strategic Housing Enabling Officer (SHEO) has been consulted on the application and acknowledges that the proposal meets the 40% requirement as detailed by JCS Policy SD12. The applicant has not engaged with the SHEO in terms of agreeing the appropriate mix although the SHEO has commented that a mix of 7no. rented and 3no. home ownership units would be acceptable for this proposed development. The absence of agreement on this matter weighs against the proposal.

Impact on Heritage Assets

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

6.21 Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 requires Authorities to have special regard to the desirability of preserving any listed building or its setting or any features of architectural or historic interest which it possesses.

6.22 The NPPF recognises that the effect of an application on the significance of a heritage asset is a material consideration. Paragraph 193 states that there should be great weight given to the conservation of designated heritage assets; the more important the asset the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset, or development within its setting. Any harm or loss should require clear and convincing justification.

6.23 The nearby Grade II* Listed Buildings of Maisemore Court and St Giles Church are located approximately 120 metres and 195 metres from the northern site boundary respectively. St Giles Church dates largely from the 15th century and Maisemore Court from the 17th century.

6.24 The Council's Conservation Officer has been consulted on the application and considers the site to be visually sensitive in regard to the historic environment, namely the setting of the Grade II* Listed Buildings. It is commented that the topography of the site means the general setting of these heritage assets and the manner in which they are experienced in the wider context takes in the application site. The Conservation Officer therefore considers that if the proposed development were to take place then it would encroach upon the setting of the heritage assets, diminishing the feeling of rural isolation and separation which is recognised to be an important characteristic of the manner in which this collection of historic buildings is experienced.

6.25 Historic England has also been consulted on this application and consider the Grade II* Listed Buildings to form the most important, imposing historic group within Maisemore. It is considered that St Giles Church and Maisemore Court - alongside the collection of ancillary buildings - form a strikingly picturesque feature which looks down, as the agricultural land slopes very gradually away, upon the village to the south. The separation of these designated heritage assets from the village has been preserved since, conclusively, the first edition of OS map, but undoubtedly longer, and the surrounding pastoral landscape - of which the application site forms part of - is considered to make an important contribution to their setting. Indeed, Historic England consider the high status of these buildings is emphasised by the separation between them and the village, which would have been a conscious intention, and contributes to the significance of these heritage assets.

6.26 Similar to the comments made by the Conservation Officer, Historic England considers the topography of the landscape would mean the roofscape of the proposed development would be looked down upon from the St Giles Church and Maisemore Court. It is commented that the proposal would transform what is currently open green space, providing important separation between the church/court and the village, into a substantial modern housing development that would occupy a marked proportion of the important historic gap. This would erode the pronounced detached setting of the church and court, with consequent harm to the setting of the listed buildings.

6.27 Historic England and the Council's Conservation Officer concur that the proposal would cause less than substantial harm to the setting of these Grade II* Listed Buildings. Paragraph 196 of the NPPF sets out that where a proposal would lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. In this case, the main public benefit resulting from the scheme would be the provision of new housing, particularly the provision of 10 no. discounted market dwellings. The applicant also points towards a small economic benefit that would arise from the proposals and the provision of self-build housing. The Conservation Officer is not however convinced that the public benefit generated by the proposal would be sufficient to outweigh the harm. The designated heritage assets are recognised as particularly important buildings of more than special interest and contribute to the 8% of listed buildings considered to be of the highest significance. The proposed development would cause permanent and irreversible harm to the setting of these heritage assets and the Conservation Officer is firmly of the opinion that any landscape mitigation, such as tree planting along the northern boundary, would not be mitigate the harm as even if a degree of screening could be achieved, the dilution of the degree of separation between the village and the church/court would in itself be harmful to their setting.

6.28 In conclusion on this matter, it is considered that the proposal would cause less than substantial harm to the setting of nearby designated heritage assets which would not be outweighed by the public benefits attributed to the proposal. The proposal is therefore considered contrary to JCS Policy SD8, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Section 16 of the NPPF. This is a matter which weighs heavily against the proposal in the overall planning balance. As a consequence of this, following the application of NPPF policy in respect of protecting designated heritage assets, the harm to the setting of the above-referenced listed buildings in this instance provides a clear justification for refusing the development proposed and it is not considered that the tilted balance applies.

Design and Layout

6.29 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.

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

6.31 The Urban Design Officer has been consulted on the current scheme and has advised that, due to the open nature of the site coupled with the strong character and sense of place of Church Road and Maisemore Court, the application site is not considered an appropriate location for development. It would not integrate well with the character of the area and would not reinforce a sense of place. Furthermore, the indicative layout fails to address the openness of the site or the relationship with the open countryside and the historic setting of the listed buildings by presenting a hard boundary of back gardens to the north on the most sensitive boundary of the site. It is advised that it would be more appropriate for the development to front onto the watercourse to protect and enhance this sensitive boundary.

6.32 The agent has responded to the comments raised by the Urban Design Officer and has sought to provide further clarification on the design process which has informed the indicative layout. Above all, it is commented that the proposal has been designed to respect the linear nature of the site and existing built form. The proposed dwellings would follow the same alignment as existing development and the indicative layout shows a front-to-front relationship between dwellings, with a landscaped wildlife corridor along the watercourse (northern boundary) to create a soft edge and provide ecological enhancement. The agent has explained this arrangement is sought in order to prevent front-to-back development within the site, which the agent considers to be a more urban solution and not suited for this rural location. For these reasons, the agent has not sought any revisions to the indicative layout and maintains that the current scheme follows the established pattern of development and respects the site context.

6.33 Notwithstanding this additional clarification, the Urban Design Officer maintains their original objection to the proposal and is firmly of the opinion that the form of development would not accord with its location and would fail to respect the character of the site and its surroundings. It is considered that the indicative layout has failed to satisfactorily demonstrate the likely feasibility of designing a policy compliant scheme for the quantum of development proposed. As such, the Urban Design Officer considers the proposal is therefore contrary to JCS Policy SD4 and recommends that the scheme be resisted due to its inappropriate location for such development. This matter weighs against the proposal in the overall planning balance.

Impact on Amenity of Adjoining Occupiers

6.34 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.

6.35 Although the application is in outline it is considered that the development could be laid out so as not to adversely impact the living conditions of the occupiers of nearby dwellings to the south and west of the site. The specific relationships to these adjoining dwellings would be considered at the reserved matters stage.

6.36 No objections have been raised by the Environmental Health Officer with regard to noise and air quality (subject to conditions) although the Urban Design Officer has commented that the proximity of the existing MUGA to the south has not been fully considered in the proposed indicative layout. It is advised that residential development should be located at least 30 metres from play areas to reduce impact on the residential amenity of future occupiers. The indicative layout fails to satisfactorily demonstrate how this could be achieved with the quantum of development proposed and the current scheme is not considered to present an acceptable arrangement to protect residential amenity in this regard. This weighs against the proposal.

Landscape

6.37 JCS Policy SD6 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.

6.38 Saved Local Plan Policy LND3 relates to the Landscape Protection Zone (LPZ), which is located immediately north of the site, and requires special protection to be given to the ecology and visual amenity of the river environment. Development will not be permitted which has a detrimental visual or ecological effect on the character of the river banks or associated landscape setting of the Severn Vale or has an adverse impact on the water environment. Important landscape features within the LPZ will be retained and, where appropriate, enhanced to ensure their long term retention. The emerging PSTBP also includes a policy (LAN2) which gives protection to the ecology and visual amenity of the river environment.

6.39 The application has not been accompanied by a Landscape and Visual Impact Assessment (LVIA) of the proposed development.

6.40 The Landscape and Visual Sensitivity Study - November 2014 - Final Report, was undertaken by the Council as part of the Borough Plan site allocation work for the Rural Service Centres and Service Villages. As part of the work, the proposal site was assessed as part of a wider parcel of land (Mai-04) for its suitability for potential Borough Plan allocation. The application site comprises the southern portion of this land parcel which is identified as having medium landscape sensitivity and medium visual sensitivity.

6.41 The landscape character summary advises that the dominant character of the larger assessment parcel (Mais-04) is sloping arable land which is surrounded on three sides by the settlement of Maisemore and the business centre at The Steadings. It also identifies the stream (which runs along the northern site boundary) as a characteristic feature throughout the village and considers the tree belt along Church Road as a unifying and orientating feature within the village. The whole of this land parcel is considered to have a landscape sensitivity to development that might encroach into this stream corridor or crowd it, however, the containment and village influence from the existing settlement edge is deemed to offer local mitigation opportunities.

6.42 With regard to the current proposal, it is considered that the introduction of built development upon an existing agricultural field would result in landscape harm which would significantly alter the rural landscape setting of village, including the avenue of Lime trees along Church Road, and would have a harmful impact on the character of the area. The site is not considered overly prominent due its topography but the development would inevitably extend beyond the natural settlement edge of the village and would be harmful to the surrounding countryside setting. This accords with the Urban Design Officer's comments (paragraph 6.31) and those raised by the Council's Conservation Officer and Historic England (paragraph 6.24, 6.26) in respect of the urbanising effect of the development which fails to integrate with the character of the area and the diminished separation between the village and the designated heritage assets.

6.43 It is acknowledged that there would be some opportunity for mitigation and the retention of existing trees and hedgerow to the boundaries of the proposed site, coupled with the creation of a landscape buffer alongside the existing watercourse, would soften the proposed development. However, the orientation of proposed dwellings in relation to the watercourse along the northern boundary would inevitably result in the introduction of hard boundary treatments to rear gardens which, along with the addition of domestic paraphernalia and residential activity, would diminish the rural landscape character and would be visually intrusive and form a discordant feature when viewed from nearby public vantage points, including Church Road and the public footpath to the north. Indeed, the indicative layout shows the encroachment of development into the stream corridor which reduces its openness and ultimately detracts from the landscape setting of this river environment contrary to Local Plan Policy LND3.

6.44 For these reasons, it is considered that the proposed development would result in discernible harm to the character and appearance of the rural landscape as a result of the loss of the open field and its replacement with up to 25 dwellings and associated infrastructure/paraphernalia. This identified harm weighs against the proposal in the overall planning balance.

Biodiversity

6.45 JCS Policy SD9 seeks the protection and enhancement of biodiversity and geological resources of the JCS area in order to establish and reinforce ecological networks that are resilient to current and future pressures. Improved community access will be encouraged so far as is compatible with the conservation of special features and interest.

6.46 The application has been supported by an Extended Phase 1 Habitat Survey, prepared by Willder Ecology. The report confirms the arable field is of low conservation value given it is subject to regular disturbance and crop production. The field margin around the periphery of the site is classed as species poor semi-improved grassland. With the exception of a small portion of the east boundary to facilitate access to the site, the report considers existing boundaries to the site would be unaffected by the proposed development and existing hedgerow and trees would be retained as part of the proposal. The line of trees along Church Road are not deemed to be of high ecological value due to their lack of suitable features for bats. Individual trees within the site boundaries are recognised as having some wildlife value for nesting birds.

6.47 The report identified no evidence of badgers or reptiles using the site and considers that none of the habitats identified within the application site are likely to support any protected species, such as bats or great crested newts. There is considered to be limited potential of boundary hedgerow providing foraging habitat for bats due to light spill, disturbance from adjacent properties and lack of connectivity to the wider countryside. No protected plants or animals were identified within the site, although mitigation is recommended for the potential loss of a small section of northern boundary and the arable habitat on the site. It is indicated that new trees would be planted along the length of the southern boundary and native hedgerow to be planted along the western boundary of the site. In addition, native hedgerow would be planted along existing gaps to southern boundary and the hedgerow extended to the corner of the existing avenue of trees. Other ecological enhancement measures include integral bird and bat boxes within the design of new dwellings along the wildlife corridor and those along the western boundary.

6.48 With regard to the proposed landscaped wildlife buffer along the northern boundary, the report seeks to confirm that this area would be planted with wide spaced native low growing shrubs and watercourse itself enhanced to encourage an attractive watercourse and wildlife corridor. The Willow trees will be restored by pollard management by rotation to create areas of open running water planted with native emergent aquatic vegetation in the wider parts of the watercourse.

6.49 Having regard to the above, should Members be minded to grant planning permission, a condition should be imposed requiring the measures identified within the Extended Phase 1 Habitat Survey to be carried out. Subject to appropriate planning conditions to secure mitigation as necessary, it is considered that the proposal would accord with paragraphs 117 and 118 of the NPPF and Policy SD9 of the JCS.

Arboricultural Implications

6.50 There are a row of established Lime trees along Church Road, to the east of the site, which are understood to have been planted to commemorate the Queen's Coronation in 1952. The Lime trees are recognised as providing an attractive avenue and hold high amenity value. The proposed site entrance, as shown on the indicative layout plan, suggests access to the site would be gained through an existing gap between the Lime trees.

6.51 The Tree Officer has been consulted on the application and considers there is potential for the new access to have a detrimental impact on the health of the existing Lime trees. Further information would be required on a scheme for the protection of these Lime trees in the form of an Arboricultural Method Statement and Tree Protection Plan to ensure no protect the trees from damage during development and to protect and enhance the character and appearance of the site and locality in accordance with JCS Policies SD4 and SD6.

Drainage and Flood Risk

6.52 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. It also requires new development to incorporate Sustainable Urban Drainage Systems (SUDS) where appropriate to manage surface water drainage. This is reflected in emerging PSTBP policy ENV2.

6.53 The application site is located within Flood Zone 1 and is in a location that would be least at risk from flooding. The application is supported with a Flood Risk Assessment and Drainage Strategy. The Lead Local Flood Authority (LLFA) have advised that the drainage calculations indicating discharge rates and attenuation storage volumes are deemed to be acceptable. It is however commented that the submitted information provides no clear indication of how the attenuation storage would be achieved. It is accepted that an attenuation pond could be accommodated on site which would present an acceptable solution. In light of this, the LLFA has raised no objection to the proposal subject to the imposition of a condition requiring the submission of further details in respect of the surface water drainage works prior to the commencement of development.

6.54 The Parish Council and a number of local residents have raised concerns with regards to the ability of the existing Severn Trent sewers within the village to cope with any additional residential development. The Parish have advised that Maisemore has a longstanding sewerage problem and this was acknowledged by Severn Trent in a presentation to the Parish Council in 2014. During periods of heavy or prolonged rain, the Parish state that the sewers are surcharged with storm water and raw sewage is forced up through manholes at the lower end of the village - notably at the junction of The Rudge with the A417 and in the car park of the White Hart Inn. The Parish Council has raised this matter with Severn Trent on numerous occasions and, along with residents, have provided photographic evidence of the sewerage being forced up, raising and dislodging the manhole covers and spraying onto the public footpath and road. STW acknowledged that Maisemore sewers were "at capacity" and "hydraulically challenged" and advised the Parish Council that a replacement system for the village was not in their 10 year plan. The Parish Council is concerned that further development would compound the already inadequate functionality of the sewerage network.

6.55 Severn Trent Water has been consulted on the application and has raised no objection to the proposal subject to a condition requiring detailed drainage plans for the disposal of foul and surface water flows to have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

6.56 Officers have sought to address the concerns raised by the Parish Council and local residents with STW in light of their 'no objection' response. **An update will be provided on this matter at Committee.**

Access and Highway Safety

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

6.58 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.

6.59 Whilst access is a reserved matter, the submitted details show how the site could be served by a single estate road from Church Road. The application has been accompanied by a Transport Statement which advises that the site is well located in respect of larger settlements and employment areas as well as good links to the wider strategic road network. Furthermore, the submitted report advises that the area benefits from good bus provision with stops within 500 metres walking distance of the site, located to the west of the Church Road / A417 junction.

6.60 The submitted details have been reviewed by the County Council Highways Officer who has raised no objection to the proposed development subject to a number of conditions requiring the submission of technical details at reserved matters stage. This includes details of the layout and access, vehicular parking and turning facilities within the site, details of highway widening along Church Road up to the development site access to enable two-way passing, and details of a segregated footway from the proposed access to the existing footway along Church Road.

6.61 It is therefore considered that subject to compliance with conditions, safe and suitable access can be achieved without detriment to the operation of the highway network or public safety in accordance with JCS Policy INF1 and the NPPF.

Public Rights of Way

6.62 The County Council Public Rights of Way (PROW) Officer has considered the proposal, namely in respect of the public footpath (EMA/14) that runs along the northern side of the watercourse and would be crossed by the proposed access road. The PROW Officer has raised no objection to this access arrangement provided that adequate steps are taken to safeguard pedestrians. Further information has been requested from the agent about the existing informal path arrangements to be improved to the eastern side of the site, the existing and proposed footbridges over the watercourse, along with clarification on whether public access is proposed to the landscaped ecology enhancement area / wildlife corridor. This information has not been provided to date and the PROW Officer has expressed that such matters must be resolved prior to the grant of any planning permission.

Archaeology

6.63 Paragraph 189 of the NPPF states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should be consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

6.64 The application has been accompanied by a Geophysical Survey, undertaken by Archaeological Surveys (dated Sep 2017), and an Archaeological Evaluation (Trial-Trenching), undertaken by Rubicon Heritage (dated Oct 2017). The County Archaeologist has considered the submitted information which concludes no evidence for any significant archaeological remains were found during the site investigations. The County Archaeologist therefore considers the application site to have low potential to contain archaeological remains and does not require any further archaeological investigation or recording to be carried out in connection with the proposed development.

Waste Minimisation

6.65 The Minerals & Waste Planning Authority (M&WPA) requires all major applications (10 or more dwellings, residential sites of 0.5ha or more and other development in excess of 1,000m² or over 1ha) to be accompanied by an appropriately detailed Waste Minimisation Statement (WMS). This is a specific requirement of the development plan for Gloucestershire as set out under WCS Core Policy 02 - Waste Reduction.

6.66 A Waste Minimisation Statement (WMS) has not been provided in support of the application. As such, it is not possible to determine how waste arising during the demolition (including site preparation), construction and occupation of the development will be minimised and managed, and how recycling during the operational life of the development will be provided for. The M&WPA advise that failure to address waste minimisation may be reasonable ground for a decision maker to refuse planning permission. This therefore weighs against the proposal.

Public Open Space

6.67 The NPPF sets out that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.

6.68 JCS Policy INF4 provides that where new residential development will create or add to, a need for community facilities, it will be fully met as on-site provision and/or as a contribution to facilities or services off-site. JCS Policies INF6 and INF7 support this requirement. Saved Local Plan Policy RCN1 requires the provision of easily accessible outdoor playing space at a standard of 2.43ha per 1000 population on sites of 10 dwellings or more.

6.69 The illustrative layout does not make any provision for on-site Public Open Space (POS) although there is an existing MUGA immediately south of the site, adjacent to Maisemore Village Hall, which would be within walking distance of the proposed dwellings. The Community Development Officer (CDO) has advised that the quantum of development proposed would generate a requirement for a Local Equipped Area for Play (LEAP) to be provided on site in accordance with the standards as set out by Fields in Trust in relation to accessibility. If on-site provision cannot be provided the CDO has advised that an off-site POS contribution would be required in respect of the development. **An update on the requested sum will be provided at Committee.**

6.70 At this stage, the current proposal does not make provision for on-site POS and there is no signed s106 obligation to address this matter by way of an off-site contribution. On that basis the proposed development does not adequately provide for public open space and the proposed development therefore conflicts with JCS Policies INF4, INF6 and INF7 and the NPPF.

Community Infrastructure Levy/s106 obligations

6.71 For CIL purposes the application site falls within a 'Generic Site' and would be subject to the levy for residential development at £200 per square metre. However, the CIL Regulations provide for certain types of development to be exempt from CIL, which includes *those parts of a development which are to be used as social (affordable housing) and self-build housing where a dwelling is built by the person who would normally be liable for the charge and occupied by that person as their sole or main residence*. The applicant has applied for CIL exemption on this basis.

6.72 Infrastructure requirements specifically related to the impact of the development will continue to be secured via a Section 106 legal agreement. This application would require a Section 106 agreement to secure the following contributions:

- Affordable Housing - 40%
- Recycling & waste bins - £73 per dwelling
- Footpath improvements - tbc
- Public Open Space - tbc.

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:

- (i) *the application of policies in the NPPF 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.*

7.3 Footnote 6 of the NPPF specifies the policies referred to [in sub-section (i) above] include those in the Framework relating to designated heritage assets.

7.4 As previously discussed in paragraphs 6.20 to 6.28, the proposal is considered to cause less than substantial harm to the setting of the nearby Grade II* Listed Buildings which would not be outweighed the public benefits attributed to the proposal and would be contrary to paragraph 196 of the NPPF and the statutory duty set out at s66 of the Listed Buildings and Conservation areas Act 1990. It is therefore considered that applying the NPPF policies for designated heritage assets here provides a clear reason for refusing the proposed development. Consequently, this means the 'tilted balance' is not engaged and the ordinary planning balance is applicable in this case.

Benefits

7.5 The delivery of market and affordable housing at a reasonably accessible location, having regard to Maisemore's 'Service Village' status, is a social benefit arising from the proposal that would contribute to the Council's five year supply of deliverable sites. The provision of 15 self-build plots is also recognised as a benefit that attracts very limited weight in favour of the proposal. Furthermore, there would be economic benefits both during and post construction which the applicant recognises would be 'small'. Overall, given the scale of development, these benefits would attract limited weight in favour of granting permission.

Harms

7.6 Harm arises from the conflict with development plan policies relating to housing, particularly JCS Policy SD10, although it is accepted that the Council's housing policies are out of date for the reasons explained above. The proposal would cause permanent and irreversible harm to the setting and significance of the nearby Grade II* Listed Buildings (St Giles Church and Maisemore Court) by diminishing an important historic gap which is recognised to provide important separation between the designated heritage assets and the village. This harm would not be outweighed by the limited public benefits described above. Furthermore, the proposal would fail to respond positively to, and respect the character of, the site and its surrounding and would not enhance local distinctiveness. It would also result in discernible harm to the rural character and appearance of the landscape as a result of the loss of the field and its replacement with 25 dwellings and associated infrastructure and paraphernalia.

7.7 It has not been demonstrated how waste arising from the development (during the demolition, construction and occupation phases) will be minimised and managed, and how recycling during the operational life of the development will be provided for. In addition, further information has not been provided in respect of existing and future public footpath provision resulting from the development. These matters weigh against the proposal although it is noted that these could be resolved through the submission of additional information.

7.8 Furthermore, at this stage, there are no agreed s106 obligations to meet the infrastructure requirements arising from the proposals.

Neutral

7.9 The proposal would result in a neutral impact on ecology and subject to the imposition of suitable planning conditions relating to highways and drainage, as set out in section 5 above, there would be an acceptable impact in transport and flood risk/drainage terms. Similarly, the site is not considered to have low potential for archaeological remains and would not cause harm to the existing Lime trees along Church Road subject to compliance with recommended conditions.

Conclusion

7.10 The 'tilted balance' for the presumption in favour of sustainable development is not applied due to the less than substantial harm to the setting and significance of the designated heritage assets. The benefits of the proposal are not sufficient to outweigh the identified harm to these assets of particular importance or the other significant and demonstrable harms outline above. As such, the proposal is not considered to represent sustainable development and 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 new residential development.
- 2 The proposed development, by virtue of its scale and location within an important historic gap, would result in less than substantial harm to the designated heritage assets, St Giles Church and Maisemore Court. There would be no public benefits arising from the development which would serve to outweigh this potential harm. As such, the proposed development conflicts with Policy SD8 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 - 2031 (December 2017), Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Section 16 of the National Planning Policy Framework.

- 3 The proposed development, by reason of the rural character of the site, the quantum of development proposed and the layout design as indicated within the illustrative layout plan, would represent an incongruous and urbanising intrusion into open countryside which would cause discernible harm to the character and appearance of the rural landscape and setting of the Landscape Protection Zone (LPZ). As such, the proposed development is contrary to Policy LND3 of the Tewkesbury Borough Local Plan to 2011 (March 2006), Policy SD6 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 -2031 (December 2017) and advice set out in the National Planning Policy Framework.
- 4 Whilst all matters relating to design and layout are reserved for future consideration, the proposal, by virtue of its location, form, layout and density, would result in a development that would not enhance local distinctiveness, would fail to make a positive contribution to the quality of the character and functionality of the wider settlement and would fail to establish a strong sense of place. The indicative layout has also failed to address the proximity of proposed dwellings to the existing MUGA to the south and does not present an acceptable arrangement to protect the residential amenity of future occupants. For these reasons, the development would not constitute good design and the proposal conflicts with Policies SD4 and SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 -2031 (December 2017) and the provisions of the National Planning Policy Framework.
- 5 In the absence of an appropriate planning obligation, the application does not provide housing that would be available to households who cannot afford to rent or buy houses available on the existing housing market. As such, the proposed development conflicts with SD12 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 -2031 (December 2017).
- 6 In the absence of an appropriate planning obligation, the application does not make provision for the delivery of public open space and therefore the proposed development is contrary to Policy RCN1 of the Tewkesbury Borough Local Plan to 2011 (March 2006), Policies INF4 and INF6 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 -2031 (December 2017) and the National Planning Policy Framework.
- 7 Insufficient information has been provided to determine how waste arising during the demolition (including site preparation), construction and occupation of the development will be minimised and managed, and how recycling during the operational life of the development will be provided for. The proposal is therefore contrary to Core Policy 02 - Waste Reduction of the Gloucestershire Waste Core Strategy (WCS) November 2012.

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 seek solutions to overcome the planning objections and the conflict with Development Plan Policy by seeking to negotiate with the applicant to address identified issues of concern and providing on the council's website details of consultation responses and representations received. However, negotiations have failed to achieve sustainable development that would improve the economic, social and environmental conditions of the area.

290/A



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Placing
Proposed New Dealings
Saville, Meyerson Gloucestershire

Received 22 September 2005; first published online 19 July 2006



Valid 26.03.2019

Grid Ref 387676 220978

Parish Churchdown

Ward Churchdown St Johns

Proposed New Dwelling on land adjacent to 53 Parton Road.

RECOMMENDATION Permit**Policies and Constraints**

National Planning Policy Framework and Planning Practice Guidance
Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) - SD3, SD4, SD10, SD11, SD14, INF1
Tewkesbury Borough Local Plan to 2011- Adopted March 2006
Emerging Tewkesbury Borough Plan - Pre-submission version 2019
Flood and Water Management SPD
Human Rights Act 1998 - Article 8

Consultations and RepresentationsOriginal Proposal:**Churchdown Parish Council** - The Parish Council Object on the grounds of:

- i). Over development
- ii). Insist that Gloucestershire Highways look at proposed access entrance; believe this to be dangerous
- iii). Drawing does not match physical/current map of plot
- iv). Detrimental to Street Scene
- v). The proposed extended vehicle access is not far from the pedestrian entrance to the School & Library
- vi). Existing dwelling compromised
- vii). Parton Road is the main thoroughfare to the Village and bus traffic

Local Residents - two letters received objecting to the proposal. The main points raised include:

- access to Meadow Way can be difficult, parking will be difficult
- any thought gone into the future residents
- consideration for the building distance between 53 Parton Road and 1 Meadow Way
- there is poor visibility onto the roundabout from Meadow Way currently and this is a dangerous access point, this risk will be increased if another driveway is added on to the roundabout.

Revised Proposal**Churchdown Parish Council** - Members object on the following grounds

- a. Over development
- b Highways Safety - Members note the revised plans but still have concerns over highways safety due to the proposed new driveway onto Meadow Road. The proposed plans for access to the new property compromise both vehicular and pedestrian traffic at this location which is located near to a junction (mini roundabout) with a busy road .

Local Residents - None received

Planning Officers Comments: Gemma Webster**1.0 Site Description**

1.1 This application site relates to Number 53 Parton Lane, which is located in Churchdown. (See attached location plan). The site is to the north west of the existing property within the side garden.

1.2 No.53 is currently a semi-detached property. There is an access driveway serving No.53, directly onto Parton Lane but on the corner with Meadow Way, to south east of the mini roundabout.

1.3 The site is rectangular in shape taking the length of the rear garden. The plot is some 7.2 metres wide.

1.4 The north west boundary is defined by Meadow Way, the northern and eastern boundary is surrounded by residential properties. The south-eastern boundary is along Parton Way with further residential properties. The site is located within an established residential area.

1.5 This site is not subject to any landscape designations.

2.0 Planning History

2.1 The site has only had one previous application:

2.2 A full application was refused in August 2015 for a detached dwelling in the rear garden along the northern boundary (15/00688/FUL)

3.0 Proposal

3.1 The proposal is for one two storey, 3no. bedroom dwelling to be erected within the side garden of No.53 Parton Road. The proposed dwelling would be attached and therefore creating a semi-detached dwelling.

3.2 There is an existing garage in the rear garden of the property which will be demolished.

3.3 The proposed access will be to the rear of the site off Meadow Way, No.53 will maintain the existing access to the front off Parton Lane.

3.4 The proposed dwelling will be approx. 92 sq m, and will match the style and size of no.53. The property will have dimensions of 9.6 metres long by 5.9metres wide, with an eaves height of 5.3 and total ridge height of 8.3 metres to match no.53.

3.5 The materials will match that of the existing dwelling, No.53, and will be rendered on the first floor.

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 Pre-submission draft) 2019, the policies of which hold moderate weight at this current time.

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

5.0 Analysis

5.1 The main issues to be considered in this application are the principle of development, the layout of the new dwelling, access arrangement and impact upon highway safety and impact upon residential amenity.

Principle of the development

5.2 Criterion 4 (ii) of Policy SD10 'Residential Development' of the JCS sets out that on sites that are neither allocated or previously-developed land, housing development will be permitted, except where otherwise restricted by policies within district plans, where it would represent infill within the existing built up areas of Tewkesbury Borough's towns and villages. The emerging Tewkesbury Borough Plan Policy RES2 details that development within settlement boundaries will be acceptable.

5.3 The site is located within the existing built-up area of Churchdown. The site is bordered by residential properties on the north and eastern boundaries, with residential street separating from other residential to the west and south, and as such the proposal is considered to constitute infill development in accordance with JCS policy SD10. Given this the principle of development is considered acceptable subject to compliance with other material planning considerations.

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 annual Authority Monitoring Report, which provides the evidence for the Five Year Land Supply Statement, as of the 31 March 2019 base date data, the Council is not able to show a five year supply of deliverable housing. 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.

5.7 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 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.

Design, layout and Visual Amenity

5.8 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.

5.9 JCS Policy SD4 provides that new development should respond positively to, and respect the character of, the site and its surroundings, enhancing local distinctiveness, and addressing the urban structure and grain of the locality in terms of street pattern, layout, mass and form. It should be of a scale, type, density and materials appropriate to the site and its setting.

5.10 Criterion 6 of Policy SD10 'Residential Development' of the JCS states the residential development should seek to achieve maximum density compatible with good design, the protection of heritage assets, local amenity, the character and quality of the local environment, and the safety and convenience of the local and strategic road network. The emerging Tewkesbury Borough Plan policy RES5 states the design criteria for new dwellings. RES5 states that: 'Proposals should:

- be of a design and layout that respects the character, appearance and amenity of the surrounding area and is capable of being well integrated within it;

- be of an appropriate scale having regard to the size, function and accessibility of the settlement and its character and amenity, unless otherwise directed by policies within the Development Plan'

5.11 The residential properties around Parton Lane and Meadow Way have a mix of sizes, designs and sited in plots of varying sizes, however they are all generally fronting onto the road along Parton way and then also along Meadow way. This proposal would also front onto Parton Lane to match the existing dwelling No.53.

5.12 The property would be semi-detached to the existing property, and would maintain the same ridge height, design features and materials as the existing property, ensuring that the scale, type and materials of the proposal are appropriate for the site and its setting, to maintain the visual amenity of the site.

5.13 The Parish Council consider the proposal would represent overdevelopment. However it is considered that the site layout with the proposed dwelling adjacent to the existing, fronting onto Parton Lane presents an acceptable arrangement without appearing cramped or constrained. Further, the resulting plot size would be characteristic of the surrounding area and would not appear at odds with the form and local character of the adjacent residential development.

5.14 For these reasons, it is considered that the layout, design and visual amenity of the proposed development would be appropriate to the site and its setting. The proposal is therefore considered to accord with JCS policy SD4 and guidance set out in the NPPF in this regard.

Residential amenity

5.15 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, this is echoed within the emerging TBP policy RES5

5.16 The proposed dwelling would be attached to the existing property (No.53) maintaining the linear relationship fronting along Parton Lane and therefore would maintain the same distance from the rear elevation to the side elevation of the property to the north (No.1 Meadow Way). The separation distance is some 15 metres from the rear single storey and some 16.5 metres from the two storey rear elevation to the side elevation of 1, Meadow Way. There are no windows in the side elevation of No.1 Meadow Way that would cause overlooking into the proposed property allowing private amenity space to the rear for the proposal. Likewise the distance between the properties means that the proposed dwelling would not cause adverse amenity issues of overlooking nor overshadowing.

5.17 In light of the above, the proposed new dwellings should not have a significant harmful impact upon the amenities of the neighbouring properties nor upon the occupiers of the new dwellings with regards to a loss of privacy, overbearing or loss of light.

Highway Matters

5.18 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. Policies RES5 and TRAC9 of the emerging TBP states that proposal need to make provision for appropriate parking and access arrangements and not result in the loss or reduction of existing parking areas to the detriment of highway safety. The Parish Council raised concerns on highway safety grounds.

5.19 The concerns raised were in relation to the existing access at the front of the property that came off Parton Lane adjacent to the mini roundabout. Amended plans were received on 7th May 2019 which showed that the proposed dwelling would only have vehicular access to the rear of the site, along Meadow Way adjacent to the rear boundary, with sufficient space for one parking space. There would only be a footpath access to the front of the property off Parton Lane. The existing property No.53 would maintain the parking to the front, but would close off the current driveway access and move the access further to the south east further away from the roundabout to help improve highway safety on the current situation.

5.20 It is considered that as the proposed dwelling would have the access drive from Meadow Way, directly adjacent to the existing properties and driveways, that it will not cause any additional severe highway safety concerns. Meadow Way is a straight road, within a residential area, with clear visibility to both sides, it is acknowledged that on street parking takes places in this location but there are no restrictions in place to prevent this, in addition the speed limit along Meadow Way is restricted to 20mph.

5.21 Given the development would provide a new vehicular access off Meadow Way and not Parton Lane and as the development would only result in the net gain of one dwelling at the site it is considered the development should not cause a severe impact upon the highway network. This is further improved by the current access to No.53 being moved slightly further away from the roundabout.

Drainage

5.22 Policy INF2 of the JCS, and Policy ENV2 of the emerging TBP requires new development to incorporate suitable Sustainable Drainage Systems where appropriate. The site is located within Flood Zone 1 (low risk) as defined by the Environment Agency's most up-to-date flood risk maps. The development is therefore unlikely to be at risk of flooding or cause significant risk of flooding to third party property.

5.23 As detailed in the PPG, the first presumption is for foul drainage to be dealt with by existing mains. This is the case in this application.

6.0 Conclusion

6.1 The proposal is acceptable in principle as it would constitute infilling within the existing built-up area of Churchdown in accordance with JCS Policy SD10. The scale and layout of the proposed dwelling is considered acceptable and no other harm, in respect to amenity and highway safety, has been identified. In view of this, it is therefore recommended that **Permission be granted**.

RECOMMENDATION Permit

Conditions:

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

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

- 2 The development hereby permitted shall be carried out in accordance with the application form, and drawing numbers: site location plan; Block plan and CD12 PAR 02C (elevations and floorplans) received by the Local Authority on 7th May 2019 except where these may be modified by any other conditions attached to this permission.

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

- 3 With the exception of any site clearance and groundwork, no further development shall take place until details or samples of materials to be used externally on walls and roofs have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the materials harmonise with the surroundings

- 4 The external facing materials to the development hereby permitted shall match in colour, form and texture those of the existing building.

Reason: To ensure the satisfactory appearance of the development

- 5 With the exception of any site clearance and groundwork (excluding any works to retained features), no further development shall commence on site until a landscape design has been submitted to and approved in writing by the Local Planning Authority. The details submitted should include: Hard landscaping
 - a) The position, design and materials of all site enclosure (e.g. fences, walls)

Reason: In order to maintain the visual amenities of the area.

- 6 Prior to the occupation of the proposed dwelling the car parking facilities for the proposed dwelling and No. 53 Parton Road shall be completed in all respects in accordance with the submitted details and shall be similarly maintained thereafter for that purpose.

Reason: In order to maintain highway safety along Parton Lane and Meadow Way.

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 by offering pre-application advice, publishing guidance to assist the applicant, and publishing to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.
- 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.



OS MasterMap 1250/2500/10000 scale
 Monday, March 25, 2019, ID: CM-00787957
www.centremapslive.co.uk

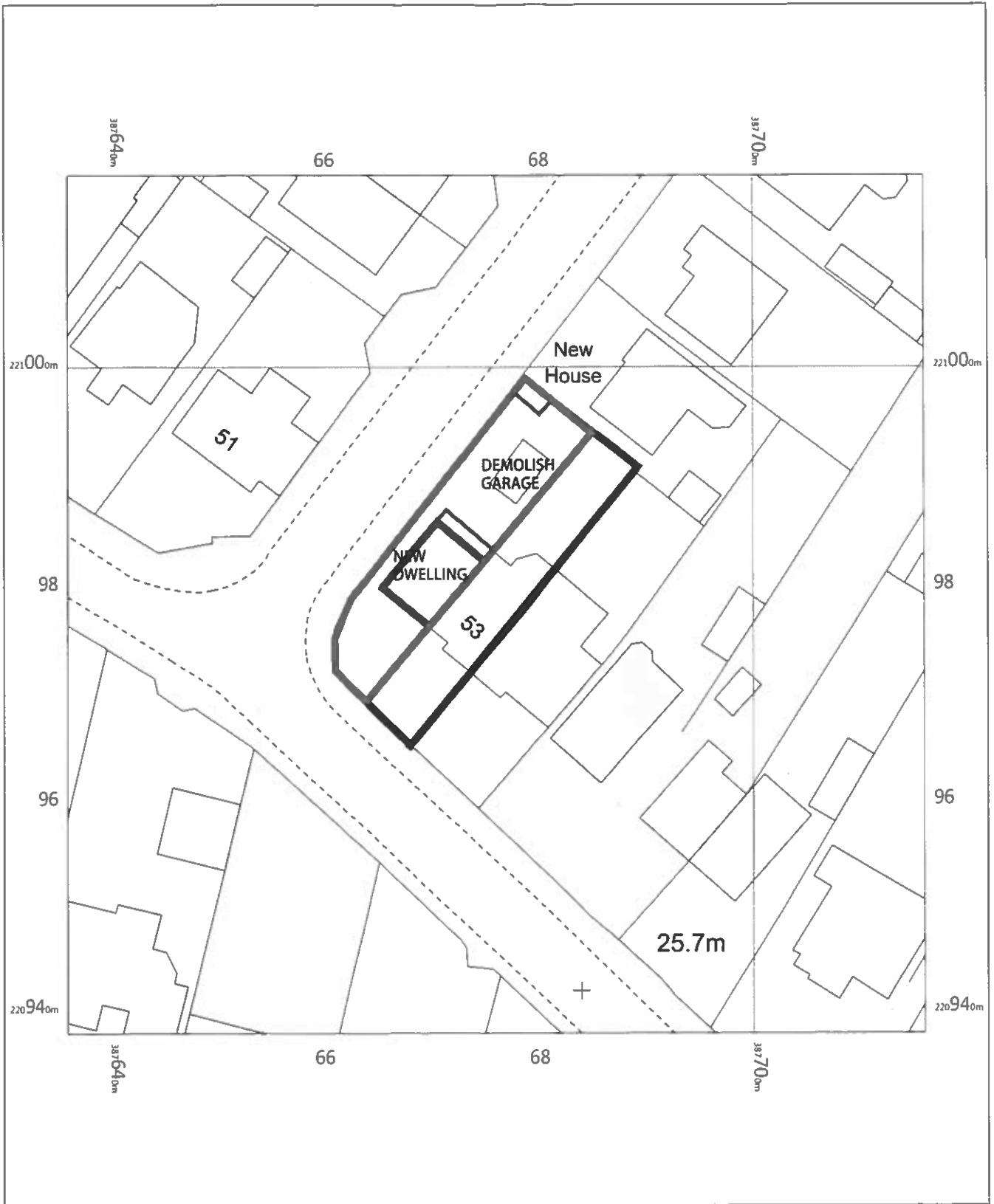
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1:1250 scale print at A4, Centre: 387688 E, 220982 N

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53 Parton Lane, Churchdown



OS MasterMap 1250/2500/10000 scale
Monday, March 25, 2019, ID: CM-00787956
www.centremapslive.co.uk

1:500 scale print at A4, Centre: 387676 E, 220978 N

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286/B



Valid 06.06.2019

Permission in principle for residential development of up to 6 dwelling houses.

Grid Ref 378978 217728

Parish Minsterworth

Ward Highnam With Haw

Bridge

RECOMMENDATION Permit**Policies and Constraints**

National Planning Policy Framework; 2018 (NPPF)

Planning Practice Guidance

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

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

Tewkesbury Borough Local Plan Pre-Submission version 2019 - Moderate weight

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

The First Protocol, Article 1 (Protection of Property)

Consultations and Representations**Minsterworth Parish Council** - The Parish Council objects to this application for the following reasons:

1. The development is not within the proposed settlement boundary for Minsterworth
2. Dangerous access and egress onto a fast and busy main road
3. Concerns regarding how the drainage will be dealt with, as the drainage in Watery lane is already overloaded
4. Concerns about the number of houses already proposed for Minsterworth as the infrastructure is not there to support this further increase in the number of houses

County Archaeologist - I note that this application is supported by an archaeological desk-based assessment (Ecus, May 2019). This report confirms that no archaeological remains are known on this site, and that while Roman activity is known to be present c. 100m to the south there is no reason to think that archaeology extends into the area now proposed for development.

In my view there is a low risk that archaeological remains will be present within the proposed development area, and for that reason I recommend that no archaeological investigation or recording need be undertaken in connection with this application.

I therefore have no objection to this development proposal, and I have no further observations regarding this scheme.

Gloucestershire County Highways

GCC cannot establish if safe and suitable access can be achieved and would have to raise a comment that until such time that acceptable technical information is provided GCC would recommend to refuse any application on highways grounds.

We would strongly advise that an application for all matters reserved except for access (or if technical details) come forward and includes:

- Traffic Volume & Speed data
- Visibility
- Accident History (minimum 3 year)
- Trip generation
- Transport Statement
- Refuse & Servicing details

Conservation Officer

It is not considered that this development would have any impact upon the setting of The Grade II Listed Apple Tree Public House.

In regard to the Grade II Listed Milestone the applicant will need to demonstrate that the milestone will not be harmed by this development therefore the applicant will need to establish the location of the milestone and plot it accurately in relation to the proposed access. This application cannot be determined positively until this matter has been resolved.

Planning Officers Comments: Gemma Webster

1.0 Application Site

1.1 The site is to the north west of the A48, between the properties known as Sharnbook and The Redlands. There is a small slip road / pull in off the A48, immediately to the east of the site, which provides access to three properties and an overgrown access track to the field.

1.2 The site has mature hedgerow surrounding the site, and is currently unused pastureland.

1.3 There are no further landscape designations on the site, and the site lies within Flood Zone 1.

1.4 There is a Grade II Listed milestone along the road frontage which is currently buried beneath dense bushes and trees along the frontage.

2.0 Planning History

There is no planning history on the site

3.0 Current Application

3.1 This application is proposing to seek planning in principle on a site of 0.49 hectares for between 4-6 dwellings.

3.2 The site layout, design, access details, landscaping, drainage and mix of dwellings would all be considered within a separate application called 'technical details'.

3.3 As detailed within the Town and Country Planning (Permission in Principle) Order 2017 the application is only required to detail the site location, type of development and amount of development is provided, of which this application provides.

4.0 Analysis

4.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:

"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

In this instance the adopted development plan is the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2017 (JCS) and the Tewkesbury Borough Local Plan to 2011; March 2006 (TBLP) saved policies. The National Planning Policy Framework (NPPF) is also a significant material consideration.

4.2 The National Planning Policy Framework has been considered in the assessment of this application. The following sections are considered particularly relevant:

- 2. Achieving sustainable development
- 5. Delivering a sufficient supply of homes
- 11. Making effective use of land
- 12. Achieving well-designed places
- 16. Conserving and enhancing the Historic Environment

4.3 As this application is for a Permission in Principle the main considerations can only be on the location, land use and range of dwellings. Therefore all other considerations would form part of the technical matters stage application.

Principle of development

4.4 The guidance (paragraph 012 Planning Practice guidance) for Permission in Principle states that the scope of the PIP is limited to:

- Location
- Land Use
- Amount

Each of these will be discussed in turn below.

5 year supply

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 annual Authority Monitoring Report, which provides the evidence for the Five Year Land Supply Statement, as of the 31 March 2019 base date data, the Council is not able to show a five year supply of deliverable housing. 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.

4.7 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 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.

Location

4.8 Minsterworth is identified as a service village within the JCS Policy SP2, however there are no current settlement boundaries identified within the JCS for Minsterworth. Within the emerging Tewkesbury Borough Plan Pre-Submission 2019, defined settlement boundaries are proposed for Minsterworth, this proposed site is located adjacent to the settlement boundary, however there is currently moderate weight that can be attributed to the emerging policies.

4.9 JCS policy SD10 details where residential development is acceptable, and provides criteria for non-allocated sites. Criterion 4 of the JCS policy states sites will only be permitted where:

- "i. It is for affordable housing on a rural exception site in accordance to 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"

4.10 Paragraph 4.10.5 of the supporting text identifies that 'infill development means the development of an under-developed plot well related to existing built development'.

4.11 The emerging policy RES3 in the Tewkesbury Borough Plan, Pre-submission draft states that new residential development will only be considered acceptable outside of the settlement boundary if it meets one of the following criteria:

1. The reuse of a redundant or disused permanent building (subject to Policy RES7)
2. The sub-division of an existing dwelling into two or more self-contained residential units (subject to Policy RES8)
3. Very small scale development at rural settlements in accordance with Policy RES4
4. A replacement dwelling (subject to Policy RES9)

5. A rural exception site for affordable housing (subject to Policy RES6)
6. Dwellings essential for rural workers to live permanently at or near their place of work in the countryside (subject to Policy AGR3)
7. A site that has been allocated through the Development Plan or involves development through local initiatives including Community Right to Build Orders and Neighbourhood Development Orders.

4.12 The proposed site for the new residential dwellings is adjacent to the property known as Sharnbrook (to the north) and Redlands to the south west (beyond the extent of the field within the applicant's ownership). Minsterworth is generally a village with fairly sporadic development, with additional approved development throughout the village, however within this part of Minsterworth around the former petrol station, there is a distinct pattern of linear development along both sides of the A48. Although, the site proposed is located directly adjacent to this built form and is considered to be well related to the existing built form, it is not considered as infill development due to the extent of the gap to Redlands, nor does this proposed site meet any of the criteria detailed above and therefore is contrary to the emerging RES3 Policy, therefore the principle of development would be contrary to policy.

4.13 With the lack of 5 year housing supply Paragraph 11 and the tilted balance is engaged which renders development policies out of date unless granting permission would have adverse impacts which would significantly and demonstrably outweigh the benefits. The balance of the principle of development against the harms of development is discussed further below.

Amount

4.14 The indicative plan that accompanied the original application stated that there would be between 6-9 dwellings in a cul-de-sac form, although the layout is not a consideration at the PIP stage and is something for the technical matters stage, however officers considered that the form and layout of the proposed indicative scheme would be contrary to the existing linear form of the settlement.

4.15 Therefore it was considered that if a linear form of development was followed then there would not be sufficient space for 9 dwellings upon the site. Following discussions with the agent it was agreed that alteration to between 4-6 dwellings with a maximum of 6 dwellings on site to be proposed. Officers are of the opinion that it would be possible to accommodate up to 6 dwellings in a linear form on this site and therefore the 'amount' of development is accepted.

Land use

4.16 The guidance sets out that housing led development is the accepted land use for a PIP application, as this is for dwellings then the land use is accepted.

4.17 Therefore, although the principle of development within this site is not considered to be in accordance to planning policies JCS SD10 and TBP RES3, the site is considered to be fairly well related to the existing built development and directly adjacent to the proposed settlement boundary in the emerging Borough Plan therefore the use of land for housing will need to be balanced against the potential harms that would arise from the development. The numbers proposed would correlate to a linear form of development to reflect the existing form and layout of the settlement which would be an acceptable pattern of development.

Other Matters

Archaeology

4.18 Paragraph 189 of the NPPF states that in determining planning applications 'Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, LPA's should require developers to submit an appropriate desk-based assessment and , where necessary, a field evaluation.'

4.19 This application submitted a desk based archaeological assessment. The County Archaeologist is happy with the findings of the report that there no known archaeological remains on the site and therefore does not raise any objections.

Highways

4.20 Gloucester County Highways raised concerns that there was insufficient information for a decision to be based upon whether there was an impact upon the local road network. This additional information is what will be required to be provided at the technical matters stage and any issues must be overcome through that part of the process. It is not within the scope of the PIP to determine the details of the access to the site. GCC have provided in their comments, the information requirements that will need to be submitted with the technical matters application.

Drainage

4.21 The Parish Council raised concerns regarding how drainage will be dealt with, again this additional information is what will be required to be provided at the technical matters stage and any issues must be overcome through that part of the process. It is not within the scope of the PIP to determine the details of the drainage on the site.

Historic Buildings / Landmarks

4.22 Policy SD8 of the JCS states that: Development should make a positive contribution to local character and distinctiveness, having regard to valued and distinctive elements of the historic environment. The policy also states that: Designated and undesignated heritage assets and their settings will be conserved and enhanced as appropriate to their significance, and for their important contribution to local character, distinctiveness and sense of place.

4.23 The Conservation Officer has stated that it is considered that the proposal would not have any impact upon the setting of the Grade II Listed Apple Tree public house. However, the Conservation Officer could not determine if there would be harm caused to the Grade II Listed milestone which is along the frontage, due to the potential for the access to the site having an adverse impact and damaging the milestone. However, this point is for the technical details to provide further information and to ensure that the setting of the Milestone is not adversely affected, it is not within the scope of the PIP application to determine the defined access route to the site.

5.0 Conclusion and Recommendation:

Benefits

5.1 Weight can be attributed to the economic benefit arising from the proposal both during and post construction. Positive weight is also given to the provision of new housing, particularly in light of the current lack of 5 year housing land supply for the Borough.

Neutral impacts

5.2 It is considered that the proposal will be acceptable in terms of numbers proposed on the site. Details of highway, impact upon heritage assets, landscape, design, mix, drainage and layout will be decided through the technical matters stage.

Harms

5.3 Harm arises from the conflict with the development plan policies, in particular JCS policy SD10 and the emerging Borough Plan policy RES3. However, this conflict must be considered having regard to the lack of a five year housing lands supply and paragraph 11 of the NPPF. Furthermore, only moderate weight can be afforded to RES3 at this current time. The proposal would be located outside but adjacent to the proposed settlement boundaries and therefor encroachment into the countryside would occur, however this could be offset by careful design, layout and landscaping.

Conclusion

5.4 Although the sites location is contrary to JCS policy SD10, and the emerging Borough Plan policy RES3 the lack of a five year land supply means that NPPF Paragraph 11 comes into effect. The test is whether any adverse impacts of the proposal would significantly and demonstrably outweigh the benefits when assessed against the policies in this framework taken as a whole. This proposal relates well to the existing built form of the settlement, and meets the requirements set out in the guidance for a PIP application. The reduced number of dwellings on the site to a maximum of 6 is more suitable for the site as a more linear form of development could come forward and the density will match existing development, the benefits of the development is not demonstrably outweighed by the impacts and therefore this tilts the balance in favour of sustainable development and permission should be **granted**.

RECOMMENDATION Permit

Condition and reason:

- 1 A technical details application for the approval of matters specified in conditions attached to this permission in principle must be made no later than the expiration of three years from the date on this decision notice, after this period this planning permission in principle shall lapse.

Reason: In accordance with the Town and Country Planning (Permission in Principle) Order 2017 (as amended)

Notes:

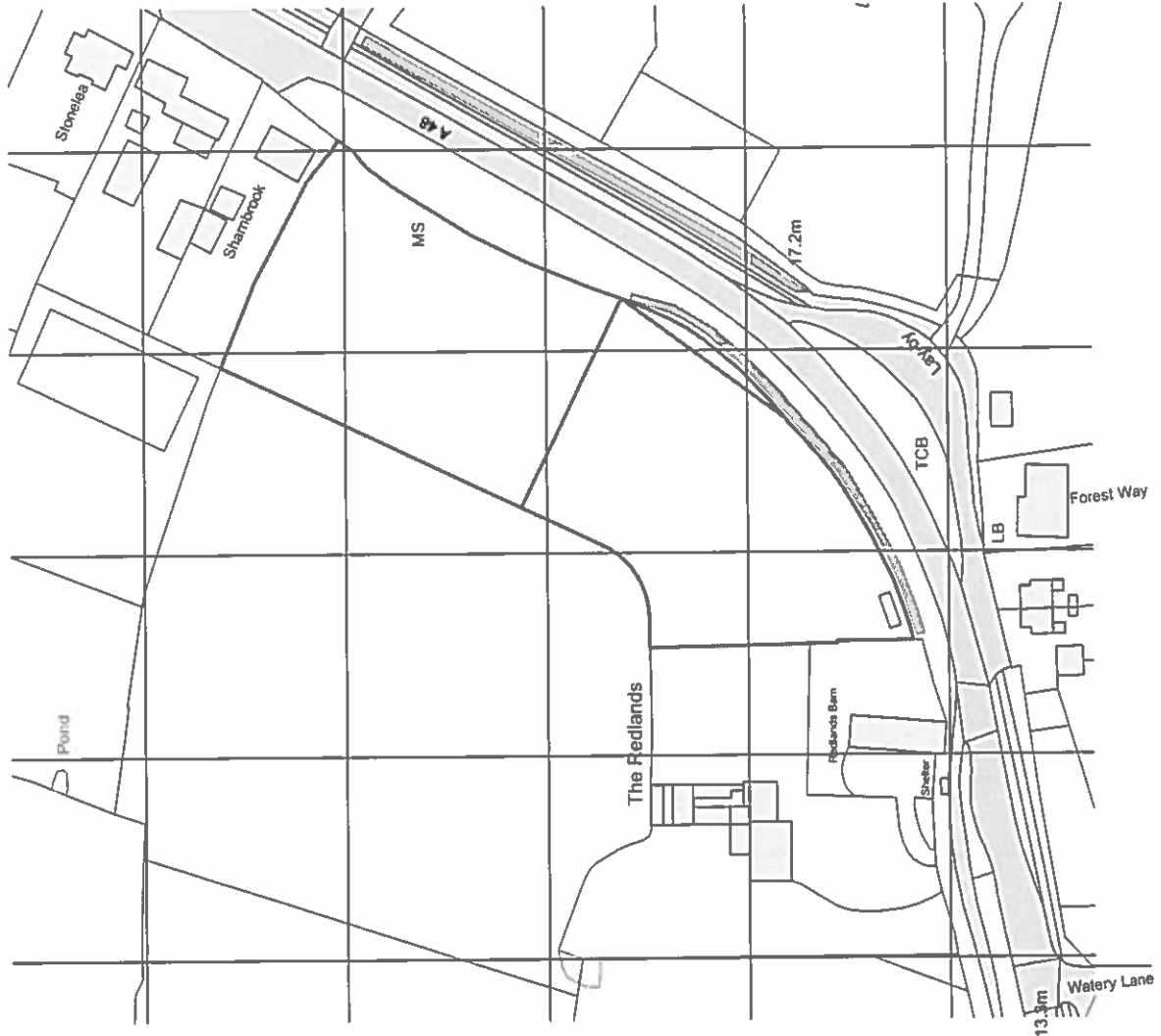
1 Statement of Positive and Proactive Engagement

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

- 2 The matters specified below should be included within a technical details:
 - a) a detailed layout of the site of the proposed development (including site levels as existing and proposed);
 - b) the design and external appearance of the proposed development;
 - c) landscaping proposals, including all boundary treatments, for the site of the proposed development;
 - d) details of access and parking arrangements for cars;
 - e) details of the proposed water supply and surface / waste water drainage arrangements; and
 - f) a heritage statement providing details of the Grade II Listed Milestone

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Revision Schedule	
Rev	Description



Drawing Scale	
PRELIMINARY	
Client	
Markey Construction	
Project	
Proposed Housing, Minsterworth	
Drawing Description	
Location Plan	
Scale	Sheet Size
1:1250	A3
Date	Jul 19
Drawn By	Designed By
Checked By	Reviewed
Job No.	Drawing No.
20563	01
114 Bath Road, Cheltenham, Gloucestershire, GL53 7JX	
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292/A

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 Snowhill 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	Shurdington	Shurdington	Philip Surman
			Tewkesbury East	Tewkesbury Town (Newtown Ward) Wheatpieces	Christine Reid Vernon Smith
			Tewkesbury North and Twynning	Tewkesbury Town (North Ward) Twynning	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