

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

TEWKESBURY BOROUGH COUNCIL

Schedule of Planning Applications for the consideration of the **PLANNING COMMITTEE** at its meeting on 19th November 2019

	(NORTH)	(SOUTH)
General Development Applications Applications for Permission/Consent	(404 – 424)	(425 – 466)

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 of 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. (404 to 466)

Codes for Application Types

ADV	Advert Application
AGR	Agricultural Determination
APP	Approval of Reserved Matters
CLE	Cert of Lawfulness of exist use/develop
CLP	Cert of Lawfulness of prop use/develop
CM	County Matters
FUL	Full Application and Householder
LBC	Listed Building Consent
OUT	Outline Application
PIP	Planning in Principle
TPO	Tree Preservation Order

National Planning Policy

National Planning Policy Framework (NPPF)
Planning Practice Guidance
The Gloucester, Cheltenham & Tewkesbury Joint Core Strategy; 2017 (JCS)
Tewkesbury Borough Local Plan to 2011
The Cotswold AONB Management Plan

INDEX TO PLANNING SCHEDULE (RECOMMENDATIONS) 19th November 2019

Parish and Reference	Address	Recommendation	Item/page number
Badgeworth 18/01295/OUT Click Here To View	Fortitude Birdlip Hill Witcombe Gloucester	Refuse	3/425
Brockworth 19/00678/OUT Click Here To View	18 Westfield Road Brockworth Gloucester Gloucestershire	Permit	5/442
Down Hatherley 19/00674/FUL Click Here To View	Caerleon Brook Lane Down Hatherley Gloucester	Permit	4/436
Dumbleton 18/00770/FUL Click Here To View	Saberton Farm Beckford Road Dumbleton Evesham	Permit	1/404
Gotherington 19/00476/FUL Click Here To View	Part Parcel 5778 Malleson Road Gotherington Cheltenham	Permit	2/413
Highnam 19/00873/TPO Click Here To View	Allotments Oakridge Highnam Gloucester	Consent	10/465
Innsworth 19/00915/FUL Click Here To View	Unit J1 Innsworth Technology Park Innsworth Gloucester	Permit	7/455
Maisemore 19/00941/FUL Click Here To View	6 Persh Way Maisemore Gloucester Gloucestershire	Permit	9/461
Staverton 19/00918/FUL Click Here To View	St Clair Cottages Staverton Cheltenham Gloucestershire	Permit	8/458
Woodmancote 19/00863/FUL Click Here To View	Bushcombe House Farm Bushcombe Lane Woodmancote Cheltenham	Permit	6/449

Valid 06.08.2018

Change of use of former wholesale plant nursery to builders yard, conversion of existing barn to office use, erection of storage buildings, retention of tile manufacturing operations and installation of associated infrastructure.

Grid Ref 399667 236019

Parish Dumbleton

Ward Isbourne

RECOMMENDATION Permit**Policies and Constraints**

National Planning Policy Framework (2012)

Planning Practice Guidance

Joint Core Strategy (JCS) 2017 - SP1, SP2, SD1, SD7, SD8, SD9, SD14, INF1 and INF2.

Tewkesbury Borough Local Plan to 2011 (March 2006) - AGR6, AGR7

Tewkesbury Borough Plan 2011-2031 (2018) (Pre-submission Version) - EMP4 & EMP5

Cotswold's AONB Management Plan 2018-2023 - CE4 and CE5

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

AONB

Flood Zone 1

Adjacent to Classified Highway - A46

Cross Boundary Application with Wychavon District

Consultations and Representations**Dumbleton Parish Council** - No objections**County Archaeologist** - No objections**Highways England (HE)** - No objections**Gloucestershire Highways** - No objections subject to conditions.**Lead Local Flood Authority (LLFA)** - No objections**Borough Land Drainage Officer** - No objections**Cotswolds AONB Officer**

- LVA Correctly identifies landscape character type (LCT) 19
- Forces for change are selective
- Landscape strategy guidelines need addressing
- LCT1 is also relevant
- Potential for degradation of views between Dumbleton, Alderton and Bredon Hills
- Viewpoints are on low (75m) contour
- Visibility into site pre and post development not clear
- Existing conifers not in keeping with landscape character.
- Removal of trees needs to be balanced with increased visual impact that may result
- Dark skies should be protected
- Some scope for enhancement
- Current state and visual Impact of land is a material consideration
- Removal of features which have an adverse visual impact and restoration of barn are a potential positive impact
- Positive impacts need to be balanced against adverse impacts of equipment and supplies stored on the site

Environmental Health Adviser - No objections in terms of noise or nuisance.**Severn Trent Water** - No objections.

Wychavon District Council - No objections

The application was advertised by site notice and press notice. No public representations have been received.

The application is brought before committee at the request of Councillor Mason in order to assess the impact on the surrounding countryside.

Planning Officers Comments: Bob Ristic

1.0 Application Site

1.1 The application site is located to the south-east of the junction between the A46 and Beckford Road and is located approximately 1.4 miles to the west of the village of Dumbleton. **See site location Plan**

1.2 The application site comprises a broadly rectangular parcel of land which measures approximately 2.9 hectares in area and is screened to a significant degree by existing tree planting to the site boundaries. The main site access is from Beckford Road, approximately 65 metres to the east of the junction with the A46. The site also benefits from a second access (off Beckford Road) which principally serves Saberton Farmhouse.

1.3 The application was formerly used as a horticultural nursery in connection with a further parcel of land to the northern side of Beckford Road. That use has since ceased and both parcels of land remained vacant for a number of years prior to the applicant using the southern parcel (the application site) as a building materials reclamation yard (D A Cook Builders) and artificial stone slate manufacturing place (Winchcombe Tile).

1.4 The application site includes extensive areas of hard standing, pipework and a number of buildings and structures which are remnants of the past use of the site. These including a profiled steel clad building to the central part of the site a number of former polytunnel structures, in various stages of repair across the southern and central part of the site and a disused stone barn attached to Saberton Farm to the south-eastern part of the site.

1.5 The Site is located within the Cotswold Area of Outstanding Natural Beauty (AONB), however there are no other statutory ecological or heritage designations at or adjoining the site. The site lies within Flood Zone

1.6 The proposal entails a cross boundary planning application as a sliver of land along the northwestern side of the site, (parallel to the A46) lies within the administrative area of Wychavon District Council.

2.0 Relevant Planning History

The relevant planning applications are set out below:

- T.7864 - Construction of a new vehicular access - Permitted 05.12.1984.
- 91T/7864/01/02 - Erection of six polytunnels and construction of new access - Refused 07.04.1992.
- 92/7864/406/FUL - Erection of six polytunnels and construction of new access - Permitted 20.10.1992.
- 92/7864/1182/AGR - Extension to horticultural building to provide staff facilities - Consent 06.12.1994.
- 96/7864/0730/FUL - Erection of growing/propagation housing - Permitted 10.09.1996.

3.0 Current Application

3.1 This application seeks permission for the following:

- The change of use of the application site for use as a builder's/reclamation yard;
- The conversion of the existing stone barn to the southeastern part of the site for office use;
- The erection of two steel portal buildings for secure storage of materials, plant and equipment to the central part of the site. The buildings would have an overall height of 7.5 metres with solar panels on their southern facing roof planes;
- The re-covering and repair of existing polytunnels for storage

- The use of external yard area for storage of materials;
- The use of an area of the external yard for stone cropping and dressing activities;
- The retention of the tile production operations within an existing steel framed building;
- Improvements to boundary planting to provide security and screening.

3.2 The proposed hours of operation are 07:30 to 17:30 Mondays to Fridays and 07:30 to 13:00 Saturdays with no Sunday or Bank Holiday working.

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), ecology & biodiversity, highway safety; flood risk and drainage.

Applicant's Case

4.2 The applicant advises that they have outgrown their existing site and that there are no opportunities to expand their operations in the current location. While alternative sites have been considered these have been discounted as they do not meet the operational requirements of the business. The use of the application site and proposed new buildings would allow for the growth of the business and provide facilities for the storage of reclaimed and virgin stone along with internal storage for more weather sensitive reclaimed materials and vehicles.

4.3 The company draws from a local workforce and the proposed use of the site would employ approximately 30 permanent members of staff on-site who would be involved with the preparation of materials, manufacture of tiles and administration. A further 30-50 trades persons are employed on off-site projects dependant on seasonal fluctuations and building projects.

Principle of Development

4.4 Paragraph 83 of the NPPF sets out that:

Planning policies and decisions should enable:

a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings...

4.5 Furthermore, Paragraph 84 of the Framework sets out that:

'Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist'.

4.6 JCS Policy SD1 advises that employment-related proposals will be supported and sets out the location and types of employment uses that are appropriate. Criteria vi. b) sets out that farm diversification projects including conversion of buildings would be appropriate in the open countryside. While the proposal would not comply with this criteria it should be noted that the policy is not consistent with Paragraph 84 of the NPPF which acknowledges the need for employment related development beyond existing settlements where it meets a local need.

4.7 The applicant is a local business which has outgrown its present facilities. An assessment of alternative sites within local built up areas and business parks has been submitted, however the applicant advises that these alternative locations would not meet the varied requirements of the business which requires facilities for internal and external storage, manufacturing and office space at a single site. It is advised that the application site would allow for the continued operation and expansion of the businesses while remaining in proximity to the local workforce and catchment area of the business.

4.8 The proposal would entail the re-use of an existing stone barn and portal framed building at the site which would accord with policies AGR6 and AGR7 of the TBLP which supports the conversion of rural building to employment uses without substantial alterations to their original structure. The existing structures are sound and capable of re-use. The proposed alterations to the stone barn building would be sensitive and would retain the character of that structure which is considered a non-designated heritage asset. This element of the proposal is considered acceptable in principle.

4.9 The principle of Polytunnel structures at the site has been previously accepted and it is noted that the tunnels proposed to be re-covered are significantly less in number and site coverage than those that have been previously permitted and formerly stood at the site as part of the past horticultural use and this element is considered acceptable in principle.

4.10 The application proposes two new storage buildings which would be finished in dark green profiled metal sheeting to match the existing building at the site. JCS Policy SD4 sets out that new development should respond positively to and respect the character of the site and its surroundings and it should be of a scale, type and materials appropriate to the site and its setting. The proposed buildings would have the appearance of modern agricultural barns. The overall heights of the new buildings have been reduced to 7.5 metres (from 8.25 metres) in order to match existing building heights at the site. The proposed appearance of these buildings is considered appropriate to the rural context.

4.11 The proposal entails the external storage of more resilient materials. The location of open storage through the site and proposed heights of stored materials is subject of ongoing discussions in order to ensure that they are suitably screened from views outside of the site. **An update will be provided at committee.**

4.12 To conclude on the principle it is acknowledged that while there is a conflict with Policy EMP1 in respect of the location, this needs to be weighed against the advice set out in the NPPF and the economic benefits of the proposal.

Effect on the AONB

4.13 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.

4.14 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.

4.15 Policy CE1 of the Cotswolds AONB Management Plan sets out that proposals likely to create change should have regard to and reinforce the landscape character and scenic quality of the location and its setting and ensure that views including those into and out of the AONB are conserved and enhanced.

4.16 The application has been supported by a Landscape and Visual Appraisal which advises that the site is located within the 'Unwooded Vale' character type and consideration has also been given to the 'Escarpment Outliers' Character type, though this has been discounted as the site does not lie in views between Dumbleton and Alderton Hills.

4.17 The 'Unwooded Vale' character type and more specifically 'Vale of Evesham Fringe' has the key characteristics of being relatively flat with a gentle land form with limited tree cover set against the slopes of wooded escarpments which provide a distinctive backdrop. The Landscape Strategy and Guidelines identify visual intrusion, loss of open countryside, lighting, loss of tranquillity and new suburban development as being forces for change in the area.

4.18 The Cotswolds AONB Board have made no formal representations to this application however an officer has provided a 'desk top' assessment which raised a number of matters with regards to the submitted LVA. The applicant has since responded to the points raised and the AONB officer has made no further observations.

4.19 The site is located within an open agricultural landscape and is influenced by the A46 and Beckford Road which are detractors which introduce urban influences. The site itself was formerly used as an intensive horticultural nursery and is enclosed by mature trees which provide significant screening and enclosure.

4.20 While the site is visible from the surrounding highway and footpath network, views into the site are limited and filtered by existing boundary trees and hedges which are proposed to be enhanced through additional native tree planting. The landscape appraisal has confirmed that the landscape effects of the proposed development would be limited to the site itself due to this significant containment.

4.21 The application proposes open storage of natural stone, the construction of two new buildings, laying of a new carpark area and conversion of a traditional barn building. While this would introduce change to the area which would not normally be considered as appropriate this is balanced against the past intensive horticultural use and current untended state of the site. Furthermore, the proposal would allow the opportunity to control the use of the site particularly in terms of the extent and heights of external storage, the external appearance to the proposed buildings and hardstanding areas, and provision of additional landscaping which would provide ecological and visual benefits. On this basis, it is considered that, on balance, the proposal would conserve the character and wider visual beauty of the AONB.

4.22 Policy CE4 of the Cotswolds AONB Management Plan requires development to have regard to the tranquillity of the AONB and Policy CE5, that proposals protect the dark skies of the area. While the proposal would result in some noise associated with increased activity at the site, it should be noted that the noise environment of the site and surrounding area is significantly influenced by traffic noise from the A46. It is therefore considered that the proposal would not exacerbate the existing situation in the area. Furthermore the applicant has acknowledged the potential for harm from external lighting and confirms that new lighting will be restricted to the buildings and be regulated by PIR sensors.

4.23 In view of the nature of the site, the proposed development and associated mitigation, it is considered that the proposal would conserve the landscape and scenic beauty of the area.

Ecology and Biodiversity

4.24 JCS Policy SD9 sets out that biodiversity and geological resources will be protected and enhanced in order to establish and reinforce ecological networks that are resilient to current and future pressures. European and national protected species will be safeguarded in accordance with the law.

4.25 While the site is not subject to any national or local ecology or biodiversity designations the application has however been supported by an Ecological Appraisal, Great Crested Newt e DNA Analysis and Reptile Survey and a Dusk Emergence and Pre-dawn Re-entry Survey for Bats.

4.26 With regards to Great Crested Newts and reptiles the species specific surveys did not find any presence of the respective species at the site and concluded that these species would not be impacted by the proposed development. However the bat survey identified the presence of a single Brown Eared Bat located in the existing stone barn proposed for conversion

4.27 Bats are a European Protected Species (EPS) under the 'Regulation 53 of the Conservation of Habitats and Species Regulations 2017'. The planning authority takes guidance from the three tests in Regulation 55 of the Conservation of Habitats and Species Regulations 2017 and before determining this application has also taken into consideration ODPM Circular 06/2005 (paragraphs 99, 112 & 116). Regulation 55(2) defines the circumstances where derogation is allowed for an affected EPS and a license could be issued by Natural England. All three test are to be met by the proposals prior to planning permission being allowed which include:

- The first test set out in Regulation 55(2)(e) deems that the need for the development should be in the interests of public health, public safety and an imperative reason of overriding public interest, which includes beneficial consequences of primary importance for the environment.
- The second test set out in Regulation 55(9)(a) deems that there should be 'no satisfactory alternative'.
- The third test set out in Regulation 55(9)(b) deems that the development should have no detrimental effect on the favourable conservation status of an EPS.

4.28 The submitted survey advises that to mitigate the impacts of the development upon the protected species the development will incorporate the following measures:

- Creation of a new bat loft to the eastern end of the barn to provide a replacement roost of similar specification for Brown Long-eared bats.
- Check of the roof space immediately prior to works to confirm absence or presence of bats
- Avoidance of new external lighting where the new roost entrance will be installed, and careful use of lighting on the remaining aspects.

4.29 The proposed barn conversion is required to provide office space and to negate the requirement for further new buildings at the site. The proposed use would secure employment and would allow for the conservation of a non-designated heritage asset. It is considered that subject to compliance with conditions and the proposed mitigation measures, the scheme would allow for the satisfactory conservation of habitat for bats and would have no detrimental effect on the favourable conservation status of the species.

4.30 In terms of trees, the application has been accompanied by an arboricultural assessment which identifies the loss of two groups of Leylandi in order to accommodate the proposed new buildings to the central/eastern part of the site, along with a further two Leylandi to the eastern side of the site.

4.31 These are located within the site and have been unmanaged with substantial overgrowth and spread. The report recommends their removal and replacement with more appropriate native species as part of a landscaping strategy which can be secured by condition and would enhance biodiversity.

Highway Safety

4.32 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.

4.33 The main access would be from Beckford Road, approximately 65 metres to the east of the junction with the A46 and would make use of the existing access. This would serve the storage and tile manufacturing elements, while the proposed office and staff carpark would be accessed via an existing track serving Saberton Farmhouse to the east.

4.34 The proposal use has been assessed by Highways England have advised that the proposal is unlikely to have a material traffic impact on the Strategic Road Network.

4.35 The Highway Authority have advised that they do not consider the proposed change of use to be an intensification of the site. Based on the submitted information the proposed Builder's Yard is expected to result in a decrease in vehicular traffic movements on the local highway network when compared to the former horticultural use.

4.36 Furthermore, the access, layout and parking arrangement are considered acceptable, however it is noted that the two disabled parking bays do not have a link (Footway) from those bays to the entrance of the office building however, this is something that can be secured by way of a suitably worded condition.

4.37 Accordingly, the proposal would not adversely impact the operation of the highway network or the safety of road users.

Flood Risk and Drainage

4.38 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 of occupiers of a site, the local community or the wider environment either on the site or elsewhere.

4.39 The site lies within Flood Zone 1 as shown on the Environment Agency's flood map indicating that it has a low probability of river or sea flooding.

4.40 The application has been accompanied by a flood risk assessment and comprehensive drainage strategy for the site which is designed to intercept and manage any potential surface flood risks. The submitted details include an attenuation basin to the southwestern corner of the site which will then connect to an existing ditch and culvert to a field on the opposite side of the A46. The drainage strategy has been designed to result in a betterment to the existing drainage situation by providing on site attenuation and restricting discharge. While Highways England (HE) initially raised concerns with regards to the drainage strategy however these have since been addressed and HE have confirmed that they are now satisfied that the proposal is unlikely to cause any detriment to the Strategic Road Network from surface water flooding.

4.41 The LLFA are also satisfied with the drainage provisions and have raised no objections subject to conditions. Similarly, Severn Trent Water have raised no objections and advise that the proposal has minimal impact on the public sewerage system.

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 Policy SD1 which directs employment to appropriate locations within or adjacent to existing settlements or business parks, however it is noted that Paragraph 84 of the NPPF broadly supports employment uses in rural areas and beyond existing settlements which meet a local need.

Benefits

5.2 The proposal would result in a significant economic benefit by securing a site to allow for the relocation and expansion of an existing local business and would secure jobs in the locality. This economic benefit weighs heavily in favour of the proposal. Furthermore the proposal would provide environmental enhancements through the removal of uncharacteristic and intrusive Leylandi planting within the site, the instatement of additional native trees planting to the site boundaries, the creation of a SuDS pond within the site which would create additional habitat enhancement and manage surface water, and the renovation/retention of a traditional agricultural building.

Harms

5.3 In addition to the conflict with JCS policy SD1, the proposal, by reason of its location would introduce change and development in the AONB, however this harm is tempered by the fact that the site includes the dishevelled remnants of its previous intensive horticultural use. Subject to compliance with conditions in respect of layout, landscaping, lighting and external materials it is considered that the proposal would conserve the scenic beauty of the AONB.

Neutral

5.4 Subject to compliance with conditions, there would be no undue impact in terms of highway safety, drainage, flood risk or ecology.

Conclusion

5.6 It is clear that the case for the proposed use/development of the site is very finely balanced in view of its location remote from any settlement or business park and within the sensitive landscape setting of the Cotswolds AONB. However for the reasons set out above it is considered that, on balance, the proposal would be acceptable and it is recommended that **planning permission is granted** subject to the conditions detailed below. As discussed above, an additional condition relating the location and height of storage within the site will be presented at the Planning Committee meeting further to final discussions with the applicant.

RECOMMENDATION Permit

Conditions:

- 1 The development hereby permitted shall be carried out in accordance with approved drawing nos.1684-20, 1684-21A and 1684-25A received on 27th July 2018 and drawing nos.1684-19C, 1684-26B and 1684-27A received on 20th September 2019 and any other conditions attached to this permission.

Reason: To define the terms of this permission.

2. Prior to the commencement of built development, tree protection measures shall be erected on site in accordance with details set out in the MHP Tree Survey, Arboricultural Impact Assessment and Tree Protection Plan V2 Dated 5th July 2018. The protective fencing shall be retained in accordance with the approved details for the duration of the construction phase.

Reason: To provide protection to retained trees in the interest of the visual amenity of the area.

3. Notwithstanding the submitted details, no construction works shall take place above slab level until precise details and where appropriate samples of the following have been submitted to and approved in writing by the local planning authority. The works shall thereafter be carried out in accordance with the approved details and shall be similarly maintained there after:-
- External facing and roofing materials (including profile and colour),
 - Details including profile and colour of the window frames and doors and their reveals.
 - Details of any colour tinting to glazing
 - Details of proposed rainwater goods, including colour and material
 - Details of all boundary treatments and enclosures
 - Details of any external lighting to the building and site
 - Details of the material and colour of hard-standings and new roadways

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

4. The development hereby permitted shall not be occupied until the vehicular parking and turning and loading/unloading facilities have been provided in accordance with the submitted plan drawing no.1684-19C, and those facilities shall be maintained available for those purposes thereafter.

Reason: To ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians is provided.

5. Notwithstanding the submitted details and prior to the first use of the office building, a 2m pedestrian footway link from the disabled parking bays to the proposed renovated barn shall be completed in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority and shall be similarly maintained thereafter.

Reason: To give priority to pedestrian movements and has addressed the needs of people with disabilities and reduced mobility and to minimises the scope of conflicts between pedestrians, cyclists and vehicles.

6. No above ground development take place until a detailed Sustainable Drainage System (SuDS) Strategy document has been provided for approval by the Local Planning Authority, this should be in accordance with the proposal set out in the applicant's submission (18/00770/FUL). The SuDS Strategy must include a detailed design, maintenance schedule, confirmation of the management arrangements and a timetable for implementation. The SuDS Strategy must also demonstrate the technical feasibility/viability of the drainage system through the use of SuDS to manage the flood risk to the site and elsewhere and the measures taken to manage the water quality for the life time of the development. The approved scheme for the surface water drainage shall be carried out in accordance with the approved details before the development is first put in to use/occupied.

Reason: To ensure the development is provided with a satisfactory means of drainage and thereby preventing the risk of flooding. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage, flood risk and water quality in the locality.

7. The drainage strategy set out in Technical Note SAB-HYD-XX-XX-TN-D-5002 shall be implemented prior to the first use of the buildings hereby permitted and shall be similarly maintained for the duration of the use.

Reason: To minimise the risk of surface water flooding.

8. The bat loft to the barn shall be implemented prior to the commencement of conversion works and in accordance with the details set out in the Dusk Emergence and Pre-dawn Re-entry Survey for Bats Version 1.0 dated 14th July 2018.

Reason: To provide acceptable ecological mitigation.

9. The development shall be carried out in accordance with the ecological mitigation measures set out in the All Ecology Ecological Appraisal Dated April 2018.

10. No external lighting (other than that approved under condition 3 above) shall be installed at the site other than PIR operated security lighting.

Reason: In order to protect the natural environment from light pollution.

11. No development above DPC level shall take place until a landscape scheme for the development has been submitted to and approved in writing by the local planning authority. The submitted scheme shall include scaled drawings and a written specification clearly describing the species, sizes, densities and planting numbers. The drawings must include accurate details of all existing trees and hedgerows with their location, species, size, condition, any proposed tree surgery and an indication of which are to be retained and which are to be removed.

Reason: To ensure a satisfactory and well-planned development and to preserve and enhance the quality of the environment

12. The landscaping scheme to be approved under Condition 11 shall be implemented no later than the first planting season following the completion of the development. The planting shall thereafter be maintained for a period of 5 years. If during this time any trees, shrubs or other plants are removed, die, or are seriously diseased, these shall be replaced during the next planting season with others of similar size and species unless the local planning authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year maintenance period.

Reason: To ensure a satisfactory and well-planned development and to preserve and enhance the quality of the environment.

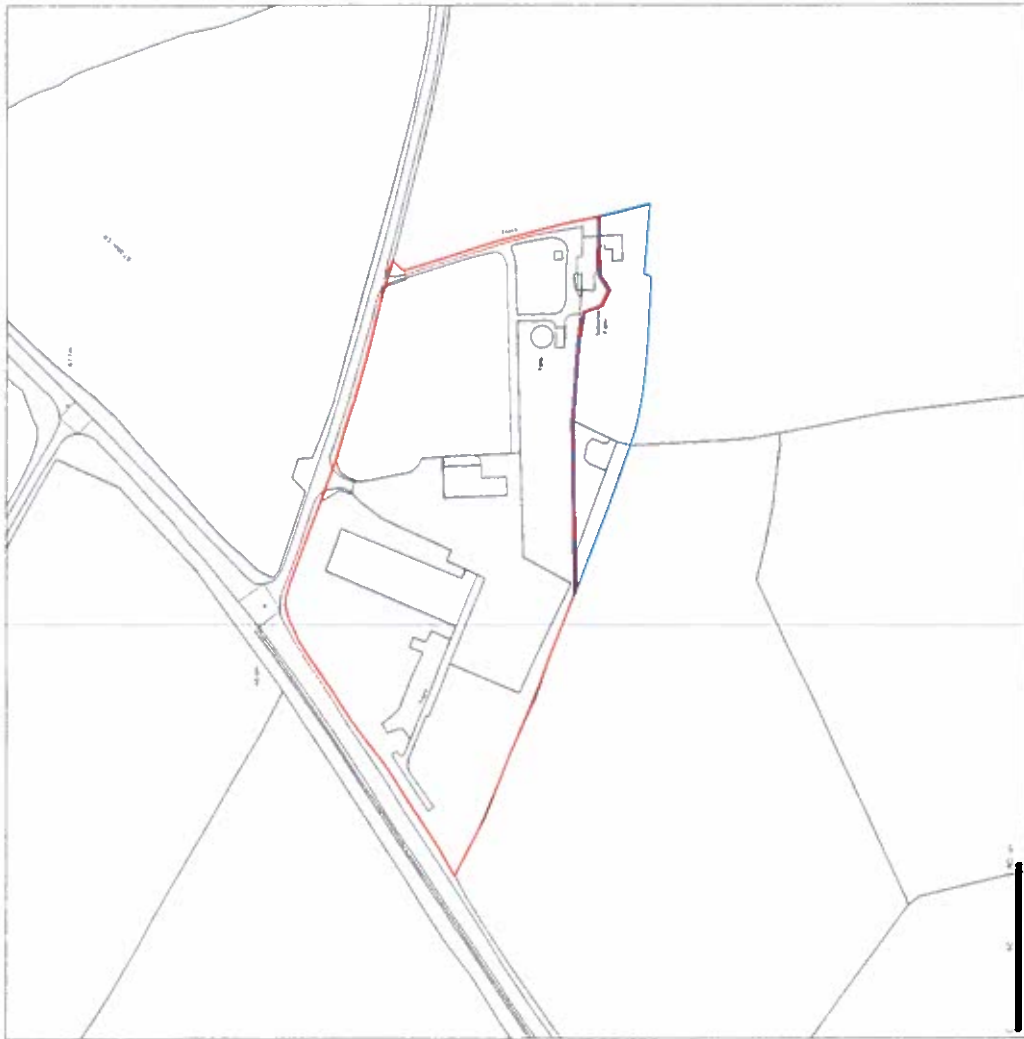
Reasons:

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 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.

Notes:
 1. The proposed development is shown in red on the plan.
 2. The existing buildings are shown in black on the plan.
 3. The proposed access is shown in blue on the plan.
 4. The proposed parking is shown in green on the plan.
 5. The proposed landscaping is shown in green on the plan.
 6. The proposed boundary is shown in red on the plan.
 7. The proposed boundary is shown in red on the plan.
 8. The proposed boundary is shown in red on the plan.
 9. The proposed boundary is shown in red on the plan.
 10. The proposed boundary is shown in red on the plan.



412/A

REV	DATE	DESCRIPTION
1	12/08/11	ISSUED FOR PERMIT

The drawings are prepared at a scale of 1:1250 and are not to be used for any other purpose without the written consent of the author. The drawings are not to be used for any other purpose without the written consent of the author.

A.C. LARKE DESIGN
 ARCHITECTURAL SERVICES
 15, The Square, Lymington, Hampshire, SO41 1AA
 Tel: 01329 811111
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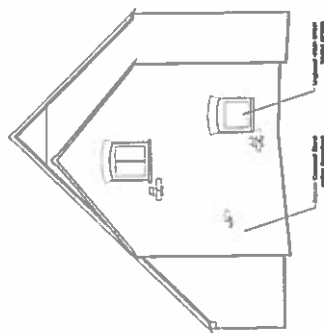
SABERTON FARM PROPOSED REDEVELOPMENT DORSET, ENGLAND	
PROPOSED RE DEVELOPMENT	
LOCATION PLAN	DRAWN: 12/08/11 SCALE: 1:1250 DATE: 12/08/11
DRAWN: 12/08/11 SCALE: 1:1250 DATE: 12/08/11	PLANING 1684-01A



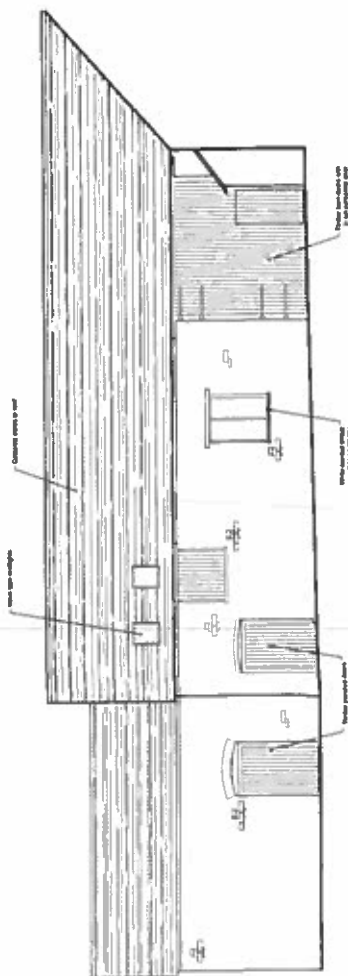


PLANNING
1004-190

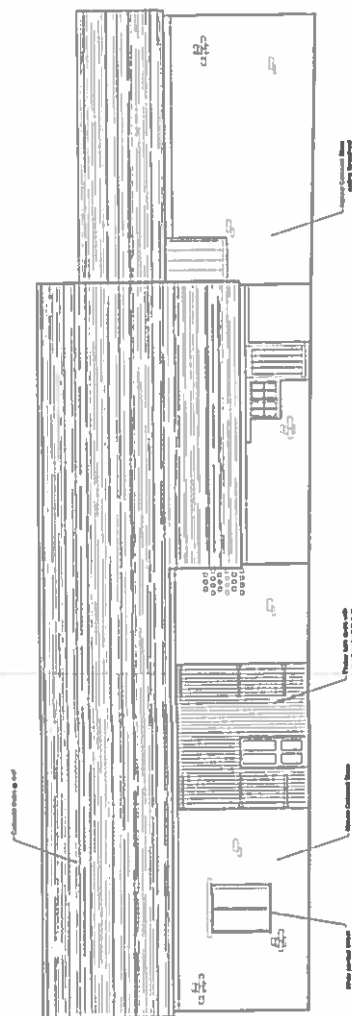
Bam - Existing East Elevation 1:100@A2



Bam - Existing West Elevation 1:100@A2



Barn - Existing South Elevation 1:100 @ A2



Bam - Existing North Elevation 1:100@A2

Age	Birth	Death/Cause
23		

1. **What is the purpose of the study?**
 2. **What are the research objectives?**
 3. **What is the research design?**
 4. **What are the variables?**
 5. **What is the sample size?**
 6. **What are the data sources?**
 7. **What are the data collection methods?**
 8. **What are the data analysis methods?**
 9. **What are the results?**
 10. **What are the conclusions?**
 11. **What are the limitations?**
 12. **What are the recommendations?**

A. CLARKE DESIGN

K. David Dodge MD
 Internal Medicine, Resident Fellowship
 Charleston, S.C. 29405
 803-792-4334
 kdodge@charleston.com

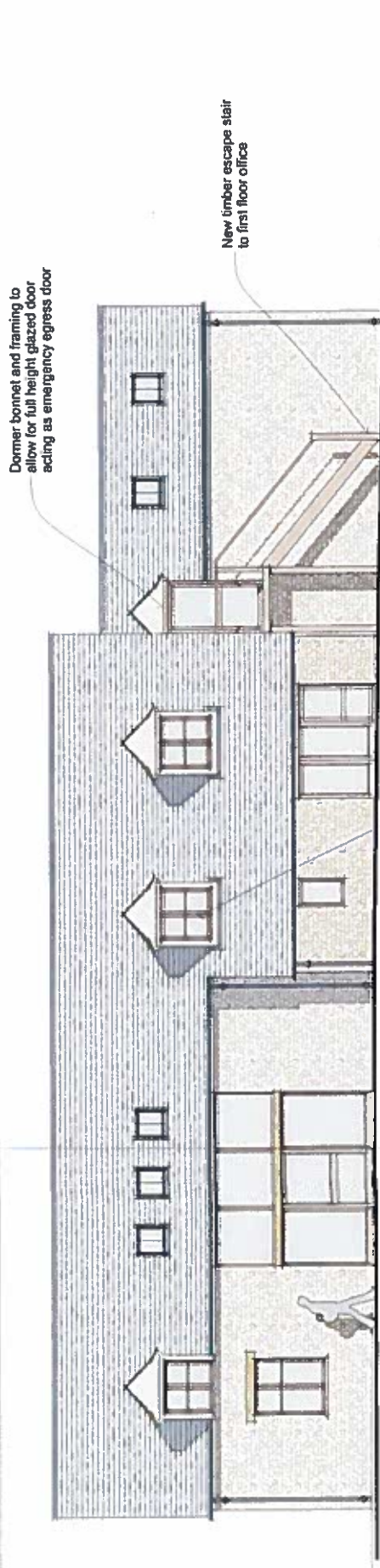
SABERTON FARM
BECKFORD ROAD
DUMBLETON, Evesham

PROPOSITO RE DEVELOPMENT

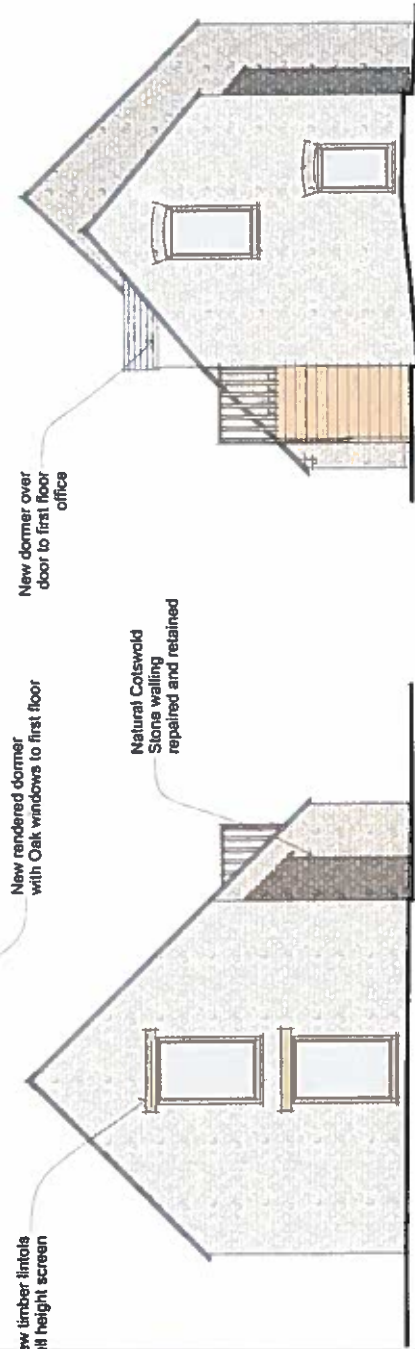
EXISTING BASE ELEVATIONS	PLANNING
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1684-16	010516
AC	

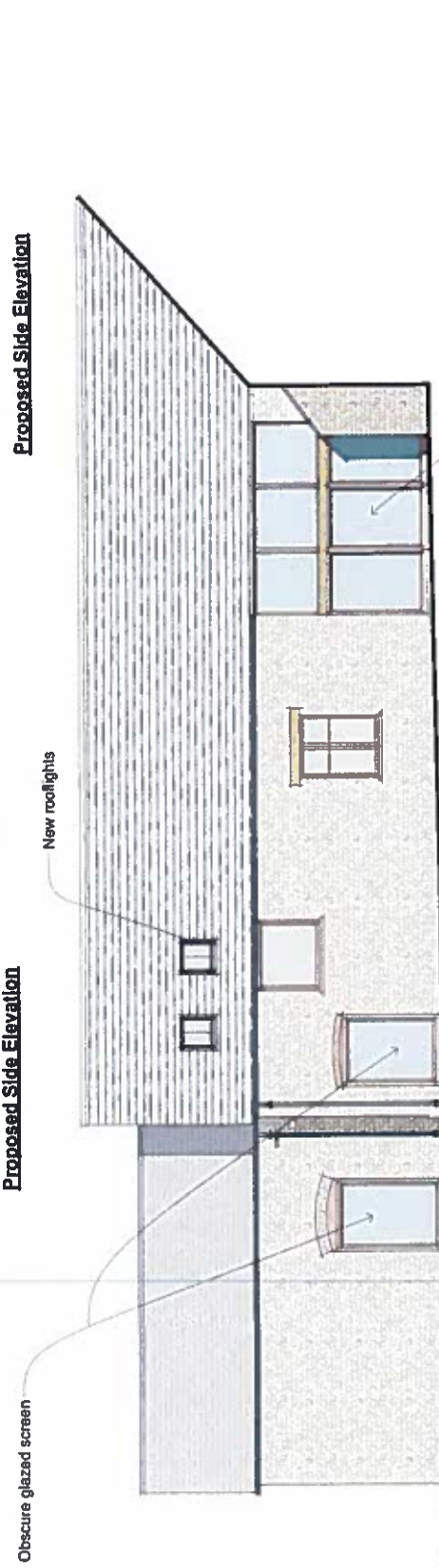
EXISTING BARN ELEVATIONS



Proposed Front Elevation



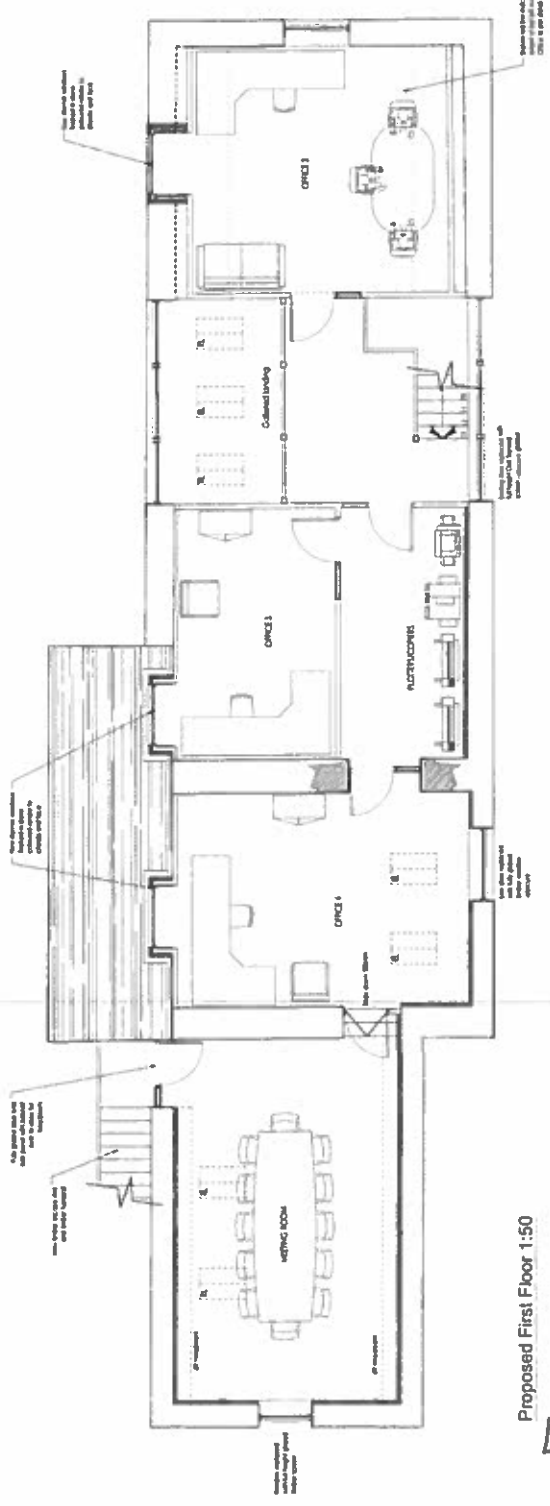
Proposed Side Elevation



Proposed Rear Elevation

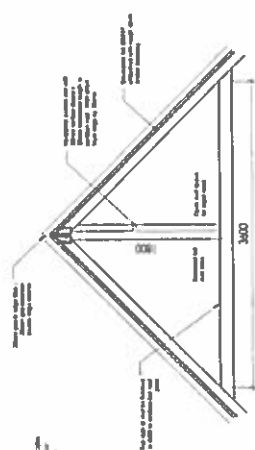
412/D

Notes:
 1. All dimensions are in millimetres unless otherwise stated.
 2. All work shall be in accordance with the Building Regulations.
 3. The proposed development shall be in accordance with the Planning Permission.
 4. The proposed development shall be in accordance with the Planning Permission.
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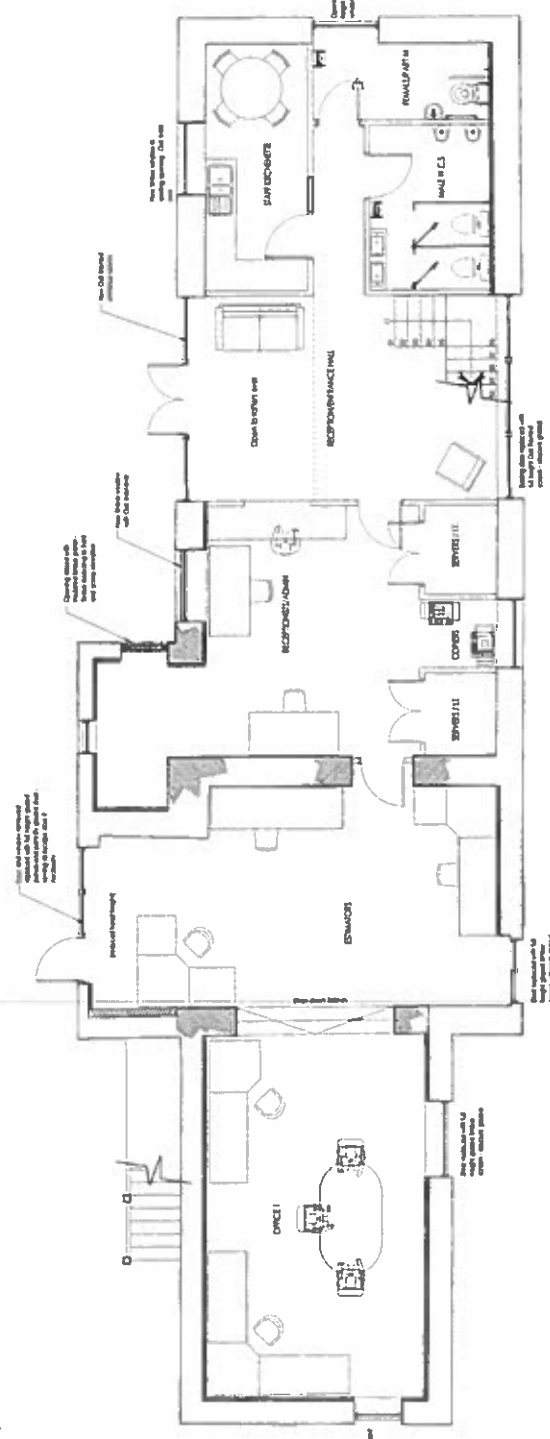


Proposed First Floor 1:50

412/E



Typical Bat Loft detail - NTS



Proposed Ground Floor 1:50

A.C. CLARKE DESIGN ARCHITECTURAL DESIGN SERVICES 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000	
PROPOSED RE DEVELOPMENT	
PROPOSED FLOOR PLANS	
1:500A1	PLANNING
01/05/18	1684-21A
AC	



412/G



PROPOSED NEW BUILDING A

[illegible]

Հանդիմանքը արտահայտեց խոսելով Երևանի քաղաքապետի և քաղաքապետարանի անհամապատասխանության մասին:

A. CLARKE DESIGN
ARCHITECTS

[illegible]

SABERTON FARM
BECKFORD ROAD
DUMBLETON, EVESHAM

PROPOSED RE DEVELOPMENT
PROP NEW BUILDING A ELEVATIONS

TYPE	1-1008A1
DATE	01 03 18
TIME	AC
PLANNING	
1684-268	

Valid 11.06.2019
Grid Ref 395603 229684
Parish Gotherington
Ward Cleeve Hill

Erection of 9 residential dwellings and associated vehicular access.

RECOMMENDATION Permit

Policies and Constraints

National Planning Policy Framework; 2018 (NPPF)
Planning Practice Guidance
The Gloucester, Cheltenham and Tewkesbury Joint Core Strategy; 2017 (JCS):
SP1, SP2, SD3, SD4, SD6, SD9, SD10, SD11, SD12, SD14, INF1, INF2, INF3, INF5, INF6, INF7
Tewkesbury Borough Local Plan to 2011; March 2006 (TBLP)
TPT3, LND2
Gotherington Neighbourhood Development Plan 2011-2031 (GNDP):
GNDP01, GNDP02, GNDP04, GNDP07, GNDP09, GNDP12
Preferred Options Consultation, Tewkesbury Borough Plan 2011-2031 (2018):
RES1, RES5, RES12, RES13, DES1, LAN1, NAT1, COM4, TRAC1, TRAC2
Flood and Water Management SPD
Affordable Housing SPD
Manuel for Gloucestershire Streets
Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)
The First Protocol, Article 1 (Protection of Property)

Consultations and Representations

Gotherington Parish Council - Objection - The Parish Councils objection relates to the proposed erection of 9 dwellings. Gotherington's NDP specifies the land is suitable for about 6 units, not 9 which is a 50% increase.

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

County Highways - No objection (subject to conditions).

Tree Officer - No objection subject to the turning area adjacent to the Oak Tree is constructed with a 'no dig' approach and grass-cerete surfacing is used.

Urban Design Officer - No objection.

Land Drainage Officer - No objection.

Severn Trent - No objection (Subject to conditions)

County Archaeologist - No objection - No archaeological investigation or recording need be undertaken in connection with this scheme.

Strategic Housing and Enabling Officer - No objection - Affordable Housing contribution would not be required and site is not within a designated rural area so a lower threshold triggering a contribution would not apply.

Public Rights of Way Officer - No objection - The development would not impact any recognised PROW.

Members of the public - The application has been publicised through the posting of a site notice and no letters of representation have been received in the 21 day statutory consultation period.

Planning Officers Comments: Mr James Lloyd

1.0 Application Site

1.1 The application site is located on the western edge of the village of Gotherington and comprises agricultural land, presently laid to pasture. The site measures approximately 0.49ha in size and is situated to the north of Malleson Road. The site is broadly rectangular in shape and its boundaries are comprised of hedgerows with the occasional trees. To the east of the site are residential properties that extend along the length of Malleson Road into the village. b(See attached location plan)

1.2 The site is a strategic site (Reference GNDP02/1) within the adopted Gotherington Neighbourhood Development Plan (GNDP). The site is also identified with the emerging Tewkesbury Borough Plan, Preferred Options, under Policy RES1 (Gotherington) site A.

1.3 The site is not located within any specific landscape designated areas, however, is situated adjacent to the Special Landscape Area (SLA) (to the East). The application site is also located within Flood Zone 1 as identified on the Gov.uk Flood Maps for Planning website.

2.0 Relevant Planning History

2.1 None pertaining to this site

3.0 Current Application

3.1 The application seeks full planning permission for residential development of 9 dwellings. The development would be laid out with the majority of the dwellings in a linear form, facing onto the main road. (See attached Site Layout Plan)

3.2 The site would be accessed from the main road into Gotherington (Malleson Road). The internal road layout would run parallel to the main road with 'turning heads' located at the east and western ends of the site. Pedestrian access into the site would be provided, connecting from the existing footpath to the east of the site.

3.3 The proposal would provide a mix of detached and semi-detached dwellings comprising:

- 2 x 2 bed semi detached
- 2 x 3 bed semi detached
- 3 x 4 bed detached
- 2 x 5 bed detached

3.4 There are 5 house design types proposed on the site, with a mixture of materials (predominantly reconstituted stone). The properties would range from small pairs of semi's (5 metres high to eaves and overall height of 8.7 metres) to larger bay fronted detached properties (5 metres high to the eaves and an overall height of 8.4 metres. The detached plots would be provided with detached double garages and off road parking spaces and the semi-detached with off road parking. (See attached plans)

3.5 Landscaping and additional planting is proposed.

4.0 Planning Policy Context

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

4.2 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."

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

4.4 Other material policy considerations include national planning guidance contained within the National Planning Policy Framework and the emerging Tewkesbury Borough Local Plan (Preferred Options Consultation) 2011-2031 and the Gotherington Neighbourhood Development Plan.

4.5 Other relevant policies are referred to in the relevant sections below.

Five Year Housing Land Supply

4.6 Members will be aware that the Council's methodology for calculating the five year supply was recently challenged in the Courts in relation to the appeal decision relating to a land at Oakridge, Highnam. The key reason for this was that the Council includes advanced delivery against annual housing requirements in its five year supply calculations. However, in his Judgement issued in July 2019 the Judge concluded that he was not satisfied that it was appropriate for the court to exercise its jurisdiction to adjudicate upon an academic dispute in a judicial review claim. The challenge was therefore unsuccessful with regard to the five year supply calculation methodology and the Council therefore remains of the opinion that its approach to calculating five year supply is correct and sound.

4.7 Notwithstanding the above, the latest published evidence (the Tewkesbury Borough Five Year Housing Land Supply Statement - 2018/2019 indicates that the Council can demonstrate a 4.33 year supply of deliverable housing sites, amounting to a shortfall of approximately 194 dwellings.

4.8 Members will be aware of the Oakridge, Highnam case where the Council had challenged the Secretary of State's assertion in the appeal decision in respect of the five year supply where he had followed the Inspector's advice in relation to discounting previous oversupply. Based on the Secretary of State's approach, the Council could only demonstrate a 2.7 year supply whereas if the dwellings that had been provided over and above the cumulative requirements were counted, the Council could demonstrate a 4.3 year supply. The High Court did not rule one way or the other as it was considered that it should be left to a case where it would make a difference - the Council had won the Oakridge case therefore this ruling made no difference to the overall outcome. On that basis, there is no reason for the Council to change its position in terms of the oversupply being counted.

4.9 The Council's policies for the supply of housing are therefore 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.

National Planning Policy Framework and Planning Practice Guidance

4.10 The NPPF aims to promote sustainable development and the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. The three dimensions to sustainable development: economic, social and environmental.

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

4.11 Paragraph 12 of the NPPF clarifies that it does not change the statutory status of the development plan as the starting point for decision-making. However, where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

5.0 Community Infrastructure Levy Regulations

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

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

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

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

5.4 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.

5.5 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 The proposed site is located adjacent to the existing linear settlement along Malleson Road, the main route into the village of Gotherington. Gotherington is served by facilities such as a school, village shop, public house and village hall. Gotherington is assigned 'Service Village' status through the JCS and whilst the application site is located on the edge of the settlement it is not considered isolated.

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

6.3 JCS Policy SD10 sets out the Council's approach to housing development and states that residential development will be permitted at sites allocated for housing through the development plan and allocations in district and neighbourhood plans. For completeness, the site is not supported by the other criteria of Policy SD10.

6.4 Policy GNDP02 of the adopted Gotherington NDP allocates sites outside of the defined settlement boundary of the village. This Policy allocates the application site as GNDP02/1 - Land to the North of Malleson Road (0.95 hectares). The NDP goes on to advise the following: "This site is suitable for a small frontage development of about six units. Development only along the frontage will maintain the linear form of the village."

6.5 The site is allocated for a recommended 6 units and the application proposes 9 units. The Parish Council has objected to the number of dwellings proposed, highlighting that the scheme would result in a 50% increase over the recommended quantum. Whilst the Parish Council's objections are acknowledged the GNDP states that the development could consist of 'about 6 units', it is considered that this is not an absolute or ceiling number and the spirit of the policy is not intended to restrict the amount of units on site to 6. As discussed later in this report the form and layout of the proposed development demonstrates that the site is capable of accommodating up to 9 dwellings, it is therefore considered that an increase from 6 to 9 units is acceptable within the scope of Policy GNDP01/02 of the GNDP.

6.6 The emerging Development Plan is at the pre-submission consultation stage prior to submitting for examination, with this in mind limited - moderate weight is afforded to any emerging policies. Policy RES1 proposes to allocate the application site for housing development (Site A). This policy details that the site should be for approximately 6 dwellings, and advises that development at the site should be in accordance with the policies and proposals within the Gotherington Neighbourhood Development Plan.

6.7 On the basis of the allocation of the site for housing in the GNDP the principle of the proposed development is considered in accordance with JCS Policy SD10.

Design and layout

6.8 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, enhance local distinctiveness and the grain of the locality. Neighbourhood Plan Policy GNDP07 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.

6.9 The proposed development would predominantly front Malleson Road, the dwellings 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. The proposed mix and scale of the dwellings are therefore considered appropriate for the site.

6.10 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 reconstituted stone and timber cladding as the principal facing materials, with a mixture of slate and reconstituted concrete roof tiles. The properties would be detailed with reconstituted stone lintels. 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.

6.11 Each of the detached dwellings would have detached double garages which would typically be set behind the building line which would result in a subservient appearance and ensure a more spacious layout and appearance, with prominent gaps between buildings being maintained.

6.12 The Council's Urban Design Officer has been consulted and advises that the scheme is in keeping with the linear pattern of the existing village and follows the predominant building line as well as retaining an appropriate form and density. It is also positive that the development provides for smaller dwellings as well as larger unit types. The turning of the end units to face west would also create a more positive edge to the settlement.

6.13 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. The proposal is therefore considered to accord with the requirements of JCS Policy SD4 and the NPPF.

Landscape

6.14 Policy SD6 of the JCS states that development will seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being. Proposals will have regard to local distinctiveness and historic character of different landscapes and proposals are required to demonstrate how the development will protect landscape character and avoid detrimental effects on types, patterns and features which make a significant contribution to the character, history and setting of a settlement area.

6.15 The application site is located adjacent to 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 GNDP09 requires development to preserve the existing settlement patterns, including the strong East-West form and preservation of hedgerows and field patterns.

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

6.17 In terms of hard landscaping, the application proposes the use of block paving to most of the proposed parking areas and private access drives. Boundary treatments would comprise 0.6 metre high stone walling to frontages of plots 7 & 6 with 1.8 metre brick walls around the side and in between plots 9 & 8. 1.8 metre high fences would be erected within the rear gardens of the site. Additional tree planting is proposed between parking spaces to soften the facing street side.

6.18 The scheme would be visible upon approach to Gotherington when travelling east along Malleson Road. The scheme proposes plots 9 and 8 are turned to face west, it is considered that this would create a positive edge to the settlement when approaching the village. The landscape assessment carried out by the Parish Council through the GNDP process has identified the site as a 'low visual impact' site.

6.19 Given the above it is considered that the impact of the development on the surrounding landscape, together with 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 minimise the impact of the development on the landscape character of the SLA to the east.

Ecology and existing trees

6.20 Policy SD9 seeks the protection and enhancement of biodiversity and geological resources of the JCS area.

6.21 The application has been accompanied by an ecological survey which has sought to determine the existence of any ecologically valuable areas and/or protected species. A two stage approach was taken, a desk-top survey and a walk-over field survey. The survey concludes that there are no habitats of international, national, county or local importance that would be directly affected by the proposals. It goes on to conclude that the site is deemed to be of overall negligible or low ecological value with no evidence of protected species recorded. Notwithstanding this, the ecological survey has made a number of recommendations to enhance the site's biodiversity. This includes the installation of bird/bat boxes on some of the existing vegetation or incorporated into the new build to provide enhanced nesting/roosting opportunities. It is also recommended that new planting should aim to use native species or species of known value for wildlife. This can be controlled by a suitably worded condition(s).

6.22 There are a number of trees would need to be removed to accommodate the proposed dwellings although some trees and boundary vegetation has been incorporated into the proposed landscaping scheme. The Tree Officer has been consulted on the application and has raised no objection to the proposed development, however, comments that the oak tree is of significant interest and should be retained on site. The trees that are identified for removal would however not provide any significant amenity value and would not be worthy of a Tree Preservation Order. The Tree Officer has also recommended additional planting to rear gardens to compensate for the loss of trees as a consequence of the proposed development. It is recommended that a condition be imposed for protective tree fencing to be installed prior to any works commencing on site and retained throughout the construction phase in respect of those trees/hedgerows to be retained.

6.23 The Ecology report also raises concerns regarding the impacts of light pollution upon amenity and the natural environment. It is clear that development in this location would result in change with lighting from the proposed dwellings, however such domestic lighting would not result in undue harm. In terms of the impact of street lighting a condition is recommended to restrict the installation of street lighting within the development in order to protect the dark rural character of the area.

Residential Amenity

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

6.25 The proposed layout would result in 7 plots facing onto Malleson Road with gardens located to the rear. This would reflect the existing organic linear character of the area while the introduction of dwellings on this site and in proximity to existing services would contribute to a sense of place in association with the recent development to the South.

6.26 Plot 1 would be located approximately 18 metres to the west of an existing property, the design of this plot does not include a first floor level window on the eastern elevation. Given the separation distance and the fact that no first floor windows are proposed facing this property, it is considered proposal would not result in demonstrable harm to the living conditions of these occupiers.

6.27 The proposed units on site have been designed as to not give any rise to unacceptable overlooking between dwellings, this has been achieved by using black elevations on some units and using windows for bathroom/en-suites on other units. It is therefore considered that the overall layout would not result in demonstrable harm to the living conditions of future occupiers. Whilst plots 8 and 9 would face towards the rear gardens of plot 7, it is considered that there is a reasonable separation distance between the plots, as well as an intervening garage, that would mean there would be no demonstrable harm to plot 7's amenity.

6.28 The proposal would provide sufficient outdoor amenity space commensurate to the size and scale of the proposed dwellings. Each dwelling would have reasonably good outlook in line with JCS Policy SD4.

6.29 For the above reasons, it is considered that the proposed dwellings would not have a significant harmful impact upon the amenities of neighbouring properties nor upon the occupiers of new dwellings with regards to a loss of privacy, overbearing impact or loss of light. The proposal is therefore deemed to comply with the requirements of JCS Policies SD4 and SD14 in this regard.

Accessibility and Highway Safety

6.30 Paragraph 103 of the NPPF sets out that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making. Furthermore, development should only be prevented or refused on highways grounds where there would be an unacceptable impact on highway safety or the residual cumulative impacts of development are severe. Policy INF1 of the JCS requires that developers should provide safe and accessible connections to the transport network to enable travel choice for residents and commuters.

6.31 The scheme proposes the creation of one new access point from Malleson Road, serving all of the plots on site. A public footway is also proposed from the eastern site access along the frontage of the existing properties along Malleson Road, which would provide a pedestrian link to the village. A 1.2 metre footpath would be created along the frontages of each property.

6.32 Each of the plots would have a minimum of two off street parking spaces, a further two garage spaces would be provided with plots 1, 6, 7, 8 and 9.

6.33 Initially the County Highways Department requested further details to be provided to demonstrate that safe and suitable access can be achieved. Details have been received and presented to County Highways whom are now satisfied given the latest revisions to the site. The County Highways Officer therefore raises no objection to the scheme subject to conditions being attached to any permission granted.

6.34 Subject to the imposition of relevant highways conditions, the proposal is deemed to comply with the requirements of JCS Policy INF1 and would ensure safe and suitable access to the site for all users without having a detrimental impact on the safe and efficient operation of the highway network.

Drainage

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

6.36 The application has been accompanied with by a drainage strategy for the site. The scheme proposes the foul to flow into an onsite chamber before being pumped via the rising main to the offsite Severn Trent manhole within Malleson Road to the East of the site. The Storm Drainage will utilise a direct connection into the adjacent ditch recently re-constructed by Persimmon Homes as part of the development opposite the site. To attenuate the discharge rate the applicant would construct a storage system within the private areas to control the outflows via a hydro brake chamber into the piped ditch adjacent the site (This element would pick up all rainwater gathered by the driveways, roofs and tarmacked areas).

6.37 The Council's Flood Risk Support Officer has considered the proposal and has raised no objection.

Affordable housing

6.38 Policy GNDP04 of the GNDP advises that "To ensure that future housing development meets the needs of the existing and future population the following will apply; a) on sites of 5 or more dwellings a range of tenures, house types and sizes of dwellings will be required, including, where the viability allows, a proportion of affordable homes as defined in the NPPF 2012 Glossary to meet the housing needs of households with a connection to Gotherington Parish"

6.39 The GNDP was adopted on 19th September 2017, forming part of the development plan. Policy GNDP04 was prepared on the basis of the previous NPPF 2012 which sought a lower dwelling threshold for the delivery of affordable housing on residential housing schemes.

6.40 The JCS was subsequently adopted in December 2017 after the GNDP and also forms part of the Development Plan. Policy SD12 of the JCS and sought additional thresholds for the provision of affordable housing on sites of 10 units or less.

6.41 Applications for planning permission should be determined in accordance with the development plan unless material consideration indicate otherwise. With regard to affordable housing a more recent material consideration has been introduced in the current version of the NPPF (2019) which supersedes advice in previous versions.

6.42 The NPPF 2019 states that 'Where a need for affordable housing is identified, planning policies should specify the type of affordable housing required however, goes on to advise that 'Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer)'.

6.43 Paragraph 212 of the NPPF (2019) clarifies that "The policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of publication". With this in mind it is considered that given the GNDP and JCS policies have since been superseded by more recent policy the affordable housing thresholds should be adhered to in accordance with the NPPF 2019, which carries more weight than that set out in Policy GNDP04 and paras (iii) and (iv) of the JCS.

6.44 The Councils Strategic Housing Enabling Officer (SHEO) has provided comments and advises; 'the site would not be classed as a 'major development' as per the NPPF (Feb 2019, updated 19 June 2019) and an Affordable Housing contribution would not be required. The site is also not within a designated rural area so a lower threshold triggering a contribution would not apply'.

6.45 The site measures 0.49 hectares in size and proposes 9 dwellings. The development would not be classified as 'major development' and is therefore not required to deliver affordable housing.

Housing mix

6.46 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 and development should address the needs of the local area. This is consistent with Section 5 of the NPPF which, at paragraphs 60 and 61, requires that the local planning authority should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups of the community. The Gloucestershire Strategic Housing Market Assessment (2015) (the SHMA) identifies the greatest level of need for market dwellings in Tewkesbury Borough over the plan period will be for 2 and 3 bedroom dwellings.

6.47 This application proposes a mix of dwellings, with two 2-bed dwellings, two 3 -bed dwellings, three 4-bed dwellings and two 5-bed dwellings, which is considered acceptable for the locality and meets the needs of the local area in line with JCS Policy SD11.

7.0 Overall balancing exercise and conclusions

Benefits

7.1 The site is allocated for housing through the GNDP and the emerging plan. Given that the NDP forms part of the adopted development plan great weight is afforded to this and the delivery of housing to meet a locally identified need.

7.2 Weight can be attributed to the economic benefit arising from the proposal both during and post construction. Whilst this weight is limited by virtue of the scale of the development, it is nevertheless a matter which weighs in favour of the proposal.

Neutral impacts

7.3 The impact upon the wider landscape and the existing trees has been addressed. Whilst there would be a loss of some trees and hedgerows, mitigation (through a condition) would provide an acceptable solution to the loss.

Harms

7.4 Harm arises from the conflict with the development plan policies, in particular JCS policy SD12 and GNDP04 in terms of the provision for affordable housing. However, this conflict must be considered having regard to the weight given to the threshold tests within the NPPF (2019) which carries more weight at this current time.

8.0 Conclusion & Recommendation

8.1 For the aforementioned reasons, the proposed development is considered acceptable in principle and is considered to be of an appropriate design and housing mix that responds to the local characteristics and protects the amenity of existing and future occupants in line with the requirements of JCS Policies SD4, SD10, SD11 and SD14. The proposal would not impede the safe and efficient operation of the highway network and makes appropriate provision for off-road parking spaces. For these reasons, and subject to relevant conditions, the proposal is deemed to comply with relevant national and local planning policy and is therefore recommended for **Permit**.

RECOMMENDATION Permit

Conditions:

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

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Unless where required or allowed by other condition attached to this permission, the development hereby permitted shall be carried out in accordance with the information provided on the application form and the following approved plans/drawings/documents:
 - Site Location Plan (drawing no: P18-0290_09 REV A)
 - Revised Site Plan (drawing no: P18-0290_04 REV I)
 - Plots 4 and 5 (drawing nos: P18-0290_03 SHEET 01 REV A)
 - Plots 2 and 3 (drawing nos: P18-0290_03 SHEET 02 REV A)
 - Plots 6 and 7 (drawing nos: P18-0290_03 SHEET 03 REV A)
 - Plots 1 and 9 (drawing nos: P18-0290_03 SHEET 04 REV A)
 - Plot 8 (drawing nos: P18-0290_03 SHEET 5 REV C)
 - Materials Plan (drawing no: P18-0290_05 REV E)
 - Enclosures Plan (drawing no: P18-0290_06 REV E)
 - Drainage Strategy Plan (drawing no: 19 016 / DS01 A)
 - Drainage Strategy Report Revision A (dated June 2019)

- Arboricultural Report, prepared by Tree King Consulting (dated April 2018 - TKC Ref 38.01)
- Ecological Report, prepared by AA Environmental Ltd (dated May 2019 - Job Number 193088)

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

3. Notwithstanding the submitted details, prior to its/their installation as part of the development hereby approved, samples of the materials and finish for the external walls and roofing proposed to be used for the dwellings and detached garages shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the materials as approved.

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

4. Notwithstanding the submitted details, prior to its/their installation as part of the development hereby approved, samples of the materials and finish for the enclosures (Stone walls, close board fences and brick walls) proposed shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the materials as approved.

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

5. No development shall commence until details of existing and proposed levels, to include details of finished floor levels, relative to Ordnance Datum Newlyn including a datum point outside of the site, have been submitted to and approved in writing by the Local Planning Authority. All development shall be carried out in accordance with the approved details.

Reason: To ensure that the development integrates harmoniously with its surroundings and does not adversely impact upon the amenity of neighbouring residents.

6. Notwithstanding the submitted details, before the development hereby permitted is first occupied a comprehensive scheme of soft and hard landscaping shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include:-
 - (i) a plan(s) showing details of all existing trees and hedges on the application site. The plan should include, for each tree/hedge, the accurate position, canopy spread and species, together with an indication of any proposals for felling/pruning and any proposed changes in ground level, or other works to be carried out, within the canopy spread.
 - (ii) a plan(s) showing the layout of proposed tree, hedge and shrub planting and grass areas.
 - (iii) a schedule of proposed planting - indicating species, sizes at time of planting and numbers/densities of plants.
 - (iv) a written specification outlining cultivation and other operations associated with plant and grass establishment.
 - (v) a schedule of maintenance, including watering and the control of competitive weed growth, for a minimum period of five years from first planting.
 - (vi) details of a precise specification of the proposed materials for the hard landscaping of the site (including roads, paths, parking areas and other hard surfaces);

All planting and seeding/turfing shall be carried out in accordance with the approved details in the first planting and seeding/turfing seasons following the occupation of the dwelling hereby permitted.

The planting shall be maintained in accordance with the approved schedule of maintenance. Any trees or plants which, within a period of five years from the completion of the planting, 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. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the five year defects period.

The hard landscaping of the site shall be completed before the first occupation of the dwellings hereby permitted or in accordance with a timetable agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the new development will be visually attractive in the interests of amenity.

7. Details of the specification and position of fencing and of any measures to be taken for the protection of any retained trees and hedgerows from damage before or during the course of development (including all preparatory work) shall be submitted to and approved in writing by the Local Planning Authority prior to any works being carried out onsite. The tree protection measures shall be in accordance with BS 5837:2012 and shall be retained onsite in accordance with the approved details for the duration of the construction process.

Reason: To safeguard the root systems of the trees/hedgerow to be retained and in the interests of visual amenity and the character of the area.

8. 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.

Reason: To avoid an unacceptable impact on highway safety by ensuring that adequate visibility is provided and maintained to ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians is provided in accordance with paragraphs 108 and 110 of the National Planning Policy Framework.

9. The buildings hereby permitted shall not be occupied until the vehicular parking and turning facilities have been provided in accordance with the submitted plan drawing no. P18-0290_04I, and those facilities shall be maintained available for those purposes thereafter.

Reason: To ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians is provided in accordance with the paragraphs 108 and 110 of the National Planning Policy Framework.

10. No above ground works shall commence on site until a scheme has been submitted to, and agreed in writing by the Council, for the provision of fire hydrants (served by mains water supply) and no dwelling shall be occupied until the hydrant serving that property has been provided to the satisfaction of the Council.

Reason: To ensure adequate water infrastructure provision is made on site for the local fire service to access and tackle any property fire in accordance with paragraph 110 of the National Planning Policy Framework.

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

Reason: To ensure that safe, suitable and secure access is achieved and maintained for all people that minimises the scope for conflict between traffic and cyclists and pedestrians in accordance with paragraph 108 and 110 the National Planning Policy Framework and to establish and maintain a strong sense of place to create attractive and comfortable places to live, work and visit as required by paragraph 127 of the Framework.

12. Throughout the construction period of the development hereby permitted provision shall be within the site that is sufficient to accommodate the likely demand generated for the following:
- i. parking of vehicles of site operatives and visitors;
 - ii. loading and unloading of plant and materials;
 - iii. storage of plant and materials used in constructing the development;
 - iv. provide for wheel washing facilities

Reason: To reduce the potential impact on the public highway and accommodate the efficient delivery of goods in accordance with paragraph 110 of the National Planning Policy Framework.

13. The development shall be carried out in strict accordance with the recommendations set out in Section 4.0 (Discussion and Recommendations) of the Ecological Report, undertaken by AA Environmental Ltd (Job No.193088, dated May 2019) and details showing the type, number, location and timescale for implementation of the compensatory bird / bat boxes shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development. The scheme shall be implemented in strict accordance with the approved details.

Reason: To increase the biodiversity of the site and to mitigate any impact from the development hereby approved.

14. The development hereby permitted shall not be occupied until details of secure and covered cycle storage facilities for a minimum of 1no. bicycle per dwelling has been made available in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To give priority to cycle movements by ensuring that adequate cycle parking is provided, to promote cycle use and to ensure that the appropriate opportunities for sustainable transport modes have been taken up in accordance with paragraph 108 of the National Planning Policy Framework.

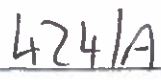
15. The development shall be carried out in strict accordance with the drainage details set out in the Drainage Strategy Revision A (Dated June 2019) and the Drainage Strategy Plan (Drawing No. 19-016/DS01 Rev A). The approved drainage works shall be implemented in accordance with the approved details before the first occupation of the development hereby permitted and shall be retained thereafter.

Reason: The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

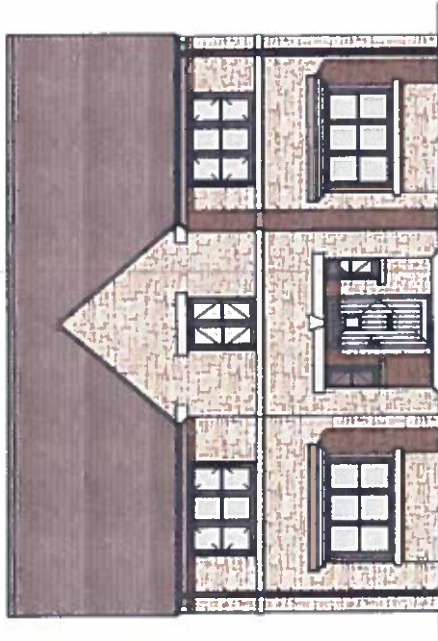
Notes:

- 1 In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner offering pre-application advice, detailed published guidance to assist the applicant and published to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.
2. The upgrade works to the vehicular and pedestrian accesses will require alteration to the existing highway network and must be undertaken by the Highway Authority or its appointed agents. An Agreement under Section 278 of the Highways Act 1980 will be required. The Local Highway Area office will need to be contacted prior to commencement of work on the access.

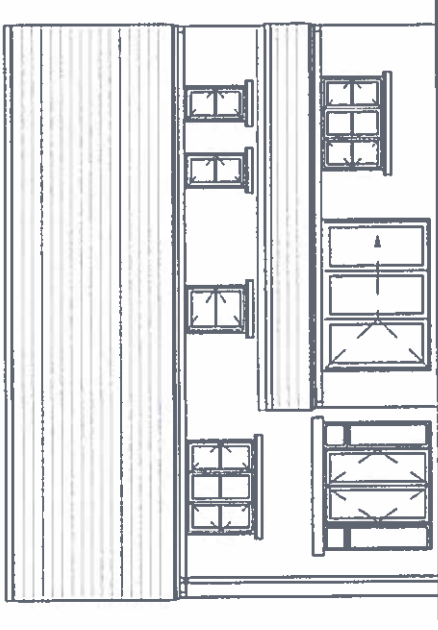
The applicant is also advised that it is an offence under section 161 of the Highway Act 1980 to deposit anything on a highway the consequence of which a user of the highway is injured or endangered. It is strongly recommended that during any form of earthworks and/or excavations that are carried out as part of the development, suitable vehicle wheel washing equipment should be provided and used within the site, to prevent contamination and damage to the adjacent roads.
3. The applicant is advised that to discharge condition 11 that the local planning authority requires a copy of a completed dedication agreement between the applicant and the local highway authority or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.
4. The proposed development will require the provision of a footway/verge crossing and the Applicant/Developer is required to obtain the permission of the County Council before commencing any works on the highway.



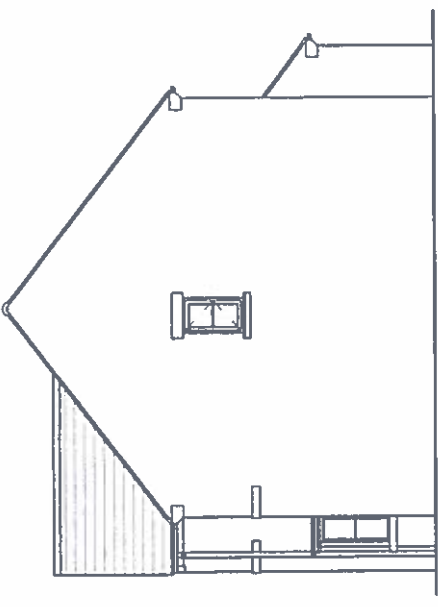




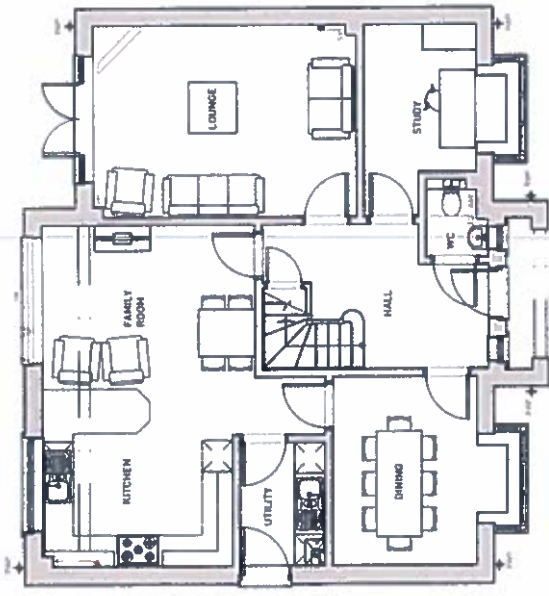
FRONT ELEVATION



REAR ELEVATION

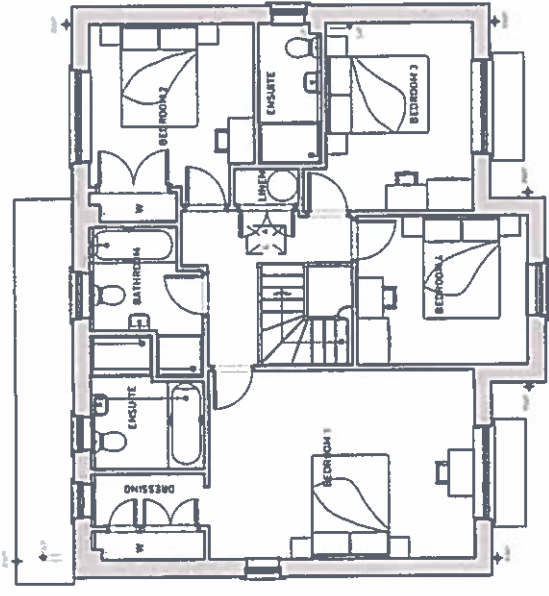


SIDE ELEVATION

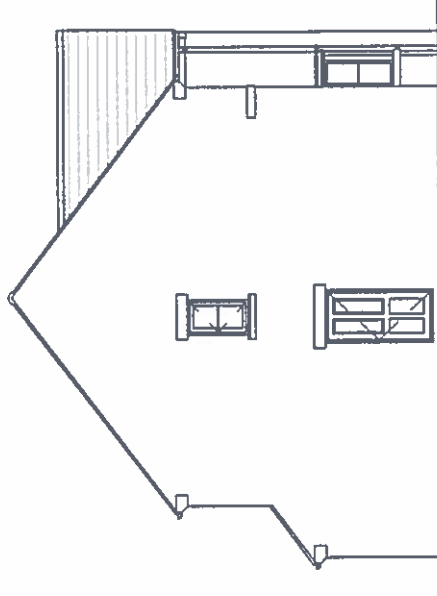


GROUND FLOOR PLAN

SCALE BAR 1:100



1ST FLOOR PLAN



SIDE ELEVATION

PLOTS: 6, 7



Pegasus Design

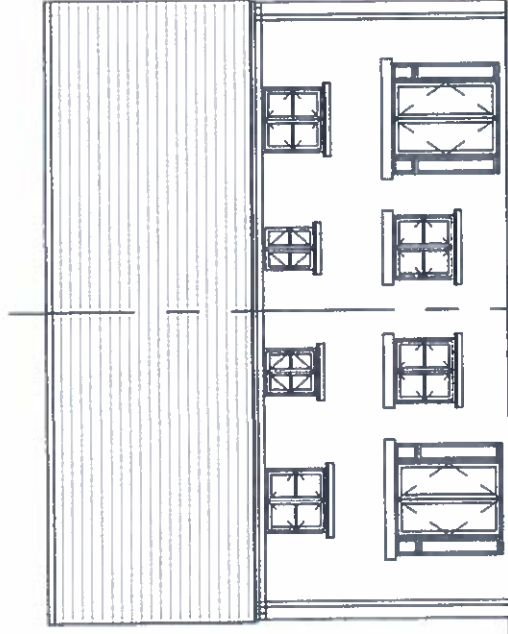
LAND NORTH OF MALLESON ROAD, GOTHERINGTON - HOUSETYPE J

PLANNING | DESIGN | ENVIRONMENT | ECONOMICS | WWW.PEGASUSGROUP.CO.UK | LANDDRAWN BY: EJ/TOW | APPROVED BY P.M. EJ/TOW | DATE: 01/05/19 | SCALE: 1:100 @ A3 | DRAWG: #18-0270-03 SHEET NO. 03 REV. A.1 CLIENT: CENTAUR HOMES

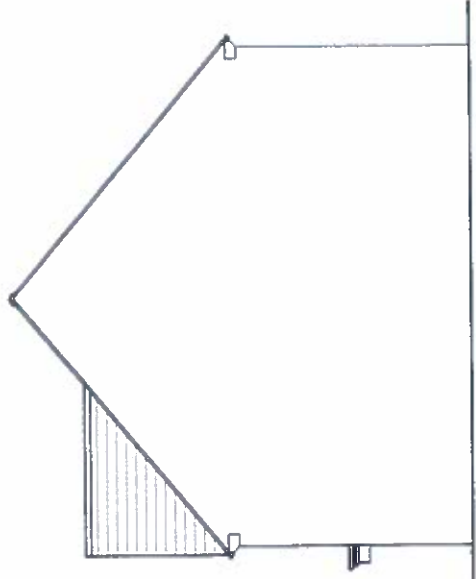
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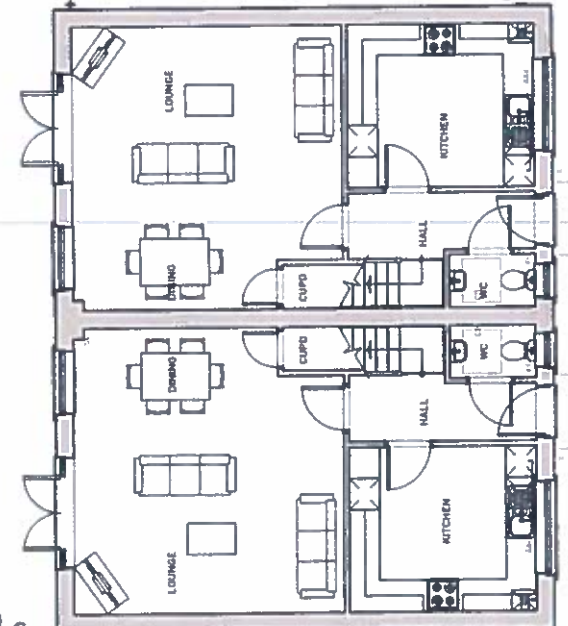
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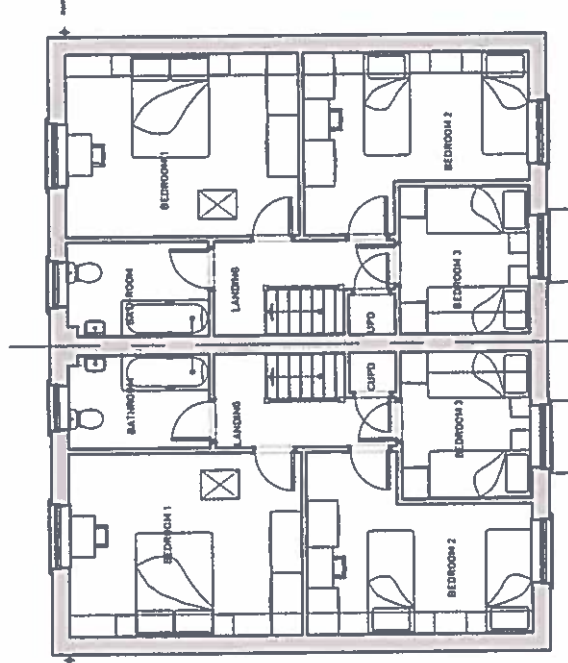


SIDE ELEVATION

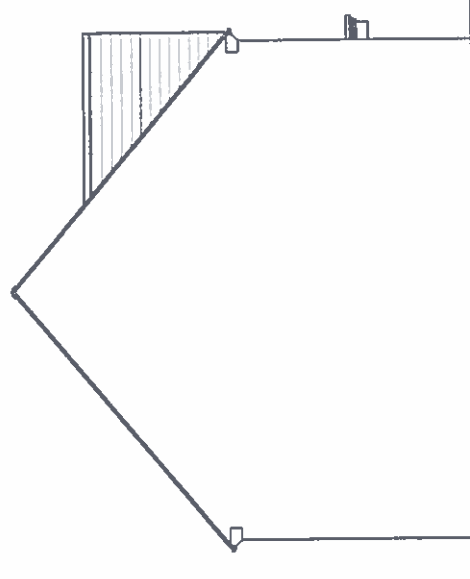


GROUND FLOOR PLAN

SCALE BAR 1:100



1ST FLOOR PLAN



SIDE ELEVATION

PLOTS: 2, 3

LAND NORTH OF MALLESON ROAD, GOTHERINGTON - HOUSETYPE C

Pegasus Design



FRONT ELEVATION



REAR ELEVATION



SIDE ELEVATION



GROUND FLOOR PLAN



1ST FLOOR PLAN



SIDE ELEVATION

SCALE BAR 1:100



PLOTS: 4, 5

LAND NORTH OF MALLESON ROAD, GOTHERINGTON - HOUSETYPE B

PLANNING | DESIGN | ENVIRONMENT | ECONOMICS | WWW.PEACSGROUP.CO.UK | TEAMDRAWN BY EITOW | APPROVED BY P.M. EIT | DATE 07/05/19 | SCALE 1:100 @ A3 | DRAWG P18-0290 03 SHEET 01 OF 01 REV: A CLIENT CENTAUR HOMES

Valid 08.01.2019

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

Grid Ref 391434 215118
Parish Badgeworth
Ward Badgeworth

RECOMMENDATION Refuse

DEFERRED at 16.07.19 COMMITTEE (ITEM 3 - PAGE NO 174)

Policies and Constraints

National Planning Policy Framework (NPPF)
National Planning Policy Guidance (NPPG)
Joint Core Strategy (2017) - SD4, SD6, SD7, SD9, SD10, SD14, INF1
Tewkesbury Borough Local Plan to 2011
Human Rights Act 1998 - Article 8
The First Protocol - Article 1
Cotswold AONB Management Plan 2018 - 2023

Consultations and Representations

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

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

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

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

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

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

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

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

Tree Officer - No objection subject to conditions

Gloucestershire County Highways - No highway objection

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

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

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

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

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

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

Planning Officers Comments: Gemma Webster

1.0 Application Site

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

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

2.0 Planning History

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

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

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

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

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

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

1. *The proposed development conflicts with paragraph 55 of the NPPF in that the application site is in isolated countryside location and there are no special circumstances in this case that would justify supporting the development.*
2. *The proposed development by virtue of its size and location would have a visually intrusive impact on the open character and visual attractiveness of the Cotswold Area of Outstanding Natural Beauty.*
3. *The site is not well served by public transport, pedestrian or cycling facilities and residents of the proposed development would be heavily reliant on the use of the private motor car to meet their daily transport needs. The proposed development is therefore contrary to the core principles of land-use planning set out at paragraph 17 of the NPPF, sections 4 (Promoting Sustainable Transport), 8 (Promoting healthy communities), policies TPT1 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and emerging policies SP2 and SD7 of the Submission Joint Core Strategy (November 2014).*
4. *The proposal, by virtue of its design, layout and density, would result in an adverse visual impact on the street scene and locality generally. Furthermore, the proposal would represent an isolated form of development which would be poorly connected to existing settlements and wider residential areas. The proposal would therefore not respect the form, character and history of the area and fail to achieve high quality and inclusive design contrary to section 7 of the NPPF (Requiring good design) and emerging Policy SD5 of the Submission Joint Core Strategy (November 2014).*

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

3.0 Current Application

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

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

4.0 Policy Context

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

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

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

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

5.0 Analysis

Principle of Development

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

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

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

5 year supply

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

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

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

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

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

5.6 The latest published evidence (the Tewkesbury Borough Five Year Housing Land Supply Statement - March 2019 Update) concludes that the Council can demonstrate a 5.22 year supply. A recent appeal decision relating to a land at Oakridge, Highnam, concluded that the Council could not demonstrate a five year supply of deliverable housing sites. The key reason for this was that the Council includes advanced delivery against annual housing requirements in its five year supply calculations. The Council's approach in this respect is considered appropriate and, as members are aware, the Council is judicially reviewing the Secretary of State's conclusions in this regard.

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

5.8 Therefore, notwithstanding the conflict with the Development Plan, the Council's policies for the supply of housing are considered to be out-of-date having regard to paragraph 11 of the NPPF. In these circumstances, as set out above, the NPPF advises that the presumption should be that planning permission is granted unless there are adverse impacts of doing so which would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole.

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

Fall-back position

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

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

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

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

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

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

Landscape Impacts

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

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

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

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

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

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

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

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

5.24 As set out at paragraph 5.13 above, the weight that can be attributed to the fall-back position is tempered somewhat by the fact that only one log cabin has been implemented since planning permission was granted in 1993. On this basis it is concluded that the proposal would therefore be contrary to Policies SD6 and SD7 of the Joint Core Strategy and section 15 of the NPPF (Conserving and enhancing the natural environment). Therefore having regard to footnote 6 to paragraph 11 d) i) of the NPPF, applying the NPPF and Development Plan Policies for the AONB provides a clear reason for refusing the proposed development and the presumption in favour of sustainable development (*tilted balance*) is not engaged.

Sustainable Transport and Highway Safety

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

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

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

5.28 The applicants point to the fall-back position, in relation to tourist accommodation. However tourist accommodation is considered differently in planning policy terms. This is because permanent residential uses are likely to create significantly greater levels of vehicular traffic movements than that of holiday accommodation, which is unlikely to achieve year round occupancy and does not usually result in the same number of daily vehicular trips. However, if the applicant's fall-back position on full implementation is accepted, then it is agreed that there would likely be a reduction in vehicle movements as a result of a single dwelling, and this is a matter that would weigh in favour of the application's sustainability credentials.

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

Drainage and Flooding

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

Ecology and Nature Conservation

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

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

Members were up-dated at Planning Committee on the 16th July 2019 that in response to Officers' concerns an updated ecology report was submitted which concluded that although parts of the site may be suitable for use by some protected species, there were none apparent. Furthermore, that the area of the proposed dwelling would not impact upon any of the detailed habitats, including the pond on the site nor the existing hedgerows. The managed grassland around the site currently would not be suitable for reptiles, nesting birds nor Great Crested newts as it would be too short.

Therefore there were no objections with regards to ecology subject to the recommendations set out in the ecology report and refusal reason 3 (regarding the out of date Ecological Report) has been removed.

Other Matters

Trees

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

Residential amenity

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

Members were also informed at Planning Committee on the 16th July 2019 that the planning agent had written to confirm that the log cabin is "let out for short-term stays, as per its lawful use. It has never been occupied as anyone's permanent or primary place of residence."

6.0 Conclusions / Balancing exercise

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

Harms

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

Benefits

6.3 In terms of the benefits, the proposal would make a contribution towards addressing the Council's housing shortfall. However, only limited weight could be attached to such a modest contribution. The provision of one dwelling would also result in some economic and social benefit, however these minor benefits should be balanced against the loss of the tourist facility. The tourism facility would be likely to result in more vehicle movements than a single dwelling and this would have sustainability benefits, albeit this would be dependent upon full implementation of the log cabin development.

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

Update

This application was presented to Planning Committee on the 16th July 2019 and was recommended for refusal for the following reasons below.

Following debate Members to DEFER the application to request that the applicant provide details at this stage in respect of reserved matters of appearance, layout and scale and the extent of the residential curtilage.

In response, the applicant has chosen not to amend the application in accordance with Members' resolution. Instead, the applicant has submitted a number of 'illustrative' revised plans together with an accompanying 'Planning Explanatory Note'. The plans include:

- a site plan showing a reduced red line / curtilage for the proposed dwelling;
- a series of 'illustrative' plans of a contemporary style dwelling; and
- a Design and Access Statement.

The revised plans and information has been consulted upon and further representations have been received which are summarised in the Consultations and Representations section above.

The revised plans and information show illustrative elevations and 3D renditions of a large 'H' form contemporary style two storey dwelling that would be partially set into the contours of the site. The supporting Design and Access Statement provides some examples and other contemporary dwellings.

Further to the above, the applicant has now also provided an annotated version of the illustrative site section plan showing the height of the proposed dwelling, which puts the height parameter in to context. The documents seek to restrict the floor space, height, curtilage and building materials of the proposed development in order to give the local authority control and assurance over the quality and size of the resulting development. In summary, the letter proposes the following:

- o The ridge height of the dwelling shall be no higher than 60m AOD.
- o The total gross internal floor area of the dwelling shall be no greater than 800 sqm.
- o The curtilage of the dwelling will be no greater than 0.73 ha, as shown on submitted plan.
- o The materials palette used in the construction of the dwelling will include the following:
 - Natural Cotswold Stone
 - Timber Boarding
 - Cream Coloured Render

- Aluminium powder coated windows, doors and Rooflights
- Zinc Roofing
- Glass Balustrades

The applicant states that they would be happy for a condition to be imposed requiring any future reserved matters application to be in accordance with the parameters set out.

Officer Opinion

Whilst scale parameters can be useful as an aid in assessing the likely impact of a proposal, the plans of the dwelling itself would remain illustrative only. This crucial aspect of the proposal would remain in Outline form and would be subject to a further reserved matters application. The recent submissions do not therefore satisfy Members request for details at this stage.

Whilst it may be possible to impose a condition (as suggested by the applicant) restricting scale parameters and requiring subsequent reserved matters to reflect the submitted 'illustrative plans' Officer opinion is that this would not provide Members with sufficient certainty that the development would be of an exceptionally high quality design that is required in the Area of Outstanding Natural Beauty, or enable the proper assessment of the proposal in terms of the landscape impact through and specific detailed Landscape and Impact Appraisal. These would remain details to be submitted in a later reserved matters application following the grant of Outline consent (and the acceptance of the principle of a dwelling in location). Such a condition may also present limitations for future applicants / architects in terms of alternative designs solutions that may prove to be more acceptable.

Notwithstanding the above, Officers are of the opinion that the illustrative plans and supporting parameters demonstrate that a building with a floorspace of circa 800sqm would be of a significant size and bulk that would be likely to have a significant and harmful impact on the AONB, even were part of it set into the contours of the site (as demonstrated through the applicants recent submission). Furthermore, that a contemporary design which often incorporates large expanses of glazing (as shown in the supporting illustrations) would be particularly intrusive and visible at night.

Conclusion

It is concluded therefore that the submission of illustrative plans and scale parameters are insufficient to demonstrate the acceptability of the proposal and does not satisfy the requirements Members expressed at Planning Committee in their resolution to Defer the application. As set out above in the report, the permitted tourism scheme was assessed as policy compliant proposal and only one log cabin has been constructed since permission was granted in 1992 which must limit the weight to the applicant's fall-back position of full implementation of the permitted scheme. In view of the above the Officer recommendation remains that the application be Refused.

RECOMMENDATION Refuse

Reasons:

- 1 The proposed development conflicts with paragraph 79 of the NPPF and Policies SP2 and SP10 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 -2031 (December 2017) in that the proposed development is in isolated countryside location that is not well served by public transport, pedestrian or cycling facilities and does not meet the strategy for the distribution of new development in Tewkesbury Borough and the application site is not an appropriate location for a new market dwelling.
- 2 On the basis of the submitted information, the proposed development would result in an unwarranted and visually intrusive impact on the open character and visual attractiveness of the Cotswold Area of Outstanding Natural Beauty. The proposed development would therefore fail to conserve or enhance its landscape and scenic beauty. Accordingly, the proposed development would conflict with Policy SD7 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 -2031 (December 2017), Section 15 of the NPPF and the Cotswolds AONB Management Plan 2013-2018.

Note:

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.

4351A

potential to use existing pond as part of the proposed SuDS drainage design

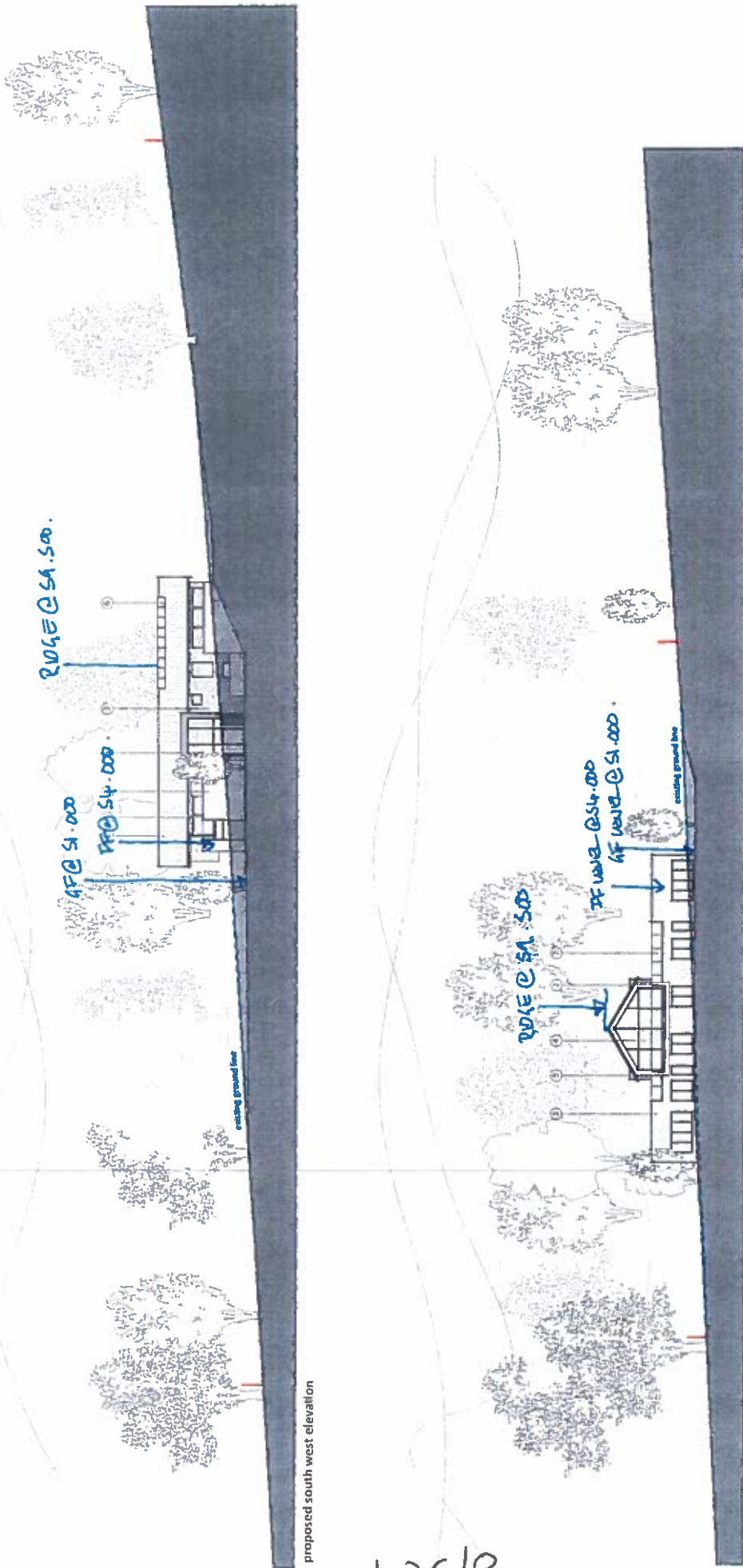
When a business begins to lose sales or profits, the first step is to determine whether the problem is due to a change in the market, a change in the company's strategy, or a change in the company's management. The first step is to determine whether the problem is due to a change in the market, a change in the company's strategy, or a change in the company's management.

Client:	Scale:	1,250 @ A1
Drawn by:	Date:	August 2019
Project No:	19 20 022	
Drawing title:	Proposed Site Plan	
Project:	Fortitude Wilczombe	
	Drawing No:	PL004

coombes event architects

new residential development
fortitude, birdlip hill, Gloucestershire
for illustrative purposes only

- material key
1. zinc blanding storm road
 2. open faced concrete wall
 3. brickwork (red brick)
 4. PPC aluminium windows (grey)
 5. anthracite metal entrance feature
 6. PPC aluminium profile
 7. glass balustrade



435/B

proposed north west elevation

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☐ Preliminary
☐ Feasibility
☒ Planning
☐ Building Regulations
☐ Tender
☐ Construction Issue
☐ As Built

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Drawing title Proposed Elevations
Client
Drawn by GR Checked TC
Project No. 19 20 022

Project Fortitude, Wiccombe
Scale 1:200 @ A1
Date August 2018
Drawing No 19 20 022

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new residential development
fortitude, birdlip hill, gloucestershire
for illustrative purposes only



view 1 - from entrance drive



view 2 - from south east



view 3 - from north west

435/c



view 4 - from north east



view 5 - towards entrance courtyard



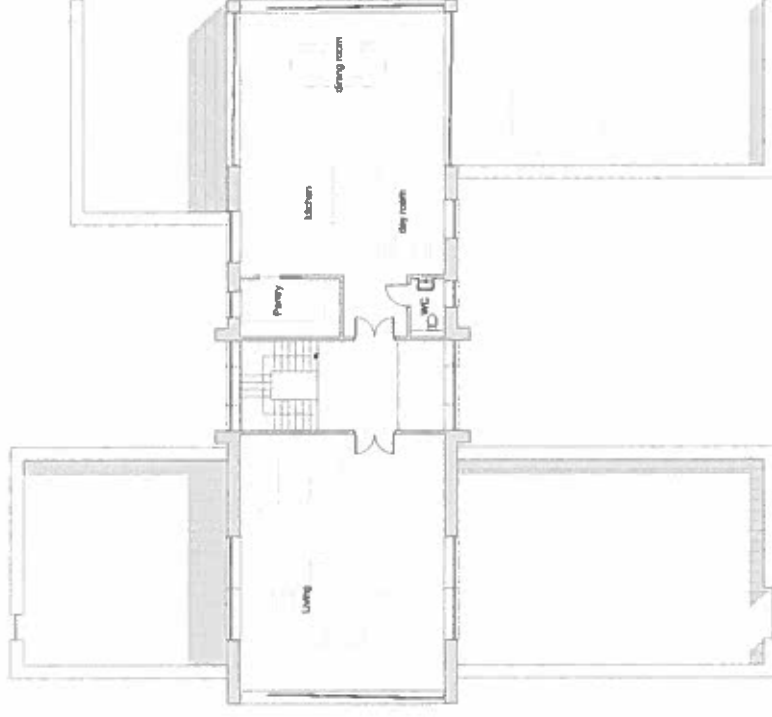
view 6 - front entrance feature

coombes : everitt architects limited 105-107 Churchyard Gloucestershire GL53 7LE t 01452 897727 f 0845 6575833 www.coombes-architects.co.uk		<input type="checkbox"/> Preliminary <input type="checkbox"/> Feasibility <input checked="" type="checkbox"/> Planning <input type="checkbox"/> Building Regulations <input type="checkbox"/> Tender <input type="checkbox"/> Construction Issue <input type="checkbox"/> As Built		1. The drawing and content is copyright © of coombes : everitt architects limited and should not be reproduced without written permission. 2. This drawing is for illustrative purposes only and should not be used for construction or any other purpose. 3. No liability is accepted for any errors or omissions in this drawing or any other drawing. 4. No liability is accepted for any errors or omissions in this drawing or any other drawing.		RIBA Registered Architect No. 105-107		Drawing title: 3 Dimensional Sketch Views Client: n/a @ A1 Drawn by: GR Project No: 19 20 022		Project: Fortitude, Wiltcombe Scale: n/a @ A1 Date: August 2018 Drawing No: PL007	
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new residential development
fortitude, birdlip hill, gloucestershire
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ground floor plan



first floor plan

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☐ Preliminary
☐ Feasibility
☒ Planning
☐ Building Regulations
☐ Tender
☐ Construction Issue
☐ As Built

1. The drawings are intended to provide a general impression of the proposed development and are not to be used for any other purpose.
2. The drawings are not to be used for any other purpose.
3. The drawings are not to be used for any other purpose.
4. The drawings are not to be used for any other purpose.
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10. The drawings are not to be used for any other purpose.

Project: Fortitude, Wiccombe
Scale: 1:100 @ A1
Date: August 2019
Drawing No: PL005

Drawing title: Proposed Floor Plans
Client:
Drawn by: CR
Checked: TC
Project No: 19-20-022

coombes eventti architects

Valid 09.07.2019

Demolition of Garage and Construction of one Residential Dwelling
(amendment to scale and curtilage).

Grid Ref 385171 222567

Parish Down Hatherley

Ward Severn Vale South

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)

Tewkesbury Borough Plan (2011-2031) - Pre-submission version (July 2019)

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

The First Protocol, Article 1 (Protection of Property)

Down Hatherley, Norton and Twigworth Neighbourhood Plan 2011-2031 (adopted)

Consultations and Representations**Down Hatherley Parish Council - Objection (in summary)**

- The new access of the recent application is to serve the proposed not existing dwelling.
- The site lies within the green belt
- Objects to the subdivision of residential plots
- Development not supported by the adopted neighbourhood plan
- Over development of the site
- A narrow garage is proposed to be replaced with a much larger structure which is disproportionate in size within the existing residential plot.

Comments on amended plans - Objection

- assume that the dimensions of the dwelling will have increased and the share of the current curtilage will have been extended for the proposed new property.
- Previous comments remain.

Gloucestershire County Highway Authority - No objection to the proposal as amended, plans with application form, design and access statement, site location plan ref 2847(PO)01C, as built site plan ref 2847P(2)02A.

Building Control - Building Regulation approval is required.

Neighbour comments - One letter of support.

Planning Officers Comments: Dawn Lloyd

1.0 Site Description

1.1 This application relates to Caerleon, a detached dwelling located in a ribbon form of development along the A38 in Down Hatherley. There are fields to the north of the site and garden centre to the south. Listed buildings are located across the A38 to the north of the site.

1.2 The application site is rectangular in shape and measures approximately 1236 sq m 0.05 hectares.

1.3 The sites is within the area of the JCS Strategic Allocations (Policy SA1).

1.4 The site does not lie within the Green Belt and is not affected by any restrictive landscape designations.

2.0 Planning History

2.1 Application 19/00191/FUL was granted permission on 11 June 2019 for the for the Installation of new front access gate, fence and hardstanding.

2.2 15/01149/OUT - A mixed use development comprising demolition of existing buildings; up to 725 dwellings and a local centre of 0.33ha (A1,A2,A3,A4,A5,D1,D2 uses); primary school, open space, landscaping, parking and supporting infrastructure and utilities; and the creation of a new vehicular access from the A38 Tewkesbury Road. Allowed at appeal 21st December 2017.

2.3 19/00935/APP - Approval of Reserved Matters (Access, Appearance, Landscaping, Layout and Scale) comprising Phase 1a of Outline Permission Ref: 15/01149/OUT for the erection of 79no. dwellings and associated engineering operations, drainage infrastructure and landscaping. Under consideration.

3.0 Details of Proposal

3.1 This application is submitted in full and seeks permission for the demolition of the existing garage and for the erection of a detached market dwelling. The new dwelling would be sited to the east of the plot and adjacent to the existing dwelling, set back slightly from the front elevation.

3.2 The proposed dwelling would be two storey in height and have similar ridge heights. The proposed design is distinct from the existing dwelling - the materials are brick and render with slates for the roof. The bricks and roof slates would match the existing dwelling property giving elements of cohesion.

3.3 The application site would be accessed utilising the vehicular access approved under application 19/00191/FUL from Brook Lane. The property has two off-road parking spaces and appropriate parking provision for the existing dwelling would be retained.

3.4 Since the application was first submitted, the proposal has been subject to amendments which primarily sought to address concerns raised by officers in respect to the design, layout and scale of the proposed dwelling and to provide more rear amenity space. A new notification and consultation period has been carried out.

4.0 Policy Context

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

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

4.3 Other material policy considerations include national planning guidance contained within the National Planning Policy Framework and the emerging Tewkesbury Borough Local Plan (Preferred Options Consultation) 2011-2031.

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

5.0 Analysis

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

Principle of Development

5.2 The JCS was adopted in December 2017 and is now part of the development plan. The JCS Policies replace a number of Policies in the TBLP and also includes a number of Strategic Housing Allocations.

Strategic Policy SA1 - Innsworth and Twigworth

5.3 The Innsworth and Twigworth Strategic Allocation includes the current application site within its boundaries. The principle of residential development within this site is therefore acceptable - subject to the requirements of that Policy and other material considerations.

5.4 Policy (SA1) requires amongst other things, that development proposals must be accompanied by a comprehensive masterplan for the entire Strategic Allocation. It also requires that proposals must be accompanied by a comprehensive masterplan for the entire Strategic Allocation. Policy A1 provides further detailed guidance on the development of the allocation. The proposals plan in support of A1 provides an indicative distribution of land uses within the development - which envisages housing for the majority of the site.

5.5 Whilst the A1 Policy is clearly intended to inform large scale development proposals and to ensure a comprehensive approach to the development of the whole allocation, it is nonetheless relevant insofar as *any* proposal should not prejudice comprehensive development of the SA or otherwise sterilise parts of it. It is material that there is a live outline planning application (19/00771/OUT for 32 dwellings) on the parcel adjacent to the immediate boundary of this application site. The illustrative layout proposes an area of open space (and SUDs attenuation pond) adjacent to the proposed dwelling subject of this application.

5.6 On the basis of the above, and given the peripheral location of the application site on the edge of the development area with the garden of an existing dwelling, it is not considered that the current (and small-scale) proposal would prejudice the delivery of the Strategic Allocation.

5.7 The Principle of development is therefore acceptable subject satisfying the requirements of SA1 and all other material considerations.

5 year housing supply

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

(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.

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

5.10 The latest published evidence (the Tewkesbury Borough Five Year Housing Land Supply Statement - 2018/2019 indicates that the Council can demonstrate a 4.33 year supply of deliverable housing sites, amounting to a shortfall of approximately 194 dwellings.

5.11 Members will be aware of the Oakridge, Highnam case where the Council had challenged the Secretary of State's assertion in the appeal decision in respect of the five year supply where he had followed the Inspector's advice in relation to discounting previous oversupply. Based on the Secretary of State's approach, the Council could only demonstrate a 2.7 year supply whereas if the dwellings that had been provided over and above the cumulative requirements were counted, the Council could demonstrate a 4.3 year supply. The High Court did not rule one way or the other as it was considered that it should be left to a case where it would make a difference - the Council had won the Oakridge case therefore this ruling made no difference to the overall outcome. On that basis, there is no reason for the Council to change its position in terms of the oversupply being counted.

5.12 Notwithstanding the fact that the principle of development is acceptable, 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

5.13 Section 12 of the NPPF 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. This advice is echoed in JCS Policy SD4 which states new development should respond positively to, and respect the character of, the site and its surroundings, enhancing local distinctiveness, and addressing the urban structure and grain of the locality in terms of street pattern, layout, mass and form. It should be of a scale, type, density and materials appropriate to the site and its setting.

5.14 The proposed dwelling would incorporate similar design features to the existing dwelling that of a two storey detached dwelling with a front gable feature representative of the narrow front elevation of the existing property and uses some matching materials that of the roof slates and bricks. As a result the development would integrate with the existing built form. The properties in the vicinity of the site are set back from the road that are varied age, type and design. Therefore the proposal is considered appropriate to the character of the area.

5.15 The dwelling would be arranged in the same linear set-back position fronting the highway as the adjoining property. The property would have a parking area to the front and a private rear garden. The subdivision of the plot would result in two smaller plots. However there are other plots in Down Hatherley and Twigworth of a similar size. The division of the plot would still provide satisfactory garden space to serve both the new dwelling and the host dwelling.

5.16 The Parish Council consider that the proposal would represent over development of the site which would compromise the visual amenity of the area. However, it is considered that the site layout presents an acceptable arrangement and demonstrates that an additional dwelling could be accommodated on the site without appearing constrained. Further, the position of the proposed dwelling, set back from the roadside, and the incorporation of similar design features would ensure the development would be characteristic of the surrounding area and would not appear at odds with the form and local character of the adjacent residential property.

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

Landscape and Visual Impact

5.18 The retention of the roadside hedgerow is welcomed as it would help preserve the semi-rural character of the site and soften the development.

5.19 In light of the above, it is considered the proposal should not cause a detrimental impact upon the visual quality of the locality.

Impact upon residential amenity

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

5.21 The proposed dwelling is immediately adjacent to the host property however there are no principle windows to habitable rooms on the eastern elevation of the existing dwelling. There is no overlooking of windows and no significant detriment in terms of light breach. There is no direct overlooking of the rear amenity area of the proposed dwelling however there will be some oblique views from the existing first floor window. There is no detrimental harm upon the amenity of the existing dwelling to the west.

5.22 The proposed dwelling would project a further 2.75 metres beyond the rear elevation of Caerleon. Given the favourable orientation this should not appear over-bearing to the occupiers of the adjoining property.

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

Highways Safety

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

5.25 The proposed and the existing dwelling have appropriate levels of parking, manoeuvring and access, the Highway authority have no objection to the amended plans and that the development complies with policy INF 1 in this regard

6.0 Planning Balancing and Conclusion

6.1 The proposal is acceptable in principle as it would constitute infilling within the built-up area of the strategic allocation of Twigworth in accordance with JCS Policy SD10. The design, layout and scale of the proposed dwelling is considered appropriate and no other harm, in respect to amenity and highway safety has been identified. In view of this, the application is recommended for **Permit**.

RECOMMENDATION Permit

Conditions:

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

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

- 2 Unless where required or allowed by other conditions attached to this permission/consent, the development hereby approved shall be carried out in accordance with the information provided on the application form and the following plans/drawings/documents:
 - Site Location Plan - 2847 (PO) 01 REV C
 - Proposed Site Plan - 2847 P (2) 02 REV A
 - Proposed Elevation - 3056 P(2) 02 REV A
 - Proposed Floor Plans - 3056 P(2) 01

Reason: To define the permission.

- 3 Notwithstanding the submitted details, prior to its/their installation as part of the development hereby approved, a specification of the materials and finish for the external walls, doors and windows and roofing proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the materials as approved.

Reason: To ensure the new materials are in keeping with the surroundings and represent quality design.

-
- 4 The construction work on the dwelling hereby approved shall not be commenced until the precise floor slab levels of the new building, relative to the existing development on the boundary of the application site have been submitted to and approved in writing by the local planning authority. Thereafter the new dwelling shall be constructed at the approved floor slab levels.

Reason: To ensure the proposed development does not have an adverse effect on the character and appearance of the area or upon residential amenity.

Notes:

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.

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PROPERTY BOUNDARY
SITE BOUNDARY



Revision Description	Date	Check	Rev
Approved Proposed Layout plan in line with reduced scheme	24.03.19	MP	C
Amended Amendment in line with RCU Comments. Showing residential plot	22.05.19	MP	B
Revised OS Data to show existing roads and add 1m bar fence enclosure to 10m East Elevation	24.03.19	MP	A

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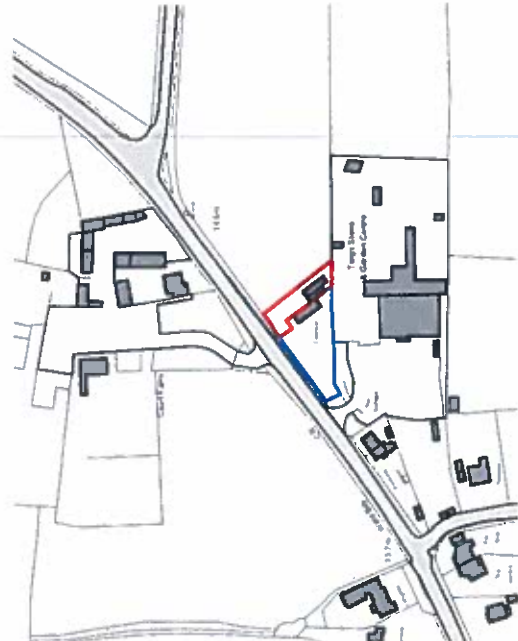
Client: **Caerleon**

Project: 2847
Caerleon, Tinksbury Road,
Gloucester GL2 9PU
Drawing Title: **SITE LOCATION PLAN**
Scale: 1:2500
Date: 2019
Author: **2847 (PO) 01**
Check: **C**
Scale: 1:500



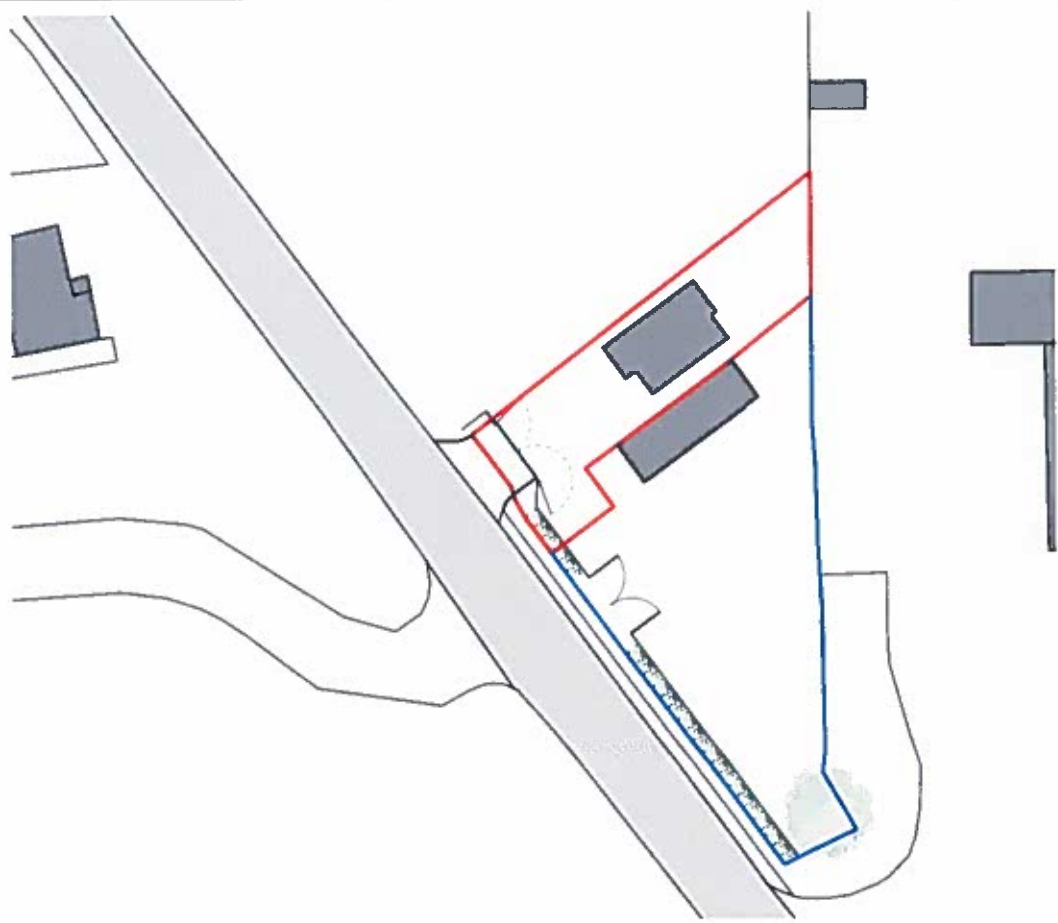
1 SATELLITE VIEW
NOT TO SCALE

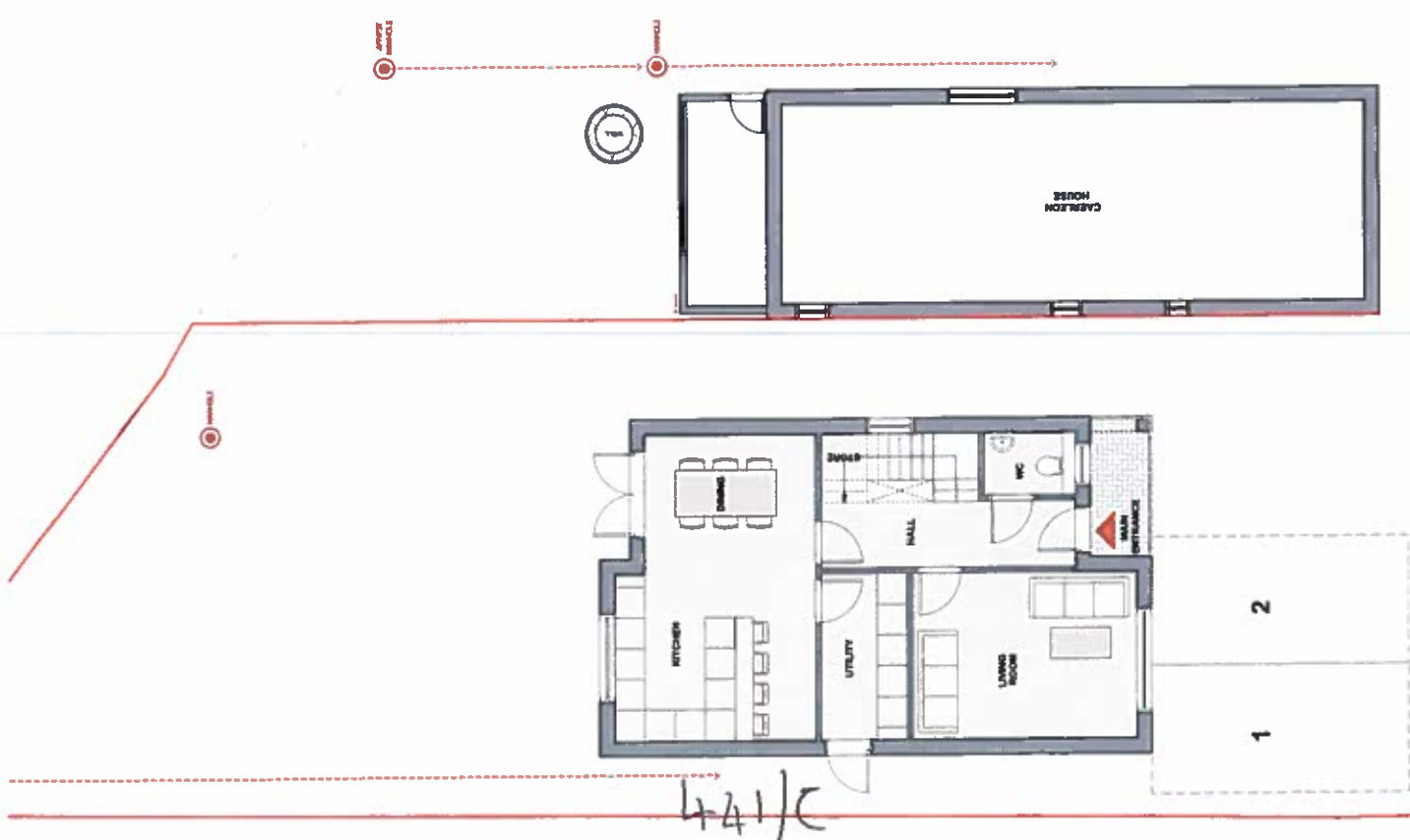
441/A



2 SITE LOCATION PLAN
1:2500 @ A3

3 PROPOSED BLOCK PLAN
1:500 @ A3





1 PROPOSED GROUND FLOOR PLAN
1:50 @ A1/1:100 @ A3



2 PROPOSED FIRST FLOOR PLAN
1:50 @ A1/1:100 @ A3

0 4 8 M
SCALE: 1:50 @ A1/1:100 @ A3
PLANNING ISSUE

STRUCTURAL INFORMATION INDICATIVE ONLY SHOWN FOR CO-ORDINATION PURPOSES
PLEASE REFER TO STRUCTURAL ENGINEERS SPECIFICATION
PLEASE NOTE NO MANHOLES WERE LIFTED THROUGH SURVEYING THE PROPERTY. CONTRACTOR IS REQUIRED TO RESPECT DRAINAGE SYSTEMS TO CHECK THEY WORK PRIOR TO COMMENCEMENT



EXISTING GARAGE FOOTPRINT: 66 SQ M
PROPOSED FOOTPRINT: 67 SQ M

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- 4 If in doubt, ASK

Reduced footprint section in line with case officer comments
20.09.19 OS A

Revision	Description	Date	Check	Rev
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01422 209 374
01422 209 375
01422 209 376

CAERLON, TEWKESBURY ROAD, GLOUCESTER, GL2 9PU
Drawing Title
PROPOSED GROUND AND FIRST FLOOR PLANS

Client	Local Authority	Drawn By	Scale
CAERLON	APRIL 19	SJB	3056 P12) 01

PLANNING ISSUE

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1 PROPOSED NORTH ELEVATION

1:100 @ A1 / 1:200 @ A3

441/D



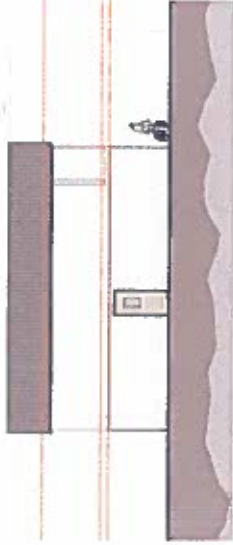
3 PROPOSED WEST ELEVATION

1:100 @ A1 / 1:200 @ A3

0 1 2 3 4 5 6 7 8 9 10 11 12 13 M

SCALE: 1:100 @ A1 / 1:200 @ A3

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2 PROPOSED EAST ELEVATION

1:100 @ A1 / 1:200 @ A3



4 PROPOSED SOUTH ELEVATION

1:100 @ A1 / 1:200 @ A3

Reduced footprint revision
for planning purposes only

20.09.19 05 A

Revision Description Date Check Rev



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Client

CAERLON, TEWKESBURY ROAD,
GLOUCESTER, GL2 8PU

Project

CAERLON, TEWKESBURY ROAD,
GLOUCESTER, GL2 8PU

Drawing Title

SKETCH PROPOSED ELEVATIONS

Status

Local Authority

Date

September 19

Client By

3056 P(2) 02 A

Scale

1:100 @ A1

Valid 02.07.2019

Proposed 4no. dwellings and associated amenity space, vehicle access and parking.

Grid Ref 388630 216796

Parish Brockworth

Ward Brockworth East

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

Planning Practice Guidance

Submission JCS (November 2014) SP2 ,SD10, SD14,INF1, INF2

Tewkesbury Borough Local Plan to 2011 (March 2006)

Tewkesbury Borough Plan - Pre-submission versions 2019

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

The First Protocol, Article 1 (Protection of Property)

Consultations and Representations**Brockworth Parish Council - Objection**

Due to impact on neighbouring properties with regard to privacy, light and parking.

The County Highway Authority - No objection subject to conditions for access construction, visibility splays, details for reserved matters of parking and turning facilities, management and maintenance of road electrical charging points for parking spaces.

Local Residents - 38 letters of representation have been received objecting to the proposal for the following reasons:

- Brockworth village will be swamped in urban sprawl
- Development of gardens unnecessary.
- Impact on neighbouring dwellings due to loss of light, overbearing nature, privacy, pollution and noise.
- Disturbance and dirt from building operations.
- Surface water drainage concerns due to clay soil.
- Adds to traffic congestion on Westfield Road
- Concerns regarding access, parking and turning area not adequate for refuse vehicles
- Development would change the character of the area
- Scale of development
- Loss of wildlife corridor, mature hedge and trees.

Planning Officers Comments: Dawn Lloyd

1.0 Application Site

1.1 The application site relates to a plot of land which forms part of the rear gardens of 18 and 16 Westwood Road. The site enclosed with residential develop on all side. The dwellings of Hillview Ave lie to the east, the residential development of Corinium Court to the south and to the north the access drive to the three bungalows of 20a,20b and 20c Westfield Road. The application site falls within the settlement boundary of Brockworth and is subject to no landscape constraints (**see location plan attached**)

2.0 Planning History

Planning application 04/00170/FUL for the erection of a conservatory was permitted 31st March 2004

Planning application 05/00725/OUT for the erection of a pair of semi-detached bungalows at 14 Westfield Road was permitted 15th September 2019

Planning application 11/01083/FUL for the demolition of existing outbuildings and erection of 5 detached dwellings Builders Yard Land To Rear Of 2-12 Westfield Road was permitted 14th February 2012

3.0 Current Application

3.1 This application seeks outline planning permission for the erection of 4 dwellings, two detached and a pair of semi-detached properties with some matters reserved, which are layout, appearance and landscaping. The access and scale of the development is for consideration at the outline stage.

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."

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4.3 Other material policy considerations include national planning guidance contained within the National Planning Policy Framework and the emerging Tewkesbury Borough Local Plan (Preferred Options Consultation) 2011-2031.

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

5.0 Analysis

5.1 The main issues to be considered in this application are the principle of the development, impact on neighbouring residents, the scale of the development and the access to the site.

Principle of Development

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

5.3 JCS Policy SD10 specifies that, on sites that are not allocated, housing development 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.

5.4 Criterion 4 of Policy SD10 is not restricted to rural service centres and service villages and is applicable to any village within the Borough if the other requirements of this criterion are met. Criterion 4 (ii) of the JCS Policy SD10 states new housing development will be permitted where it is infilling within the village.

5.5 The site lies within the village of Brockworth and is surrounded by residential development and principle of the proposal is therefore be considered acceptable provided that the development can be satisfactorily integrated within the framework of the surrounding development, and subject to other local plan policies and material considerations.

5 Year Supply

5.6 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.

5.7 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.

5.8 The latest published evidence (the Tewkesbury Borough Five Year Housing Land Supply Statement - 2018/2019 indicates that the Council can demonstrate a 4.33 year supply of deliverable housing sites, amounting to a shortfall of approximately 194 dwellings.

5.9 Members will be aware of the Oakridge, Highnam case where the Council had challenged the Secretary of State's assertion in the appeal decision in respect of the five year supply where he had followed the Inspector's advice in relation to discounting previous oversupply. Based on the Secretary of State's approach, the Council could only demonstrate a 2.7 year supply whereas if the dwellings that had been provided over and above the cumulative requirements were counted, the Council could demonstrate a 4.3 year supply. The High Court did not rule one way or the other as it was considered that it should be left to a case where it would make a difference - the Council had won the Oakridge case therefore this ruling made no difference to the overall outcome. On that basis, there is no reason for the Council to change its position in terms of the oversupply being counted.

5.10 Notwithstanding the fact that the principle of development is acceptable, 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.

Impact on residential amenity

5.11 Policy SD14 of the JCS sets out that any new development must cause no unacceptable harm to local amenity including the amenity of neighbouring occupants.

5.12 The application site forms the part of the rear garden of Numbers 18 and 16 Westfield Road. The proposal is for 4 two storey dwellings, two detached properties toward the north and a pair of semi-detached dwellings to the south. The existing garage of number 16 is to be demolished to provide the single vehicle access of 4.1 m to the site from Westfield Road. The indicative layout shows a shared turning area to the front and parking provision for each dwelling. The semi-detached dwellings would have a garage block towards the front. A bin store is located toward the front at the entrance to the drive from the turning area.

5.13 The front elevation of the dwellings face north west dwellings towards the rear elevation of 16 and 18 Westfield Road and their rear elevation face the rear elevation of properties in Hillview Avenue.

5.14 The bungalows face the side elevation of the attached garage and two storey side elevation of the nearest proposed dwelling. The ground levels of the site are slightly lower than adjacent land to the north. The two storey side elevation is set back from the side boundary 4 metres and the bungalows are sited at least 8 metres from the side boundary. An assessment has been made in terms of light to the bungalows from the proposed development and it is considered that there is no significant harm in terms of loss of sunlight/daylight.

5.15 The concerns of residents and the Parish Council are noted however there is over 24 metres between the rear elevations and at least 11 metres from the proposed dwellings to the rear boundary. Therefore, it is considered the separation distance between neighbouring properties and distance to the rear boundary is sufficient to maintain privacy, and any overlooking is not of substantial harm. In addition the scheme can be designed to afford existing and future occupants acceptable residential amenity.

5.16 The application would also give rise to the loss of outdoor amenity space which serve No.16 and 18, however the dwellings would still have ample outdoor amenity space to the front and rear.

5.17 The proposed dwellings are to be served by open front gardens and private rear amenity space. It is considered that the dwellings could be accommodated on the site which would provide acceptable amenity for future occupiers and would not appear cramped.

5.18 It is therefore considered that the proposal could be accommodated on the site without substantially impacting the amenity currently enjoyed by neighbouring properties. The proposal is considered acceptable in this regard.

The scale of the development

5.19 Policy SD4 of the JCS sets out that any new buildings should demonstrate a creative response to a specific site. Attention should be paid to the scale of the proposed development with regard to size, mass and height in relation to its surroundings occupants.

5.20 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.

5.21 The dwellings would all share the same building line as the properties to the south (see site survey / location plan), and face towards the rear of existing properties in Westfield Road. The development would not be readily visible from surrounding public roads and therefore it is considered that the proposal would have an acceptable impact upon the appearance of the streetscene.

5.22 Concerns have been raised as to the size of the proposed dwellings and the density of the proposed development. The immediate surrounding area comprises a mixture of larger detached, semi-detached with generous rear gardens with bungalows to the north with more dense development to the south. The bungalows are set back from the northern side boundary and it is considered that proposed development would not be unduly overbearing on existing dwellings due to the separation distance between the properties. It is considered that the proposed dwellings are similar in scale and are characteristic of surrounding development. Whilst the proposal is relatively dense, it is considered that there is a sufficient gap between the properties and adequate outdoor amenity space to the rear. It is therefore considered that the proposal is acceptable in terms of the scale of the dwellings and the density of the site.

Highway safety

5.23 Policy INF1 of the JCS states that proposals should ensure safe and efficient access to the highways network and planning permission will be granted only where the impact of the development is not considered to be severe.

5.24 The proposed access would be along the side of No.16 by widening the current access to 5.2 metres at the roadside, and demolishing an existing garage providing a width of 4.1 metres, between the two dwellings and a passing space of 5.2metres just beyond the rear of No.16. Visibility splays of 54 metres would be provided along Westfield Road. Within the site a turning head s proposed in front of the properties with garaging for plots 3 and 4 to the south of the site with further parking in front of the garages. Plots 1 and 2 have single integral garages with additional parking to the front of the property. The Highway Authority have no objection to the proposed access. The parking provision is dependent on the design of the dwellings and therefore the detail of the parking arrangement to be secured at the reserved matters stage. However, the illustrative plans demonstrate that suitable access cold be provided.

Drainage

5.25 Policy INF2 of the JCS requires new development to avoid areas at risk of flooding and to incorporate sustainable drainage systems. Concerns have been raised in respect of flooding and drainage due to the development of garden land. The site is located within Flood Zone 1 and is therefore at a low risk of flooding. It is proposed to surface the access road in tarmac, with the parking bays to the front of the dwellings surfaced in block paving. It is proposed to deal with surface water via soakaways however, no information has been provided that this option is viable. Therefore, the Agents have agreed to a pre-commencement condition with regard to the drainage arrangements.

Biodiversity

5.26 The site forms part of the private rear gardens of numbers 18 and 16 Westfield Road, concerns have been raised regarding the impact on biodiversity however, the site is not of significant ecological merit.

6.0 Conclusions

6.1 It is concluded that that there are no significant adverse material issues that would result from the proposal and the proposal would have an acceptable impact on the character and appearance of the area, highway safety and residential amenity. The application is therefore considered to accord with relevant Government Guidance and Development Plan Policies relating to new residential development in existing residential areas. It is therefore recommended that outline permission should be **Granted**.

RECOMMENDATION Permit

Conditions:

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

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

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

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

- 3 The development hereby permitted shall be begun either before:
 - (i) the expiration of five years from the date of this permission, or
 - (ii) before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later

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

- 4 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.

Reason: To avoid an unacceptable impact on highway safety by ensuring that adequate visibility is provided and maintained to ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians is provided in accordance with paragraphs 108 and 110 of the National Planning Policy Framework.

- 5 Prior to any works commencing the vehicular access shall be laid out and constructed in accordance with the submitted plan drawing no.T1265.02C with any gates situated at least 5.0m back from the carriageway edge of the public road and hung so as not to open outwards towards the public highway and with the area of driveway within at least 5.0m of the carriageway edge of the public road surfaced in bound material, and shall be maintained thereafter.

Reason: To reduce potential highway safety impact by ensuring that a safe and suitable access is laid out and constructed that minimises the conflict between pedestrians, cyclists and vehicles in accordance with paragraph 108 and 110 of the National Planning Policy Framework.

- 6 All planting, seeding or turfing in the approved details of landscaping approved by the Local Planning Authority in accordance with condition 1 shall be carried out in the first planting and seeding season following the occupation of the building(s) or completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the new development will be visually attractive in the interests of amenity

- 7 The reserved matters details required in accordance with condition 1 shall include full details of existing ground levels and finished floor levels. The development shall only be completed in strict accordance with the finished floor levels so approved.

Reason: To ensure the completed development has an acceptable impact on the character and appearance of the area and living conditions of neighbouring residents.

- 8 The details submitted for the approval of reserved matters shall include details or samples of the external facing materials and hard surfacing proposed to be used, and a plan indicating the positions, design, materials and type of boundary treatments. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the new development will be visually attractive in the interests of amenity and to ensure dwellings have satisfactory privacy

- 9 The details submitted for the approval of reserved matters shall make provision for car parking for the proposed dwellings and turning facilities within the site; those facilities shall be provided in accordance with the approved details prior to the occupation of the proposed dwellings and shall be retained as such thereafter.

Reason: To ensure an acceptable level of car parking is provided and maintained, in the interests of highway safety in accordance with policy TPT1 of the TBLP and the sustainable transport advice within the NPPF.

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

Reason: To ensure that safe, suitable and secure access is achieved and maintained for all people that minimises the scope for conflict between traffic and cyclists and pedestrians in accordance with paragraph 108 and 110 the National Planning Policy Framework and to establish and maintain a strong sense of place to create attractive and comfortable places to live, work and visit as required by paragraph 127 of the Framework.

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

Reason: Prior to the occupation of the development hereby permitted, the proposed car parking spaces shall be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

- 12 No building works hereby permitted shall be commenced until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. The information submitted shall be in accordance with the principles set out in the approved drainage strategy.

Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in The SuDS Manual, CIRIA C753 (or any subsequent version), and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

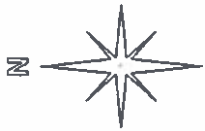
- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. include a timetable for its implementation; and
- iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution for the lifetime of the development.

Note:

Statement of Positive and Proactive Engagement

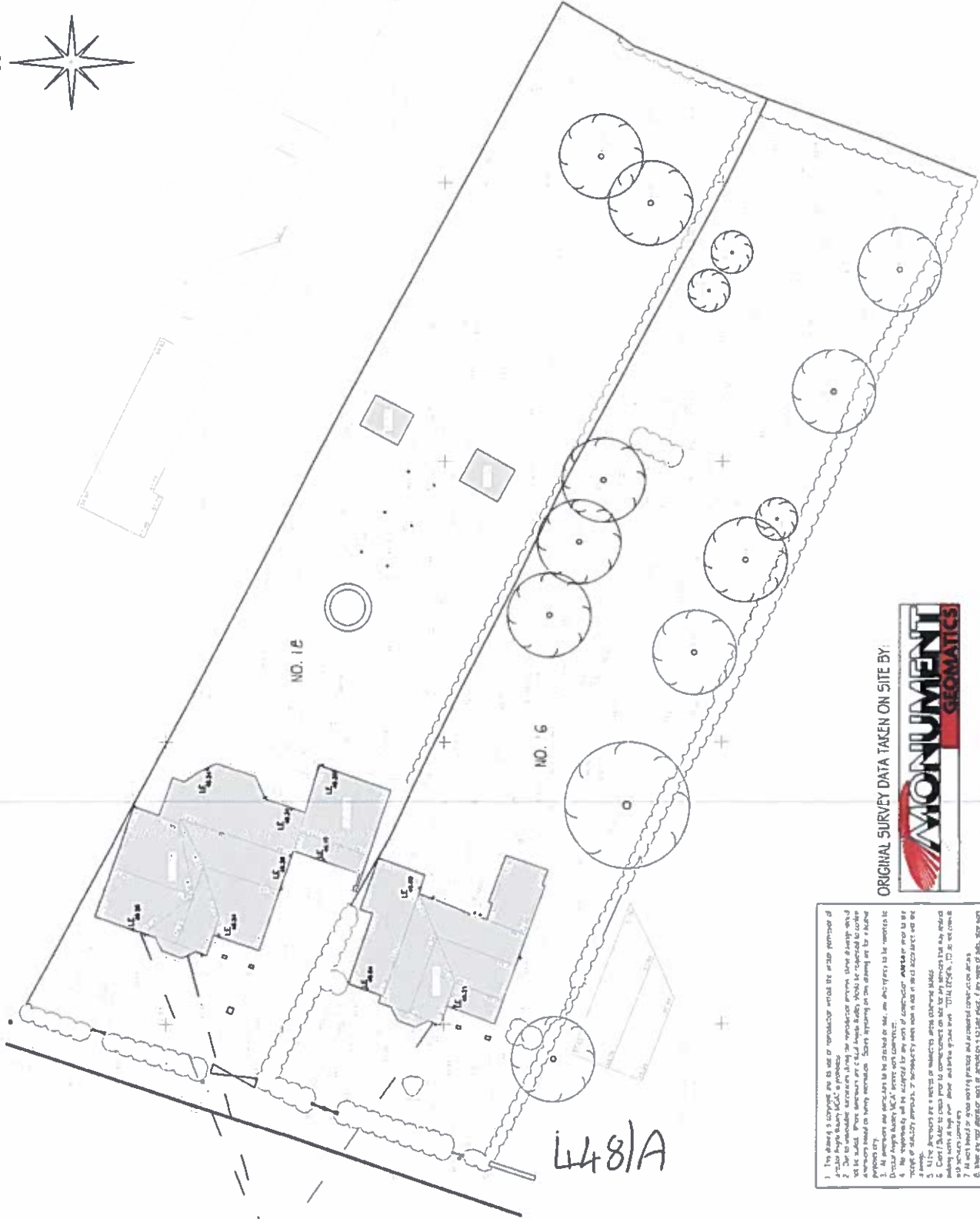
In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner offering pre-application advice, detailed published guidance to assist the applicant and published to the council's website relevant information received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



LOCATION PLAN 1:250

REV	DATE	DESCRIPTION
A	12.12.16	Location Plan Added T.D.
B	30.06.18	Location Plan updated size area (DIB)

TOTAL DESIGN LTD Architectural Consultants 1 COURT LANE, NEWENT, GLOS GL18 1AR TEL: 01531 820701 email: info@totaldesign.co.uk	
PROJECT:	Land at: 16-18 Westfield Road Brockworth, Glos
TITLE:	Site Survey
CLIENT:	
SCALE: 1:200 @ A2	DWG NO: T1265.01B
DATE: Nov 2016	
DRAWN:	



ORIGINAL SURVEY DATA TAKEN ON SITE BY:



FOR DISCUSSION

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INDICATIVE FRONT ELEVATIONS

448/C

TOTAL DESIGN LTD Architectural Consultants 1 COURT LANE NEWENT GLOS GL18 1AR TEL 01531 820101 email: info@totaldesignltd.co.uk		TOTAL DESIGN LTD Architectural Consultants 1 COURT LANE NEWENT GLOS GL18 1AR TEL 01531 820101 email: info@totaldesignltd.co.uk
PROJECT:	Land at: 16-18 Westfield Road Brockworth, Glos	
TITLE:	TYPICAL ELEVATIONS	
CLIENT:		
SCALE: 1:100 @ A3	DWG NO:	
DATE: January 2019		T1265.03A
DRAWN: ELB		

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4. No responsibility will be accepted for any work of construction undertaken prior to the receipt of satisfactory approvals, or subsequently when work is not in strict accordance with the drawings.

5. All the dimensions are in metres or millimetres unless otherwise stated.

6. Client / Builder to check prior to commencement or site for any services that may restrict building works at high level, above, and below ground level. - TOTAL DESIGN LTD do not consult with services companies.

7. All work based on good working practice and accurate construction details.

8. When any roof structure work or demolition is to take place, if any type of batts, stop work immediately and notify the architect.

9. It is the Client's responsibility to inform TOTAL DESIGN LTD of any Legislation / Agreements / Constraints in place that would prevent / restrict development taking place on the proposed site. TOTAL DESIGN LTD do not consult with external parties / consultants regarding (un-validated or regulated) capex matters relating to any proposals. Unless otherwise specified TOTAL DESIGN LTD are employed to obtain Planning and Building Regulation Approval ONLY.

REV:	DATE	DESCRIPTION
A	31.01.19	Date amended (ELB)

Valid 30.08.2019

Proposed siting of a single holiday log cabin unit (revised scheme to application reference: (16/00907/FUL)

Grid Ref 397654 227886

Parish Woodmancote

Ward Cleeve Hill

RECOMMENDATION Permit**Policies and Constraints**

National Planning Policy Framework

Planning Practice Guidance

The Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2017 SD1, SD4, SD7, SD9, SD14, INF1, INF2

Tewkesbury Borough Local Plan to 2011 - Policy TOR1, TOR2, TPT1

Tewkesbury Borough plan 2011-2031 Pre-Submission Version 2019

Cotswold AONB Management Plan 2018

Flood and Water Management SPD

Human Rights Act 1998- Article 8

The first Protocol Article 1

Consultations and Representations**Woodmancote Parish Council - Objection**

- The holiday lodge does not enhance the AONB ,it impacts on the escarpment and does not respect the character of the countryside.
- Sited on a dangerous bend. A view from Highways is sought.
- Would not bring employment or has no economic benefit.
- Cutting back some vegetation is not acceptable as it will regrow and without it there is greater risk of flooding down the hill.
- Site has ancient boundaries and has important number of flora and fauna a proper ecological wildlife survey and tree survey required.

County Highways Authority - No objection the evidence submitted for the access proposal has been considered and therefore recommend conditions for visibility splays, access drive to surfaced in a bound material for first 6 metres and occupancy as holiday accommodation and not as permanent residence. Additional comments sent on 29th October 2019 regarding wording of visibility splay condition.

Building Control - the proposal requires Building regulation approval.

Local residents - The application has been publicised through the positioning of a site notice and no letters of representation have been received in the 21 day statutory consultation period or since.

Planning Officers Comments: Dawn Lloyd

1.0 Application Site

1.1 The application relates to a small parcel of land off Bushcombe Lane in Woodmancote. The site is located opposite Bushcombe House Farm on the mid slopes of Cleeve Hill . The land slopes steeply down towards the west and is screened from the road by existing vegetation on all boundaries.

1.2 The site is accessed from Bushcombe Lane via an existing field gateway.

1.3 The site is situated within the Cotswolds Area of Outstanding Natural Beauty (AONB).

2.0 Planning History

2.1 Planning permission was granted in June 2011 for the erection of a stable building (ref: 11/00400/FUL). This permission was not implemented.

2.2 Application 16/00242/FUL for the siting of a single log cabin holiday let was refused on 24 th March 2016 a further application was submitted for a revised scheme which was refused on 4th August 2016 for the following reasons (in summary) :

- i) The proposed development by virtue of its open countryside location and reliance on private modes of transport would fail to represent a sustainable form of rural tourism.
- ii) The harm to the landscape would be compounded by the associated intensification and domestication of the surrounding land which would further detract from the intrinsic qualities of the Cotswolds Area of Outstanding Natural Beauty contrary to Section 11 of the NPPF.

2.3 Application 16/00242/FUL went to appeal (APP/G1630/W/17/3173283) and was dismissed on 18th August 2017 for the following reasons. The Highway Visibility splay requirements require the removal of a substantial amount of vegetation that currently screens most of the site in views along the lane which would open up the site so that the building and the land around it would be much more visible. A noticeable change from an enclosed site of rural appearance to an open one with parked cars and other likely domestic accoutrements would adversely affect the character and appearance of this part of the AONB. The modest economic benefits of the proposal were not outweighed by the harm to the scenic beauty of the AONB.

3.0 Current Application

3.1 The current application seeks planning permission for the siting of a single log cabin to provide holiday accommodation. The unit would have a rectangular footprint and would contain two bedrooms, a living/kitchen area and a bathroom with a covered porch area. The existing field access would be utilised.

4.0 Policy Context

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

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

4.3 Other material policy considerations include national planning policy guidance contained within the National Planning Policy Framework, Cotswold AONB Management Plan (2018-2030) and the emerging Tewkesbury Borough Local Plan (Preferred Options Consultation) 2011 - 2031.

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

5.0 Analysis

5.1 The previous Appeal decision established a number of principles and is an important material consideration in the determination of this application.

5.1 Principle of development

5.2 The proposal is for the erection of a purpose-built log cabin to provide holiday accommodation. The site is located outside of a recognised residential development boundary (RDB), as defined in the Tewkesbury Borough Local Plan to 2011 - March 2006, and while there are existing residential properties within the vicinity of the application site, the site is considered to be located within the open countryside.

5.3 Whilst current local planning policies TOR1 and 2 are not supportive of new purpose built tourist accommodation, those Policies are not in conformity with the NPPF which is less restrictive - paragraph 83 setting out that planning policies and decisions should enable, amongst other things, sustainable rural tourism and leisure developments which respect the character of the countryside. The Inspector in determining the appeal APP/G1630/W/17/3173283 gave more weight to the NPPF than to local plan policy TOR2.

5.4 The Cotswold AONB Management Plan is also a material planning consideration which sets out core values for the protection and future enhancement of the AONB with relevant emphasis placed on the creation of local distinctiveness. In addition, the plan promotes the provision of low cost accommodation to improve access and recreation opportunities to the AONB for all sections of society (outcome 13).

5.5 On this basis the principle of the development is considered acceptable, subject to compliance with other relevant policies of the adopted development plan.

6.0 Sustainable rural tourism

6.1 The issue of the site's location was considered by the Inspector in the previous Appeal. In the context of the intended Holiday Let use the Inspector considered that tourists to the Cotswolds would be unlikely to be put off by the need to walk or cycle and that trips to shops and services made by car would be relatively infrequent and that the proposal therefore complied with policy TPT1 of the local plan. This policy has been replaced by INF1 of the Joint Core strategy which requires that developers should provide safe and accessible connections to the transport network to enable travel choice for residents and commuters.

6.2 In view of the above, the current proposal is similarly considered acceptable. However, this is based upon the proposed Holiday Let use. As such a 'use' falls within the same class (Class C3) as a dwelling house it is therefore necessary to impose a condition restricting the occupancy to holiday purposes only. The applicant has confirmed his acceptance to such a restrictive condition.

7.0 Impact on the character and appearance of the AONB

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

7.2 The proposed log cabin would be sited in the south-eastern corner of the field and would be partially screened by existing vegetation along the site boundaries (**see proposed block plan**).

7.3 In dismissing the previous Appeal the Inspector commented that *"the proposed building would be of timber construction including its roof. In my view, this could sit comfortably on the site and accord with the general characteristics of the surrounding landscape."* However, he noted that in order to provide safe access from Bushcombe Lane substantial amount of the existing vegetation would be likely to be needed to be removed. This would, he concluded, *open up the site such that the building and the land around it would be much more visible. Such a noticeable change from an enclosed site of rural appearance to an much more open one with parked cars and other likely domestic accoutrements would adversely affect the character and appearance of this part of the AONB.*

7.4 In order to address this concern the applicant has now removed and cut back the vegetation either side of the existing access to demonstrate safe and suitable visibility is achievable without opening up site to the extent that it would allow clear views into the site.

7.5 The County Highways Authority have assessed the access as now implemented and confirm its acceptability (see below). Officers have assessed the access and are satisfied that it has not required the removal of the *'substantial amount of vegetation'* envisaged by the Inspector and on this basis effective screening of the site and associated uses would remain. Subject to a condition requiring a landscape scheme (to include additional planting), the impact of the proposal on the AONB is now considered to be acceptable.

8.0 Highway Safety

8.1 Policy INF 1 states that safe and efficient access should be provided to the highway network for all modes of transport, should be designed so as to encourage maximum potential use and provision shall be made for access and on-site parking with no detriment to highway safety.

8.2 The proposal would utilise an existing field access off Bushcombe Lane, an unclassified road subject to a 30mph speed restriction. There is off road parking provision for three vehicles and the Transport Analysis demonstrates the visibility splays to provide safe access to and from the site as required by the Highway Authority can be achieved and this will be secured by condition.

8.3 The Highway Authority consider that the log cabin as unsuitable for permanent residential use as this would generate many additional journeys but consider the use as a short term holiday let as appropriate and complies with INF1.

9.0 Biodiversity

9.1 Policy SD9 encourages new develop to contribute positively to biodiversity and whilst linking with the wider network of green infrastructure. The site is not in active agricultural use and it is on the slopes of the Cotswold escarpment, in close proximity to woodland areas. The Parish Council commented on the biodiversity of the site and a biological enhancement measures are to be secured by condition.

10.0 Drainage

10.1 Policy INF 2 requires new development to incorporate sustainable drainage systems, manage surface water drainage, to avoid increase in discharge to the public sewer, ensure flood risk is not increased elsewhere and to protect the quality of the receiving watercourse and groundwater.

10.2 The hierarchy of foul drainage disposal in the Planning Practice Guidance is to the public sewerage system, when that is not available a private treatment plant. There is no mains drainage on the site and a private treatment plant is to serve the log cabin which is subject to building control regulation.

11.0 Conclusion

11.1 Taking into account all of the above, the proposal is considered to be acceptable and in accordance with the adopted development plan the NPPF and 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.

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

- 2 The development/works hereby permitted shall only be implemented in accordance with the application form and plans set out below:
 - Location plan
 - Proposed Block plan
 - Proposed Site Layout and Ground Floor Plan
 - Proposed Elevations

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

- 3 The proposed holiday unit shall only be occupied as a holiday unit and shall not be occupied by any individual family or group for more than 2 months in any one period of a 12 month period.

Reason: The site is not appropriate for general residential use by reason of its location within the open countryside and in the interests of highway safety.

- 4 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 2.0m back along the centreline 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 27m to the west and 26m to the east but measured 1.0m off the nearside carriageway edge (the Y points). The area between these splays and the carriageway shall be reduced in level and thereafter maintained and the boundary hedge regularly trimmed back so as to provide clear visibility between 600mm and 2.0m at the X point and the Y points above the adjacent to the carriageway level.

Reason: To avoid an unacceptable impact on highway safety by ensuring that adequate visibility is provided and maintained to ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians is provided in accordance with paragraphs 108 and 110 of the National Planning Policy Framework.

- 5 Before the development the first occupation of the log cabin authorised is commenced on the site, the access driveway shall be surfaced in bituminous Macadam or other approved bound material for at least the first 6m into the site for the carriageway edge and shall be thereafter maintained.

Reason: In order to prevent loose material from being carried onto the public highway in the interests of highway safety for all users of the highway.

- 6 Notwithstanding the submitted details, prior to building coming into use as holiday accommodation a scheme for biodiversity enhancement, shall be submitted to and agreed in writing with the Local Planning Authority. The approved details thereafter shall be implemented, retained and maintained for their designed purpose in accordance with the approved scheme. The scheme shall include, but not limited to, the following details:
- i. Description, design or specification of the type of feature(s) or measure(s) to be undertaken.
 - ii. Materials and construction to ensure long lifespan of the feature/measure
 - iii. A drawing(s) showing the location and where appropriate the elevation of the features or measures to be installed or undertaken.
 - iv. When the features or measures will be installed and made available.

Reason: To ensure the development contributes to the conservation and enhancement of biodiversity within the site and the wider area in accordance with JSC policy SD9.

- 7 Before the first use/occupation of the development hereby permitted a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include:-
- (i) a plan(s) showing details of all existing trees and hedges on the application site. The plan should include, for each tree/hedge, the accurate position, canopy spread and species, together with an indication of any proposals for felling/pruning and any proposed changes in ground level, or other works to be carried out, within the canopy spread.
 - (ii) a plan(s) showing the layout of proposed tree, hedge and shrub planting and grass areas.
 - (iii) a schedule of proposed planting - indicating species, sizes at time of planting and numbers/densities of plants.
 - (iv) a written specification outlining cultivation and other operations associated with plant and grass establishment.
 - (v) a schedule of maintenance, including watering and the control of competitive weed growth, for a minimum period of five years from first planting.

All planting and seeding/turfing shall be carried out in accordance with the approved details in the first planting and seeding/turfing seasons following the completion or first occupation/use of the development, whichever is the sooner.

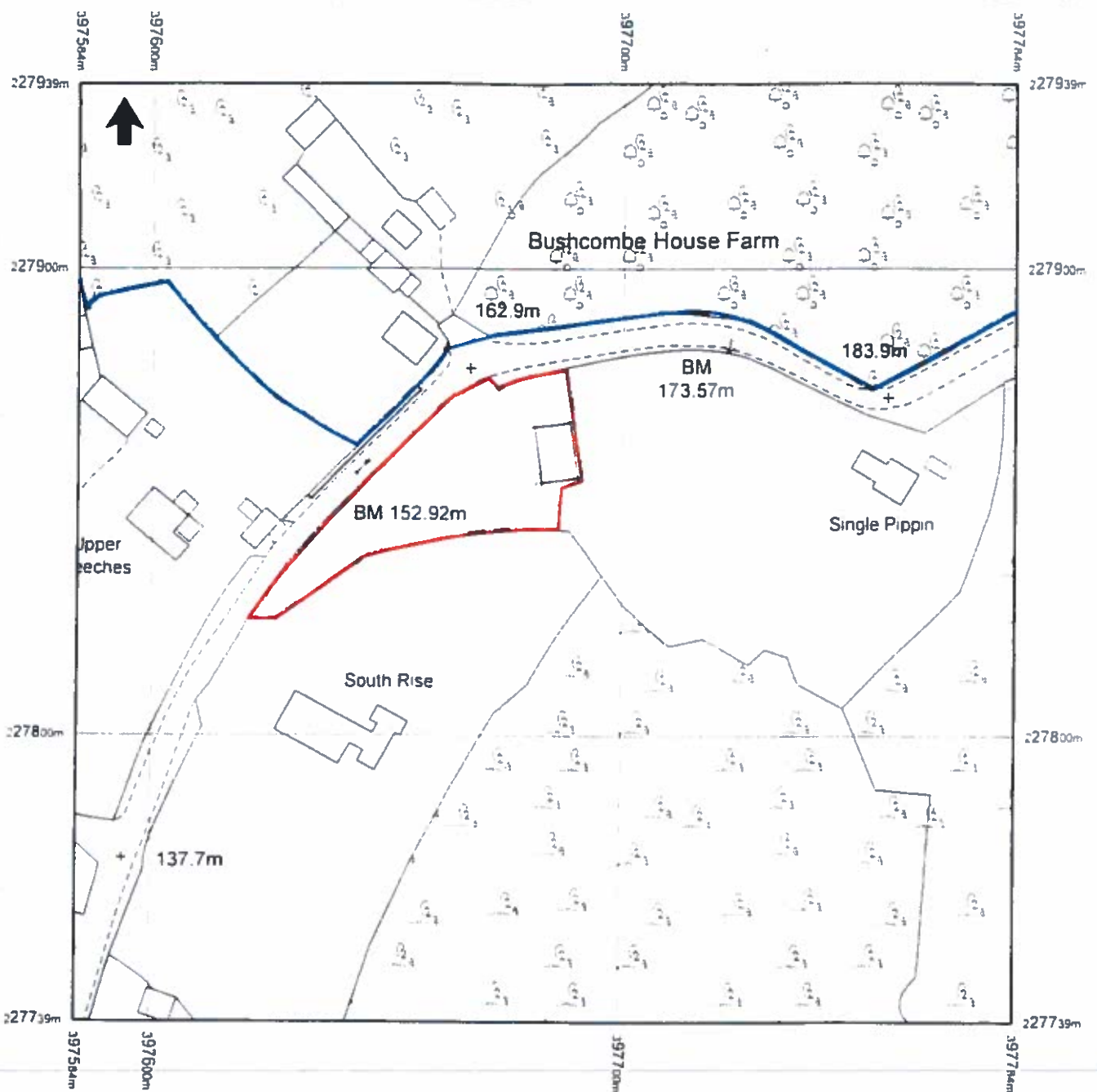
The planting shall be maintained in accordance with the approved schedule of maintenance. Any trees or plants which, within a period of five years from the completion of the planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure the proposed development does not have an adverse effect on the character and appearance of the area.

Notes:

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.



Ian Johnstone Associates **Building Planning & Design**

Bushcombe House Farm Woodmancote Glos GL52 9QL

1:1250 scale site location plan

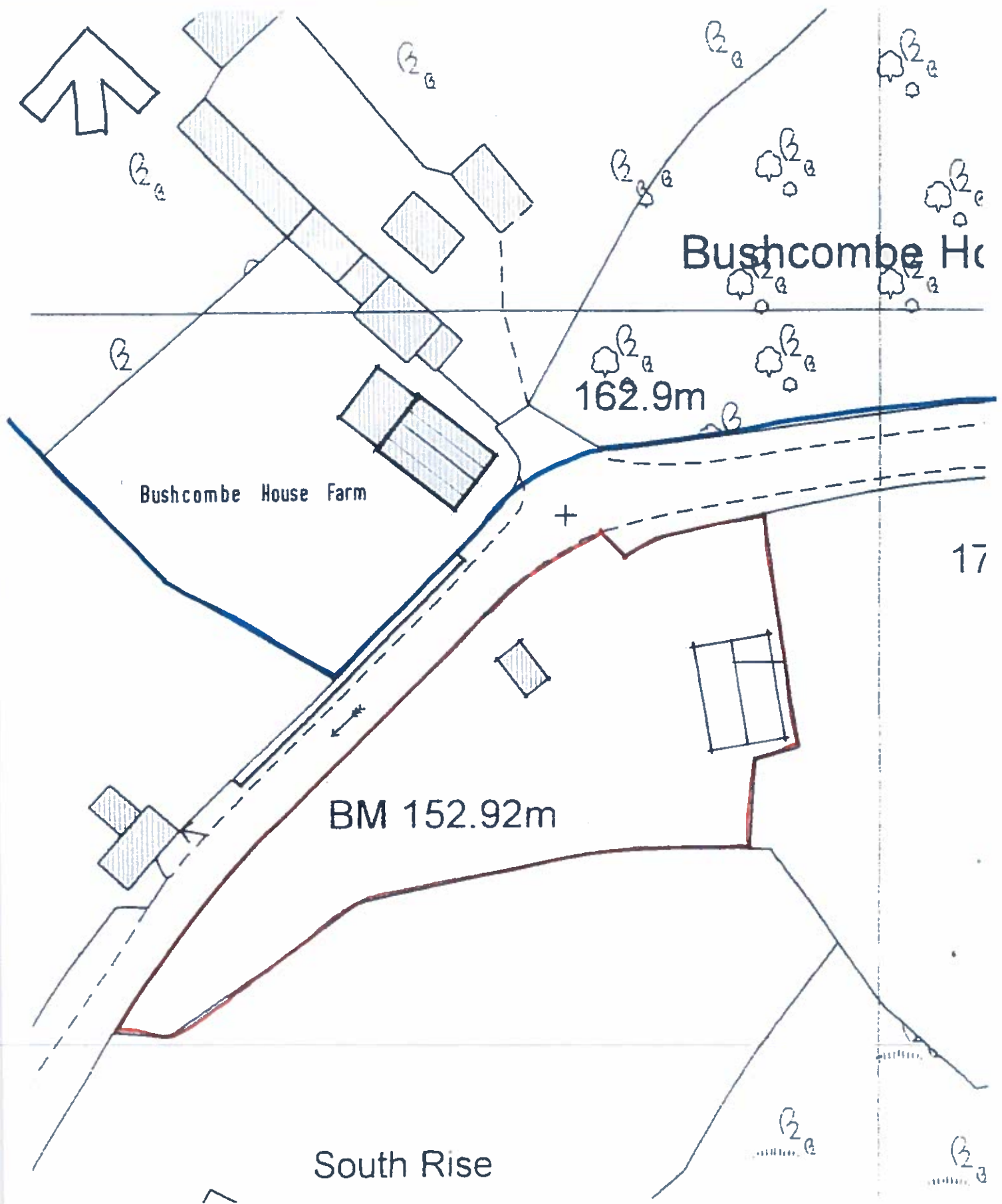
454/A

O.S. Ref No : 100037319

**1 King Arthur Close
 Charlton Park
 Cheltenham
 Glos GL53 7EX**

**Tel no : 01242 576409
 Mobile : 07973 304480**

e-mail : I_Johnstone@outlook.com



Ian Johnstone Associates

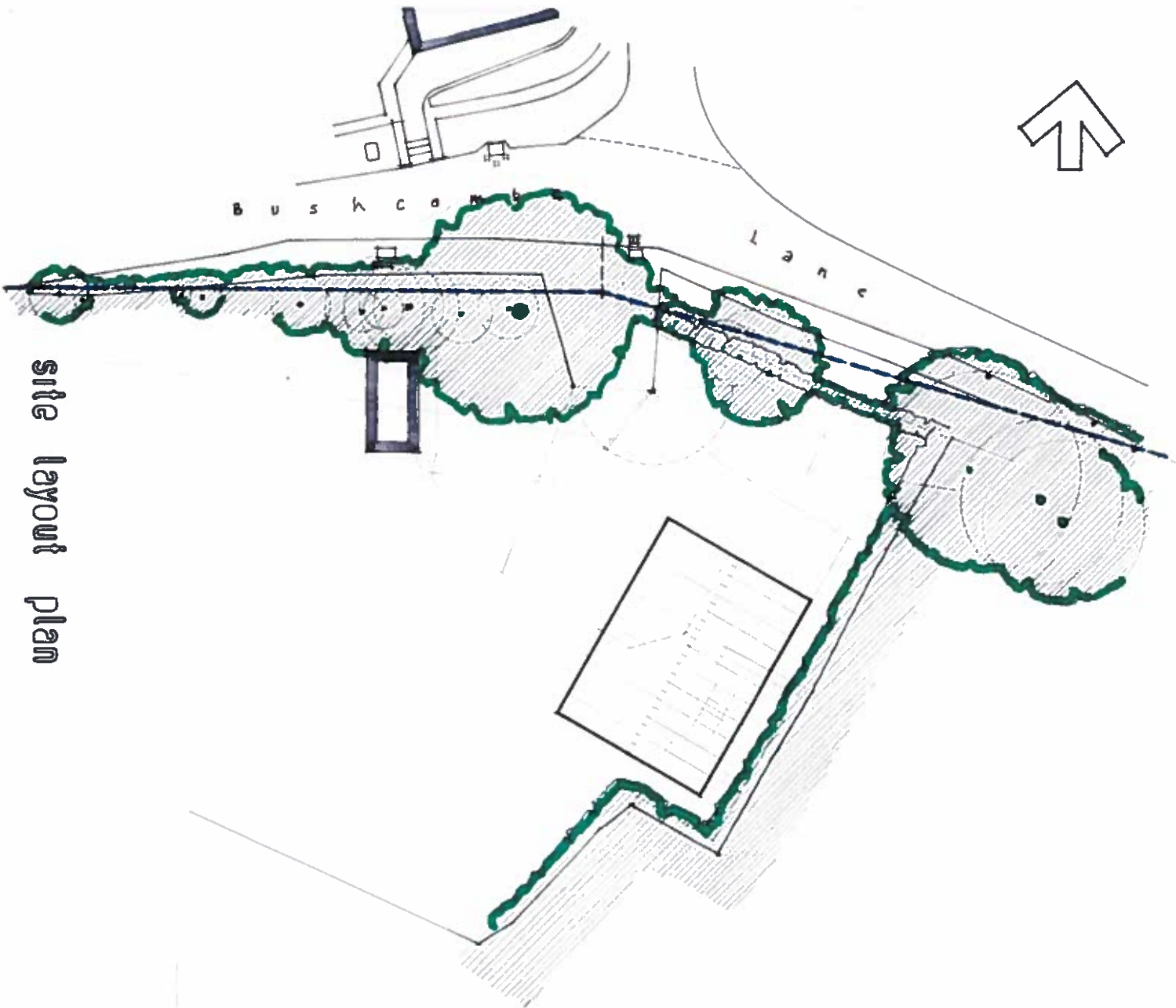
Building Planning & Designs

454/B

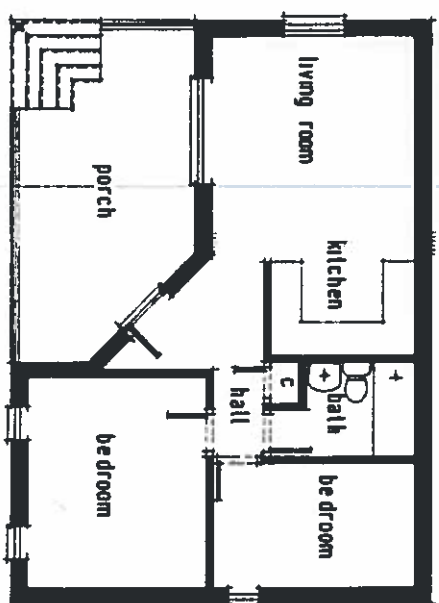
scale 1:500 site block plan : proposed

Richwood House
50-54 Fairview Road
Cheltenham
Glos. GL52 2JL

Tel & Fax 01242 261662
Mobile 07973 304480



site layout plan



ground floor plan

454/C

Job : Bushcombe House Farm Bushcombe Lane Woodmancote
Cheltenham Glos GL52 9QL

Client :

Drawing : Details of Proposed Timber Cabin
Site Layout Plan & Ground Floor Plan : As Proposed

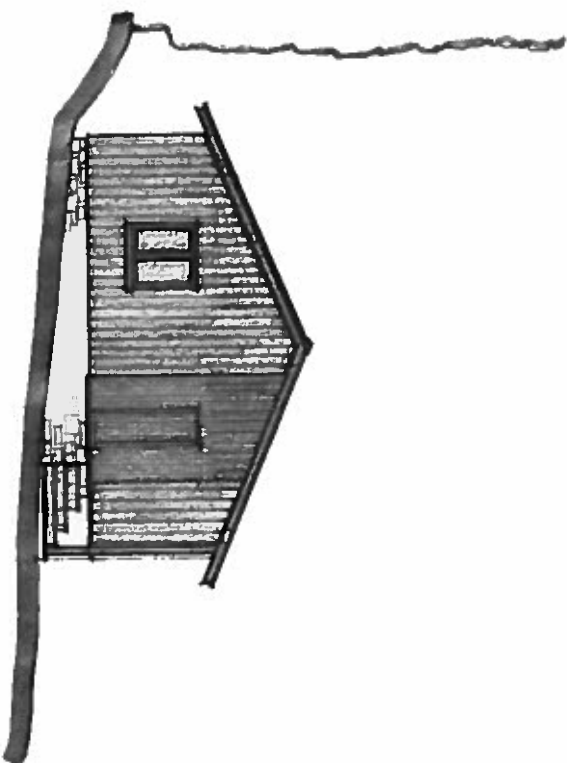
Scale : 1:200 & 1:100 @ A3
Job No : 240.16

Date : July 2019
Drawing No : 11

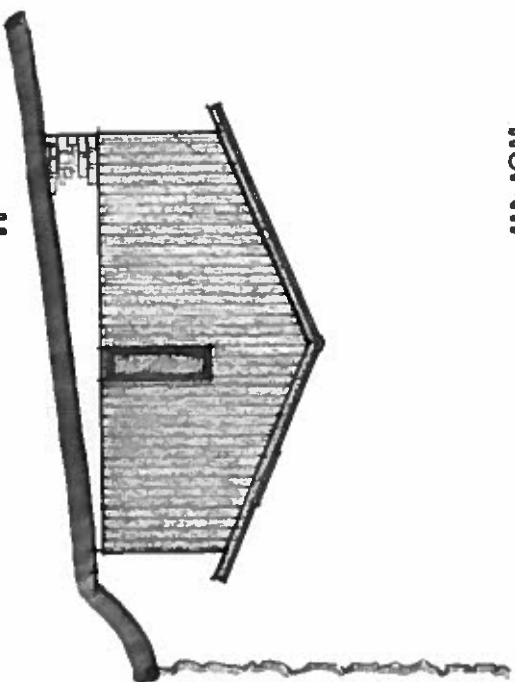
Ian Johnstone Associates
Building Planning & Design
1 King Arthur Close Charlton Park
Cheltenham Glos GL53 7EX

Tel no : 01242 576409
Mobile : 07973 304480
e-mail : I.Johnstone@outlook.com

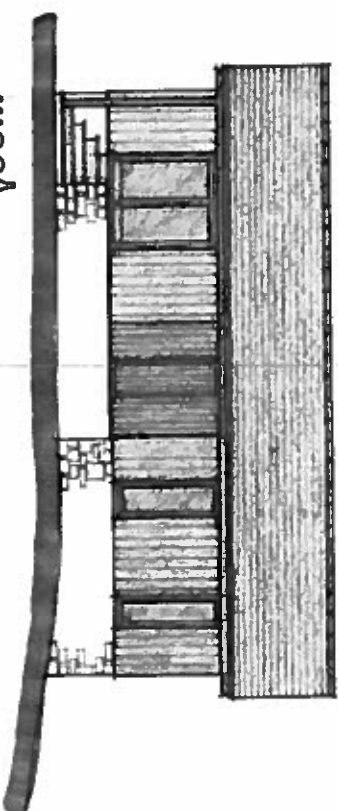
north



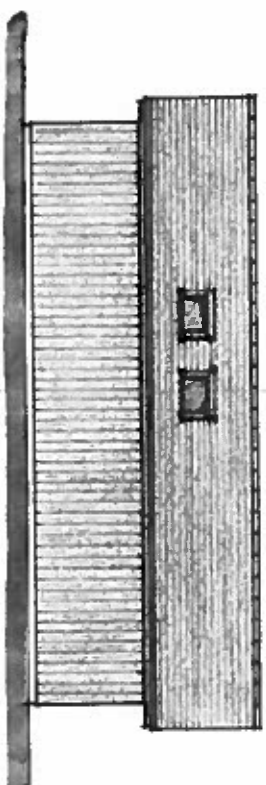
south



west



east



454/D

Job : Bushcombe House Farm Bushcombe Lane Woodmancote

Cheltenham Glos GL52 9QL

Client :

Drawing : Details of Proposed Timber Cabin

Elevations : As Proposed

Scale : 1:100 @ A3

Job No : 240.16

Ian Johnstone Associates
Building Planning & Design
1 King Arthur Close Charlton Park
Cheltenham Glos GL53 7EX

Date : July 2019

Drawing No : 12

Tel no : 01242 576409
Mobile : 07873 304480
e-mail : I.johnstone@outlook.com

Valid 18.09.2019
Grid Ref 385245 220926
Parish Innsworth
Ward Innsworth

Retention of industrial storage building (Class B8)

RECOMMENDATION Permit

Policies and Constraints

Joint Core Strategy (2018) (JCS) - Policy SD1, SD4, SD14, INF1
Tewkesbury Borough Local Plan to 2011(TBLP) - March 2006 - Policy EMP1
Tewkesbury Borough Local Plan 2011 - 2031 - Pre-Submission version 2019 - Policy EMP1
National Planning Policy Framework 2018
Planning Practice Guidance
Human Rights Act 1998 - Article 8 (right to Respect for Private and Family Life)
The First Protocol, Article 1 (Protection of Property)

Consultations and Representations

Parish Council - Object strongly as this should not have been built without planning permission. It may be overdevelopment, not in keeping, take up parking space, and may not be safe as it juts out from behind the adjacent building.

Local residents - None

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

Building Control - The application will require Building Regulations approval

Planning Officers Comments: Mrs Sarah Barnes

1.0 Application Site

1.1 Innsworth Technology Park is a 10 acre site that provides business premises to lease for medium and small businesses, along with providing a range of small workshop/storage units. The park offers industrial units, warehousing, offices and storage units varying in size. In terms of the uses, there is a mix of storage and distribution, an MOT centre and vehicle repair /MOT services. The specific site in question relates to Unit J1 (site location plan attached).

2.0 Current Application

2.1 The application seeks planning permission for the retention of a detached industrial storage building (Class B8) (**plans attached**). The building was completed in June 2017. It measures 7.7 metres long by 12 metres wide and 4.4 metres to the eaves. It has been fitted with a 4 metres high by 7.5 metre wide roller door and two steel security doors.

3.0 Planning History

3.1 The recent/relevant planning history is summarised below:

3.2 In 1952 (TG.802/F) permission was granted for the 'Use of buildings shown on the submitted plan as follows: No. 1 Residential, No. 2 Part bakery part warehouse. No. 3 Warehouse, No.4 residential and No.5 part workshops part warehouse part canteen.'

3.3 In 1984 (TG.802/2/B) permission was granted for 'Use of land for the stationing of a 'portakabin'. Temporary office.'

3.4 In 2005 (05/01589/FUL) permission was granted for a storage building for panel products. This was not at Unit J1 but on land next to Unit K1 which is to the south west of Unit J1.

3.5 In 2007 (07/01690/FUL) permission was granted for the 'Erection of B8 class storage facilities to replace existing external storage compounds.' This was not at Unit J1. The storage units are sited along the northern boundary of the Technology Park and serve the site as a whole.

3.6 In 2012 (12/00794/ADV) consent was granted for Permanent Company Signage.

4.0 Policies and guidance

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 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). Other material policy considerations include 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

5.1 The main issues to be considered in the determination of this application are the principle of development, design / visual amenity and highway safety.

Principle of Development

5.2 The NPPF makes it clear that the Government places significant weight on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

5.3 JCS Policy SD1 supports employment related development in certain circumstances, including:
ii. At locations allocated for employment use within the Development Plan

5.4 Policy SD4 of the JCS focuses on design requirements, stating that proposals for development will need to clearly demonstrate how principles relating to the context, character and sense of place, legibility and identity; amenity and space; public realm and landscape; safety and security; inclusiveness and adaptability and movement and connectivity have been incorporated.

5.5 Policy EMP1 of the Local Plan states that, within existing employment sites as defined on the proposals map, the Borough Council will support proposals for business (Use Class B1), General Industrial (Use Class B2) or Warehousing (Use Class B8) and new development on these sites should be accessible by a choice of transport modes. Similarly, Policy EMP1 of the PSTBP states that 'At major employment sites, as defined on the Policies Map, the Borough Council will support in principle proposals for B-class employment development. It is expected that new development at these sites will normally be for B-class uses only.'

5.6 The application is for the retention of an industrial storage building which has a floor space of 92.4 square metres. It represents a relatively small scale building within the existing technology park and does not extend beyond the existing developed area. It is considered that the building therefore accords with the relevant planning policies and as a result is considered to be acceptable in principle.

Design and Visual Amenity

5.7 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.

5.8 In relation to the Parish Council's concerns regarding 'overdevelopment' and the building not being in-keeping, their concerns have been noted. However, it is not considered that the proposal has resulted in 'overdevelopment' given that the building only has a floor area of 92.4 sq metres and is sited well within the existing site boundary. In terms of the appearance of the building, there is a mix of galvanised rolled steel framed buildings, brick clad buildings and painted render clad buildings at the site. The building in question has been constructed from a galvanised cold rolled steel framed with composite roof sheeting on the roof. The building is of a similar scale to other storage buildings previously permitted at the Technology Park. It is also of a similar design to surrounding buildings at the site so the character of the Technology park would be preserved.

Highway Matters

5.9 Policy INF1 'Transport Network' states that developers should provide safe and accessible connections to the transport network to enable travel choice for residents and commuters.

5.10 The application site is located within an existing Technology Park. Access to the site is currently obtained via Innsworth Lane which provides links to Gloucester to the south and to the residential area of Innsworth to the east. In relation to the Parish Council's concerns about the building taking up parking space, the new storage building has not resulted in the loss of parking at the site and there were no conditions attached to previous permissions in terms of vehicle manoeuvring. Indeed, this area of the site was previously utilised for the storage of shipping containers. The Gloucestershire Highways Officer has been consulted and has raised no highway objections.

Residential amenity

5.11 The proposal is located well within an established employment site. Given the distance, there is not an adverse impact on the adjacent residential area of Innsworth.

6.0 Conclusion

6.1 Overall, it is considered that the storage building in the existing Technology Park is an acceptable size / design and it does not adversely impact the character or visual amenity of the area nor affect highway safety. It is therefore recommended that the application is **PERMITTED** subject to the stated conditions.

RECOMMENDATION Permit

Conditions:

- 1 There shall be no new ventilation or extraction installed unless agreed in writing by the local planning authority.

Reasons: To ensure that suitable noise levels are maintained.

Notes:

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.

19/009/5/FUL

Location Plan

Map Information
Scale 1:1250
Date 17/09/19
Reference 14771
Order No: 2156497

FIND
PROFESSIONAL MAPPING INTELLIGENCE
Created at findmaps.co.uk

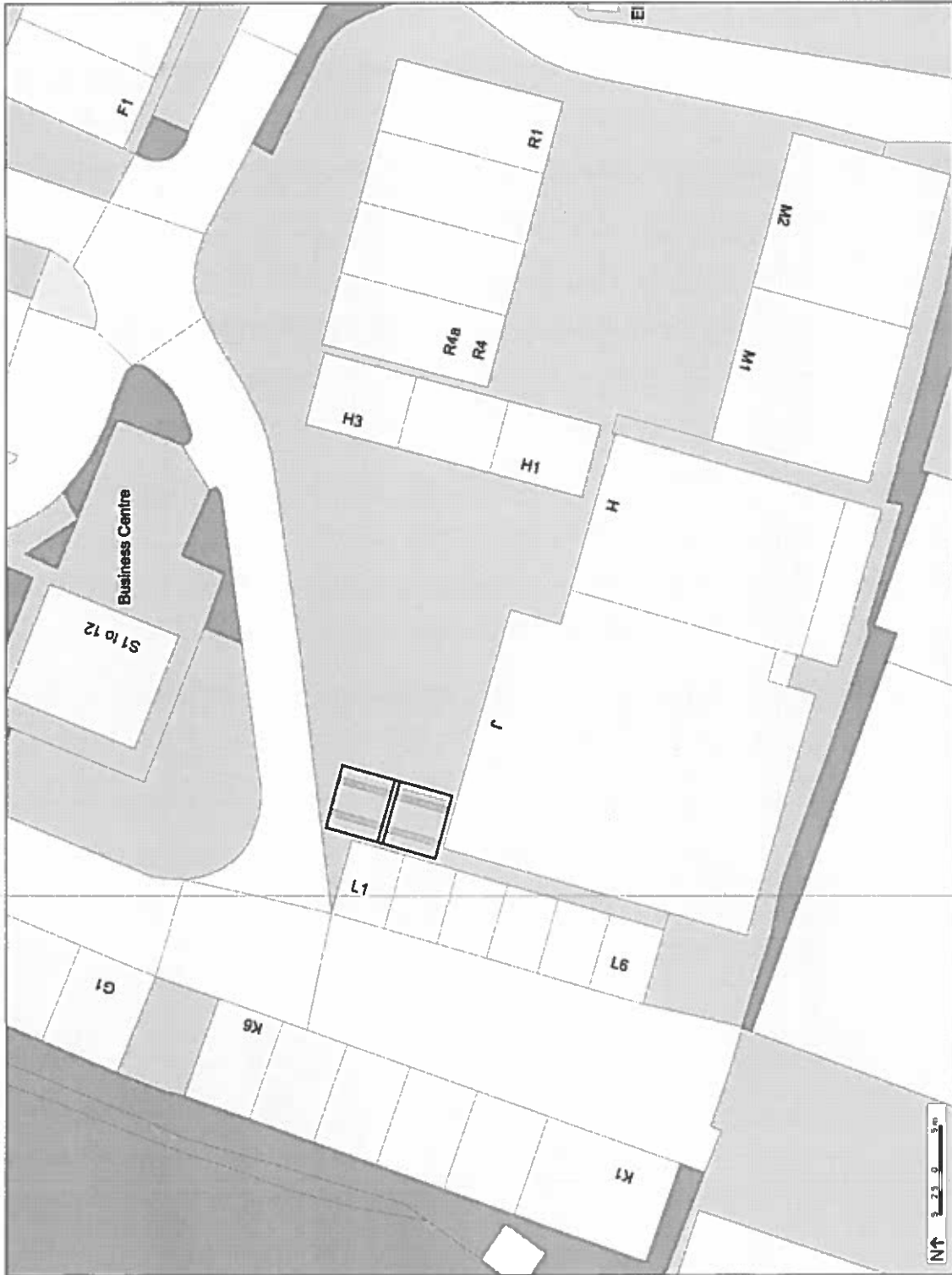


19/00915/fel

Site Layout Plan

Map Information
Scale 1:500
Date 17/09/19
Reference 14771
Order No. 2156503

FIND
PROFESSIONAL PLANNING AND LANDSCAPE
ARCHITECTURE



45713

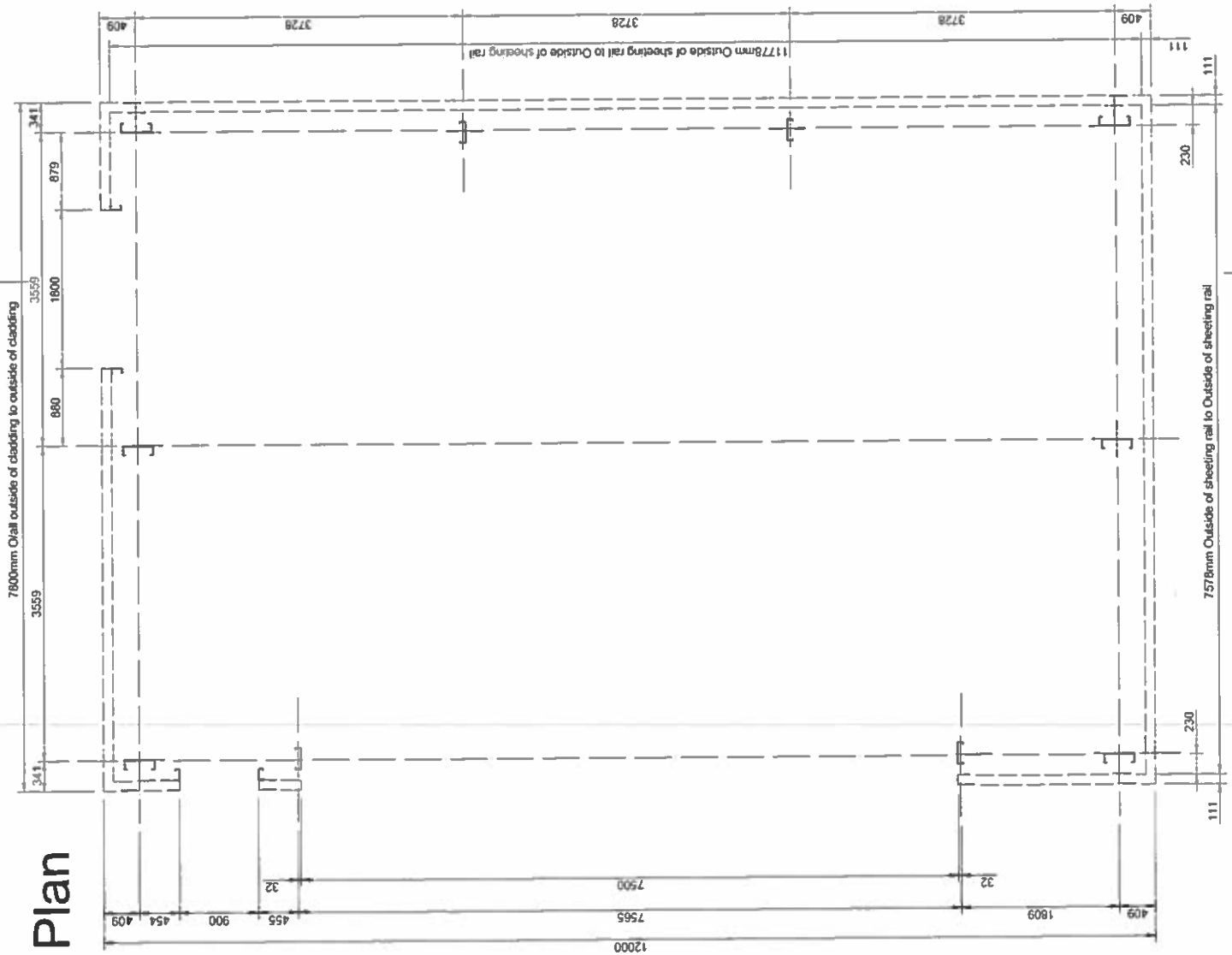


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19/00915/FUL

Base Plan

457/C



Notes:

Basic building dimensions:
Length of all cladding 7800
Width of all cladding 12000
Portal span, column centres 11183
Frame centres 3559 to grids

Rev A Double PA door moved to bay 2 and roller door
height changed to 4m. 14/06/17

Revisions:



Bewdley Business Park
A456 Longbank, Bewdley
Worcestershire, DY12 2TZ
Tel 01562 544210
omegasteeelbuildingsolutions.co.uk

Steel Framed Building
at
HES, Dowco House, Gloucester
for
Potteries Steel Buildings Ltd

13/06/2017

Scale: 1 : 50

Base Plan

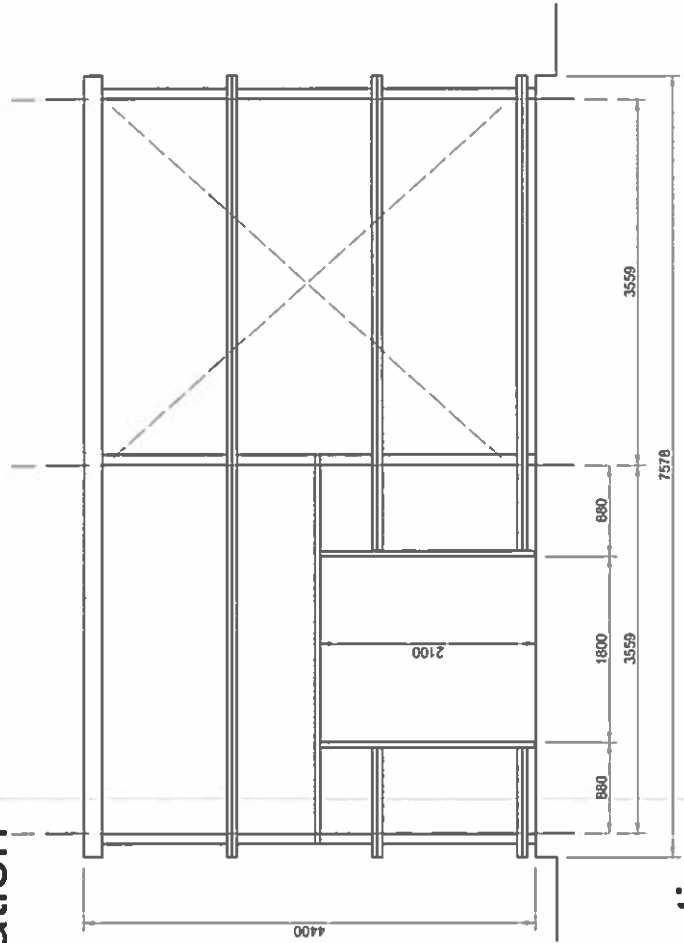
SCN0971

01

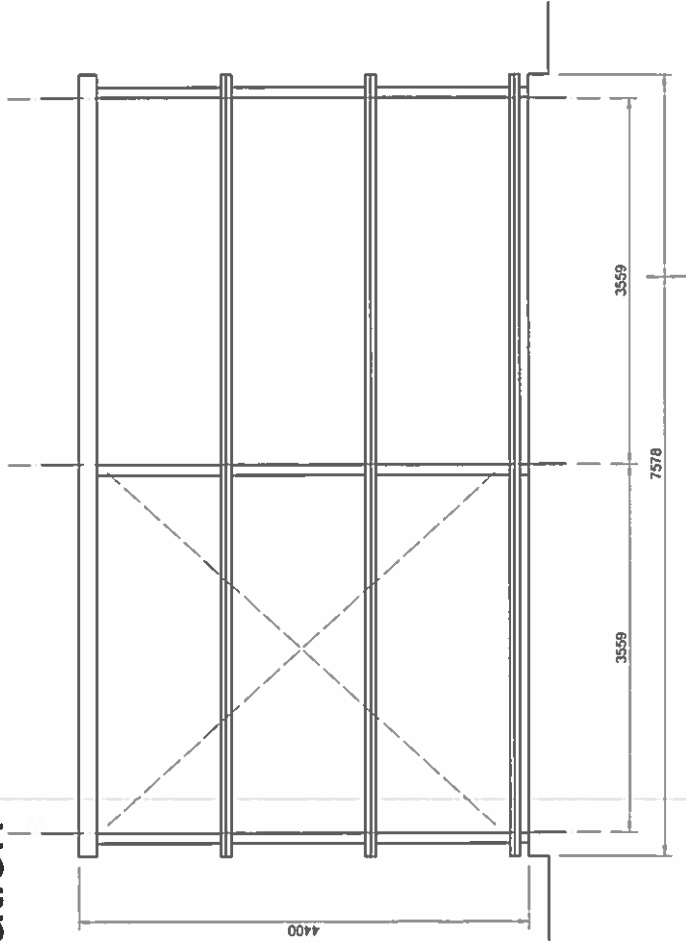
A

19/009/15/FLC

Back Elevation



Front Elevation



Notes:
Height to top of eaves beam 4400
Frame centres 3559 to grids

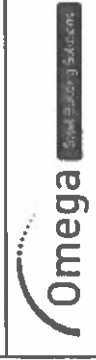
Doors in Front Elevation
Bay 1 None
Bay 2 None

Doors in Back Elevation
Bay 1 None
Bay 2 None

Bay 1 Dbl PA 879.5 to left grid. 1800 wide by 2100 high

Bays read from left to right.

Rev A Double PA door moved to bay 2. 14/06/17
Revisions:



Bewdley Business Park
A456 Longbank, Bewdley
Worcestershire, DY12 2TZ
Tel 01552 544210
omegasteelbuildingsolutions.co.uk

Steel Framed Building
at
HES, Dowco House, Gloucester
for
Potteries Steel Buildings Ltd

13/06/2017 Scale: 1 : 50

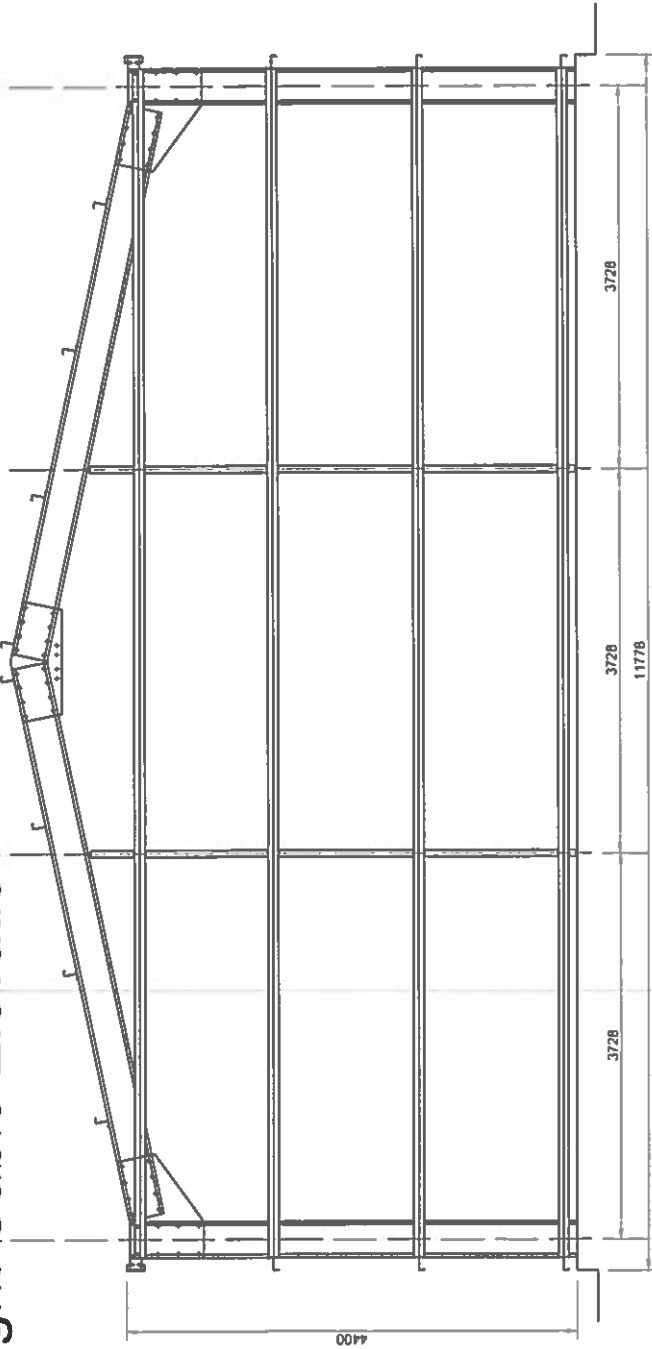
Front & Back Elevations

SCN0971 04 A

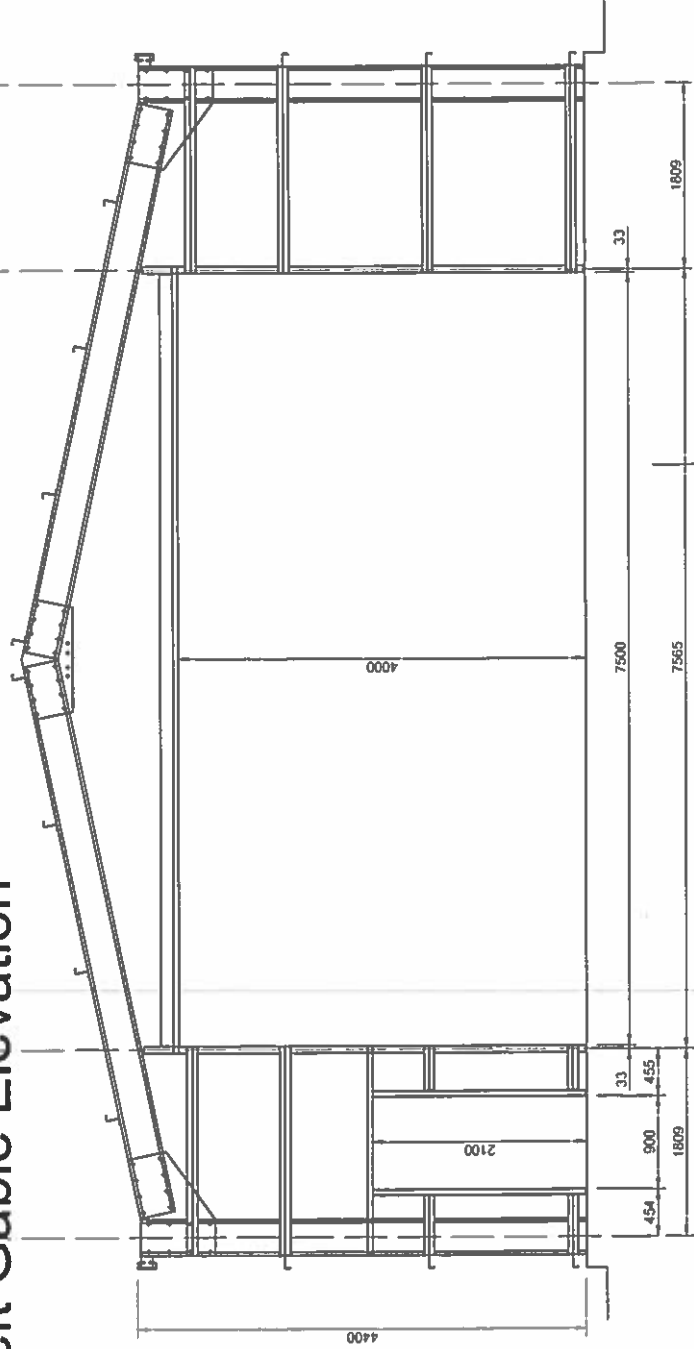
457/D

19/00915/FUL


Right Gable Elevation



Left Gable Elevation



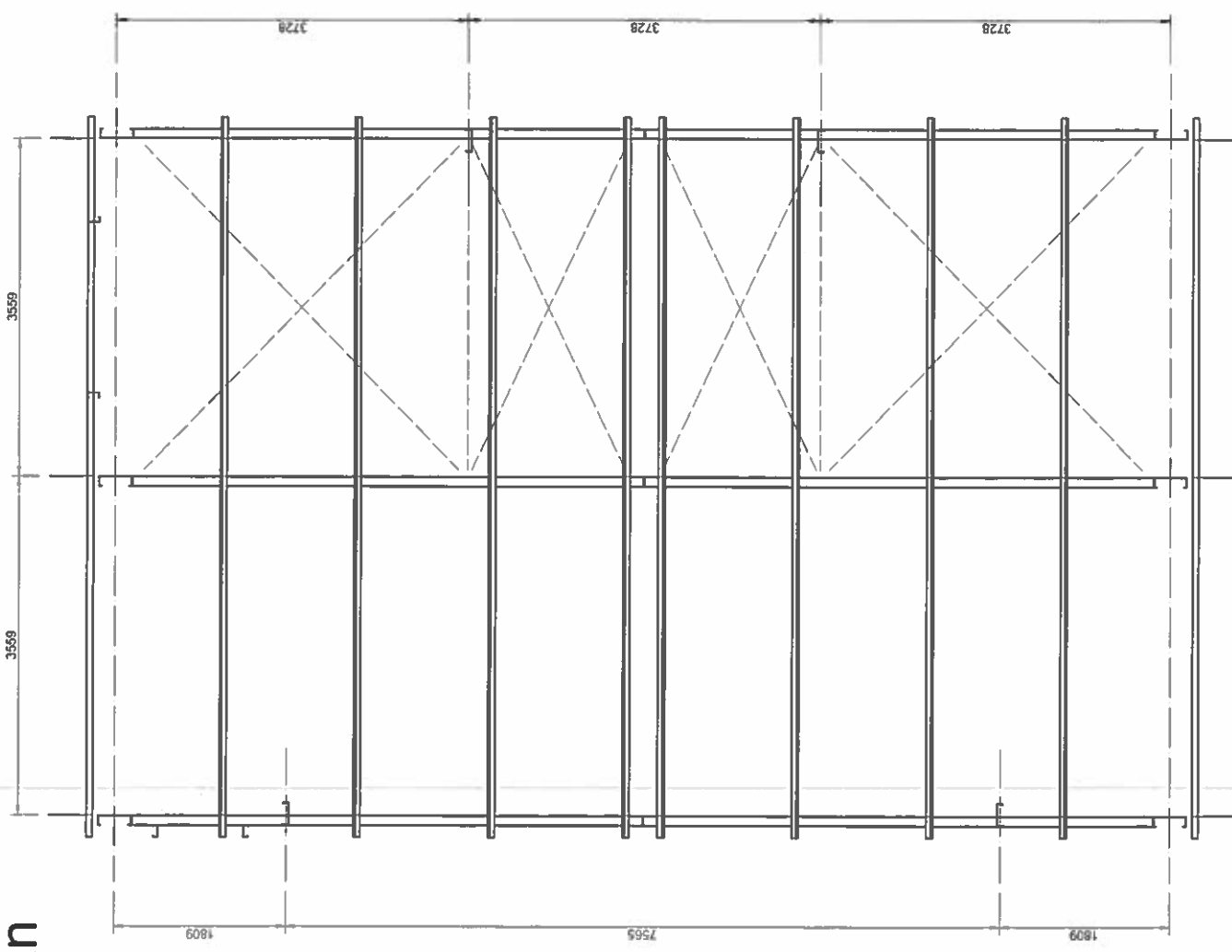
457/E

Notes:		Rev A Roller door height changed to 4m. 14/06/17	Revisions:		Bewdley Business Park A456 Longbank, Bewdley Worcestershire, DY12 2TZ Tel 01562 544210 omegabuildingsolutions.co.uk	Steel Framed Building at HES, Dowco House, Gloucester for Pottieries Steel Buildings Ltd	13/06/2017	Scale: 1 : 50	Gable Elevations		
Base Level to FFL 0									SCN0971	03	A

19/00915/HLL

Roof Plan


457/F



Notes:

Rev A Double PA door moved to bay 2 and roller door height changed to 4m. 14/06/17

Revisions:

		
Bewdley Business Park A456 Longbank, Bewdley Worcestershire, DY12 2TZ Tel 01562 544210 omegasteelbuildingsolutions.co.uk		
Steel Framed Building at HES, Dowco House, Gloucester for Pottieries Steel Buildings Ltd		
13/06/2017	Scale: 1 : 50	
Roof Plan		
SCN0971	02	A

Valid 07.10.2019

Proposed draining outfall for foul and storm water in connection with approved site 18/01125/FUL

Grid Ref 389214 223081

Parish Staverton

Ward Badgeworth

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)

Tewkesbury Borough Flood and Water Management SPD; February 2018

Tewkesbury Borough Plan Pre-Submission Version 2019

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

The First Protocol, Article 1 (Protection of Property)

Green Belt

Public Right of Way

Consultations and Representations**Staverton Parish Council** - No objection.**Flood Risk Drainage Engineer** - No objection.**Severn Trent Water** - No objection.**Local Residents** - The application has been publicised by the display of site notices allowing 21 days for comments. No representations have been received.**A Committee determination is required as the land is owned by Tewkesbury Borough Council.****Planning Officers Comments:** Mrs Helen Stocks**1.0 Application Site**

1.1 The application site comprises a strip of land, which runs in an east to west direction, perpendicular to St Clair Cottages in Staverton (**see attached location plan**). The site itself consists of a grassed track serving access to a small number of allotments. It is situated between a housing development currently under construction for 7no affordable dwellings (ref: 18/01125/FUL) and an existing drainage ditch to the western field boundary.

1.2 The site is located in the Green Belt and in Flood Zone 1. There is a public right of way (PRoW) to the west of the site which follows the route of a farm access track.

2.0 Relevant Planning History

2.1 Planning permission was granted for the erection of 7no affordable housing units and associated works in March 2019 (ref: 18/01125/FUL) on land immediately east of the application site.

2.2 An application for the approval of details subject to conditions 3 (materials), 4 (proposed levels), 5 (acoustic fencing), 6 (acoustic vents), 7 (landscaping), 8 (boundary fencing), 14 (drainage) and 15 (ecological mitigation) of planning permission 18/01125/FUL was submitted in May 2019 (ref: 19/00070/CONDIS). This application is still pending consideration and the conditions have not been formally discharged.

3.0 Current Application

3.1 The current application seeks full planning permission for the installation of an outfall drainage pipe for foul and surface water drainage to serve the dwellings permitted by planning permission 18/01125/FUL (**see attached plans**). The outfall drainage pipe would connect into the proposed on-site drainage details subject to application 19/00070/CONDIS.

3.2 Condition 14 of planning permission 18/01125/FUL states:

The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

3.3 The current application has been submitted subsequent to an application for the approval of details subject to condition 14 as the proposed drainage strategy has evolved to incorporate land outside of the approved site boundary relating to the housing development, thus necessitating the need for planning permission in its own right.

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 adopted Development Plan for Tewkesbury Borough comprises the Joint Core Strategy 2011 to 2031 (JCS) (2017) and the saved policies of the Tewkesbury Borough Local Plan to 2011 (TBLP) (March 2006).

4.3 A further material consideration is the Pre-Submission version of the Tewkesbury Borough Plan to 2031, which was approved for publication and submission at the Council meeting held on 30th 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 the National Planning Policy Framework (NPPF) and its associated Planning Practice Guidance.

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

5.0 Analysis

Drainage and Flood Risk

5.1 JCS Policy INF2 requires that proposals must not increase the level of flood risk to the safety of occupiers of a site, the site or the wider environment either on site or elsewhere. The policy also requires that new development should incorporate SuDS where appropriate to avoid any increase in discharge to the public sewer; to ensure that flood risk is not increased on site or elsewhere; and to protect the quality of the receiving watercourse and groundwater.

5.2 Together, the current application and the condition discharge application (ref: 19/00070/CONDIS) set out the drainage details for the site.

5.3 The Council's Flood Risk Drainage Engineer has been consulted on the application and raises no objection to the proposed drainage solution subject to this being implemented and maintained in accordance with the submitted details. The application is therefore considered to be in accordance with JCS Policy INF2 and is considered acceptable in terms of drainage and flood risk management.

Green Belt

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

5.5 Paragraph 146 of the NPPF sets out that certain forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. One such exception (criterion b) allows for "*engineering operations*".

5.6 The proposal would constitute an engineering operation. The outfall drainage pipe would be located underground and the works involved would be limited to the digging and backfilling of a trench once the foul and surface water connections have been made. The proposal would therefore preserve the openness of the Green Belt and would not conflict with the purposes of including land within it. Thus, the proposal is deemed to amount to appropriate development in the Green Belt and would comply with the requirements of JCS Policy SD5 and the NPPF.

6.0 Conclusion and Recommendation

6.1 For the aforementioned reasons, the proposal is considered to present an acceptable solution in terms of drainage and flood risk management in connection with the recently approved housing development to the east of the site and would comply with JCS Policy INF2. The proposal would also constitute appropriate development in the Green Belt in compliance with JCS Policy SD5 and the requirements of the NPPF.

6.2 In this instance, it is not deemed necessary to impose the standard time condition as the proposed drainage details would be secured by condition 14 of planning permission 18/01125/FUL which specifies "*the scheme shall be implemented in accordance with the approved details before the development is first brought into use.*" A condition is recommended to ensure the proposal is carried out in accordance with the approved details which would also secure the future maintenance of the drainage system.

6.3 The recommendation is for the application to be **PERMITTED subject to condition**.

RECOMMENDATION Permit

Conditions:

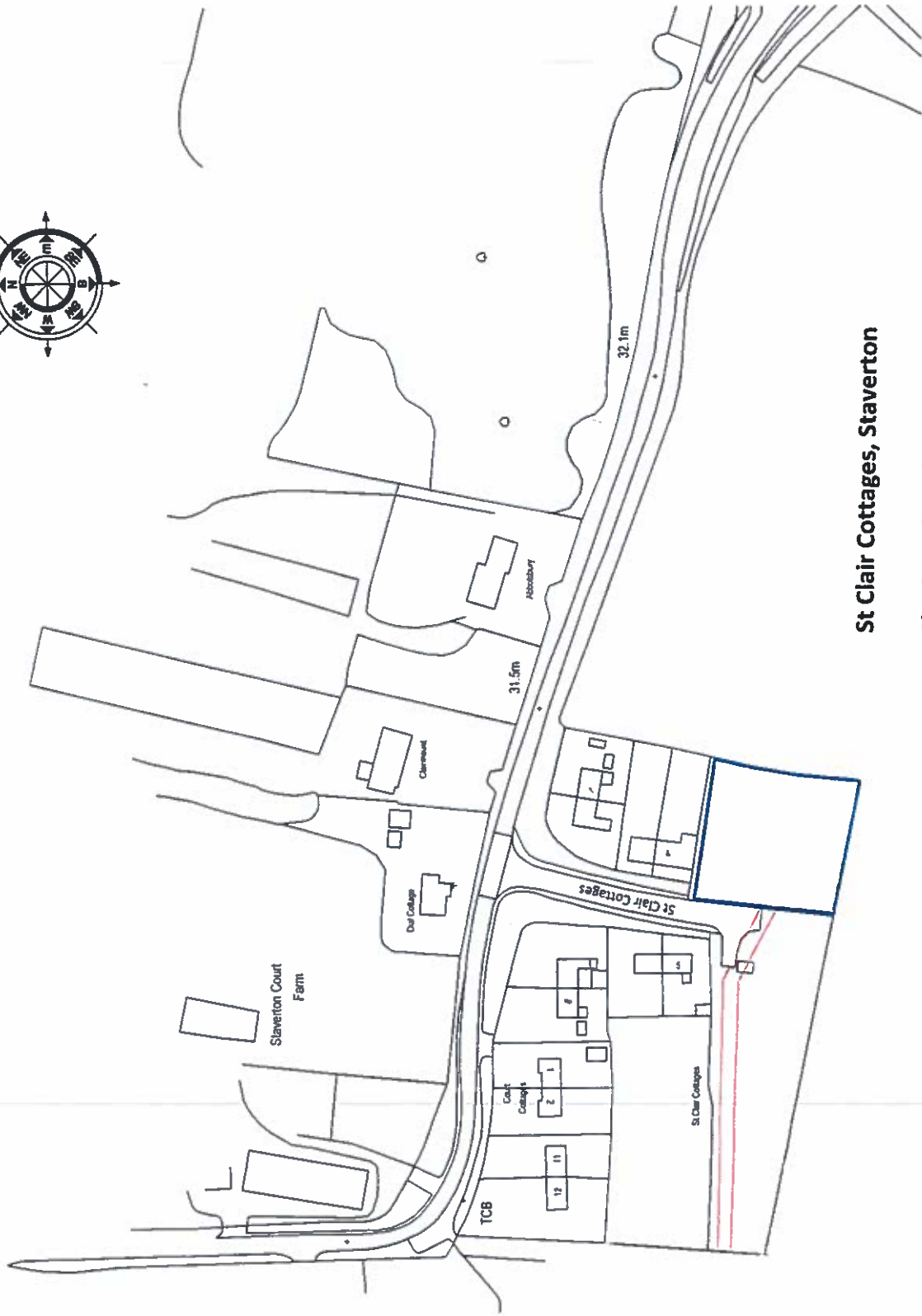
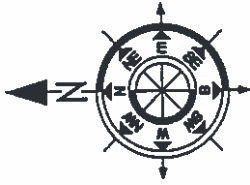
- 1 The development hereby approved shall be carried out in accordance with the information provided on the application form and the following plans/drawings/documents:
 - Site Location Plan
 - Drainage and External Works Layout (drawing no: 1110-001 Rev H)
 - Off Site Drainage Layout (drawing no: 1110-007 Rev B)
 - Off Site Drainage Easement Plan (drawing no: 1110-008)
 - Surface Water Drainage and Storage Calculations (including Appendix E - Maintenance Statement)

Reasons: For the avoidance of doubt and in the interests of proper planning.

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.



St Clair Cottages, Staverton

Site Location Plan – Scale 1:1250

460/A

NOTES

1. This drawing is copyright and may not be reproduced or used in any way without the written permission of the author.

- 1. SURFACE WATER DRAIN
- 2. Foul water drain
- 3. EXISTING Foul water REVER
- 4. ATTENUATION TANK
- 5. SITE BOUNDARY
- 6. ROADING EYE
- 7. COLLECTOR PIPES
- 8. ROAD DRAIN
- 9. THRESHOLD DRAIN
- 10. DRAINAGE CHANNEL
- 11. PERMEABLE PAVING (HATCHED)
- 12. EDGING KERB
- 13. TRANSITION KERB
- 14. UNIMPOSED KERB
- 15. RAISED KERB
- 16. PROPOSED LEVEL
- 17. RETAINING WALL
- 18. PROPOSED CONTOUR
- 19. SLOPE OF GRADE (HATCHED VALUES)
- 20. TACTILE PAVING
- 21. TREE ROOT PROTECTION ZONE (ORANGE SURFACING)
- 22. EXIST OF TREE ROOT PROTECTION AREA
- 23. PLOT 7 DRIVEWAY - CELLULAR CONCRETE TREE ROOT PROTECTION SYSTEM

FOR IMP AND SWP LOCATIONS REFER TO PROJECT'S DRAWINGS

NO.	DATE	DESCRIPTION
1	11/09/19	FOR IMP AND SWP LOCATIONS REFER TO PROJECT'S DRAWINGS
2	11/09/19	FOR IMP AND SWP LOCATIONS REFER TO PROJECT'S DRAWINGS
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91	11/09/19	FOR IMP AND SWP LOCATIONS REFER TO PROJECT'S DRAWINGS
92	11/09/19	FOR IMP AND SWP LOCATIONS REFER TO PROJECT'S DRAWINGS
93	11/09/19	FOR IMP AND SWP LOCATIONS REFER TO PROJECT'S DRAWINGS
94	11/09/19	FOR IMP AND SWP LOCATIONS REFER TO PROJECT'S DRAWINGS
95	11/09/19	FOR IMP AND SWP LOCATIONS REFER TO PROJECT'S DRAWINGS
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PRELIMINARY

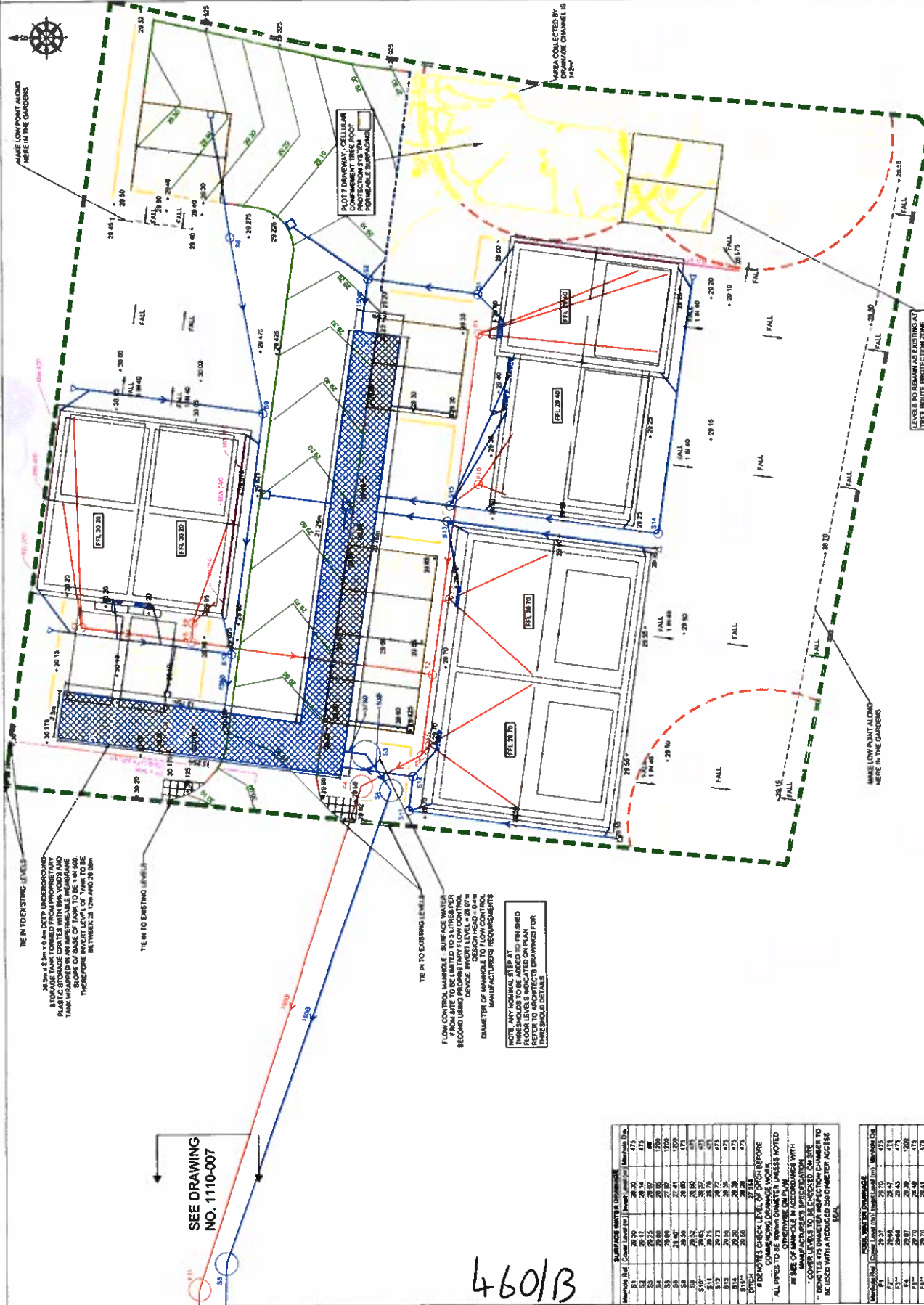
CSG
Consulting Engineers

20 Oakfield
Staverton, Devon PL9 7DQ
Tel: 01427 241 842
Email: info@csge.co.uk

**ST CLAIR COTTAGES
STAVERTON**

**DRAINAGE & EXTERNAL
WORKS LAYOUT**

DATE: APRIL 2019
SCALE: 1:100
CHECKED: A1
APPROVED: KW
DRAWING NO: 1110-001



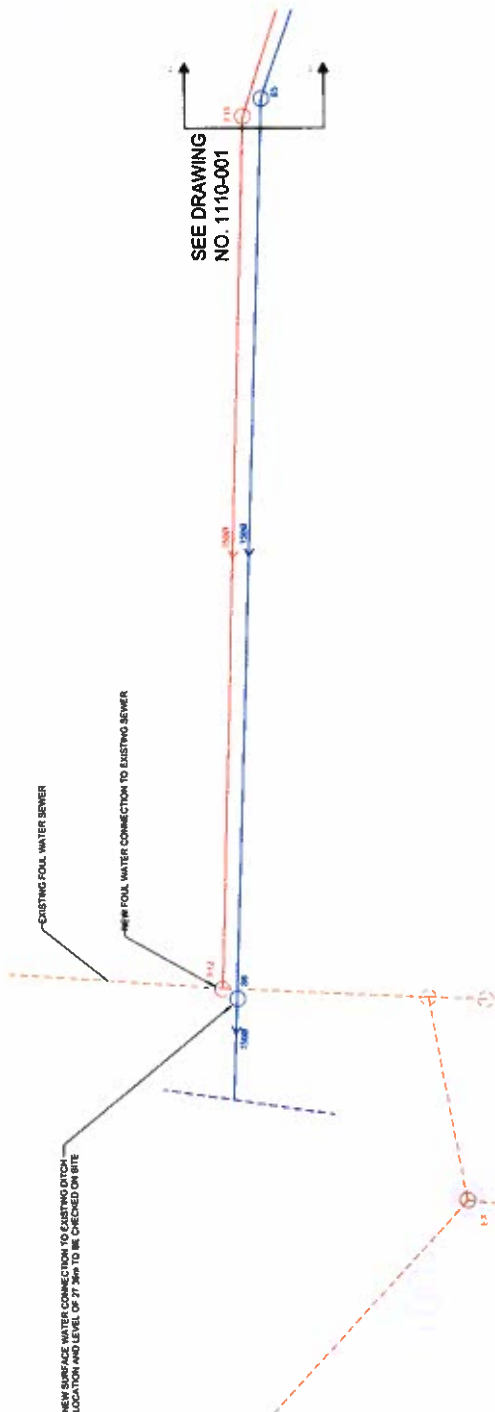
SURFACE WATER DRAINAGE			
Manhole No.	Coordinate (m)	Depth (m)	Manhole Dia.
1	28.70	0.30	475
2	28.70	0.30	475
3	28.70	0.30	475
4	28.70	0.30	475
5	28.70	0.30	475
6	28.70	0.30	475
7	28.70	0.30	475
8	28.70	0.30	475
9	28.70	0.30	475
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13	28.70	0.30	475
14	28.70	0.30	475
15	28.70	0.30	475
16	28.70	0.30	475
17	28.70	0.30	475
18	28.70	0.30	475
19	28.70	0.30	475
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21	28.70	0.30	475
22	28.70	0.30	475
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31	28.70	0.30	475
32	28.70	0.30	475
33	28.70	0.30	475
34	28.70	0.30	475
35	28.70	0.30	475
36	28.70	0.30	475
37	28.70	0.30	475
38	28.70	0.30	475
39	28.70	0.30	475
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41	28.70	0.30	475
42	28.70	0.30	475
43	28.70	0.30	475
44	28.70	0.30	475
45	28.70	0.30	475
46	28.70	0.30	475
47	28.70	0.30	475
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74	28.70	0.30	475
75	28.70	0.30	475
76	28.70	0.30	475
77	28.70	0.30	475
78	28.70	0.30	475
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89	28.70	0.30	475
90	28.70	0.30	475
91	28.70	0.30	475
92	28.70	0.30	475
93	28.70	0.30	475
94	28.70	0.30	475
95	28.70	0.30	475
96	28.70	0.30	475
97	28.70	0.30	475
98	28.70	0.30	475
99	28.70	0.30	475
100	28.70	0.30	475

46013

NOTES

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Do not scale

- KEY
- SURFACE WATER DRAIN
 - FOUL WATER DRAIN
 - EXISTING FOUL WATER SEWER
 - EXISTING DITCH



4601C

SURFACE WATER DRAINAGE			
Manhole No.	Chainage (m)	Spot Level (m)	Invert Level (m)
S1	28.20	28.30	475
S2	28.17	28.30	475
S3	28.15	28.30	475
S4	28.13	28.30	475
S5	28.11	28.30	475
S6	28.09	28.30	475
S7	28.07	28.30	475
S8	28.05	28.30	475
S9	28.03	28.30	475
S10	28.01	28.30	475
S11	27.99	28.30	475
S12	27.97	28.30	475
S13	27.95	28.30	475
S14	27.93	28.30	475
S15	27.91	28.30	475
S16	27.89	28.30	475
S17	27.87	28.30	475
S18	27.85	28.30	475
S19	27.83	28.30	475
S20	27.81	28.30	475
S21	27.79	28.30	475
S22	27.77	28.30	475
S23	27.75	28.30	475
S24	27.73	28.30	475
S25	27.71	28.30	475
S26	27.69	28.30	475
S27	27.67	28.30	475
S28	27.65	28.30	475
S29	27.63	28.30	475
S30	27.61	28.30	475
S31	27.59	28.30	475
S32	27.57	28.30	475
S33	27.55	28.30	475
S34	27.53	28.30	475
S35	27.51	28.30	475
S36	27.49	28.30	475
S37	27.47	28.30	475
S38	27.45	28.30	475
S39	27.43	28.30	475
S40	27.41	28.30	475
S41	27.39	28.30	475
S42	27.37	28.30	475
S43	27.35	28.30	475
S44	27.33	28.30	475
S45	27.31	28.30	475
S46	27.29	28.30	475
S47	27.27	28.30	475
S48	27.25	28.30	475
S49	27.23	28.30	475
S50	27.21	28.30	475
S51	27.19	28.30	475
S52	27.17	28.30	475
S53	27.15	28.30	475
S54	27.13	28.30	475
S55	27.11	28.30	475
S56	27.09	28.30	475
S57	27.07	28.30	475
S58	27.05	28.30	475
S59	27.03	28.30	475
S60	27.01	28.30	475
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S62	26.97	28.30	475
S63	26.95	28.30	475
S64	26.93	28.30	475
S65	26.91	28.30	475
S66	26.89	28.30	475
S67	26.87	28.30	475
S68	26.85	28.30	475
S69	26.83	28.30	475
S70	26.81	28.30	475
S71	26.79	28.30	475
S72	26.77	28.30	475
S73	26.75	28.30	475
S74	26.73	28.30	475
S75	26.71	28.30	475
S76	26.69	28.30	475
S77	26.67	28.30	475
S78	26.65	28.30	475
S79	26.63	28.30	475
S80	26.61	28.30	475
S81	26.59	28.30	475
S82	26.57	28.30	475
S83	26.55	28.30	475
S84	26.53	28.30	475
S85	26.51	28.30	475
S86	26.49	28.30	475
S87	26.47	28.30	475
S88	26.45	28.30	475
S89	26.43	28.30	475
S90	26.41	28.30	475
S91	26.39	28.30	475
S92	26.37	28.30	475
S93	26.35	28.30	475
S94	26.33	28.30	475
S95	26.31	28.30	475
S96	26.29	28.30	475
S97	26.27	28.30	475
S98	26.25	28.30	475
S99	26.23	28.30	475
S100	26.21	28.30	475

FOUL WATER DRAINAGE			
Manhole No.	Chainage (m)	Spot Level (m)	Invert Level (m)
F1	28.20	28.30	475
F2	28.17	28.30	475
F3	28.15	28.30	475
F4	28.13	28.30	475
F5	28.11	28.30	475
F6	28.09	28.30	475
F7	28.07	28.30	475
F8	28.05	28.30	475
F9	28.03	28.30	475
F10	28.01	28.30	475
F11	27.99	28.30	475
F12	27.97	28.30	475
F13	27.95	28.30	475
F14	27.93	28.30	475
F15	27.91	28.30	475
F16	27.89	28.30	475
F17	27.87	28.30	475
F18	27.85	28.30	475
F19	27.83	28.30	475
F20	27.81	28.30	475
F21	27.79	28.30	475
F22	27.77	28.30	475
F23	27.75	28.30	475
F24	27.73	28.30	475
F25	27.71	28.30	475
F26	27.69	28.30	475
F27	27.67	28.30	475
F28	27.65	28.30	475
F29	27.63	28.30	475
F30	27.61	28.30	475
F31	27.59	28.30	475
F32	27.57	28.30	475
F33	27.55	28.30	475
F34	27.53	28.30	475
F35	27.51	28.30	475
F36	27.49	28.30	475
F37	27.47	28.30	475
F38	27.45	28.30	475
F39	27.43	28.30	475
F40	27.41	28.30	475
F41	27.39	28.30	475
F42	27.37	28.30	475
F43	27.35	28.30	475
F44	27.33	28.30	475
F45	27.31	28.30	475
F46	27.29	28.30	475
F47	27.27	28.30	475
F48	27.25	28.30	475
F49	27.23	28.30	475
F50	27.21	28.30	475
F51	27.19	28.30	475
F52	27.17	28.30	475
F53	27.15	28.30	475
F54	27.13	28.30	475
F55	27.11	28.30	475
F56	27.09	28.30	475
F57	27.07	28.30	475
F58	27.05	28.30	475
F59	27.03	28.30	475
F60	27.01	28.30	475
F61	26.99	28.30	475
F62	26.97	28.30	475
F63	26.95	28.30	475
F64	26.93	28.30	475
F65	26.91	28.30	475
F66	26.89	28.30	475
F67	26.87	28.30	475
F68	26.85	28.30	475
F69	26.83	28.30	475
F70	26.81	28.30	475
F71	26.79	28.30	475
F72	26.77	28.30	475
F73	26.75	28.30	475
F74	26.73	28.30	475
F75	26.71	28.30	475
F76	26.69	28.30	475
F77	26.67	28.30	475
F78	26.65	28.30	475
F79	26.63	28.30	475
F80	26.61	28.30	475
F81	26.59	28.30	475
F82	26.57	28.30	475
F83	26.55	28.30	475
F84	26.53	28.30	475
F85	26.51	28.30	475
F86	26.49	28.30	475
F87	26.47	28.30	475
F88	26.45	28.30	475
F89	26.43	28.30	475
F90	26.41	28.30	475
F91	26.39	28.30	475
F92	26.37	28.30	475
F93	26.35	28.30	475
F94	26.33	28.30	475
F95	26.31	28.30	475
F96	26.29	28.30	475
F97	26.27	28.30	475
F98	26.25	28.30	475
F99	26.23	28.30	475
F100	26.21	28.30	475

CSG
Consulting Engineers

PROJECT
ST CLAIR COTTAGES
STAVERTON

TITLE
OFF SITE DRAINAGE
LAYOUT

DATE	AUG 2019	DESIGN	SSD
SCALE	1:200	CHECKED	AI
APPROVED		BY	KW
DRAWING NUMBER	1110-007	REVISION	B

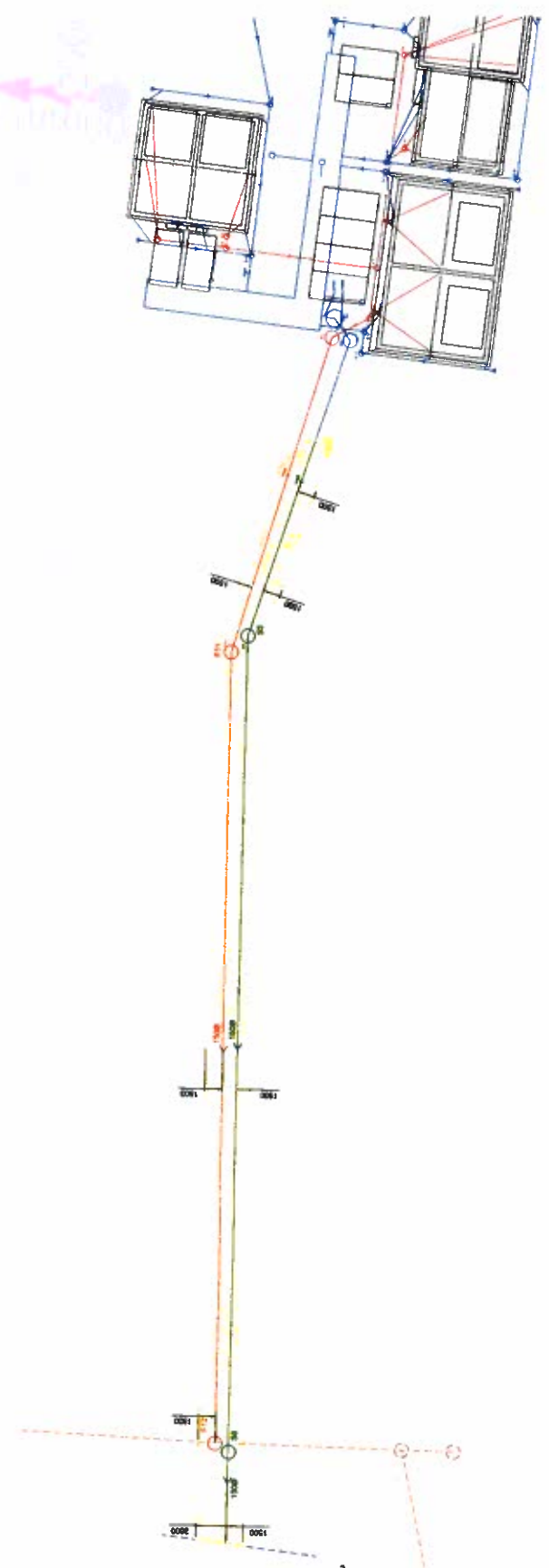


NOTES

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KEY

- AREA OF BASEMENT
- SURFACE WATER DRAIN
- FOUL WATER DRAIN
- EXISTING FOUL WATER SEWER
- EXISTING DITCH



460/D

APPROVAL			
REV	DATE	DESCRIPTION	BY
01/01/08			
CSG Consulting Engineers			
12 Chesham Business Centre Buckley Road Reading, RG2 1HD Tel: 0118 314 8482 Email: info@csge.co.uk			

PROJECT		ST CLAIR COTTAGES STAVERTON	
TITLE		OFF SITE DRAINAGE EASEMENT PLAN	
DATE	SEPTEMBER 2019	DRAWN	DJ
SCALE	1:200	CHECKED	KW
CONTRACT NUMBER	1110-008	APPROVED	KW

Valid 27.09.2019

Erection of children's playhouse and climbing frame in rear garden. (re-submission of application 18/01129/FUL).

Grid Ref 381032 221255
Parish Maisemore
Ward Highnam With Haw
Bridge

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)
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 - The Parish raise no objections to the proposal.

Local Residents - One letter of objection has been received from a local resident. It is stated that the plans and drawings are showing dimensions that do not relate to the structure that is currently still erected in the garden and they cannot see how the height will be reduced from the structure. They point out that the previous application was deemed to be unacceptable by the Planning Committee and an Enforcement Notice has been issued.

It is further stated that the revised position could cause implications for future tenants of No. 7 Persh Way due to its location close to the fence and its height. Due to the size of the garden, it is suggested that wherever the structure is positioned, it would still result in overlooking and a loss of privacy.

Further concerns are raised in respect of the use of the structure by teenagers and adults as a social area and the implications this raises in respect of overlooking and privacy.

Planning Officers Comments: Mr Adam White

1.0 Application Site

1.1 This application relates to 6 Persh Way, which is a mid-terrace property located in residential location on the edge of Maisemore (**see site location plan**). The property has a modest rear garden, which backs onto open fields and countryside.

2.0 Relevant Planning History

2.1 Of particular relevance to this current application is the recent refusal of a retrospective application for the erection of a playhouse in the rear garden (Ref: - 18/01129/FUL). Members will recall that this application was originally presented to the Planning Committee on the 18th June 2019, where Members resolved to delegate permission to the Technical Planning Manager subject to the satisfactory completion of the consultation process in respect of revised plans that had been submitted. However, following that consultation, further objections were received from the occupiers of the neighbouring property and the application was subsequently returned to the Committee on the 20th August 2019.

2.2 Following a site visit by Members on the 16th August 2019, Members considered that the proposal was unacceptable on the basis of overbearing impact, overlooking and loss of privacy. The application was subsequently refused for the following reason:

'The development, by reason of its siting and design, unreasonably affects the living conditions of occupiers of nearby properties in terms of loss of privacy and overlooking. Furthermore, by reason of its scale and height the playhouse has an unacceptable overbearing impact on the occupiers of the neighbouring property. As such, the development is contrary to Policies SD4 and SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (2017), Policy HOU8 of the Tewkesbury Borough Local Plan to 2011 (March 2006) and Paragraph 127 of the National Planning Policy Framework (2019).'

2.3 Following the refusal of the application, an Enforcement Notice was served on the property owners and the occupiers, which requires the removal of the children's playhouse from the land and the removal of all materials resulting from compliance with the Notice. Neither the refusal of planning permission nor the Enforcement Notice were subsequently appealed. The Enforcement Notice therefore remains extant and full compliance is required by the 11th November 2019. The structure remains in situ at the time of writing this Committee report.

2.4 A copy of the previously refused plans are attached to this Committee report.

3.0 Current Application

3.1 The application seeks to address the previous reason for refusal by amending the siting of the currently unauthorised structure as well as proposing a number alterations to overcome the overlooking concerns.

3.2 In terms of the siting of the structure, it is now proposed to move it to the far corner of the garden, adjacent to the party boundary with No.7 Persh Way (**see site layout plan**). The timber outbuilding that currently occupies this space would be relocated to the opposite side of the garden, adjacent to the party boundary with No.5 Persh Way.

3.3 With regard to the proposed changes to the unauthorised structure as it currently exists (as opposed to the previously refused plans), it is proposed to erect a screen around all sides of the raised platform to a height of 1.8 metres and replace the existing windows with obscure polycarbonate glazing. The overall height of the existing structure would be reduced in height to 3625mm, which would be achieved by lowering the ridge height. In addition, it is proposed to adjust the position of the slide and move the monkey bars to the opposite side of the structure. The plans also show the upright posts to the monkey bars reduced in height and the rope handles removed (**see proposed elevation plans**).

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 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).

4.3 A further material consideration is the Pre-Submission version of the Tewkesbury Borough Plan to 2031, which was approved for publication and submission at the Council meeting held on 30th 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 the National Planning Policy Framework (NPPF) and its associated Planning Practice Guidance.

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

5.0 Analysis

5.1 The main consideration in this case is whether the proposed revisions to the structure would address the previous reason for refusal on the grounds of visual impact and overlooking.

Design and Visual Amenity

5.2 JCS Policy SD4 of the Joint Core Strategy sets out requirements for high quality design while Local Plan Policy HOU8 provides that development must respect the character, scale and proportion of the existing dwelling and the surrounding development. Closely related to Policy HOU8 is Policy RES10 of the emerging Tewkesbury Borough Plan to 2031, which sets out that the scale of the proposal should be appropriate to the character and appearance of the existing dwelling and its surrounding area.

5.3 The existing unauthorised structure is constructed from timber beams with timber weatherboarding and felt roofing. Visually, the structure resembles a typical garden shed, albeit raised off the ground. In this context, the structure is not considered to be necessarily out of character in a residential setting such as this. Moreover, the provision of children's play equipment in a domestic garden, such as swings and climbing frames for example, is considered to be commonplace. However, given the limited size of the garden and the elevated nature of the structure, it does appear slightly incongruous and visually intrusive in its current location when viewed from the neighbouring property at No.5 Persh Way. Members also deemed the visual impact to be unacceptable in the revised position that was previously proposed (see previously refused plans).

5.4 As previously set out, it is proposed to move the structure to the far corner of the garden, adjacent to the party boundary with No.7 Persh Way. The timber outbuilding that currently occupies this space would be relocated to the opposite side of the garden, adjacent to the party boundary with No.5 Persh Way. In addition, the existing unauthorised structure would be reduced in height to 3625mm by reducing the pitch of the roof and lowering the ridge height. It should also be noted that previously refused plans also detailed a reduction in height to 3625mm although this would have been achieved by lowering the raised platform rather than lowering the ridge height.

5.5 Whilst the structure would still be visible from the neighbouring property at No.5 Persh Way, it is considered that the revised positioning and the reduced height would serve to reduce the visual prominence. The revised location would move the structure close to the boundary with No.7 Persh Way, although thick vegetation on the boundary would help screen views of the structure from the rear of the No.7 and the garden area close to the house. The occupiers of No.7 have also written a letter, which states that they do not have any objections to the revised location.

5.6 Mindful of Members previous concerns and the previously refused plans, it is considered that whilst there would still be a slight degree of visual intrusion when viewed from No.5, on balance, that harm would no longer be at such a scale as to warrant a refusal on this basis.

Residential Amenity

5.7 Policy SD14 of the JCS requires that new development must cause no harm to local amenity including the amenity of neighbouring occupants. Local Plan Policy HOU8 provides that extensions to existing dwellings should not have an unacceptable impact on adjacent property and residential amenity. Similarly, Policy RES10 of the emerging Tewkesbury Borough Plan to 2031 sets out that proposals must not have an unacceptable impact on the amenity of neighbouring properties.

5.8 The unauthorised structure in its current form and location affords open and direct views into the garden area and rear windows of No.5 Persh Way. This adversely affects their privacy and living conditions and is unacceptable. In considering the previously revised location of the structure, Members also deemed the potential for overlooking to be unacceptable even though a planning condition was suggested to secure details of screening around the raised platform area. Concerns were also raised in respect of the monkey bars and the rope handles, which allowed people to easily climb on top of them.

5.9 In addressing the overlooking issues, in addition to locating the structure further away from No.5, the plans detail a 1.8m timber screen that would fully enclose the raised platform area, save for some small opening to allow access to the slide and the underside of the monkey bars. The existing glazing to the windows would also be replaced with obscure polycarbonate glazing. In addition, the plans show the upright posts to the monkey bars reduced in height and the rope handles removed to discourage people walking on top of them.

5.10 It is considered that the package of changes proposed would overcome the previous objections on the grounds of overlooking and a planning condition can ensure that these measures are secured in perpetuity. The proposed screening and small openings would also discourage adults climbing on the structure, should they be inclined to do so. In addition, the frequency and nature of use of the structure should also be borne in mind when considering the potential impact from any elevated views that might be gained from the small openings in the screening. Based on the proposed revisions to the structure, that impact is considered to be acceptable in this case.

6.0 Summary and Conclusions

6.1 Taking into account all of the above, it is considered that, on balance, the proposed changes would address previous concerns in respect of visual impact and residential amenity. **It is therefore recommended that the application is permitted.**

RECOMMENDATION Permit

Conditions:

- 1 Within 6 weeks of the date of this permission, the existing structure shall be relocated and amended in strict accordance with the following approved plans:
 - Site Plan - 2023-P-04, received 27th September 2019
 - Proposed Site Plan and Elevations - 2023-P-03A, received 1st November 2019

The structure shall thereafter be retained fully in accordance with the approved details and not altered without the express permission of the Local Planning Authority.

Reason: The changes are required to address previous concerns in respect of visual impact and overlooking. The condition is therefore required to ensure that the development is carried out in accordance with the approved plans and to ensure that there is no unacceptable overlooking in the future.

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

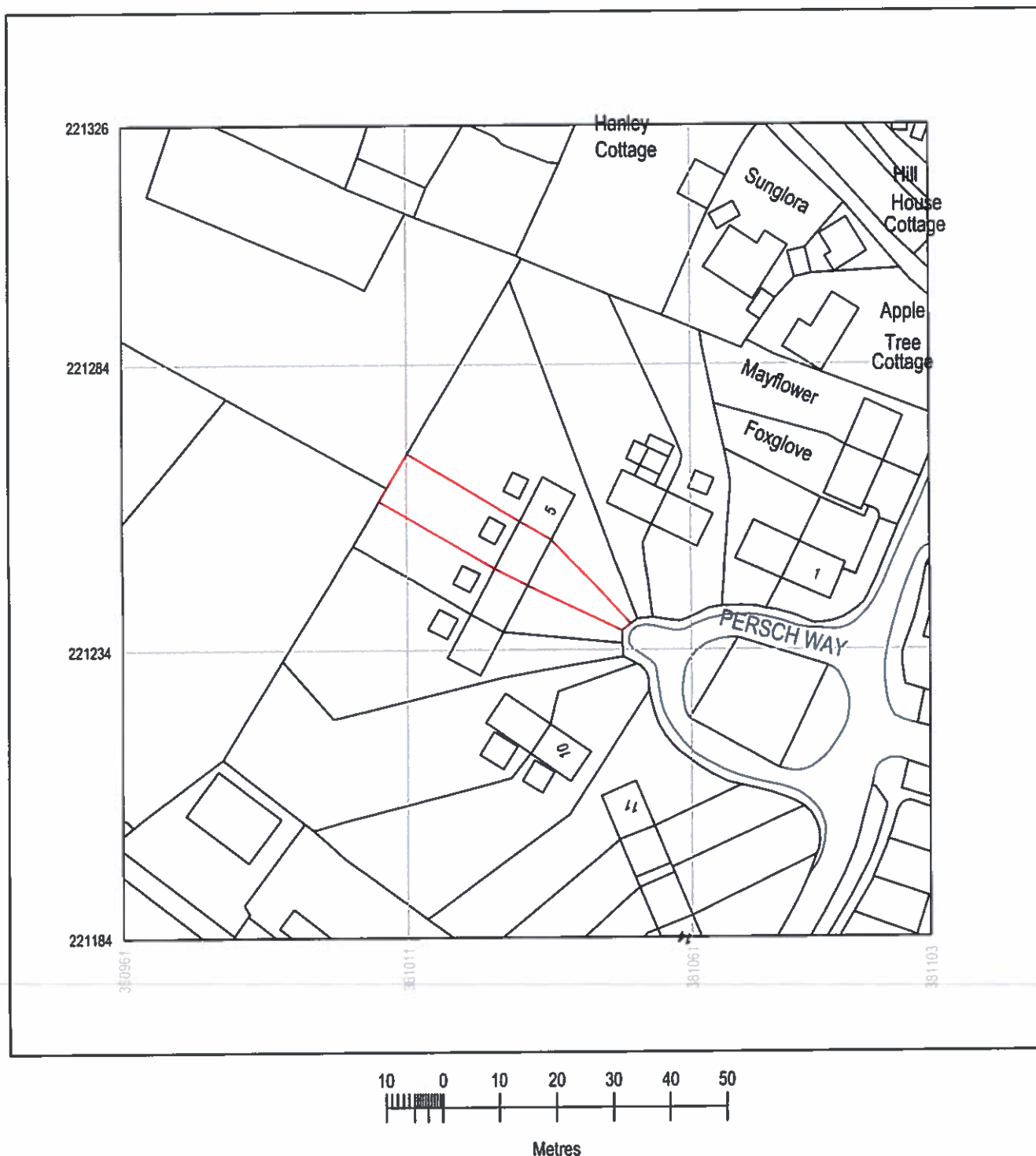
Reason: In the interests of visual amenity.

- 3 Within 6 weeks of the date of this permission, all windows in the structure 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.

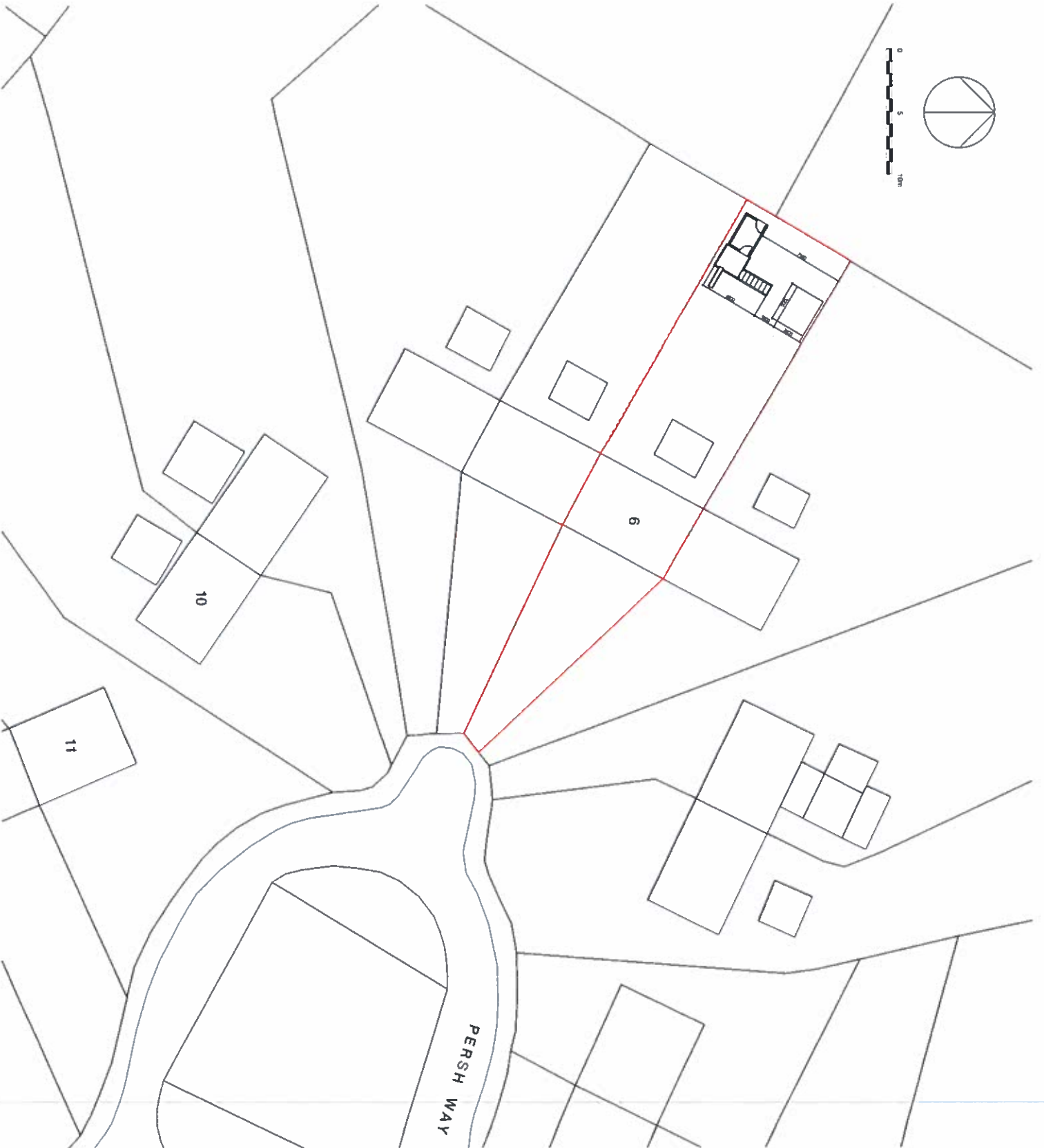
Notes:

- 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.



Produced on 07 November 2018 from the Ordnance Survey National Geographic Database and incorporating surveyed revision available at this date.
This map shows the area bounded by 380961,221184 380961,221326 381103,221326 381103,221184
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464/A



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464/B

revision description date drawn

Design status BUILDING REGULATIONS

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116 01437 259 388, 11605 07722 952028 info@designforliving.com

SITE PLAN

CHILDREN'S PLAYHOUSE
8 PERSH WAY
MASEMORE

date 1:200 @ A2
2023-P-04



464/C

Thus elevated is the reputation of Deane's on-line

PROPOSED PLAN AND ELEVATIONS

MAISEMORF

DPS

2023-P-03A

PLANNING DRAWING

Refused Scheme

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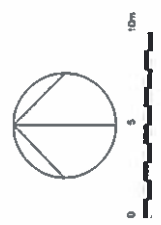
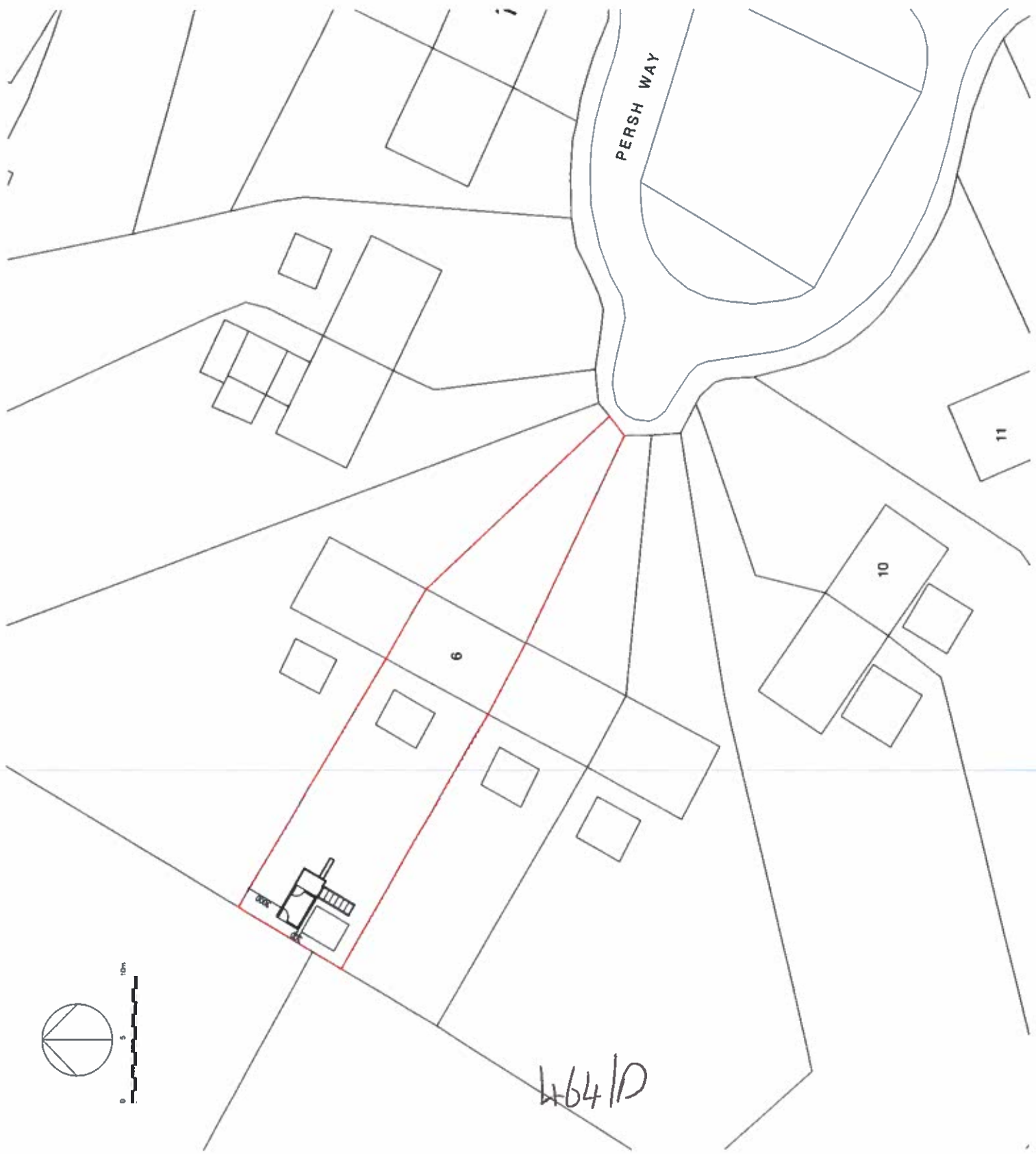
Unit 9 Westward Crescent
Westward, Stroudhouse GL10 3SL
Tel 01453 280268 Fax 07702 982268 info@designforliving.com

SITE PLAN

CHILDRENS PLAYHOUSE
6 PERSH WAY
MAISEMORE

NOV 2018
DPS

scale 1:200 @ A2
2023-P-02D

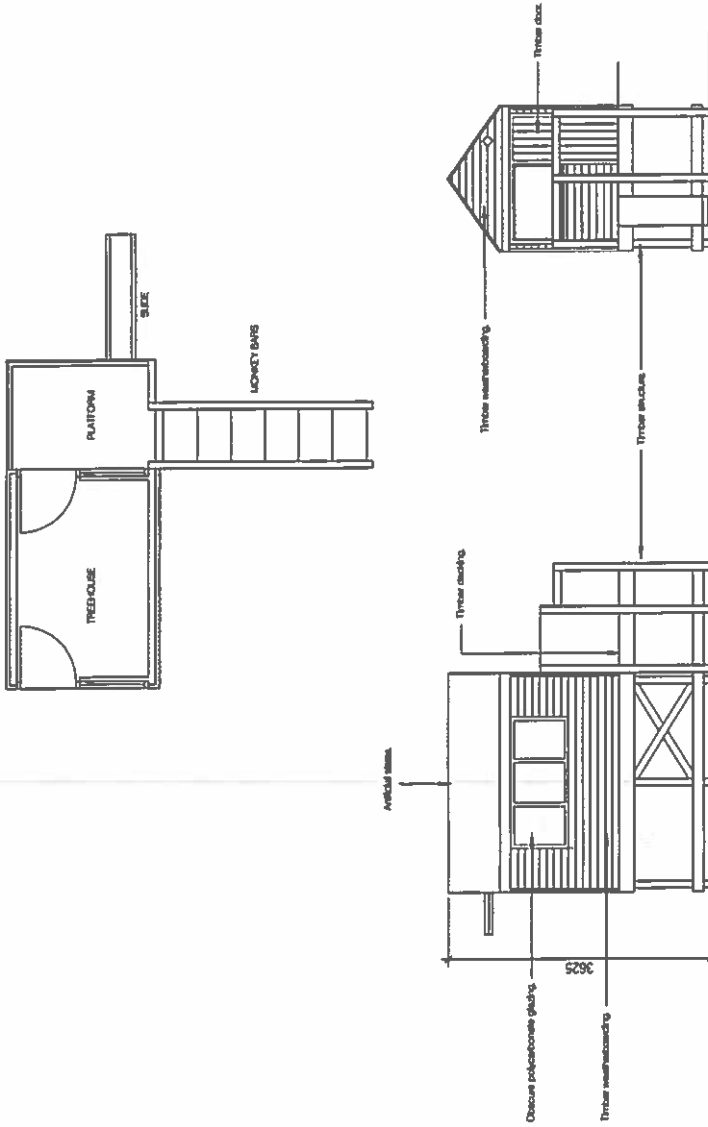


464/D

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464/E

revision	description	date	drawn
C	Building site sketch	12-6-18	DFS
B	Building site sketch and reconfigured	11-6-18	DFS
A	Building site sketch	7-11-18	DFS
		09-08	drawn

drawing rules: BUILDING REGULATIONS

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PROPOSED PLAN AND ELEVATIONS

CHILDREN'S PLAYHOUSE
6 PERSCH WAY
MAISEMERE

client: NOV 2018
date: NOV 2018
scale: 1:50 @ A2
project: DFS
drawing: 2023-P-01C

Valid 18.09.2019

Crown lift Oak tree by removing lower secondary branches to give a clearance of approx. 3 to 4 metres from ground level, remove deadwood from tree

Grid Ref 380191 220328
Parish Highnam
Ward Highnam With Haw
Bridge

RECOMMENDATION Consent

Policies and Constraints

National Planning Policy Framework
Planning Practice Guidance
The Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (2017)
Tewkesbury Borough Local Plan to 2011 - March 2006
Tree Preservation Orders: A Guide to the Law and Good Practice
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

Highnam Parish Council - No objection.

Planning Officers Comments: Mrs Gaynor Baldwin

1.0 Application site

1.1 The Oak Tree is located at the entrance to the allotments at Oakridge, Highnam and is a prominent feature. **(site plan attached)**. The tree is situated adjacent to a highway and opposite residential dwellings. The strip of land to the entrance to the allotments is owned by Tewkesbury Borough Council and the Tree is shown as T11 on Tewkesbury Tree Preservation Order (TPO 264) but also forms part of a group G6 from an older Gloucester Tree Preservation order T/TR 193 GCC. The application has been submitted by Tewkesbury Borough Council and a committee determination is therefore required.

2.0 Recent / Relevant History

There is no recent or relevant history for this tree

3.0 Current Application

3.1 This application seeks consent for works to crown lift the tree by selective removal of mainly lower secondary branches to give a clearance of approx. 4 metres from ground level and to remove deadwood from the tree as part of Tewkesbury Borough Councils winter maintenance programme.

4.0 Policy Context

4.1 Section 198 of the Town and County Planning Act 1990 provides Local Planning Authorities with the powers for the making of Tree Preservation Orders, where it is expedient in the interests of amenity to protect trees. Such powers prohibit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of trees except with the consent of the local planning authority. This advice is reiterated in the Town and County Planning (Trees Preservation) (England) Regulations 2012.

4.2 Government guidance set out in 'Tree Preservation Orders - a Guide to the law and Good Practice' sets out that, in considering applications for works to TPO trees, local planning authorities should:-

- assess the amenity value of the tree and the likely impact of the proposal on the amenity of the area;
- in light of that assessment to consider whether or not the proposal is justified, having regard to the reason put forward in support of it;
- whether any loss or damage is likely to arise if consent is refused or granted subject to conditions; and
- whether replacement planting is necessary or practical.

5.0 Analysis

5.1 The Oak (*Quercus robur*) tree is protected under Tree Preservation Order No. 264 - T11 and also Tree Preservation Order T/TR 193 as part of a group G6. Tree Preservation Order T/TR 193 is still an active order as Tewkesbury Borough Council are unable to revoke an Order made by another Authority which in this case was Gloucester County Council. The application is to carry out works to crown lift the tree by selective removal of the lower secondary branches to give a clearance of approx. 4 metres from ground level and to remove deadwood from the tree. Carrying out only necessary works to achieve the proposed vertical clearance that is required for safe access to and from the allotment by removing the lower secondary branches and branch shortening in areas will ensure that the desired clearance can be achieved but keeping the wounds to the tree to a minimum. **to be displayed.**

5.2 Following a visual inspection of the tree there is no objection as the proposed works as they are part of a maintenance programme and is necessary in arboricultural terms to ensure unnecessary damage to the tree by people possibly breaking branches whilst passing back and fore. Therefore, the works would ensure the future health and conserve the landscape amenity value of the attractive specimen. The works also helps to retain the aesthetic form and shape of the tree, whilst addressing the issue of overhanging tree canopy causing difficult access to and from the allotments.

6.0 Conclusion

6.1 Overall, the proposed works are considered to be suitable and appropriate. **Consent** is therefore recommended subject to the specified conditions.

RECOMMENDATION Consent

Conditions:

- 1 The granted tree works is given to carry out works as described on the application proposal submitted on the 18th September 2019 .The permission hereby granted shall be completed within two years of the date of this notice.

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

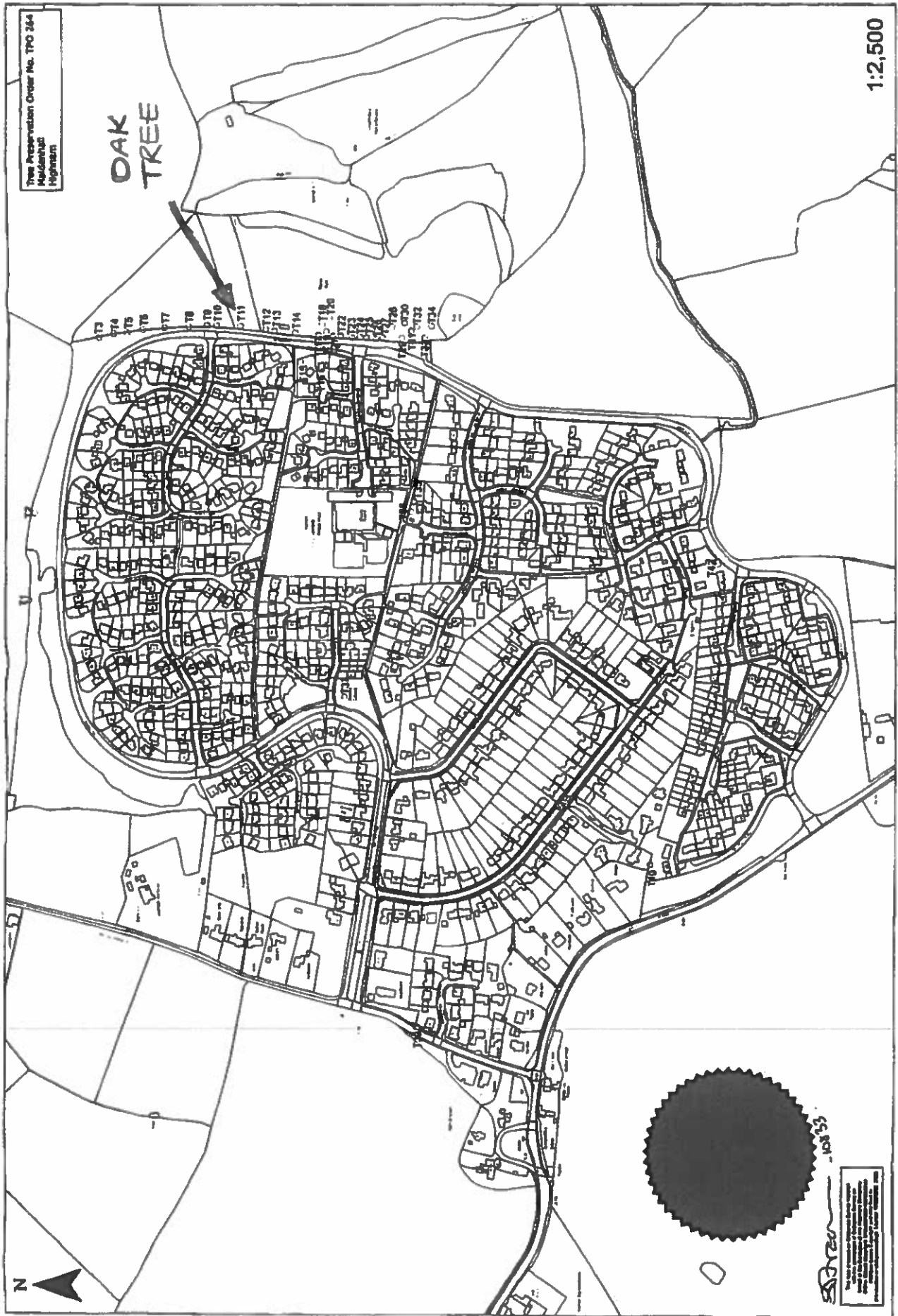
- 2 All arboricultural work must comply with BS 3998:2010 British Standard: Recommendation for Tree Work and must be carried out by a suitable qualified person.

Reason - To protect the health of the trees and to ensure that the works are carried out in such a manner to maintain the amenity value of the trees.

Notes:

- 1 If at any time nesting birds are observed on site then certain works which might affect them should cease and advice sought from a suitably qualified ecological consultant or Natural England. This is to comply with the Wildlife & Countryside Act 1981 (as amended) and avoid possible prosecution. You are additionally advised that tree or shrub removal works should not take place between 1st March and 31st August inclusive unless a survey to assess nesting bird activity during this period is undertaken. If it is decided on the basis of such a survey to carry out tree or shrub removal works then they should be supervised and controlled by a suitably qualified ecological consultant. This advice note should be passed on to any persons/contractors carrying out the development.
- 2 The Wildlife and Countryside Act 1981 (as amended) makes it an offence to kill, injure or take any wild bird, and to intentionally take, damage or destroy the nest of any wild bird while that nest is in use or being built. It is also an offence to take or destroy any wild bird eggs. In addition the Act states that it is an offence to intentionally or recklessly disturb any wild bird listed in Schedule 1 while it is nest building, or at (or near) a nest containing eggs or young, or disturb the dependent young of such a bird. This advice note should be passed on to any persons/contractors carrying out the development.

Substituted Plan



BOROUGH COUNCILLORS FOR THE RESPECTIVE WARDS 2019-2023

Ward	Parishes or Wards of	Councillors	Ward	Parishes or Wards of	Councillors
Badgeworth	Badgeworth (incl. Bentham) Great Witcombe Staverton	Robert Vines	Isbourne	Ashchurch Rural (incl. Walton Cardiff) Buckland Dumbleton Oxenton Snowshill Stanton Stanway Teddington Toddington	John Evetts Mel Gore
Brockworth East	Brockworth Parish (East Ward)	Louise Gerrard Sara Stevens			
Brockworth West	Brockworth Parish (West Ward)	Craig Carter Deborah Harwood			
Churchdown Brookfield with Hucclecote	Churchdown Parish (Brookfield Ward) Hucclecote	Gill Blackwell Paul Smith Richard Smith			
Churchdown St John's	Churchdown Parish (St John's Ward)	Mary Jordan Clare Softley Scott Thomson	Northway	Northway	Pauline Godwin Elaine MacTiernan
Cleeve Grange	Cleeve Grange Ward	Helen Munro	Severn Vale North	Deerhurst Elmstone Hardwicke Leigh Stoke Orchard & Tredington	Heather McLain
Cleeve Hill	Gotherington Southam Woodmancote	Mike Dean Anna Hollaway	Severn Vale South	Boddington Down Hatherley Norton Sandhurst Uckington	Mark Williams
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