

**TEWKESBURY BOROUGH COUNCIL**

Schedule of Planning Applications for the consideration of the **PLANNING COMMITTEE** at its meeting on 17<sup>th</sup> December 2019

	<b>(NORTH)</b>	<b>(SOUTH)</b>
General Development Applications Applications for Permission/Consent	(467 – 516)	(517 – 562)

**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. (467 to 562)**

### **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) 17th December 2019

Parish and Reference	Address	Recommendation	Item/page number
Alderton 19/00770/FUL	Land At Lower Stanley Farm Gretton Fields Gretton	Permit	5/509
<a href="#">Click Here To View</a>			
Brockworth 19/00537/APP	Phase 1 Land At Perrybrook North Brockworth GL3 4QY	Delegated Approve	12/553
<a href="#">Click Here To View</a>			
Brockworth 19/00678/OUT	18 Westfield Road Brockworth Gloucester Gloucestershire	Permit	7/522
<a href="#">Click Here To View</a>			
Churchdown 19/00761/OUT	9 Parton Road Churchdown Gloucester Gloucestershire	Permit	8/529
<a href="#">Click Here To View</a>			
Gotherington 19/00476/FUL	Part Parcel 5778 Malleson Road Gotherington Cheltenham	Permit	3/491
<a href="#">Click Here To View</a>			
Highnam 19/01003/FUL	Land At Two Mile Lane Highnam	Refuse	6/517
<a href="#">Click Here To View</a>			
Sandhurst 19/01062/FUL	Brawn Farm Rodway Lane Sandhurst Gloucester	Permit	10/538
<a href="#">Click Here To View</a>			
Shurdington 19/00988/FUL	Pen Cerrig Leckhampton Hill Leckhampton Cheltenham	Permit	9/535
<a href="#">Click Here To View</a>			
Stoke Orchard And Tredington 18/01281/FUL	Crimmond Mill Lane Stoke Orchard Cheltenham	Refuse	1/467
<a href="#">Click Here To View</a>			
Twigworth 19/00935/APP	Part Parcel 5188 Tewkesbury Road Twigworth Gloucester	Approve	11/542
<a href="#">Click Here To View</a>			
Twynning 19/00531/OUT	Land To The North Of Church End, Twynning	Refuse	2/475
<a href="#">Click Here To View</a>			
Winchcombe 19/00726/FUL	4 Cheltenham Road Winchcombe Cheltenham Gloucestershire	Permit	4/504
<a href="#">Click Here To View</a>			

Valid 15.01.2019

The construction of a replacement dwelling and associated works

Grid Ref 391752 228120

Parish Stoke Orchard And

Tredington

Ward Severn Vale North

**RECOMMENDATION Refuse****Policies and Constraints**

National Planning Policy Framework (NPPF)  
 National Planning Policy Guidance (NPPG)  
 Joint Core Strategy (2017) - SD4, SD5, SD6, SD8, SD9, SD10, SD14, INF1  
 Tewkesbury Borough Local Plan to 2011 - HOU7  
 Tewkesbury Borough Local Plan Pre-Submission Version 2019  
 Stoke Orchard and Tredington NDP - currently under preparation  
 Human Rights Act 1998 - Article 8  
 The First Protocol - Article 1  
 Green Belt

**Consultations and Representations****Stoke Orchard and Tredington Parish Council - Object**

- Original comments still stand
- Revised application still contravenes what should be permitted in this location
- Concur with the findings of the Urban Design Officer
- Failure to comply with policy SD4 of the JCS and chapters 11 and 12 of the NPPF
- Still concerned about the height in relation to twelfth century church

The following observations were received to the originally submitted scheme:

- Object.
- Concur with the findings of the Urban Design Officer
- Fails to comply with JCS policy SD4 and chapters 11 and 12 of the NPPF
- Concerned about the height in relation to the close proximity of the C12th church.

**Conservation Officer - No heritage objections to the amended scheme**

- Nearest heritage assets are the chapel of St John the Great (Grade I Listed) and Chasebeams (Grade II Listed).
- Development would not have an adverse visual impact upon the setting the listed buildings
- Scheme is uninspiring

**Urban Design - Objection to the proposal.**

- Significantly larger bulk and mass to the existing dwelling and neighbouring properties.
- Fails to comply with design policies of the development plan and the NPPF.
- Does not maintain or enhance the prevailing character of the area or the open rural setting
- Does not improve the character of the area.

**Severn Trent Water - No objections.** The proposal will have minimal impact on the sewerage system

**Local Residents**

**Four letters of support** were received to the original scheme. The comments raised are summarised below as summarised:

- More in keeping with surroundings
- Would enhance the landscape;
- The proposal is better designed for a family home;
- The existing dwelling is unpleasant on the eye;
- The proposal is a well thought out use of space;

- The family could make a positive contribution to the lane and to Stoke Orchard;
- This is a better use of the site than the existing planning permission.

**Two further letter of support** were received in relation to the previously amended plans, and the comments are summarised below:

- Lane already has a mix of styles and ages
- Proposal will not have an adverse impact
- Family home will be better for the village
- Better to be occupied rather than standing empty
- New scheme is better than the existing and what could be built under Permitted Development
- No adverse impacts
- Single family home will suit the area

**Three letters of objection** were received to the original scheme as summarised:

- Design is at odds with the rural scene and the Green Belt;
- Agree with Urban Designer comments;
- Large and incongruous to the existing bungalows adjacent;
- Plans differ to those shown to neighbours before submission,
- No mention of demolishing bungalow and replacing with a two storey dwelling;
- Archers Lane Houses would be overlooked
- Construction traffic will cause issues
- Damage to verges and road surfaces;
- No nearby parking for construction workers,
- Local residents will suffer during the demolition and construction phases

**Three further letter of objection** were received in relation to the amended plans as summarised:

- Two storey outbuildings should be shown on the plans;
- Development is too high compared to the original dwelling
- Too big for the site
- Will detract from the area
- Overbearing to the old church in Mill Lane;
- Construction traffic will damage the lane surface
- Fruit trees have been cut down in the front garden,
- Agree with Urban designer comments

**Planning Officers Comments:** Bob Ristic

## **1.0 Application Site**

1.1 The application site is located at Stoke Orchard; it is within the Green Belt and Flood Zone 1 ("Low Probability"; land having a less than 1 in 1,000 annual probability of river or sea flooding) as defined on the Environment Agency flood zone maps.

1.2 The application site is located on the western side of Mill Lane and comprises a single storey dwelling positioned within the centre of the site which is elevated above the adjoining road level. The site also contains two single white rendered garages, one in the south eastern corner of the site and the other to the north of the property. The adjoining properties to the north and south comprise bungalows of a similar vintage to Crimmond.

1.3 The site is located some 35 metres to the north-west of a 1 ½ storey detached cottage - Chasebeams which is a Grade II designated heritage asset. The site is also located some 35 metres to the south of the Chapel of St James, Stoke Road, which is Grade I listed.

## **2.0 Planning History**

18/00622/CLP - Erection of two single storey side extensions, a single storey rear extension and two detached outbuildings. - Certificate granted

18/00392/PDE - Erection of a single storey rear extension - Prior approval not required.

82/00495/FUL - Alterations and extension to existing bungalow to provide an enlarged kitchen and dining room - Permit

79/00595/FUL - Alterations and extension to existing bungalow to provide a toilet, enlarged lounge and bedroom - Permit

61/00221/FUL - Proposed extension to existing bungalow to form additional living accommodation - Permit

53/00181/FUL - Erection of a bungalow - Permit

### **3.0 Current Application**

3.1 The application seeks planning permission to demolish all the existing buildings on site and erect a 4 bedroom dwelling. The proposed dwelling would be 1 ½ storeys high, with a linear elevation with half-eaves dormers to the eastern (front elevation) and a gable detail to the western (rear) elevation. The roof would also include half-hips to the end elevations. The proposed dwelling would have a staggered 'S' shape footprint and would have an overall height of 7.3 metres to the ridge.

3.2 The siting of the proposed dwelling is broadly similar to that of the existing bungalow to the central part of the site.

3.3 The application also proposed a detached 1 ½ storey double garage and store building with a games room above, which would be set to the northern part of the site adjacent to Camelot. The building would be orientated at 90 degrees to the proposed dwelling and would flank onto Mill Lane. The garage would be 6.6 metres wide and 10.3 metres long with a height of 5.8 metres to the ridge. The building would include two box dormers to the southern roof slope and half hips to the roof, matching those on the proposed dwelling.

3.4 The existing dwelling measures approx. 14.4 metres across the frontage of the property on the eastern elevation (fronting Mill Lane), the proposed dwelling would measure approximately 21.3 metres across the same elevation albeit with a staggered footprint

3.5 The site would continue to be accessed from Mill Lane in a broadly similar location to the existing driveway.

3.6 A number of amended plans have been submitted, the latest of which were received in November 2019. The principal changes include the omission of a gable feature to the eastern elevation and revisions to the positioning and design of windows and doors to the dwelling and garage.

### **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). The emerging Tewkesbury Borough Plan has been approved for submission to the Secretary of State. The Pre-submission version of the Plan has been consulted upon. The policies within that plan are given limited-moderate weight given the stage the plan has reached in the plan-making process, dependant on their consistency with the NPPF and the extent to which there are unresolved objections to them.

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

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

### **5.0 Analysis**

5.1 The main issues to be considered in this application are the principle of the development, the impact upon the green belt, design, highway safety, residential amenity and the impact on heritage assets.

## Principle of development

5.2 While Stoke Orchard is identified as a service village in the JCS, there is presently no settlement boundary identified within the adopted plan. The site lies outside of the settlement boundary identified in the emerging Borough Plan, however, the site does lie within a cluster of dwellings along Mill Lane and Archers Lane to the west.

5.3 JCS Policy SD10 sets out that housing development will be planned in order to deliver the scale and distribution of housing development set out in Policies SP1 and SP2. The Policy sets out the circumstances where housing development would be permitted on sites which are not allocated for housing development, which includes at Criterion 3, housing development on previously developed and Criterion 4 ii, infilling within the existing built up areas of Tewkesbury Borough's except where otherwise restricted by policies within District Plans. Saved policy HOU7 off the 2011 Tewkesbury Borough Local Plan supports the rebuilding and replacement of existing dwellings where these are of a similar size and scale to the existing dwellings, and that the replacement dwelling respects the scale and character of existing properties in the area and has no adverse impact on the landscape and subject to normal development standards in terms of design and environment. Emerging policies RES3 and RES9 adopt a similar approach.

5.4 As set out above, the application site is located in the Green Belt. Paragraph 145 of the NPPF states that a local planning authority should regard the construction of new dwellings as inappropriate development except in specific circumstances as set out in NPPF. Paragraph 143 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

5.5 Paragraph 144 of the NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

5.6 Paragraph 145 goes on to state that a local planning authority should regard the construction of new buildings as inappropriate. Exceptions to this on which the applicant seeks to rely on to support their case are as follows:

(d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.

(g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development.

5.7 This advice is reflected in the JCS Policy SD5.

5.8 The test in respect of exception (d) is that the new building is 'not materially larger than the one it replaces' and in respect of exception (g), the key question is whether the proposal represents limited infilling or the partial or complete redevelopment of previously developed land.

*Would the proposed building be materially larger than the one it would replace?*

5.9 An assessment of whether a replacement building is 'materially larger' is a matter of planning judgement taking account all aspects of the proposed development.

5.10 The existing dwelling on the site comprises a detached bungalow which has been subject to a number of previous extensions and two detached garages. The present development on the site has a combined footprint of approximately 167 square metres.

5.11 The dwelling proposed by this application would provide accommodation over two floors. The ground floor would have a footprint of approximately 219 square metres and the first floor a further 206 square metres (425 square metres in total). In addition the proposed detached garage/store with games room over would have a ground floor area of 68 square metres with a further 35 square metres at first floor level (Approximately 103 square metres in total). The combined total area of the development proposed by this application would be some 528 square metres and represents a 216% increase over the existing built floor area of development at the site.

5.12 The existing dwelling comprises a low key single storey detached bungalow with an eaves height of 2.6 metres and an overall ridge height of 5.3 metres. The extensions proposed by the lawful development certificate would be no higher than the existing roof to the bungalow. The outbuildings proposed by the lawful development certificate would have an eaves height of 2.5 metres and an overall height of 4 metres and would be set back into the site behind the existing bungalow. This combined potential development could if implemented span 90% of the width of the site.

5.13 By comparison the proposed dwelling would be approximately 21.2 metres wide, 3.9 metres high to the eaves and 7.3 metres high to the ridge. The proposed garage/games room building would be set to the front of the proposed dwelling and adjacent to Mill Lane and this building would be 2.85 metres high to the eaves and 5.8 metres to the ridge. Two buildings together would span over 70% of the width of the plot.

5.14 The total floor area of the proposed dwelling and garage would represent a 216% increase in developed floor area over that of the existing dwelling and garages at the site. It is considered that the proposed development would result in a significant increase in the overall height, bulk and volume of the development when compared to the existing buildings on the site.

5.15 It is therefore considered that having regard to the NPPF paragraph 145 exception (d) that the proposed dwelling is materially larger than the existing dwelling it is proposed to replace and the proposal therefore fails NPPF paragraph 145 exception (d).

*Does the proposal represent limited infilling or the partial or complete redevelopment of previously developed land?*

5.16 It is arguable whether the site lies within the 'built-up area' of the village. Whilst it is not within the settlement boundary defined in the emerging plan, given its proximity to, and physical relationship with, the village, on balance it is considered to lie within the built up area of Stoke Orchard. On that basis, the site does not constitute previously developed land having regard to the definition in the NPPF. Exception (g) of paragraph 145 of the NPPF does not therefore apply.

5.17 On that basis there is no need to consider whether the proposal would have a greater impact on the openness of the Green Belt than the existing development. Nevertheless, for completeness, and having regard to the conclusions reached in respect of exception d) above, it is considered that by virtue of the significant increase in the overall height, bulk and volume of the development when compared to the existing buildings on the site, it is considered that the proposal would have a greater impact on openness than the existing building.

5.18 In conclusion, the proposal would amount to inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. This weighs heavily against the proposal.

#### **The applicant's very special circumstances case**

5.19 The applicant has put forward the following 'very special circumstances' in support of the application.

- The site benefits from a fall-back position (permitted development rights for various extensions and outbuildings) that will impact openness more than the current proposal.
- The current proposal is better designed than the fall-back.
- The proposal is not materially larger than the existing dwelling
- The proposal would benefit local builders and use local materials
- The proposal offers the LPA control over the development

5.20 The site benefits from permitted development for a 'larger home extension' comprising a single storey rear extension which could increase the floor area of the existing bungalow to 216 square metres however this has not been implemented. This forms part of the applicants' fall-back position which is discussed below.

5.21 Furthermore, the site benefits from a lawful development certificate for two side extensions to the bungalow (increasing the property to a 4 bedroom dwelling with enlarged kitchen, dining and lounge areas). The certificate also relates to two outbuildings (to provide a garden room, gym, sauna, garden store, store room and home office). These works if implemented could increase the floor area of the bungalow to 216 square metres. The outbuildings buildings proposed would have a combined floor area of 203 square metres. This would give a potential site development floor area of 419 square metres, a 150% increase over the existing floor area of the current buildings at the site.

5.22 In terms of the fall-back position available through permitted development rights, the application suggests that this would be pursued if this application ultimately fails. However it is noted that while this application would provide a 4 bedroom house with enlarged living accommodation, the current application makes no provision for a home office, garden room, gym and sauna and it begs the question whether these facilities proposed as part of the Lawful Development Certificate (fall-back) outbuildings are required and whether these would in fact be implemented if this application fails. Further, during negotiations on the application, the applicant has stated verbally that they would not carry out the fall-back position. It is also noted that these structures would be single storey and significantly lower than the dwelling and garage/games room proposed by this application, allowing for a greater perception of openness from the wider area.

5.23 Whether the proposed building would be materially larger than the existing one is discussed in detail above. It is noted that the applicant proposes to use local builders and materials however this is given very limited weight, as is the suggestion that the proposal offers the LPA control.

5.24 Notwithstanding the above, during negotiations officers have accepted that there is scope to provide a larger replacement dwelling on the site, similar in footprint to that proposed. This is because there is an anomaly in the NPPF that whilst replacement buildings should not be materially larger, infilling in villages is allowed for. Nevertheless, these discussions have been on the basis that any replacement would need to be of a high quality design. As set out below, the design as proposed is not considered to be of acceptable quality and this therefore does not weigh in favour of development in this case.

5.25 For the reasons set out above it is not considered that the factors put forward by the applicant amount to 'very special circumstances' that would clearly outweigh the potential harm to the Green Belt by reason of inappropriate development, and any other harm arising from the proposal.

### **Conclusions in respect of the principle of development**

5.26 It is concluded that the proposed development is significantly larger in both height, floor area, bulk and mass than that which it is proposed to replace and larger still than the proposed fall-back, with resultant harmful impacts upon the openness of the Green Belt and the character of the area. The proposal is therefore inappropriate development in the Green Belt which is harmful by definition and that there are no material considerations which comprise 'very special circumstances' arising from proposed development to justify inappropriate development in the Green Belt. These matters weigh heavily against the proposal in the overall planning balance, and substantial weight should be given to the harm, in light of the clear national and local policy guidance on inappropriate development in the Green Belt.

### **Design**

5.27 Chapter 12 of the NPPF sets out that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve and that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. JCS Policy SD4 states that new development should respond positively to, and respect the character of, the site and its surroundings, enhancing local distinctiveness, and addressing the urban structure and grain of the locality in terms of street pattern, layout, mass and form. It should be of a scale, type, density and materials appropriate to the site and its setting.

5.28 The existing dwelling on the site comprises a single storey bungalow which has been extended with a number of small scale extensions over the years. However it is noted that the existing building is vacant, dated and of little architectural merit other than being of a similar scale and character to adjoining development and there is no objection in principle to its replacement with a suitably designed development.

5.29 The application initially proposed a dwelling with a central gable feature with an overall height of 8.1 metres and side wing which would be 6.8 metres to the ridge. The applicant was advised of serious reservations with regards to the design and scale of the proposal and a number of subsequent revised drawings have been submitted.

5.30 The latest proposal is for a dwelling of a similar 1½ storey design, however the applicant has made a number of changes including the omission of the gable feature to the eastern front elevation, staggering the northern part of the building back from the frontage, and revisions to the placement and design of windows and doors. However the overall size of the development has remained similar to that originally proposed.

5.31 Notwithstanding these revisions, the overall height of the side wings (which now form the main roof line) have increased to 7.3 metres. This would result in a building which would be considerably higher than the existing dwelling on the site and the bungalows either side. The impact of the overall height is exacerbated by the design, size and massing of the proposed dwelling which would appear prominent and conspicuous within the streets scene.

5.32 While the area comprises a variety of house designs and scales, including a 1½ storey property at Chasebeams, these are however modest in their overall size and reflect the traditional proportions of the village setting. While there may be scope for a 1 ½ storey building on the site the applicant has failed to demonstrate an acceptable design solution to accommodate such a development without harm to the character and appearance of the surrounding area. Whilst the Planning Statement submitted with the application refers to 'traditional design' there is little in the proposals as now put forward which reflect characteristic property in the area in terms of form and detailed design. The proportions of the building and the articulation of the front elevation result in a very poorly designed front elevation which is simply a reflection of the accommodation within the building rather than a genuine attempt to create a well-designed building which reflects the local vernacular.

5.33 Similarly the proposed garage block would be 1½ storeys high and would be set in front of the proposed dwelling adjacent to Mill Lane. While the roof to this building has been hipped to match the proposed dwelling the siting forward of the proposed dwelling when combined with the overall height would result in a structure which would be unduly prominent within the street with resultant harm to the character and appearance of the area.

5.34 Notwithstanding the amendments the design, mass and bulk of the proposed development would fail to compliment and integrate with the form and sale the adjacent residential properties and the rural character of Mill Lane, and as such, it is considered that the design of the proposal would not be appropriate to the site and its setting. The proposal would therefore conflict with JCS Policy SD4 and guidance set out in the NPPF.

### **Residential Amenity**

5.35 Policy SD14 of the JCS states that new development must cause no unacceptable harm to local amenity including the amenity of neighbouring occupants.

5.36 The proposed dwelling would be set to the central part of the site in a similar position to the existing bungalow. While the application proposes a larger building providing accommodation over 2 floors it is considered that as a result of the separation from and orientation to adjoining properties there would be no demonstrable harm to the occupiers of these dwellings in terms of overlooking, loss of light or any overbearing impacts.

5.37 Furthermore the site is of an appropriate size to accommodate the proposed dwelling and garage block while providing sufficient out door garden space to meet the reasonable amenity requirements of future residents.

### **Highway Safety**

5.38 Paragraph 109 of the NPPF requires that safe and suitable access be achieved but states that development should only be refused on transport grounds where the cumulative impact is severe. This advice is echoed in Policy INF1 of the JCS.

5.39 The site would be accessed from Mill Lane and in a similar position to the existing drive. The proposal would provide 2 garage parking spaces with provision for a further spaces upon an area of hardstanding and it is considered that the proposal would provide adequate off street parking for future occupiers.

5.40 As the application is for a replacement dwelling, the proposal would not result in additional trip generation and the proposal would provide space for vehicles to turn on site and exist in a forward gear. It is therefore considered that the proposal would not have a 'severe' impact on the safety or satisfactory operation of the highway network and is in accordance with the NPPF.

## Heritage

5.41 Policy SD8 states that designated heritage assets and their settings will be conserved and enhanced for their important contribution to local character, distinctiveness and sense of place. The nearest heritage assets are the chapel of St John the Great (Grade I Listed) and Chasebeams (Grade II Listed) a dwelling set to the south of the site.

5.42 The Parish Council have raised concerns with regards to the height of the proposed dwelling in relation to the nearby listed church, however the Conservation Officer is satisfied that there will not be an adverse visual impact upon the setting of the any listed buildings due to the separation distance, context and lack of intervisibility.

## 6.0 Conclusions

6.1 The proposal is considered to be acceptable in principle as it would constitute infilling within the existing built-up area of Stoke Orchard in accordance with JCS Policy SD10. However the proposed replacement dwelling and garage block would be significantly larger than the existing development at the site and would therefore constitute inappropriate development in the Green Belt therefore it follows that the development would be unacceptable in the safeguarded area.

6.2 Furthermore the proposed dwelling would fail to achieve a suitably high standard of development appropriate to the site and location. The proposed design and scale of the proposed dwelling would be conspicuous and unduly prominent to the detriment of the appearance of the street scene and the rural character and setting of Mill Lane.

6.3 The very limited public benefits of a new replacement dwelling would not outweigh the harm to the Green Belt of the surrounding area. It is therefore recommended that planning permission is **refused**.

## RECOMMENDATION Refuse

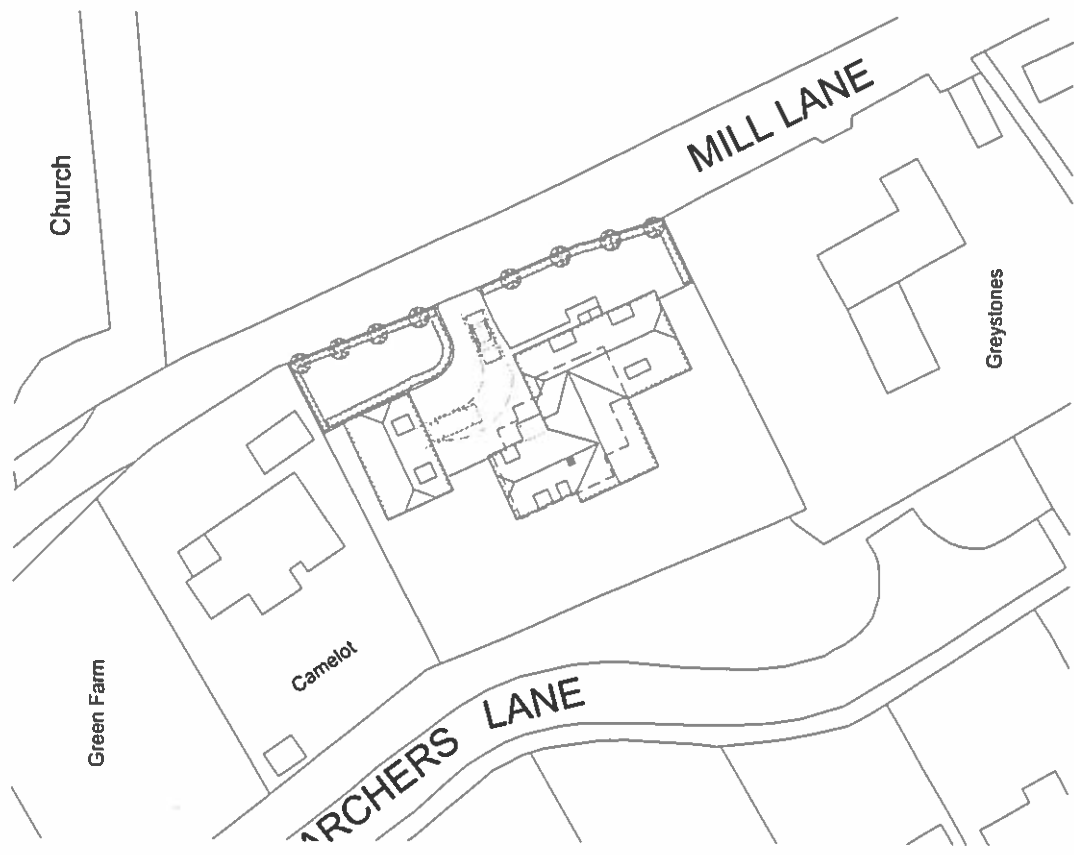
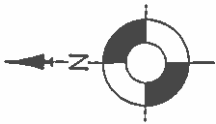
### Reasons:

- 1 The proposed development by virtue of its design, form, and scale would represent an inappropriate form of development in the Green Belt, which is harmful by definition, and would compromise its open character, appearance and function. The proposal would therefore be contrary to Policy SD5 of the Joint Core Strategy (2017) and Section 13 of the National Planning Policy Framework.
2. By virtue of its design, form, scale and layout the proposed development would appear conspicuous and unduly prominent within the street and would fail respond positively to, or respect the character of the site and its surroundings in this semi-rural location. The proposal would fail to achieve a high quality design, and would fail to protect landscape character, contrary to Policy SD4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (2017) and the principles of the National Planning Policy Framework.

### Notes:

#### 1 Statement of Positive and Proactive Engagement

In accordance with the requirements of the NPPF, the Local Planning Authority has worked with the applicant in a positive and proactive manner in order to seek solutions to overcome the planning objections and the conflict with Development Plan Policy by seeking to negotiate with the applicant to address identified issues of concern and providing on the council's website details of consultation responses and representations received. However, negotiations have failed to achieve sustainable development that would improve the economic, social and environmental conditions of the area.



Proposed Site Plan  
Scale 1:500

E	Revised to comments	27.11.19
D	Revised to comments	13.11.19
C	Revised to comments	10.10.19
B	Revised to comments	11.09.19
A	Revised to Planner comments	14.05.19

PROJECT		TITLE	
Crimmond, Mill Lane Stoke Orchard		Location Plan and Site Plan As Proposed	
SCALE As Shown		DATE Nov '18	
DWG NUMBER		PL01 - 01 E	

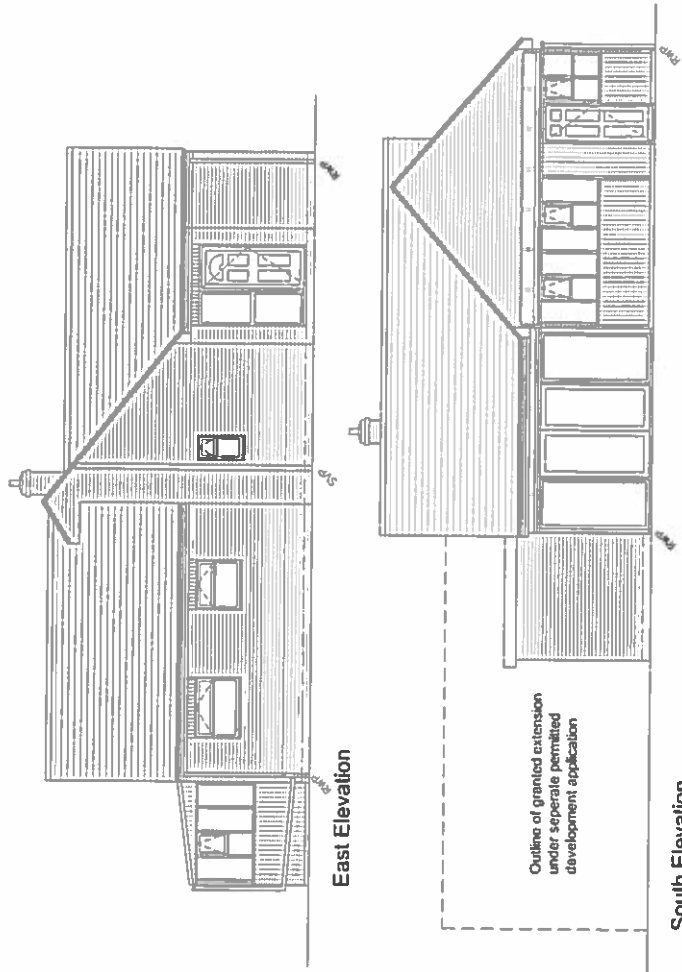
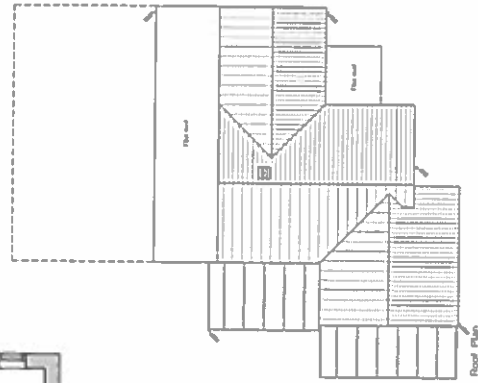
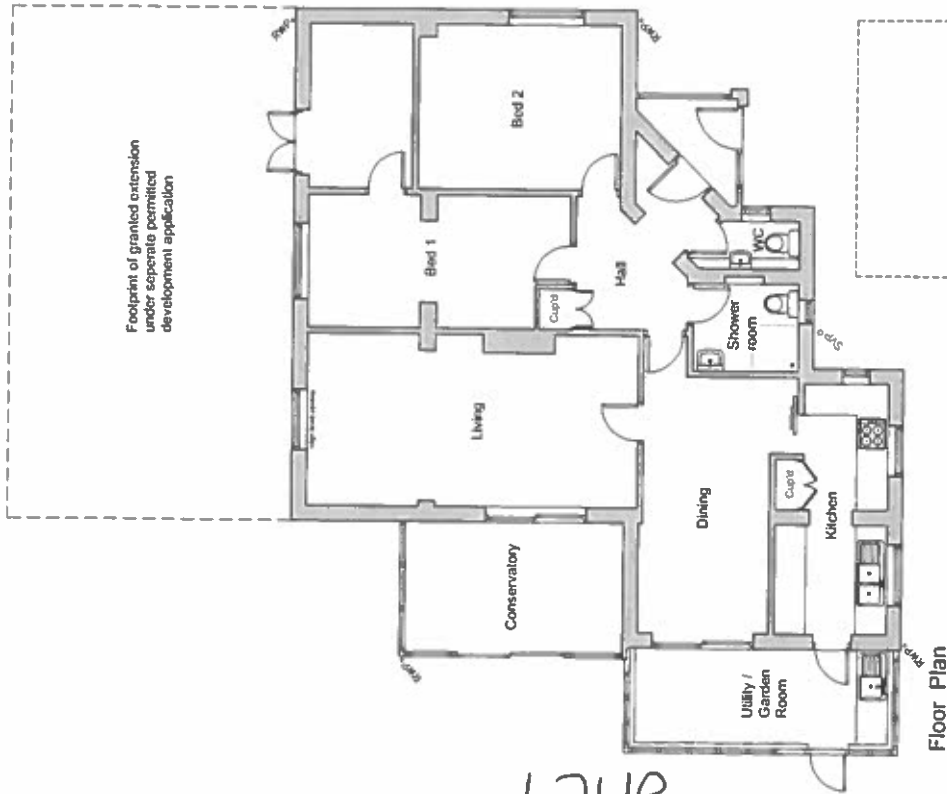


Location Plan  
Scale 1:1250

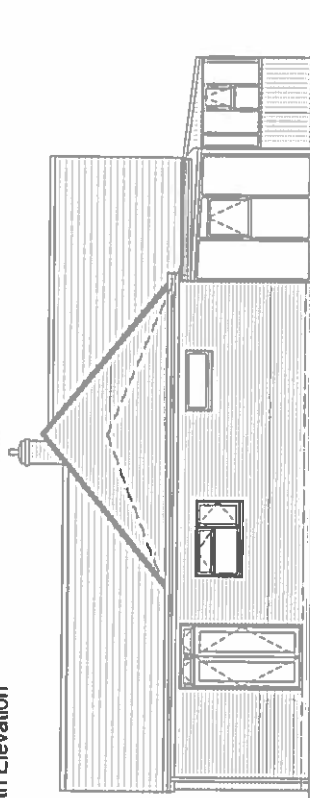


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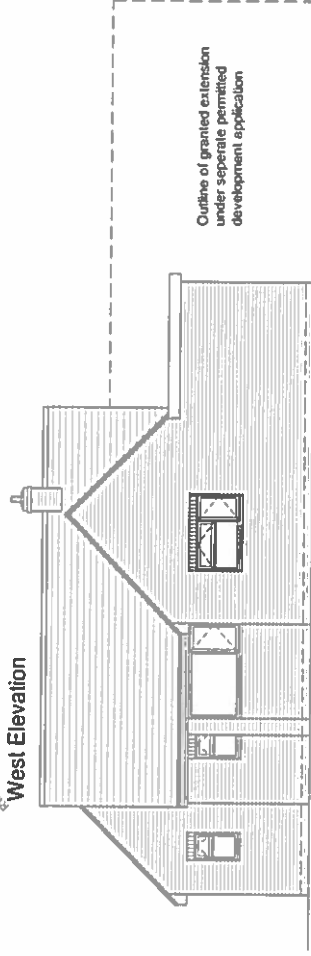
474/A



South Elevation



West Elevation



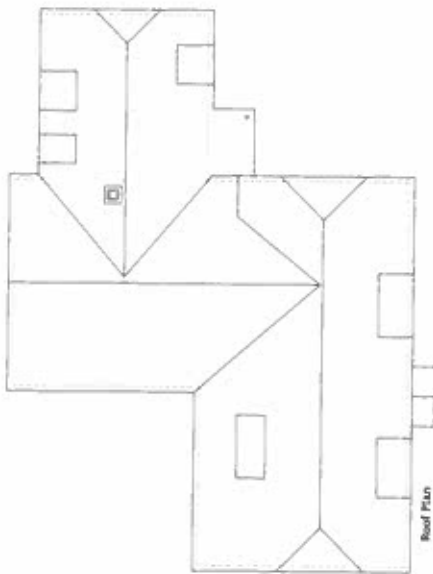
North Elevation

PROJECT  
Crimmond, Mill Lane  
Stoke Orchard

TITLE  
Plans & Elevations As Existing

A Revised to Planners comments 15.01.19  
SCALE 1:100 @ A3  
DATE Feb '18  
DWG NUMBER CH01 - 03

474/C



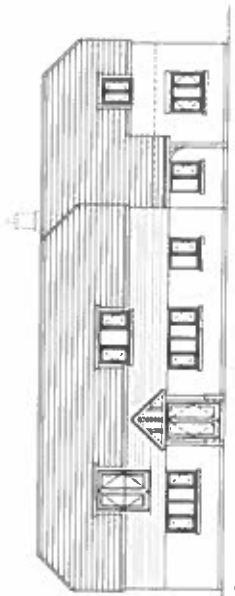
Roof Plan



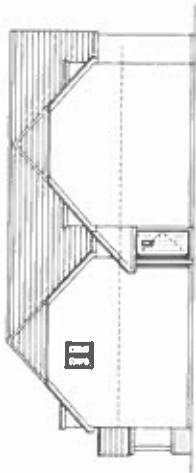
First Floor Plan



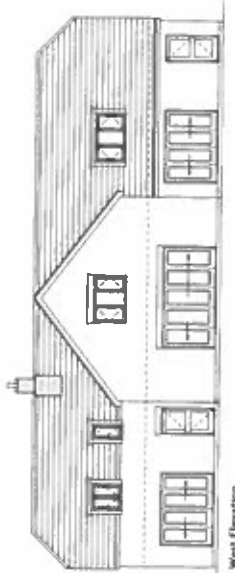
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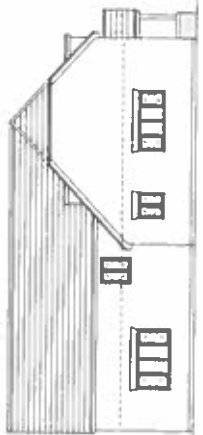
East Elevation



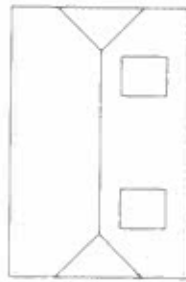
North Elevation



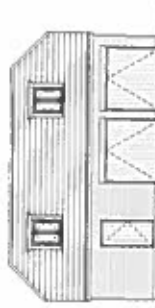
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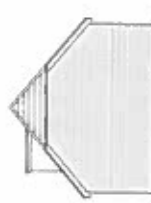
South Elevation



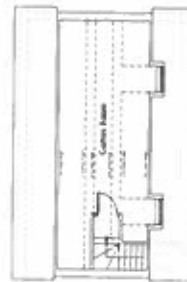
Roof Plan



South Elevation



East Elevation



First Floor Plan



North Elevation



West Elevation



Ground Floor Plan

REVISED TO COMMENTS	DATE
E Revised to comments	27 11 19
D Revised to comments	13 11 19
C Revised to comments	10 10 19
B Revised to comments	11 09 19
A Revised to comments	14 05 19

PROJECT

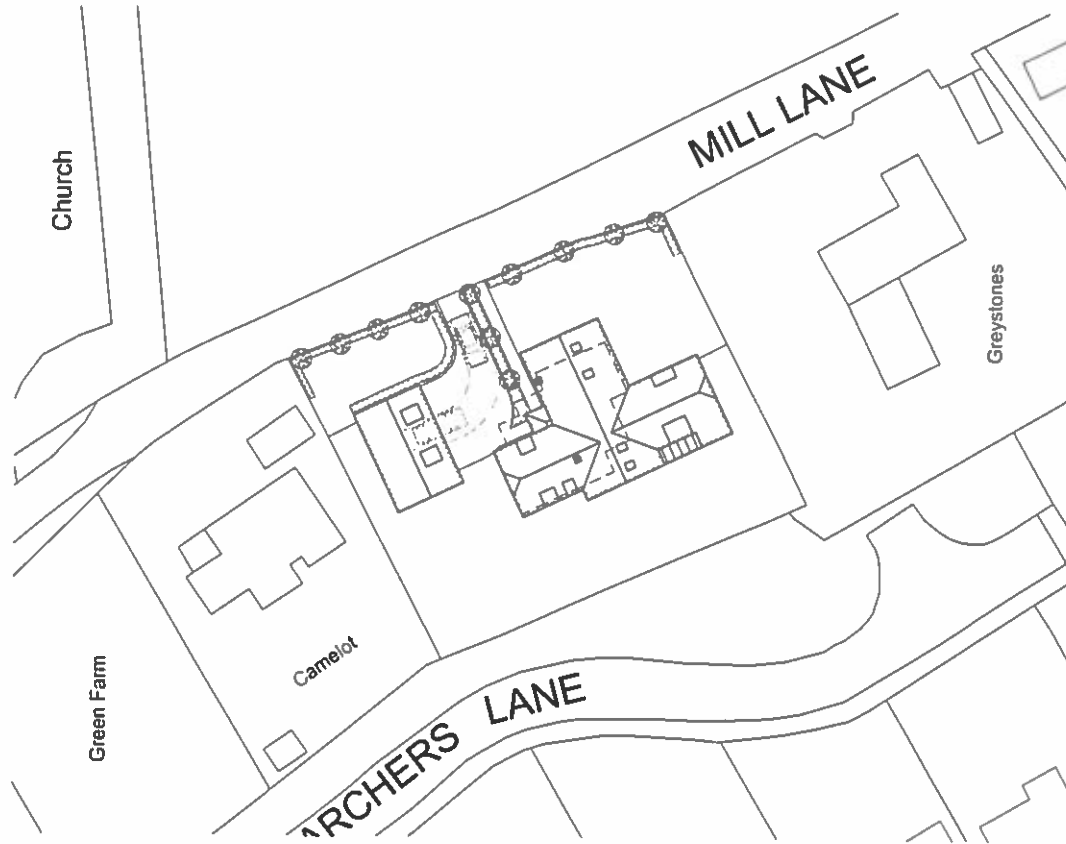
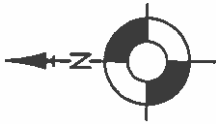
Crimmond, Mill Lane  
Stoke Orchard

Plans & Elevations As Proposed



SCALE 1:100 @ A1  
DATE Nov 19  
DWG NUMBER P01-03 E

# Superseded Plan



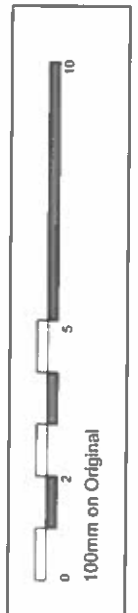
SCALE As Shown  
DATE Nov '16  
DWG NUMBER PL01-01

TITLE  
Location Plan and Site Plan  
As Proposed

PROJECT  
Crimmond, Mill Lane  
Stoke Orchard



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474/D

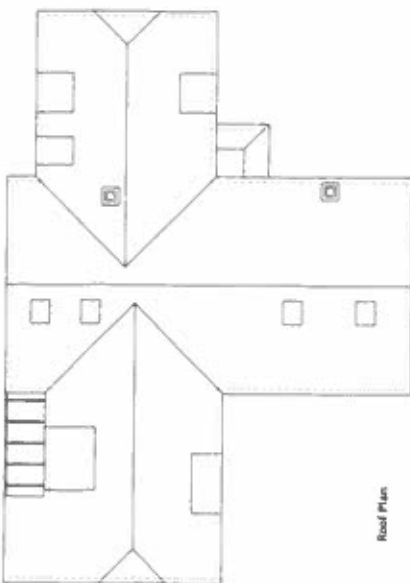
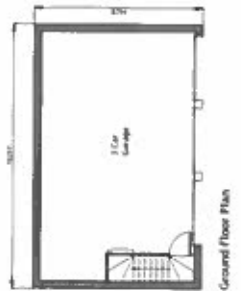
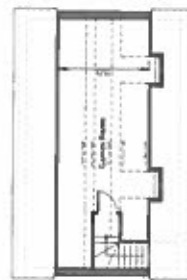
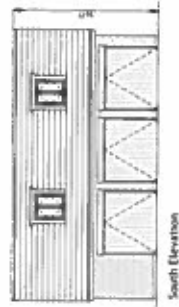
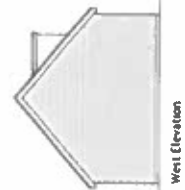
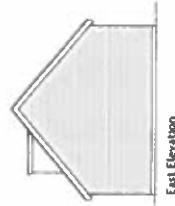
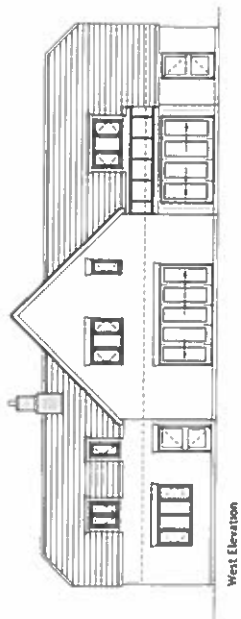
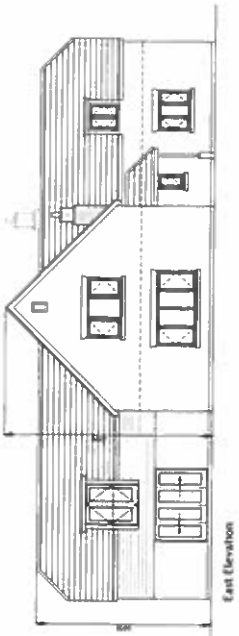
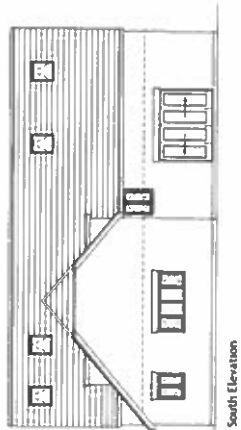
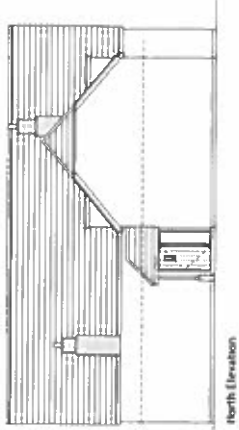
# Superseded Plan



SCALE 1:100 @ A1  
DATE Nov '18  
DWG NUMBER PL01\_03

TITLE  
Plans & Elevations As Proposed

PROJECT  
Crimmond, Mill Lane  
Stoke Orchard



474/E

Valid 11.07.2019

Outline application including access, with all other matters reserved, for up to 50 residential dwellings

Grid Ref 389492 236678

Parish Twyning

Ward Tewkesbury North And

Twyning

**RECOMMENDATION Refuse****Policies and Constraints**

National Planning Policy Framework (2019)

Planning Practice Guidance

Joint Core Strategy (2017) - SP1, SP2, SD3, SD4, SD6, SD8, SD9, SD10, SD11, SD12, SD14, INF1, INF2, INF3, INF4, INF5, INF6, INF7

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

Twyning Neighbourhood Development Plan – GD1, GD3, GD4, GD5, GD6, GD7, GD8, GD9, H2, H3, LF1, E3, TP1, TPT2, ENV2, ENV3

Tewkesbury Borough Plan (2011-2031) - Pre-submission version (July 2019) – RES2, RES3, RES4, RES5, RES12, RES13, DES1, HER4, LAN4, NAT1, NAT3, ENV2, RCN1, COM2, COM4, TRAC1, TRAC2, TRAC3, TRAC9

Flood and Water Management SPD

Human Rights Act 1998 - Article 8

The First Protocol - Article 1

Public Right of Way

**Consultations and Representations****Twyning Parish Council:** Object for the following reasons:

1. It is contrary to Policy GD1 of the TNDP and Policy SD10 of the JCS relating to new housing development in the open countryside;
2. It cannot show that any of the exceptions identified in Policy GD1 apply to this development in which case there should be strict policy control of new housing outside the identified Development Boundary;
3. It is contrary to Policy RES3 of the Preferred Options version of the emerging Tewkesbury Borough Plan which restricts new housing outside the recognised Development Boundary;
4. The application is contrary to Policy ENV2 of the TNDP and the site forms part of the Strategic Gap identified between Twyning and Church End in Policy LAN3 of the Preferred Options version of the emerging Tewkesbury Borough Plan;
5. It is contrary to the National Planning Policy Framework (NPPF Paragraph 12) which states that where a planning application conflicts with a Neighbourhood Plan that has been brought into force, planning permission should not normally be granted;
6. It is contrary to JCS Policy SD6 which protects the landscape and visual sensitivity and the environment from harmful development;
7. The expansion of Twyning into the open countryside would inevitably harm the settlement pattern, the landscape and the character of the village;
8. The poor quality and inaccuracy of this application is indicative of its disregard for the local context, providing a generic and poorly argued case for development (particularly on Objectives of Sustainable Development) and pays insufficient attention to the distinctiveness and sense of place of this locality;
9. There has been no prior consultation with the Parish Council despite promotional material stating that it was a condition of the landowner that there is to be close liaison with the Parish Council to assist in their future housing needs;
10. The applicant's opinion on the fitness for purpose of specific policies (JCS Policy SD10) is misguided, their interpretation of the wording of TNDP Policy GD1 is clearly a speculative, unsupported comment and the claim that the emerging Tewkesbury Borough Plan is immature and carries little weight suggests the applicant seeks policy confrontation from the outset.

**Gloucestershire County Council (Education):** S106 contributions will be required to mitigate the impact of this development and make it acceptable in planning terms with payment triggers to provide the County Council with certainty of delivery of the mitigation required. There are concerns the CIL regime could not fully support the mitigation measures required in this instance and further, whether or not sufficient funds would be forthcoming at the required times in order to give the County Council sufficient certainty as to the delivery of the mitigation required.

**Minerals & Waste Planning Authority:** No objections subject to a condition to secure a detailed Site Waste management Plan.

**Public Rights of Way Officer:** ATW28 and ATW29 run through this site and should not be built over or obstructed in any way.

**County Archaeologist:** The County Archaeologist confirms that the archaeological field evaluation undertaken on the site found no evidence for any significant archaeology there. Therefore, there is a low risk that the proposed development will adversely affect archaeological remains, and it is recommended that no further archaeological investigation or recording need be undertaken.

**Lead Local Flood Authority:** No objections subject to a condition to secure surface water drainage details.

**County Highways Officer:** The Highways Officer objects on the grounds that the application has not demonstrated safe and suitable access for all users, especially those reliant on non-car trips to surrounding amenities and settlements.

**Highways Agency:** No objections.

**Natural England:** Natural England have no comments to make on the application and refer to their published standing advice.

**Historic England:** No objections.

**Wales & West Utilities:** Wales & West Utilities confirm that they have no apparatus in the area.

**Sport England:** No comment.

**Building Control:** The proposed works require Building Regulations approval.

178 letters of objection have been received. Their comments are summarised as follows:

- Concern at the rise in traffic within the village.
- Twynning School is now at breaking point and cannot cope with more children
- Flats are an unsuitable addition to the village.
- The proposal does not accord with the Twynning Neighbourhood Development Plan.
- The JCS and emerging Tewkesbury Borough Plan do not support further development in Twynning.
- The proposal will devalue existing homes.
- The safety of existing residents due to extra traffic is a concern.
- The application is contrary to the development plan.
- An expansion into the open countryside would harm the settlement pattern, the landscape and the way it is experienced.
- The proposal would not have sufficient regard for local distinctiveness or contribute positively to a sense of place.
- Twynning has met the required development numbers set under the JCS and should be left alone until 2031.
- If this application were granted, it would make a total mockery of our Neighbourhood Development Plan and open the flood gates for other similar NDPs to be ignored.
- Any additional new builds will impact the character of the village and place significant strain on existing services; particularly the school.
- This is a village that has accepted a lot of development over the years but after having two new large additions last year it needs time to settle and bed in before yet more new properties are added.
- Within rural areas located outside of defined settlement boundaries, a restrictive approach is required to new residential development consistent with the advice at Paragraph 79 of the NPPF.
- The above Planning Application is the first serious threat to the Plan, and has appeared within only a couple of years of its production and acceptance.

- The true (established) locals in the village have reluctantly welcomed us to the last new development built here. I fear, any more building will alienate the established villagers from the 'newbies' even more.
- The application encroaches into open countryside and will have no positive contribution aesthetically.
- The plan seems to indicate a block of housing. There is currently no blocks of units in the village and this would set a very bad precedence for the village & destroy the rural feel of Brokeridge Paddocks estate and the village surrounds.
- The development of this land is likely to be a test case for further applications to develop the adjoining land. If this land and the adjoining land (up to Church End) is developed, this will create a residential sprawl which is entirely out of character with the village and would overwhelm its resources.
- Fitting up to 50 properties on this modest site would mean that the properties are all small and cramped, and difficult to access.
- The site contains a number of beautiful trees and is right next to a small stream. Development is likely to put these at risk.
- The main road which would give access to the development is virtually single lane and it is difficult to for cars to pass easily in points.
- There does not appear to be any safe way to access the village on foot which would be suitable for disabled people or children.
- Public transport links in the area are very poor. The result would be a significant increase in cars or alternatively people without cars would be isolated and unable to travel to work in the local area.
- What additional sports and recreational facilities are planned to cater for the increase in teenagers roaming the streets at night?
- There is a noticeable increase in crime in the village.
- This application incorrectly states that there is no watercourse at the site. The northern boundary of the field is a water course which flows all year round and which takes the run off from the road.
- The character of the village is altering rapidly without the consent of residents or the relevant supporting infrastructure - the latter only being addressed by adding more change and development so that a village is on the way to becoming a suburb.
- Natural habitat for the wildlife would be eroded further. In particular, the houses would be near the stream and ponds in that area which increases the contamination of the waters.
- The NDP identifies certain views which contribute to the character of Twyning. This development flies in the face of that, being sited directly in front of a designated view. It will be even more intrusive to the view travelling northwards from Church End to Twyning than the Persimmon estate.
- The sewerage system is already problematic and caused huge problems with the previous development.
- There is no public bus service, apart from a shopper service on a Monday morning which only benefits the retired element of the community. Therefore, more car usage.
- A consequence of an approval of this application is likely to be more applications for development in this area, which would be difficult to prevent.
- If new houses are required they should be built wherever possible on brownfield sites not destroying yet more virgin agricultural land.
- A colony of little Owls nests in the mature Oak trees in the middle of the site there are only 5700 breeding pairs in the UK.
- We support sympathetic small scale development, but this is nothing like that.
- I strongly object to the proposed block of flats which is totally out of keeping with the area and would look like an eye sore!
- There are a lot of houses for sale in the village including brand new ones that haven't sold yet.
- Established hedges will be destroyed thus losing the Flora and Fauna which already exists.
- There would be an increase in light pollution.
- There would be a decrease in air quality in the village.
- This land was identified in the SHLAA (SUB 155) and considered to be unsuitable and unachievable.

**Planning Officers Comments:** Mr Adam White

## **1.0 Application Site**

1.1 The application site comprises a parcel of agricultural land measuring approximately 2.7 hectares, located to the south of Twyning (see attached location plan). The land is generally level and has an irregular shape with a wide frontage onto Shuthonger Lane before narrowing to the east and widening out again on its eastern boundary. The site is bound by hedgerows and mature trees; some of which are subject to Tree Protection Orders.

1.2 The site is located within open countryside and is intersected by two Public Rights of Way. To the north of the site is existing residential development, which is separated by intervening fields, public open space and recreational facilities. To the south, west and east of the site are open fields and countryside. The site is not subject to any formal landscape designation although the eastern boundary of the site abuts a Landscape Protection Zone.

## **2.0 Planning History**

2.1 In 2018, pre-application advice was provided for 9 large detached houses with double garages on the site. It was advised that the site's location outside of a recognised settlement boundary would be in conflict with development plan. It was further advised that the proposal would not reflect the character and scale of development in the village and would result in unacceptable encroachment into the countryside.

2.2 Other than the above-mentioned pre-application advice, there is no other planning history, which is directly relevant to this proposal.

## **3.0 Current Application**

3.1 The current application seeks outline planning permission for up to 50 dwellings. 40% of the dwellings are proposed to be affordable although no proposed housing mix has been provided as part of the application. All matters are proposed to be reserved for future consideration with the exception of the access point, which would be provided directly off Shuthonger Lane (**See attached plans**).

3.2 Whilst the application is submitted in outline form, it is supported by an indicative layout plan, which shows how the quantum of development proposed could be accommodated on the site. The indicative layout shows a mixture of detached, semi-detached and terrace properties along with a block of flats at the centre of the site. All properties are shown as being accessed from one main road running through the centre of the site. The indicative layout shows an area of public open space at the heart of the site as well as a smaller open space to the east of the site where an attenuation pond is shown. The indicative building heights are identified as being two-storey.

## **4.0 Policy Context**

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

4.2 The Development Plan currently comprises the Joint Core Strategy (JCS) (2017), saved policies of the Tewkesbury Borough Local Plan to 2011 (March 2006) (TBLP), and a number of 'made' Neighbourhood Development Plans. Of particular relevance to this application is the Twynning Parish Neighbourhood Development Plan 2011-2031, adopted in January 2018.

4.3 The Pre-Submission version of the Tewkesbury Borough Plan (PSTBP) was approved for publication and submission at the Council meeting held on 30 July 2019. On the basis of the stage of preparation the plan has reached, and the consistency of its policies with the NPPF, the emerging policies of the plan can be afforded limited to 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 and its associated Planning Practice Guidance.

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

## **5.0 Community Infrastructure Levy Regulations**

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

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

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

5.3 In October 2018 the Council adopted CIL and implemented the levy on the 1st 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.

5.4 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 Policy SD10 of the JCS states that within the JCS area new housing will be planned in order to deliver the scale and distribution of housing development set out in Policies SP1 and SP2. Housing development will be permitted at sites allocated for housing through the development plan, including Strategic Allocations and allocations in district and neighbourhood plans. On sites that are not allocated, housing development and conversions to dwellings will be permitted on previously-developed land in the existing built-up areas of Gloucester City, the Principal Urban Area of Cheltenham and Tewkesbury town, rural service centres and service villages except where otherwise restricted by policies within District plans. Policy SD10 follows that housing development on other sites will only be permitted where:

- i. It is for affordable housing on a rural exception site in accordance with Policy SD12, or;
- ii. It is infilling within the existing built up areas of the City of Gloucester, the Principal Urban Area of Cheltenham or Tewkesbury Borough's towns and villages except where otherwise restricted by policies within District plans, or;
- iii. It is brought forward through Community Right to Build Orders, or;
- iv. There are other specific exceptions / circumstances defined in district or neighbourhood plans.

6.2 At a local level, policy GD1 of the Twynning Neighbourhood Development Plan (TNDP) states that proposals for new housing outside the development boundary, and not on sites designated for residential development, in the open countryside will be supported if they meet one or more of the following criteria and comply with all other policies in the development plan:

- a) Replacement dwellings;
- b) Rural exception housing to meet an identified Parish need in accordance with Tewkesbury Borough Council policy;
- c) Agricultural and forestry dwellings;
- d) Where proposals would involve the re-use or conversion of an existing building and accords with the relevant development principles set out at Policy GD3; or
- e) The future Local Plan for Tewkesbury identifies an additional need for further housing in Twynning as a service village beyond the sites designated for residential development in this plan and the defined development boundary.

6.3 The application site is Greenfield land that lies outside of the defined settlement boundary for Twynning as defined in the Twynning Neighbourhood Development Plan and is not allocated for housing development. The site does not represent previously developed land within the built up areas of a service village; is not a rural exception scheme; and does not represent 'infilling'. It has not been brought forward for development through a Community Right to Build Order and there are no policies in the existing Tewkesbury Borough Local Plan to 2011 which allow for the type of development proposed here. The proposal therefore conflicts with policy SD10 of the JCS and policy GD1 of the TNDP.

### Council's 5 Year Housing Land Supply

6.4 Whilst the proposal is contrary to Policy SD10 of the JCS and Policy GD1 of the TNDP, it is also currently the case that the Council cannot demonstrate a 5-year supply of deliverable housing sites. It is the Council's current position that a 4.33 years supply of housing can be demonstrated. In this scenario, paragraph 11 of the NPPF states that where policies which are most important for determining the application are out of date, permission should be granted unless: i. the application of policies in the Framework that protect assets of particular importance provides a clear reason for refusing the development; or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

6.5 The Framework clarifies that planning policies for housing will be judged out of date where, inter alia, the local planning authority cannot demonstrate a 5 year supply of deliverable housing sites. Furthermore, there are no policies in the Framework that protect assets of particular importance provides a clear reason for refusing the development in this instance. It is therefore considered that the 'tilted balance' is engaged.

### Twynning Neighbourhood Development Plan (TNDP)

6.6 Whilst the tilted balance is triggered in this instance, paragraph 14 of the Framework states that in situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply:

- a) the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;
- b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement;
- c) the local planning authority has at least a three year supply of deliverable housing sites (against its five year housing supply requirement, including the appropriate buffer as set out in paragraph 73); and
- d) the local planning authority's housing delivery was at least 45% of that required over the previous three years.

6.7 The TNDP was adopted as part of the development plan on the 17th April 2018 and contains policies and allocations to meet its identified housing requirement. Assuming that a decision is taken at the December 2019 Planning Committee, the TNDP would be less than two years old at that point. Furthermore, as set out previously, it is the Council's position that a three year supply of deliverable housing sites can be demonstrated and the Council's housing delivery was at least 45% of that required over the previous three years. In light of this, it is considered that all of the tests are met and the provisions of paragraph 14 of the Framework are engaged. The conflict with the TNDP identified above thus weighs heavily against the proposed development in the planning balance.

### **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, 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. At a local level, Policy GD3 of the TNDP states that new development should reflect the historical growth that has shaped the distinctive character of Twynning Parish respecting the pattern of development, its grain, density and materials within the immediate area.

6.9 The application is in outline form, with all matters relating to layout, scale, appearance and landscaping to be reserved for future consideration. However, the application is supported with an indicative masterplan, which shows how the quantum of development proposed could be accommodated on the site. The application is also supported with a Design and Access Statement, which provides further context to the indicative masterplan.

6.10 The Design and Access Statement is somewhat general in its content although it does indicate that the proposed dwellings would be two storeys and that the appearance would draw from the character of the existing dwellings located to the north of the application site. In terms of the layout, the indicative masterplan shows a main road accessed off Shuthonger Lane that would run through the centre of the site. This would in turn feed a series of smaller private driveways and what appears to be a central courtyard arrangement. At the centre of the site is an area of open space and a block of flats, which is proposed to be based on a large country house. Further to the east, where the site tapers, are further dwelling with a drainage pond located at the far end of the site.

6.11 The Design and Access Statement stresses that the purpose of the indicative masterplan is to show how the site 'could' be developed. However, given the constraints of the site, it is difficult to see how the site could be developed in any other way. The protected trees and hedgerows on site effectively constrain the main bulk of the development to the west of the site. This is further compounded by the route of the public footpath and underground water main that runs through the site, which dictates where the Public Open Space can be located. In addition, the tapered nature of the site restricts the nature of what can be provided at the centre of the site and the fall of the land dictates that the most likely location for the drainage pond is at the far east of the site. The result of this is that the northern boundary would essentially be comprised of rear gardens with the development effectively facing away from the main settlement. This would also be at odds with the recent development to the north, which looks out onto the open space and currently forms a clear edge to the settlement.

6.12 The Design and Access Statement states that *'the site provides an excellent opportunity to provide good quality housing which integrates well within the existing residential development'*. However, herein lies the fundamental problem with the site in design terms - it doesn't integrate at all with the existing settlement. The site would be obviously detached from the main settlement, both physically and visually, which would be compounded by the existing trees and hedgerows to the site boundaries that would further hide and isolate the site. It would appear as a somewhat isolated and incongruous enclave of development, which would be urban in character, encroaching into the open countryside. The proposal therefore fails to respond to the urban structure of the village, or the character of the surrounding area. The proposal fails to maintain or improve the character of the area and represents poor design, contrary to the development plan and advice contained within the Framework. This weighs heavily against the development in the planning balance.

### **Housing Mix**

6.13 JCS Policy SD11 states that housing development will be required to provide an appropriate mix of dwelling sizes, types and tenures in order to contribute to mixed and balanced communities and a balanced housing market. Development should address the needs of the local area, including the needs of older people as set out in the local housing evidence base, including the most up to date Strategic Housing Market Assessment (SHMA). This is further reflected in Policy H2 of the TNDP, which requires a mix of housing in terms of dwelling size, type and tenure.

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

### **Affordable Housing**

6.15 JCS Policy SD12 sets out that on sites outside of strategic allocations, a minimum of 40% affordable housing will be sought. It follows that they should be provided on site and should be seamlessly integrated and distributed throughout the development scheme. Policy H3 of the TNDP requires affordable housing to be in accordance with the Council's adopted development plan policies.

6.16 The current proposal seeks to provide 20 affordable dwellings, which equates to 40%. No suggested tenure mix has been submitted by the applicant with regard to the affordable housing provision, however, the Council's Strategic Housing Enabling Officer suggests the following preferred mix:

- 2 x 1 bedroom bungalows - Social rent
- 4 x 1 bedroom apartments/maisonettes - Social rent
- 5 x 2 bedroom houses - Social rent
- 3 x 2 bedroom houses - AHO
- 3 x 3 bedroom houses - Social rent
- 2 x 3 bedroom houses - AHO
- 1 x 4 bedroom house - Social rent

6.17 The applicant has indicated that the suggested preferred mix is acceptable, which would be secured through a S106 Agreement. However, no S106 has been advanced at the time of writing this report. This therefore weighs against the proposal.

### **Residential Amenity and Environmental Quality**

6.18 JCS Policy SD14 sets out that development should protect and seek to improve environmental quality and should not cause unacceptable harm to local amenity including the amenity of neighbouring occupants. Similarly, Policy GD6 of the TNDP states that development proposals will need to demonstrate that they will not lead to unacceptable levels of noise, general disturbance, smell, fumes, loss of daylight or sunlight, loss of privacy or have an overbearing effect on neighbouring properties.

6.19 The application site is located away from existing residential development and would therefore not result in any detrimental loss of light, privacy or outlook to existing properties. Although the application is in outline form, with matters relating to scale and layout reserved for future consideration, it is considered that the development could be laid out to ensure that any future occupiers would be afforded acceptable levels of amenity. This would be fully considered at the reserved matters stage. Furthermore, following consultation with the Council's Environmental Health advisors, no objections are raised in relation to noise, nuisance or air quality.

6.20 With regard to contamination, the application is supported by a Phase 1 Contamination Study, which indicates that the site may be contaminated as a result of past or current uses and is within 250m of a site that has been landfilled. Following consultation with the Council's Environmental Health Officer, no objections are raised subject to the imposition of conditions to secure a scheme to deal with any contamination that may be present on site.

### **Landscape Impact**

6.21 JCS Policy SD6 states that development will seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being. Proposals will have regard to local distinctiveness and historic character of different landscapes and proposals are required to demonstrate how the development will protect landscape character and avoid detrimental effects on types, patterns and features which make a significant contribution to the character, history and setting of a settlement area. Policy GD4 of the TNDP requires development to respect the local landscape quality and ensure that important public views are maintained wherever possible. Development shall be of a height, massing and appearance that does not adversely affect important public views. Of further relevance is Policy ENV2 of the TNDP which states that development proposals should ensure the retention of the open character of the countryside between Twynning Village and Church End and not detract from its open and undeveloped character.

6.22 The application is supported by a Landscape and Visual Impact Assessment (LVIA) that was updated during the application to take account of the revised indicative masterplan. The LVIA sets out that the site lies within the Severn and Avon Vales National Character Area (NCA:106). At a more local level, the Gloucestershire Landscape Character Assessment places the site within Landscape Character Area SV 12A 'Twynning Hills' and the Landscape Character Type known as 'Low Hills and Commons'. It follows that the application site is located to the south of a new residential development and is heavily influenced by the character of that development. It also highlights a track, which runs along the southern boundary of the site that purports to act as a defensible boundary with the gap between Church End and Twynning Green maintained.

6.23 In terms of the impact on landscape character, the LVIA suggests that the application site contains some of the key characteristics of the Landscape Character Areas but not all of them, with the site's location and characteristics heavily influenced by the edge of settlement location. Overall the LVIA considers that the development would result in a High magnitude of effect on the character of the application site and immediate locality and a low magnitude of effect on the overall Low Hills and Commons Landscape Character Type and Twynning Hills Character Area. This would see a Moderate/Major Significance of Effect on the character of the application site and immediate locality and a Minor/Moderate Significance of Effect on the overall Low Hills and Commons Landscape Character Type and Twynning Hills Character Area.

6.24 With regard to visual impact, the LVIA suggest that the visual effects are reasonably well contained due to the scale of housing proposed and the site's location on the southern edges of Twynning. It goes on to suggest that following mitigation measures, the expected visual effects would reduce with many of the views being unaffected. It follows that all of the identified visual effects are local in nature with no more than negligible effects on the wider appreciation of the surrounding countryside's landscape and visual values.

6.25 Following consultation with the Council's Landscape Consultant, it is advised that Shuthonger Lane retains a strong rural character in the vicinity of the application site by virtue of mature roadside hedges and glimpsed views to open countryside beyond. The site is typical of the local rural landscape character defined as the Twynning Hills Landscape Character Area in the Gloucestershire Landscape Character Assessment. The site is bounded by mature hedgerows, some impressive hedgerow trees (some subject to TPOs) and a tall, non-native evergreen tree belt. Unlike the more elevated residential development to the north, known as 'Cornerways', the application site sits slightly lower and does not feature conspicuously in long distance views from the south and east. However, there are clear views into and across the site from the Cornerways development and associated open space, from Shuthonger Lane and from local footpaths that cross the site. This is at odds with Policy GD4 of the TNDP which seeks to ensure that important public views are maintained wherever possible, which include views to the south east from Shuthonger Lane, identified as views D11 in Appendix B to the TNDP.

6.26 The Landscape Consultant states that the new Cornerways development creates a somewhat conspicuous settlement edge to Twynning from the south in the vicinity of the application site. Whilst this will soften over time, it does exert an influence over the application site and its immediate surroundings. The application site sits slightly lower than the Cornerways development and as a consequence is less conspicuous in long distance views from the south and east. However, despite this, a number of concerns are raised. Primarily, the public open space and private paddock associated with the Cornerways development serves to provide a defensible rural settlement edge to Twynning. The proposed development would render that function redundant and therefore the responsibility for delivering an appropriate rural edge would then fall to the current application. The application site occupies a somewhat awkward, long and thin land parcel. The submitted proposals do not go far enough to demonstrate that it can accommodate an efficient layout whilst delivering adequate landscape mitigation to deliver a new, defensible and appropriate countryside edge to Twynning or protect the rural character of Shuthonger Lane.

6.27 A further concern is the stated aim in the LVIA and Design and Access Statement to introduce screen planting between the application site and the open space associated with Cornerways. This serves to highlight the divorced and isolated nature of the site. This would be further compounded by the suburban influences the development would exert on the rural character of Shuthonger Lane between Church End and Twynning. This could create an unwelcome perception of an isolated settlement halfway between the two settlements. Moreover, it would erode the open character of the countryside between Twynning Village and Church End, which serves to protect the character and setting of these settlements. This is a specific requirement of the TNDP as explained in Policy ENV2.

6.28 In light of this, the Council's Landscape Consultant is of the view that the proposals do not demonstrate how the site can be developed whilst delivering a coherent and effective landscape strategy. Consequently, it is considered that the proposals would deliver a conspicuous and stark scheme, which would have a detrimental impact on the local landscape character and views from local footpaths and from Shuthonger Lane. This weighs heavily against the proposals in the planning balance.

## Biodiversity

6.29 JCS Policy SD9 seeks the protection and enhancement of biodiversity and geological resources of the JCS area in order to establish and reinforce ecological networks that are resilient to current and future pressures. Improved community access will be encouraged so far as is compatible with the conservation of special features and interest. In a similar vein, Policy GD4 of the TNDP states that development will normally be expected to protect and enhance existing ecological corridors and landscape features for their biodiversity value. New development should avoid causing harm to the network of local ecological features such as watercourses, ponds, hedgerows and tree lines. If resulting harm cannot be avoided, adequately mitigated or, as a last resort, compensated for, then permission will not be granted.

6.30 The application is supported by a Preliminary Ecological Appraisal including a Protected Species Assessment. The survey was conducted in April 2019 and consisted of an inspection for preferred habitat types and signs and evidence of protected and priority species, such as for bats, Great Crested Newts, reptiles, and nesting birds. A local biological record search was also undertaken. The report explains that the site is comprised of an area of improved, short grassland with ruderal herbaceous plants. The main site area is surrounded by hedgerow, scattered trees, a small section of Leyland cypress, and wire fencing. A dry ditch is present on the northern and eastern boundaries. A line of mature trees and stock fencing bisect the site from north to south.

6.31 In terms of protected species, the report states that records of bats were present locally and the surrounding landscape was moderate in ecological value for foraging and commuting bats indicating the likely presence of moderate sized local bat populations. However, it states that features of highest value to foraging and commuting bats would be retained in the development and therefore, the potential risk of significant impact to foraging or commuting bats is very low. Records of hedgehog and badger were present locally although signs or evidence of protected or priority mammals were not observed on the site. Grass snakes have also been recorded locally but the habitats on the site are stated to be largely unsuitable for reptiles.

6.32 With regard to amphibians, Great Crested Newts have been recorded locally in ponds with good connectivity to the proposed site. Additionally, hedgerow and grassland habitats on and immediately adjacent to the site are suitable as terrestrial habitat for Great Crested Newts. The report sets out that the risk of presence and harm or impact to Great Crested Newts is considered likely and therefore, further amphibian surveys or mitigation were considered necessary. In light of this, a Great Created Newt survey was undertaken on the 1st April 2019.

6.33 The report sets out that 20 ponds were present with connectivity to the site and within 500m. Of these ponds, the surveys found Great Crested Newt populations in five ponds, including the ponds adjacent to the proposed development site. Following full population estimate surveys of the available ponds, it is assumed that the local population of Great Crested Newts is large (over 100) and it is highly likely they are using the site as terrestrial habitat. Consequently, without mitigation the report considers it likely that Great Crested Newts could be harmed during the proposed development and mitigation would be required. A European Protected Species licence would also be required for the development to proceed legally. In summary, the proposed mitigation includes:

- Temporary wildlife exclusion fencing;
- A period of 90 days of trapping by suitably qualified ecologists to clear the site of Great Crested Newts;
- Any Great Crested Newts found would be relocated into the hedgerow boundary, which is proposed for retention;
- Fencing to remain until the development is complete;
- Public open greenspace to be provided as part of the development, which could be enhanced adequately to compensate for habitat loss; and
- A new hedgerow planted to separate the development from the public open greenspace.

6.34 The report concludes that with the mitigation proposed, the development could proceed with negligible risk of harm or impact to Great Crested Newts. This could be secured through a site-specific Landscape Ecological Management Plan (LEcMP), which could also secure other ecological enhancements/mitigation, including those described in the Preliminary Ecological Appraisal. This could be secured by way of a planning condition. At the time of writing this report, the Council's ecology consultant has yet to respond and therefore it is not clear as to whether the proposed mitigation is acceptable and whether a condition to secure a LEcMP would be suitable in this instance. **An update will therefore be provided at Committee.**

## **Arboricultural Implications**

6.35 Policy GD4 of the TNDP sets out that where appropriate, proposals for new development shall be accompanied by a landscape strategy which will identify existing landscape features and set out measures to be taken to safeguard, and where appropriate enhance, existing trees, hedgerows and other landscape features. Development shall seek to retain and manage existing woodland areas, in-field trees, boundary trees and hedgerows. Removal of such features will be resisted.

6.36 There are seven Oak trees that are situated within the application site and on the adjacent land, which are protected by a Tree Preservation Order (TPO 393). Whilst the application is in outline form, it is considered that the illustrative layout does demonstrate that the quantum of development proposed could be accommodated on the site without adversely impacting on the protected trees. With regard to other trees on site, it is proposed to remove three groups of trees that are identified to be of low value (Category C). All other trees are proposed to be retained and protected during construction.

6.37 Subject to adhering to the protection measures set out in the supporting Arboricultural Impact Assessment and agreeing a suitable layout at reserved matters stage, the Council's Tree Officer does not object to the proposed development.

## **Drainage and Flood Risk**

6.38 JCS Policy INF2 advises that development proposals must avoid areas at risk of flooding and must not increase the level of risk to the safety of occupiers of a site and that the risk of flooding should be minimised by providing resilience and taking into account climate change. It also requires new development to incorporate Sustainable Urban Drainage Systems (SUDS) where appropriate to manage surface water drainage. This is reflected in emerging PSTBP policy ENV2. Similarly, Policy GD7 of the TNDP states that for developments in areas with known surface water flooding issues, appropriate mitigation and construction methods will be required. New development in areas with known ground and surface water flooding issues will seek to provide betterment in flood storage and to remove obstructions to flood flow routes where appropriate.

6.39 The application is supported by a Flood Risk Assessment (FRA), which includes a surface water drainage strategy. The FRA sets out that the site is located within Flood Zone 1 and is therefore at a low risk of fluvial and tidal flooding. Furthermore, it is stated that the site is at a low risk of flooding from surface water, sewers, groundwater and reservoirs. In terms of surface water drainage, the FRA details a drainage strategy that expresses a preference for the infiltration of surface water via private soakaways and SuDS, incorporating swales and a drainage pond.

6.40 The Lead Local Flood Authority (LLFA) initially reviewed the FRA and were content that it presented a reasonable drainage strategy for the development, identifying adequate space to accommodate attenuated surface water runoff from the site. However, concerns were raised that the analysis of surface water flooding attempted to reduce the significance of the potential problem at the site by only identifying surface water sources from within the development site. The LLFA also made a number of comments in respect of the existing drainage features on the site and how they related to the indicative layout. In particular, they pointed out that the drainage ditch along the north west of the site would be lost in the proposed layout and that any ditch or swale that would be required along the northern boundary would be cut off by residential gardens.

6.41 In response to these concerns, a revised FRA was submitted to the Council. The LLFA has reviewed the amended FRA and have confirmed that it addresses the issues that were previously raised. The LLFA therefore have no objections to the application subject to the imposition of a planning condition to secure details of a surface water drainage scheme.

## **Access and Highway Safety**

6.42 The Framework sets out that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making. Furthermore, development should only be prevented or refused on highways grounds where there would be an unacceptable impact on highway safety or the residual cumulative impacts of development are severe. JCS Policy INF1 requires that developers should provide safe and accessible connections to the transport network to enable travel choice for residents and commuters. Policy TP1 of the TNDP echoes this and states that development will only be permitted where it will not cause a severe adverse traffic impact and increase in the volume of traffic within Twynning Parish that cannot be acceptably mitigated, particularly where the road network is narrow and pedestrian facilities inadequate.

6.43 Access is proposed to be dealt with at outline stage. However, as a matter of clarity, this only relates to the single vehicular access off Shuthonger Lane in this application. All other routes within the site are proposed to be dealt with at reserved matters stage. The submitted Transport Statement (TS) details a new vehicular access to the site off Shuthonger Lane that would be located further north of the existing field access. In addition, it is proposed to provide a new footway along Shuthonger Lane that would extend from the site access towards the village. The TS details visibility splays that would be acceptable for a 30mph speed limit. However, this would be entirely dependent on extending the 30mph from Brockeridge Road to the proposed development since Shuthonger Lane is subject to the national speed limit along its frontage.

6.44 Any speed reduction would be dealt with through a Traffic Regulation Order (TRO). There is a considerable amount of uncertainty with the TRO process and therefore ultimately it may not be possible to amend the speed limit in this location. However, additional information in the form of speed surveys has since been submitted, which demonstrate that actual vehicle speeds in the vicinity of the proposed access are lower than the national speed limit. In light of the speed surveys, the Highways Officer is satisfied that the proposed visibility splays are sufficient and the access is acceptable in highway safety terms.

6.45 With regard to accessibility, the Highways Officer advises that the site has restricted connections for sustainable transport modes and limited amenities nearby. The amenities in Twynning, including a primary school, church, village store, public houses and very limited bus service stops are separated from the site by unsurfaced and unlit narrow public footpaths or more indirectly via rural unlit roads with verges. There are also limited bus service stops on the A38 to Tewkesbury separated via narrow unlit rural roads without footways or verges and crossings. Where verges are provided they are limited. The frequency of bus services are not sufficient for commuting and the footway connections to the public transport provision are substandard.

6.46 The CIHT (Institute for Highways and Transportation) Planning for Walking 6.4 states '*Walking neighbourhoods are typically characterised as having a range of facilities within 10 minutes walking distance (around 800 metres)*'. Given the very limited facilities in Twynning within this walking distance and the absence of regular bus stops, the highways officer is of the view that that site does not safely and suitably accommodate pedestrian trips. The range of facilities within 900m of the site is not sufficient and would result in a reliance on private car trips for the majority of key facilities as public transport provision and connections are currently very limited in the vicinity of the site. Moreover, the bus services and stops are insufficient for commuting due to the service timings and the fact that they are beyond the recommended 400m recommended walking distance in Building Sustainable Transport into New Developments (DfT, 2008).

6.47 With regard to the impact on the wider highway network, the TS includes vehicle trip generation for the proposed dwellings based on a TRICS assessment. The TS currently estimates 28 AM (8am) and 27 PM (5pm) two-way peak hour vehicle trips, 2 AM and 2 PM peak hour pedestrian trips, 1 AM and 1 PM peak hour cycle trip, and no AM or PM peak hour public transport trips. However it is pointed out that the TS vehicle and multi-modal assessments have not been demonstrated to be adjusted for the rural location of the site, with survey sites which are not directly comparable locations in terms of population, public transport provision, car ownership or accounting for the proposed 40% (20) affordable dwellings. Therefore the potential AM and PM peak hour trips in the TS are not considered accurate or account for the number of potential non-car trips, particularly from affordable housing on the site.

6.48 With regard to the submitted Travel Plan, the Highways Officer advises that it does not include targets and it does not demonstrate how the objectives of reducing single occupancy vehicle trips and increasing sustainable mode trips will be achieved. The Highways Officer is therefore of the view that it has not been demonstrated that the Travel Plan is deliverable.

6.49 In light of the above, it is considered that the application has not demonstrated safe and suitable access for all users; especially those reliant on non-car trips to surrounding amenities and settlements with suitable bus service provision. This weighs heavily against the proposal in the planning balance.

### **Public Rights of Way**

6.50 Two Public Rights of Way (PROW) run through the site (ATW28 and ATW29). Both footpaths connect to Twynning to the north with one PROW running through the centre of the site (ATW28) and the other running along the eastern boundary of the site (ATW29). The indicative masterplan shows how these could be accommodated within the development without being built over, obstructed or diverted.

6.51 The Highways Officer points out that pedestrian access to the site from Twyning is currently only available via these footpaths. These footpaths are currently unlit and unsurfaced and are not of a suitable standard in terms of construction for safe and suitable access for all users. Previously, it was suggested that upgrades to the footpaths should be sought in order to improve their attractiveness, including hard surfacing at a minimum width of 2m and lighting. However, whilst this would improve the attractiveness of these routes, it is questionable as to whether providing a hard surface would be appropriate in landscape terms, specifically in respect of PROW ATW28, which runs through the middle of the open field to the north of the site. Furthermore, given the rural nature of the surrounding area, any lighting may lead to an unacceptable level of light pollution and landscape harm, contrary to Policy GD8 (Lighting) of the TNDP. It could also have ecological implications, particularly in respect of bats.

6.52 The amended indicative layout scheme now shows 2m wide surfacing to the footpaths. However, no further information or evidence has been provided to show how this could practically be achieved. There is no evidence of any discussions with the relevant land owners or the County Council's PROW team. In theory, details of upgrades to these footpaths could be secured by way of a planning condition. However, given that these upgrades would be fairly fundamental to the acceptability of the scheme in accessibility terms, the lack of certainty at this stage, and the potentially unacceptable impacts arising from any such upgrades, suggests that it would not be appropriate to condition these details. This therefore further highlights the site's poor accessibility credentials, which weights against the proposal in the planning balance.

### **Archaeology**

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

6.54 An archaeological desk-based assessment and a geophysical survey was submitted with the application that concluded that there is low potential for this site to contain archaeological remains. The County Archaeologist disagreed with that conclusion and recommended that the results of an archaeological field evaluation was required prior to the determination of the application. The applicant has subsequently undertaken an archaeological field evaluation, which found no evidence of any significant archaeology on the site. The County Archaeologist is therefore of the view that there is a low risk that the proposed development will adversely affect archaeological remains, and recommends that no further archaeological investigation or recording needs be undertaken.

### **Waste Minimisation**

6.55 The Minerals & Waste Planning Authority (M&WPA) requires all major applications (10 or more dwellings, residential sites of 0.5ha or more and other development in excess of 1,000m<sup>2</sup> or over 1ha) to be accompanied by an appropriately detailed Waste Minimisation Statement (WMS). This is a specific requirement of the development plan for Gloucestershire as set out under WCS Core Policy 02 - Waste Reduction.

6.56 A Waste Minimisation Statement has been submitted with the application although its content is limited and somewhat general in nature. The Minerals & Waste Planning Authority have reviewed the submitted document and although the information is limited, additional details are not considered necessary at this time subject to the imposition of planning condition to secure a Site Waste Management Plan.

### **Public Open Space**

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

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

6.59 Based on saved policy RCN1 of the Local Plan, the development is required to provide 0.14ha of outdoor playing space. The quantum of development proposed would also generate a requirement for a Local Equipped Area for Play (LEAP). The indicative masterplan does make some provision for Public Open Space on site, mainly at the centre of the development, which could feasibly incorporate a LEAP. However, at this stage it is not clear as to whether this area would be required to provide compensatory habitat for Great Crested Newts as set out in the Great Crested Newt survey report. If this is the case, the site is located reasonably close to the Twynning Recreation & Amenity Complex (TRAC), which incorporates an equipped play area, playing pitches and changing facilities. Given the proximity of these facilities, it is considered an equivalent financial contribution could be secured for these off-site facilities instead. This would be secured through a S106 Agreement.

6.60 At this stage, the exact amount of contribution required has not been finalised and the applicant has yet to agree to any such contribution **an update on the requested sum will be provided at Committee.** However, in any event, there is currently no signed S106 obligation to address this matter and therefore the proposed development does not adequately provide for Public Open Space.

### **Community Infrastructure Levy/s106 obligations**

6.61 For CIL purposes the application site falls within a 'Generic Site' and would be subject to the levy for residential development at £200 per square metre. However, the CIL Regulations provide for certain types of development to be exempt from CIL, which includes those parts of a development which are to be used as affordable housing.

6.62 Infrastructure requirements specifically related to the impact of the development will continue to be secured via a Section 106 legal agreement. Requests have been made by consultees to secure the following contributions:

- Affordable housing - 40%
- Recycling and waste bins - £73 per dwelling
- On-site Public Open Space
- Contribution towards off-site playing pitches, changing facilities and play facilities - tbc.
- Pre-school Education - £173,546.50
- Primary Education - £279,183.50
- Libraries - £9,800

6.63 At this stage there is some uncertainty as to whether the library and education contributions would be more appropriately dealt with via CIL; **an update will be provided at Committee.**

## **7.0 Overall Balancing Exercise and Conclusion**

7.1 Section 38(6) of the Town and Country Planning Act 1990 provides that, if regard is to be had to the development plan, the determination must be made in accordance with the development plan unless other material circumstances indicate otherwise. Section 70 (2) of the Act provides that the local planning authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations.

7.2 The application site lies outside of the defined settlement boundary for Twynning and is not allocated for housing development. The site does not represent previously developed land within the built up areas of a service village; is not a rural exception scheme; and does not represent 'infilling'. It has not been brought forward for development through a Community Right to Build Order and there are no policies in the existing Tewkesbury Borough Local Plan to 2011 which allow for the type of development proposed here. The proposal therefore conflicts with policy SD10 of the JCS and policy GD1 of the TNDP. However, the Council cannot currently demonstrate a five year supply of deliverable housing sites and therefore the Council's policies for the supply of housing are out of date. In accordance with paragraph 11 of the Framework, there are no policies in the Framework that protect assets of particular importance which provide a clear reason for refusing the development in this instance and the 'tilted balance' applies.

## **Benefits**

7.3 The delivery of market and affordable housing would provide a considerable social benefit. Furthermore, there would be economic benefits both during and post construction through the creation of new jobs and the support to existing local services and the local economy. Overall, given the scale of development, these benefits would attract substantial weight in favour of granting permission in light of the Council's housing land supply position.

## **Harms**

7.4 Harm arises from the conflict with development plan policies relating to housing, particularly JCS Policy SD10 and Policy GD1 of the TNDP, although it is accepted that the Council's housing policies are currently out of date. However, in respect of the conflict with the TNDP, paragraph 14 of the Framework states that in situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, subject to certain tests. For the reasons set out in this report, it is considered that all of the tests are met and the provisions of paragraph 14 of the Framework are engaged.

7.5 In design terms, the site would appear as a somewhat isolated and incongruous enclave of development, which would be urban in character, encroaching into the open countryside. The proposal therefore fails to respond to the urban structure of the village, or the character of the surrounding area. Similarly in landscape terms, it is considered that the proposals would deliver a conspicuous and stark scheme, which would have a detrimental impact on the local landscape character and views from local footpaths and from Shuthonger Lane.

7.6 With regard to highways, whilst the proposed access is considered to be acceptable, for the reasons set out in the report, the application has not demonstrated safe and suitable access for all users; especially those reliant on non-car trips to surrounding amenities and settlements with suitable bus service provision.

7.7 At this stage there is also no signed S106 Agreement to secure the requisite affordable housing and Public Open Space along with the financial contributions required towards education, libraries, recycling facilities and off-site recreational facilities.

## **Neutral**

7.8 The proposal would likely result in a neutral impact on ecology subject to the imposition of a condition to secure a Landscape and Ecology Management Plan (LEcMP). However, the Council's Ecology Consultant is yet to confirm this. Similarly, subject to the imposition of suitable conditions relating to drainage, there would be an acceptable impact in flood risk/drainage terms. Furthermore, the site is considered to have low potential for archaeological remains and the scheme would have an acceptable impact on protected trees.

## **Conclusion**

7.9 Whilst the 'tilted balance' is applied, it is considered that the adverse impacts listed above significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. As such, the proposal is not considered to represent sustainable development and there are no material considerations which indicate that the proposal should be determined other than in accordance with the development plan.

7.10 It is recognised that should the application be refused and an appeal submitted that such an appeal would be determined after the expiry of two years from the TNDP having been made. Nevertheless, it is considered that, notwithstanding whether paragraph 14 of the NPPF is engaged, the harms arising from the proposals, the harms identified would significantly and demonstrably outweigh the benefits in this case. It is therefore recommended that the application is **REFUSED**.

## RECOMMENDATION Refuse

### Reasons:

- 1 The proposed development conflicts with Policies SP2 and SP10 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017) and Policy GD1 of the Twyning Neighbourhood Development Plan (January 2018) in that the proposed development does not meet the strategy for the distribution of new development in Tewkesbury Borough and the application site is not an appropriate location for new residential development.
- 2 The proposed development, by reason of the rural character of the site, the quantum of development proposed and the layout design as indicated on the indicative masterplan, would represent an incongruous and urbanising intrusion into open countryside which would cause discernible harm to the character and appearance of the rural landscape. The development would also erode the open character of the countryside between Twyning Village and Church End, which serves to protect the character and setting of these settlements. As such, the proposed development is contrary to Policy SD6 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 -2031 (December 2017), Policies GD4 and ENV2 of the Twyning Neighbourhood Development Plan (January 2018) and advice set out in the National Planning Policy Framework.
- 3 Whilst all matters relating to design and layout are reserved for future consideration, the proposal, by virtue of its form, layout, density and isolated location, which is divorced from the main settlement of Twyning, would result in a development that would fail to respond to the urban structure of the village, or the character of the surrounding area. The proposal would therefore not enhance local distinctiveness, would fail to make a positive contribution to the quality of the character and functionality of the wider settlement and would fail to establish a strong sense of place. For these reasons the development would not constitute good design and the proposal conflicts with Policies SD4 and SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 -2031 (December 2017), Policy GD3 of the Twyning Neighbourhood Development Plan (January 2018) and the provisions of the National Planning Policy Framework.
- 4 The application has not demonstrated that there would be an acceptable impact on the local road network in conflict with Policy INF1 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 - 2031 (December 2017), Policy TP1 of the Twyning Neighbourhood Development Plan (January 2018) and section 4 the National Planning Policy Framework (Promoting sustainable transport).
- 5 In the absence of an appropriate planning obligation, the application does not provide housing that would be available to households who cannot afford to rent or buy houses available on the existing housing market. As such, the proposed development conflicts with SD12 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 -2031 (December 2017) and Policy H3 of the Twyning Neighbourhood Development Plan (January 2018).
- 6 In the absence of an appropriate planning obligation, the application does not make provision for the delivery of education, library provision, public open space, and recycling/waste bins and therefore the proposed development is contrary to Policy RCN1 of the Tewkesbury Borough Local Plan to 2011 (March 2006), Policies INF4, INF6 and INF7 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 -2031 (December 2017), Policies LF1 and ENV3 of the Twyning Neighbourhood Development Plan and the National Planning Policy Framework.

### Notes:

#### 1 Statement of Positive and Proactive Engagement

In accordance with the requirements of the NPPF, the Local Planning Authority has worked with the applicant in a positive and proactive manner in order to seek solutions to overcome the planning objections and the conflict with Development Plan Policy by seeking to negotiate with the applicant to address identified issues of concern and providing on the council's website details of consultation responses and representations received. However, negotiations have failed to achieve sustainable development that would improve the economic, social and environmental conditions of the area.

The scaling of this drawing cannot be assured

Revision	Date	Drawn	Checked
1	15.04.19	JP	AS
2	21.04.19	JC	AS

INDICATIVE SITE LAYOUT AMENDED TO REFLECT THIS SURVEY  
INDICATIVE SITE LAYOUT AMENDED DUE TO LANDSCAPE COMMENTS RECEIVED

- Planning Application Boundary
- Existing Trees
- Existing Hedgerows
- Proposed Street
- Proposed Transition Space
- Proposed Courtyard
- Proposed Private Drives
- Proposed Driveways
- Proposed Parking and Driveways
- Proposed Footpath
- Proposed SLGGS Field
- Accessed Field Drives
- Proposed Open Space
- Proposed People Gardens
- Proposed Structures Planning

Proposed Public Right of Way Improvements (20m wide, hard surfaced footpaths where possible)

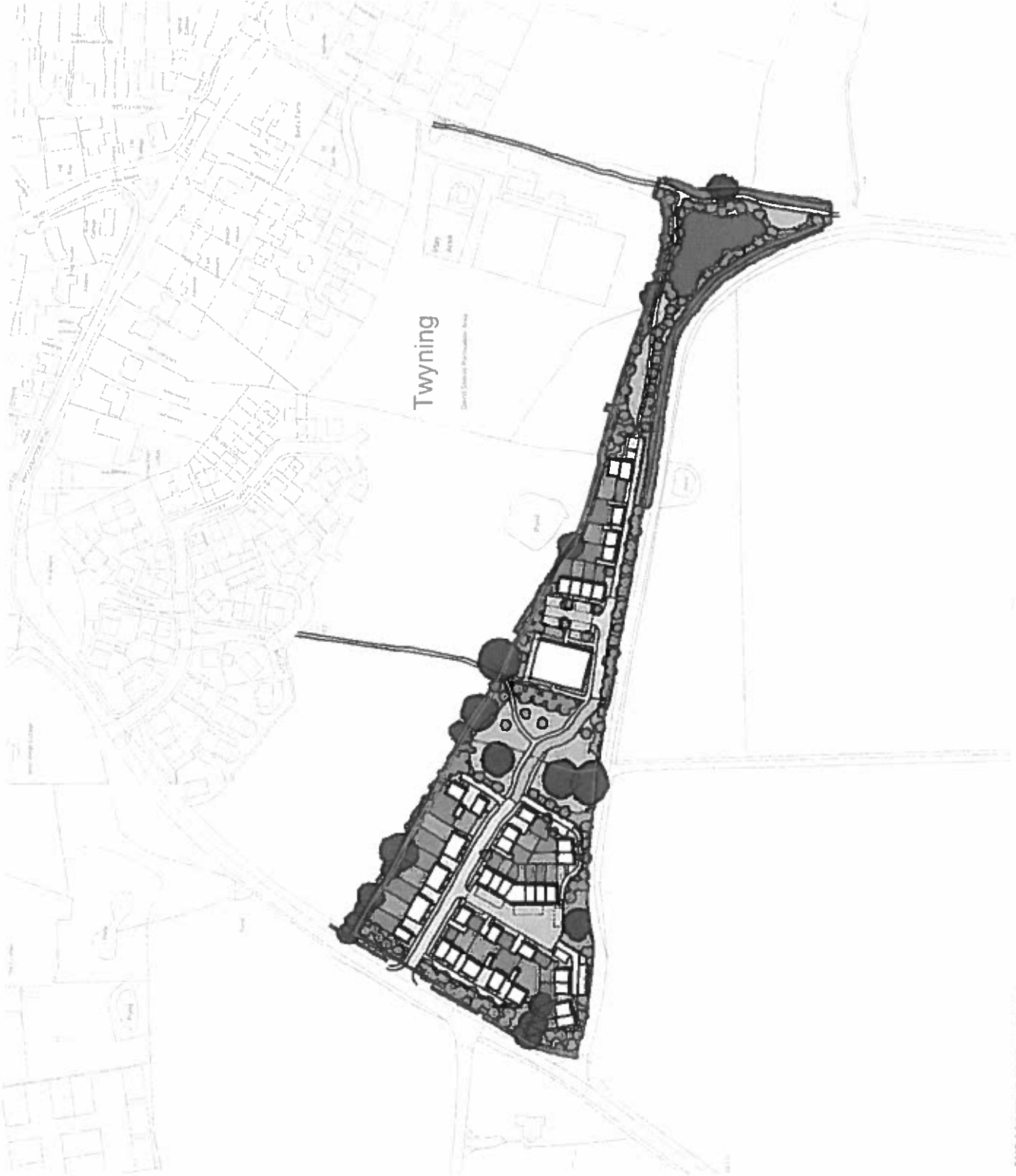


Project  
Twynning  
Gloucestershire  
Drawing Title  
Indicative Site Layout

Date	23.10.19	Scale	1:2000@A3	Drawn by	JC	Checked by	AS
Project No	CAL010119	Drawing No	05	Revision	8		



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490/A

INDICATIVE SITE LAYOUT

**Land off Shuthonger Lane  
Twynning,  
Tewkesbury**

**Newell Edwards Limited**

29 Broad Lane  
Camwood  
North Yorkshire  
YO8 3SQ

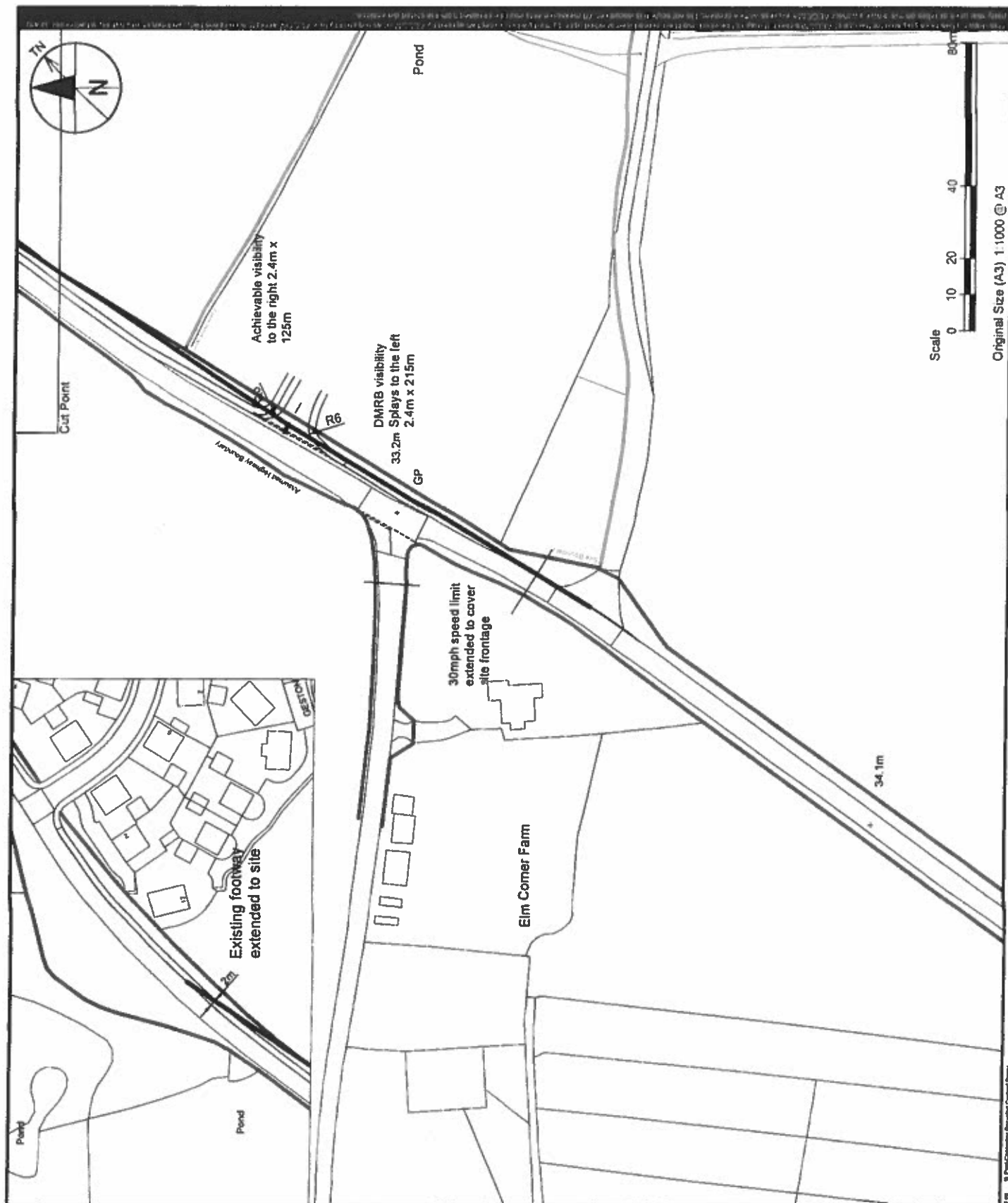
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**DRAWING NUMBER**  
SC597123-0001 7B-1

DRAFT

**PROJECT NUMBER**  
60537123



150 A3 (20mm x 297mm)

490/B

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**

**DEFERRED at 18.06.19 COMMITTEE (ITEM 2 - PAGE NO 413)**

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-crete 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. **(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)**

3.6 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 Council's 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.

## **Conclusion & Recommendation**

7.5 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.

## **8.0 Update - 17th December 2019**

8.1 At Planning Committee on the 19th November 2019 Members resolved to permit the subject to an amendment to secure the provision of affordable housing in accordance with Policy GNDP04 of the Gotherington Neighbourhood Development Plan.

8.2 In response, the applicant has advised that they are not in position to offer any affordable housing as they do not believe that the current policies support the lower threshold set out in the Neighbourhood Plan. Further to this the applicants have submitted a statement which outlines their position on the matter of affordable housing provision.

8.3 Summarising the submitted statement, the applicant maintains that the Gotherington Neighbourhood Development Plan policy (GNDP04) for affordable housing was formulated in the context of a policy that has since been superseded by JCS Policy SD12 (which seeks a higher threshold for the provision of affordable housing). In turn the applicant considers that JCS Policy SD12 is superseded by paragraph 63 of the NPPF (2019).

8.4 With this in mind the applicant concludes that, as the Neighbourhood Development Plan policy (GNDP04) was based on a previous policy that has been twice superseded, it cannot hold any weight in the decision making process. The applicant's position remains that the affordable housing threshold within the NPPF should be given more weight than the thresholds set out in Policy GNDP04 of the Gotherington NDP.

**8.5** The applicant also considers that the Neighbourhood Development Plan policy was based on an identified affordable housing need (from 2014) that has since been met (Although at the point of writing this update no evidence has been provided to corroborate this position). The applicant has also advised that they will be seeking Counsel's Opinion on the matter and will provide this for Members prior to the day of Committee.

**8.6** The applicant's comments are noted however officer advice remains as it was at the committee meeting. The weight to be attached to any particular policy is down to the decision-maker (in this case the Planning Committee). As advised at the Committee meeting in November, if the Committee considers there is evidence to support the lower threshold set out in the GNDP, then it would not be an unreasonable position to give more weight to it than the policies of the JCS/NPPF.

**8.7** The Strategic Housing and Enabling Officer (SHEO) has been consulted in respect of need. He advises that a housing needs survey is currently being prepared for Gotherington Parish, the results of which are due early in the New Year. Notwithstanding this, and the fact that as pointed out by the applicant 19 new affordable homes are being provided through existing permissions in Gotherington (notably on the Persimmon Homes development opposite the current application site), the SHEO confirms that there is some evidence of need for affordable housing in the Parish in the housing register. There are 9 people on the register with a local connect and a further 105 who have indicated Gotherington as an area of preference. Based on Registered Provider (landlord) returns, there has been no delivery of affordable housing since 2017 in Gotherington. Five rented and five shared ownership properties are expected to be delivered on the Persimmon site referred to above in the spring of 2020.

**8.8** The evidence from the housing register is not conclusive however and the position will become much clearer in the New Year once the housing needs survey has been reported. Should Members wish to pursue the provision of affordable housing on this site, it is recommended that the application be deferred to allow consideration of the evidence arising from the housing needs survey. This does come with the potential risk of a non-determination appeal, however given the short timescale for the publication of the survey, deferral does not appear to be unreasonable in the circumstances.

## **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.

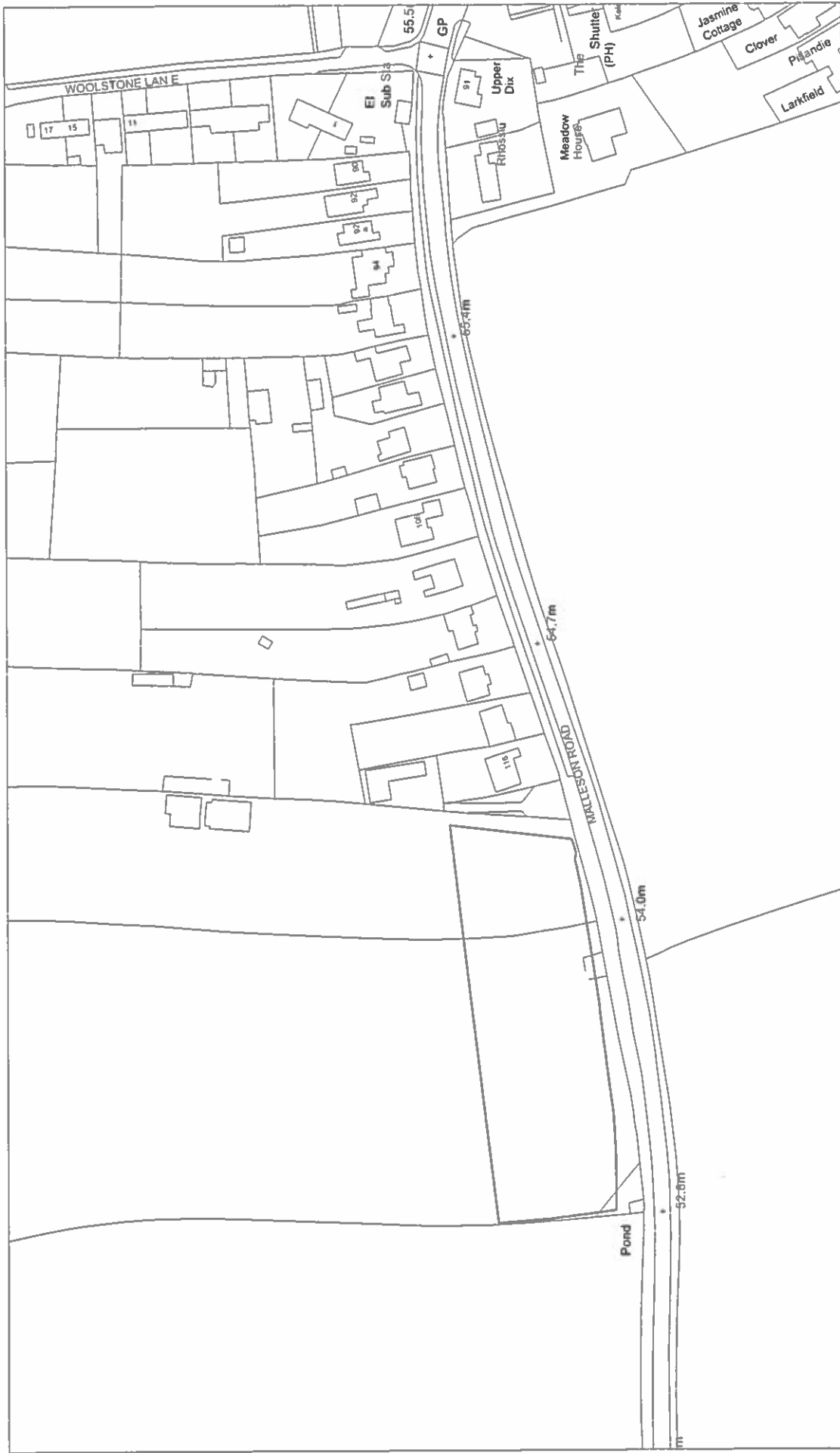
Reason: To give priority to cycle movements by ensuring that adequate cycle parking is provided, to promote cycle use and to ensure that the appropriate opportunities for sustainable transport modes have been taken up in accordance with paragraph 108 of the National Planning Policy Framework.

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.



KEY



SITE BOUNDARY (Dashed)

0 10 50m

# LAND NORTH OF MALLESTON ROAD, GOTHERINGTON - SITE LOCATION PLAN



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503/A



# LAND NORTH OF MALLESON ROAD, GOTHERINGTON - SITE LAYOUT



503/B



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1  
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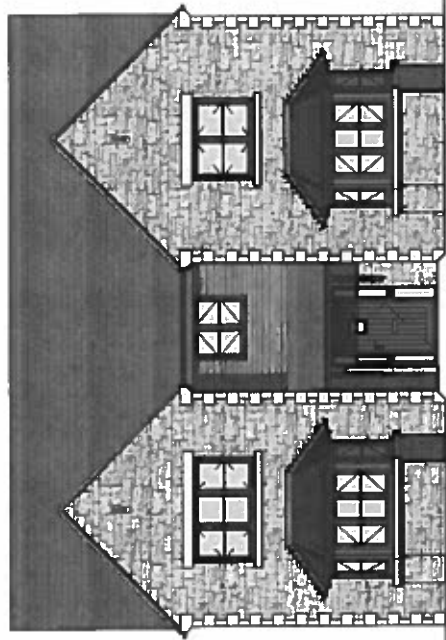
LAND NORTH OF MALLESON ROAD, GOTHERINGTON - HOUSETYPE B

**Pegasus**  
Design

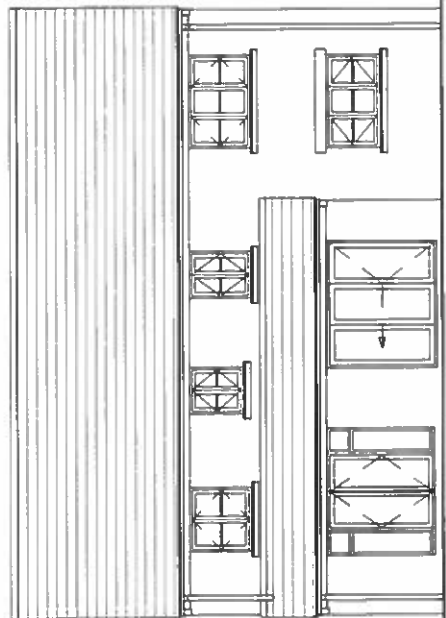
PLANNING | DESIGN | ENVIRONMENT | ECONOMICS | [WWW.PECCSUSGROUP.COM](http://WWW.PECCSUSGROUP.COM) | TEAMDRAWN BY LUTW | AFFRUGED BY PHU CHI | DATE 01/05/19 | SCALE 1:1000 A3 | DRAWING P19-01740-03 SHEET NO. 01 REV. A | CULTURAL CENTAUR HOMES



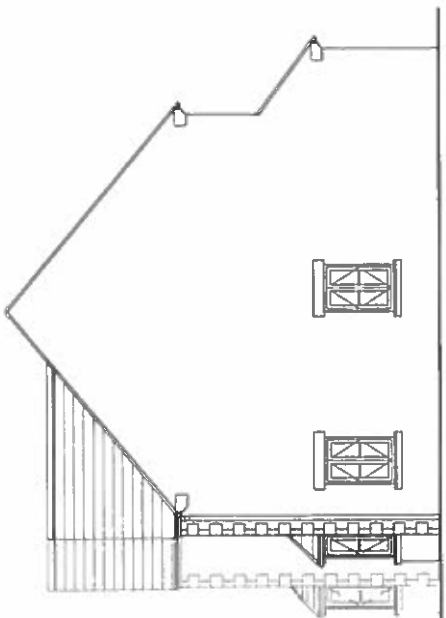




**FRONT ELEVATION**



REAR ELEVATION

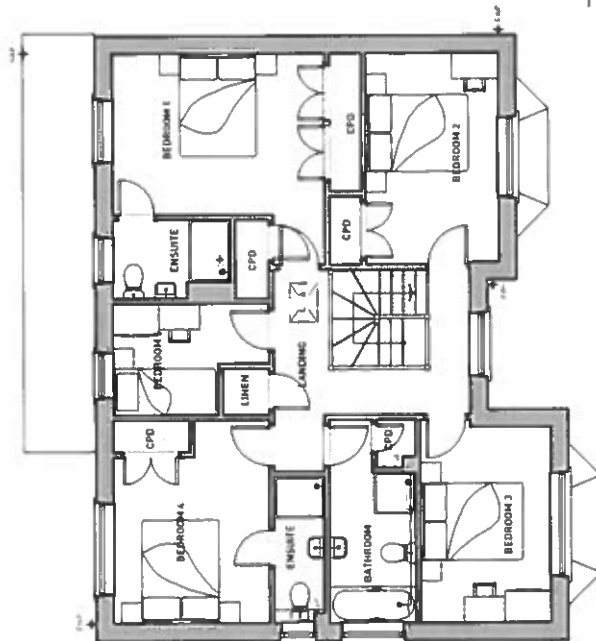


**SIDE ELEVATION**

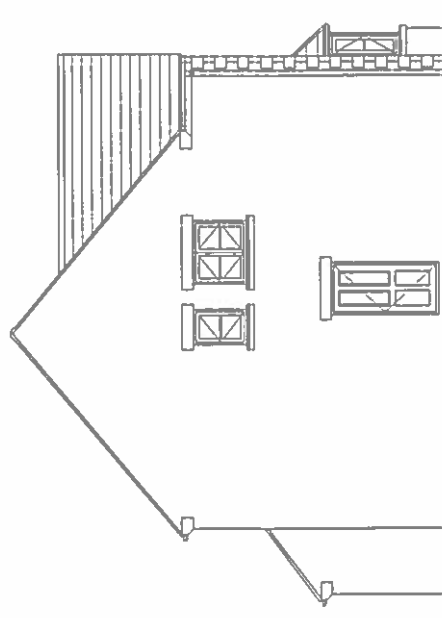


### GROUND FLOOR PLAN

SCALE BAR 1:100



### FIRST FLOOR PLAN



**SIDE ELEVATION**

**PLOTS: 1, 9**

LAND NORTH OF MALLESON ROAD, GOTHERINGTON - HOUSETYPE K

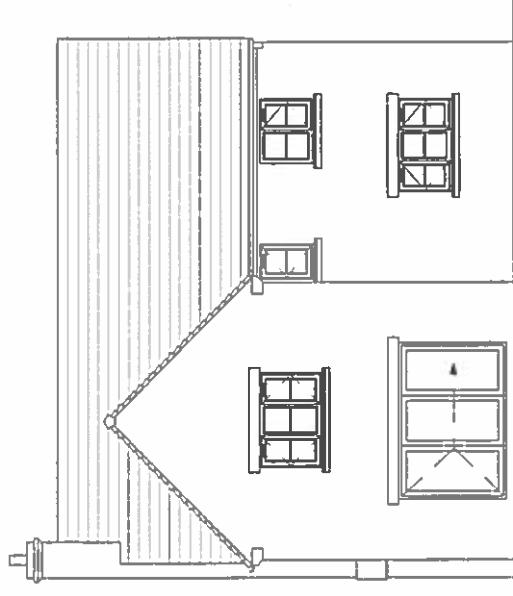
**Pegasus**

PLANNING | ENVIRONMENT | ECONOMICS | WATER & GAS | GRP | PM | TEAM LEADERSHIP | DATE Q1/Q2/17 | SCALE | 100-0.45 | DRWG P10-0290-03 | MEETINGS | REV 4 | CLIENT | CENTAUR HOMES

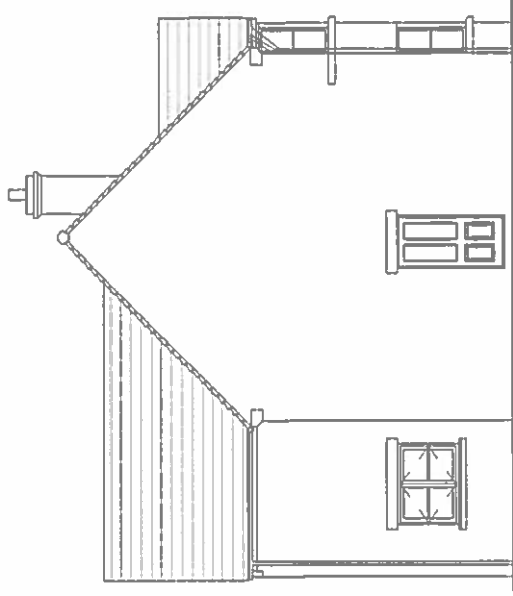
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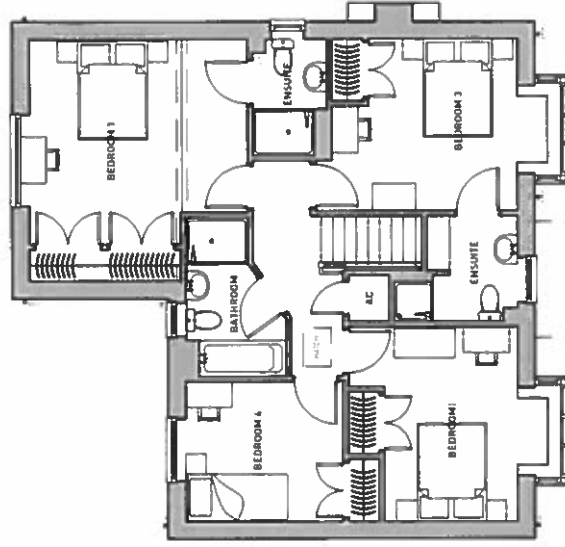
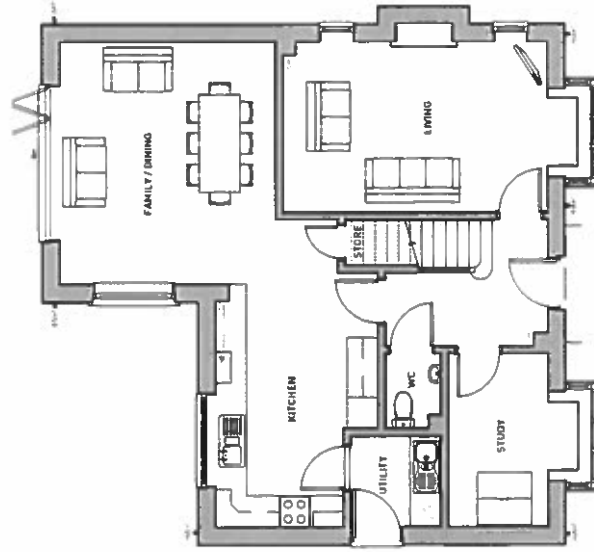
FRONT ELEVATION



REAR ELEVATION



SIDE ELEVATION



SIDE ELEVATION

SCALE BAR 1:100



PLOTS: 8

Pegasus

LAND NORTH OF MALLESON ROAD, GOTHERINGTON - HOUSETYPE N

PLANNING | DESIGN | ENVIRONMENT | ECONOMICS | WEAVER PEGASUS GROUP | TEAM/DESIGN/WEAVER | APPROVED BY P.H. E.I.T.A.V. | DATE 02/09/19 | SCALE 1:100 (B.A.) | DWG NO. P10-0390-03 SHEET 05 REV. C 1 CLIENT: CENTAUR HOMES

Valid 31.07.2019

Demolition of existing garage, erection of a single storey side and two storey rear extension. Erection of a detached garden store.

Grid Ref 401943 227994

Parish Winchcombe

Ward Winchcombe

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

National Planning Policy Framework; 2018 (NPPF)

Planning Practice Guidance

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

SD4, SD6, SD7, SD8, SD14, INF1, INF2

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

HOU8

**Winchcombe and Sudeley Development Plan 2011-2031 (GNDP):**

5.1, 5.3

**Preferred Options Consultation, Tewkesbury Borough Plan 2011-2031 (2018):**

RES10

Flood and Water Management SPD

Manual 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****Winchcombe Town Council - No Objection.****Conservation Officer - No objection (subject to conditions).****Local residents** - This application was publicised by the posting of site notices and the neighbour notification scheme and a number of objections have been received from 4 neighbours. Concerns include:

- The scheme will impact on day to day living
- The proposed toilet is too close to Number 6's front door which will impact on health, wellbeing and business.
- The new toilet is on the opposite side of the house to current sewage and drainage
- There are concerns over security
- The single storey extension will be overbearing
- The two storey extension would radically alter the period character of the building
- The first floor window on the two storey extension would overlook the garden of Number 2
- It would adversely impact on light
- The disruption would adversely impact on health and wellbeing of Number 6 and their pets
- The placement of a window facing towards Number 6 would result in overlooking issues

**Councillor Mason has requested committee determination to assess the impact of the proposal on the neighbouring property****Planning Officers Comments:** Emily Pugh**1.0 Application Site**

1.1 This application relates to 4 Cheltenham Road, a detached vernacular dwelling located in Winchcombe. The site is served by a pedestrian access to the front (north-west) and benefits from on street parking. The dwelling benefits from a large elongated garden which declines steeply to the South into the River Isbourne.

1.2 The site is located in the Cotswold Area of Outstanding Natural Beauty, Winchcombe Conservation Area, Flood Zones 2 and 3 and is subject to the removal of permitted development rights by way of an Article 4 direction (see site location plan).

## **2.0 Relevant Planning History**

2.1 No relevant planning history pertaining to this application.

## **3.0 Current Application**

3.1 The current application seeks the erection of a two storey extension to the rear (South-East) which would be built in place of an existing single storey extension. It also seeks to demolish an existing lean-to to the side (South) and replace it with a single storey mono-pitched extension. The final element seeks to remove an existing garden shed, and erect an ancillary garden store in the rear garden.

3.2 The proposed materials would comprise reconstituted Cotswold stone for the walls, reconstituted stone slates with diminishing courses and matching ridges to the roof and timber casement doors and windows (see attached plans).

## **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 2018 and the emerging Tewkesbury Borough Local Plan (Preferred Options Consultation) 2011-2031 and the Winchcombe and Sudeley Neighbourhood Development Plan.

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

## **5.0 Analysis**

5.1 The main issues to be considered are design and impact on neighbouring amenity.

### **Design and Visual Amenity**

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

5.3 Policy SD4 (Design Requirements) of the JCS sets out that new development should respond positively to, and respect the character of, the site and its surroundings, enhancing local distinctiveness, and addressing the urban structure and grain of the locality in terms of street pattern, layout, mass and form. It should be of a scale, type, density and materials appropriate to the site and its setting. It further sets out that design should establish a strong sense of place using streetscapes and buildings to create attractive and comfortable places to live, and having appropriate regard to the historic environment. This is reflected in Policy HOU8 of the 2011 Local Plan.

5.4 The host property is a two storey vernacular detached dwelling set off Cheltenham Road in Winchcombe. The building is not listed but is considered to be a non-designated heritage asset. It is constructed from a mixture of coursed limestone and limestone ashlar with various characterful features such as sash windows, cill, lintel and mullion detailing and parapet feature work to the front bay window. In view of those features, the dwelling is currently a positive historic landmark within the street scene.

5.5 The first part of the proposal seeks to demolish an existing flat roofed timber clad lean-to to the side (South) of the dwelling and replace it with a mono-pitched extension. The extension would be adjacent to the property boundary and would sit 45mm above the existing fence line (2.2m to the eaves). The mono-pitched roof would slope up towards the host dwelling, measuring a maximum height of 3.3m and would feature two flush roof lights and a single window to the rear. Overall, this part of the proposal is considered to be in keeping with the form and character of the host dwelling, and given that high quality materials and traditional features are proposed to be mimicked, is of suitable and appropriate design.

5.6 The second part of the proposal seeks to demolish an existing single storey extension to the rear (South-East) and replace it with a two storey extension. The extension would sit flush with the side elevation and protrude to the rear by some 2.5m. It would feature patio doors at ground floor level and a box bay window at first floor. The roof would come off of the existing plane and appear as a continuation /cat slide feature. Whilst it would be preferable to see a clear break between the existing and new roof slopes, this was raised with the applicant and revisions were not forthcoming to this effect. The applicant did submit revisions however clarifying guttering and downpipe arrangements which will help to create a visual break in the proposed wide bargeboards.

5.7 It is also of note that the scheme originally sought a wedge protrusion at ground floor level which was considered to be incongruous and unnecessary and as such was omitted from the scheme. This element of the proposal, in view of the revisions, is now considered to be acceptable in terms of design. The two storey extension would be located to the rear of the property and would be visible from peripheral views within the street scene and surrounding area which is considered to be acceptable.

5.8 A further part of the scheme proposes to demolish and remove an existing shed which in itself does not require formal permission.

5.9 The final part of the scheme seeks the erection of a mono-pitched store in the rear garden to sit adjacent to the property boundary. The roof height would not exceed that of the adjacent fence line and as such would not be visible except from within the property boundary. This building is minor in scale and suitable in design as a functional garden store.

5.10 In view of the above, the wider cumulative proposal is considered to be sympathetic to the form and character of the host dwelling and complies with the requirements set out in Policies HOU8, SD4, 5.1, 5.1 and Section 12 of the NPPF.

#### Impact on Residential Amenity

5.11 The impact of the proposal on residential amenity has been carefully assessed. The two storey rear extension would be adjacent to a residential garage belonging to Number 2 Cheltenham Road. This garage would effectively shield the new extension from Number Two to the North and as such there are no concerns in terms of impact to amenity to those neighbours. Likewise, there is considered to be a sufficient gap to the adjacent neighbour to the South so as the two storey extension would not unreasonably affect their amenity in terms of light, overshadowing or overbearing.

5.12 The single storey extension to the South would be built adjacent to the neighbouring boundary with Number 6. Objections have been raised by this neighbour in particular who is concerned over how this extension will impact on their amenity. There are a number of issues to be considered; firstly the impact that the proposal will have on light.

5.13 The existing dwellings are located in close proximity to one another with a 3m gap between the two. The 25 degree rule, which is a commonly used tool to assess impacts that new development will have on existing perpendicular windows, has already been breached in this instance by the original buildings and as such it is not possible to apply this test to the new extension.

5.14 The new extension would measure 45mm above the existing fence line and would be visible from the dining room window of Number 6. However, in view that this window is already overshadowed by the existing building, the new extension would not overshadow it any further and as such would not worsen or reduce the amount of light that that window receives.

5.15 The second matter to consider is whether the extension would result in an unacceptable overbearing impact. This is both in terms of creating a potential tunnelling effect within the amenity gap, and also in terms of the extent of the development when viewed internally from the dining room of Number 6. The extension has been designed with a mono-pitched roof which would slope away from the neighbour. This assists in preventing a tunnelling feeling when viewing the development from the amenity space. Likewise, the extension would only measure 45mm above the fence line so the visual impact from within the dining room is not considered to be unacceptable.

5.16 The proposed windows/roof lights in this extension would be high level or located to the rear (hidden by a boundary fence) and there are therefore no concerns over overlooking or loss of privacy. In this regard, the box bay window on the second storey element would serve a bathroom and it is therefore considered necessary to adequately restrict the glaze on this window to ensure privacy to both neighbours and occupiers.

5.17 Concerns have also been received in respect to the location of a downstairs within the proposed side extension. There are no planning grounds to object to this part of the proposal and any waste issue arising from it would be addressed through building regulations. For the reasons outlined above, the proposed extension would not result in unacceptable harm to residential amenity and is acceptable in terms of Policies HOU8 and SD14.

#### Impact on the Historic Environment

5.18 Policy SD8 of the JCS and Paragraph 200 of the NPPF sets out that designated heritage assets and their settings, and Conservation Areas will be conserved and enhanced as appropriate to their significance, and for their important contribution to local character, distinctiveness and sense of place. Policy HEN2 states that developments are required to preserve or enhance the character or appearance of the conservation area in terms of scale, form, materials and quality. Paragraph 197 states that applications to non-designated heritage assets will require a balanced judgement regarding the scale of any harm or loss to the significance of the heritage asset.

5.19 Given that the site is located within Winchcombe Conservation Area and that the dwelling is considered to be a non-designated heritage asset, the Conservation Officer was consulted. Concerns were raised with the original scheme - particularly in reference to the unjustified replacement of the front timber casement sash windows with UPVC. Subsequent to discussions with the applicant, this part of the scheme was omitted.

5.20 In view of the revisions, it is considered that the dwelling would remain as a positive historic feature within the Winchcombe Conservation Area and there would be no material harm to the significance of the heritage asset. The proposal is therefore considered to have an acceptable impact to the historic environment and complies with the terms of Policies SD8, HEN2 and the NPPF.

#### Impact on AONB

5.21 Policy SD7 states that developments are required to conserve the landscape, scenic beauty, cultural heritage and other special qualities in an AONB.

5.22 The rear of the dwelling is readily visible from a network of public footpaths from the valley to the South. The proposed extensions would be read against the backdrop of the village of Winchcombe and as such would not visually detract from the landscape qualities of the AONB. Traditional materials are proposed to be used and as such the extensions would be in keeping with the Cotswold AONB vernacular. It is therefore considered that the scheme would have an acceptable impact to the AONB in accordance with Policy SD7 and the Cotswold Management Plan.

#### Highway Impact

5.23 Policy INF1 states that safe and efficient access should be provided to the highway network for all modes of transport and should be designed so as to encourage maximum potential use.

5.24 Although the development would not affect the existing on street parking arrangement, a number of concerns were raised over contractor parking and as such, the Gloucestershire County Highway Authority were consulted. Comments are yet to be received and an update will be provided at planning committee.

### Flooding

5.25 Whilst the wider site is located within Flood Zones 2 and 3, this specifically relates to the lowland in the Southern part of the garden. The dwelling is located in a far elevated position and as such is not located within the flood zone. It is therefore considered that there would be no adverse impacts in terms of flooding in accordance with Policy INF2.

## **6.0 Conclusion & Recommendation**

6.1 The proposed scheme would be in accordance with the relevant policies, and it is therefore recommended that planning permission is granted subject to conditions.

### **RECOMMENDATION Permit**

Conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved documents:
  - Proposed ground floor plan: PA1110, received 29th October 2019.
  - Proposed first floor plan: PA1111, received 29th October 2019.
  - Proposed roof plan: PA1112, received 29th October 2019.
  - Proposed elevation (north): PA2110, received 29th October 2019.
  - Proposed elevation (east): PA2111, received 29th October 2019.
  - Proposed elevation (south): PA2112, received 29th October 2019.
  - Proposed elevation (west): PA2113, received 29th October 2019.;except where these may be modified by any other conditions attached to this permission.

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

2. The materials to be used in the construction of the external surfaces of the proposed development shall match those used in the existing dwelling.

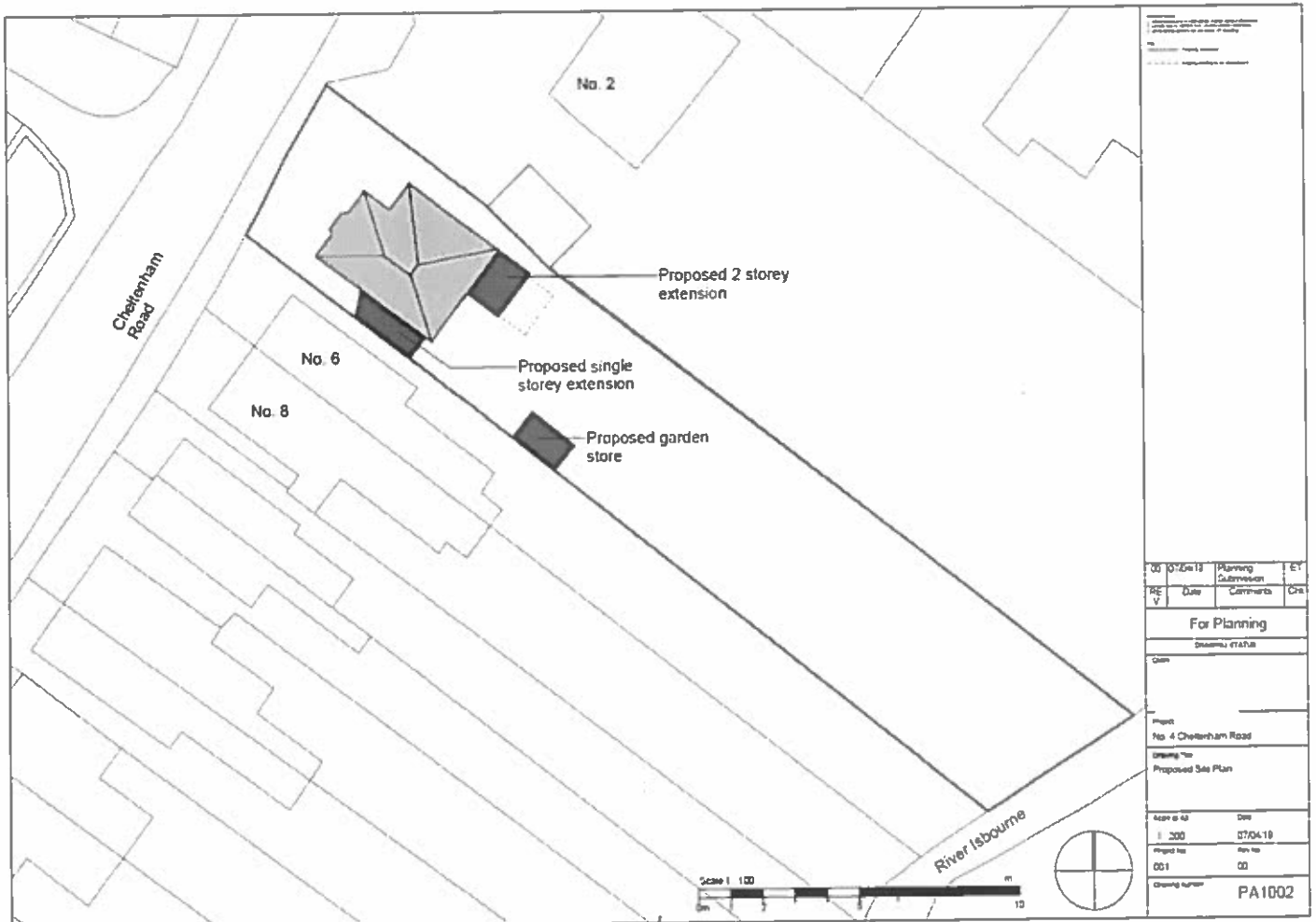
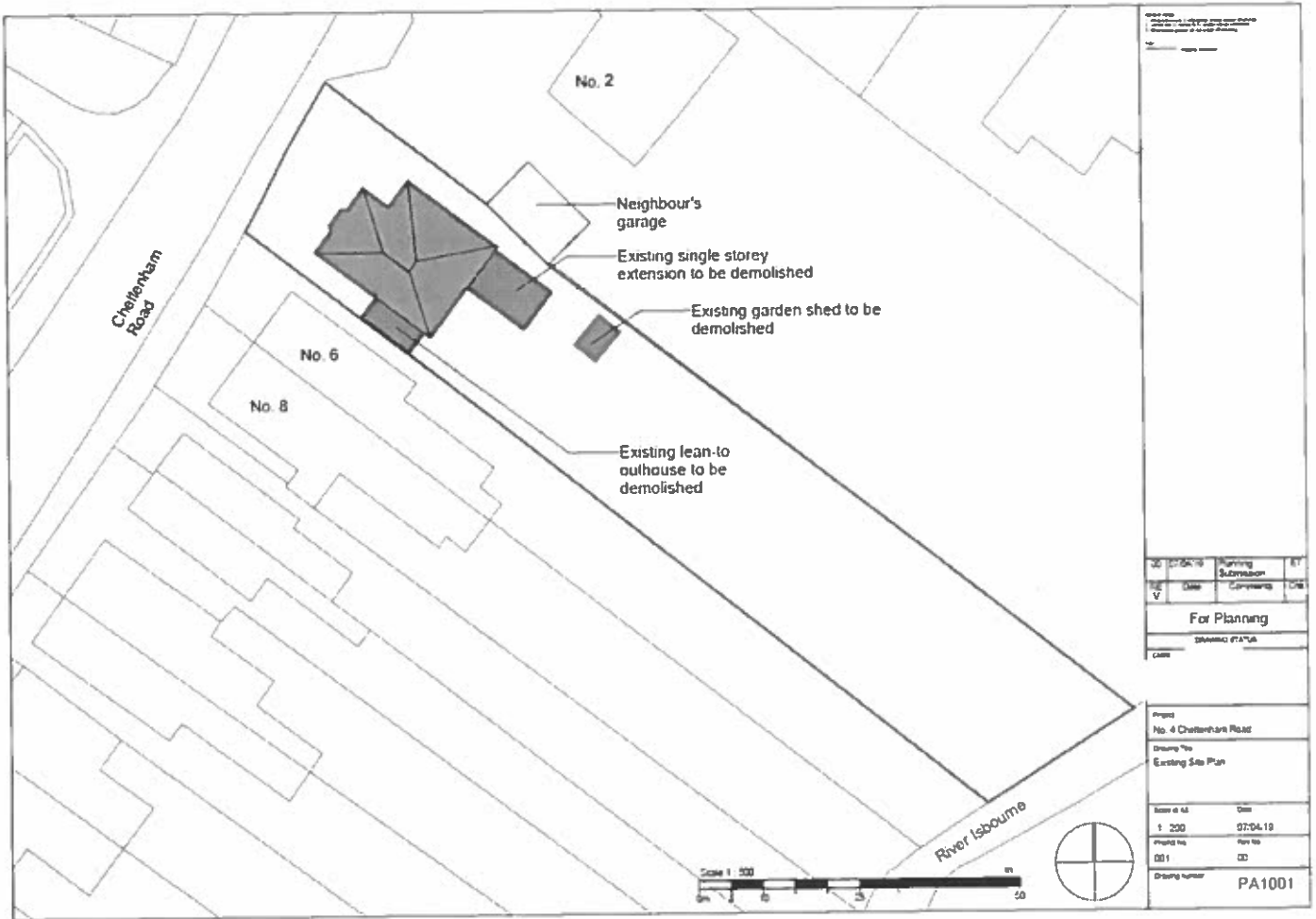
Reason: To ensure that the proposed development is in keeping with the existing dwelling

3. Notwithstanding the approved plans, detailed drawings and materials/finish details for the windows in the front elevation hereby permitted, including elevations and sections, shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. All windows shall be fitted in accordance with the approved drawings and details. The elevations shall be at a minimum scale of 1:20 and the sections shall be at a minimum scale of 1:5 and shall indicate profiles at full size.

Reason: To ensure that the proposed works are in keeping with the character and appearance of the host dwelling and conservation area.

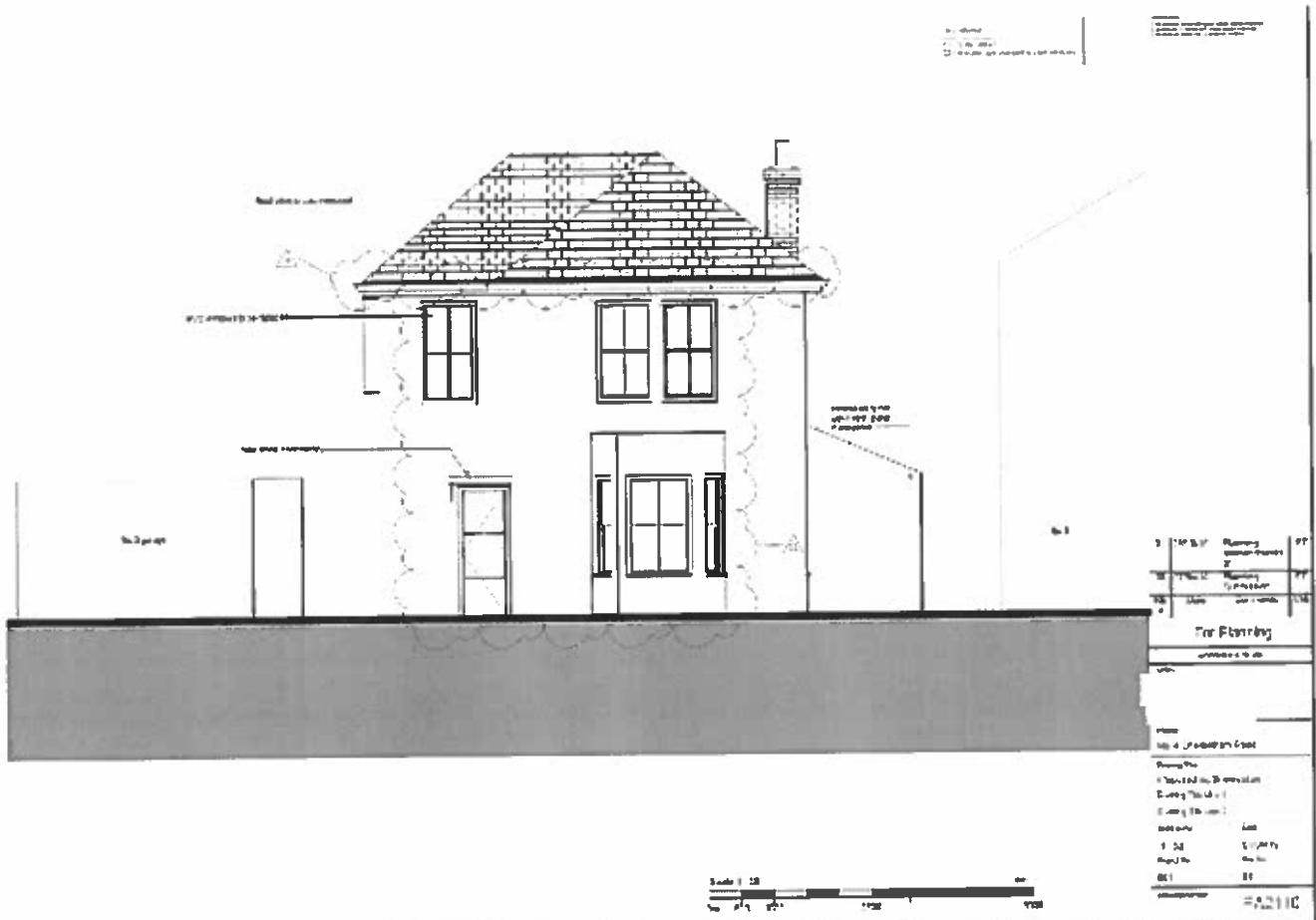
4. The first floor bathroom window on the South-East elevation shall be fitted with obscure glazing (Minimum Pilkington Level 4 or equivalent) prior to first use of the room which it serves. The windows shall thereafter be retained as such and not altered without the prior consent of the Local Planning Authority.

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



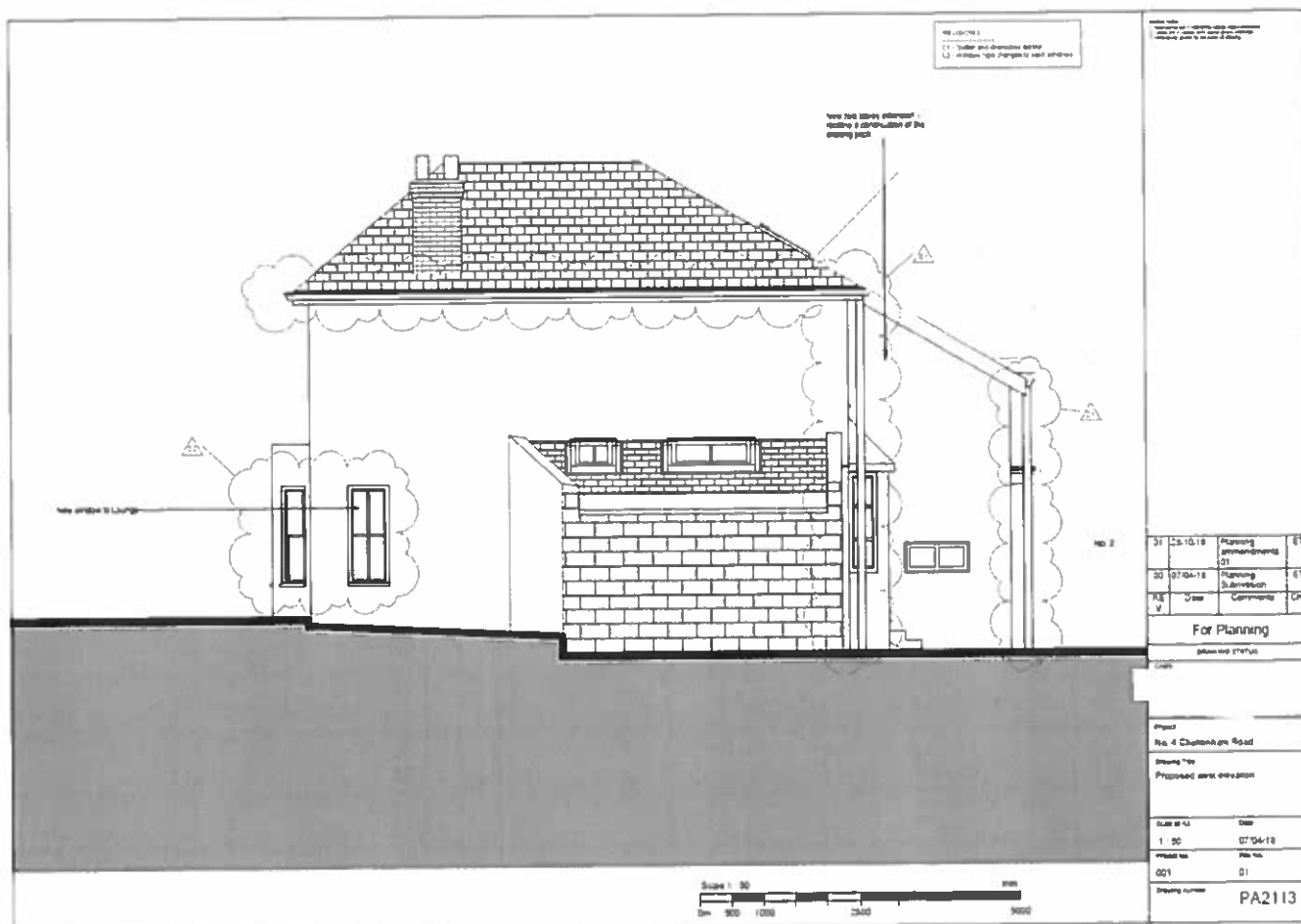
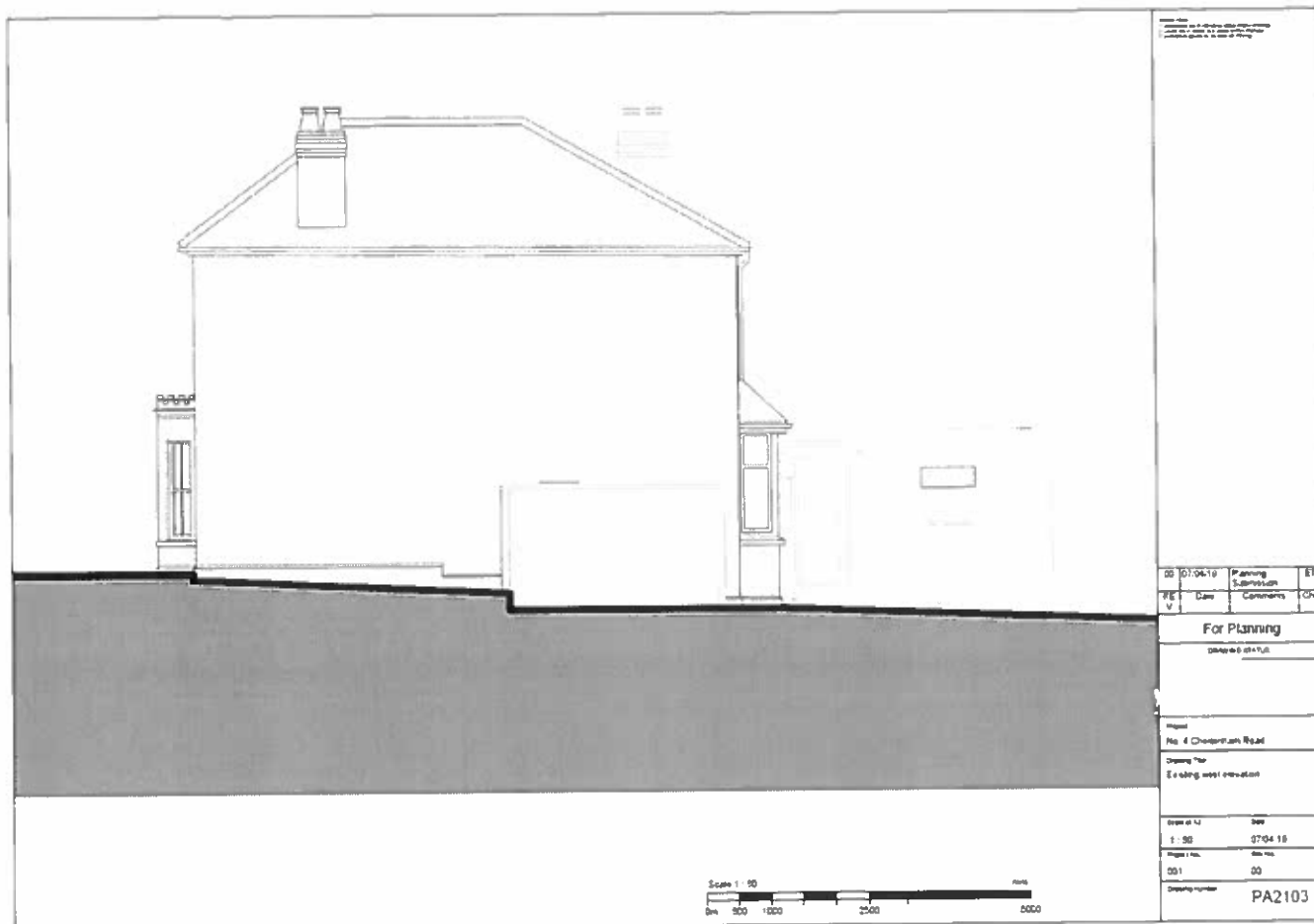
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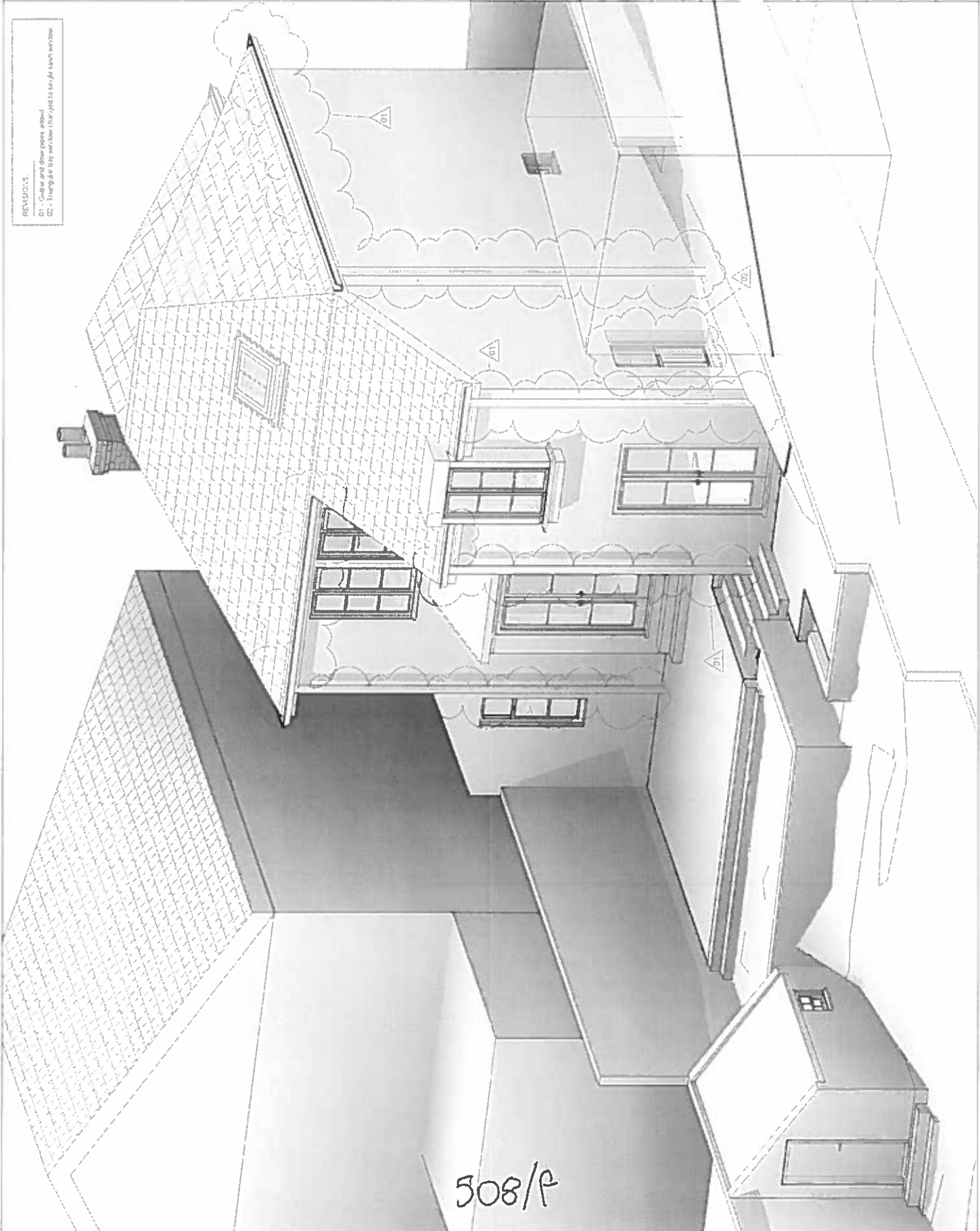


508/C





508/e



308/P

REVISIONS:  
01 - Glaze and door panel added  
02 - Triangular bay window changed to square bay window

General Notes:  
1. This is a 3D rendering of the proposed development.  
2. The drawing is for information only and does not constitute a contract.

01	29/10/19	Planning amendments 01	ET
00	07/03/19	Planning Submission	ET
RE	Date	Comments	CHK
V			
DRAWING STATUS			
Client			
Project			
No. 4 Cheltenham Road			
Drawing Title			
3D view 01			
Scale at A3			
Date			
10/02/19			
Project No.			
001			
Drawing number			
PA3001			

Valid 05.08.2019

Variation of conditions 6 & 7 (25 year time restriction & cessation notice period) of planning permission no. 15/00350/FUL (The construction of a ground mounted 4MW solar farm and associated infrastructure including substation, transformer stations, access, roads and fencing.)  
To allow for 40 year operation and a 12 month cessation notice period.

Grid Ref 399568 231828

Parish Alderton

Ward Winchcombe

## RECOMMENDATION Permit

### Policies and Constraints

National Planning Policy Framework (2019)

Planning Practice Guidance

Joint Core Strategy (2017) - SD1, SD6, SD7, SD8, SD9, SD114, INF1, INF2, INF5

The Tewkesbury Borough Local Plan to 2011 (2006) - LND2

Environmental Impact Assessment Regulations 2017

Cotswolds AONB Management Plan 2018-2023

Special Landscape Area

Adjacent to Cotswolds AONB

Within 50m of a listed building (Glenbrook)

Part of the site is located in Flood Zones 2 and 3

Adjoining PROW (AAL/10/2)

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

**Alderton Parish Council** Objects to this application for the following reasons:

1. Planning permission for this solar farm was only granted 4 years ago. Performance warranties may extend to 30 years now, but this proposal would extend the operation of the solar farm for a further 36 years. Within this time solar technology will have advanced significantly. This is a major concern to the Parish Council who consider that an application now, to extend the lifespan of the solar farm, is premature and we cannot see the justification at such an early stage.

2. The continued impact on the landscape requires consideration as the original planning permission restricted the lifespan of the site to 25 years. This new application, if approved, will impact on the visual amenity for a further 15 years. At the time of the original application 15/00350/FUL The Cotswolds Conservation Board commented as follows:

*The Cotswolds Conservation Board* has received amended plans from the applicant with a covering letter dated 24th June 2015. The Board does note the improvements to the mitigation measures, however we maintain our original objection.

The particular problem with the Gretton Fields site (as shown in the submitted ZVI) is there will be numerous viewpoints down into the site from elevated locations within the AONB at relatively short distances which cannot be easily mitigated against. As previously noted, the site is also in a relatively unique position, in that part of the enjoyment of views out of the AONB are towards other parts of the AONB which in many cases will include views across this site. Therefore, whilst there are views out from the AONB elsewhere (which may include the context of settlements including Tewkesbury/Cheltenham/Gloucester in lowland vales) this site is relatively unique in that the character of this area is largely undeveloped open countryside in farmland use which at present positively contributes to the setting of the AONB which almost surrounds this site.

The Conservation Officer also made the following comments dated 26.06.2015:

*Despite the improvements to and clarification of the proposed mitigation provided in the additional submitted information, my opinion remains that there will be numerous views from more elevated vantages in which the proposed development will appear conspicuous and that the proposed development is not characteristic of this relatively small embayment of the Severn and Avon Vale.*

*In my opinion a development of this scale and form would represent harm in terms of both elevated views from the surrounding AONB and in terms of the rural character of the vale. I believe that this is a "valued" landscape and falls within paragraph 109 of the NPPF.*

*In this context, I conclude that the residual effects associated with the proposed solar farm at Lower Stanley Farm would cause harm to the rural landscape, the Special Landscape Area and to the setting of the AONB. Whilst the proposals have gone a long way to mitigate local views from within the vale itself and from the lower slopes of the AONB, there will still be residual landscape and visual harm from more elevated vantages, including from valued long distance walking routes within the AONB. I suggest that this residual harm cannot be "designed out" of the proposals and that it will need to be weighed in the planning balance against the benefits of the scheme.*

Alderton Parish Council considers these landscape objections to still be relevant.

For the reasons given the Parish Council therefore objects to this planning application.

**Gretton Parish Council** - The Parish council has no planning reason to object.

**Environment Agency** - No comments to make

**Local Lead Flood Authority** - No comments to make

**Environment Health** - No objection to the variation of conditions application in terms of any nuisance issues.

**Cotswold AONB Conservation Board** - No comments received

**Conservation Officer** - No comments received

**County Highways Authority** - No comments received

**Local Residents** - No comments received

**Planning Officers Comments:** Paul Instone

## **1.0 Application Site**

1.1 The site covers an area of 11.2 hectares at Lower Stanley Farm, which is located approximately 1.5km south of the village of Alderton and approximately 1.0km to the north of Gretton. The site is bordered along its western boundary by a public right of way that follows the line of a watercourse. The eastern boundary runs in close proximity to the public highway that links Gretton and Alderton.

1.2 A solar farm is located on the site which has temporary planning permission (15/00350/FUL) until 29th March 2041.

1.3 The site is located within a Special Landscape Area as designated in the Local Plan.

## **2.0 Planning History**

### **Environmental Impact Assessment Regulations 2017**

2.1 The proposed development has been subject of a screening opinion which concluded that the proposal was not Environmental Impact Assessment (EIA) development for the purposes of the EIA Regulations.

### **Application Site**

15/00350/FUL - The construction of a ground mounted 4MW solar farm and associated infrastructure including substation, transformer stations, access, roads and fencing. Permitted September 2015.

15/00130/CONDIS - Application for approval of details subject to condition(s) 4 & 12 of planning application ref 15/00350/FUL. Discharged November 2015

16/00027/MINOR - Non-material amendment to planning permission 15/00130/MINOR to change the angle, number and orientation of the module tables and changes to the size, location and number of transformer stations from 4 units to 3 units. Granted June 2016

17/00114/CONDIS - Application for approval of details subject to condition 9 (surfacing materials for access road) of planning application 15/00350/FUL. Discharged November 2017.

### 3.0 Current Application

3.1 The application seeks to vary conditions 6 and 7 of planning permission 15/00530/FUL to extend the operational life of the solar farm from 25 years to 40 years.

3.2 Condition 6 states:

*The planning permission hereby granted is for a period of 25 years from the date of first export of electricity from the development to the grid (the 'first export date') after which the development hereby permitted shall be removed. Written notification of the first export date shall be given to the Local Planning Authority no later than 14 days after the event*

3.2 Condition 7 states:

*Not less than 12 months before the cessation of the development hereby permitted, a Decommissioning Method Statement (DMS) shall be submitted to and approved in writing by the Local Planning Authority. The Decommissioning Method Statement shall include details of the removal of the panels, supports, inverters, cables, buildings and all associated structures and fencing from the site, and a timetable. The DMS shall also include details of the proposed restoration. The site shall be decommissioned in accordance with the approved DMS and timetable within 6 months of the expiry of the 25 year period of planning permission.*

3.3 The reasons for the conditions were in the interest of visual amenity, so that the structures did not remain in place beyond their useful life. The applicant seeks now to amend conditions 6 and 7 to state:

Condition 6:

*The planning permission hereby granted is for a period of 40 years from 29th March 2016 (the date of first export of electricity from the development to the grid) after which the development hereby permitted shall be removed.*

Condition 7:

*Not less than 12 months before the cessation of the development hereby permitted, a Decommissioning Method Statement (DMS) shall be submitted to and approved in writing by the Local Planning Authority. The Decommissioning Method Statement shall include details of the removal of the panels, supports, inverters, cables, buildings and all associated structures and fencing from the site, and a timetable. The DMS shall also include details of the proposed restoration. The site shall be decommissioned in accordance with the approved DMS and timetable within 6 months of the expiry of the 40-year period of planning permission.*

3.6 The variation of condition 6 would extend the period of the temporary planning permission until 29th March 2056, being an additional 15 years above the existing permission which amounts to approximately a 38% increase in the time period of the permission. The revised condition 7 maintains the requirement for the submission and approval of a Decommissioning Statement not less than 12 months before the cessation of development and the requirement to decommission the solar farm.

## **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 principle of a temporary solar farm on the application site is accepted by virtue of the implemented planning permission. The main issues in this case are considered to be the applicant's justification for a 40 year permission and how the extended time period relates to the characteristics of the existing solar farm, the principle of extending the temporary development, effect on the landscape character and visual amenity of the area, impact on heritage assets and impact on residential amenity.

### **Applicant's justification for 40 year temporary permission**

5.2 A 25 year timescale was imposed on planning permission 15/00530/FUL as that application stated that 'a 25 year timescale is essential to ensure viability and security of supply' and this was the justification for a 25 year permission. The applicant has also advised that that when planning permission 15/00530/FUL was granted solar panel manufacturers typically provided a 25 year warranty. This warranted performance to a certain level for the first 25 years of operation.

5.3 It has been advised that performance warranties for solar panels are now typically 30 years or more, and with proactive management and maintenance regimes, good quality solar panels can be expected to operate efficiently for many years beyond their performance warranty period.

5.4 As such the applicant has stated that the solar farm is expected to continue to operate efficiently well beyond the current 25 year planning permission term. Panel manufacturers provide 'performance warranties' guaranteeing a minimum level of performance after a specified time (typically at least 80% of 'as new' power output after the warranty period). The panels do not stop working at the end of the performance warranty period but will continue to generate electricity at a gradually degrading rate of performance beyond the end of the performance warranty.

5.5 However, the applicant has also advised that whilst solar panels can be expected to continue operating efficiently beyond their performance warranty period, the nature of solar panels is such that they cannot operate on a permanent basis. Performance degradation overtime means that electricity output will eventually cease. Furthermore it is the case that it is not just the panels that have a limited lifespan, none of the component parts of a solar farm are designed to operate indefinitely (from the mounting frames, to electrical cabinets and cabling).

5.6 As such a 40 year temporary consent is sought as the operator considers that it is technically and economically feasible to operate the solar farm for a period of at least 40 years and that requiring the early decommissioning of the solar farm will mean missing out on continued benefits from renewable energy and represent an inefficient use of resources, as equipment would be sent for recycling whilst still operationally sound. However, it is the case that the solar farm is a temporary structure which has limited lifespan and will eventually be removed.

## **Principle of development**

5.7 The NPPF states that the planning system should support renewable and low carbon energy and associated infrastructure. Paragraph 154 states that when determining applications for renewable and local carbon development should not require applicants to demonstrate the overall need for renewable and low carbon energy and approve applications if its impacts are (or can be) made acceptable.

5.8 Planning Practice Guidance (PPG) on 'Renewable and low carbon energy' advises inter alia, that the need for renewable energy does not automatically override environmental protections and that the local planning authority should consider all factors including negative impact on the rural environment.

5.9 Through the implemented permission, the panels would be erected for a period until 29th March 2041. This Section 73 application would extend the period of the temporary planning permission until 29th March 2056, being 15 years over and above the existing permission representing approximately a 38% increase in the time period of the permission.

5.10 The solar farm would therefore see renewable energy fed into the grid for an additional 15 years, thus providing an additional contribution to the UK's renewable energy targets over the additional timeframe.

5.11 The principle of the application is therefore acceptable as the provision of renewable energy development is supported provided the impacts are (or can be) made acceptable.

## **Effect on landscape character and visual amenity of the area**

5.12 Paragraph 170 of the NPPF states that planning decisions should contribute to and enhance the natural environment by protecting and enhancing valued landscapes in a manner commensurate with their statutory status or identified quality in the development plan.

5.13 The application site is located within a Special Landscape Area. Policy LND2 of the Local Plan states that special attention will be accorded to the protection and enhancement of the Special Landscape Area 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. The reasoned justification to Policy LND2 explains that the identification of the Special Landscape Area aims to protect the foreground setting of the Area of Outstanding Natural Beauty (AONB) where the topography of the area is a continuation of the AONB and/or where the vegetation associated features are characteristic of the AONB. The Special Landscape Area is of a high landscape quality that is worthy of protection in its own right, but it also protects the setting of the nationally designated AONB. It is considered that policy LND2 is consistent with the NPPF and should be afforded considerable weight.

5.14 The application site occupies part of the Teddington and Greet Vale that forms a distinct embayment of the wider Severn and Avon Vale to the east. This open vale landscape is surrounded on three sides by higher ground of the Cotswold Scarp and outlying hills. The site is approximately 0.5km from the AONB boundary to the south at the base of Dixon Hill and some 1.25km from the AONB boundary to the north at the base of Alderton Hill. Policy SD7 of the JCS states that all development proposals in or within the setting of the Cotswolds AONB will be required to conserve and, where appropriate, enhance its landscape, scenic beauty, wildlife, cultural heritage and other special qualities. Proposals will be required to be consistent with the policies set out in Cotswold AONB Management Plan.

5.15 The solar farm is built and has been operational for nearly four years which has allowed the landscaping scheme to mature. There are a number of Public Rights of Way (PRoW) on flat land within the vale within proximity of the site, however views of the site are limited due to field boundaries boundary which effectively screen views of the solar farm from the immediate surroundings within the vale.

5.16 It is the case that there are views of the solar farm from more elevated vantages, including within the AONB, and from these vantages the solar farm does cause some harm to the character of the Special Landscape Area. However, these views are screened to some extent by intervening landform and the dark form of the solar farm tempers its prominence within the landscape.

5.17 In permitting planning permission 15/00530/FUL, the Planning Committee determined that the impact on the landscape of the solar farm would be acceptable. Officers have now had the opportunity to view the solar farm in situ, and are of the view that the harm to the landscape is limited from the immediate surroundings within the vale. It is considered that the solar farm does give rise to some harm to the character of the Special Landscape Area when viewed from more distant elevated viewpoints, including from long distance walking routes within the AONB.

5.18 The Special Landscape Area is a "valued" landscape and plays a role in protecting the foreground and setting of the AONB. The solar farm does result in some harm to this valued landscape however this is tempered by the landscaping scheme, topography and the form of the solar farm. As such, there would be an additional harm by the solar farm being in situ for a further 15 years.

5.19 This weighs against the proposal and must be considered in the planning balance when weighed against the benefits arising from the proposal.

#### **Impact on Heritage Assets**

5.20 The NPPF advises that when considering the impact of a proposed development on the significance of a designated heritage asset great weight should be given to the asset's conservation. It also advises that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Policy SD8 of the JCS echoes the NPPF.

5.21 There was no objection on conservation grounds on the previous application and there have been no material change in circumstances of relevance to the determination of the current application since planning permission 15/00350/FUL was granted. It is therefore concluded that the presence of the solar farm for a period of an additional 15 years would not have a detrimental impact to the character and setting of the listed buildings or the nearby scheduled monuments.

#### **Residential Amenity**

5.22 Policy SD14 of the JCS states that new development must cause no unacceptable harm to local amenity including the amenity of neighbouring occupants.

5.23 The nearest residential properties are located at Alderton Fields and Gretton Fields to the east and converted farm buildings at Lower Stanley Farm to the south and there are some longer-term views for a small number of residents located to the south and east of the site.

5.24 In terms of noise, there are no noise emissions discernible at nearby residential properties and as such the development would not result in any loss of amenity for local residents.

5.25 As such it is concluded that presence of the solar for a period of an additional 15 years would not have an unacceptable impact on residential amenity.

#### **6.0 Overall Planning Balance and Conclusions**

6.1 The economic, social and environmental roles for the planning system, which derive from the three dimensions to sustainable development in the Framework, require that a balancing exercise be performed to weigh the benefits of the proposed solar farm against the harms. The principle of the application is supported provided its impacts are acceptable.

6.2 The benefits of the proposal is the increased contribution that would be made towards the reduction of Greenhouse Gas emissions. The development would also contribute to the local rural economy and would have energy security benefits.

6.3 Weighing against the proposal is the harm identified to the Special Landscape Area and the setting of the AONB by virtue of the increased time that the solar farm would be *in situ*. As set out above it is considered that the harm is tempered by the landscaping scheme, topography and the form of the solar farm. Factoring in the benefits that would arise from the proposal as well as the fact that it was previously judged that the harm arising from the siting of the development for 25 years was outweighed by those same benefits, this harm is considered to be acceptable.

6.4 The proposal would be acceptable in terms of impact on heritage assets and residential amenity.

6.5 Having regard to the above, it is considered that the proposal would accord with relevant policies of the Local Plan and JCS and would represent sustainable development as set out in the NPPF. It is therefore recommended that planning permission is granted.

## **RECOMMENDATION Permit**

### **Conditions:**

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:  
20140623\_grt1\_ghr\_graasland-planting-planr02\_lgr  
20150623\_grt1\_ghr\_hedge-and-tree-planting-r02\_lgr  
20141205\_ghr\_cctv-design-r00\_lgr  
20141205\_ghr\_deer-fence-wildlife-opening-r00\_lgr  
20141205\_ghr\_access-track-design-r00\_lgr  
20150306\_grt1\_ghr\_substation-enclosure-outside-r00\_ype  
20150306\_grt1\_ghr\_substation-enclosureinside- r00\_ype  
20160412\_grt\_mlp\_nma  
20160111\_grt\_table layout\_as built  
sik-53-24 r-st01  
sik-53-24 r-st02  
sik-47-22 ir-css

Reason: To define the permission

2. The development shall be maintained and managed in accordance with Ecological Management Plan by Wild Services Ecological Consultancy dated September 2015 WS240 Revision:2.

Reason: To protect biodiversity

3. No external lighting shall be installed on the site at any time without the prior express permission of the Local Planning Authority.

Reason: In the interests of visual amenity and to protect biodiversity

4. The planning permission hereby granted is for a period of 40 years from 29th March 2016 (the date of first export of electricity from the development to the grid) after which the development hereby permitted shall be removed.

Reason: To define the temporary permission

5. Not less than 12 months before the cessation of the development hereby permitted, a Decommissioning Method Statement (DMS) shall be submitted to and approved in writing by the Local Planning Authority. The Decommissioning Method Statement shall include details of the removal of the panels, supports, inverters, cables, buildings and all associated structures and fencing from the site, and a timetable. The DMS shall also include details of the proposed restoration. The site shall be decommissioned in accordance with the approved DMS and timetable within 6 months of the expiry of the 40-year period of planning permission.

Reason: In the interests of visual amenity

6. The vehicular access shall be maintained in accordance with submitted plan SP01 (Swept Path analysis of a 16.5m Articulated Vehicle at Site Access) with the area of access track within at least 10.0m of the carriageway edge of the public road surfaced in bound material.

Reason: To reduce potential highway impact by ensuring that a safe and secure access is laid out and constructed that minimises the conflict between traffic and cyclists and pedestrians

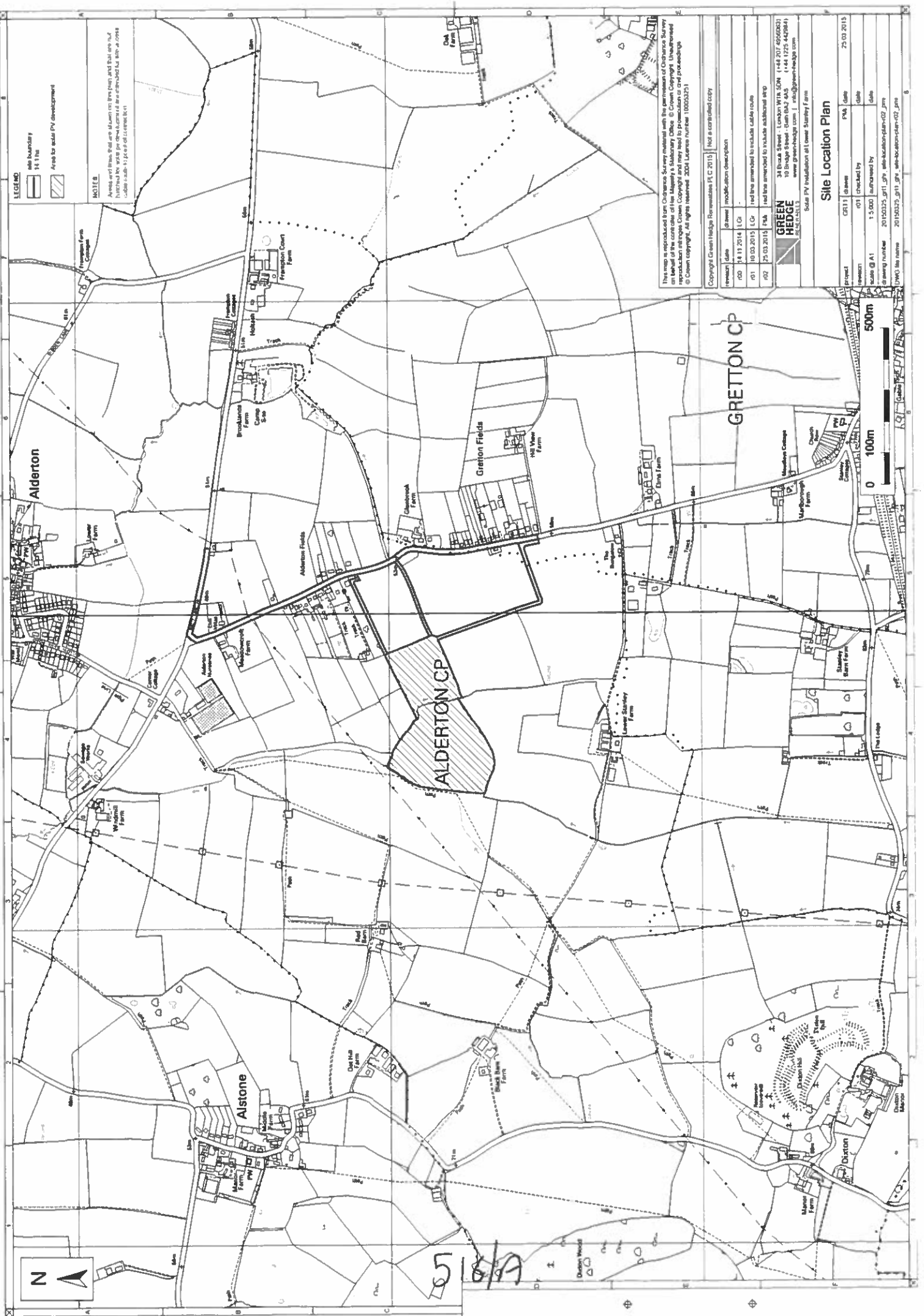
7. The existing roadside frontage boundaries either side of the existing access shall be set back to provide visibility splays extending from a point 2.4m back along the centre of the access measured from the public road carriageway edge (the X point) to a point on the nearer carriageway edge of the public road at least 120m distant in both directions (the Y points). The area between those splays and the carriageway shall be 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 reduce potential highway impact by ensuring that a safe and secure access is laid out and constructed that minimises the conflict between traffic and cyclists and pedestrians

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.



LEGEND

- site boundary 1:1
- Area for solar PV development

NOTES

Areas and lines shall not be shown on this plan and shall not be used for any purpose other than the purpose for which it is issued. The user shall be responsible for any use of the information on this plan.

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revision	date	drawn	modification description
001	14.11.2014	LC	
011	10.03.2015	LC	red line amended to include solar route
002	25.03.2015	PL	red line amended to include additional step

**GREEN HEDGE**  
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www.greenhedge.com | info@greenhedge.com

Solar PV installation at Lower Stately Farm

Site Location Plan

project	drawn	PL	date	25.03.2015
revision	checked by	OT	date	
scale @ A1	1:5,000	authorised by	date	
drawing number	20150325_011_PL	site location plan	date	
UNW0 line name	20150325_011_PL	site location plan	date	



518/A

Valid 29.10.2019

Proposed change of use of agricultural land to a mixed use of agricultural/equestrian, the installation of a 20M X 60M Manège for private use and erection of a barn for equestrian use to provide stabling, tack room, wash area & storage.

Grid Ref 378724 219855  
Parish Highnam  
Ward Highnam With Haw  
Bridge

## **RECOMMENDATION Refuse**

### **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)  
Emerging Tewkesbury Borough Local Plan 2011 - 2031 (Preferred options)  
Highnam Neighbourhood Plan- adopted 24 January 2017. On the 20 February 2019 Highnam Parish Council notified Tewkesbury Borough Council that they want to review their Made NDP.

### **Consultations and Representations**

#### **Consultations and Representations**

Highnam Parish Council have no objection to the proposal.

Environmental Health Officer has no objections in terms of noise/ nuisance to the proposal.

Gloucestershire Highways - recommendation to refuse the application as insufficient information has been provided to demonstrate the development can provide a safe and suitable access arrangement. Visibility splays are required to be in accordance with the sign post limit (215m splays) or commensurate with the 85% recorded percentile speeds on the road.

The Applicant sent additional information to the Highway Officer however this did not address the Officer's concerns and maintain their objection to the proposal remains.

Councillor J K Smith has requested a committee determination on the application.

Planning Officers Comments: Dawn Lloyd

### **1.0 Application Site**

1.1 The application relates to land to the west of two mile lane. The site is in the north west corner of a larger field currently down as grassland, which has an existing gated access directly off two mile lane in the south east corner.

1.2 The proposed field for the change of use is adjacent to hedgerow on the eastern boundary and occupies 3.46 acres, the access to the site will run diagonally across the grassland field from the road access.

1.3 There is a public right of way that runs along the boundary to the south-west of the site. There are no other designations on the land.

### **2.0 Relevant Planning History**

16/01155/OUT - Outline planning application for the erection of a single dwelling and associated access. - Refused

17/00324/OUT - Hybrid planning application, comprising: 1. Outline application for the erection of a single dwelling and associated access (Revised application to 16/01155/OUT). 2. Full application for change of use of agricultural land to mixed agricultural and private equestrian use. - Refused

18/01148/FUL - Proposed Change of Use of 3.46 acres of Agricultural Land to a Mixed use of Agricultural/Equestrian; and application for an Equestrian Barn with Stabling, Tack Room, Wash Area & Storage etc. with a 20M X 60M Manège for Private Use was refused in May 2019 for the following reasons:

1. The proposed development would result in an unwarranted intrusion into the rural landscape which would have a harmful impact on the character and appearance of the locality. As such, the proposed development conflicts with the National Planning Policy Framework, Policy SD6 of the Adopted Joint Core Strategy (2017) and the Highnam Neighbourhood Development Plan (January 2017).

2. The proposed equestrian development would not be well related to existing group of buildings and by virtue of its siting, size, bulk and design would be harmful to the character and appearance of the rural landscape. As such the proposed development would conflict with Saved policy RCN6 of the Tewkesbury Borough Local Plan to 2011.

### **3.0 Current Application**

3.1 The application seeks planning permission for the change of use of land from agricultural to mixed equine / agricultural use and the erection of a steel framed equestrian barn for the stabling of five horses, wash room, tack room and storage area with a manège measuring 20 metres x 60 metres for private use. In an effort to address the previous concerns this current application has reduced the ridge height of the barn by 250mm from the previously refused application 18/01148/FUL.

3.2 The proposed barn would measure 18.5 metres long, 12.1m wide and 5.3 metres high. This would equate to a floor space of over 224 metres squared. The walls would be of concrete block walls on the lower half and timber cladding on the upper half with profiled roofing sheets on the roof with a mix of translucent sheeting to provide daylight.

3.3 There would be one timber door for access to the barn, on the west elevation, measuring 2.25 metres wide by 2.3 metres tall. There would be hardstanding to the western side of the proposed barn between the barn and the manège. Planting of Hornbeam and Beech hedging is proposed on part of the southern and eastern boundaries to provide additional screening.

3.4 The manège is proposed to be 60m x 20 metres which would sit below existing ground level with kick boards around the edge with a sand surface. The applicant in the design and access statement have indicated that the equestrian barn would provide stabling, tackroom, wash area and storage space. The equestrian barn and stables would be for the applicant's private use.

### **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), the saved policies of the Tewkesbury Borough Local Plan to 2011 (TBLP) and the Highnam Neighbourhood Plan (adopted 24 January 2017. On the 20 February 2019).

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

4.4 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 current application is similar to the previously refused application 18/01148/FUL and the main issues are therefore similar - those being: the suitability of the site and the landscape impact of the proposal; the impact on residential amenity; and the impact on Highway Safety.

### The suitability of the site and the landscape impact

5.6 The main other issue of this proposal is the effect of the proposed development on the character and appearance of the rural landscape.

5.7 Policy SD6 of the JCS states that applications for development will consider the landscape and visual sensitivity of the area in which they are to be located or which they may affect. This is in accordance with the core planning principle of the NPPF which specifies that planning should take account of the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside.

5.8 The Highnam Neighbour Development Plan has the following as its vision :

- \* Highnam wishes to maintain its character as a self-contained community where people of all ages enjoy good quality of life.

- \* To achieve this Highnam will ensure that development reflects the nature, character, scale and density of the community and maintain its relationship with its landscape setting.

5.9 Saved Local Plan Policy RCN6 supports new horse riding facilities providing there are no adverse impacts on the landscape, residential amenity or creates traffic problems.

5.10 The proposed barn and manège would be located in a relatively remote location within a large agricultural field set away from any other buildings by approximately 115 metres to the west of residential properties (see location plan). The proposal is therefore contrary to saved policy RCN6 in this regard.

5.11 The barn has been reduced in height from application 18/01148/FUL to 5.3 metres. Whilst this reduction is helpful, it would remain as a visually intrusive and isolated building in an otherwise undeveloped field. The manège would be located further towards the centre of the field to the west of the barn, and although it will be set into the ground, by virtue of its size and surface materials would have harmful impact on the landscape. Notwithstanding the proposed hedgerow planting along the southern boundary and the additional planting along the eastern boundary it is considered the proposal would have a harmful impact on the character and appearance of the rural landscape.

5.12 There is an existing gate into the field to the south east of the proposal with the existing access being used for agricultural vehicles only. The existing access is considered to be sympathetic to the rural character and appearance of the area. Within the proposals it is planned to set the entrance gate further back with the gates opening inwards to allow for a horse lorry to pull safely off the road to open the access gates. The vegetation along the roadside would be cut back to provide sufficient visibility splays in each direction. There would be an area to the south west of the gate to allow parking for a car.

5.13 However, there is a need for a track across the field to access the stables, deliveries etc. The design and access statement indicates that a green track will be provided using (Bodpave or a similar materials which will allow the grass to grow through. However there is still potential for this grass to become worn and a visible path would be seen running across the field from south east to North West for approx. 160 metres.

5.14 Therefore, accepting that various agricultural vehicles no doubt access the fields and create their own informal tracks on the land and may indeed use the field gate to the south east, there does not currently appear to be a distinguishable established track along the alignment of the proposed route. Therefore, this addition of a visible track directly across a large agricultural field which will be seen as a more formal track will be visually intrusive in the landscape from its existing agricultural use, and therefore will be contrary to JCS Policy SD6.

### Impact on Residential Amenity :

5.15 The Joint Core strategy Policy SD14 states that 'new development must: not cause unacceptable harm to local amenity including the amenity of neighbouring occupants.'

5.16 The location of the proposed stables is over 115 metres from the adjacent dwellings to the east and as a result the proposal would not result in any detrimental impact on residential amenity and therefore complies with JCS policy SD14.

#### Highway Safety :

5.17 It is proposed to alter the gates of the existing field by setting them back 10 m from the highway verge and have them open inwards to facilitate vehicles such as a horse lorry to pull safely off the road to open the access gates. There would be an area to the south west of the gate to allow parking for a car.

5.18 The County Highways Authority have recommended refusal as they consider that insufficient information has been provided to determine the required visibility splays for the access. The Highway Authority acknowledge that the existing access is used by agricultural vehicles. However, the application includes alterations to the access and there will be an intensification in its use associated with the equestrian activities. Further information is required to ensure that there can be safe ingress and egress to and from the site on to the public highway. The proposal as it stands does not comply with JCS Policy INF1 and the guidance within the NPPF.

#### Best and Most Versatile Land

5.19 Paragraph 170 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by, amongst other things, recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land.

5.20 The application site is identified on Natural England's Agricultural Land Classification Maps as being on Grade 1 Agricultural land – that being of the highest (or 'excellent') grade. The siting of the barn and manège and the use of the land for equestrian use would take this land (permanently in the case of the barn and manège) out of agricultural use. The proposal would therefore conflict with the advice and aspirations of the NPPF in this regard. This is a matter that weighs against the proposal.

#### *Other issues*

5.21 The applicants do not reside in Highnam and live some distance from the application site. Once established, it is not uncommon for equestrian developments to seek planning permission for a dwelling, the justification being that persons are required to live on site for security reasons. Whilst this is more commonly the case for commercial livery, once established, subsequent applications for intensification of use may be difficult to resist. In dismissing an appeal in respect of unauthorised stables (ref: U2235/15-17/P6) the Inspector cited these as contributing factors in his decision. It is considered therefore, that the potential intensification of use (and potential future need for equestrian workers dwelling) would add to the harm and this is a matter that weighs against the proposal.

## **6.0 Summary**

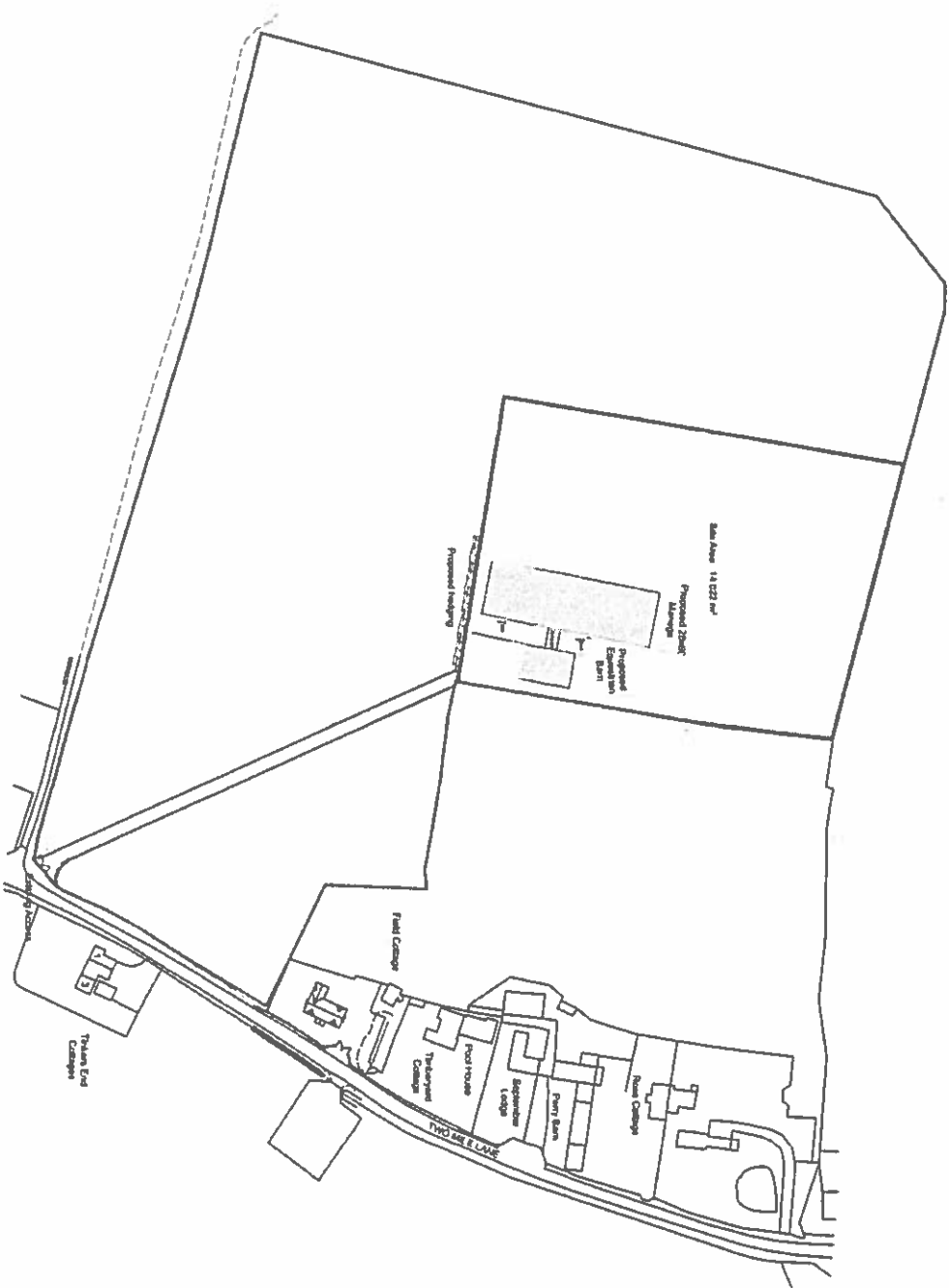
6.1 Taking into account all of the above, the proposal is considered to have unacceptable visual harm on the countryside and is contrary to the NPPF and local plan policies , and it is therefore recommended that planning permission is **refused**.

## **RECOMMENDATION Refuse**

#### **Reasons:**

- 1 The proposed development would result in an unwarranted intrusion into the rural landscape which would have a harmful impact on the character and appearance of the locality. As such, the proposed development conflicts with the National Planning Policy Framework, Policy SD6 of the Adopted Joint Core Strategy (2017) and the Highnam Neighbourhood Development Plan (January 2017) .
- 2 The proposed development would result in an unwarranted intrusion into the rural landscape which would have a harmful impact on the character and appearance of the locality. As such, the proposed development conflicts with the National Planning Policy Framework, Policy SD6 of the Adopted Joint Core Strategy (2017) and the Highnam Neighbourhood Development Plan (January 2017) .

- 3**      **Insufficient information has been provided to demonstrate that the proposed development could provide a safe and suitable access arrangement. The proposal is therefore contrary to Paragraph 108 and 110 of the NPPF and Policy INF1 of the Adopted Joint Core Strategy (2017).**

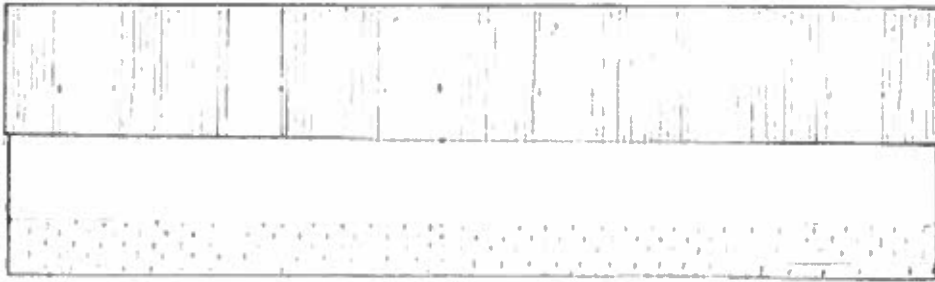


## Planning

**Project**  
Land at Two Mile Lane  
Highnam Glos GL2 8DW

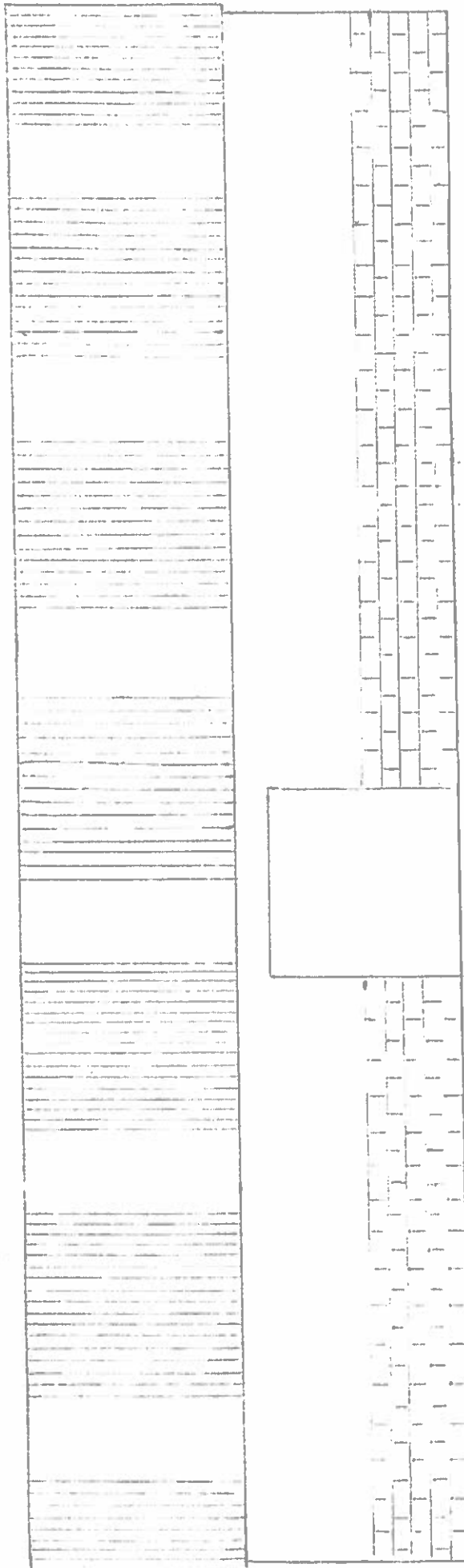
1.1.2.20	
1.1.2.20	1.1.2.20





<b>Client:</b>		
<b>Project Title:</b> LAND BEHIND THE TIMBER FAIR, TWO MILE LANE, HIGHNAM, GLOS. GL2 8QW. FULL PLANNING APPLICATION FOR AN EQUESTRIAN BARN FOR STABLES, STORAGE, TACK AND WASH ROOM WITH A 20M x 60M MANÈGE FOR PRIVATE USE AND CHANGE OF USE OF 3.46 ACRES OF LAND TO MIXED USE AGRICULTURE/EQUESTRIAN		
<b>Drawing Description:</b> EAST ELEVATION OF EQUESTRIAN BARN		
<b>Date:</b> 15th Nov. 2018	<b>Scale:</b> 1:100	<b>Drawing Number:</b> K181103 Rev. <sup>A</sup> / <sub>8</sub>
<b>Construction:</b> FRAMING: STEEL PORTAL. ROOF: PROPRIETARY PROFILED ROOFING SHEETS WITH TRANSLUCENT SHEETING FOR DAYLIGHT. WALLS: 450 X 225MM CONCRETE BLOCKS TO LOWER HALF, TIMBER CLADDING TO UPPER HALF. GUTTERS: BLACK PVC.		

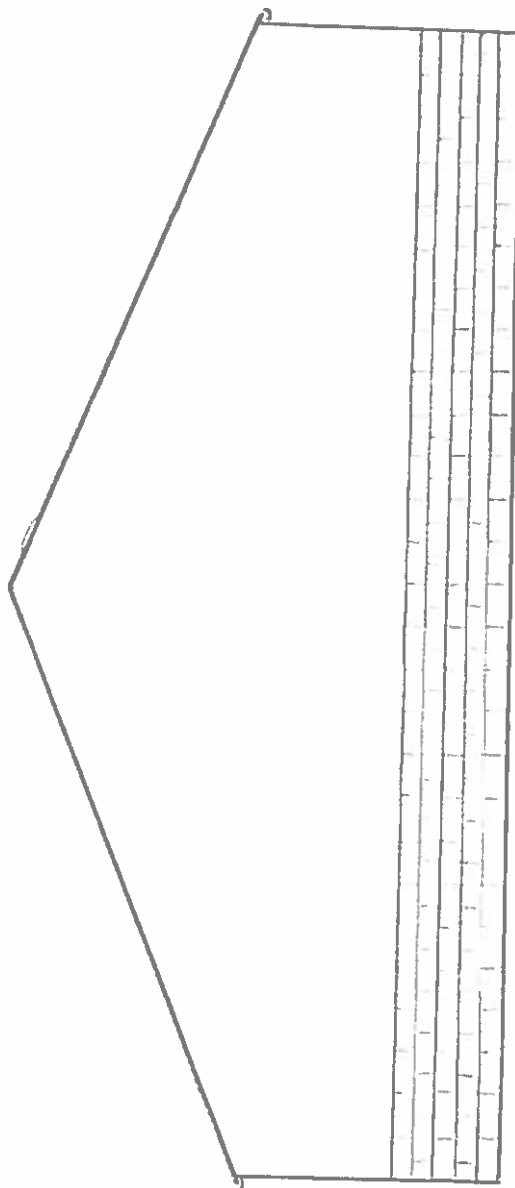
521/L



521/D

Client:			
<b>Project Title:</b> LAND BEHIND THE TIMBER YARD, TWO MILE LANE, HIGHNAM, GLOS. GL2 8DW - FULL PLANNING APPLICATION FOR AN EQUESTRIAN BARN FOR STABLING, STORAGE, TACK AND WASH ROOM WITH A 20M x 60M MANÈGE FOR PRIVATE USE AND CHANGE OF USE OF 3.46 ACRES OF LAND TO MIXED USE AGRICULTURE/EQUESTRIAN			
<b>Drawing Description:</b> WEST ELEVATION OF EQUESTRIAN BARN			
<b>Date:</b> 15th Nov. 2018	<b>Scale:</b> 1:500	<b>Drawing Number:</b> K1811034 Rev. <i>AB</i>	
<b>Construction:</b> FRAMING: STEEL PORTAL ROOF: PROPRIETARY PROFILED ROOFING SHEETS WITH TRANSLUCENT SHEETING FOR DAYLIGHT WALLS: 450 X 225MM CONCRETE BLOCKS TO LOWER HALF TIMBER CLADDING TO UPPER HALF    GUTTERS: BLACK PVC.			

521/E

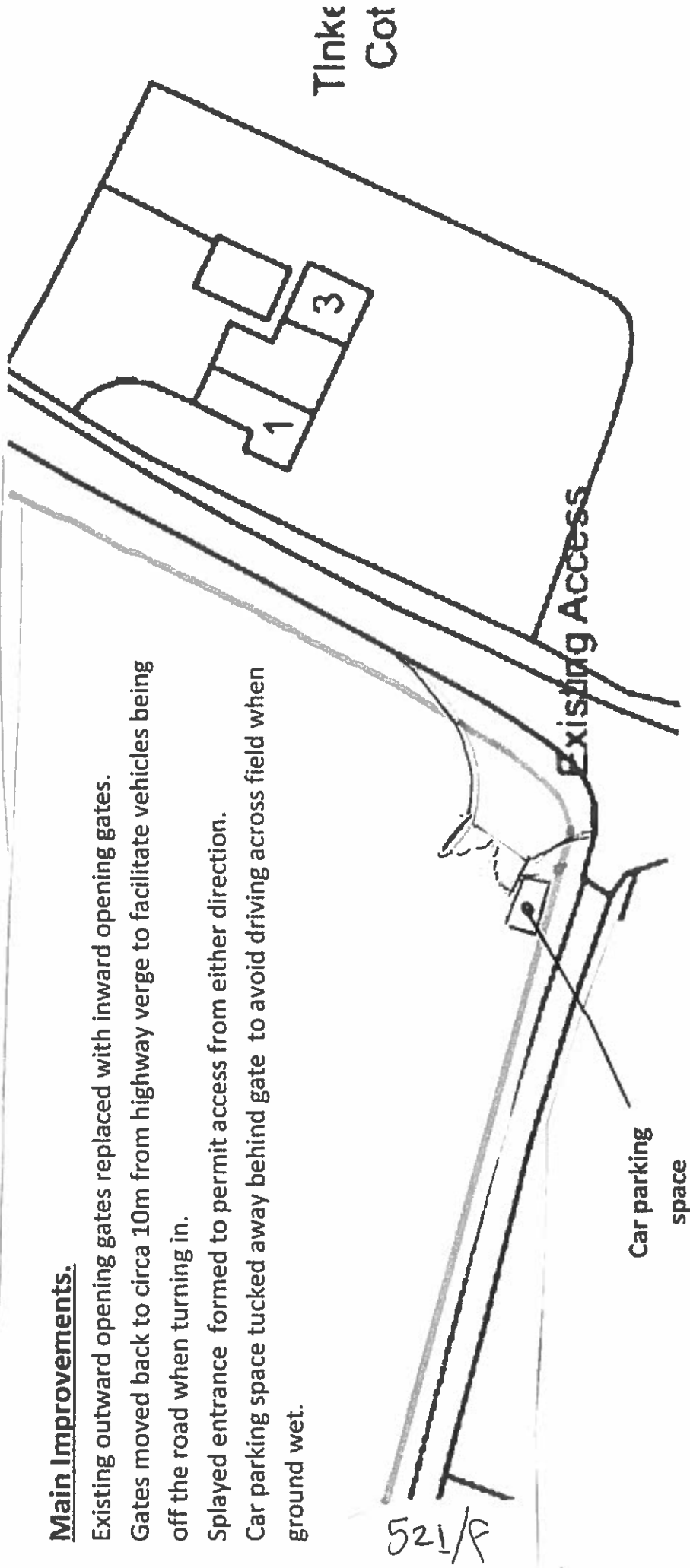


Client		
Project Title: LAND BEHIND THE TIMBER YARD, TWO MILE LANE, HIGHNAM, GL2 8DW. FULL PLANNING APPLICATION FOR AN EQUESTRIAN BARN FOR STABLING, STORAGE, TACK & WASH ROOM WITH A 20 x 60m MENAGE FOR PRIVATE USE AND CHANGE OF USE OF 3.46 ACRES OF LAND TO MIXED AGRICULTURE/EQUESTRIAN		
Drawing Description: South & east elevation of equestrian barn		
Date: 13 <sup>th</sup> September 2019	Scale: 1:50	Drawing Number: KJB111035 Rev: B
Construction: Framing: Steel Portal. Roof: Proprietary profiled roofing sheets with translucent sheeting for daylight. Walls: 450 x 215 concrete blocks to lower half. Timber cladding to upper half. Gutters: Black PVC.		

## Sketch of proposed improved entrance - Land at Two Mile Lane.

### Main Improvements.

- Existing outward opening gates replaced with inward opening gates.
- Gates moved back to circa 10m from highway verge to facilitate vehicles being off the road when turning in.
- Splayed entrance formed to permit access from either direction.
- Car parking space tucked away behind gate to avoid driving across field when ground wet.



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****DEFERRED at 18.06.19 COMMITTEE (ITEM 5 - PAGE NO 442)****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."

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, impact on neighbouring residents, the scale of the development and the access to the site.

#### **Principle of Development**

##### 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.

5.15 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 could 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.

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.

**Notes:**

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

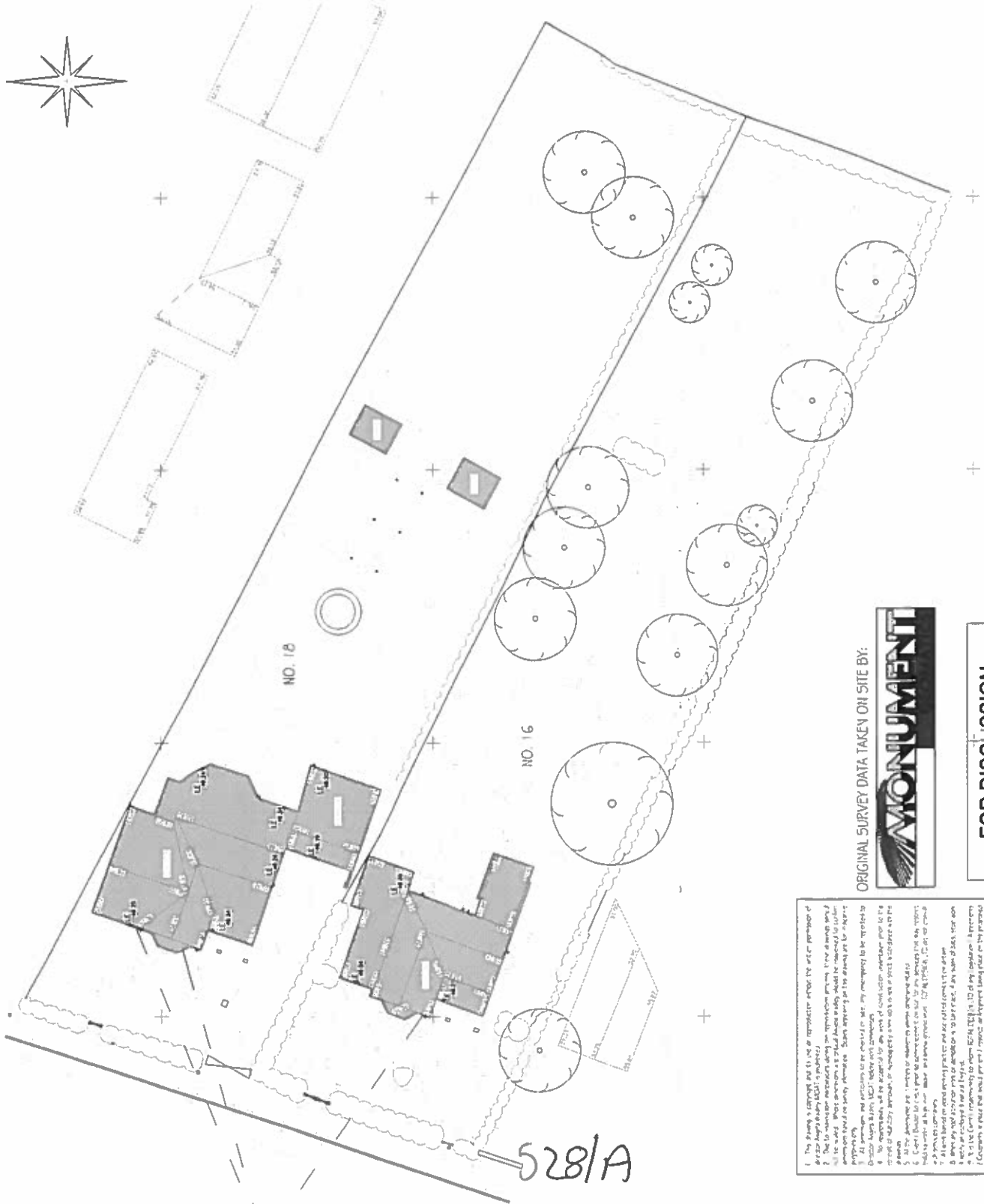
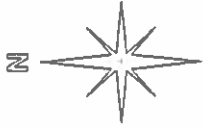
In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner offering pre-application advice, detailed published guidance to assist the applicant and published to the council's website relevant information received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



LOCATION PLAN 1:1250

REV	DATE	DESCRIPTION
A	12/12/16	Location Plan Added (T.D.)
B	10/06/19	Location Plan updated site area (T.D.)

<b>TOTAL DESIGN LTD</b> <b>Architectural Consultants</b> 1 COURT LAKE NEWENT GL18 1AR TEL: 01531 620101 email: info@totaldesign.co.uk	
<b>PROJECT:</b> Land at: 16-18 Westfield Road Brockworth, Glos	
<b>TITLE:</b> Site Survey	<b>CLIENT:</b>
<b>SCALE:</b> 1:200 @ A2	<b>DWG NO:</b> T1265.01B
<b>DATE:</b> 11/1/2018	<b>DRAWN:</b>



ORIGINAL SURVEY DATA TAKEN ON SITE BY:



FOR DISCUSSION

1. This drawing is a preliminary plan and should not be used for any purpose other than to illustrate the general location of the site and its surroundings. It is not a final plan and should not be used for any purpose other than to illustrate the general location of the site and its surroundings.

2. The site is shown in its present state and no account is taken of any proposed or existing buildings or other structures. It is not a final plan and should not be used for any purpose other than to illustrate the general location of the site and its surroundings.

3. The site is shown in its present state and no account is taken of any proposed or existing buildings or other structures. It is not a final plan and should not be used for any purpose other than to illustrate the general location of the site and its surroundings.

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6. The site is shown in its present state and no account is taken of any proposed or existing buildings or other structures. It is not a final plan and should not be used for any purpose other than to illustrate the general location of the site and its surroundings.

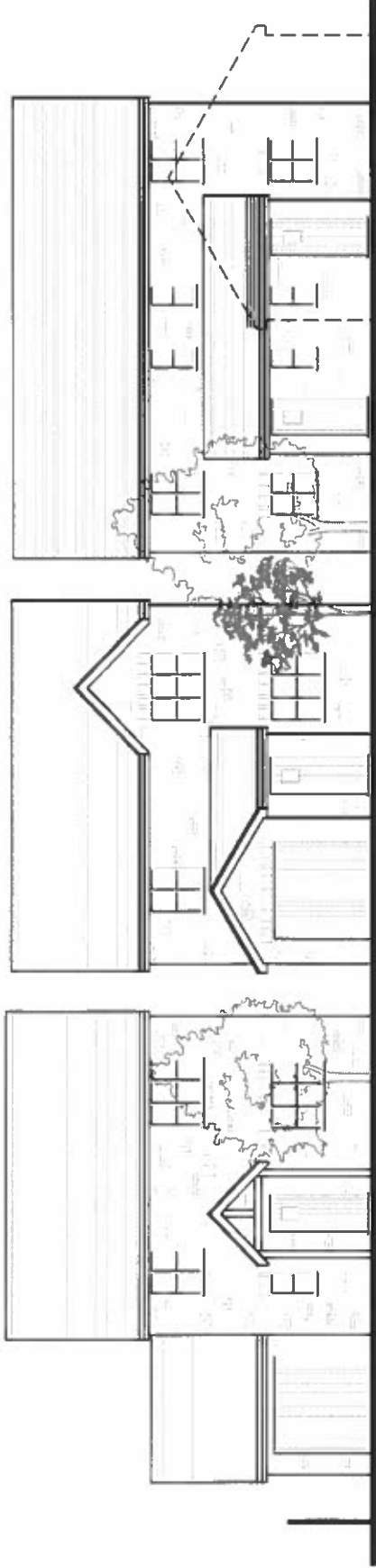
7. The site is shown in its present state and no account is taken of any proposed or existing buildings or other structures. It is not a final plan and should not be used for any purpose other than to illustrate the general location of the site and its surroundings.

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10. The site is shown in its present state and no account is taken of any proposed or existing buildings or other structures. It is not a final plan and should not be used for any purpose other than to illustrate the general location of the site and its surroundings.

**NOTE TO CLIENT RE: CDMA 2015:**  
ALL CONSTRUCTION PROJECTS ARE  
SUBJECT TO THE CONSTRUCTION  
(DESIGN AND MANAGEMENT)  
REGULATIONS 2015. UNDER CDMA 2015  
THE CLIENTS DUTIES HAVE BEEN  
STRENGTHENED AND BROADENED.  
CLIENTS DUTIES UNDER (CDMA 2015)  
CAN BE FOUND ON THE FOLLOWING  
LINK



INDICATIVE FRONT ELEVATIONS

528/C

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

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REV:	DATE	DESCRIPTION
A	31.01.19	Date amended (ELB)

Valid 17.09.2019

Outline application for the erection of a single storey dwelling (all matters reserved).

Grid Ref 387391 221095

Parish Churchdown

Ward Churchdown St Johns

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

National Planning Policy Framework 2019

Planning Practice Guidance

Joint Core Strategy 2017 - SD6, SD10 SD14, INF1

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)

**Consultations and Representations****Churchdown Parish** - Objection over development of the site.**County Highways** - No objection in principle subject to alteration to the existing access and layout of parking and turning area considered at the reserved matters stage. Conditions recommended for the provision of fire hydrants and construction management plan.**Local Residents** - 5 letters of objection in summary

- Out of keeping with other houses in the area
- Overlooking, impact view of neighbouring properties
- Recently planted trees will block light to neighbouring properties.
- Loss of a number of shrubs and trees, wildlife has been affected.
- Impact on nesting birds
- Impact on foundations of number 9 from construction vehicles using proposed driveway
- Noise and disturbance
- Welcome biodiversity enhancement measures proposed

**Planning Officers Comments:** Dawn Lloyd**1.0 Application Site**

1.1 The application site comprises the rear garden of No. Parton Road, a semi-detached brick built dwelling located in a residential area of Churchdown with properties that are varied in age, type and design.

1.2 The site is located within the residential development boundary of Churchdown as defined on the Local Plan Proposals Map.

**2.0 Relevant Planning History**

Planning application 13/01230/FUL for the demolition of an existing dwelling and erection of a new 2 storey, 4 bed dwelling with integral garage at 174 Cheltenham Road East was permitted in March 2014.

**3.0 Current Application**

3.1 The application is submitted in outline and seeks permission for the erection of a detached dwelling. All matters are reserved for future consideration, although an indicative layout has been provided of a single storey detached dwelling and the use of the existing access is proposed.

## 4.0 Analysis

### *Principle of development*

4.1 The site is located on a residential area within the Residential Development Boundary of Churchdown as defined on the Local Plan Proposals Map. Policy SD10 4 (ii) of the JCS states that housing will 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's towns and villages except where otherwise restricted by policies within District Plan.

4.2 The principle of residential development 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.

4.3 Having regard to the policy framework set out above it is considered that the main issues are:

- The impact character of the area
- The impact on residential amenity
- Access/highway safety issues

### *Impact on the character of the area*

4.4 The application proposes the erection of a single storey dwelling in the rear garden of 9 Parton Road. Policy SD6 of the Joint Core Strategy considers that development will have regard to local distinctiveness add historic character of the area. This site is in the vicinity of Parton Road with the junction with Cheltenham Road East, the character of the area is varied with detached and semi-detached properties with long gardens and more recent terraced and detached dwellings on smaller plots. The dwelling would be sited towards the rear of the plot and would not be in a visually prominent position. Therefore the proposal is considered appropriate to the character of the area and complies with SD6 in this regard.

### *Impact on residential amenity*

4.5 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. Concerns have been raised by various neighbouring occupiers regarding the loss of privacy from the proposed dwellings.

4.6 The application site forms part of the rear garden of No.9 Parton Road. The dwelling would be single storey and sited at least 11 metres from the rear boundary with a separation distance of 30 metres with the existing dwelling.

4.7 To the rear of the site is a detached two storey dwelling which is close proximity to the rear boundary. The application is for a single storey dwelling and the distance from the rear boundary to the dwelling is considered appropriate to ensure privacy and that the development would not be overbearing. Similarly, There is dwelling is to be single storey and therefore no significant impact in terms of impact on sunlight/daylight, overlooking and privacy to the amenity space of 174 Cheltenham Road East. In addition due to the orientation of number 174 and its position with regard to neighbouring dwellings, there would only be oblique views to the rear amenity space of the proposed dwelling from the rear bedroom window. Therefore, the impact on the amenity space of the proposal from adjacent dwellings would be acceptable in terms of overlooking and privacy. The proposal complies with SD14 in this regard.

4.8 The proposed dwelling would benefit from a front and rear amenity space. It is considered that there would be sufficient amenity space for future occupiers of the proposed dwelling. The application would also give rise to the loss of outdoor amenity space which serve No.9 Parton Road however, the dwelling would still have amenity space to the front and rear which is considered acceptable.

4.9 It is therefore considered that the proposal could be accommodated on the site without detrimentally affecting the amenity currently enjoyed by neighbouring properties. The proposal is considered accords with SD14 in this regard.

### *Highway safety*

4.10 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.

4.11 Access is a reserved matters, although the submitted illustrative plans indicated the existing access to be used and the proposed and existing dwelling would be provided each with two parking spaces which is acceptable in principle. The Highway Authority consider improvements are required for the access. The access and layout for parking and onsite manoeuvring will be considered at the reserved matters stage.

#### *Other matters*

4.12 Concerns have been raised regarding the loss of habitat to facilitate the proposed dwelling. The existing site is currently a rear garden and no evidence of protected species has been submitted to the Council. The concerns regarding impact on birds is noted however this can be controlled by other legislation such as the Wildlife and Countryside Act 1981. Bat and bird boxes are proposed in the Design and Access Statement as biodiversity enhancement measures which can be subject to a planning condition.

4.13 Concerns have been raised about the potential noise and disturbance upon local residents during construction if the application is permitted. Some disruption and disturbance is an inevitable consequence of most construction activity associated with new development. However, such impacts are temporary in nature and any significantly harmful impacts can be controlled through separate legislation and guidelines, e.g. environmental health legislation, Considerate Constructors Scheme, etc. It is therefore considered that the impacts arising from construction activities are not sufficient to warrant refusal of the application.

### **5.0 Conclusions**

5.1 It is concluded 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 **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, scale and external appearance of the building, landscaping, and the means of access thereto (hereinafter referred to as "the reserved matters") have been submitted to and approved by the Local Planning Authority.
- 2 Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
- 3 The development hereby permitted shall be begun 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.
- 4 The details of landscaping to be submitted as part of the Reserved Matters application in accordance with Condition 1 shall include a landscape scheme for the whole site. The submitted design shall include the proposed new landscaping scheme on scaled drawings accompanied by a written specification clearly describing the species, sizes, densities and planting numbers. The submitted drawings shall also include accurate details of all existing trees and hedgerows with their location, species, size, condition, any proposed tree surgery and which are to be removed and how those to be retained are to be protected during the course of development. Development shall be carried out in accordance with the approved details.
- 5 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.

- 6 Notwithstanding the submitted details, no development shall take place above DPC level until drainage arrangements for the disposal of surface water and foul sewage have been submitted to and approved in writing by the Local Planning Authority. The dwelling shall not be occupied until the drainage works have been completed in accordance with the approved plans.
- 7 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.
- 8 The details to be submitted as part of the Reserved Matters application in accordance with Condition 1 shall include vehicular parking and turning facilities within the site, and the buildings hereby permitted shall not be occupied until those facilities have been provided in accordance with the approved plans and shall be maintained available for those purposes for the duration of the development.
- 9 The alterations to the existing access as shown by the block plan access shall be submitted to and agreed in writing with the local planning authority prior to the occupation of the dwelling. Any gates to be 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.
- 10 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall:
  - i. specify the type and number of vehicles;
  - ii. provide for the parking of vehicles of site operatives and visitors;
  - iii. provide for the loading and unloading of plant and materials;
  - iv. provide for the storage of plant and materials used in constructing the development;
  - v. provide for wheel washing facilities;
  - vi. specify the intended hours of construction operations;
  - vii. specify measures to control the emission of dust and dirt during construction
- 11 During the construction phases no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: 07:30 to 18:00 on weekdays, and from 08:00 to 14:00 on Saturdays. There shall be no outside working on Sundays and Public Holidays, unless emergency works are required to any utility services.
- 12 The details to be submitted as part of the Reserved Matters application in accordance with Condition 1 shall include details of existing and proposed levels, including finished floor levels. All development shall be carried out in accordance with the approved details.
- 13 Prior to erection of walls above DCP level an ecological mitigation and enhancement scheme shall be 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 timetable.
- 14 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.
- 15 The development hereby permitted shall not be occupied until details of secure and covered cycle storage facilities for a minimum of 1 bicycle per dwelling has been made available in accordance with details to be submitted to and approved in writing by the LPA.

- 16 The details to be submitted as part of the Reserved Matters application in accordance with Condition 1 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 0.6m and 2.0m at the Y point above the adjacent carriageway level.
- 17 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 4.0m back along each edge of the access, measured from the carriageway edge, extending at an angle of 45 degrees to the footway, and the area between those splays and the footway shall be reduced in level and thereafter maintained so as to provide clear visibility at a height of 600mm above the adjacent footway level.
- 18 Means of vehicular access to the development hereby permitted shall be from Parton Road only.
- 19 The reserve matters are for the erection of a bungalow only with no first floor accommodation. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking, re-enacting, substituting, amending, extending, consolidating, replacing or modifying that Order), no (restricted works)(additions, extensions or external alterations) (new windows or other openings) (building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwelling house) [other than those expressly authorised by this permission] shall be constructed/carried out on the application site following the completion/first use of the development hereby permitted.

**Reasons:**

- 1 The application is in outline only and the reserved matters referred to in the foregoing condition will require further consideration.
- 2 To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.
- 3 To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.
- 4 To ensure that the new development will be visually attractive in the interests of amenity.
- 5 To ensure that the new development will be visually attractive in the interests of amenity.
- 6 To ensure adequate disposal of foul and surface water drainage.
- 7 To ensure that the new development will be visually attractive in the interests of amenity and to ensure dwellings have satisfactory privacy.
- 8 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.
- 9 To reduce potential highway impact by ensuring that a safe and secure access is laid out and constructed that minimises the conflict between traffic and cyclists and pedestrians.
- 10 To reduce the potential impact on the public highway and accommodate the efficient delivery of goods and supplies.
- 11 To protect the amenity of local residents.
- 12 In the interests of the amenities of the occupiers of neighbouring properties and the visual amenity of the area.
- 13 To ensure the development contributes to the conservation and enhancement of biodiversity within the site and the wider area.

- 14 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.
- 15 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.
- 16 To reduce potential highway impact by ensuring that adequate visibility is provided and maintained and to ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided.
- 17 To reduce potential highway impact by ensuring that adequate visibility is provided and maintained and to ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided.
- 18 To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians in accordance with paragraphs 108 and 110 of the National Planning Policy Framework.
- 19 To safeguard neighbouring properties from the impact of overlooking and privacy.

Notes:

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

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

- 2 The construction of a new access will require the extension of a verge and/or footway crossing from the carriageway under the Highways Act 1980 - Section 184 and the Applicant is required to obtain the permission of Gloucestershire Highways on 08000 514 514 or [highways@gloucestershire.gov.uk](mailto:highways@gloucestershire.gov.uk) before commencing any works on the highway.

The indicative layout as shown as been accepted as safe and suitable for access from the public highway. The indicative layout as proposed is not considered to be to an adoptable standard.

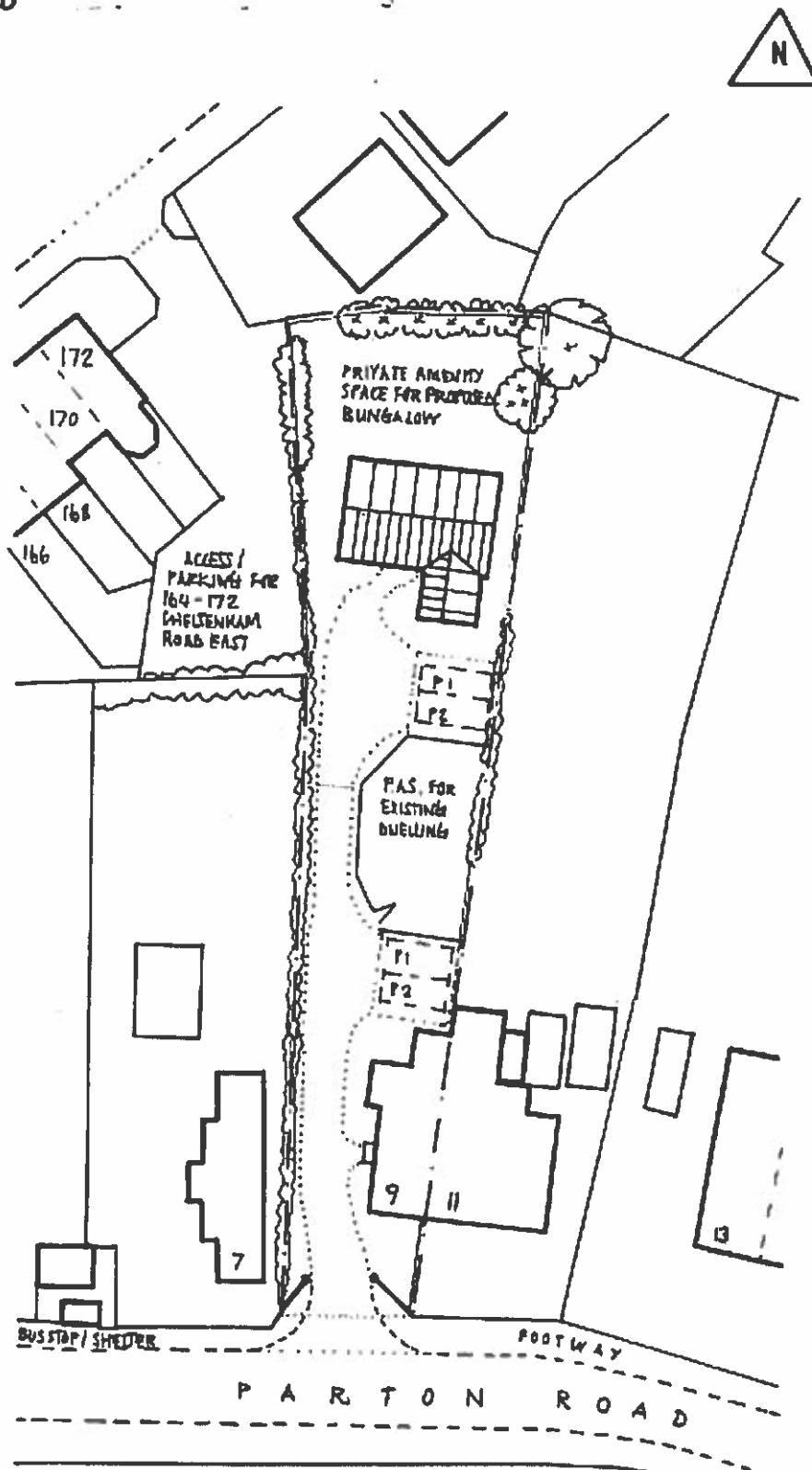
Q/A FOR THE ERECTION OF A SINGLE STOREY DWELLING. ALTERATIONS TO VEHICULAR  
ACCESS & ASSOCIATED WORKS. LAND AT No 9 PARTON ROAD CHURCHDOWN  
GL3 2AB



LOCATION PLAN.  
1:1250 SCALE @ A4  
PLAN A.  
JULY 2017

S34/A

O/A FOR THE ERECTION OF A SINGLE STOREY DWELLING. ALTERATIONS TO VEHICULAR ACCESS & ASSOCIATED WORKS. LAND AT No 9 PARTON ROAD CHURCHDOWN GL3 2AB



BLOCK PLAN 1:500 SCALE @A4

JULY 2019 PLAN B

DETAIL INDICATIVE - ALL MATTERS RESERVED FOR APPROVAL

534/B

Valid 10.10.2019  
Grid Ref 394543 218481  
Parish Shurdington  
Ward Shurdington

Erection of a single storey side extension

## **RECOMMENDATION Permit**

### **Policies and Constraints**

Joint Core Strategy (2018) (JCS) - Policy SD4, SD7, SD14  
Tewkesbury Borough Local Plan to 2011(TBLP) - March 2006 - Policy HOU8  
Tewkesbury Borough Local Plan 2011 - 2031 - Pre-Submission version 2019 - Policy RES10  
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)  
Area Of Outstanding Natural Beauty  
Key Wildlife Sites

### **Consultations and Representations**

Parish Council - object to this application. The Councillors could not overlook the considerable increase in the dwelling size of the proposal and the fact that the property is located within the Area of Outstanding Natural Beauty (AONB). It remains the Council's policy that there should be no development which negatively impacts the AONB.

Local residents - One letter has been received from an immediate neighbour. He has no objections to the proposed extension. His concerns relate to the row of trees lining the boundary between his property and Pen Cerrig. He has no objections providing that the trees are not removed or affected by the proposal.

**Planning Officers Comments:** Mrs Sarah Barnes

### **1.0 Application Site**

1.1 This application relates to Pen Cerrig, a detached cotswold stone / rendered dwelling located along Leckhampton Hill in Leckhampton (**site location plan attached**). The site falls within an Area Of Outstanding Natural Beauty.

### **2.0 Current application**

2.1 The current application is for a single storey side extension (**plans attached**). It would create a new kitchen area and would allow for additional internal alterations to make the living space more functional.

### **3.0 Recent History**

3.1 In 1987 (T.8289) permission was granted for alterations and extension to existing dwelling to provide enlarged living accommodation.

### **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). 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**

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

5.1 Section 12 of the NPPF relates to "Achieving well-designed places" and at paragraph 127 specifies that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities). In this regard, Policy SD4 of the JCS is relevant.

5.2 Saved Policy HOU8 of the TBLP requires extensions to existing dwellings to respect the character, scale and proportion of the existing or, where appropriate, the original dwelling, the detailed design to reflect or complement the design and materials of the existing dwelling, and for the proposal to respect the character and appearance of surrounding development. Policy RES10 of the Pre-Submission version of the Tewkesbury Borough Plan (PSTBP) similarly states that 'Proposals for extension and alteration of existing dwellings, and the erection of domestic outbuildings and annexes, will be permitted providing that:

1. The detailed design reflects or complements the design and materials of the existing dwelling.
2. The scale of the proposal is appropriate to the character and appearance of the existing dwelling and its surrounding area
3. The domestic curtilage of the existing property is capable of comfortably accommodating the extension or outbuilding without resulting in a cramped / overdeveloped site or creating a lack of suitable parking or manoeuvring space.'

5.3 JCS Policy SD7 of the Joint Core Strategy sets out that developments are required to conserve and, where appropriate, enhance the landscape, scenic beauty, cultural heritage and other special qualities in an AONB.

5.4 The proposed single storey side extension would be of a relatively modest size and would be constructed from cotswold stone on the front corner and rendered on the side / rear elevations to match the existing house. It is considered that the proposal would have an acceptable impact on the character of the surrounding area and would comply with the requirements of Policy HOU8 of the Local Plan and Policy SD4 of the JCS.

5.5 In relation to the Parish Council's concerns regarding the increase in the size of this dwelling and the impact on the AONB, their concerns have been noted. However, it is not considered that the proposal would be excessive given that it would only be a single storey extension with a total floor area of 17m<sup>2</sup>. Whilst this dwelling was previously extended back in 1987, this is a generous plot and there would still be more than sufficient garden space left free from additions / extensions. In terms of the impact on the AONB, given that the proposal would be of a suitable size, design and materials, it is considered that there would not be an adverse impact on the surrounding AONB.

### **Residential amenity**

5.6 Paragraph 127 of the NPPF specifies that planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Saved policy HOU8 of the TBLP specifies that extensions to existing dwellings will be permitted provided that, inter alia, the proposal does not have an unacceptable impact on adjacent property and the protection of residential amenity, in terms of bulk, massing, size and overlooking.

5.7 In terms of 'Amenity and Space' Policy SD4 of the JCS sets out that new development should enhance comfort, convenience and enjoyment through assessment of the opportunities for light, privacy and external space, and the avoidance or mitigation of potential disturbances, including visual intrusion, noise, smell and pollution. Policy SD14 of the JCS, which relates to 'Health and Environmental Quality', specifies that new development must cause no unacceptable harm to local amenity including the amenity of neighbouring occupants.

5.8 The impact of the proposal upon neighbouring properties has carefully been assessed and it is considered that there would not be an undue impact upon their amenity in accordance with Policy HOU8 of the Local Plan and Policy SD14 of the JCS.

#### **Other Issues**

5.9 In relation to the neighbour's concerns about the trees lining the boundary between his property and Pen Cerrig, no trees would be removed as part of the proposal.

#### **6.0 Conclusion**

6.1 Overall, whilst the Parish Council's concerns are noted, it is considered that the proposal would not be harmful to the appearance of the existing dwelling nor the surrounding AONB and it would not result in an unacceptable loss of residential amenity to neighbouring dwellings. The proposal would also be of an acceptable size and design. It would therefore accord with Policy HOU8 of the Local Plan, Policies SD4, SD7 and SD14 of the Joint Core Strategy and the NPPF 2019. The application is therefore, recommended for permission.

#### **RECOMMENDATION Permit**

##### **Conditions:**

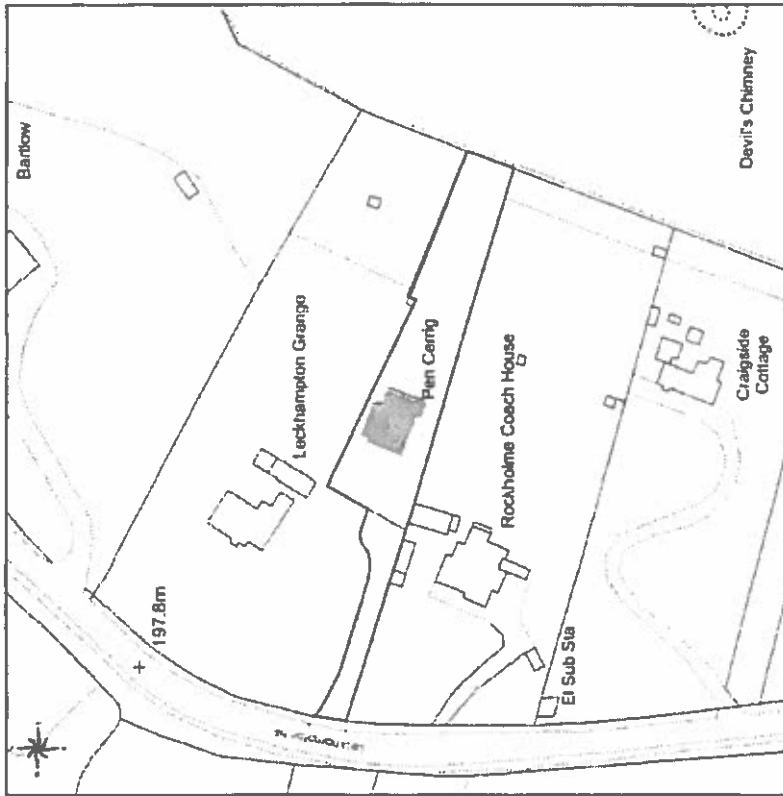
- 1        1. The works hereby permitted shall be begun before the expiration of five years from the date of this consent.

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

2. The development hereby permitted shall be carried out in accordance with the application form, and drawing numbers: 1552:003, 1552:004, 1552:005 and 1552:006 dated 10th October 2019 except where these may be modified by any other conditions attached to this permission.

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

Location Plan  
Scale 1:1250 @ A3



5371A

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Strategic Pathway 01/23/2019 01/23/2019

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DATE: 18/09/2019

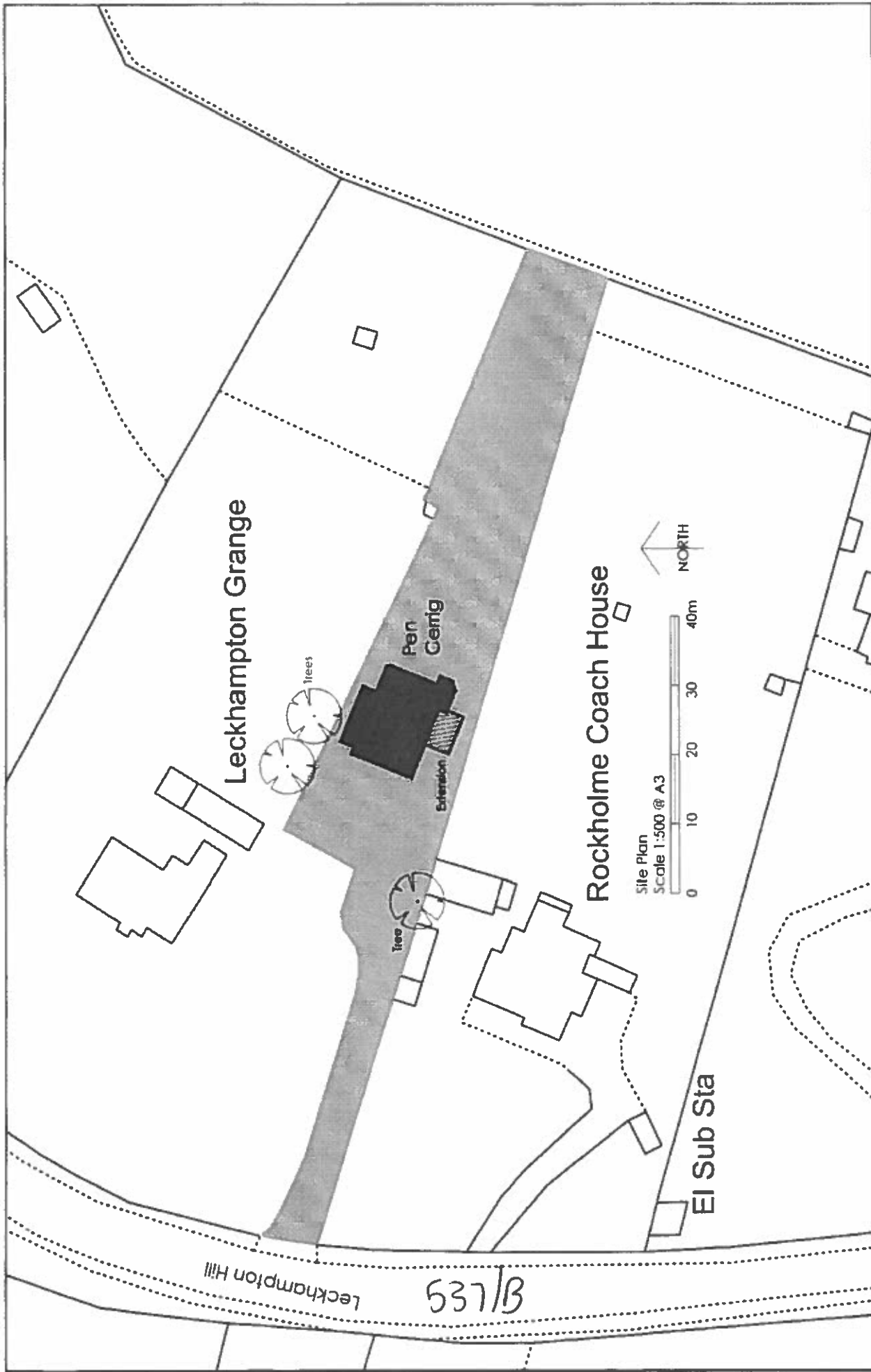
DRAWING TITLE  
Location Plan

DATE: 18/09/2019  
SCALE: 1:1250 @ A3

REV

01/23/2019

Pen Cerrig  
Leckhampton Hill  
GL53 9QH



**Partnership**  
 637/B  
 Leckhampton Hill  
 637/B

**CLIENT**  
 Pen Cerrig  
 Leckhampton Hill,  
 GL53 9QH

**DRAWING TITLE**  
 Site Plan

**DRAWING NO**  
 1552-006


**REV**  
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**DATE**  
 19/09/2019

**SCALE**  
 1:500 @ A3

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Existing Ground Floor  
Scale 1:100 @ A3



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**Partnership**  
Architectural & interior design • project management  
Craggs Field, Cockerley GL53 9JH 01753 5623147

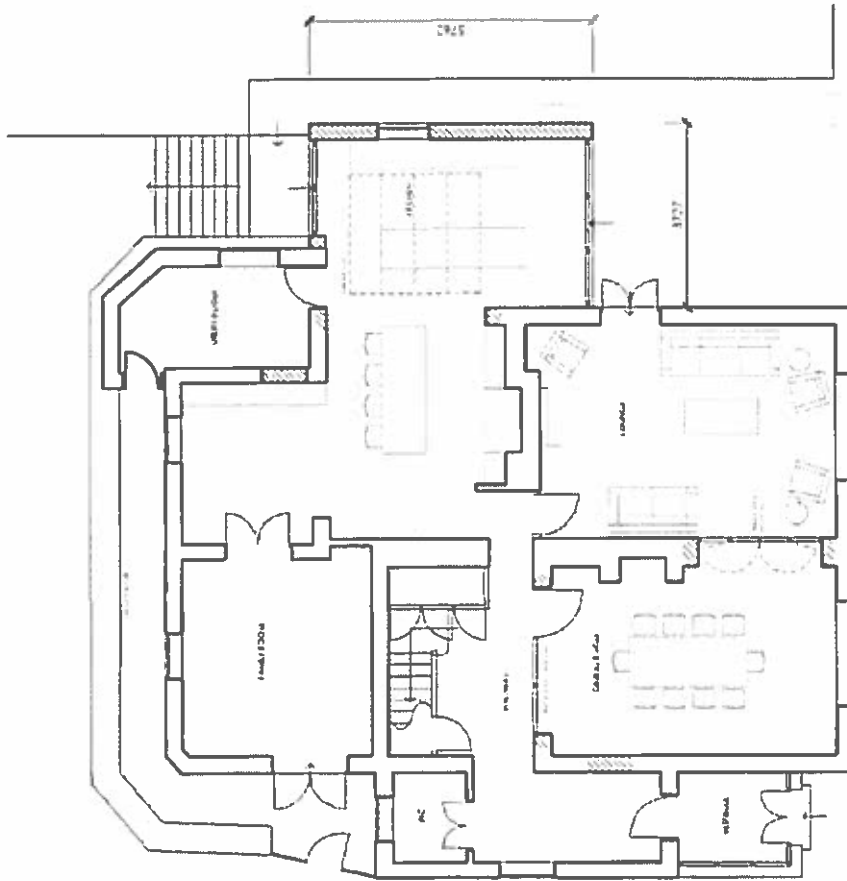
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The client agrees to indemnify the architect from all claims against him arising out of his professional services.

DRAWING NO. 1552-001 DATE 18/05/2019 SCALE 1:100 @ A3  
CLIENT Pen Cerrig Leckhampton Hill, GL53 9QH

## Partnership

537/D



Proposed Ground Floor

Scale 1:100 @ A3

0 1 2 3 4 5m



**Partnership**  
architectural - interior design & planning studios/interior  
Sturges Fyde Cnldy GL53 4JH 01453 653147

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DATE: 21.05.14  
BY: J. H. H.

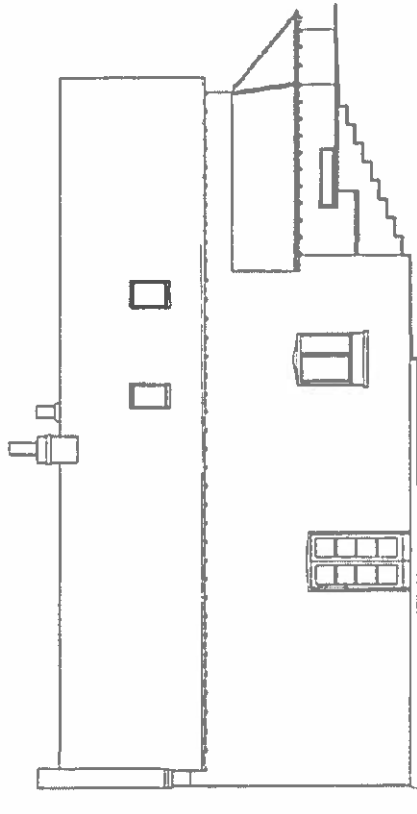
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Pen Cernig  
Leckhampton Hill  
GL53 9QH

**PROJECT TITLE**  
Proposed Ground Floor

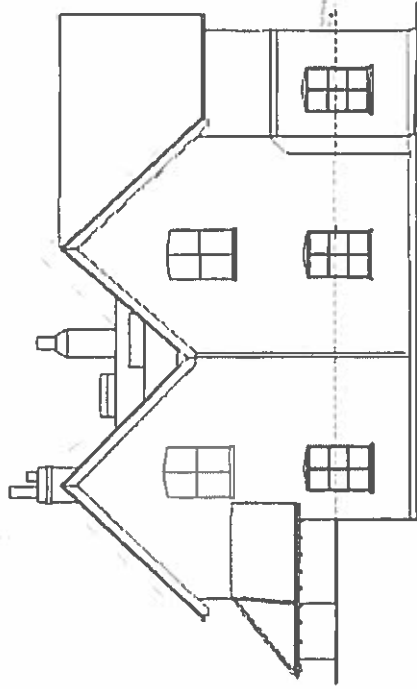
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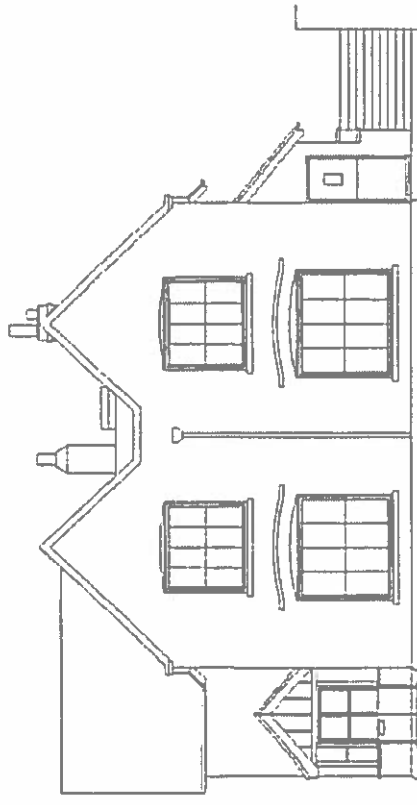
**REV**  
B



Existing South Elevation



Existing East Elevation



Existing West Elevation

Scale 1/100 @ A3  
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537/E

**Partnership**  
Architectural & interior design - project management  
Scragsdales Farm, Cussey, GL53 9QH 01753 563147

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**DRAWING TITLE**  
Existing Elevations

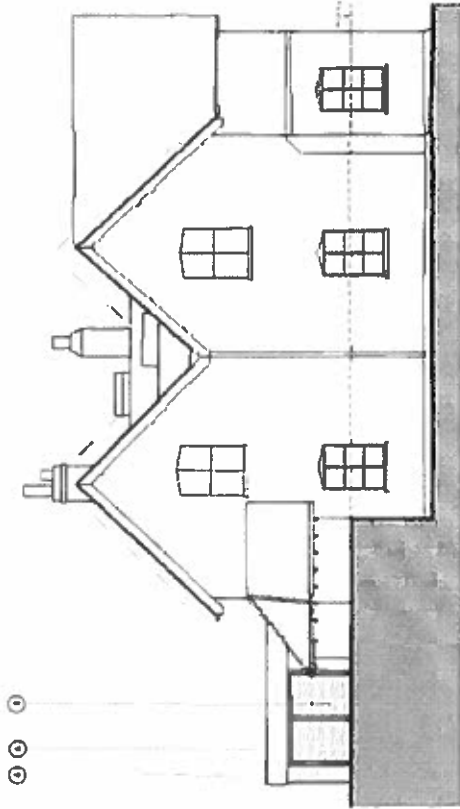
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1552 002

**REV**  
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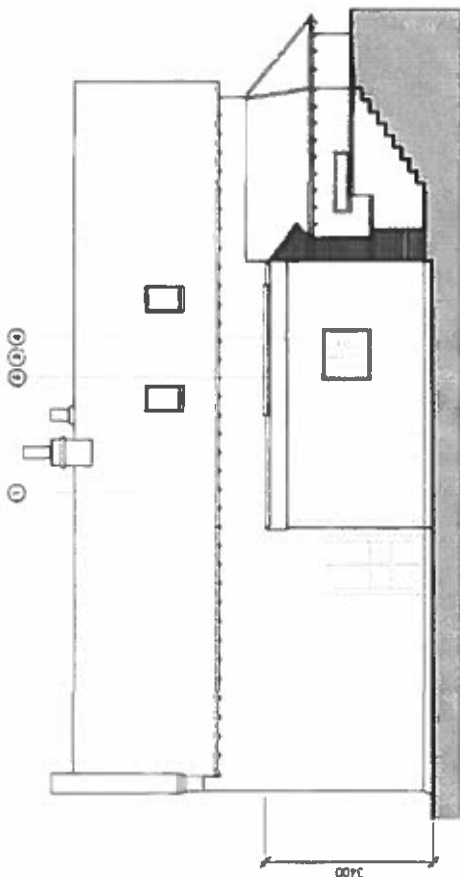
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Pen Cerrig  
Leckhampton Hill  
GL53 9QH

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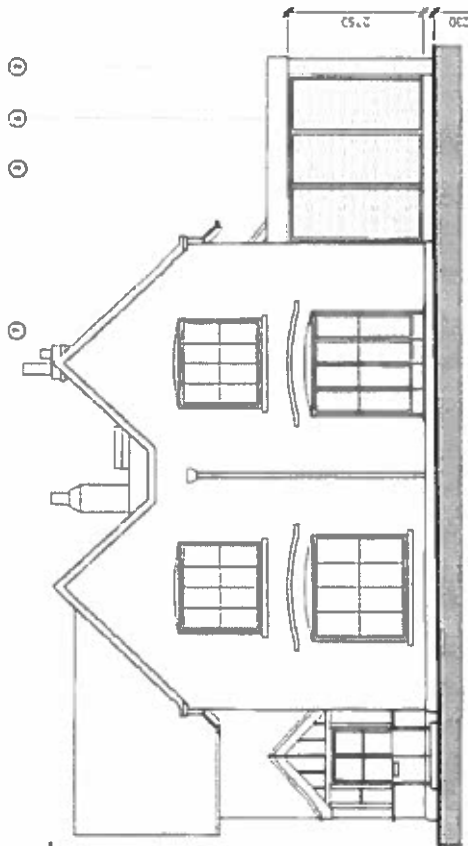


Proposed East Elevation

- KEY
1. Gable End Wall
  2. Gable End Wall (3000) to match existing
  3. Proposed entrance, porch, door and windows
  4. Through glass window (2000) to match existing
  5. Roof light - existing
  6. Gabled end wall (2000) to match existing
  7. Gable end wall (2000) to match existing



Proposed South Elevation



Proposed West Elevation

Scale 1:100 @ A1

Particulars

**Partnership**  
Architectural + interior design + project management  
Scaevyn Farm, County Gl. 53 0HN 01270 675147

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Scale 1:100 @ A1  
Particulars

**CLIENT**  
Pen Cerig  
Leckhampton Hill,  
GL53 9QH

**DRAWING TITLE**  
Proposed Elevations

**REV**  
C

**DATE** 16/06/2019  
**SCALE** 1:100 @ A1

**11.11.2019 09:41:27**

Valid 04.11.2019  
Grid Ref 382719 224300  
Parish Sandhurst  
Ward Severn Vale South

Erection of an oak framed cart lodge and gazebo

## **RECOMMENDATION Permit**

### **Policies and Constraints**

National Planning Policy Framework (NPPF)  
National Planning Policy Guidance (NPPG)

Planning (Listed Buildings and Conservation Area) Act 1990  
Joint Core Strategy (2017) - SD4, SD6, SD8, SD14,  
Tewkesbury Borough Local Plan to 2011 - LND3, HOU8.  
Human Rights Act 1998 - Article 8  
The First Protocol - Article 1  
Landscape Protection Zone  
Brawn Farm - Grade II Listed Building

### **Consultations and Representations**

**Sandhurst Parish Council** - no objection to the proposal.

**Conservation Officer** - no objection, the proposals would not have a negative impact upon the setting of Brawn Farm, a Grade II Listed Building. Recommend conditions:

- tile sample and details of the rainwater goods to be submitted and approved
- the exposed timber shall remain unstained in order for the surface to silver naturally.

**Building Control Services** advise that the application will require Building Regulations approval. The application has been publicised through the posting of a site notice and advertising in the local press for the 21 day statutory consultation period which expires on 12 December 2019.

**The application is for consideration by the planning committee as Councillor Williams is the applicant.**

**Planning Officers Comments:** Dawn Lloyd

### **1.0 Application Site**

1.1 This application relates to Brawn Farm, a Grade II Listed farmhouse which is sited on a corner plot on Rodway Lane in Sandhurst (**site location plan attached**).

1.2 The application site is located within the Landscape Protection Zone (LPZ) as defined on the Tewkesbury Borough Local Plan Proposals Map.

### **2.0 Relevant Planning History**

2.1 15/01234/FUL and 15/00593/LBC to replace dilapidated and damaged timber boundary fence with brick wall to include new screen for oil tank. Permitted 16th February 2016.

### **3.0 Current Application**

3.1 The proposal is for the erection of a three bay oak framed cart lodge to provide shelter for cars with a log store on the south east elevation. The materials proposed are weather boarding for the elevations. The proposal also includes the erection of an oak framed gazebo.

3.2 The cart lodge is proposed to be sited in the front amenity space, forward of the dwelling and adjacent to the northeast side boundary with the lane.

3.3 The gazebo would be sited in the rear to the amenity space, the structure has an oak frame and hamlet clay roof tiles. It is located 6 metres from the rear and side boundaries. The proposed cart lodge and gazebo are not attached to the Listed Farm House so Listed Building Consent is not required.

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

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

#### 5.0 Analysis

##### Impact on Listed building

5.1 The Planning (Listed Buildings and Conservation Areas) Act 1990 in Section 66(1) requires the Local Planning Authority to have special regard to the desirability of preserving the (Listed) building or its setting or any features of special architectural or historic interest which it possesses.

5.2 The NPPF at Paragraph 193 states that: *When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*

5.3 Paragraph 194 advises that, *'Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.*

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

5.5 The cart lodge would be sited towards the side boundary and although in close proximity to the dwelling would not be a dominant feature, its size and design is characteristic of a traditional farm building. The design and high quality materials proposed would be sympathetic to the historic character of the Brawn Farm. The gazebo would be sited in the rear garden, it is small in scale and of high quality materials. The Conservation Officer considers that the cart lodge and gazebo would not have a negative impact upon the setting of the listed Brawn Farm subject to conditions for roof tiles and rainwater goods to be agreed and the timber to remain unstained. The proposal is considered in accordance with SD8 this regard.

## Design and Impact on Character and Appearance of Area

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

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

5.8 Policy HOU8 states that development must respect the character, scale and proportion of the existing dwelling and the surrounding development. The detailed design, materials and layout of buildings and structures must be appropriate to their setting and the character of the surrounding area.

5.9 The cart lodge with the log store measures 10.35m in length and 5.4m in width. The structure has a catslide design to the rear adjacent to the north eastern boundary where the eave height is 1.3 metres. The ridge height of the structure is 4 metres with the front eaves at 2.1 metres. The cat slide roof reduced the mass of the roof and it back from the side boundary reducing its visual impact from the lane. The cart lodge is subservient to the main dwelling in terms of height, scale and mass and uses high quality materials in keeping with the Brawn Farm.

5.10 The gazebo is a round structure of 4.5 metres in circumference, 4.4 metres to the ridge and eaves 1.9 metres and which would be sited toward the rear and side boundary with the property known as Rodway. The design and materials of the gazebo are appropriate in its context. The proposal accords with SD4 with regard to design and character of the area.

### Impact on Residential Amenity:

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

5.12 In terms of 'Amenity and Space' Policy SD4 of the JCS sets out that new development should enhance comfort, convenience and enjoyment through assessment of the opportunities for light, privacy and external space, and the avoidance or mitigation of potential disturbances, including visual intrusion, noise, smell and pollution. Policy SD14 of the JCS, which relates to 'Health and Environmental Quality', specifies that new development must cause no unacceptable harm to local amenity including the amenity of neighbouring occupants.

5.13 Valley Barn lies to the north east of the cart lodge and Rodway to the south west. The cart lodge is considered not unduly overbearing to Valley Barn. The eastern and southern boundary has tall hedge and dense planting. The gazebo is set back from the side boundary by 6 metres and it is considered there would be no substantial impact on the amenity of neighbouring properties therefore the proposal complies with SD14.

### Impact on Landscape Character

5.14 The NPPF states that planning decisions should recognise the intrinsic character and beauty of the countryside and should protect and enhance valued landscapes in a manner commensurate with their statutory status of their identified quality in the development plan. Policy SD6 of the JCS echoes this requirement.

5.15 The application site is located within a Landscape Protection Zone (LPZ). Policy LND3 of the Local Plan states that within the LPZ special attention is given to the ecology and visual amenity of the river environments and development will not be permitted which has a detrimental visual or ecological effect on the character of the River Bank or the associated landscape setting of the Severn Vale, or has an adverse impact on the water environment.

5.16 The proposed development is within the residential curtilage of Brawn Farm. The site has a high hedge boundary to the east and trees to the south and the gazebo is not visible from the public realm. The cart lodge although visible from the lane to the north would be read in conjunction with the farm house and agricultural barns that have been converted in close proximity to the north of the site. The proposal is not considered to be out of character with the rural setting and would have minimal impact on the surrounding landscape.

## **6.0 Conclusion**

6.1 Overall it is considered that the proposal would be of a suitable size and design and there would not be a harmful impact on the setting of this Listed Building or the surrounding landscape. Therefore, the recommendation is to Permit.

### **RECOMMENDATION Permit**

#### **Conditions:**

- 1 The works hereby permitted shall be begun before the expiration of five years from the date of this consent.
- 2 Unless where required or allowed by other conditions attached to this permission/consent, the development hereby approved shall be carried out in accordance with the information provided on the application form and the following plans/drawings/documents submitted on 1st November 2019:
  - Location plan
  - Drawing number T.389.1A Block Plan
  - Drawing number T.389.0C Elevation and Floor Plan
- 3 Prior to its/their installation as part of the development hereby approved, samples of the materials for the external walls, roof tiles and rainwater goods 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. The exposed timber shall remain unstained and left to silver naturally.

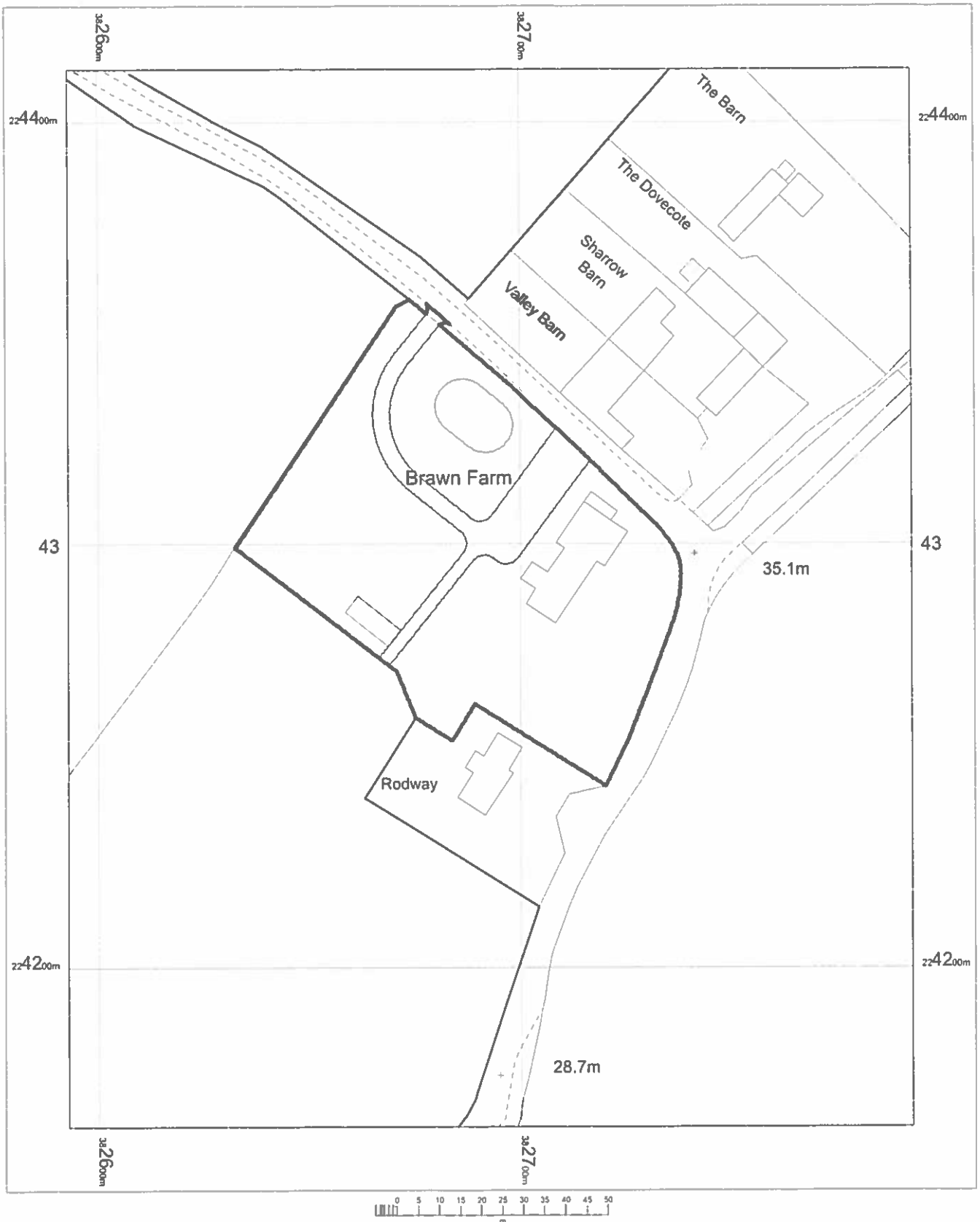
#### **Reasons:**

- 1 Required to be imposed by Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To ensure that the development is carried out in accordance with the approved plans.
- 3 To ensure that the new materials are in keeping with the surroundings and/or represent quality design.

#### **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.



Brawn Farm,  
Rodway Lane,  
Sandhurst,  
Gloucestershire,  
GL2 9NR

OS MasterMap 1250/2500/10000 scale  
Thursday, October 10, 2019, ID: HMC-00833641  
[www.themapcentre.com](http://www.themapcentre.com)

1:1250 scale print at A4, Centre: 382693 E, 224288 N

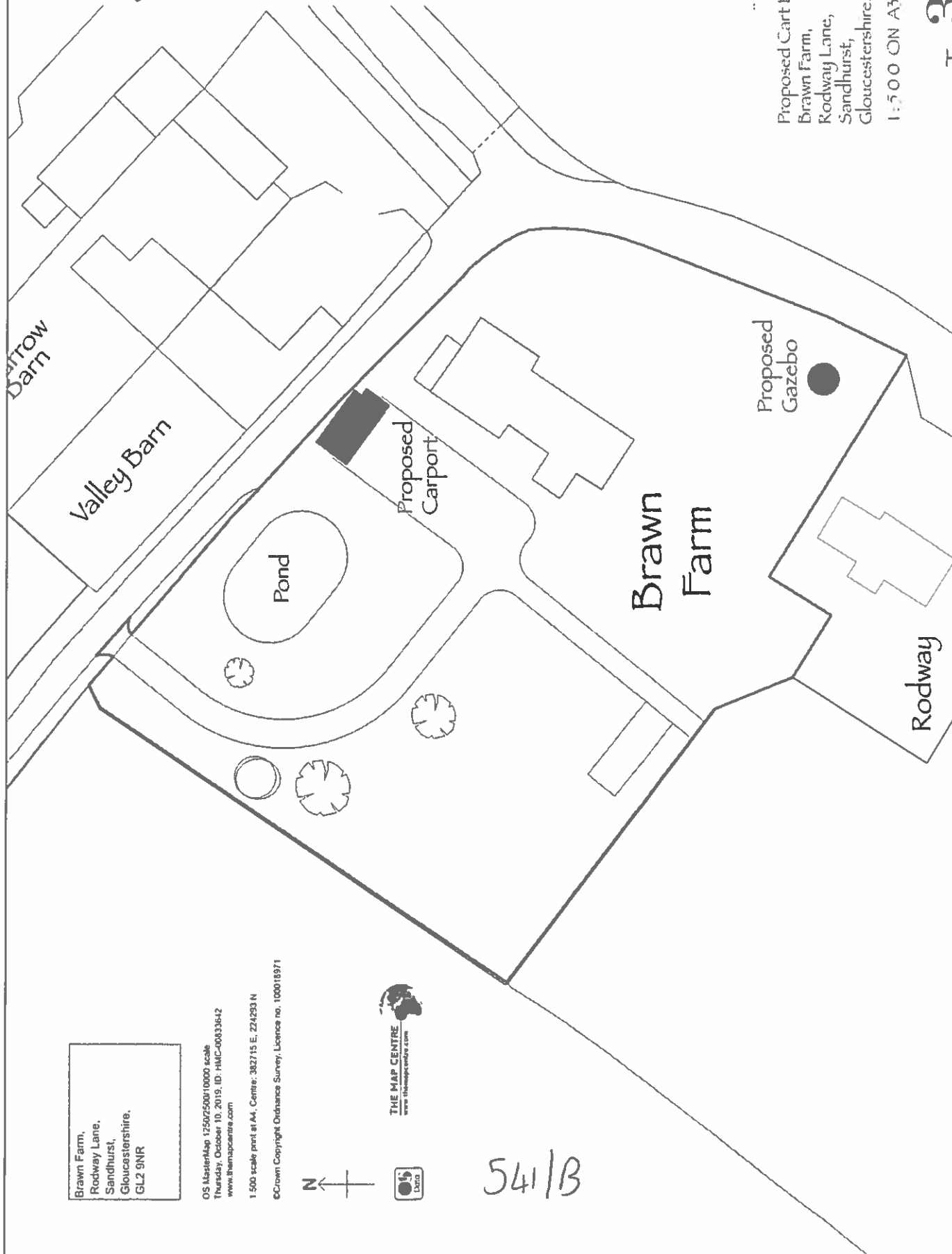
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THE MAP CENTRE  
[www.themapcentre.com](http://www.themapcentre.com)



541/A



Brawn Farm,  
Rodway Lane,  
Sandhurst,  
Gloucestershire,  
GL2 9NR

OS MasterMap 1250/2500/10000 scale  
Thursday, October 10, 2019, ID: HMC-0033642  
www.themapcentre.com

1:500 scale print at A4, Centre: 382715 E, 224293 N

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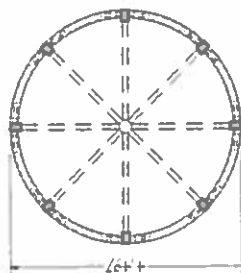


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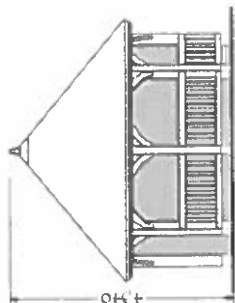
Proposed Cart Lodge & Gazebo at,  
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Rodway Lane,  
Sandhurst,  
Gloucestershire.

1:500 ON A3 Oct 2019

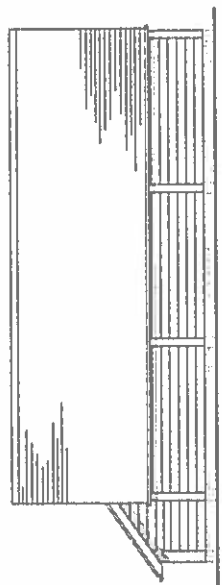
T.389.1A



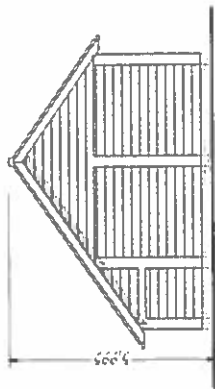
GAZEBO FLOOR PLAN



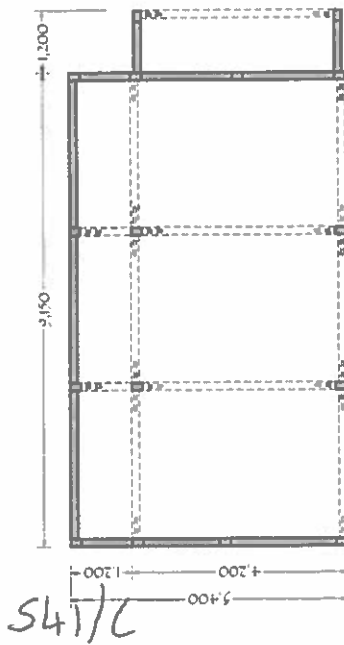
GAZEBO ELEVATION



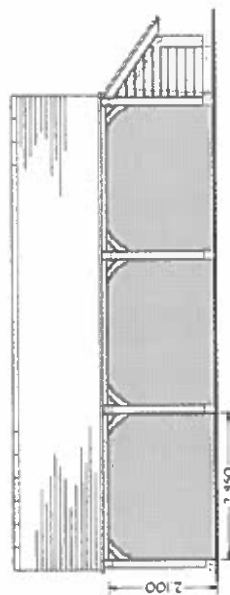
NORTH EAST ELEVATION



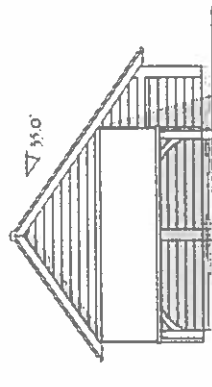
NORTH WEST ELEVATION



CART LODGE FLOOR PLAN



SOUTH WEST ELEVATION



SOUTH EAST ELEVATION

#### Construction Notes

- Roof Covering Clay tiles
- Walls Treather edge weather boarded panels
- Structure Traditionally jointed & pegged oak frame
- Plinth Brickwork

Proposed Cart Lodge & Gazebo at,  
Brawn Farm,  
Rodway Lane,  
Sandhurst,  
Gloucestershire.

1:100 ON A3 . Oct 2019



T.389.0C

Valid 25.09.2019

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.

Grid Ref 384549 221917

Parish Twigworth

Ward Innsworth

**RECOMMENDATION Approve****Policies and Constraints**

National Planning Policy Framework (2019)

Planning Practice Guidance

Joint Core Strategy (2017) - SP1, SP2, SD3, SD4, SD6, SD8, SD9, SD10, SD11, SD12, SD14, INF1, INF2, INF3, INF5, INF6, A1

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

Tewkesbury Borough Plan (2011-2031) - Pre-submission version (July 2019) - RES5, RES12, DES1, NAT1, NAT3, ENV2, TRAC1, TRAC2, TRAC3, TRAC9

Flood and Water Management SPD

Human Rights Act 1998 - Article 8

The First Protocol - Article 1

Public Right of Way

**Consultations and Representations**

**Twigworth Parish Council:** The Parish raise concerns that the development is not in keeping with the character and rural nature of Twigworth and would significantly impact on the beauty of the area in its current interpretation. They go on to state that the scheme does not reflect the outline plan that was passed by the Secretary of State.

Whilst the Parish are aware that the masterplan can differ from what was shown at outline stage, they consider the scheme to be a significant and extreme alteration from the original outline scheme and is not in keeping with the green village feel of the area. They feel that this gateway area would result in a significant intrusion into the rural area, which would in turn significantly interrupt the rural character of the area due to this being the highest density built up area within the planned strategic development. They go on to suggest that the high density housing would be of a scale disproportionate to the existing settlement and would fail to integrate with existing development.

The Parish go on to suggest that there are listed buildings surrounding the Gateway that would be affected by the density of the development and state that maisonettes and flats are not in keeping with the form of the area. They comment that the proposed high density is not in keeping with the style and look and nature of these historic buildings.

Further concerns are raised in respect of parking and it is stated that the development only allows for a maximum of either 1 or 2 vehicles per household and does not provide adequate visitor parking. They comment that the scheme does not indicate how the avoidance of parking on roads, pavements and grass verges, which may block vehicular access and emergency access, will be monitored and/or avoided.

With regards to flooding and drainage, the Parish are concerned that the swales pose a health and safety hazard due to the risk of drowning. They also suggest that the swales would be below the water table most of the year and the water would have nowhere to disperse to due to the clay soils.

**Down Hatherley Parish Council:** The Parish state that they cannot accept that the Drainage Strategy Plan contained within this Phase One application comes anywhere near to providing sufficient detail to allay the very real, and sustained, fears of local residents that this development, in such a highly sensitive flood risk area, will not exacerbate the risk to the existing neighbouring settlements.

**Churchdown Parish Council:** No objection although Councillors expressed concern over the impact on traffic congestion.

**Innsworth Parish Council:** No objection.

**Housing Enabling Officer:** No objection.

**Landscape consultant:** The landscape consultant is now generally happy with the majority of the landscape-related amendments, particularly the more natural planting arrangements along the A38 frontage. Further concerns were raised in respect of the swale in respect of its alignment and how the public would access the main POS. However, the revised plans have now addressed these concerns.

**Environmental Health:** The submitted noise assessment appears satisfactory. The assessment predicts that, with the installation of appropriate glazing and ventilation products and garden area acoustic fencing /brick walls, both internal and external noise levels will be acceptable in terms of BS8233:2014.

The recommended glazing and ventilation products (or alternative products providing at least the same sound insulation performance) together with the garden acoustic fencing / brick walls, detailed in the submitted noise assessment, should be implemented.

**County Footpaths Officer (CFO):** No objection.

**LLFA:** No objection to the revised details.

**Historic England:** Historic England comment they consider it unlikely that this particular development site will impact views from, or the setting of, Walsworth Hall.

They go on to state that despite Twigworth Court's principal elevation looking out across this open rural countryside to the south-east, and what is now the A38 having been clearly in existence since at least the first edition OS map, the appeals have established that this application site contributes minimally to its setting. Historic England nevertheless considers that development of the site should take the impact of the proposals on the setting of these heritage assets into account and appropriately mitigate in landscape terms through the design and layout of the proposed scheme.

**Severn Trent Water:** Severn Trent state that the submitted drainage plan online does not show the outfall points for foul sewage or surface water, with no surface water discharge rate provided.

They point out that before they would consider a connection to the public sewer for surface water discharge, they would request that soakaways are investigated. If these are proven to not be feasible on site (with satisfactory evidence) they would consider a connection to the public surface water sewer with flows restricted.

**Highways England:** No objection.

**Planning Officers Comments:** Mr Adam White

## **1.0 Introduction**

### **Twigworth Strategic Allocation Description**

1.1 The Twigworth Strategic Allocation comprises approximately 32.5 hectares of largely agricultural land to the east of the A38 at Twigworth. The site includes a section of the A38 to the north-west and is bound to the north by an existing residential caravan site and agricultural land; to the west by residential properties, Twigworth Court Business Centre and agricultural land; to the east by residential properties and agricultural land; and to the south by agricultural land. The South-eastern boundary abuts the Hatherley Brook. A public footpath (Ref: ETW/6/1) and a public bridleway (Ref: EDH/19/2) cross the site.

### **Reserved Matters Site Description**

1.2 The current reserved matters application relates to Phase 1a, which is effectively a sub-phase of Phase 1 of the wider development site (in relation to the phasing plan submitted in respect of condition 6 of the outline permission). The wider Phase 1 also includes further residential development (approximately 334 houses in total), surface water drainage infrastructure, formal and informal public open space, playing pitches and changing rooms.

1.3 Phase 1a is located to the west of the Twigworth Strategic Allocation and to the south of the newly constructed roundabout on the A38 (**see attached site location plan**). The application site is currently comprised of agricultural fields along with a series of paddocks, hedgerows, stables and a large agricultural building. The application site partially fronts onto the A38 close to the roundabout and backs onto the existing residential development along this road. The land is relatively level and is not subject to any formal or informal landscape designation.

## **2.0 Planning History**

2.1 In October 2015 an outline planning application was submitted for *'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'* (Ref: 15/01149/OUT). That application was refused by the Council in January 2016 and an appeal was subsequently submitted to the Planning Inspectorate (PINS Ref: APP/G1630/W/16/3154464).

2.2 The appeal was the subject of a Public Inquiry, which also considered an application for a mixed use development on land at Innsworth Lane, Innsworth (Ref: 15/00749/OUT). On the 5th August 2016 the conjoined appeal was recovered for the Secretary of State's determination and both applications were subsequently allowed on the 27th December 2017.

2.3 Both permissions were carried forward into the adopted Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 as a strategic housing allocation (Policy A1 - Innsworth & Twigworth) and the Green Belt designation has been removed.

2.4 Following the grant of permission, a reserved matters application was submitted for the principle access to serve the development (Ref: 18/01199/APP). That application was subsequently approved in May 2019. In addition, a number of condition discharge applications have been submitted in respect of the conditions attached to the decision notice. Of particular relevance to this current application are the conditions relating to a Phasing Plan (condition 6), a Site Wide Masterplan Document (condition 7), a recycling strategy (condition 8), details of street maintenance (condition 17), surface water drainage details (condition 21), and noise (condition 26).

## **3.0 Current Application**

3.1 This application seeks reserved matters approval for 79 dwellings along with associated public open space and drainage infrastructure pursuant to outline permission 15/01149/OUT (**see attached plans**). Approval is sought for access, appearance, landscaping, layout and scale. This is the first phase of residential development at the wider development site following the approval and construction of the roundabout on the A38.

3.2 Of the 79 dwellings proposed as part of this application, a total of 36 (45%) would be affordable. These dwellings would include a mixture of tenures and sizes ranging from 1 bedroom to 4 bedroom homes.

3.3 Phase 1a would be accessed off the main vehicular access off the A38, which would in turn feed a series of smaller secondary and tertiary roads within the development. Pedestrian access would also be provided to the west of the site off the A38.

3.4 A detailed surface water drainage strategy has already been approved for the wider development site in accordance with condition 21 of the outline consent. Also in accordance with that condition, drainage details have been submitted for this phase, which include a system of swales, underground pipes and a large attenuation basin.

3.5 In addition to the supporting plans, the application documents also include a Statement of Compliance; a Design and Access Statement; a Waste Minimisation Statement and Site Waste Management Policy; an Affordable Housing Statement; a Noise Assessment and Mitigation Scheme; an Outdoor Lighting Report; and an Arboricultural Method Statement.

## 4.0 Policy Context

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

4.2 The Development Plan currently comprises the Joint Core Strategy (2017) (JCS), the saved policies of the Tewkesbury Borough Local Plan to 2011 (March 2006) (TBLP) and a number of 'made' Neighbourhood Development Plans, which includes the Down Hatherley, Norton and Twigworth Neighbourhood Development Plan (May 2019).

4.3 The Pre-Submission version of the Tewkesbury Borough Plan (PSTBP) was approved for publication and submission at the Council meeting held on 30 July 2019 and was subject to a further round of public consultation between 4th October and 18th November 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 limited to moderate weight, subject to the extent to which there are unresolved objections to each individual policy (the less significant the unresolved objections, the greater the weight that may be given).

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

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

## 5.0 Analysis

5.1 The principle of residential development at the site has already been established through the grant of outline consent and its subsequent allocation for housing in the JCS as part of the wider Innsworth and Twigworth Allocation (Policy A1). This application therefore relates solely to the approval of the access, layout, appearance, landscaping and scale of Phase 1a of the wider development site.

5.2 Whilst an indicative masterplan was submitted with the original outline application, a condition attached to the decision notice required a Site Wide Masterplan Document (SWMD) to be submitted to the Council either prior to or alongside the first application for approval of reserved matters (condition 7). The SWMD was required to be in accordance with the Parameter Plans submitted with the outline application and include a set of Design Principles. Those Design Principles included the principles for determining the design, form, heights and general arrangement of external architectural features of buildings; the principles of the hierarchy for roads and public spaces; potential arrangements for car parking; the principles for the design of the public realm; and the principles for the laying out of the green infrastructure, including the access, location and general arrangements of the sports pitches and play areas. In addition, the SWMD was required to include a two-dimensional layout drawing that shows the broad arrangement of development blocks including indications of active frontages; density ranges; maximum building heights; character areas; the location and general extent of public open space, including Play Areas; existing landscape features to be retained; and proposed structural planting.

5.3 Pursuant to condition 7, a SWMD was submitted to the Council and the condition was subsequently discharged (**a copy of the two-dimensional layout drawing approved as part of the SWMD is attached**). Condition 7 requires all reserved matters applications to accord with the approved SWMD, unless otherwise agreed in writing. The reserved matters presented under this current application have therefore been assessed primarily in the context of the approved SWMD. However, consideration has also been given to whether the proposed development accord with the outline consent, the associated S106 Agreements and the details approved under the other planning conditions attached to the outline consent.

### Layout, Appearance and Scale

5.4 Section 12 of the NPPF sets out that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. This is echoed in JCS policy SD4 and emerging policy RES5 of the Pre-submission version of the Tewkesbury Borough Plan (2019), which states 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.

5.5 The Design and Access Statement that accompanies the application describes the design concept for the scheme. It states that a key feature of the layout is the design of the frontage to the site access and new Tewkesbury Road roundabout, which is an important area that will set the tone for the quality and aspiration of the forthcoming phase of development. It explains that this area follows the design intent set out in the SWMD, with a defined edge of development set behind a generous well landscaped area, including a key building at the intersection of the buildings lines. Parked cars and visual clutter have been designed out of this key frontage and are accommodated in mews areas to the rear and side.

5.6 It follows that the layout generally has evolved as a series of traditional perimeter blocks with homes facing outward across the street and public open spaces or facing potential future development to create enclosed blocks. Development has also been arranged to back onto existing property to maximise privacy and security by design. The end of each street has been arranged to terminate at focal buildings to close views or towards open spaces.

5.7 In terms of the layout of Phase 1a, it is considered that the road layout, block sizes and location of the public open space generally accord with what is shown in the SWMD. There is a slight deviation to the south west of Phase 1a where the SWMD indicates a cycleway/footpath running adjacent to the boundary with the school land. This link is now shown forming part of the access road serving plots 68-79, however, it still provides a direct link from the A38 to the future primary school that would be safe and well overlooked. This minor deviation is therefore considered to be acceptable.

5.8 The SWMD describes four main character areas that have been shaped by land use, green infrastructure and existing site conditions. Phase 1a falls partly within the 'Gateway Character Area' and partly within the 'Core Neighbourhoods Character Area'. In terms of the Gateway Character Area, the SWMD sets out a medium density of 40-45dph with two principal blocks based around a central street. It describes a courtyard configuration to accommodate apartments and runs of terracing. The design principles for this character area include key buildings at important gateways; 2-3 storey terraced housing; a green corridor including a key pedestrian/cycle route linking to the village green; and a bus stop.

5.9 Approximately half of Phase 1 falls within the Gateway Character Area (Plots 1 to 42) and is predominantly comprised of terraced units and blocks of apartments fronting onto the main access road with parking to the rear. The units fronting the main access road are shown set back from the road behind a landscaped strip, which would incorporate formal tree planting. At either end of the Gateway Street are two apartment blocks that form gateway features fronting onto the roundabout off the A38 and the internal roundabout. Whilst Phase 1a only includes one of the blocks described in the Gateway Character Area (south west of the main access road), it is considered that the layout and density accords with this character area and is acceptable.

5.10 The remainder of Phase 1a (plots 43-79) falls within the Core Neighbourhoods Character Area, which the SWMD describes as having a lower density of 35-40dph. It follows that the majority of this character area will have perimeter development blocks apart from occasional courtyard or mews blocks where an element of rear parking is required. Contained within the Core Neighbourhoods Character Area are a number of street types, which include Village Streets, Community Streets and Green Lanes. The Village Streets form the main principal routes around the development with dwellings either side incorporating direct accesses. The frontage design principles here include short to medium building setback to provide front gardens with a continuous and regular building line. The Community Streets form the smaller roads within the individual development blocks and incorporate continuous building lines to provide enclosure comprised of runs of terracing, semi-detached and detached units. The building setbacks are varied to reinforce the informality of the street. The Green Lanes are located in the periphery of the parcels and are accessed via community streets. They serve no more than 5 units and have a more dispersed frontage albeit with a strong building line to help define squares, green spaces and corridors.

5.11 It is considered that the proposed layout and density accord with the Core Neighbourhoods Character Area described in the SWMD along with the associated design principles of the Village and Community Streets that form part of that character area. The SWMD does indicate a short section of 'Green Lane' adjacent to the school land. However, given the realignment of the cycleway/footpath away from the boundary of the school land as mentioned previously, this is no longer applicable.

5.12 In terms of the appearance of the proposed dwellings, the Gateway Character Area describes an architectural style that responds to and is sensitive to the local heritage assets, with predominantly redbrick and grey tiles. Concerns were initially raised that the proposed dwellings fronting the Gateway Street, and in particular the key buildings, were not of a sufficient design quality. Following negotiations with the applicant, revised plans have been submitted that show a more simplified architectural approach to the key buildings, with a focus on the detailing of those buildings. This is illustrated in the submitted plans, which show window, porch and canopy details, as well as the window reveal depths. In addition, a more continuous built frontage is now provided along the Gateway Street, which gives a greater degree of enclosure to this location as well as providing more active frontages. In light of these amendments, the appearance of the units within the Core Neighbourhoods Character Area is considered acceptable.

5.13 The style of the Neighbourhoods Character Area is described as a transitional architectural style blending the use of materials between a sensitive to heritage approach through the Gateway and more rural approach towards Hatherley Brook. It also states that a different architectural treatment will occur for main frontages around Garden Squares, Green Corridors and the Village Green. Materials are described as redbrick, light coloured renders and reconstituted stone, with grey and red/brown tiles.

5.14 The architectural approach adopted here is of a traditional form drawing on simple vernacular style and detailing. The architectural style is generally consistent across the character area, with the use of more gable fronted units fronting onto the Garden Square. Following negotiation with the applicant, the pallet of materials for Phase 1a has been reduced to redbrick and render, with red/brown and grey tiles. However, to provide a degree of variety, two slightly different types of redbrick would be utilised. In light of this, the appearance of the dwellings within the Neighbourhoods Character Area is considered to be acceptable.

5.15 With regard to scale, the SWMD stipulates that buildings in the Gateway Character Area should have a maximum ridge height of 12 metres. Elsewhere in the Core Neighbourhoods Character Area, buildings should be 2 storeys with potential 2.5 storeys as corner markers. The proposed buildings presented here are predominantly 2 storey in height, with a variety of eaves lines incorporated to help promote variety in the streetscene. The exception to this are a handful of 2.5 storey dwelling, which include accommodation in the roof space, and a three storey block of apartments that form a key building fronting onto the roundabout along the Gateway street. All of the dwellings within the Gateway Character Area are under 12 metres in height. In light of this, the scale of proposed buildings accord with the SWMD and are acceptable in this context.

5.16 In respect of Twigworth Parish Council's concerns, the layout shown at outline stage was illustrative to show how the site could accommodate the quantum of development proposed. The Inspector, and ultimately the Secretary of State, did not require the development to be strictly in accordance with that illustrative layout and a condition was attached, which required a masterplan to be submitted and approved by the Council. There was no requirement that it had to be the same as the illustrative masterplan, rather it had to be in accordance with the approved parameter plans.

5.17 In respect of the concerns regarding the density of the proposed dwellings along the Gateway Street, whilst this area is at a higher density than the remainder of the phase, this is in accordance with the SWND. However, notwithstanding this, whilst the density is higher in this location it is considered that the density is not unacceptable in terms of the character and appearance of the immediate area. Moreover, the plans now show that the units fronting the Gateway Street are now predominantly only 2 storey in height.

5.18 Overall, the layout, appearance and scale are consistent with the approved SWMD and following the submission of amended plans is considered acceptable.

#### Landscaping

5.19 Policy SD4 of the JCS requires the design of open space and landscaped areas to be of a high quality design, providing a clear structure and constitute an integral and cohesive element of the design. Similarly, Policy INF3 of the JCS states that where green infrastructure assets are created, retained or replaced within a scheme they should be properly integrated into the design and contribute to local character and distinctiveness.

5.20 In respect of the landscape strategy for the wider development, the SWMD sets out a number of key design principles. These principles include a multifunctional network of open spaces and green corridors; the integration and protection of existing landscape structure; the creation of a series of open spaces for all abilities; natural play; and the use of flood attenuation to create new wildlife habitats. Within the Gateway Character Area, the SWMD advocates the generous use of street trees and wide green verges to support the legibility of the Gateway. Within the Core Neighbourhoods Character Area, the SWMD promotes informal tree and shrub planting within the streets and front gardens.

5.21 In terms of the network of open spaces and green corridors, the proposal includes a Garden Square opposite the school land, which accords with the SWMD. Following negotiation with the applicant, this area now includes formal planting as well as surfaced paths and seating, which would ensure that it becomes an attractive and useable area of Public Open space.

5.22 The application also includes a series of swales that connect to a large attenuation pond. The attenuation pond is located to the south west corner of the wider development and accords with the SWMD in this regard. Whilst the SWMD does not provide any detail on the swales, they are proposed to be located within a green corridor that would connect the village green at the heart of the development to the Public Open Space and sports pitches to the south of the development. Concerns were initially raised that the swales could potentially compromise the green corridor shown in the SWMD, given that it also needs to accommodate a strategic cycleway/footpath, which will eventually connect to the Innsworth development. To address this, the plans now include the strategic cycleway/footpath and indicative drawings have been provided to illustrate how the green corridor would interface with future phases. In addition, additional landscaping details have been provided to show planting adjacent to the swales and a number of crossing points have also been provided. Following consultation with the Council's landscape consultant, it is considered that the proposed planting is acceptable and the general landscaping and green infrastructure accords with the SWMD in this regard.

5.23 With regard to existing landscape resources, condition 9 attached to the outline consent requires details of all trees within the phase proposed to be retained along with any required tree works and tree protection measures. In response to this, the application is supported with an Arboricultural Method Statement (AMS), which details the trees and hedgerows to be retained, which are largely located to the rear boundaries of the existing properties fronting the A38. The AMS also includes details of works to the retained trees and hedgerows, along with tree protection measures. The Council's Tree Officer has been consulted and is satisfied that the submitted details are acceptable.

#### Access

5.24 Policy INF1 of the JCS advises that proposals should ensure safe and efficient access to the highway network is provided for all transport modes and that the impact of development does not have a severe impact upon the highway network. Policy SD4 (vii) also requires development to be well integrated with the movement network within and beyond the development itself, ensuring links by other modes and to green infrastructure.

5.25 As set out previously, it is considered that the road layout, block sizes and pedestrian links generally accord with what is shown in the SWMD. Furthermore, the proposal accords with the relevant design principles for street design and frontage design described in the different character areas. This allows for direct access to all units for both pedestrians and vehicles. The routes are all well-lit with good levels of natural surveillance. Tactile paving would also be provided at key crossing points to assist the visually impaired. A welcome addition to the scheme is also the provision of a pedestrian link close to the bus stop on the Gateway Street that provides a direct route through the development to the school land.

5.26 In terms of street maintenance, condition 17 attached to the outline consent requires each reserved matters application to include details of the proposed arrangements for the future management and maintenance of the proposed streets within each phase. The details submitted with this application proposes that the responsibility for the management and maintenance of the highway assets for the lifetime of the development will be offered for adoption by Gloucestershire County Council. Until the streets are adopted, the applicant will be responsible for the upkeep of the roads and any other areas to be transferred to the Management Company. This would be funded by an annual charge levied against each of the open market properties.

5.27 The submitted plans include tracking for estate cars, refuse vehicles and fire vehicles. Following consultation with the County Highways Officer, it is advised that the submitted details are acceptable and no objections are raised in respect of highway safety.

5.28 With regard to parking, all units would be provided with at least two off-road parking spaces, with the exception of the 1 bedroom apartments, which would be allocated 1 space each. Visitor parking bays are provided around the Garden Square and on-street parking is available throughout the development. The parking arrangements generally reflect what is described in the SWMD and the parking spaces meet the minimum standards specified. The proposal is therefore considered to be acceptable in the regard.

#### Impact upon residential amenity

5.29 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.

5.30 The application site partially backs onto existing residential development along the A38. Concerns have been raised by Twigworth Parish Council that the proposed development would result in a loss of light to these properties as well as others in the wider vicinity. In particular, it is suggested that the proposed dwellings fronting onto the A38 and the main access off the roundabout would be unacceptable in this regard due to their height and the higher density in this location.

5.31 The existing properties that adjoin the application site sit in generous plots with tall dense vegetation along their rear boundaries, which provides a good degree of screening. The proposed dwellings fronting onto the A38 and the main access road are generally at a higher density when compared to the rest of the phase. However, they are predominantly only two storeys, with the exception of a handful of two-and-a-half storey and three storey units. Whilst the Parish Council's concerns are noted, it is considered that due to the orientation of the existing properties and the distance away from the proposed dwellings, there would not be any unacceptable loss of light or outlook that would warrant a refusal on these grounds.

5.32 In terms of the proposed layout, the dwellings would all have acceptable levels of outdoor amenity space that would not be unacceptably overlooked by adjacent units. Furthermore, there would be sufficient back-to-back distances between the proposed units, as well as the existing properties along the A38, which would ensure good standards of amenity are achieved and maintained.

5.33 Further to the above, the amenity of future residents was considered as part of the outline consent in respect of noise from the A38. Accordingly, condition 26 of the outline consent requires each reserved matters application to be accompanied by a noise survey to identify any dwellings that would be likely affected by road noise from the A38. If any affected dwellings are identified, the condition requires noise mitigation measures to be implemented prior to occupation.

5.34 In accordance with condition 26, the application is supported by a Noise Assessment and Mitigation Scheme, which presents an assessment of the noise environment within the proposed development, based on the proposed layout. The assessment indicates that the noise environment within the majority of the dwellings would be acceptable and achieve the requirements of the condition. The assessment finds that noise levels would be higher at a small number of properties adjacent to the new roundabout on the A38. To address this, additional noise mitigation measures would be implemented for these units through the use of high specification glazing and acoustically treated ventilators. Following consultation with the Council's Environmental Health advisor, it is advised that the submitted noise assessment is satisfactory and the mitigation measures are acceptable. The proposal is therefore considered to be acceptable in this regard.

#### Surface Water Drainage

5.35 JCS policy INF2 advises that development 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 site or elsewhere. For sites of strategic scale, the cumulative impact of the proposed development on flood risk in relation to existing settlements, communities or allocated sites must be assessed and effectively mitigation. It also requires new development to incorporate Sustainable Urban Drainage Systems (SUDS) where appropriate to manage surface water drainage.

5.36 Condition 21 attached to the outline consent requires no development to commence until a detailed surface water drainage strategy for the entire site has been submitted to and approved in writing by the Local Planning Authority. The condition also stipulates that no building within each phase of the development shall be occupied 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 as part of the reserved matters applications and which accord with the approved site wide drainage strategy for that phase or part of a phase.

5.37 In accordance with condition 21, a detailed surface water drainage and SUDS strategy were submitted to the Council, which was based on the Flood Risk Assessment included in the Environmental Statement and its addendum that accompanied the outline application. Those details were subsequently approved following consultation with the Lead Local Flood Authority (LLFA).

5.38 The drainage details submitted with this application follow the principles set out in the approved surface water drainage and SUDS strategy. The scheme proposes a series of swales and a piped sewer network that would convey water to the attenuation pond to the south west of the site. The landscaped swales have been designed with shallow side slopes and would form part of the green corridors running through the wider site. The combination of swales and attenuation ponds would restrict surface water discharge to the agreed Greenfield runoff rate for all rainfall events up to and including a 1:100 year, with allowance for climate change provided. It is stated that the piped sewer network would be offered for adoption under S104 of the Water Industry Act, with all SUDS features sited in public open space maintained by a management company. Following consultation with the LLFA, they are satisfied that the proposed surface water drainage details accord with the agreed detailed drainage strategy and are acceptable.

5.39 With regards to Twigworth Parish Council's concerns, the swales have been designed so that they would be an integral component of the green corridors. This is illustrated in the submitted soft landscaping plans, which details a comprehensive scheme of shrub and tree planting. As previously set out, the plans also show how the strategic cycleway/footpath would be incorporated into this green corridor. In terms of the health and safety concerns raised, in general, swales are shallow, flat bottomed vegetated open channels designed to convey and treat water and any beneficial attenuation is temporary. In this case, the swales have been designed with very shallow sides and the planting would help identify a visual border to the functional part of the swale. It is therefore considered that the proposed swales do not pose an unacceptable safety risk.

5.40 Whilst the concerns of the local community in respect of potential flood risk arising from pluvial flooding in particular are noted, the scheme as submitted accords with the approved drainage strategy and has been assessed and found to be acceptable by the LLFA.

#### Affordable Housing

5.41 Policy SD12 of the JCS sets out a minimum requirement of 35% affordable housing within the Strategic Allocation sites. It follows that where possible, affordable housing should be provided onsite and be seamlessly integrated and distributed throughout the development. Affordable housing must also have regard to the requirements of Policy SD11 concerning type, mix, size and tenure. The design of affordable housing should also meet required standards and be equal to that of market housing in terms of appearance, build quality and materials.

5.42 The provision of no more than 35% affordable housing for the wider site was secured at outline stage through a S106 Agreement dated 7th July 2017. The S106 sets out the following requirements:

- At least 60% of the General Affordable Housing Units shall be provided as Affordable Rented Units and the remaining provided as Intermediate Housing Units.
- No more than 50% and no less than 10% of the dwellings on any phase to be provided as General Affordable Housing Units unless otherwise agreed in writing by the Council.
- General Affordable Housing Units must not be located in groups of: more than 16 where they comprise a mix of housing and flats; and more than 12 where they comprise housing only.
- Affordable Housing Units to be generally indistinguishable in appearance from the Open Market Units.
- 5% of the Affordable Housing Units across the site to be constructed to the accessible and adaptable homes standard with the remaining being constructed to mandatory Building Regulations standards.

5.43 The application has been supported by an Affordable Housing Statement that sets out the following schedule of accommodation:

- 12 x 1 bedroom Affordable Rent
- 2 x 3 bedroom Affordable Rent
- 6 x 4 bedroom Affordable Rent
- 4 x 2 bedroom Affordable Intermediate
- 12 x 3 bedroom Affordable Intermediate

5.44 The provision of 36 affordable units in this phase represents 45.5% of the total dwellings proposed, which is below the 50% maximum limit set out in the S106. It is considered that the proposed affordable units would be tenure blind and would not be readily distinguishable from the market units. In addition, one of the ground floor affordable rented units would be constructed to the accessible and adaptable homes standard.

5.45 The Council's Housing Enabling Officer is satisfied that the proposed affordable housing mix and clustering is acceptable and accords with the requirements of the S106. The proposal is therefore acceptable in this regard.

## **6.0 Conclusions**

6.1 Taking into account all of the above, it is considered the proposed development would result in an acceptable access, layout, scale, appearance and landscaping. The scheme advanced would be in accordance with the outline consent and the SWMD approved under that consent. The application is therefore recommended for **approval**.

## **RECOMMENDATION Approve**

Conditions:

- 1 The development hereby approved shall be implemented in accordance with the following plans, documents and details:

### **Submitted 29th November 2019**

Street Lighting Design - 186/001 Revision E  
Twigworth - Street Lighting Schedule - 186/001 Revision E  
Outdoor Lighting Report – Revision E  
Vehicle Tracking Estate Car - PJS19-24-114C  
Vehicle Tracking Refuse Vehicle - PJS19-24-115D  
Vehicle Tracking Fire Vehicle - PJS19-24-116C  
Phase 1 Preliminary FFLs and Drainage Strategy - PJS19-24-117F  
Phase 1 Delivery Infrastructure - PJS19-24-118F  
Phase 1 Horizontal General Arrangement - PJS19-24-119C  
Swept Path Analysis Public transport vehicle - PJS19-24-122B  
Landscape Framework Plan - LA4337- 001D  
Detailed Soft Landscape Proposals 1 of 2 - LA4337 002D  
Detailed Soft Landscape Proposals 2 of 2 - LA4337 003D  
Site Layout Plan - 0230 P4  
Surfacing Materials Plan - 0232 P4  
Affordable Tenure Plan - 0233 P4  
Refuse Strategy Plan - 0234 P4  
Adoption and Management - 0235 P4  
Parking Strategy Plan - 0236 P4  
Site Layout Plan (Wider Context) - 0237 P4  
School Land Overlay - 0238 P4  
X327 - 0106 P3  
X305 - 0107 P3  
X305 - 0108 P3  
X308 - 0109 P2  
X307 - 0111 P3  
X309 - 0112 P3  
X414 - 0114 P3  
2 Bed Maisonettes Plans - 0115 P4  
2 Bed Maisonettes Plans - 0116 P4

2 Bed Maisonettes Elevations - 0117 P4  
2 BH - 0120 P3  
3 BH - 0121 P3  
3 BH - 0122 P3  
4 BH - 0123 P3  
AF 1 Bed Flats Plan - 0124 P3  
AF 1 Bed Flats Plan - 0125 P3  
AF 1 Bed Flats Plan - 0126 P3  
AF 1 Bed Flats Plan - 0127 P4  
2 BH wide fronted - 0129 P3  
X413 formal - 0136 P2  
Projected Porch Detail - 0600 P1  
Porch Detail - 0601 P1  
Canopy Detail - 0602 P1  
Window Details - 0603 P1  
Eaves Details - 0604 P1

Submitted 20th November 2019

Landscape Specification & Maintenance Plan (November 2019) - LA4337 LSMP 001

Submitted 8th November 2019

Arboricultural Method Statement (November 2019)  
Street Maintenance Strategy Plan - PJS19-24 Twigworth November 2019  
Site Location Plan - 0200 P3  
Garages - 0130 P2  
Bins Storage - 0133 P2  
Bins Storage and Car Port - 0134 P2  
X308 formal - 0135 P1  
X413 formal - 0137 P1  
X414 formal - 0138 P1

Submitted 20th September 2019

Waste Minimisation Statement for the development at Twigworth (September 2019)  
Noise Assessment and Mitigation Scheme - Rev.01 September 2019

Notes:

**1 Statement of Positive and Proactive Engagement**

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

- 2** The decision is to be read in conjunction with planning permission 15/01149/OUT including the associated S106 legal agreements.

ARCHITECTURE

### General Notes

1. Refer to the site plan for the location of the proposed development.
2. The proposed development is shown in the site plan.
3. The proposed development is shown in the site plan.
4. The proposed development is shown in the site plan.

### Legend

Proposed Development

Proposed Road Layout

Proposed Drainage

Proposed Fencing

Proposed Landscaping

Proposed Other

### Scale

1:1000

1:2000

1:5000

1:10000

**Project Information**

Project Name: [Project Name]

Client: [Client Name]

Location: [Location]

**Project Details**

Project Number: [Project Number]

Project Date: [Project Date]

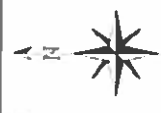
Project Status: [Project Status]

**Project Contact**

Project Manager: [Project Manager]

Project Engineer: [Project Engineer]

Project Designer: [Project Designer]







**General Notes**

1. All work to be completed in accordance with the contract documents.
2. All work to be completed in accordance with the contract documents.
3. All work to be completed in accordance with the contract documents.
4. All work to be completed in accordance with the contract documents.

**Site**

Site Name: [Redacted]  
Site Address: [Redacted]  
Site Location: [Redacted]  
Site Area: [Redacted]  
Site Status: [Redacted]

552/D

Project Name	Project Number	Project Date
Client Name	Client Address	Client Contact
Design Stage	Design Team	Design Lead
Design Description	Design Details	Design Notes

**PJS ENGINEERS**

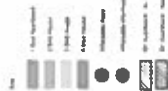
**Bovis Homes**

Phase 1 Delivery Infrastructure

Information 1:500

PJS 19/24 PJS 19/24-118 P

**Abstract** The purpose of this study was to determine the effect of a 12-week training program on the cardiovascular fitness of sedentary, middle-aged men. The subjects were 15 men, aged 40 to 55 years, who were sedentary and had no history of cardiovascular disease. They were randomly assigned to either a training or a control group. The training group performed a 12-week program of aerobic exercise, three times per week, for 12 weeks. The control group did not exercise. The subjects were tested at baseline and at 12 weeks. The results showed that the training group had a significant increase in cardiovascular fitness, as measured by the maximum oxygen consumption ( $\dot{V}_{O_{2max}}$ ), compared to the control group. The training group also had a significant increase in the maximum heart rate ( $HR_{max}$ ) and the maximum stroke volume ( $SV_{max}$ ). The control group had no significant changes in these variables. The results of this study suggest that a 12-week training program can improve the cardiovascular fitness of sedentary, middle-aged men.



552/€

## FUTURE PHASES

**FUTURE BUILDING**  
1992

FUTURE BUILD DENO

nutrient

SCHOOL LANE  
12th

• **Figure 1**

[illegible]

**McBains**

Bovis Homes

**PROJECT**  
Land at Fortgarden  
Glasgow, Glasgow

**Drinking Water**  
isn't Compatible. I Don't Drink

ARCHITECTURE

Building	Year built	Material	Height	Area	Volume
70001	1978	Steel	12	100	1200

Valid 04.06.2019

Approval of Reserved Matters (Appearance, Landscape, Layout and Scale) for Phase 1 of outline planning permission 12/01256/OUT for the erection of 135 dwellings with associated public open space and infrastructure.

Grid Ref 388189 217382  
Parish Brockworth  
Ward Brockworth West

## **RECOMMENDATION Delegated Approve**

### **Policies and Constraints**

### **DEFERRED at 18.06.19 COMMITTEE (ITEM 10 - PAGE NO 395)**

National Planning Policy Framework (2019)  
Planning Practice Guidance  
Joint Core Strategy (2017) - SP1, SP2, SD3, SD4, SD6, SD10, SD11, SD12, SD14, INF1, INF2, INF3, INF5, INF6, INF7, A3  
Tewkesbury Borough Local Plan to 2011 (March 2006) - TPT3, TPT6  
Tewkesbury Borough Plan (2011-2031) - Pre-submission version (July 2019) - RES3, RES5, RES12, RES13, DES1, NAT1, NAT3, NAT5, ENV2, HEA1, COM2, TRAC1, TRAC2, TRAC3, TRAC9  
Flood and Water Management SPD  
Manual for Gloucestershire Streets  
Human Rights Act 1998 - Article 8  
The First Protocol - Article 1  
Public Right of Way

### **Consultations and Representations**

### **Consultations and Representations**

**Brockworth Parish Council** - No objection.

**Hucclecote Parish Council** - Made the following comments:

Road noise is a concern for the properties closest to the A417. Satisfactory mitigation measures are vital to alleviate traffic noise;  
Additional dwellings would be further pressure on local services, especially the local doctors;  
Developer should provide a good level of broadband capacity;  
Proposed footpaths and cycleways should link up to others within the parish of Brockworth.

**Highways England** - No objection.

**Natural England** - As submitted, the application could have potential significant effects on the Cotswold Beechwoods Special Area of Conservation (SAC). Further information in order to determine the significance of these impacts and the scope for mitigation is required.

**Severn Trent** - As there is no proposal to discharge surface water to the public surface water sewer no comment to make.

**County Highway Authority** - No objection.

**Public Rights of Way Officer** - No objection.

**County Archaeologist** - Archaeological mitigation is already secured via the outline consent therefore no further observations made.

**Landscape Officer** - Raised concerns with elements of the proposed landscape scheme and has requested amendments to address the concerns.

**Urban Design Officer** - Raised concerns with elements of the proposed layout and materials for the proposed dwellings. Amendments have been requested.

**Housing Enabling Officer** - Details are acceptable.

**Flood Risk Drainage Engineer** - No objection.

**Borough Tree Officer** - No objection.

**Borough Conservation Officer** - There are no identified heritage constraints associated with this phase of the development - No objection.

**Borough Project Officer** - No objections to the LEAP specification.

**Wales and West Utilities** - Information in relation to pipes owned by Wales and West Utilities should be provided to all persons working on or near gas apparatus.

### **Local Residents**

One representation has been received raising the following questions:

Is there a requirement to equip these new homes with energy efficient appliances including solar roof panels?

If not is there at least a requirement that the rooflines will be orientated south-facing to facilitate efficient solar panel installation post-construction?

### **Planning Officers Comments: Victoria Stone**

#### **1.0 Introduction**

##### **Perrybrook Site Description**

1.1 The outline application site relates to approximately 76.65 hectares of land located immediately north of the settlements of Brockworth and Hucclecote, known as 'Perrybrook' and referred to as 'the wider development site' throughout this report.

1.2 The wider development site is bounded on three sides by major roads; the M5 motorway, the A417 Brockworth bypass and the A46 Shurdington Road. The southern boundary of the site is formed by Mill Lane from its junction with the A46 in the east to the Horsbere Brook. The north and south orientation of Valliant Way and Court Road serve to divide the site into three distinct parcels. A network of Public Rights of Ways (PROW) also crosses the land as well as a significant number of mature trees, some of which are covered by Tree Preservation Orders (TPO).

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

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

##### **Reserved Matters Site Description**

1.5 The current reserved matters application relates to Phase 1 of the wider development site (in relation to the approved phasing plan) and is the third phase to be submitted.

1.6 The application site comprises two distinct field parcels, is irregular in shape and covers approximately 8.7 ha of land (see attached plan). It forms the far eastern part of the wider development site.

1.7 The northern boundary of the site is defined by the embankment to the A417. To the east lies a parcel of agricultural land, the Perry Pear Orchard and two existing residential properties, beyond which lies the A46, Shurdington Road. The southern boundary adjoins Mill Lane with the exception of a small strip which lies to the north of the existing sports pitches associated with Brockworth Rugby Club and the formal sports hub approved as part of the outline consent. The land to the west also adjoins the approved formal sports hub and allotments as part of the wider development site and a small number of existing residential properties.

## **2.0 Planning History**

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

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

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

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

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

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

2.6 An application for the approval of reserved matters, ref: 18/00109/APP, (appearance, layout, landscaping and scale) comprising Phase 3 of outline planning permission 12/01256/OUT for the erection of 225 dwellings with public open space, play area, and associated infrastructure was approved in May 2019.

2.7 Reserved matters approval, ref: 18/00864/APP, was granted in August 2019 for the appearance, landscaping, layout and scale for Phase 5 and Phase 2 (in part) of outline planning permission 12/01256/OUT for the erection of 240 dwellings with public open space, play area, and associated infrastructure.

## **3.0 Current Application**

3.1 This application seeks reserved matters approval pursuant to outline consent 12/01256/OUT for the layout, scale, appearance and landscaping of 135 dwellings with associated public open space and infrastructure. This is the third phase of residential development at the wider development site.

3.2 The site would be served by a new primary road which would have two access points onto Mill Lane. The primary road would in turn give access to secondary and tertiary roads to serve the development. A new site wide footpath cycleway would be provided along the northern edge of the development.

3.3 The proposed residential development would deliver 135 new dwellings of which 36 would be affordable. These dwellings would include a mix of dwelling sizes from 2 bedroom to 5 bedroom houses.

3.4 The design of the layout is based around the Village Street and Rural Edge residential character area principles. The dwellings would front onto Mill Lane as a key frontage and around the perimeter of the site the dwellings would face outwards to address the public open spaces. The appearance of the dwellings is based around traditional principles.

3.5 Landscape is proposed to be integrated into the scheme. A landscape buffer along the northern boundary is proposed; longer runs of parking would be interspersed with trees and a LEAP would be located adjacent to the proposed attenuation pond.

3.6 A comprehensive Sustainable Drainage System (SuDS) has been approved for the wider development site. In accordance with condition 8 of the outline consent a detailed Drainage Strategy and SuDS Management Plan for this phase has been submitted. The proposed surface water drainage has been designed to convey the surface water from each plot, through a gravity sewer system to an attenuation basin in the western area of the site.

3.7 The application documents include a Statement of Compliance; an Arboricultural Survey, Impact Assessment and Protection Plan; a Drainage Strategy and SuDS Management Plan; a Highway Infrastructure Road Safety Audit; a 5 Year Landscape Maintenance and Management Plan and an Environmental Noise Survey.

#### **4.0 Policy Context**

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

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

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

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

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

#### **5.0 Analysis**

##### **Principle of the development**

5.1 The principle of residential development at the site has already been established through the grant of outline consent and its subsequent allocation for housing in the JCS as part of the wider North Brockworth Allocation (Policy A3). This application relates solely to the approval of the layout, appearance, landscaping and scale of Phase 1 of the wider development site.

5.2 Consideration also needs to be given as to whether the development would accord with the outline consent and its supporting documents as required by condition 5 of the outline consent. These set out the key principles governing the development of the site, namely the Concept Masterplan, the Illustrative Masterplan and the detailed Design and Access Statement.

## Layout and Scale

5.3 Section 12 of the NPPF sets out that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. This is echoed in JCS policy SD4 and emerging policy RES5 of the Pre-submission Tewkesbury Borough Plan (2019) which states 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.

5.4 As mentioned above an 'Illustrative' and 'Conceptual' Masterplan layout was agreed as part of the outline consent. A number of important principles of good design and appropriate parameters were established during the determination of the outline consent, which were encapsulated in a detailed Design and Access Statement (DAS). The vision outlined in the DAS was for a development that respected its wider context and worked within the surrounding landscape. The DAS envisages a series of inter-connecting, locally distinctive and walkable neighbourhoods with fragmented edges abutting open space and set within a strong green framework linking to natural and heritage assets. As set out above, it is a conditional requirement that all reserved matters shall be broadly in accordance with the principles and parameters described and identified in the Masterplans and the DAS.

5.5 In addition, condition 5 of the outline consent requires a statement to be submitted with each reserved matters to ensure the design quality and design parameters set out at outline stage are adhered to in the detailed design. A Statement of Compliance (SoC) has been submitted with this application which summarises the key areas of compliance with the design principles of the outline consent.

5.6 The proposal includes a balance between developed and undeveloped areas with a scale of development that would be reflective of northern Brockworth, albeit in a denser form of development.

5.7 Access arrangements have been designed reflecting the DAS access principles to provide a clear hierarchy of routes and public spaces to enable safe navigation and movement through the site. This includes a network comprising Primary, Secondary and Tertiary roads. A new pedestrian footpath would be provided along the northern edge of the site, connecting the Perry Pear Orchard with the rest of the phases of development to the west.

5.8 The residential element of the wider development site is proposed to be spread between small neighbourhoods each with their own character in terms of scale and style. Based on the design principles of the outline consent Phase 1 comprises two of the character areas, Village Street and the Rural Edge. The Village Street area occupies the middle of the site. Here the dwellings would overlook the tertiary streets, would be two storey in height and would be at a higher density. The houses would be arranged as single dwellings, semi-detached dwellings and terraces of 3 or 4 dwellings. The Rural Edge character area would provide a fragmented edge to the built form where it meets open space. The dwellings here would also be two storey in height, are designed at a lower density and would be pre-dominantly detached with some semi-detached and terraces. The dwellings would have a larger front and rear garden.

5.9 Officers have raised concerns with regards to the layout and configuration of a small number of plots which would front the primary roads. At the time of writing this report ongoing discussions are continuing with the applicant in respect to this matter and it is hoped these concerns could be easily addressed. **An update on this matter will be provided at Committee.**

5.10 As such, subject to achieving a satisfactory conclusion in respect to the layout of a small number of plots, it is considered that the layout, in respect to the scale, street hierarchy and residential character areas of the development, would respond appropriately to the principles set out in the Masterplans and DAS of the outline consent.

## Appearance

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

5.12 The Statement of Compliance submitted with this application takes forward this design aesthetic. The application proposes a mix of 2, 3, 4, and 5 bedroom detached, semi-detached and terraced properties **see typical house types attached**. The appearance of the dwellings is based on traditional principles, including pitched roofs with tiles; bay window details; chimneys on prominent corner plots; a variety of canopy porch designs; gauged arches to window heads and well-portioned fenestration. Walls are proposed to be brickwork with quoins on prominent corners and vistas. Selected plots would have tile hanging to front gables.

5.13 The scheme proposes two different brick colours, a red and a yellow buff brick. Whilst a palette of materials and combinations is welcomed concerns are raised in respect to the use of the yellow brick and the resulting contrast against the proposed red brick. Accordingly, officers are in the process of negotiating amended facing brick materials of which **an update will be provided at Committee**. The roof materials proposed are considered to be acceptable.

5.14 In terms of associated boundary treatment, in public areas flank walls would be constructed in facing brick, with close-boarded fencing restricted to rear/side and set-back garden locations. Other boundary treatments, in particular along the southern boundary fronting Mill Lane, include knee-high timber post and rail fencing.

5.15 In light of the above, subject to resolving the outstanding matter in respect to the brick colour and finish, it is considered that the appearance of the proposed dwellings would provide for a coherent and cohesive scheme, one which would reflect the design aesthetic set out in the approved DAS through the outline consent.

### Landscape

5.16 The NPPF sets out that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside. Policy SD6 of the JCS states that development will seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being. JCS policy SD4 (iv) requires the design of open space and landscaped areas to be of a high quality design, providing a clear structure and constitute an integral and cohesive element of the design.

5.17 Policy INF3 of the JCS states that where green infrastructure assets are created, retained or replaced within a scheme they should be properly integrated into the design and contribute to local character and distinctiveness. Emerging policy NAT3 of the Pre-submission Tewkesbury Borough Plan (2019) sets out that development must contribute, where appropriate to do so and at a scale commensurate to the proposal, towards the provision, protection and enhancement of the wider green infrastructure network.

5.18 The principle of the development in the open countryside adjacent to Brockworth, which is not subject to any landscape designation, has been established through the outline consent and the allocation of the site for housing in the JCS. Nevertheless, the site must be carefully designed to ensure its successful integration with Brockworth, the surrounding landscape and the other phases of the development.

5.19 The DAS and Masterplan approved through the outline consent developed a landscape strategy which includes, amongst other things, the retention of natural features of importance which would be linked by open spaces; strategic landscaping along the northern edge of the site and within new areas of open space along the brook; a network of swales along some roads and within open space; strategic corridors and 'green fingers' of open space; specimen structural tree planting along principal streets and play areas to provide opportunities to incorporate informal areas of play.

5.20 The landscape approach proposed for this phase seeks to retain, protect and enhance the landscape strategy as approved in the DAS and Masterplan of the outline consent. The Council's Landscape Advisor (LA) reviewed the initial and first revised scheme and identified a small number of shortcomings with the landscape approach. At the time of writing this report the applicant is currently in the process of submitting further revised plans to address the matters raised by the LA. **An update will be provided at Committee.**

5.21 During the course of the application the LEAP children's play area has been redesigned/extended with additional equipment to cater for a wider age ranges. The natural features, surfaced path and trees would all add a good deal of value to the play area. The Council's Landscape Advisor (LA) has requested a couple of minor changes (the re-orientation of the slide and the gates to open outwards). The applicant has agreed to these changes and at the time of writing this report revised plans are in the process of being drawn.

5.22 An Arboricultural Survey, Impact Assessment and Protection Plan accompanies the application as required by condition 12 of the outline consent. The Council's Tree Officer has reviewed the report and raised no objections to the detail within it.

5.23 On the basis the outstanding landscape concerns can be resolved, it is considered the proposed landscaping and public open spaces within this phase would provide a suitable scheme which would be broadly in accordance with the principles of the landscape strategy set out in the approved DAS and Illustrative Masterplan of the outline consent.

#### Highway Layout and Access Arrangements

5.24 Policy INF1 of the JCS advises that proposals should ensure safe and efficient access to the highway network is provided for all transport modes and that the impact of development does not have a severe impact upon the highway network. Policy SD4 (vii) also requires development to be well integrated with the movement network within and beyond the development itself, ensuring links by other modes and to green infrastructure.

5.25 In support of the application a Highway Infrastructure Road Safety Audit and a number of technical plans have been submitted. The County Highway Authority (CHA) reviewed the initial scheme advanced and commented that the details submitted provided insufficient information to demonstrate safe and suitable layout and access arrangements. Revised plans have been received, reviewed and agreed by the CHA.

5.26 On the basis of the submitted information, it is considered that the proposed development would ensure safe and efficient access to the highway network and would be well integrated with the movement network within and beyond the development itself.

#### Impact upon residential amenity

5.27 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.

5.28 The application site is set away from the existing residential development at Brockworth which lies to the south of Mill Lane. There are a small number of existing properties on both the eastern boundary of the site (High Meadow, Oak Tree Cottage) and the western boundary (Henley Bank Kennels and Henley Bank Farm). The design of the layout of the site has been carefully considered to ensure the development should not cause any undue harm upon the residential amenity of the neighbouring properties. The siting of the proposed attenuation pond in the far west corner of the site would ensure a satisfactory distance would be maintained from the proposed dwellings to the existing properties on the west boundary. In respect to the two neighbouring properties on the eastern boundary, the proposed dwellings closest to this boundary would be 'set-in' and orientated such that there should be no direct overlooking issues. A distance of approximately 25 metres would be maintained from the front elevation of the dwelling on plot no.82, nearest to the neighbouring property, High Meadow. The dwelling on Plot No.69 would be closer to the boundary however the dwelling would be orientated at an angle so that the front and rear elevation would not face the existing neighbouring property. Irrespective of this, the dwelling on Plot No.69 would still be a sufficient distance away to prevent any unduly harmful overbearing/overlooking issues.

5.29 The distances and relationship between the proposed dwellings have been assessed. Where the dwellings are to be sited back-to-back a distance of 20 metres would be maintained. This distance is reduced accordingly where dwellings face onto each other at oblique angles which is acceptable as direct overlooking of rear elevations is reduced. In a limited number of plots, adequate separation distances were not shown, thus overlooking of private rear gardens was identified. At the time of writing this report the applicant is currently in the process of submitting further revised plans to address this matter therefore an update will be provided at Committee.

5.30 Further to the above, the amenity of future residents of the development was considered as part of the outline consent, particularly with regards to the proximity of the site to the A417 (T). Accordingly condition 24 of the outline consent requires that no development shall take place within any phase of the development until a noise assessment be submitted to and approved in writing by the Local Planning Authority. A separate application to approve details reserved by this condition has been submitted, ref: 19/00084/CONDIS, and is running parallel to this application. In respect to this application the Council's Environmental Health Officer (EHO) has reviewed the Environmental Noise Survey, prepared by Hunter Acoustics, which are considered acceptable in principle. The precise details of mitigation required for each plot will be dealt with under the application to approve details reserved by condition application.

5.31 On the basis the outstanding amenity concerns is resolved, it is considered the proposed development would result in acceptable levels of amenity being maintained for the existing residents and secured for future residents of the development.

#### Surface Water Drainage

5.32 JCS policy INF2 advises that development 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 site or elsewhere. For sites of strategic scale, the cumulative impact of the proposed development on flood risk in relation to existing settlements, communities or allocated sites must be assessed and effectively mitigation. It also requires new development to incorporate Sustainable Urban Drainage Systems (SUDS) where appropriate to manage surface water drainage.

5.33 Condition 8 of the outline consent required the first reserved matters application submitted in respect to the whole site to include a surface water drainage strategy for the entire site. This was submitted and approved as part of the reserved matters for phase 3. The condition also requires a detailed surface water drainage strategy to be submitted as part of any subsequent reserved matters application for that specific phase. A Drainage Strategy and SuDS Management Plan accompanies the application.

5.34 The Council's Flood Risk Drainage Engineer has considered the submitted strategy and raises no objection to the approval of reserved matters, in accordance with the engineering plans and management plan submitted, from a flood risk perspective.

#### Affordable Housing

5.35 The NPPF sets out that Local Planning Authorities should set policies for meeting affordable housing need on development sites. JCS Policy SD12 and emerging Policy RES12 of the Pre-submission Tewkesbury Borough Plan (2019) seeks 40% affordable housing to be provided, where possible, on site.

5.36 An Affordable Housing Scheme (AHS) for the wider development site identifies that no more than 40% affordable housing shall be provided across the whole site and the number of dwellings that this equates to per phase of development. Of the 600 total affordable housing units 425 will be 'General Affordable Housing' and 175 will be 'Extra Care Affordable Housing.' In accordance with the AHS phase 1 is required to provide 36 'General' affordable dwellings of which 50% would be social rented and 50% would be intermediate units. 3 of the units are proposed to be constructed to 'Lifetime Homes' standard. The units are proposed to be spread out across the site in two clusters within the market housing.

5.37 The Council's Housing Enabling Officer has reviewed the proposed affordable housing provision and raises no objections.

#### Other Matters

5.38 Natural England consider as submitted, the application could have potential significant effects on the Cotswolds Beechwoods Special area of Conservation (SAC) which is a European designated site. As such they have requested further information in order to determine the significance of these impacts and the scope for mitigation and for the Council to undertake a Habitats Regulation Assessment (HRA). Further information has been submitted by the applicant and discussions are ongoing with Natural England in respect to their request for the Council to carry out a HRA. **Members will be provided with an update at Committee.**

5.39 The plans shown in the following pages of the Committee Schedule represent the latest revised version available at the time of writing this report. As detailed above, ongoing discussions are taking place with the applicant and officers in respect to securing a number of amendments to the layout, material specification and the landscape strategy therefore it is likely further amended plans will be received before Planning Committee. These will be included in the Late Representation Sheets and uploaded to the Council's website under the planning reference.

## **6.0 Conclusions**

6.1 Taking into account all of the above, it is considered that subject to the outstanding matters outlined above being resolved, the proposed development would result in an acceptable layout, scale, appearance and landscaping. The scheme advanced would be broadly in accordance with the principles and parameters described and identified in the Illustrative and Conceptual Masterplan and the Design and Access Statement approved under the outline consent for the wider development site.

6.2 It is therefore recommended that authority be delegated to the Technical Planning Manager to Approve the application subject to the resolution of the outstanding matters related to landscaping; appearance (brick materials); layout and residential amenity; the Habitats Regulations Assessment and the addition to/amendment of planning conditions as appropriate.

## **7.0 UPDATE 17th December 2019**

7.1 At Planning Committee on October 15th 2019, Members resolved to approve the application subject to the resolution of the outstanding matters relating to landscaping and the Habitats Regulation Assessment; addressing the highway concerns raised by the Committee; and the addition/amendment of planning conditions as appropriate. At its meeting on 19th November a correction to the minutes of the October Committee was made which made clear that Members wished to see highways improvements to Mill Lane prior to the commencement of development.

7.2 The applicant has commented on the position arising from the correction to the minutes. The applicant considers that as the current application is one for the approval of reserved matters (appearance, landscape, layout and scale) for phase 1 of the development, the implementation of highways improvements cannot be considered in the determination of this application. They state that, as the extent and timescales of the implementation of the Mill Lane works have already been approved under the outline permission and are subject to a s278 highways agreement with the County Council, it is beyond the scope of the reserved matters application to re-consider this matter now.

7.3 The outline permission is subject to two conditions which require works to Mill Lane including widening in certain parts (in particular to remove the current one-way working and improve visibility) and the provision of a 2m footway along the site frontage onto Mill Lane. The wording of these conditions is as follows:

### **Condition 16**

"Except as specified in condition 17, no building shall be occupied on Phases 1, 2 or 5 of the development until the Mill Lane highway improvement works shown on plan no. 60007-TA-015 have been completed in accordance with engineering details to be submitted to and approved in writing beforehand by the Local Planning Authority."

### **Condition 17**

"No more than 80 dwellings shall be occupied on Phases 1, 2 or 5 of the development until the Mill Lane highway improvement works shown on plans no. 60007-TA-014 have been completed in accordance with engineering details to be submitted to and approved in writing beforehand by the Local Planning Authority."

**7.4** Therefore it is clear that the works to Mill Lane were fully considered at Outline Stage. The County Council as Local Highways Authority recommended the above conditions to the Secretary of State at the time the decision was made on the outline application. It is not open to the Council to seek to add further conditions at this stage. To do so would be unlawful as any such condition would not meet the statutory tests for conditions in that it would not be necessary as controls over the timing of the works are already subject to a planning condition on the outline permission; would not be related to the reserved matters currently being considered; would not be reasonable as it is not possible to re-write history in the context of an application for the approval of reserved matters; and would not be enforceable as the Council would have no prospect of success in attempt to justify taking action against a condition which was unlawful in the first place.

**7.5** Notwithstanding the above it is understood that the County Highways Authority have negotiated further improvements to Mill Lane through the process of agreeing the s278 highways agreement. These works are currently under way, having commenced on 2nd December.

**7.6** The applicant has confirmed that they intend to commence works on Phase 1 within a month of receiving reserved matters approval. Further it is understood that the works to the eastern access to Phase 1 and the widening of Mill Lane, which as set out above are already underway, are expected to be completed to base course level by the end of January 2020. Notwithstanding that these works are not part of the reserved matters approval, this gives comfort that the widening of Mill Lane will be completed in a timely fashion. Further, the applicant advises that it has secured a temporary access to the site (along the line of the western access) and it is the intention that this access (rather than utilising the eastern access to Shurdington Road) will be used for the early works (including archaeology and initial construction works) until the Mill Lane improvement works between the site and Shurdington Road have been completed to base course level.

**7.7** Member's concerns regarding the safety of Mill Lane are understood however in light of the above it is strongly recommended that approval is delegated to the Technical Planning Manager to Approve the application subject to the resolution of the outstanding matters related to landscaping; appearance (brick materials); layout and residential amenity; the Habitats Regulations Assessment and the addition to/amendment of planning conditions as appropriate.

#### **RECOMMENDATION Delegated Approve**

Conditions:

Nil

Notes:

**1 Statement of Positive and Proactive Engagement**

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

**2** The decision should be read in conjunction with outline consent, 12/01256/OUT, including the associated S106 legal agreements.

562/A



Drawing No.	Rev.
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Scale:	1:2500 @ A2
Date:	Feb 2017
Drawn:	ant
Checked:	

**Contract:** Residential Development Perrybrook - Phase 1,  
Brockworth, GLOUCESTER for Bellway Homes

**Title:** Site Location Plan

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# Perrybrook - Phase 1, Brockworth, GLOUCESTER

NORTH



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- LCHQ (Informations)
- Social Street
- Main Access Road

0m 5m 10m 25m 50m

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ARCHITECTS

Residential Development Perrybrook - Phase 1,  
Brockworth, GLOUCESTER for Bideley Homes

Site Development Layout - Amendments

Project No: 11/0014  
Date: 11/01/14  
Scale: 1:1000  
Author: [Name]  
Check: [Name]  
Drawn: [Name]

REVISIONS

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1	11/01/14	CONSTRUCTION

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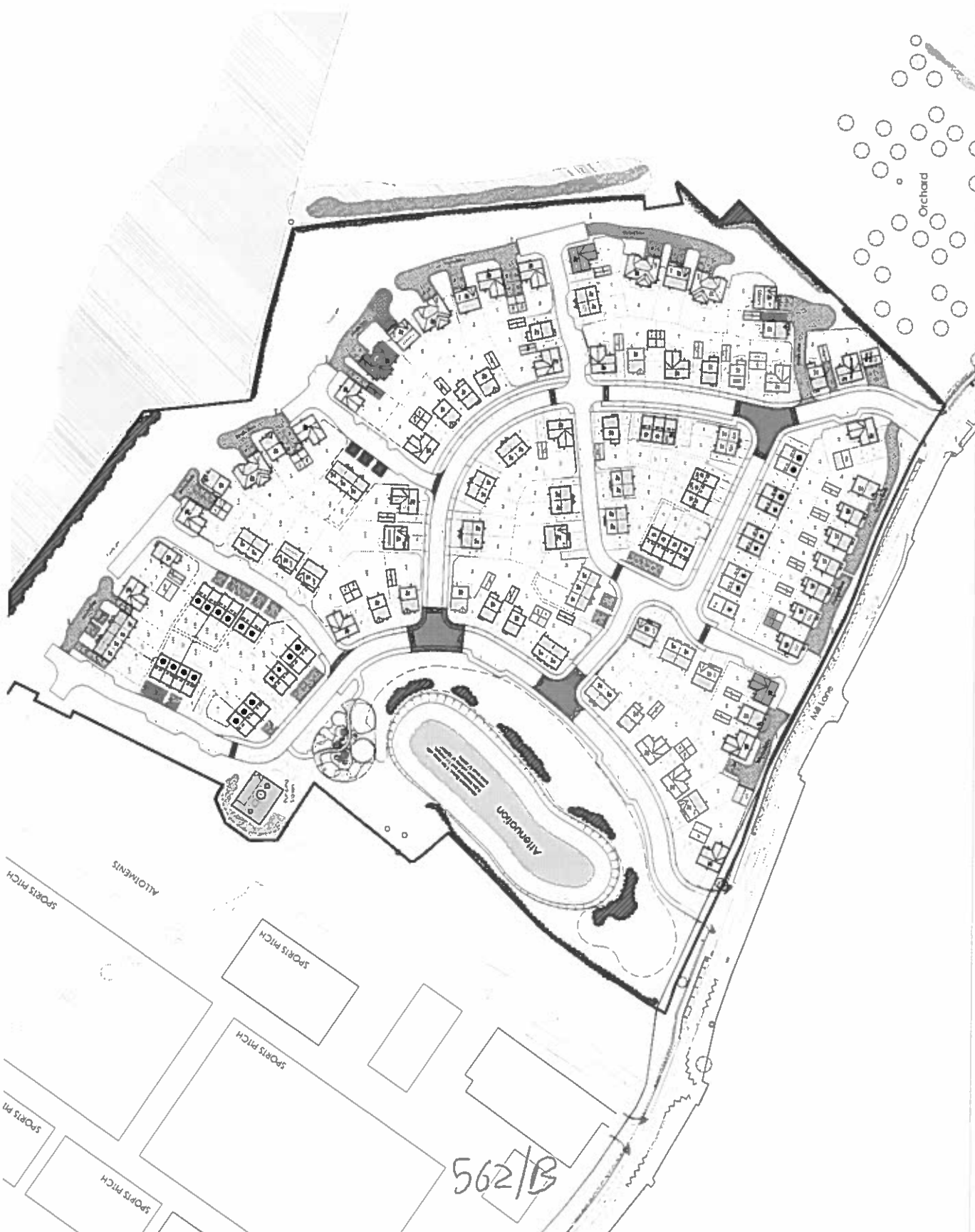
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562/B

# 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			
Cleeve St Michael's	Cleeve St Michael's Ward	Bob East Andrew Reece			
Cleeve West	Cleeve West Ward	Rob Bird Richard Stanley	Severn Vale South	Boddington Down Hatherley Norton Sandhurst Uckington	Mark Williams
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