

TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

Committee:	Planning
Date:	15 March 2021
Site Location:	Council Offices Gloucester Road Tewkesbury
Application No:	22/00044/FUL
Ward:	Tewkesbury Town South
Parish:	Tewkesbury
Proposal:	Construction of new solar carport over existing parking bays.
Report by:	Isobella Howell
Appendices:	Site Location Plan 0001 Existing Site Plan 0002 Proposed Site plan 0003 Existing Site Elevations 0004 Proposed Site Elevations 0005 Demolition Plan 0006
Recommendation:	Permit

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1** The application relates to land at Tewkesbury Borough Council Offices, just off the Gloucester Road in Tewkesbury. The site is accessed via Lincoln Green Lane which in turn is accessed off Gloucester Road. Entrance to the site is shared with the adjacent leisure centre.
- 1.2** The south east of the site lies an electrical substation. To the east and south of the site lies residential development with open fields to the south west.
- 1.3** The site forms part of the historic Tewkesbury Battlefield and is adjacent to the Tewkesbury Conservation Area. The site lies within Flood Zone 1, but the northern boundary of the site is located within Flood Zone 2.
- 1.4** Full planning permission is sought for the construction of a solar carport over existing parking bays with associated works. The solar car port would involve the removal of a number of trees to the existing grass verge to facilitate the development. The proposal would cover a total of 74 spaces within the car park, leaving 102 number of parking spaces uncovered (4 of which are disabled car parking spaces). It would measure 5.5 metres to its highest point, with a width of 11.8m and a length of 92m. The floorspace would amount to approximately 1085.6m².

- 1.5** The array is anticipated to provide a 221.2kW system with the energy intending to serve the Council Offices, the Leisure Centre with any surplus being returned to the grid. A total of 4 SuDs Planters connecting to RWDP from solar port system intend to be installed; one to the north east of the car port and the other to the south west. Rainwater will be drained via a gutter to a SUDs system that will serve to attenuate the rainwater runoff.

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
98/00182/FUL	Temporary building to provide office accommodation.	PER	09.04.1998
74/00165/OUT	Outline application for the erection of Local Government Offices and ancillary accommodation for new Tewkesbury District Council. Construction of a new vehicular access and widening of existing access road.	PER	22.01.1974
75/00156/FUL	Erection of Local Government Offices and ancillary accommodation including Custodian's flat. Construction of car parks and new pedestrian and vehicular accesses.	PER	26.02.1975
02/00399/FUL	Construction of cycle shelter - 10 cycle capacity	PER	01.05.2002
08/01511/FUL	To use staff car park at weekends for motorcycle training.	PER	20.01.2009
09/00853/FUL	To use staff car park at weekends for motorcycle training.	PER	03.11.2009
13/00688/FUL	Construction and retention of access road and hard core contractors compound area for use of a temporary overflow car park for the council office site.	WDN	07.02.2014
14/00645/FUL	Erection of a leisure centre to include swimming pools, health and fitness suite, café and associated infrastructure and services.	PER	11.11.2014
17/01139/FUL	A refurbishment of the existing landscaped area outside the entrance to the council offices.	PER	14.03.2018

3.0 RELEVANT POLICY

The following planning guidance and policies are relevant to the consideration of this application:

3.1 National guidance

National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG)

3.2 Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) – Adopted 11 December 2017

- Policy SD3: Sustainable Design and Construction
- Policy SD4: Design Requirements
- Policy SD6: Landscape
- Policy SD8: Historic Environment
- Policy SD14: Health and Environmental Quality
- Policy INF5: Renewable Energy/Low Carbon Energy Development

3.3 Tewkesbury Borough Local Plan to 2011 – March 2006 (TBPL)

- Policy HEN2: Conservation Area: Setting and Impact
- Policy HEN24: Historic Battlefields

3.4 Tewkesbury Borough Plan 2011-2031 Pre-submission Version (October 2019)

- Policy HER1 Conservation Areas
- Policy HER2 Listed Buildings
- Policy HER4 Archaeological Sites and Scheduled Monuments
- Policy HER6 Tewkesbury Historic Battlefield
- Policy NAT1 Biodiversity, Geodiversity and Important Natural Features

3.5 Neighbourhood Plan

None

3.6 Other relevant policies/legislation

- Human Rights Act 1998
- Article 8 (Right to Respect for Private and Family Life)
- The First Protocol - Article 1 (Protection of Property)

4.0 CONSULTATIONS

Full copies of all the consultation responses are available online at <https://publicaccess.tewkesbury.gov.uk/online-applications/>.

- 4.1 Tewkesbury Town Council** – no objection. The Town Council is pleased to see that the Borough Council intends to replace the lost trees and suggests that the replacement should provide two trees for each one removed.
- 4.2 Building Control** - The application may require Building Regulations approval.
- 4.3 Conservation Officer** – No objection.
- 4.4 HSE** – this application does not require consultation with HSE.
- 4.5 Ecology** – No ecological surveys required prior to determination recommended conditions.
- 4.6 Environmental Health** – No objection to the application in terms of light nuisance.
- 4.7 Lead Local Flood Authority** – Decline to comment.
- 4.8 Minerals and Waste** – No objection.
- 4.9 Gloucester County Council (GCC) Archaeologist** – recommended condition.
- 4.10 GCC Highways** – No objection.
- 4.11 Tree Officer** – Further to the planting plan Drawing number: NS180484 being submitted showing the replacement trees. I can confirm that this is acceptable and only the 5 year condition needs to be applied - if a tree fails within that time it will need to be replaced.
- 4.12 Land Drainage** – No comments received at the time of write up.

5.0 PUBLICITY AND REPRESENTATIONS

Full copies of all the representation responses are available online at <https://publicaccess.tewkesbury.gov.uk/online-applications/>.

- 5.1** The application has been publicised through the posting of a site notice for a period of 21 days.
- 5.2** At the time of writing the report, no comments have been received. Any further comments will be summarised in the late representations sheet.

6.0 POLICY CONTEXT

- 6.1** 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.
- 6.2** 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.
- 6.3** The Tewkesbury Borough Plan (TBP) has reached an advanced stage. The Pre-Submission TBP was submitted for examination in May 2020. Examination in Public (EiP) took place over five weeks during February and March 2021. The examining Inspector's post hearings Main Modifications letter was received on 16th June 2021. In this letter the Inspector provided his current view as to what modifications are required to make the Plan 'sound'.
- 6.4** A schedule of Main Modifications to the Pre-submission TBP were approved at the meeting of the Council on 20th October 2021 and is now published for consultation as the Main Modifications Tewkesbury Borough Plan (MMTBP).
- 6.5** Those policies in the MMTBP which were not listed as requiring main modifications may now attract more weight in the consideration of applications, with those policies which are subject to main modifications attracting less weight depending on the extent of the changes required. The TBP remains an emerging plan and the weight that may be attributed to individual policies (including as with modifications as published for consultation) will still be subject to the extent to which there are unresolved objections (the less significant the unresolved objections, the greater the weight that may be given) and the degree of consistency with the NPPF (the closer the policies to those in the NPPF the greater the weight that may be given).
- 6.6** The relevant policies are set out in the appropriate sections of this report.
- 6.7** Other material policy considerations include national planning guidance contained within the National Planning Policy Framework 2021 and its associated Planning Practice Guidance (PPG), the National Design Guide (NDG) and National Model Design Code.

7.0 ANALYSIS

Principle of development

- 7.1** The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives (economic, social and environmental) which are interdependent and need to be pursued in mutually supportive ways.

7.2 Paragraph 152 of the NPPF states that planning system should support the transition to a low carbon future in a changing climate and support renewable and low carbon energy and associated infrastructure. Paragraph 158 states that when determining applications for renewable and low carbon development local planning authorities should:

(a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and

(b) approve the application if its impacts are (or can be made) acceptable.

7.3 Policy INF5 of the JCS states proposals for the generation of energy from renewable resources, or low carbon energy development (with the exception of wind turbines), will be supported, provided the wider environmental, social or economic benefits of the installation would not be outweighed by a significant adverse impact on the local environment, taking into account the following factors:

i. The impact (or cumulative impact) of the scheme, including any associated transmission lines, buildings and access roads, on landscape character, local amenity, heritage assets or biodiversity;

ii. Any effect on a protected area such as The Cotswolds AONB or other designated areas such as the Green Belt;

iii. Any unacceptable adverse impacts on users and residents of the local area, including emissions, noise, odour and visual amenity;

Policy INF5 states that proposals are more likely to be supported when they demonstrate:

- That they have been designed and sited so as to minimise any adverse impacts on the surrounding area

- Benefits arising directly from the scheme to the local economy, the community and achievement of national targets

- The feasibility and cost-effectiveness of removing any installation and re-instatement of the site in future years

- The net gain of carbon savings, taking into account carbon use through manufacturing and installation of the technology.

7.4 The proposal is of a utilitarian design and anticipated to provide a 221.2kW system to contribute to Tewkesbury Borough Councils sustainable energy solution to the buildings. The energy produced by the array will serve the Tewkesbury Borough Council Offices and the Leisure Centre. The surplus energy will be returned to the grid. This would represent a contribution to the UK's renewable energy targets as well as providing a public benefit by the generation of renewable energy for community use.

- 7.5 These benefits would accord with the NPPF's provisions to support the transition to a low carbon future. Notwithstanding this benefit, it is necessary there are some policy points to establish the principle of the development subject to the acceptability of other material planning considerations.

Effect on Landscape and Visual Amenity of the Area

- 7.6 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.
- 7.7 There are no landscape designations covering the site itself.
- 7.8 To the South of the site is Lincoln Green Lane. There will be distant glimpses of the proposal from this location, particularly given the Leisure Centre and the Council Offices will obstruct many of these views across the site.
- 7.9 To the west of the site is YMCA playing fields. Whilst the proposal will be visible when immediately adjacent to the site on the playing fields, two trees intend to be planted in this location that will screen some views into the site and will minimise any potential visual impact that may arise.
- 7.10 Along the eastern and northern boundary, is a network of mature trees and hedgerows. The trees on the eastern and northern boundary are sited on a raised mound of grass, with the car park at a lower lying level. The topography of the land and the screened views as a result of the dense vegetation will filter and screen views into the site. It is worth noting the species of trees along this boundary are ones in which retain their leaves in the winter months and therefore screened views will remain throughout the year.
- 7.11 The location of the proposed solar car port is in a visually enclosed area of the site, with further landscaping to mitigate the visual impact of the site. Whilst there may be some glimpses of the solar car port, there would be minor adverse impact on the landscape arising from the proposal and the impact is considered acceptable by Officers.

Residential amenity

- 7.12 Paragraph 130 of the NPPF states that planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible which promote health and well-being, with a high standard of amenity for existing and future users. JCS policy SD14 states that new development must cause no unacceptable harm to local amenity including the amenity of neighbouring occupants and result in no unacceptable levels of pollution.
- 7.13 There are some residential properties circling from the north east of the site round to south. Given the development is well screened and located some distance from the proposal, it would not give rise to an over-bearing or over-dominating impact which would unacceptably impact on residential amenity.
- 7.14 The Environmental Health Officer has been consulted on the application and has raised no objection in terms of light nuisance.

- 7.15** Overall, it is considered that the proposed development would not give rise to a detrimental impact on the amenity of existing residents and the proposal is in accordance with JCS policies and the NPPF.

Access and highway safety

- 7.16** The NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts of development are severe. JCS Policy INF1 echoes the NPPF.
- 7.17** The site has an existing access just off Lincoln Green Way which serves the Council Offices and the Leisure Centre.
- 7.18** There will be no additional or loss to car parking spaces currently on site and therefore the proposal is not considered to increase the amount of cars and/or parking on site.
- 7.19** Highways have been consulted on the application and have raised no objection to the proposal.
- 7.20** Taking account of all of the above, it is considered that the application would not have an unacceptable impact on highway safety or a severe impact on congestion. The proposal is therefore considered acceptable in regard to highway safety and accessibility.

Drainage and Flood Risk

- 7.21** 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 Policy ENV2 of the Emerging TBP and the NPPF.
- 7.22** The site is located within Flood Zone 1, which has the lowest probability of flooding (less than 0.1% chance).
- 7.23** The rainwater will be drained via a gutter to a SUDs system consisting of two number planters at each side of the solar array, which will serve to attenuate the rainwater runoff and provide an improvement in the surface water drainage for the site.
- 7.24** In light of this, the application is considered acceptable in regard to drainage and flood risk.

Heritage Assets

- 7.25** When determining planning applications the LPA has a duty under Sections 66(1) & 71(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have regard to the desirability of preserving listed buildings and their features of special architectural or historic interest and to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The proposal will also be assessed against section 16 of the NPPF, Policy SD8 of the JCS and saved policy HEN2 of the Local Plan.

- 7.26** The application site forms part of the historic Tewkesbury Battlefield, within close proximity to the Tewkesbury Conservation Area and within close proximity to a number of Listed Buildings.
- 7.27** The proposal will be located on the site of an important Medieval Manor House. The solar carport canopies are formed of a monopitch solar panel roof supported off steel frames. Supports are spaced at generally 5m internals with each support grounded on two number legs. The foundations are concrete pad to minimize excavations. The Archaeologist has been consulted on the application and has recommended to make provision for archaeological monitoring the ground works required for the construction of the scheme and that any remains revealed during the development can be recorded.
- 7.28** The Conservation Officer has stated that whilst the construction of new structures within the Registered Battlefield would not be encouraged, in this instance the visual harm will be minimal. This would be less than substantial harm that would be outweighed by the public benefit provided by the generation of renewable energy for community use.
- 7.29** With regard to the Conservation Area and Listed Building, the Conservation Officer has been consulted on the application and has not considered there would be any intervisibility between the site and the Listed Building. In addition, the structure would not be prominent or dominant within the wider views of the Conservation Area. In light of this, there would be no harm to the significance of the Listed Building or harmful impact upon views into and out of the Conservation Area.
- 7.30** Therefore subject to the imposition of conditions, the application is considered acceptable in regard to heritage assets and archaeology.

Impact on Ecology and Trees

- 7.31** 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.
- 7.32** A number of trees do intend to be removed to facilitate the development. Notwithstanding this a plan has been submitted that demonstrates the location of the new trees that intend to be planted and exceeds the number of trees that intend to be removed.
- 7.33** The Tree Officer has been consulted on the application and has confirmed that the replacement tree planting location is acceptable and only the 5 year condition needs to be applied. If a tree falls within this time it will need to be replaced.
- 7.34** The Ecologist has been consulted on the application and has recommended that tree removal should be taken outside of the main nesting bird season (March to August) and if this is not possible, then a pre-commencement check should be undertaken by a suitably qualified Ecologist.
- 7.35** The Community Infrastructure Levy (CIL) Regulations allow local authorities to raise funds from developers undertaking new building projects in their area. Whilst the Council does have a CIL in place, infrastructure requirements specifically related to the impact of the development will continue to be secured via a Section 106 legal agreement. The CIL regulations stipulate that, where planning obligations do not meet the tests, it is 'unlawful' for those obligations to be taken into account when determining an application.

7.36 These tests are as follows:

- a) necessary to make the development acceptable in planning terms.
- b) directly related to the development; and

fairly and reasonable related in scale and kind to the development.

7.37 JCS Policy INF6 relates directly to infrastructure delivery and states that any infrastructure requirements generated as a result of individual site proposals and/or having regard to the cumulative impacts, should be served and supported by adequate and appropriate on/off-site infrastructure and services. The Local Planning Authority will seek to secure appropriate infrastructure which is necessary, directly related, and fairly and reasonably related to the scale and kind of the development proposal. Policy INF4 of the JCS requires appropriate social and community infrastructure to be delivered where development creates a need for it. JCS Policy INF7 states the arrangements for direct implementation or financial contributions towards the provision of infrastructure and services should be negotiated with developers before the grant of planning permission. Financial contributions will be sought through S106 and CIL mechanisms as appropriate

8.0 CONCLUSION AND RECOMMENDATION

Benefits

- 8.1** The proposed development would make a significant contribution to meeting targets for renewable energy and would contribute to the reduction of greenhouse gases that would contribute to the UK's renewable energy target.
- 8.2** The proposed development would provide the generation of renewable energy for community use providing a clear public benefit to the development.

Harms

- 8.3** The overall impact of the proposed character of the landscape character area and on the character of the site is considered to be minor adverse.
- 8.4** There will be a negligible impact on the Registered Battlefield and the Setting of the Listed Building and Conservation Area. This would be less than substantial harm and would be outweighed by the public benefit.

Neutral

- 8.5** Subject to the imposition of conditions it is considered that there would be neutral impact on archaeology, heritage assets, flood risk, ecology, trees highway and access issues.

9.0 Overall conclusion

- 9.1** It is concluded that the benefits of the proposal, outweigh any potential harms. It is also concluded that the application is generally in accordance with development plan policy.
- 9.2** It is therefore recommended that the application is permitted.

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 documents:

- Location Plan 0001
- Proposed Site plan 0003
- Proposed Site Elevations 0005
- Demolition Plan 0006

Except where these may be modified by any other conditions attached to this permission.

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

3. No development shall take place within the application site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

Reason: It is important to agree a programme of archaeological work in advance of the commencement of development, so as to make provision for the investigation and recording of any archaeological remains that may be destroyed by ground works required for the scheme. The archaeological programme will advance understanding of any heritage assets which will be lost, in accordance with paragraph 205 of the National Planning Policy Framework.

4. All planting comprised in the approved details of tree/hedgerow planting shall be carried out in the first planting season following the occupation of any building or the completion of the development, whichever is the sooner. Any trees or hedgerows, which within a period of 5 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. If any trees or hedgerows fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year period.

Reason: To ensure adequate provision for trees/hedgerows, in the interests of visual amenity and the character and appearance of the area.

INFORMATIVES:

1. In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing the to the Council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.
2. Your attention is drawn to the requirements of the Building Regulations, which must be obtained as a separate consent to this planning decision. You are advised to contact the Building Control Team on Buildingcontrol@cheltenham.gov.uk.

3. It is advised that no removal of trees/scrub/hedgerows should be carried out on site between 1st March and 31st August inclusive in any year. If any nesting birds are found works should stop immediately.