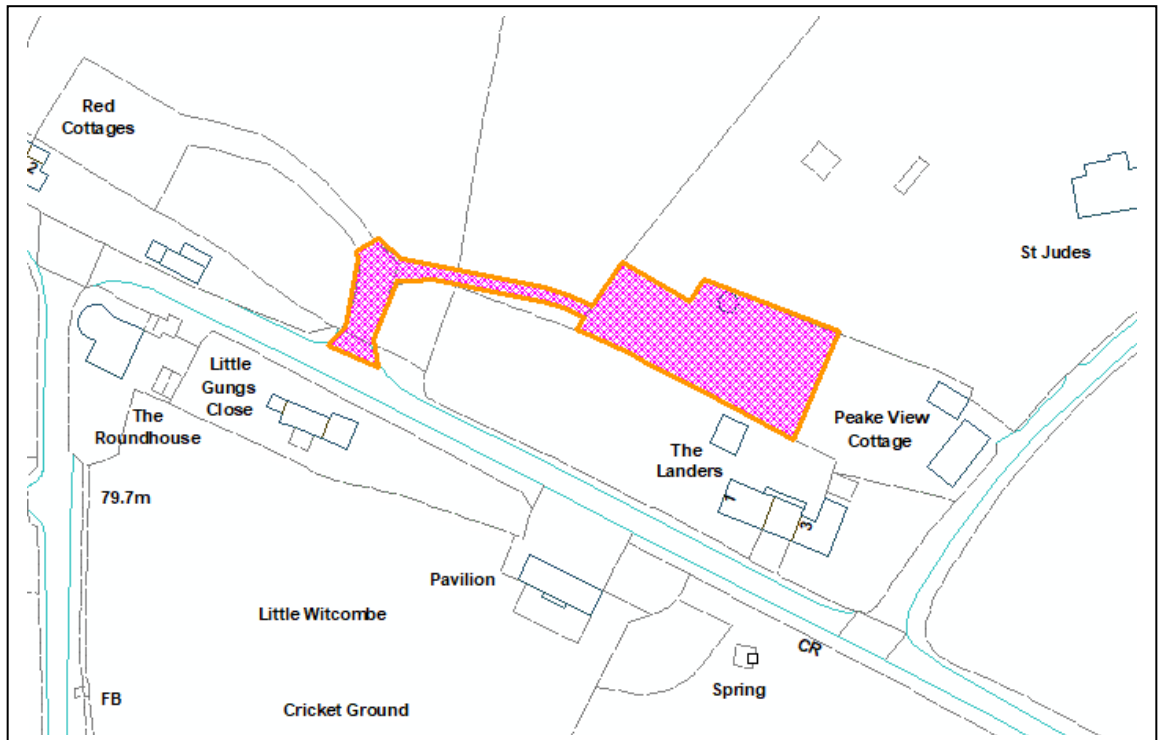


Planning Committee

Date	17 January 2023
Case Officer	Chloe Buckingham
Application No.	22/00245/FUL
Site Location	Peak View Cottage, Green Lane, Witcombe
Proposal	Erection of a detached dwelling with separate garage.
Ward	Badgeworth
Parish	Badgeworth
Appendices	Existing location plan Proposed site plan Proposed ground floor plan Proposed first floor plan Proposed roof plan Southwest, Northeast Elevation Northwest, Southeast Elevation Proposed Garage Plans and Elevations
Reason for Referral to Committee	Called in for Committee determination by Councillor Vines to assess the acceptability of the proposal given its location within the AONB.
Recommendation	Refuse

Site Location

1. The Proposal



Full application details are available to view online at:
<http://publicaccess.tewkesbury.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=REUMEGQDKXJ00>

- 1.1 Erection of a detached dwelling with separate garage.
- 1.2 The proposal comprises of a four-bedroom detached two storey dwelling and separate garage. The main dwelling would be of a modern design incorporating a gable style design integrating dormer windows on the front and rear elevations. The wall material would consist of stone, oak and timber finishes, with the roof comprising of slate. the proposed garage would be two storey and provide car parking spaces on the ground floor and storage at first floor level. Solar panels are proposed on the southwest elevation.

2. Site Description

- 2.1 The application relates to an undeveloped patch of land to the rear of Peak View Cottage. the site lies to the northwest of Peak View Cottage. Access to the site would be gained via an existing access off Ermin Way.
- 2.2 There are three properties adjacent to the boundary of the site from the northeast circling round to the south. To the northwest of the site is a densely vegetated woodland.
- 2.3 The site lies within the Cotswolds AONB.

3. Relevant Planning History

Application Number	Proposal	Decision	Decision Date
19/00527/FUL	Demolition of existing garage and erection of a detached 2 bay garage with storage over.	PER	16.10.2019

4. Consultation Responses

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

4.1 Badgeworth Parish Council: Objection. The main points being:

- Does not conserve the AONB
- Not situated within a rural service centre or service village- outside of a defined settlement area.
- The area is not designated for housing within the JCS
- Not infilling
- No services close by, dependent on private car so not in a sustainable location.
- Impact on neighbouring amenity- traffic.

Highways Officer: Currently there is an objection on highway safety and sustainability grounds. Further information has been provided by the applicant and the Council are awaiting the response from the Highways Authority. **A further update shall be provided at Committee.**

Archaeology: No objection.

Ecology: No objection subject to 3 conditions and 1 informative.

Building Regulations: the application will require building regulations approval.

Drainage Engineer: No objection subject to 2 conditions.

Tree officer: No objection subject to 3 conditions and an informative.

5. Third Party Comments/Observations

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 Third Party Comments: Two letters of objection and two letters of support have been submitted raising the following Planning Matters:

Objection:

- Detrimental impact to character and appearance of the area
- Overlooking concerns
- Dominant feature in the landscape
- Unsympathetic design
- Site does not constitute infill development
- Less weight should be given to submitted appeals
- No notable impact on 5 year housing land supply issues
- If titled balance engaged the harm to AONB and residential amenity is not outweighed
- does not conserve or enhance the landscape of the AONB
- intensive form of development for site
- not a sustainable location to develop
- does not compliment settlement pattern
- urbanisation of the area
- contrary to Policy RES5 for all reasons set out in this policy
- inadequate garden size
- No economic benefit to the local community building the dwelling
- Detrimental impact to neighbouring amenity
- Limited information on impact to trees

Support:

- In-keeping with other properties
- Good design

6. Relevant Planning Policies and Considerations

6.1 Statutory Duty

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise

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

6.2 National guidance

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

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

SP2 (Distribution of New Development)
SD3 (Sustainable Design and Construction)
SD4 (Design Requirements)
SD6 (Landscape)
SD7 (Cotswolds Area of Outstanding Natural Beauty)
SD8 (Historic Environment)
SD9 (Biodiversity and Geodiversity)
SD10 (Residential Development)
SD11 (Housing mix and Standards)
SD14 (Health and Environmental Quality)
INF1 (Transport Network)
INF2 (Flood Risk Management)

6.4 Tewkesbury Borough Local Plan to 2011-2031 (TBLP) – Adopted 8 June 2022

RES3 New Housing Outside Settlement Boundaries
RES4 New housing at other rural settlements
RES5 New Housing Development Policy RES13 Housing Mix
DES1 Housing Space Standards
TRAC9 Parking Provision
ENV2 Flood Risk and Water Management
NAT1 Biodiversity, Geodiversity and Important Natural Features
HER4 Archaeological Sites and Scheduled Monuments

7. Policy Context

7.1 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.

7.2 The Development Plan currently comprises the Joint Core Strategy (JCS) (2017), saved policies of the Tewkesbury Borough Local Plan to 2011-2031 (June 2022) (TBLP), and a number of 'made' Neighbourhood Development Plans.

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

7.4 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.

8. Evaluation

Principle of development

- 8.1** Policy SP2 of the JCS sets out the strategy for the distribution of new development across the JCS area, and JCS Policy SD10 ('Residential Development') specifies that, within the JCS area, new housing will be planned in order to deliver the scale and distribution of housing development set out in Policies SP1 and SP2. It sets out that housing development will be permitted at sites allocated for housing through the development plan, including Strategic Allocations and allocations in district and neighbourhood plans. Policy SA1 of the JCS formally designates seven Strategic Allocations on the edges of existing urban areas and focuses on the need to deliver comprehensive development in each of these areas. The application site is not located within any of these Strategic Allocations.
- 8.2** JCS Policy SD10 specifies that, on sites that are not allocated, housing development and conversions to dwellings will be permitted on previously developed land in the existing built-up areas of Gloucester City, the Principal Urban Area of Cheltenham and Tewkesbury town, rural service centres and service villages except where otherwise restricted by policies within district plans. And is outside any defined residential boundary. Outside these areas there is generally insufficient facilities to support development and are not considered suitable locations for residential development.
- 8.3** The site is located outside of any defined settlement boundaries and outside of the built-up area of Witcombe and there are no footpaths along the road to the services that are provided within this built-up area.
- 8.4** In general terms the NPPF seeks to prevent the unsustainable creation of new housing development in the open countryside. Paragraph 80 of the NPPF states that policies and decisions should avoid the development of isolated homes in the countryside. Whilst the site cannot be considered to be in an isolated location due to its proximity to other dwellings, it is considered to be outside of the built-up area of Witcombe.
- 8.5** The application site is not allocated in the plan and lies outside of the built-up area of the nearest town or village. Criteria 4(ii) of JCS Policy SD10 sets out that housing development on other sites (those not allocated within the plan or comprising previously developed land) will be permitted where 'It is infilling within the existing built-up areas' of, (and amongst other areas), Tewkesbury Borough's villages (except where otherwise restricted by policies within district plans). The supporting commentary states that 'For the purposes of this policy (4 ii), infill development means the development of an under-developed plot well related to existing built development.'
- 8.6** Policy RES3 of the Tewkesbury Borough Local Plan (TBLP) sets out criteria in which new housing outside of settlement boundaries would be supported. One of these criteria is very small scale development at rural settlements in accordance with Policy RES4 of the TBLP.
- 8.7** Policy RES4 of the TBLP states that to support the vitality of rural communities and the continued availability of services and facilities in the rural areas, very small-scale residential development will be acceptable in principle within and adjacent to the built-up area of other rural settlements (i.e. those not featured within the settlement hierarchy).

- 8.8** For the purpose of Policy RES4 and the application of Policy SD10 of the JCS, the Council considers the built-up area of the settlement to be its continuous built form as it existed at the start of the plan period and excluding:
- a) individual buildings or groups of dispersed buildings which are clearly detached from the continuous built-up area of the settlement;
 - b) gardens, paddocks and other undeveloped land within the curtilage of buildings on the edge of the settlement where land relates more to the surrounding countryside than to the built-up area of the settlement.
- 8.9** The built-up area of Witcombe is situated to the Northwest of the site and the site is considered to be within the more dispersed linear form of development to the South of the built-up area and this is not adjacent to the built-up area. Ermin Way and Green Lane are characterised by a linear form of development, and the introduction of a dwelling in this location would create an awkward arrangement and a cluster of dwellings which is contrary to the pattern of development that currently exists. The proposal would create back land development within the existing garden area of the host dwelling and would subdivide the plot which would be an uncharacteristic pattern of development in the vicinity of the site.
- 8.10** The proposal would therefore not constitute infill development or any other form of appropriate development and would be contrary to policies SP2 and SD10 of the JCS and policy RES4 of the TBLP.
- 8.11** Furthermore, Tewkesbury Borough Council can demonstrate that there is not a shortfall in the supply of deliverable housing sites. Therefore, Framework paragraph 11d) is not engaged in the Planning Balance in this instance.

Landscape and Impact on AONB

- 8.12** The application site is located within the Cotswolds AONB which is an area of high scenic quality that has statutory protection in order to conserve and enhance the natural beauty of its landscape. The National Planning Policy Framework (NPPF) makes clear that great weight should be given to conserving landscape and scenic beauty in AONBs, which have the highest status of protection in relation to landscape and scenic beauty.
- 8.13** JCS Policy SD7 (The Cotswolds Area of Outstanding Natural Beauty) of the JCS specifies that all development proposals within the setting of the Cotswolds AONB will be required to conserve and, where appropriate, enhance its landscape, scenic beauty, wildlife, cultural heritage and other special qualities.
- 8.14** The development site in Witcombe is on the lower slopes of the western edge of the Cotswold escarpment. The site is located off Ermin Way a Roman Road which has a dispersed linear form of development. The site is on land to the rear of Peak Cottage and adjacent to the land of the disused camp site, a densely wooded area. The proposed site access on to Ermin Way is to the west of the site, through part of the wooded area. In accordance with SD7, it must be demonstrated that the biodiversity and landscape of this woodland site and wider landscape within the Cotswold AONB is not detrimentally impacted.

- 8.15** A Landscape and Visual Assessment has been submitted alongside the application. This concluded that the visual envelope associated with the proposals was localised and the majority of the surrounding landscape would be unaffected visually and there were no concerns regarding the anticipated landscape and visual effects.
- 8.16** Notwithstanding the fact that the site is enclosed and may not be subject to views, there must still be an assessment on the landscape character of the area.
- 8.17** Policy CE1 of the Cotswolds AONB Management Plan highlights the importance of having regard to the landscape character of the area.
- 8.18** Policy CE3 of the Cotswolds AONB Management Plan also outlines that proposals should be designed to respect local settlement patterns, building styles, scale and materials.
- 8.19** Whilst the architectural character of the area appears to be historic/traditional, the dwellings within the wider area are a mixture of architectural styles and built forms and there is no firm consistency to the style or materials. Therefore, the general form of the proposed dwelling, being one and half storey with modest traditional dormers, is in keeping with the adjacent dwelling known as 'The Landers'.
- 8.20** The proposed dwelling would not be immediately visible within the street scene but there would be glimpses and its presence would be registered as a peripheral visual influence. It is also agreed that most of what would be visible would be a traditional roof form with gabled dormers. However, it was considered that the amount of glazing to the full height gable on the front elevation should be reduced to avoid light spill in the AONB but no revised plans were received. Whilst, the use of oak and slate, and the general design of the dwelling is acceptable, the amount of glazing and the height of the porch is considered incongruous with the character and appearance of the area.
- 8.21** Furthermore, Ermin Way and Green Lane are characterised by linear form of development, and the introduction of a dwelling in this location would create an awkward arrangement and a cluster of dwellings which is contrary to the pattern of development that currently exists. However, the proposal would create back land development and subdivide the plot which would be an uncharacteristic pattern of development in the vicinity of the site.
- 8.22** Overall, whilst the development is not in keeping with the local context in terms of layout, considering the limited views of the development within the AONB, the scheme is not considered to cause harm to the landscape and scenic beauty of the AONB. For these reasons it is considered the application complies with Policy SD7 of the JCS and the NPPF in regard landscape and AONB policy.

Design and Layout

- 8.23** JCS Policy SD4 provides that new development should respond positively to, and respect the character of, the site and its surroundings, enhancing local distinctiveness, and addressing the urban structure and grain of the locality in terms of street pattern, layout, mass and form. It should be of a scale, type, density and materials appropriate to the site and its setting.
- 8.24** 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.

- 8.25** Policy RES5 states that in considering proposals for new housing development regard will be had to the following principles. Proposals should (amongst other criteria):
- be of a design and layout that respects the character, appearance and amenity of the surrounding area and is capable of being well integrated within it;
 - be of an appropriate scale having regard to the size, function and accessibility of the settlement and its character and amenity, unless otherwise directed by policies within the Development Plan;
 - where an edge of settlement site is proposed, respect the form of the settlement and its landscape setting, not appear as an unacceptable intrusion into the countryside and retain a sense of transition between the settlement and open countryside;
 - not cause the unacceptable reduction of any open space (including residential gardens) which is important to the character and amenity of the area;
 - incorporate into the development any natural or built features on the site that are worthy of retention;
- 8.26** It must be noted that whilst the orientation of the dwelling is different in page 6 of the Design and Access Statement, the applicant has confirmed that the orientation of the dwelling in the submitted proposed plans is accurate.
- 8.27** The properties in Witcombe are a mixture of architectural styles and built forms with the character of the area being dwellings in close proximity to the highway in a ribbon form of development.
- 8.28** The property is large for the plot in a central position orientated to minimise impact on adjacent dwellings in terms of privacy, overlooking and overbearing nature. As a result this has created an awkward arrangement and would not be commensurate with the plot available. In addition, as explored above, an introduction of a new dwelling in this location would create a cluster of development which is contrary to the existing linear form of development that surrounds the site. The proposal would create backland development and subdivide the plot which would be an uncharacteristic pattern of development in the vicinity of the site.
- 8.29** As explained above, the dwellings within the wider area are a mixture of architectural styles and built forms. Whilst the general design of the building and the use of materials being natural stone, oak, timber and slate is considered acceptable in this location, Ermin Way and Green Lane are characterised by a linear form of development, and the introduction of a dwelling in this location would create an awkward arrangement and a cluster of dwellings which is contrary to the pattern of development that currently exists.
- 8.30** Furthermore, the front porch is considered to be too large and awkward looking to the front and this should be reduced in height and the provision of another dormer window above the porch could be inserted. The amount of glazing proposed is also considered to detract from the rural character of the area.
- 8.31** Whilst it is noted that views into the plot are limited. Vegetation is not a permanent screening measure and could be removed at any time.
- 8.32** In regard to internal dimensions, the proposed development would meet the minimum standards within the Nationally Described Space Standards for a 4 bed dwelling. It is also considered that there could be sufficient garden amenity to serve the dwelling and retained garden amenity to serve the host dwelling.

8.33 Overall, in light of these observations, it is considered that the proposal is out of keeping with the layout of the local context contrary to policies SD4 and SD10 of the JCS together with Policy RES5 of the TBLP.

Residential Amenity

8.34 JCS policy SD14 requires 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.

8.35 Policy RES5 states that in considering proposals for new housing development regard will be had to the following principles. Proposals should (amongst other criteria):

- provide an acceptable level of amenity for the future occupiers of the proposed dwelling(s) and cause no unacceptable harm to the amenity of existing dwellings;

8.36 Policy DES1 explains that Tewkesbury Borough Council adopts the Government's nationally described space standards. All new residential development will be expected to meet these standards as a minimum. Any departure from the standards, whether for viability of physical achievability reasons, will need to be fully justified at planning application stage. New residential development will be expected to make adequate provision for private outdoor amenity space appropriate to the size and potential occupancy of the dwellings proposed.

8.37 A number of objection comments have been received regarding the negative impact on residential amenity for neighbouring properties, especially concerning over-looking.

8.38 Whilst it is acknowledged that the neighbouring property known as St Judes is located some distance from the proposed dwelling, approx. 65m away. The two non-obscurely glazed dormer windows in the North elevation serving bedrooms 2 and 3 would result in a loss of privacy within the garden area of this property.

8.39 The applicants have stated that these windows are obscured by the trees which belong to St Judes and so the applicants will not be able to remove them. However, it is still considered that there will be some overlooking for the applicants of St Judes as the trees will not completely block the views of the first-floor windows. Furthermore, whilst it is noted that there are trees and vegetation around the site, this cannot be relied upon to screen the site as this could be removed at any time by the neighbours or future occupiers of the proposed dwelling. Whilst it is understood that the property known as St Judes has a large garden, there is still considered to be some significant overlooking into the rear garden area.

8.40 The triangular windows serving bedrooms 3 and 4 are at a height of around 3m and as such these are a source of natural light only. It is agreed that there will be no significant overlooking to Peake View Cottage.

- 8.41** The front of the proposed dwelling is facing the driveway and garden area of the property known as 'The Landers' to the South. Whilst there are no windows with direct views into the dwelling, which is approx. 24 m away from this property, it is noted that the proposed first-floor gable end has a Juliet balcony serving a bedroom. Therefore, there is considered to be an over-looking impact and loss of privacy into the driveway and garden area for the property known as 'The Landers'.
- 8.42** In response the applicant has stated that the 'private (rear) garden' of The Landers is an area enclosed by a 6 foot fence surrounding a swimming pool and featuring a barbecue area, lawn and sun terrace. It is agreed that this is not overlooked from either the proposed house or garden. The applicants have stated that the amenity area adjacent to the driveway abuts the road on one side with only a non-evergreen hedge for privacy and contains the driveway to the garage and parking area. The applicants have also stated that the low post and wire fence between the driveway to The Landers and the extended garden area to Peake View Cottage (or 'the site') belongs to The Landers.
- 8.43** The applicants have gone on to explain that one would assume that if the owner felt that this was anything other than a front garden, they would have replaced this with a more private boundary. The applicants have also stated that the new owner of The Landers was aware of this planning application as his purchase of the property took place after the application was submitted and he had the opportunity to comment at the second consultation but did not respond. However, it is still considered that there will be an element of overlooking and loss of privacy for the current and future occupiers of The Landers. Even though the current owner of this property has not objected, the planning assessment must be made regardless of whether or not the current owners of the neighbouring property have commented. The planning assessment should ensure that the amenity of the property is safeguarded for the future.
- 8.44** Whilst there is considered to be some over-looking and loss of privacy into the garden and driveway areas of the properties identified above, considering the distances between the proposed dwelling and neighbouring properties the scheme is not considered to create any significant overbearing or loss of light concerns.
- 8.45** Whilst the resulting outdoor amenity space for the proposed dwelling and Peak View Cottage is considered acceptable, and the proposed dwelling also complies with the Nationally Describe Space Standards, as the scheme will have an unacceptable harm and loss of privacy to the property known as 'The Landers' to the south, the scheme is contrary to policies SD4 and SD14 of the JCS and policy RES5 of the TBLP.

Highways

- 8.46** Policy INF1 of the JCS sets out that permission shall only be granted where the impact of development is not considered to be severe. It further states that safe and efficient access to the highway network should be provided for all transport means.
- 8.47** Policy TRAC9 of the TBLP states that proposals for new development that generate a demand for car parking space should be accompanied by appropriate evidence which demonstrates that the level of parking provided will be sufficient. The appropriate level of parking required should be considered.

- 8.48** The access for the new dwelling will utilise an existing access to the west of the site off Ermin Way. The highways engineer explained in the previous response that the visibility splays do not meet the requirements and would be less when taken 2.4m back from the indicative give way line shown on the plan for driver position to the nearside vehicle track edge in both directions. Furthermore, it was noted that the highway boundary hedges either side of the access are not with the application red line are of control and therefore could not be cut back without third party approval and maintained except by third parties.
- 8.49** Given the above the Highway Authority currently conclude that there would be an unacceptable impact on Highway Safety and conflict with providing safe and suitable access for all users without safe access by non-car modes or access visibility and therefore recommend that this application is refused as it is contrary to paragraphs 110 and 112 of the NPPF and Local Plan Core Strategy policy INF1.
- 8.50** However, the applicant has submitted more information regarding the visibility splays and accessibility of the site and the highways authority has been re-consulted accordingly but the Council is still awaiting the response. **A further update shall be provided to Members at Committee.** In the event that the highways authority uphold their objection on highways safety grounds then an additional refusal reason would be required.

Heritage Impact

- 8.51** Policy SD8 'Historic Environment' states that development should make a positive contribution to local character and distinctiveness, having regard to values and distinctive elements of the historic environment. Designated and undesignated heritage assets and their settings will be conserved and enhanced appropriate to their significance.
- 8.52** The County Archaeologist has been consulted and considers that the proposed development is close to route of the Roman Ermin Street but no archaeological remains of the Romano-British period other than the road are known in the immediate vicinity. In addition the site lies with a WWII military camp associated with RAF Witcombe but all remains of the relevant part of the camp are thought to have been demolished after the war.
- 8.53** The proposed development has a low potential to impact negatively on significant archaeological remains. Therefore, no archaeological investigation or recording need be undertaken in connection with this scheme.
- 8.54** The proposal is therefore considered to conserve the heritage assets present on site and therefore complies with SD8.

Drainage

- 8.55** 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 advice is reflected within the council's Flood Risk and Water Management SPD.

- 8.56** Within the planning statement it states that all hard surfacing will use permeable materials and foul drainage will be via a new packaged treatment works on site. The Drainage Officer has been consulted on the application and has explained that whilst there is no drainage illustration, based on the scale of the proposals there is no objection but surface water to a water butt/soakaway, may not infiltrate, as mudstones are present.
- 8.57** As such there is no objection to the proposal in terms of drainage and if the scheme were acceptable two conditions would be required to ensure that no development shall start until a detailed design, maintenance and management strategy and timetable of implementation for the surface water drainage strategy presented in the Surface and Foul Water Drainage Strategy has been submitted to and approved in writing by the Local Planning Authority. A second condition is considered necessary to ensure that the development shall not be brought in to use/occupied until a SuDS 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, has been submitted to and approved in writing by the Local Planning Authority.
- 8.58** These conditions are considered necessary to ensure the development is provided with a satisfactory means of drainage and thereby reducing the risk of flooding and also to provide for the continued operation and maintenance of sustainable drainage features serving the site and to ensure that the development does not result in pollution or flooding, to improve water quality at point of discharge, in accordance with policy INF2 of the JCS.

Trees

- 8.59** Policy INF3 of with JCS provides that existing green infrastructure, including trees should be protected. Developments that impact woodlands, hedges and trees should be justified and include acceptable measures to mitigate any loss and should incorporate measures acceptable to the Local Planning Authority to mitigate the loss.
- 8.60** Policy NAT1 relates to biodiversity, geodiversity and important natural features and provides that development likely to result in the loss, deterioration or harm to features of environmental quality will not be permitted unless the need/benefits for development outweigh the impact.
- 8.61** The application will result in the loss of one hawthorn and a small group of self-seeded ash trees which is acceptable. There is a small encroachment with the garage into the root protection area (RPA) of the poplar trees and the neighbouring trees shown as G7 but officers are satisfied that if the works are carried out with adequate ground and barrier protection installed that the disturbance to the RPA will be kept to a minimum.
- 8.62** It is unclear how services are proposed to be routed in and this would have to be demonstrated that the impact to the root protection areas of the existing trees are kept to a minimum. A method statement would be required to show how this is going to be achieved. There is no mention of the hedgerow requiring removal along the entrance of the site to gain visibility splays. The newly planted Laurel Hedge should be removed and replanted with a native mixed species hedgerow to provide an attractive screen but much more beneficial to wildlife. There is also ample opportunity to incorporate new tree planting within the scheme and this should be shown on a proposed tree planting plan.

- 8.63** If the scheme were acceptable a condition would be attached regarding tree/hedgerow planting, a further condition would be attached to ensure that no development including demolition, site clearance, materials delivery or erection of site buildings, shall start on the site until measures to protect trees/hedgerows on and adjacent to the site have been installed in accordance with details that have been submitted to and approved in writing by the local planning authority. A further condition would be attached regarding details of excavations or surface treatments if proposed within the root protection areas (RPA) of retained trees and hedgerows. These conditions are considered necessary to ensure compliance with policy INF3 of the JCS and NAT1 of the TBLP.

Ecology

- 8.64** Policy SD9 of the JCS seeks for the protection and enhancement of biodiversity and to establish and reinforce ecological networks. This includes ensuring that those European Species and Protected Species are protected in accordance with the law.
- 8.65** Policy NAT1 of the TBLP states that proposals, where applicable will be required to deliver biodiversity net gains. Policy NAT3 of the TBLP seeks for development to contribute towards the provision, protection and enhancement of the wider green infrastructure network.
- 8.66** A preliminary ecology appraisal was submitted and is considered acceptable by the Councils Ecological advisors. It has been suggested that should the scheme be permitted then three conditions should be applied to any permission granted.

Other issues

- 8.67** A third-party comment raised concerns with regard to the private amenity space providing an inadequate size for a four-bedroom dwelling. However, officers are satisfied that sufficient garden space is provided.

CIL

- 8.68** The development is CIL liable because it creates new dwelling(s). The relevant CIL forms have been submitted.

9. Conclusion

- 9.1** The proposal for a new dwelling in this location would conflict with national guidance and development plan housing policy. The site does not lie within the built-up area of the settlement of Witcombe nor does the site lie adjacent to the built-up area of the settlement. The proposed development also does not represent infill development in the context of Policy SD10 of the JCS. The proposal for a new dwelling in this location would therefore conflict with national guidance and development plan housing policy.
- 9.2** The proposal, by virtue of it being backland development and by virtue of its siting, layout and design would fail to respect the character of the area and would be contrary to the spatial pattern within the area. The proposal would therefore have a harmful impact on the character and appearance of the area.
- 9.3** The scheme would also result in an unacceptable level of harm to the amenity of the property known as 'The Landers' resulting in a loss of privacy. As such, the scheme is contrary to policies SD4 and SD14 of the JCS and policies RES4 and RES5 of the TBLP.

10. Recommendation

10.1 It is recommended that the application should be **Refused** for the following reasons set out below.

11. Refusal reasons

- 1) The site does not lie within the built-up area of the settlement of Witcombe nor does the site lie adjacent to the built-up area of the settlement. The proposed development therefore conflicts with Policies SP2 and SP10 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 -2031 (December 2017) and Policies RES3 and RES4 of the Tewkesbury Borough Local Plan 2011 – 2031 (June 2022) 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 proposal, by virtue of it being backland development and by virtue of its siting, layout and design would fail to respect the character of the area and would be contrary to the spatial pattern within the area. The proposal would therefore have a harmful impact on the character and appearance of the area. The proposal is therefore contrary to Policy SD4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (2017), Policy RES5 of the Tewkesbury Borough Local Plan 2011-2031 (June 2022) and the National Planning Policy Framework.
- 3) The proposed dwelling would result in an unacceptable level of harm to the amenity of the property known as 'The Landers' resulting in a loss of privacy, contrary to policies SD4 and SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (2017) and policy RES5 of the Tewkesbury Borough Local Plan 2011-2031 (June 2022).

12. 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.