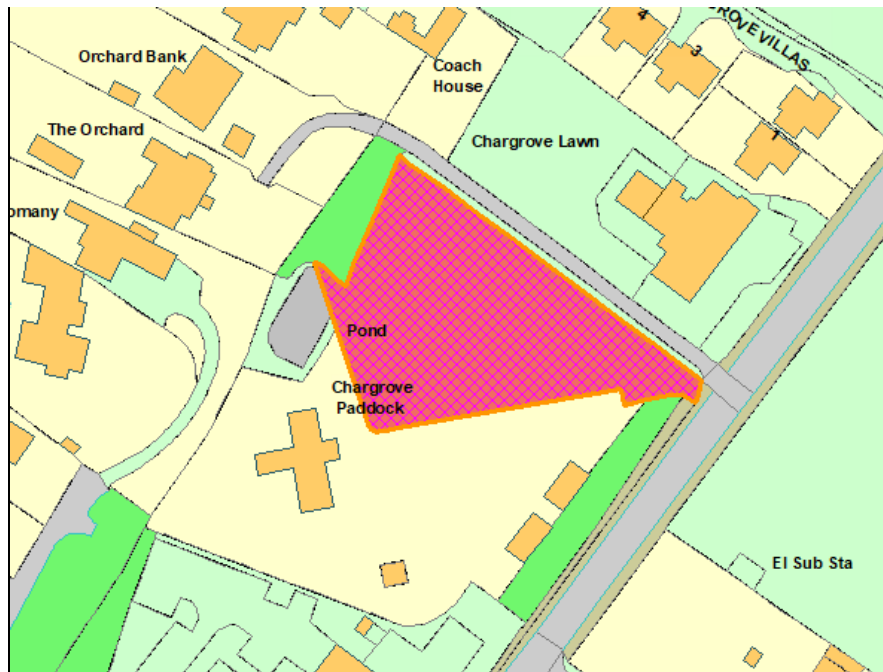


Planning Committee

Date	15 August 2023
Case Officer	Chloe Buckingham
Application No.	23/00015/FUL
Site Location	Chargrove Paddock, Main Road, Shurdington
Proposal	Resubmission of planning application 22/00269/FUL for the construction of a single dwelling and associated infrastructure.
Ward	Shurdington
Parish	Shurdington
Appendices	Site Location Plan (5265-P-01 Rev A) Proposed Elevations (5265-P-700 Rev C) Proposed Floor Plan (5265-P-200 Rev C) Proposed Site Layout (5265-P-100 Rev G)
Reason for Referral to Committee	Cllr Surman called the application to assess the impact on the Green Belt.
Recommendation	Refuse

Site Location



1. The Proposal

Full application details are available to view online at:
<https://publicaccess.tewkesbury.gov.uk/online-applications>

- 1.1 This application seeks planning permission for the erection of a single dwelling and associated infrastructure. The proposal would involve the demolition of some existing buildings on site. The new dwelling would be single storey, constructed in a contemporary style with a flat roof design, providing 5 bedrooms. The proposed materials would be a mix, comprising of; grey stone, timber cladding, grey brick and render.
- 1.2 Access would be taken from the driveway the currently services an existing dwellinghouse, the access would be shared between the two properties.

2. Site Description

- 2.1 The application site comprises of a grassed area located to east of a vacant residential bungalow. The site extends to approximately 0.5 ha and is generally flat and contains a number of derelict timber structures on its northeast and southeast boundary. There is established vegetation on the boundaries of the application site there are trees which are protected by a Tree Preservation Order on the north, west and east boundaries of the application site.
- 2.2 The site is bounded by Shurdington Road (A46) to southeast and there is an existing access from the northeast corner of the site onto the A46. Beyond Shurdington Road to the southeast are residential properties and open fields. To the northeast the site is bounded by a residential care home and to the southwest the site is bounded by an office building. To the northwest beyond the existing vacant bungalow the site is bounded by residential properties which are accessed from a road which partially lies to the northwest of the site.
- 2.3 The site does not fall within a recognised settlement boundary as defined in the Tewkesbury Borough Local Plan (2022). The site is located in the Green Belt and is located in Flood Zone 1. The Cotswolds Area of Outstanding Natural Beauty (AONB) is located approximately 500 metres to the east of the site beyond fields.

3. Relevant Planning History

Application Number	Proposal	Decision	Decision Date
T.2407	Development of disused camp site for residential purposes. Use of existing entrance.	REFUSE	18.09.1956
T.2407/A	Erection of a bungalow. New vehicular access on to private drive serving Chargrove House or on to main road or private service road at the rear of the site.	REFUSE	17.12.1957
T.2407/B	Erection of two deep litter houses.	PERMIT	26.04.1960

T.2407/C	Outline application for a dwelling in connection with a poultry farm. Vehicular access.	REFUSE	19.05.1965
T.2407/D	Outline application for one dwelling in connection with poultry farm. Vehicular access to side lane.	REFUSE	24.02.1966
T.2407/E/AP	Bungalow to be attached to an established poultry farm. Vehicular access.	PERMIT	19.04.1967
T.2407/F	Extension to existing bungalow to provide a bedroom.	PERMIT	10.04.1978
T.2407/G	Alterations and extension to existing bungalow to provide a double private car garage and two enlarged bedrooms.	PERMIT	04.11.1983
92/00175/FUL	Alterations and two storey extension to provide enlarged living accommodation and erection of an attached garage.	PERMIT	01.07.1992
99/00483/OUT	Outline application for residential development	REFUSED	11.06.1999
17/00013/FUL	Erection of 3no. dwellings with associated landscaping and new vehicular/pedestrian access following closure of existing vehicular/pedestrian access and demolition of existing derelict buildings – DISMISSED AT APPEAL 2018	REFUSED	21.07.2017
22/00269/FUL	Construction of a single dwelling and associated infrastructure	WITHDRAWN	27.10.2022

4. Consultation Responses

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

4.1 Shurdington Parish Council – Objection for the following reason:

- On the basis that the site is located on the Northwest side of Shurdington Road (A46), within the Green Belt and is therefore outside of the Shurdington village development boundary.

4.2 **County Highways**- No objection subject to condition.

4.3 **Ecology**- No objection subject conditions.

4.4 **Building Control**- The application will require Building Regulations approval.

4.5 **Drainage Engineer**- No objection subject to conditions.

4.6 **Tree Officer**- No objection subject to conditions.

4.7 Environmental Health (Noise) - No objection.

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 neighbour notifications for a period of 21 days and one general comment and four support comments have been received. The main points being;

- Enhances the visual appearance of the site.
- Re-use of previously developed land for new houses instead of the large developments that seem favoured.
- Well-designed small-scale housing is much needed in this highly sustainable location.
- The benefits of redeveloping Chargrove Paddock is that it is far more sustainable and responsible to repurpose and reuse buildings and land that have previously been developed than building on undeveloped land or greenfield sites.
- The buildings on the site are visually unappealing and this development would deliver sustainable benefits and offers economic and social benefits to the community.
- This is not inappropriate development in the Green Belt as the replacement building is in the same use and not materially larger than what it is replacing.

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 Development

SD4 - Design Requirements

SD5 - Green Belt

SD6 - Landscape

SD7 - Cotswolds Area of Outstanding Natural Beauty

SD9 - Biodiversity and Geodiversity

SD10 - Residential Development

SD11 - Housing Mix and Standards
SD14 - Health and Environmental Quality
INF1 - Transport Network
INF2 - Flood Risk Management
INF3 - Green Infrastructure

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)
RES13 (Housing Mix)
ENV2 (Flood Risk & Water Management)
DES1 (Housing Space Standards)
TRAC9 (Parking Provision)
GRB4 (Cheltenham-Gloucester Green Belt)

6.5 Neighbourhood Development Plan

None

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), 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 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.

- 8.2** Policy SD10 of the JCS sets out 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 Borough's towns and 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.
- 8.3** The village of Shurdington, in strategic planning terms has been identified as a Service village, the fourth tier in the settlement hierarchy and is considered to be a suitable location for some limited residential development. Service villages are assessed as having two or more primary services, two or more secondary services and benefitting from bus services and/or road access to a major employment area by the 2015 Rural Area Settlement Audit Refresh and updated by further evidence as available. There is no current settlement boundary identified within the JCS for Shurdington however the application site is located outside of the designated residential boundary for Shurdington as shown on the Housing Maps of the Tewkesbury Borough Plan.
- 8.4** The site is not allocated for development and forms part of the planning unit and domestic use of the retained bungalow. As such the proposal would not comply with criterion 2 or 3 of Policy SD10 of the JCS. Criterion 4(ii) states that development will only be permitted where it is infilling within the existing built up areas of the City of Gloucester, the Principal Urban Area of Cheltenham or Tewkesbury Borough's towns and villages except where otherwise restricted by policies within district plans.
- 8.5** The policy's explanatory text further sets out 'For the purpose of this policy (4ii), infill development means the development of an under-developed plot well related to existing built development'. However, this would only be engaged within towns or villages identified within the JCS. Officers consider that the application site is located outside the village of Shurdington, and therefore the proposal would not accord with infill criteria. Consequently, the proposal would conflict with Policies SD2 and SD10 of the JCS, which seek amongst other things to direct residential development to the most sustainable locations.
- 8.6** Policy RES3 broadly supports the principle of very small-scale development at rural settlements as in this instance and subject to accordance with Policy RES4.
- 8.7** Policy RES4 explains 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 When assessing the previous dismissed appeal, the Inspector considered the location and whether it was located within Shurdington Village, commenting as follows:

8.9 “I have carefully considered the appellant’s representations in relation to the site’s proximity to services, Shurdington parish boundary, street signage and the linear nature of Shurdington. However, I consider that the appeal site is located within Chargrove, between Shurdington and Cheltenham, outside the Shurdington village development boundary, rather than within it. Furthermore, the appeal site and the agricultural land that separates it from the village are located within the Green Belt. This is materially different to Shurdington village which is excluded from the Green Belt. Therefore, in this site specific circumstance I conclude that the appeal site is not located within Shurdington Village.”

8.10 On the ground, it is evident that the site is adjacent to residential development on two sides. However, whilst it is considered to be adjacent to the built up area of a rural settlement, the site is located within the Green Belt and therefore criterion f) of policy RES4 applies in this instance. Criterion f) states the proposals for new residential development would be supported providing;

8.11 *f) the site is not located in the Green Belt, unless the proposal would involve limited infilling in a village, limited affordable housing for local community needs (in accordance with Policy RES6) or any other exceptions explicitly stated within the National Planning Policy Framework.*

8.12 As discussed above the previous Inspector found that the site was not located within a village location but more so an area between the village of Shurdington and the large built up fringes of Cheltenham. This immediate area of Chargrove, along the A46, is characterised by large, detached properties set back from the highway, in a scattered, sporadic, ribbon pattern with intervening parcels of agricultural land. Given this Officers do not consider the proposal to be limited infill development in a village and therefore conflicts with Policy RES4 of the TBLP.

8.13 Given the above it is considered that application site is not located within or adjacent to a village the proposal would fail to comply with policies SD10 of the JCS and RES4 of the TBLP.

Green Belt

8.14 Further to the above, as detailed previously the application site is wholly located in the designated Green Belt therefore the significance of the impact of the development upon the Green Belt must be considered in assessing whether the principle of housing development in this location is acceptable.

8.15 Policy SD5 of the JCS and Policy GRB4 of the TBLP sets out that, to ensure the Green Belt continues to serve its key functions, it will be protected from harmful development. Within its boundaries, development will be restricted to those limited types of development which are deemed appropriate by the NPPF, unless it can be demonstrated that very special circumstances exist to outweigh the harm automatically caused to the Green Belt by virtue of the development being inappropriate and any other harm actually caused.

- 8.16** The NPPF provides that, as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 of the NPPF provides 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, is clearly outweighed by other considerations.
- 8.17** Paragraph 149 of the NPPF sets out that the construction of new buildings in the Green Belt is inappropriate other than for a number of exceptions. One such exception (e) listed is limited infilling in villages.
- 8.18** The NPPF does not provide a definition of either what constitutes a "village" or "limited infilling". Likewise Policy SD5 of the JCS similarly does not provide a definition in this context therefore a degree of judgement is necessary.
- 8.19** The NPPF does not provide a definition of either what constitutes a "village" or "limited infilling". Likewise Policy SD5 of the JCS similarly does not provide a definition in this context therefore a degree of judgement is necessary. However an Inspector in a recent appeal decision for a pair of semi-detached properties in the Green Belt in Halifax, Appeal reference APP/A4710/W/19/3237366, set out that infilling is normally associated with the completion of an otherwise substantial built up frontage of several buildings or at the very least, the consolidation of a largely built-up area.
- 8.20** Further to the above, case law (Julian Wood v The Secretary of State for Communities and local Government and Gravesham Borough Council [2015]) has established that it is necessary to consider whether, as a matter of fact on the ground, a site appears to be within a village and whether or not a site lies outside a village boundary as designated in a development plan is not determinative of the point.
- 8.21** Given the above case law it seems necessary to consider whether the application site is within the village of Shurdington; and whether the proposal represents infilling in the accepted sense of that term.
- 8.22** As established in the previously refused application from 2017, whilst the proposal amounts to 'infill' development because the site is abutted by development and is a gap in an otherwise developed frontage onto the A46, it is not considered that the application site is located within a 'village' for the purposes of applying the relevant policies. As discussed in the principle sections above the site is located along the A46 and in an area of loosely grained, short ribbon of development, physically separated from the built main the village. The application site is located approximately 700 metres to the north east of the defined residential development boundary of Shurdington and is separated by agricultural fields. It is also the case that Chargrove was named as a separate settlement to Shurdington in the JCS Rural Areas Settlement Audit and was identified as a separate settlement during the preparation of the JCS. It is also the case that Shurdington is not located within the Green Belt whereas Chargrove and the intervening agricultural fields are located in the Green Belt.

- 8.23** Taking account of the above, it is considered that due to the distance of the application site from the defined residential development boundary of Shurdington and the presence of fields in the Green Belt between application site and Shurdington, it is not considered that the application site/Chargrove forms part, or appears part of, Shurdington Village.
- 8.24** Turning to whether Chargrove itself can be considered a 'village' for the purposes of paragraph of the NPPF, Chargrove isn't recognised as a village within any adopted plan. It isn't recognised as a settlement in the adopted Local Plan and it doesn't feature in the settlement hierarchy within the JCS.
- 8.25** For a settlement to be classified as a 'village' for the purposes of Green Belt policy it is considered reasonable that it would have certain characteristics such as services and a clear core. Chargrove lacks the typical 'village' facilities like a pub, shop, church, primary school and there is no 'core' and instead it is collection of buildings. It is accepted that there is an office building and residential care home but these are not of a scale commensurate with the size and scale of Chargrove and these facilities serve the wider population. It is also noted that whilst there is sports pitch, MUGA, kids play area and young peoples centre adjacent to Up Hatherley Way, these facilities are separated from the cluster of buildings in Chargrove by an agricultural field and situated within Cheltenham Borough administrative area. As such whilst these facilities would be accessible to future residents due to the physical separation of these services from the cluster of building adjoining the application site it is not considered that these facilities are part of Chargrove settlement. Notwithstanding this matter, even if the sports pitch, MUGA, kids play area and young peoples centre were considered to be part of Chargrove settlement then it is not considered that the facilities would be sufficient for Chargrove to be defined as a village in the context of the NPPF.
- 8.26** As such, whilst it is concluded that the proposal amounts to 'infill' development it is not considered that the application site is within a 'village'. The application therefore fails the exception to inappropriate development in the Green Belt.

Openness and Green Belt purposes

- 8.27** As set out in the NPPF, the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open as set out in Paragraph 137. Openness, as highlighted in the NPPF, is an essential characteristic of Green Belts to which the Government attaches great importance and which is a separate issue from the character and appearance of an area. It is a matter of its physical presence rather than its visual qualities.
- 8.28** As set out above, the application site is abutted by development and is a gap in an otherwise developed frontage onto the A46. On this basis, it is considered that the proposed development would constitute 'infilling'.
- 8.29** In March 2017 the Court of Appeal in Dartford Borough Council v Secretary of State & Local Government (CO/4129/2015) held that residential garden land, outside 'built-up' areas is 'brownfield' land. Taking account of this case, and on the basis that Chargrove is not a defined settlement and is outside a built-up area it is considered that the application site is previously developed/brownfield land.

- 8.30** The policy requirement, therefore, in accordance with the NPPF is whether the proposal would have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.
- 8.31** The applicant's case is that the impact upon the openness of the Green Belt is minimal given that the development would be seen in the context of the surrounding dwellings and given that this does not involve isolated dwellings in the open countryside. The applicant also considers that the form, bulk and design of the scheme are in keeping with its surroundings and the proposal would result in the removal of a number of unsightly derelict buildings on the site.
- 8.32** The applicant has stated that the replacement with a building of a smaller footprint than the totality of the existing would deliver a benefit through reducing the amount of built development within the Green Belt. The applicant has stated that the proposal to keep the new dwelling at single storey level also means that the scale and massing of the development would not increase on site. The applicant has stated that through maintaining consistency of ridge height with the existing house, along with the reduction of built footprint and concentrating development in a single location at the centre of the site, as opposed to the location of the previously proposed buildings on the site perimeter. The applicant also maintains that the proposal would not have a greater impact on the openness of the Green Belt than what is presently at the application site and that the proposal would improve the site's contribution to the openness of the Green Belt.
- 8.33** The application has changed from the previously refused application in that the number of dwellings has been reduced from three to one and the dwelling is now a modern, flat roof single storey structure rather than a two-storey property. It is considered that this change goes some way to reduce the impact on the openness of the green belt than the previous scheme.
- 8.34** However, the application site is a prominent site on the A46 which contributes to the openness of the locality. It is still considered that the proposed dwelling, albeit now single storey would still change and remove this openness and adversely affect the character and appearance of the green belt. It is also still not considered that the removal of the derelict single storey structures on the site would mitigate against this harm to the openness. This is due to the fact that these structures are wooden and are largely covered by vegetation and as such are not visually prominent.
- 8.35** The existing structures are small wooden sheds which are small domestic structures that are low level and discretely located along the boundary of the site. The proposed development would be sited on a part of the site which is currently undeveloped and would erode the openness of it. The greater scale and mass of the building would have a significant impact on the Green Belt and even considered under paragraph 149 (g) of the NPPF, would have a greater impact on the openness of the Green Belt than the existing development. As such it is not considered that the exception in paragraph 149(g) applies in this case.
- 8.36** Having regard to the above, it is considered that the application would have a greater impact on the openness of the Green Belt than the existing development.

- 8.37** It is also considered that the proposal would impact on the purposes of the Green Belt as set out in paragraph 137 of the NPPF, insofar as to check the unrestricted sprawl of large urban areas and to prevent neighbouring towns merging into one another. The application site is located approximately 300 metres to the south of Cheltenham between Cheltenham and Shurdington. As noted in the previous application there is currently some ribbon development in the locality and it is considered that the introduction of urbanising development in this gap between Shurdington and Cheltenham administrative area, which would result in harm to the openness of the Green Belt, would be harmful to essential characteristics of the Green Belt and conflict with the fundamental aim of Green Belt policy to prevent urban sprawl.
- 8.38** As such it is considered that the application fails the exception to inappropriate development in the Green Belt.

Very special circumstances

- 8.39** The applicant's previous submission states that very special circumstances can be demonstrated through the development enabling necessary local improvements to gas and sewer infrastructure as well as the removal of the existing structures. The applicant states that this is because the development will enable an urgently needed upgrade of the sewer and gas infrastructure in the immediate locality of the site on land owned by the applicant, which would also benefit a significant number of properties locally. Nevertheless, it is still not understood how these purported benefits would be delivered through the planning process, or how they would meet the CIL tests. The applicant also states that the proposal would make a contribution towards housing supply in the area and that the proposed development is in a sustainable location.
- 8.40** It is not considered that the proposal offers significant benefits, and these factors are not considered to constitute very special circumstances that would clearly outweigh the harm to the Green Belt, as these benefits could be applied to many cases where a new dwelling was proposed in the Green Belt.

Conclusions in respect of Green belt policy

- 8.41** It is concluded that the proposed development is inappropriate development in the Green Belt and that there are no material considerations which comprise very special circumstances arising from the proposed development to justify inappropriate development in the Green Belt. It is also concluded that the form and nature of the proposed development would be harmful to openness of the Green Belt. It is also considered that the application conflicts with the purposes of the Green Belt. These matters weigh heavily against the proposal in the overall planning balance in light of the clear national and local policy guidance on inappropriate development in the Green Belt.

Housing Land Supply

- 8.42** As set out in the latest Tewkesbury Borough (TBC) Housing land supply statement in March 2023 the Council considers that the Borough can demonstrate a five-year land supply using the standard method. The NPPF states that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. Under Paragraph 74 of the National Planning Policy Framework (NPPF) Local Planning Authorities are required to identify and update annually a supply of specific deliverable sites sufficient to provide

a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies. The adopted JCS became five years old on 11th December 2022, therefore as required by paragraph 74 of the NPPF the Council's 5-year housing land supply position was reconsidered, based on the standard method of calculation. As a result of the move to the standard method TBC moved to a single district approach. This has resulted in the addition of the JCS allocations within the boundary of Tewkesbury Borough, where deemed deliverable, which had previously been attributed to meet the housing needs of Gloucester City Council under Policy SP2 of the JCS. On 7th March 2023, the Council's Interim Five-Year Housing Land Supply Statement was published which set out the position on the five-year housing land supply for Tewkesbury Borough as of 11th December 2022 (five years since the adoption of the JCS) and covers the five-year period between 1 April 2022 and 31 March 2027. The Interim Statement confirms that, when set against local housing need for Tewkesbury Borough calculated by the standard method, plus a 5% buffer, the Council can demonstrate a five-year housing land supply of 6.68 years. This is a position not accepted by the current applicants with respect to the subject site. The Council's approach to calculating the five-year housing land supply under the standard method was considered by Inspectors appointed by the Secretary of State at two appeals earlier this year, Hill End Road, Twynning (January 2023) and St Margaret's Drive, Alderton (April 2023). In both appeals the Inspectors did not accept the Council's revised approach to calculating the five-year housing land supply following the introduction of the standard method. Consequently, they both opined that the Council could not demonstrate a five-year housing land supply. However, the Council maintained its approach to calculating its five-year housing land supply at the recent appeal at Trumans Farm, Gotherington where the Inspector's decision is awaited. The Council consider that currently a five-year land supply can be demonstrated, and the 'tilted balance' is not currently engaged, and as a result the adopted strategic policies of the JCS are still considered to carry full weight.

Design and Visual Amenity

- 8.43** Paragraph 126 of the NPPF states that the creation of high quality, beautiful and sustainable 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.
- 8.44** Paragraph 130 of the NPPF states that planning policies and decisions should ensure that developments (amongst other criteria):
- (a) 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;
 - (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - (c) 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).
- 8.45** 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.

8.46 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.

8.47 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;

8.48 As explained in the previous application, by virtue of the access arrangement and landscaping screens to the west the proposed dwellings would be viewed in the context of adjacent development on the A46. In terms of character, in the vicinity of the application site on the A46, the prevailing form of development is large buildings set back from the main road with the principal elevation facing towards the road. The generous frontages contribute to an open sylvan character.

8.49 The new dwelling is positioned so as to face Shurdington Road which is similar to the arrangement of the existing properties. The layout includes front and rear outdoor amenity space and overall, the layout is considered to respect the character and appearance of streetscene. It is agreed that there is a mixture of designs and materials within the streetscene, and the modern design is generally considered acceptable. The timber cladding, natural stone and render is also considered acceptable and if the scheme were acceptable a condition regarding the submission of materials samples would be necessary.

Trees

8.50 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.

8.51 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.

- 8.52** Officers agree that there are some category U trees that are earmarked for removal and if the scheme were acceptable in principle these must be mitigated for with a sufficient tree and hedgerow planting scheme which would be conditioned.
- 8.53** The root protection area of the trees T3, T4 and T5 will be impacted by the installation of hard surfacing and therefore a tree protection plan and arboriculture method statement would be required and conditioned if the proposal were acceptable.
- 8.54** Details regarding the positioning of underground utilities will need to be provided in the arboriculture method statement, and this should avoid the root protection area of the existing trees wherever possible.

Ecology

- 8.55** Policy SD9 (Biodiversity and Geodiversity) specifies that the protection and enhancement of the biodiversity and geological resource of the JCS will be achieved by, inter alia, ensuring that European Protected Species and National Protected Species are safeguarded in accordance with the law, and by encouraging new development to contribute positively to biodiversity geodiversity whilst linking with wider networks of green infrastructure. In this respect, Policy NAT1 of the TBLP is also relevant and explains that proposals that will conserve, restore and enhance, biodiversity will be permitted. Proposals will, where applicable, be required to deliver a biodiversity net gain across local and landscape scales, including designing wildlife into development proposals, the connection of sites and large-scale habitat restoration, enhancement and habitat re-creation.
- 8.56** The application has been submitted with an Ecological Appraisal Report (Cotswold Environmental, October 2021) and Ecology Comments in October 2022. Since these Ecology comments were provided, we note the correspondence email from Cotswold Environmental, dated 7th December 2022, stating that the trees on site are all to be retained.
- 8.57** A Precautionary Working Method Statement (PWMS) for Great Crested Newts should be provided prior to determination to ensure any potential harm to GCN is avoided. An alternative to the above is for the applicant to apply to NatureSpace for a District GCN Licence. The LPA would require receipt of the District Licence certificate from NatureSpace prior to determination.
- 8.58** If the scheme were acceptable conditions would be attached to ensure that the recommendations included within the Ecological Appraisal Report (Cotswold Environmental, October 2021), and Precautionary Working Method Statement (PWMS) for Great Crested Newts (once reviewed and approved by the Local Planning Authority) should be strictly adhered to. Furthermore, a lighting strategy scheme should be submitted to the local authority detailing location and specification of the lighting supported by contouring plans demonstrating any light spill into adjacent habitats. A condition would also be required to ensure that a plan is provided indicating location of ecological enhancement features including, but not limited to, a minimum of two bat boxes and one bird box, which can be installed on the new building.

Residential Amenity

- 8.59** JCS policies SD4 and SD14 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.
- 8.60** 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;
- 8.61** 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.
- 8.62** It is noted that the previous application explained that plot 2 had poor quality garden space and that it would be overshadowed by TPO trees on the north and east elevation. There were also issues regarding the layout of the garden so close to the A46 and the noise that this would generate. However, the scheme has now been reduced to one dwelling which is positioned in a layout similar to that of the existing dwellings, facing the main road. The private amenity space for the dwelling is considered acceptable and there would be no unacceptable overshadowing of the garden. It is noted that the existing bungalow would be positioned at an angle to the proposed dwelling but there are no direct views into the rear or side windows from either dwelling and sufficient boundary treatment is proposed between the dwellings in the form of a 1.8m close board fence.

Highways

- 8.63** 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.
- 8.64** 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 on the basis of the following:
- 1) the accessibility of the development;
 - 2) the type, mix and use of development;
 - 3) the availability of and opportunities for public transport;
 - 4) local car ownership levels;
 - 5) an overall need to reduce the use of high emission vehicles; and
 - 6) a comparison of the forecast trip generation and resultant accumulation with the proposed parking provision.

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

- make provision for appropriate parking and access arrangements and not result in the loss or reduction of existing parking areas to the detriment of highway safety;

8.66 The proposed dwelling would be accessed from the existing access. Gloucestershire County Highways Authority (CHA) have assessed the proposal and following the submission of additional information the CHA have no highway objections to the proposal. It is noted that if the scheme were acceptable the highways officer has recommended a condition to ensure that sheltered, secure and accessible bicycle storage is provided. However, as there is adequate space and access for bicycle parking such a condition is not considered necessary in this instance.

Drainage and Flood Risk

8.67 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.

8.68 If the scheme were acceptable a condition would be attached to ensure that prior to the construction of the on-site drainage systems, a detailed surface water drainage scheme, including a maintenance plan should be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. The proposed SUDS/ soakaway design shall be designed in accordance with building regulations and CIRIA 753. Percolation tests to be carried out in line with the building regulations and the BRE365. Once approved, the development would be completed, maintained and managed in accordance with the approved details. This condition is considered necessary to promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

8.69 The drainage engineer has explained that Option 1 is the preferred solution but that this is heavily influenced by the soakaway tests. Confirmation has been given by the applicant that they would commit to option 1 if the scheme were acceptable and it is agreed that this could be detailed when discharging condition. However, the applicant should be minded that this is heavily influenced by the soakaway tests, as highlighted by the drainage engineer. It must also be noted that Option 2 indicates a connection to the highway drainage and DMRB clearly states no drainage from residential development are permitted to connect to the highway system. It is also noted that the proposed dwelling is reliant on the diversion of a Severn Trent Water (STW) sewer. This is a matter for STW to approve.

Impact on Area of Outstanding Natural Beauty

- 8.70** The Cotswolds Area of Outstanding Natural Beauty (AONB) is located approximately 500 metres to the east of the site. The NPPF states that great weight should be given to conserving landscape and scenic beauty in AONB's which have the highest status of protection in relation to landscape and scenic beauty. Policy SD7 of the JCS reflects this advice.
- 8.71** Due to the separation distance between the application site and the AONB it is considered that the proposal would not harm the AONB's landscape and scenic beauty.

Community Infrastructure Levy (CIL)

- 8.72** The applicants have submitted the relevant CIL forms claiming self-build exemption from CIL.

9. Conclusion

- 9.1** 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.

Benefits

- 9.2** The benefit of the proposal arises from the delivery of market housing, although it is accepted that those benefits are limited by virtue of the small scale of the development proposed. In terms of economic benefits, it is now widely accepted that new housing developments bring benefits during the construction phase through additional spending power in the local economy as a result of the increased population, although these economic benefits are similarly limited relative to the scale of the proposed development. The applicant has stated this is a self-build property, however, it is noted that they are not in the self-build register. Even if the applicant were on the self-build register, this would not override all other policies.

Harms

- 9.3** It is considered that the application site cannot be considered to be within the existing built up area of the village. On the basis that the proposal does not fit within any of the exceptions set out in Policy SD10 of the JCS and RES4 of the TBLP and the proposal would be inconsistent with the spatial strategy of the development plan.
- 9.4** The site is located within the Green Belt and the proposed development represents inappropriate development which is harmful by definition. The proposal would increase the built form on the site and therefore the proposal would erode the openness of the Green Belt and conflict with the purposes of including land within it. This fact alone weighs considerably against the proposal.

Neutral

- 9.5** There would be no undue impact in terms of biodiversity, drainage nor the local highway network subject to conditions.

Conclusion

- 9.7** It is concluded that the proposed development subject to the current application is contrary to the provisions of the NPPF, policies SP2, SD5 and SD10 of the JCS and policies RES4 and GRB4 of the TBLP and the principle is therefore against the grant of planning permission unless other material planning considerations indicate otherwise. In this case it is not considered that the planning benefits of the proposal outweigh the conflict with the development plan and Green Belt harm, and there are no material planning circumstances which indicate that determination be made other than in accordance with the development plan.
- 9.8** For the reasons given above, it is concluded the proposal would not comprise sustainable development and the harms resulting from the proposal would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole and the application is therefore recommended for refusal.

10. Recommendation

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

11. Refusal Reasons

- 1.** The application site is located outside of the defined settlement boundary as shown on the Housing Proposals Map of the Tewkesbury Borough Plan and does not fall within the built up area of Shurdington. Furthermore, the site does not relate well to the existing built development in the village. Therefore the application site is not an appropriate location for new residential development. Consequently the development would be contrary to Policy SP2 and SD10 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (2017) and Policy RES4 of the Tewkesbury Borough Plan.
- 2.** The proposal would represent inappropriate development in the Green Belt that is harmful by definition, would cause harm to the openness of the Green Belt and conflict with the purposes of the Green Belt to check the unrestricted sprawl of large built-up areas and preventing neighbouring towns from merging into one another, contrary to Policy GRB4 of the Tewkesbury Borough Local Plan to 2011- 2031 (June 2022), advice within the National Planning Policy Framework 2012 and Policy SD5 of the Joint Core Strategy (2017).