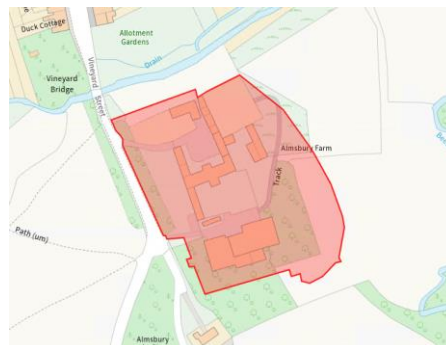


Planning Committee

Date	17 October 2023
Case Officer	David Lowin
Application No.	21/01496/FUL
Site Location	Almsbury Farm, Vineyard Street, Winchcombe, Cheltenham
Proposal	Redevelopment and conversion of Almsbury Farm Barns to provide a mixed residential and commercial development, comprising of circa. 900 sqm of Class E commercial floor space and 18 new residential units including demolition of non-historic portal framed barns and the provision of new car parking, landscaping and associated infrastructure
Ward	Winchcombe
Parish	Winchcombe
Appendices	Site location plan Proposed site plan Landscape Strategy Farmhouse Elevations 1 Farmhouse Elevations 2 Farmhouse First and Second Floor Plan Farmhouse Ground Floor Plan Existing Barn GF plan, Elevations & Sections Proposed Barn GF, Elevations & Sections Barn Ground Floor Barn Elevations 1 Barn Elevations 2 Barn Elevations 3 Barn Elevations 4 Terraced Home Elevations 1 Terraced Home Elevations 2 Terraced Home Ground Floor Plan Terraced Home First Floor Plan New single storey barn elevations New single storey barn GF and FF Plans
Reason for Referral to Committee	Full or outline application for the erection of 10 or more residential units and Councillor call in.
Recommendation	Delegated Permit

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=R3UV8RQDI8000>

- 1.1** Redevelopment and conversion of Almsbury Farm Barns to provide a mixed residential and commercial development, comprising of circa. 900 sqm of Class E commercial floor space and 19 residential units, following revision of design now 18 units. Including demolition of non-historic contemporary portal framed barns and the provision of new car parking, landscaping and associated infrastructure.
- 1.2** This proposal includes 14 new residential build houses to replace existing non-historic portal framed barns, with the remainder of the commercial units and four residential uses proposed through conversion and redevelopment of the existing traditional listed barns.
The site will comprise of the following elements:
 - The conversion of the listed buildings to a mix of four residential and commercial uses in the remaining area.
 - A U-shaped terrace of ten 3 bedroomed 'alms house' type cottage accommodation, and 4 new dwellings, comprising one three bed dwelling and three 4 bed homes in the South east corner of the site. Three of the homes are designed as terraced and have the external appearance of single storey agricultural buildings, with the final detached dwelling being of similar design.

2. Site Description

- 2.1** The Application Site lies wholly within the Winchcombe Conservation Area and incorporates, the Grade II listed Almsbury Farmhouse (list entry no. 1340288) and the adjacent Grade II listed farm buildings, currently in a derelict condition (1304848). The site is also within the Cotswolds AONB. Adjoining but not within the site the land immediately to the North is within Flood Zone 3, however the site is within flood zone 1, the lowest risk of flooding associated with the River Isbourne and Beesmoor Brook located near to the site.
- 2.2** The site also adjoins and comprises a very small part at the extreme South of the application site (not proposed for development) which falls within the Sudeley Historic Park and Gardens.
- 2.3** The farm buildings of Almsbury Farm were listed in 1960; the list description was amended in 1984 (Grade II, list entry no. 1304848). The farm complex lies just to the east of Vineyard Street, between the Isbourne and Vineyard Bridge to the north, and the Listed Historic Park and gardens of the Sudeley estate to the south. To the north and within the site is situated the listed Almsbury Farmhouse as described below. To the east is an open field sloping down to the Beesmoor Brook.
- 2.4** The barn at Almsbury dates from the 18th century or earlier. Most of the other buildings now present date from the 19th century.
- 2.5** Almsbury Farmhouse within the application site was listed at Grade II in 1984 (list entry no. 1340288). The farmhouse appears to date from the 18th century, although with substantial 19th century modifications. It had assumed its present L-shaped arrangement by 1884. The house is of cut and squared limestone, with a stone slate roof to a coped gable.

- 2.6** The farmhouse's setting to the south is defined, as it has been since the late 19th century, by its relationship with the buildings enclosing the northern farmyard. To the east, a range of sheds abutting the granary building extend in front of the eastern elevation of the farmhouse; these historically faced a produce garden to the east. Somewhat overgrown by 2005, this is now an open grassed area. The setting of the farmhouse to the north and the west remains essentially as it would have been following the erection of Vineyard Bridge and the realignment of Vineyard Street in the early 1890s, bounded by mature trees.

3. Relevant Planning History

Application Number	Proposal	Decision	Decision Date
00/00753/FUL	Conversion, change of use of farmhouse & buildings, erection of new buildings to provide a new visitor centre including retail, restaurant and new estate office. New car park. Creation of visitor toilets & ticket office at Sudeley. Erection of new walls, railings & temporary barriers.	PER	17.04.2003
00/00754/LBC	Conversion and change of use of farmhouse and farm buildings including demolition and erection of new buildings to provide a new visitor centre including retail, restaurant and new estate office.	CONSEN	29.01.2002
91/96330/LBC	Re-roofing (Grade II Listed Building Ref: 4/210)	CONSEN	24.09.1991
94/01040/LBC	Re-roofing of Agricultural Barn (listed Building grade II 4/209)	CONSEN	13.12.1994
97/00839/FUL	Conversion of coach house/bothy into holiday let accommodation/ bed and breakfast use	PER	14.10.1997
97/01084/LBC	Internal alterations to Bothy to create holiday-let accommodation	CONSEN	17.11.1997
04/01674/LBC	Replacement roof structure and internal structures. General reinstatement following a fire. (Grade II Listed Building ref:10/210.)	CONSEN	01.06.2005
16/01453/FUL	Proposed construction of a 52 bed care home and 53 assisted living units (C2 use), including the conversion of Almsbury Barns. Associated hard and soft landscaping and parking.	REF	12.10.2017
21/01497/LBC	Internal and external works in association with the redevelopment and conversion of Almsbury Farm Barns to provide a mixed residential and commercial development.	CONSEN	21.09.2023

Recent planning history

- 3.1** In 2002-3, planning permission and listed building consent were granted for the conversion and change of use of the farmhouse and farm buildings, together with the erection of new buildings, to provide a new visitor centre and estate office (refs. 00/00753/FUL & 00/00754/LBC). These permissions were not implemented.

- 3.2** In 2008, planning permission and listed building consent were granted for the restoration and extension of the farmhouse (refs. 07/01279/FUL & 07/01277/LBC). Extension of these permissions with some minor amendments was granted in 2011 (refs. 11/00225/FUL & 11/00209). It is understood that footings for this consent were dug, and that approved scheme forms part of the current proposals for that building.
- 3.3** In 2017 an application for a 52-bed care home, and 52 assisted living units was refused by Members at Planning Committee. The reasons for refusal were; contrary to the Councils locational housing policies, significant harm to the AONB, harm to the setting of the nearby heritage asset and an unsafe highways impact. It should be noted that the application site formed a larger parcel of land than the currently proposed site.
- 3.4** An EIA Screening opinion was requested by the applicant as set out above and resulted in a determination that the development did not fall within Schedule 2 of the EIA Regulations.

4. Consultation Responses

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

- 4.1 Winchcombe Town Council – Objection** to this proposed development but for only **one** reason, set out below. Convincing proposals for traffic management in the street are the obstacle. “The overall view of the Town Council is that the development set out in the application is, in itself, a far better proposal than previous applications for this site. We welcome:

- The investment in a new use of the long empty barn building (and the opportunity to create local employment through commercial use).
- The reconstruction of the single storey buildings lost over the years, enabling them to be brought back into suitable use; with a view to sustainable development, increasing local employment opportunities is a positive goal;
- The replacement of ramshackle modern barns and farm buildings with a terrace of modest homes, with some provision for affordable housing;
- The opportunity to use the site to construct new detached homes, using the same style and construction materials.

However, while the Town Council welcomes the overall project as set out, it’s a fact that any additional development would increase traffic flows in Vineyard Street. There are currently only 16 residential properties in Vineyard Street (the steep hill down from Abbey Terrace in Winchcombe Town Council) and another 5 in the Old Brockhampton Road, a no through road that extends into Sudeley Parish and serves significant farming operations. The application would create more traffic from the new homes and proposed commercial uses of the main barn and some other parts of the site.

The challenge here is that the street is also the main entrance route to Sudeley Castle, a very popular tourist destination attracting about 80,000 visitors a year and organising various festival and trade fairs on their extensive parkland. There are already occasions when the diagonal parking in Vineyard Street constricts farm machinery traffic and HGV deliveries. And when there is additional traffic to the Castle for special events, the additional marshals laid on to direct traffic at the junction with Abbey Terrace can be overwhelmed by the flow of traffic. Any new development is going to increase the challenge and potentially back traffic up to the main road through Winchcombe. If the Borough Council is minded to approve this application, the Town Council would want a condition applied with the effect of: ensuring no

development is started until there is a suitable County Council designed traffic management scheme for Vineyard Street to replace the diagonal parking, to take account of the needs of Vineyard Street and Old Brockhampton Road residents and businesses, and of the need for easy access for visitors to Sudeley Castle; ensuring that no part of the development is occupied on completion until the full implementation of that traffic management scheme. A local resident has provided the Town Council with a very thorough explanation of the challenge Vineyard Street sets for any development at Sudeley Castle or along the Old Brockhampton Road. It's clear from his assessment that normal County Council standard formulae approaches don't easily help to identify solutions in such an unusual location. It may be that converting Vineyard Street from diagonal to parallel parking would help the traffic flow, but it would also deny the residents of the street of perhaps 15 easy parking spaces on their doorstep. Where would they park? Abbey Terrace spaces are not a suitable alternative as it is operated with time limits to underpin access to the local economy - the vet, the dentists surgery, and shops and local services. The main town car park is some distance away in Back Lane. The Town Council would therefore welcome a proper County Council assessment of how these challenges can be addressed. Until there is a convincing way forward we do need to sustain a formal objection and ask the Borough Council not to determine the application."

- 4.2 Highway Authority - No objection subject to conditions.** The County Highway Authority consider that further to the Highway Authority's recommendation dated 4th July 2022, and after extensive discussions and negotiations, it has been agreed that by virtue of the resulting intensification of the number of vehicle and pedestrian movements from the development proposal onto Vineyard Street and the junction with B4632 Gloucester Street, the proposal is dependant on the introduction of a Traffic Regulation Order in order to restrict the number of on-street parking along this road that will allow for the safe operation of the road and junction without detriment to highway safety.

All the remaining matters set out in the HA's previous correspondence have been incorporated in subsequent submissions made by the applicant's transport consultant, and we are satisfied that these address the matters set out. The Highway Authority has undertaken a robust assessment of the planning application. Based on the analysis of the information submitted the Highway Authority concludes that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion. There are no justifiable grounds on which an objection could be maintained.

- 4.3 Land Drainage Officer** – The submitted drainage strategy report shows sufficient evidence that an appropriate drainage system incorporating the use of a sustainable urban drainage system can be introduced on this site. **No objection subject to recommended conditions.**
- 4.4 Conservation Officer** – Following considerable negotiations and submission of revised scheme , including redesign of some dwelling units and a reduction of dwellings to 18 so that 5 of the new dwellings resemble the scale and massing of agricultural buildings and revisions to proposals for external areas, including the setting of the listed tithe barn and the two north and south orientated wings of that building by deletion of a hard surfaced area immediately adjoining these buildings frontage to the Road and revision to original landscape proposals to continue an open frontage from the Road to the barn's elevation . **No Objection** subject to recommended conditions.

- 4.5 Environmental Health Officer** – **No objection subject to recommended conditions.**

- 4.6 Housing Strategy and Enabling – No Objection** subject to confirmation that the applicants have correctly applied the principle of the vacant building credit correctly to off site provision of residual 'new floorspace'
- 4.7 Lead Local Flood Authority** – The site is within flood zone 1 and is at low risk of flooding. The LLFA has **no objections** to the to the proposal subject to recommended conditions.
- 4.8 Minerals and waste Planning Authority – No objection** subject to recommended conditions.
- 4.9 National Highways – No objections.**
- 4.10 Ecology – No objections subject to recommended conditions.**
- 4.11 Gloucestershire County Community Infrastructure** – Contributions required for education in particular secondary education via a S106 agreement.
- 4.12 County Council Archaeology - No objection** subject to recommended condition.
- 4.13 Historic England – Objection** to the impact of on the registered Park and Garden of Sudeley Castle

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** Some 11 representations have been received expressing opposition to the proposed planning application, including a representation from the 'Friends of Winchcombe' in summary;
- Highway impact on Vineyard Street by reason of increased traffic.
 - Deleterious effect of construction traffic
 - Concern about proposal proceeding prior to a by -pass on Sudeley estate land.
 - Site outside development boundary of Winchcombe on a greenfield site
 - Increase of light pollution
 - Density of development excessive
 - Undesirable impact of greenfield aspects of proposals
 - Site within a protected landscape
 - Danger to pedestrians on Vineyard Street by reason of increased usage and no footways.
 - Contrary to provisions of the National Planning Guidance (NPPF) which seeks to protect national landscape (Cotswold AONB)
 - Existing parking via angled spaces reduces width of Vineyard Street which will be exacerbated by proposed development.

Two letters of support were also received in support of the submitted scheme.

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

Policy SP1 (The need for new development)
Policy SP2 (Distribution of new development)
Policy SD4 (Design Requirements)
Policy SD 7 (The Cotswold Area of Outstanding Natural Beauty)
Policy SD8 (Historic Environment)
Policy SD10 (Residential Development)
Policy SD11(Housing Mix and standards)
Policy SD12 (Affordable Housing)
Policy SD14 (Health and Environmental Quality)
Policy INF1 (Transport)

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

Policy RES 2 (Settlement Boundaries)
Policy RES 3 (New housing outside Settlement Boundaries)
Policy RES 5 (New Housing Development)
Policy RES 7 (Re-use of rural buildings for residential use)
Policy RES 12 (Affordable Housing)
Policy RES 13 (housing Mix)
Policy EMP3 (Employment site within settlement boundaries)
Policy EMP4 (Rural Employment development)
Policy HER 1(Conservation areas)
Policy HER 2 (Listed Buildings)
Policy HER 3 (Historic Parks and Gardens)
Policy TRAC9 (Parking Provision)
Policy NAT1(Biodiversity, Geodiversity, and Important Natural Features)

6.5 Neighbourhood Plan

Winchcombe and Sudeley Neighbourhood Development Plan – 2011-2031(WSNDP)
now in excess of 5 years since achieving made status.

Policy 1.1 (Protecting the Distinctive Character of the Area)
Policy 2.1 (New Commercial and light Industrial Development)
Policy 5.1 (Design of New Development)
Policy 5.2 (Off Street Parking)
Policy 5.3 (Winchcombe Conservation Area)

Policy 5.5 (Extensions and Alterations to existing buildings)

Cotswolds National Landscape Management Plan (CNLMP) 2023-2025

6.6

Policy CE3 (Local Distinctiveness)

Policy CE5 (Dark Skies)

Policy CE10 (Development and Transport -Principles)

Policy CE6 (Historic environment and Cultural Heritage)

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** Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses. As such when determining planning applications this authority has a duty under sections 16(2), 66(1) & 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the area and listed buildings and their settings.
- 7.3** Chapter 16 of the National Planning Policy Framework sets out the importance of protecting and enhancing the historic environment and conserving heritage assets in a manner appropriate to their significance. Paragraph 194 of the NPPF states that:
- 7.4** In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets importance and no more than is sufficient to understand the potential impact of the proposal on their significance.
- 7.5** 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. In this case the Winchcombe and Sudeley Neighbourhood Plan.
- 7.6** The relevant policies are set out in the appropriate sections of this report.
- 7.7** 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.

8. Evaluation

Principle of development

Employment Use

- 8.1** Paragraph 84 of the NPPF states that planning decisions should enable;
- (a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;
 - (b) the development and diversification of agricultural and other land-based rural businesses;
 - (c) sustainable rural tourism and leisure developments which respect the character of the countryside; and
 - (d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.
- 8.2** The principle of commercial use development on this site is governed by WSNPD Policy 2.1, which supports, and specifically notes the Almsbury Farm site. This policy provides support for 'New and expanded business uses' for the site. The development of the non-residential use sought is as set out in the applicant's planning statement:
- 'The proposed Class E use is likely to be of an office/light industrial nature (i.e. former B1 uses).'*
- 8.3** The E class as currently set out in the Use Classes Order as amended (2023) under which the following uses under class E(g) can comprise uses that can be carried out in a residential area without detriment to its amenity including Offices, research and development, and industrial processes. Class E(c) allows for the provision of financial services, professional services or other appropriate services in a commercial, business or service locality.
- 8.4** Policy 2.1 of the WNDP has a footnote (2) allows for residential in connection with commercial proposals. Whilst the application site is not within the settlement boundary it does adjoin. The TBP gives encouragement to the establishment of employment uses within the settlement boundary and in terms of the urban morphology of the Town has a clear functional relationship. Policy EMP3 encourages employment uses albeit within settlement boundaries. Outside of settlement boundaries TBP Policy EMP4 makes reference to Policy AGR2 which allows for farm diversification where they enhance the operation of the agricultural business and do not prejudice the existing agricultural business. It is noteworthy that the Policy requires the maximisation of redundant building and where new buildings or extensions are proposed they are necessary for the new use, and of a scale and use appropriate to the rural setting and character of the surroundings.
- 8.5** The application site comprising vacant buildings and the original farmhouse is contended by the applicant to no longer be in use for agriculture as the farm's agricultural hub has now been established elsewhere. The proposals as discussed elsewhere do not adversely materially affect the adjoining landscape or the character of the area. The buildings whilst not within the settlement boundary have a clear relationship to the Town, and the employment use provides an appropriate use for a Listed Building. The re use for employment use provides a new use for an existing listed building in compliance with Policy AGR2, EMP4 and

HER2 the latter policy envisaging the re-use of Listed buildings. The neighbourhood plan specifically identifies the site irrespective of it being outside the settlement boundary as being acceptable for employment use. Whilst there is conflict with EMP3 of the TBP by way of its location outside of the settlement boundary, the proposals are compliant with other relevant employment and heritage policies and when taken together the commercial proposals submitted are consistent with relevant local and national policy.

Residential use

- 8.6** In order to further sustainability objectives and in the interests of protecting the countryside, the housing policies of the JCS set out the development strategy for the Borough. Strategic Policies SP1 and SP2 of the JCS set out the scale and distribution of development to be delivered across the JCS area in the period to 2031.
- 8.7** JCS and Policy SP2 sets out that to meet the needs of Tewkesbury Borough, none of which is being met by the urban extensions to Gloucester and Cheltenham, the JCS will make provision for at least 9,899 new homes. At least 7,445 dwellings will be provided through existing commitments, development at Tewkesbury town in line with its role as a market town, smaller-scale development meeting local needs at Rural Service Centres and Service Villages. Winchcombe is identified as a Rural Service Centre.
- 8.8** In this case, JCS Policy SD10 is the relevant starting point in considering the principle of development. Policy SD10 of the JCS states that within the JCS area new housing will be planned in order to deliver the scale and distribution of housing development set out in Policies SP1 and SP2. Housing development will be permitted at sites allocated for housing through the development plan, including Strategic Allocations and allocations in district and neighbourhood plans.
- 8.9** 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.
- 8.10** The site comprises a number of existing buildings that have been used in conjunction with the Sudeley Estate. Formally the site was used for agricultural purposes which is evidenced by the previous planning history. However, the applicant has provided evidence that for the past 10 years there has been no agricultural activities on site, and there has been additional uses, such as storage, associated with the Sudeley estate and their tourism operations.
- 8.11** The site is located outside and adjoining the existing built-up area of Winchcombe, in open countryside and does not meet any of the exceptions of Policy SD10 of the JCS and the conflict with these adopted development plan policies are the starting point for decision making. However, the situational context of the proposed development and its proximity to the development boundary is still relevant. The site is located in such close proximity to the primary services and facilities available in Winchcombe. The site is within convenient walking distance to the Winchcombe High Street, which contains shops, community facilities, public transport, public open space, places of worship, libraries and schools. Although there is no public footpath linking the application site to the town along Vineyard Street, this route is already very well used by local residents, including frequently by dog walkers and visitors to Sudeley Castle. There are also other public rights of way links from the rear of the site to the town.

- 8.12** 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. In this instance, there are material considerations which weigh in favour of the development, including the proximity and accessibility of the application site to community infrastructure, and the benefits to the community of additional employment facilities. These material considerations must be weighed against the harms of the development and each application must be determined on its own merits and this is a matter for the overall planning balance.

Tewkesbury Borough Plan (TBP)

- 8.13** In terms of the Borough Plan, Winchcombe is identified as a Rural Service Centre. The site is not an allocated site as set out in Policy RES1, nor is it located within the defined settlement boundary of Winchcombe and therefore Policy RES2 does not apply. Notwithstanding, the site is located adjacent to the settlement boundary of a defined Rural Service Centre; the application site is not located in an isolated rural location and future residents would have access to services in Winchcombe, Bishops Cleeve and beyond. The NPPF seeks to promote sustainable development in rural areas and housing should be located where it will enhance or maintain the vitality of rural communities (Paragraph 79). The location of the site immediately adjacent to a defined Rural Service Centre, which would have access to services, weighs in favour of the proposal.

Neighbourhood Development Plan

- 8.14** Paragraph 14 of the Framework states that in situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply:

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

- 8.15** The Winchcombe & Sudeley Neighbourhood Plan (WSNDP) was adopted as part of the development plan on the 24th January 2017 and is therefore older than two years. Consequently, it no longer benefits from the protection that would have been afforded by paragraph 14 of the Framework. However, the WSNDP remains an integral component of the adopted development plan and decision makers should continue to have full regard to it in determining planning applications.

- 8.16** Policy 3.1 of the WSNDP advises that residential development on infill and redevelopment sites will be supported, provided they are within the Built-up Area (as defined on the proposals map). The application site lies outside the Built-up Area although it does abut it at the northern extent of the site.

- 8.17** However, Policy 2.1 (New Commercial and Light Industrial Development) identifies the site as an area where business uses are encouraged. Footnote 2 of this policy states: *“if not developed as part of a wider housing and care home development”* which is applicable in this instance as it seeks to ensure that the redevelopment of the site can accommodate a mixture of uses. This footnote indicates that there is a mechanism to allow housing to help support the viability of the site. It is worth noting that the Town Council have not objected to the principle of housing on this site to help support the commercial uses.
- 8.18** The proposal is therefore considered to be in conflict with Policy 3.1 of the WSN DP, however, is supported by Policy 2.1.

Five year Land Supply

- 8.19** The NPPF requires local planning authorities to demonstrate an up-to-date five year supply of deliverable housing sites. Where local authorities cannot demonstrate a five year supply of deliverable housing sites, paragraph 11 of the NPPF sets out that housing policies contained within development plans should not be considered up-to-date.
- 8.20** Further to the recent Trumans Farm, Gotherington Appeal decision (ref. 22/00650/FUL), the Council’s position is that it cannot at this time demonstrate a five year supply of deliverable housing land. The position of the recent appeal decision is that the Council’s five year supply of deliverable housing sites is, at best, 3.39 years, and that this shortfall is significant, which is accepted. The Council’s policies for the provision of housing should not therefore be considered up-to-date in accordance with footnote 8 of the NPPF.
- 8.21** It is notable that the Council is shortly due to publish its annual housing monitoring Housing Land Supply Statement which will confirm that the Council is unable to demonstrate a five year housing land supply. The final figure is not yet confirmed. A further update will be provided to Members at the Committee meeting.
- 8.22** Paragraph 11(d) of the NPPF therefore applies and states that where policies which are most important for determining the application are out of date, permission should be granted unless: i) the application of policies in the Framework that protect assets of particular importance provides a clear reason for refusing the development; or ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Conclusion on the Principle of Development

- 8.23** 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.
- 8.24** The application site is not allocated for housing development and does not meet any of the exceptions of Policy SD10 of the JCS or Policy RES1 and RES3 of the TBP and does not meet the criterion of Policy 3.1 of the WSN DP. However, some housing is supported on the site through Policy 2.1 of the WSN DP and the conflict with these adopted development plan policies are the starting point for decision making.

- 8.25** However, as set out above, the Council cannot at this time demonstrate a five year supply of deliverable housing land and therefore the most important policies for determining the application are deemed out of date in accordance with footnote 8 of the NPPF. On that basis the application must be determined in accordance with paragraph 11(d)(ii) of the NPPF (the tilted balance), i.e. planning permission should be granted unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of NPPF as a whole.

Other Material matters

- 8.26** The relevant detailed matters are examined in the following sections of the report as follows:

- Landscape Impact
- Access and Highway Safety
- Design and Layout
- Residential amenity
- Affordable Housing
- Drainage and Flood risk
- Biodiversity
- Heritage Assets

Landscape impact and impact on the AONB

- 8.27** Policy SD6 of the JCS requires applications to protect or enhance landscape character. A Landscape Visual Impact Appraisal (LVIA) and Landscape Strategy have been submitted alongside the planning application. The LVIA concludes that the site can accommodate redevelopment and new residential dwellings in accordance with the proposed development, with no predicted significant landscape impact. It is also noteworthy that Policy SD7 of the JCS does not preclude development in the AONB only that the development conserve and where appropriate enhance its landscape and scenic beauty, wildlife, cultural heritage and be consistent with the Cotswolds AONB Management Plan Policy.
- 8.28** It is Officers view that the development hereby analysed is consistent with those policies and that view is supported by consultee responses and the Town Council. Policy 2.1 of the WSNBP implicitly supports, by reason of the wording of that policy, the re-use and development of the application site.
- 8.29** The applicant's report notes that overall, the development offers potential for beneficial enhancement which will benefit landscape character and visual amenity through the removal and redevelopment of existing detractor structures, the contemporary farm buildings, and introduction of new built form consistent with the prevailing landscape. The Landscape Strategy proposes new native tree planting within the existing woodland belt to reinforce the boundary with Sudeley Castle grounds.
- 8.30** The sense of openness to Vineyard Street is retained by keeping the area to the north free of built development. New native hedge planting is proposed to help maintain a sense of rural character along the road. Hedge and tree planting is proposed within the adjoining paddock to filter views from Winchcombe to the north. A new native hedge is proposed along the length of the eastern boundary to create a soft defined boundary and enclose the built form. In addition, new tree and hedge planting within the development and high-quality finishes to hard landscaping proposals complement the architecture and together, create an attractive environment for future occupiers of the site.

- 8.31** Within the accompanying information, it has been demonstrated that the proposed development would not cause significant landscape harm and a comprehensive landscape strategy affords significant landscape enhancements. The proposed development is in accordance with Policy SD6 and SD7 of the JCS. Officers having considered the submitted LVIA and the relevant consultee responses together with the advice given in the Cotswolds National Landscape Management Plan (CNLMP) 2023-2025 are of the view that the proposal is acceptable in landscape terms.

Access and highway safety

- 8.32** Policy INF1 of the JCS sets out that development should ensure safe and efficient access to the highway network. The NPPF requires safe and suitable access to be provided. Paragraph 110 states that development should only be refused on transport grounds where the cumulative impacts of development are 'severe', which is a high-level test of harm.
- 8.33** The site is currently served by a single point of vehicular access from Vineyard Street which is the existing access to the farm together with a new access. The submitted Transport Statement includes detailed site access drawings, which demonstrates that visibility splay standards are met along Vineyard Street in accordance with highway standards. Swept path analysis plans are also provided to demonstrate that vehicles can turn and manoeuvre within the site in a safe and convenient manner. There has had to be some compromise in terms of internal road standards, particularly in terms of footpath provision. This is an important heritage site, and the introduction of engineered highway features would cause substantial harm to the character and setting of heritage assets, in particular the highway approach to Sudeley Castle, the Conservation Area and the AONB. The existing grass verges on Vineyard street adjoining the site between the two proposed access points are to be upgraded by virtue of a suitable bound material to accommodate pedestrian routing and occasional vehicle overrunning to ensure the continued safe and suitable operation of Vineyard Street.
- 8.34** The site proposals provide some 65 vehicle parking spaces which the applicants consider is the minimum required for the submitted proposal consistent with respecting the important heritage assets present on site and in the vicinity. The site in any event is located within close proximity to the Town centre. The Highways Authority (HA) have raised no objections to the quantum of parking.
- 8.35** Although there is no public footpath linking the application site to the town along Vineyard Street, this route is already very well used by local residents, including frequently by dog walkers and visitors to Sudeley Castle. There are also other public rights of way links from the rear of the site to the town.
- 8.36** Given the restricted width of Vineyard Street the existing presence of pedestrians the result is that overall, the risk to road users is slight as driver behaviour has and does adjust to the situation. The Highway authority, whose comments are set out above have carefully considered the matter and subject to recommending a Traffic Regulation Order to restrict and re-order existing parking on Vineyard Street are content that the proposals are appropriate. Extensive discussion has been had between the Applicant, the HA and the Town Council in relation to the TRO. However, the final details of the TRO are still under discussion and the applicant is seeking to provide an updated plan prior to the Planning Committee meeting.
Given this Members will be updated accordingly.

Design and layout

- 8.37** The NPPF at chapter 12 deals with 'achieving well-designed places' requiring that development is visually attractive and consistent with local landscape and history. The Framework seeks development to maintain a strong sense of place. Policy SD10 of the JCS at criteria 6 seeks to achieve an appropriate density, the protection of heritage assets, local amenity and the character and quality of the local environment. TBP policies DES1, HER 1, 2 and 3 dealing with space standards, development in conservation areas and development relating to alterations to Listed Buildings are all relevant in consideration of this matter. In addition, the CNLMP Policies CE 6 is relevant seeking to protect the historic Environment and CE 3 seeking to conserve local distinctiveness.
- 8.38** The applicants have submitted a Heritage Statement alongside the application for planning permission and the listed building consent application reported separately under that reference number. The site is within the Winchcombe Conservation Area and within the AONB and abuts and comprises a small area of the Sudeley Castle Registered Park and Garden (RPG) and comprises Grade II listed buildings.
- 8.39** The submitted scheme seeks to balance the viability of a scheme that preserves the historic interest has been at the heart of the design process. The proposed development conserves and restores the listed buildings on site in accordance with relevant policy and removes modern, unsightly agricultural sheds. The Heritage Statement confirms that the proposed works have been conceived to minimise harm to significant fabric as much as possible, giving the buildings a long-term viable use.
- 8.40** The submitted report goes on to note that care has been taken to minimise harm to significant fabric as much as possible, where significant harm to fabric has been identified, it is at the low end 'less than substantial'. Changes to the setting improve the site's appearance and improve the legibility of the historic farmstead layout recreating in Plan form the appearance of a home farm complex.
- 8.41** The terraced 'Alms houses' proposed are typical in design of others in Winchcombe and such dwellings are common at 'Estate Home Farm' complexes common in providing accommodation for farm workers.
- 8.42** A small part of the Conservation area would be affected by the proposed development. The Heritage Statement concludes that any harm caused to the special interest of the Conservation area as a whole would be at the low end of less than substantial.
- 8.43** The layout has been designed to minimise the effect on the Sudeley Castle registered Park and garden (RPG). Consultation responses confirm that the impact on the RPG is slight, though the Historic England have expressed concern that the setting of the RPG is significantly compromised and this matter is considered later in this report. During the course of consideration of the proposals Officers in concert with the applicants considered that the original design of the non-almshouses terraced dwelling development did not respect the overall design concept for the site. As a result the number of dwellings were reduced to 18 in total and the design of the new dwellings on the southernmost part of the site were reconsidered to provide an agricultural external appearance, both in terms of massing, height, and external finishes, to recreate and add to the Home Farm typology prevalent within the proposed conversion of the existing Listed Buildings.

8.44 The materials to be used in the development of the new buildings are proposed to accord with those most typically used in the area and a recommended condition requires details to be submitted in accordance with Policy CE3 of the CNLMP. Officers consider that Policy SD10 of the JCS, and policies DES1, HER 1, 2 and 3 of the TBP and chapter 12 of the NPPF are complied with.

8.45 Officers now consider that the submitted scheme is compliant with relevant Development Plan Policy as set out above and conclude that the proposal as submitted is satisfactory.

Residential amenity

8.46 Policy SD4 of the JCS together with RES 5 of the TBP both seek that new residential development should be of a design and layout that respects the character, appearance and amenity of the surrounding area.

8.47 The layout of the site has been designed insofar as residential amenity within the site to ensure that the reuse of the listed barns for commercial use as offices do not adversely affect residential amenity of residents of the new dwellings proposed. The site is self-contained and therefore no residential dwelling adjacent to the site will be affected. The Environmental Health officer has considered the proposals and is content that the development will not produce a material impact in terms of noise, air quality and that a recommended planning condition should be considered to ensure that policy in the CNLMP (CE5) relating to dark skies is complied with.

8.48 In addition, the Environmental health officer, given the site is a mixed-use proposal, has considered it appropriate in terms of the protection of residential amenity to recommend a noise condition. In addition, the EHO advice on the site has recommended a site investigation as a precautionary measure completed in accordance with an approved site-specific methodology, given Officer's understanding of previous site use, including storage of unknown materials.

8.49 Officers have concluded that the residential amenity of prospective occupiers of the new residential development will be protected and that the site complies with the relevant development plan policies relating to residential amenity.

Housing mix

8.50 Policy SD11 of the JCS requires that housing development shall provide an appropriate mix of dwelling sizes, and shall meet national space standards and be located in accessible locations. The relevant policy in the TBP Policy RES13 mirrors the requirements of the JCS Policy.

8.51 The submitted scheme provides for a mix of re use of existing Listed Structures on the site together with new homes. The housing proposed on the site comprises a mixture of dwelling sizes. Officers consider that the proposals as they are driven by the context of the site, the important heritage, conservation and landscape designation of the site to be consistent with the requirements of TBLP's policy RES13 Housing Mix and SD11 of the JCS.

Affordable housing

8.52 In accordance with the requirements of Policy SD12 of the JCS together with Policy RES 12 of the TBLP the scheme proposes compliance with those policies.

- 8.53** However, the standard 40% requirement, is contended by the applicants who consider that it should be reduced by reason of the discount afforded by the demolished floorspace using the provisions of Vacant Building Credit.
- 8.54** Under national planning policy in the National Planning Policy Framework (NPPF), to support the re-use of brownfield land, where vacant buildings are being re-used or redeveloped, any affordable housing contribution due on the redevelopment should be reduced by an amount proportionate to the existing buildings. This is known as the vacant building credit.
- 8.55** The NPPF 2021 states at para 64;
- “Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount.”*
- 8.56** VBC is equivalent to the existing gross floor space of the existing buildings to be demolished. This provision is applicable in circumstances where the buildings have had no relevant agricultural use, not abandoned, are structurally sound and are on brownfield land. The structural report submitted with the application confirms this.
- 8.57** Given this the applicant has sought to demonstrate that the vacant former agricultural buildings are sited on previously developed land i.e brownfield land. Initial concerns were raised that the site was still under agricultural use and therefore the VBC could not apply as agricultural land is not deemed to be previously developed.
- 8.58** The applicant has submitted a sworn affidavit from the CEO of Sudeley Castle and has been formally sworn in front of a solicitor, under section 5 of the Perjury Act 1911. This affidavit details the type of storage use carried out at the buildings and states that this is in relation to the operations of the wider estate including the events held on the castle grounds. Officers, along with the Planning Lawyer, have assessed this information and consider that, in the absence of any contrary evidence and on the ‘balance of probabilities’ that the buildings have been used for the purposes of general storage, in association with the commercial and tourist businesses of Sudeley Castle. With this in mind it is considered that through the passage of time, the site use has changed away from agricultural and therefore can be considered as brownfield or previously developed for the purposes of VBC which is cross referenced in the glossary of the NPPF.
- 8.59** Given this Officers accept that the former agricultural buildings on the site do constitute, having been used for non-agricultural purposes on Brownfield land and are therefore relevant in terms of qualifying for VBC. Accordingly, the 40% requirement for affordable housing by relevant policy is reduced. The resultant calculation produces a need for 1.2 units, confirmed by the Council’s housing officer based on the revised number of 18 dwellings. As it is unlikely that any affordable housing provider will be prepared to build just one dwelling on the site Officers have accepted that the development should contribute a sum of £99,000 to provide for the quantum required offsite.
- 8.60** The Councils Affordable Housing Officer has been consulted and confirms that the methodology used to calculate the VBC is correct and the provision of an offsite contribution is acceptable in this instance, in accordance with Policy SD12 (criterion 3) of the JCS.

Drainage and flood risk

- 8.61** Policies INF 1 of the JCS and ENV2 of the TBP require that development should avoid areas of flood risk. The NPPF section 14 seeks to protect prospective occupiers and users of new development and others in the area from flood risk.
- 8.62** The applicants have submitted a flood risk and drainage strategy. The submitted report considers the existing ground conditions, the existing drainage arrangements and the hydrology of the site. The River Isbourne flows east past the site, which is located approximately 12m north of the application site boundary. The Beesmoor Brook flows north past the site, approximately 78m to the east. Both watercourses are non 'main river'. The Beesmoor Brook reaches its confluence with the River Isbourne upstream of Castle Street Bridge circa 192m north east of the site.
- 8.63** Severn Trent Water asset plans show that there are no public sewers serving or in the vicinity of the site. The site is located within flood zone 1. This is the area shown to be at low risk of river flooding associated with the River Isbourne and Beesmoor Brook. The development proposals are not classed as 'more vulnerable' within Flood Zone 1 and therefore an exception test is not required. No historic records exist to show flooding. In terms of flooding caused by rainfall data from the Environment agency indicate that the site is at low risk of pluvial flooding. The response to the application in particular the Drainage and flooding strategy from the Lead Local flood authority and the Council's drainage engineer raise no objections to the scheme subject to the imposition of recommended planning conditions. Officers are content that the proposals are in conformity to the relevant planning policy at National and local level subject to conditions.

Ecology

- 8.64** The NPPF at section 15 requires that planning decisions should contribute to and enhance the natural and local environment by inter alia by protecting and enhancing Biodiversity net gain. (BNG). TBP policy NAT 1 requires that development proposals to be permitted shall conserve, restore and enhance biodiversity.
- 8.65** The applicants submitted an ecological assessment and an arboriculture assessment as part of the submission. Those found that:
- There are not considered to be any significant adverse effects on any other statutory and non-statutory sites of nature conservation interest from the development proposals.
 - No evidence of Badgers such as any setts, latrines, mammal paths, snagged hairs, foraging marks or footprints were recorded within or immediately adjacent to the site.
 - None of the trees within the site were recorded as having developed features suitable to support roosting bats.
 - The site supports a low population of Slow Worms and therefore prior to the removal of suitable reptile habitat, a reptile translocation exercise will be undertaken in which all reptiles will be moved through a simple in situ translocation exercise to a retained area of improved grassland located in the north of the site. To ensure opportunities for reptiles are retained post development it is recommended areas of open space are retained and managed for reptiles.
 - The development proposals are feasible from an arboricultural perspective for the following reasons:
 - No highly important landscape feature trees will be removed.
 - Tree protection measures can be put in place to ensure that construction works do not result in damage to retained trees.

- 8.66** The response of the Council's ecology advisor is set out above considering that the submitted material is that the proposals are acceptable subject to the imposition of planning conditions. Officers consider that the requirements of the NPPF and TBP Nat 1 are complied with and therefore in terms of ecological issues the scheme is satisfactory.

Heritage assets

- 8.67** 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.
- 8.68** Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses. As such when determining planning applications this authority has a duty under sections 16(2), 66(1) & 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the area and listed buildings and their settings.
- 8.69** Chapter 16 of the National Planning Policy Framework sets out the importance of protecting and enhancing the historic environment and conserving heritage assets in a manner appropriate to their significance. Paragraph 194 of the NPPF states that:
- 8.70** In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets importance and no more than is sufficient to understand the potential impact of the proposal on their significance.
- 8.71** In particular, paragraph 197 states that in determining planning applications, local authorities should take account of 'the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation'. Paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be.
- 8.72** Paragraph 200 of the NPPF states that: Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 8.73** Policy HER1 of the adopted Local Plan states that: Proposals for development in or within the setting of a conservation area will need to have particular regard to the potential impact on its character and setting. New development will be expected to preserve or enhance the character and appearance of conservation areas through high quality design and use of appropriate materials. Proposals will be required to demonstrate a thorough understanding of the significance, character and setting of conservation areas and how this has informed proposals, to achieve high quality new design which is respectful of historic interest and local character. Policy HER2 of the adopted Local Plan states that: Alterations, extensions, or changes of use to Listed Buildings, or development within their setting, will be expected to have no adverse impact on those elements which contribute to their special architectural or historic interest, including their settings. Policy RES7 of the adopted Borough Plan states

that:

- 8.74** The re-use and conversion of redundant buildings in the rural areas (the areas located outside of defined settlement boundaries) for residential use will be permitted provided that:
1. The building is of a substantial construction, is structurally sound and is capable of conversion without the need for significant new building works and/or extension.
 2. Where the proposal involves a traditional building, any new works are of a scale, form, type and materials sympathetic to the character and appearance of the original building;
 3. The proposal does not result in the requirement for another building to fulfil the function of the original building to be converted.
 4. The proposal preserves or enhances the landscape setting of the site and respects the rural character of the area
- 8.75** Policy HER2 of the Borough Plan requires that development which comprises the change of use of listed Buildings or development within their settings will be expected to have no adverse impacts on the elements which contribute to their special architectural or historic interest including their settings. The materials to used on building works should normally be undertaken using traditional materials and building techniques.
- 8.76** Policy HER3 of the Borough Plan requires that proposals which affect historic parks and gardens will not adversely affect their character.
- 8.77** The Winchcombe and Sudeley Neighbourhood plan at Policy 1.1 requires that development should respect local character. Policy 5.1 echoes Policy 1.1 requiring new development to reflect the character of its surroundings in terms of form, massing, and materials. Policy 5.3 requires development to conserve the Conservation area. Finally, Policy 5.5 requires extensions and alterations to existing buildings to utilise complementary materials.
- 8.78** The scheme as submitted includes the already approved extension to the farmhouse as noted above, that planning permission and listed building consent were granted for the restoration and extension of the farmhouse (refs. 07/01279/FUL & 07/01277/LBC). Extension of these permissions with some minor amendments was granted in 2011 (refs. 11/00225/FUL & 11/00209). It is understood that footings for these consents were dug, and that the approved scheme forms part of the current proposals for that building. It is proposed to retain the existing Almsbury Farmhouse as a discrete residential property. No new internal works to it would be undertaken, and thus it is not included in the total of 18 new residential units cited above within the description of development as amended. It is proposed to build out the new-build extension to the farmhouse granted planning permission and listed building consent in 2011 (refs. 11/00225/ FUL & 11/00209/LBC), rather than forming part of the farmhouse dwelling this would become a new discrete residential property. The three existing ground-floor openings in the eastern side of the farmhouse (two windows and a door), which under the previously permitted scheme were to have been altered to allow passage between the farmhouse and the extension, would be closed-up to affect the separation.

Almsbury Farm buildings

- 8.79** The farm buildings of Almsbury Farm were listed in 1960; the list description was amended in 1984 (Grade II, list entry no. 1304848). The farm complex lies just to the east of Vineyard Street, between the Isbourne and Vineyard Bridge to the north and the parkland of the Sudeley estate to the south. To the east is an open field sloping down to the Beesmoor Brook. The barn at Almsbury dates from the 18th century or earlier. Most of the other buildings now present date from the 19th century

Granary and adjacent shelter shed.

- 8.80** Under the scheme permitted in 2011 (refs. 11/00225/FUL & 11/00209), the granary building to the south east of the farmhouse (converted to holiday-let accommodation under ref. 97/01084/LBC) was to have been combined with the northern end of the shelter shed to its south – north of a new east-west passageway through the latter – to form a further extension to the farmhouse, connected via a new doorway into the new-build element. Under the current Application scheme, the granary and the northern end of the shelter shed would become a further discrete residential property. With the exception of the omission of the new doorway in the northern side of the granary, the works here would be essentially as per those permitted in 201.
- 8.81** New internal walls would be constructed to form the new passageway through the shelter shed and to affect the separation of the shelter shed into two parts. New gates would be fitted to the opening at the western end of the passageway. Most of the western pitch of the roof over the shelter shed is covered with stone slates, although there is a small section at its southern end with a modern profiled metal covering. The whole of the eastern pitch is of profiled metal, and the whole length of the ridge is finished with sheet metal. Under the current Application scheme, it is proposed to replace the profiled metal with stone slates, and to replace the sheet metal ridge with appropriate ridge tiles. Much of the western side of the shelter shed is currently clad in timber weatherboarding. This would be removed, and new bronze-framed windows glazing would be set behind the restored timber posts, in places supplemented with hit-and-miss hardwood panels.
- 8.82** The works proposed to create the residential unit to the north would involve:
- an overhaul of the roof and walls of the granary;
 - brickwork repairs to the northern end of the adjacent shelter shed;
 - the creation of two new doorways in the existing wall between the granary and the shelter shed, one to affect the main connection between the two parts, and the other accessing a WC;
 - the removal of the existing timber partition forming the southern side of the existing log store;
 - the opening-up of the existing window opening in the brick part of the western elevation of the shelter shed;
 - the closing-up of the existing window opening in the eastern elevation of the shelter shed, and the insertion here of a new appropriately detailed timber door and window;
 - the relocation westward of the internal doorway in the existing east-west internal wall that forms the southern end of the brick-built part of the shelter shed;
 - the restoration of the simple timber post columns along the western side of the shelter shed; and
 - the insertion of new bronze-framed windows set behind the timber posts.

8.83 Under the current Application scheme, the southern end of the shelter shed – to the south of the new east-west passageway – would be converted into a single self-contained commercial unit. The works proposed to create this commercial unit would involve:

- the restoration of the simple timber post columns along the western side of the shelter shed;
- the insertion of large bronze-framed windows set behind the timber posts, complemented by hit-and-miss hardwood panels.
- the reinstatement of a dilapidated section of masonry wall to the east;
- the removal of an existing east-west timber partition towards the southern end of the shed; and
- some subdivision of the southern end of the shed to form an entrance lobby, two WCs, a 'brew station' and an IT cupboard.

Yard to the east

8.84 To the east of the shelter shed as described above there is a short projection. This historically extended further to the east to join up with what is now a detached and very dilapidated shelter shed. Under the current Application scheme, it is proposed to preserve or re-use the historic fabric of these two elements where possible, to re-instate the footprint of the lost connection between them, and to extend the footprint of slightly to the south. The resulting L-shaped range would become two discrete single-storey residential units. The courtyard enclosed by the L-shaped range and the southern end of the previously described shelter shed would be closed off to the south by a new range with a vehicular opening through it. To the east of the opening, this range would accommodate part of one of the residential units, whilst to the west it would accommodate part of the commercial unit to be formed through the development of a new L-shaped range reinstating the footprint of a lost building.

8.85 All the buildings would be faced with rubble stone with simple dressed surrounds to correctly detailed timber windows and doors and roofed with stone slates. The proposal incorporates the reinstatement of the 'lost building described above. The material from the surviving gable end to the north, and the surviving parts of the external walls to the south and east of the lost building are proposed to be preserved or re-used where possible, and the new construction would be faced with rubble stone with simple dressed surrounds to correctly detailed timber windows and doors. The range would be roofed with stone slates.

The Tithe Barn

8.86 The current proposal seeks to divide the most dominant building on the entire site, the tithe barn into two separate business units. This building in the early part of the 21st Century suffered a fire and destroyed much of its roof. In 2005, following the fire, listed building consent was granted for the replacement of most of the roof structure (and the adjacent parts of the buildings fronting Vineyard street, together with the insertion of a replacement timber staircase and some internal partitions and work benches (ref. 04/01674/LBC). The latter elements were not implemented. Part of a potentially 18th century queen-post truss survives over the north porch, and there are some old timbers in the hipped northern end of the porch.

8.87 The present roof covering over the entire barn post-dates the fire and sits over a modern membrane, although the stone slates may have been reclaimed from elsewhere. Inspection of the barn's fabric indicates several blocked openings. In the eastern half of the barn, there are at least four blocked ventilation 'slits' (two each to the north and south); these narrow vertical openings were intended to prevent rain penetration and were splayed on the inside to allow greater air flow and natural internal lighting. There is evidence of a further two blocked 'window' openings in the eastern gable end. At the eastern end of the southern elevation there is a planked door (boarded-up externally), but there was evidently a much larger opening here at one time. Similarly, there is a boarded-up doorway in the eastern side of the south porch; there was evidently also a wider opening here historically. It is unclear when all these openings were infilled. There are surviving openings, one to the north and one to the south (now boarded-up), to the west of the central crossing. In the western gable end, there are two segmental arches with voussoirs and key, backed with brickwork. The central pier between these two openings looks to have been replaced since 1972, perhaps following the fire.

8.88 A new partition is proposed to be inserted at first-floor level (atop the existing masonry wall here) to affect the subdivision into two separate units. In respect of the commercial unit to the west, these works would involve:

- the insertion of a new bronze-framed glazed screen with door behind the existing openings to the west;
- the direct glazing of the 4-light cusped 15th century window in the western gable;
- the insertion of conservation rooflights;
- the insertion of a galleried mezzanine level, accessed via a new stair with half landing; and
- the subdivision of the ground floor beneath the mezzanine to form an entrance lobby, office space, two WCs, a brew station and an IT cupboard.

8.89 In respect of the commercial unit to the east, the works would involve:

- the insertion of new glazed screens with doors into the porch openings to the north and south;
- the re-opening and glazing of an existing blocked window to the south;
- the pinning back of an existing door to the south (west of the porch), and the insertion into its opening of a glazed screen;
- the repair, or replacement to match, of an existing door to the south (east of the porch);
- the insertion of a glazed screen into an existing door to the north (west of the porch);
- the re-opening and direct glazing of the existing ventilation slots to the north (east of the porch);
- the insertion of conservation rooflights;
- the insertion of a galleried mezzanine level at the eastern end of the space, accessed via a new stair with balconied half landing (as well as a fire-escape stair); and
- the subdivision of the space beneath the mezzanine to form an entrance lobby, two WCs, a 'brew station' and an IT cupboard.

Cow shed/stable range

- 8.90** The cow shed/stable range that extends northwards from the western end of the barn is proposed to be converted into commercial units. The works here involves:
- the repair, or replacement to match, of an existing west-facing window;
 - the re-opening, repair, or replacement to match, of all the existing east-facing doors and windows;
 - the removal of the existing subdivision, first-floor, stair, stalls and troughs; and
 - the subdivision of the space to form two office spaces, two WCs, a 'brew station' and two IT cupboards.

Cart shed range

- 8.91** The existing range that extends southwards from the western end of the barn would be extended and converted into commercial units. The present breeze-block structure at the southern end of the range (with a shallow mono-pitch roof of profiled metal) would be removed and replaced with a natural stone-faced structure with an east-west aligned stone slated pitched roof. This element's western side would be set back from the western elevation of the main part of the range, but it would project further eastward, suggesting containment of the southern yard formed by the Tithe barn, the reinstated lost building and the cart shed range. The detailed proposals for this area will comprise:
- the repair, or replacement to match, of an existing east-facing window;
 - the insertion of bronze-framed glazing with a door to enclose the east-facing open bays; and
 - the subdivision of the southern end of the space to form an entrance lobby, two WCs, a 'brew station' and an IT cupboard.

South of the main farm complex

- 8.92** The existing contemporary, vacant and visually unremarkable agricultural buildings are proposed to be demolished and the site developed with an extended range of U shaped buildings comprising 10 new terraced 'alms house type design dwellings'. The new range – faced with natural stone and with stone-slatted pitched roofs – would adopt a Cotswold vernacular style, with gabled porches, projecting bays, gables, and chimneystacks. The fronts of the four houses making up the U's southern side would be orientated to the north, whilst the fronts of the houses forming the U's eastern and western sides (three to each side) would be outward facing. The architectural style of these terraced dwellings is consistent with 'alms house' designs elsewhere in the settlement.
- 8.93** To the east of the terraced units the submitted scheme proposes 5 new build dwellings within the curtilage of the listed buildings present on the site. The architectural form of these dwellings has undergone significant changes following discussions with officers. The form of the dwellings now mirrors the form and massing of single storey agricultural buildings.
- 8.94** English Heritage were consulted on the Planning Application as first received and did not oppose the principle of re-use and converting the existing historic rural buildings on the site. The site-specific concerns of that body have been taken into account during detailed negotiations with the Conservation Officer and the applicant and have resulted in a very revised scheme as set out in this report which the Conservation Officer supports. It is noteworthy that the previous application for the redevelopment of this farm building complex was objected to by Historic England. Following the submission of the revised scheme which

has produced agricultural style new dwellings at the southern end of the site Historic England have expressed concern whilst noting that the revisions to the landscape have reduced the harm as previously identified to the registered park and garden (RPG), however, HE remain concerned that the new housing remains harmful to the setting of the RPG. Following these concerns, the Council's Conservation Officer considered the HE's submission noting that:

The proposed terrace is arranged in a 'C' shaped footprint creating a quadrangle. The scale and design of the buildings is based on cottages and alms-houses nearby. In my assessment I have considered that this part of the site is largely screened by mature trees and contains a collection of derelict modern agricultural sheds which are visually detrimental. It is not unusual for Cotswold estate farmsteads to include some workers cottages. I considered that albeit this development is for ten units most of the cottages would be screened from general view and those that were glimpsed from vineyard street would not appear numerous or disproportionate in character. As such, in this context I have considered the proposal to be acceptable.

- 8.95** The impact on the RPG is considered in detail in a following section.

Impact on listed buildings

- 8.96** As stated above the works to the existing farmhouse are minimal and it remains as per the planning history as a dwelling. Officers consider that the proposals to the listed agricultural buildings are also acceptable in terms of the specific heritage policies set out above. That view is supported by the Town Council, the Conservation Officer and HE who have all raised no objections to the proposals to convert the existing Listed Buildings on the application site.

Impact on Conservation Area

- 8.97** The application site lies within the Wincombe Conservation area and policy 5.3 of the neighbourhood plan seeks to conserve that area, in particular identify, heritage assets. The Conservation officer's consideration of the submitted proposals coupled with the views of the Town Council are that the proposals as submitted are acceptable in terms of impact on the Conservation area. A conclusion that Officer's agree with and conclude that the proposals in terms of compliance with heritage and allied policies are complied with.

Impact on Sudeley Castle Registered Historic Park and Garden (RPG)

- 8.98** The application site comprises a small area of land within the RPG proposed to be undeveloped by the application at the extreme Southern end of the application site. Policy HER3 of the TBP seeks to protect the existing character of the Historic Park and Garden (RPG) of Sudeley Castle. The Council's Conservation Officer raises no objections to the proposal's impact on the 'listed' RPG and the recently submitted landscape plan in July which reinforces the area of the site within the RPG by a significant degree by new native tree planting to re-enforce the boundary to the RPG.
- 8.99** The recent and subsequent concerns raised by HE to the revised landscape provisions, in summary objecting to the new housing, as that development in and of itself fails to provide a positive transition between the abrupt edge of Winchcombe and the RPG, as set out above, have been considered by the Conservation Officer, as also set out above. The new development replaces in part some contemporary agricultural building of no particular merit. The revised landscape plan responds to the Tree officer and landscape assessment of the site and as a result Officers consider the impact on the RPG does not significantly materially harm the setting of the RPG in the area, and is compliant with Policy in particular HER3 of the

TBP and Policy 2.1 of the neighbourhood plan which envisages the redevelopment of the site as a whole for expanded business uses and by reference to the footnote 2' if not developed as part of a wider housing and care home development', by inference implying acceptance of housing proposals.

- 8.100** Given the above, Officers have considered the consultation responses on heritage impact and the submitted representations of the applicants and conclude that the proposal, subject to compliance with conditions would conserve the historic significance of nearby heritage assets and the proposal would comply with the relative Heritage Policies as detailed above.

Section 106 obligations

- 8.101** 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.

- 8.102** These tests are as follows:

- necessary to make the development acceptable in planning terms.
- directly related to the development; and
- fairly and reasonable related in scale and kind to the development.

- 8.103** 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.

- 8.104** Requests have been made by consultees to secure the following contributions via S106 obligations:

- Offsite contribution for provision of affordable housing of £99,000
- Waste receptacle £73 per dwelling
- Education obligation for secondary education £62,377.
- Funding for TRO £15,000

9. Conclusion & Planning Balance

- 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.

- 9.2** The application site lies outside of the settlement boundary for Winchcombe, as defined within Proposal Map of the Winchcombe and Sudeley NDP and is not allocated for housing development and there are no policies in the Tewkesbury Borough Local Plan to 2031 which allow for the type of development proposed. However, the site is identified for mixed use (including housing) within the Winchcombe and Sudeley NDP.
- 9.3** The Council cannot at this time demonstrate a five-year supply of deliverable housing land, the Council's policies for the supply of housing are out of date. In accordance with Paragraph 11 of the NPPF, the presumption in favour of sustainable development indicates that permission should be granted unless policies for protecting areas of assets of particular importance in the NPPF provide a clear reason for refusing the development proposed, or any adverse impacts of permitting the development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.
- 9.4** As detailed throughout the analysis section of the report, there would be no clear reasons for refusal arising from NPPF policies for the protection of areas or assets of particular importance in this case and therefore, it is clear that the decision-making process for the determination of this application is to assess whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits.

Benefits

- 9.5** The scheme as proposed will produce first and foremost an acceptable regeneration of a range of buildings of recognised and protected significance with a viable mixed-use scheme. In addition, the scheme will produce a betterment to visual amenity within the Conservation Area by reason of the removal of modern and visually unattractive modern farm buildings. The effect of the scheme will be to increase the availability of appropriate employment space in Winchcombe a matter encouraged by Policy 2.1 of the neighbourhood plan.
- 9.6** The scale of development, its proximity to the existing built-up area, its relationship with the village and its proximity to a rural service centre is a benefit that would attract fair weight in favour of granting permission in light of the Council's housing land supply position. Furthermore, the development would replace substantial agricultural buildings and associated yard area which are in a poor state.
- 9.7** In economic and social terms, a number of benefits would flow from this development if permitted, including during the construction process. There would also be economic and social benefits arising from spend from future residents which would help sustain the local facilities in nearby settlements and this is considered a moderate benefit.
- 9.8** In environmental terms the redevelopment of the site would allow the opportunity for significant new planting and biodiversity net gain which would be a significant benefit.

Harms

- 9.9** Harm arises from the conflict with development plan policies and the spatial strategy relating to housing, particularly Policy SD10 of the JCS and Policies RES1 and RES2 of the TBP, although it is accepted that the Council's housing policies must now be considered in light of the tilted balance.

- 9.10** The use of undeveloped land within part of the application's area for new residential development will by reason of being located partially on previously undeveloped land have by definition a negative effect. Officers judge this effect as a low level of harm by reason that the effect of the scheme is not, after relevant consideration be other than a marginal extension to the settlement area of Winchcombe and views into the site from the AONB are acceptable.
- 9.11** The re-development of the site will produce an increase of traffic; however the level of parking provision is acceptable and the increase in traffic emanating from the site is at worst marginal compared to the existing and previous uses of the site for agriculture purposes, and most recently commercial and residential use.

Neutral

- 9.12** The effect of the development on ecology, residential amenity, drainage and flooding, design and layout, and environmental health are considered by officers to have a neutral and acceptable impact.

Conclusion

- 9.13** There would be some harm arising from the development, namely harm arising from conflict with development plan policies and the spatial strategy relating to housing. Harm would also arise from the increase in traffic movements, however, this harm would be tempered as a result of the propose TRO.
- 9.14** Significant weight should be given to the provision of housing and this benefit would attract weight in favour of granting permission in light of the Council's housing land supply position along with economic and environmental benefits of the scheme. There is also weight in favour of the economic benefits and employment potentials that the development would provide.
- 9.15** Taking account of all the material considerations and the weight to be attributed to each one, it is considered that the identified harms would not significantly and demonstrably outweigh the benefits in the overall planning balance.

10. Recommendation

- 10.1** It is considered that the proposed development would constitute sustainable development in the context of the NPPF as a whole and it is therefore recommended that authority be **DELEGATED to the Development Management Manager to PERMIT the application, subject to any additional/amended planning conditions and the completion of Section 106 legal agreement to secure the heads of terms listed within this report (subject to any amendments arising from ongoing discussions).**

11. Conditions

- 1** The works hereby permitted shall be begun before the expiration of three 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:

- Site location plan (Drawing no. 2498-001 Rev A)
- Topographical Survey (Drawing no. 37674/1)
- Proposed site plan (Drawing no. 2498-100 Rev P11)
- Farmhouse Elevations 2 (Drawing no. 2498-106 Rev B)
- Farmhouse Elevations (Drawing no. 2498-105 Rev B)
- Farmhouse First and Second Floor Plan (Drawing No. 2498-102 Rev A)
- Farmhouse Ground Floor Plan (Drawing no. 2498-101 Rev B)
- Farmhouse Roof Plan (Drawing no. 2498-103 Rev A)
- Barn existing GF plan, elevations & sections (Drawing no. 2498-019 Rev A)
- Barn Proposed GF, Elevations & Sections (Drawing no. 2498-119 Rev P1)
- Barn Ground Floor (Drawing no. 2498-110 Rev B)
- Barn Elevations 1 (Drawing no. 2498-115 Rev A)
- Barn Elevations 2 (Drawing no. 2498-116 Rev A)
- Barn Elevations 3 (Drawing no. 2498-117 Rev A)
- Barn Elevations 4 (Drawing no. 2498-118 Rev A)
- Terraced Home Ground Floor Plan (Drawing no. 2498-120 Rev A)
- Terraced Home Elevations 2 (Drawing no. 2498-126 Rev A)
- Terraced Home First Floor Plan (Drawing no. 2498-121 Rev A)
- Terraced Home Roof Plan (Drawing No. 2498-11 Rev A)
- Terraced Home Elevations 1 (Drawing no. 2498-125 Rev A)
- New single storey barn roof plan (Drawing no. 2498-151 Rev A)
- New single storey barn elevations (Drawing no. 2498-152 Rev A)
- New single storey barn GF and FF Plans (Drawing no. 2498-150 Rev A)
- Landscape Strategy (Drawing no. 20253.103 Rev C)
- Technical Note by Rappor dated March 2023 Redevelopment of Almsbury Farm Barns, Vineyard Street, Winchcombe.

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 Prior to development above DPC level a sample panel of stonework (1m x1m) shall be constructed on site showing jointing, corners and pointing finishes for all buildings. The sample panel shall be agreed by the Planning authority and remain on site until all construction is completed. The development as approved by this approval shall be constructed in accordance with the approved panel.

Reason: To safeguard the character and appearance of the area.

4 Prior to installation, a schedule of details of roof materials, fences, gates and rainwater goods are to be submitted and agreed. The development shall be constructed in accordance with the approved materials.

Reason: to ensure that the development respects the character of this site and area within the Conservation Area and safeguard the character and appearance of these buildings of special architectural or historical interest.

- 5 Prior to installation of windows and external doors, design and colour details (including scaled cross sections) are to be submitted to the planning authority and agreed. All window and door openings to be recessed from the external surface by a minimum of 75mm. The development shall be constructed in accordance with the agreed details.

Reason: to ensure that the development is constructed in accordance with approved drawings and respects the character of this site and area within the Conservation Area and safeguard the character and appearance of these buildings of special architectural or historical interest

- 6 No development shall commence on site until a detailed design, maintenance & management strategy and timetable of implementation for the surface water drainage strategy presented in the submitted Flood Risk Assessment/Drainage Strategy has been submitted to and approved in writing by the Local Planning Authority. The detail must demonstrate the technical feasibility/viability of the drainage system through the use of SuDS to manage the flood risk to the site and elsewhere and the measures taken to manage the water quality for the life time of the development. The scheme for the surface water drainage shall be carried out in accordance with the approved details before the development is first put in to use/occupied.

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

- 7 No development shall be put 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. The approved SUDS maintenance plan shall be implemented in full in accordance with the agreed terms and conditions.

Reason: To ensure the continued operation and maintenance of drainage features serving the site and avoid flooding.

- 8 The Development hereby approved shall not be occupied until the proposed access gates have been set back 5 metres from the adjoining carriageway edge and made to open inwards only.

Reason: In the interests of highway safety

- 9 No development shall commence on site until a site investigation of the nature and extent of contamination has been carried out. The site investigation shall be in accordance with a site investigation methodology that has been submitted to and approved in writing by the Local Planning Authority, prior to the commencement of the investigation. No construction works shall start until the results of the site investigation have been submitted to, and approved in writing, by the Local Planning Authority.

If the site investigation identifies any contamination, the report shall specify the measures to be taken to remediate the site to render it suitable for the development hereby permitted, as well as an implementation timetable for the remediation. The site shall be remediated in accordance with the approved measures and timetable. If, during development, any contamination is found which has not been previously identified, work shall be suspended

and additional measures for its remediation, as well as an implementation timetable, shall be submitted to and approved in writing by the Local Planning Authority. The site shall be remediated in accordance with the additional approved measures and timetable.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property, and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

This condition is required as a pre-commencement condition because there is potential for unknown contamination to exist on the site.

- 10** 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 survey work to record the historic structure of the buildings adversely affected by development, 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 work in advance of the commencement of development, so as to make provision for the investigation and recording of historic structures that may be adversely affected by the scheme. The programme of work will advance understanding of any heritage assets which will be lost, in accordance with paragraph 205 of the National Planning Policy Framework. This condition is required as a pre-commencement condition because there is potential for historic structures to be lost without appropriate recording.

- 11** Prior to commencement of any development within the site a Construction (and demolition) Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include (but is not limited to):

- A. Site access/egress
- B. Staff/contractor facilities and travel arrangements
- C. Dust mitigation
- D. Noise and vibration mitigation (Including whether piling or power floating is required and please note white noise sounders will be required for plant operating onsite to minimise noise when in operation/moving/ reversing)
- E. Mitigation of the impacts of lighting proposed for the construction phase
- F. Measures for controlling leaks and spillages, managing silt and pollutants
- G. Plans for the disposal and recycling of waste

Development shall take place only in accordance with the approved CEMP.

- 12** **Reason:** To protect existing and proposed properties from the impacts of short term exposure to noise, vibration, light and dust nuisance

During the construction phase (including demolition and preparatory groundworks), no machinery shall be operated, no process shall be carried out and no deliveries shall be taken at or dispatched from the site outside the following times: Monday-Friday 8.00 am-6.00pm, Saturday 8.00 am-1.00 pm nor at any time on Sundays, Bank or Public Holidays.

Reason: To protect the noise climate and amenity of local residents.

- 13** Noise from adjacent commercial elements of the development shall be assessed in accordance with BS 4142:2014+A1:2019. This shall include business-generated noise, external plant and delivery noise etc. Additionally, if the development plan includes the installation of any type of Heat Pumps careful consideration should be given to the acoustic characteristics and location of the heat pumps. The individual and cumulative noise impact of any heat pumps should be assessed in accordance with BS 4142:2014+A1:2019 prior to installation and comply with those standards.

Reason: To protect the noise climate and amenity of local residents.

- 14** Mitigation and enhancement measures should be undertaken as outlined in the Ecological Assessment report, with the addition of measures to protect hedgehogs. The type, extent and location of removed, retained and newly created habitats outlined in the landscaping plans should be consistent with those set out in the BNG assessment prepared by Ecology Solutions dated April 2023.

Reason: To protect and enhance the habitat of the site.

- 15** A lighting strategy scheme covering both construction and operational phases should be submitted to the LPA detailing location and specification of the lighting, supported by contouring plans demonstrating any light spill into adjacent habitats prior to the commencement of development. This plan should be completed in conjunction with advice from the project ecologist. The development shall be completed and maintained thereafter in accordance with the submitted lighting strategy.

Reason: To protect the habitat and amenity of the area.

- 16** The non-residential uses hereby approved within the site shall comprise only uses within Class E9(g) and E9(c) of the Town and Country Planning (Use Classes) Order 1987 as amended.

Reason: To protect the amenity of residential occupiers of the application site.

- 17** No development shall commence until a detailed site waste management plan or equivalent has been submitted to and approved in writing by the local planning authority. The detailed site waste management plan must identify; the specific types and amount of waste materials forecast to be generated from the development during site preparation and demolition and construction phases and set out what site specific measures will be employed for dealing with this material so as to; - minimise its creation, maximise the amount of re-use and recycling on-site; maximise the amount of off-site recycling of any wastes that are unusable on-site; and reduce the amount of waste sent to landfill. In addition, the site waste management plan must also clearly set out the proportion of recycled content from all sources that will be used in construction materials. The detailed site waste management plan shall be fully implemented as approved unless the local planning authority gives prior written permission for any variation.

Reason: To ensure the effective implementation of waste minimisation and resource efficiency in accordance with adopted Gloucester, Cheltenham, Tewkesbury Joint Core Strategy Policy SD3 – Sustainable Design and Construction; adopted Gloucestershire Waste Core Strategy; Core Policy WCS2 – Waste Reduction; adopted Minerals Local Plan for Gloucestershire Policy SR01 and Paragraph 8 of the National Planning Policy for Waste.

- 18** No above-ground development shall commence until full details of the provision made for facilitating the management and recycling of waste generated during occupation have been submitted to and approved in writing by the local planning authority. This must include details of the appropriate and adequate space and infrastructure to allow for the separate storage of recyclable waste materials. The management of waste during occupation must be aligned with the principles of the waste hierarchy and not prejudice the delivery of local waste management targets. All details shall be fully implemented as approved unless the local planning authority gives prior written permission for any variation.

Reason: To ensure the effective implementation of waste minimisation and resource efficiency in accordance with adopted Gloucester, Cheltenham, Tewkesbury Joint Core Strategy Policy SD3 – Sustainable Design and Construction; adopted Gloucestershire Waste Core Strategy; Core Policy WCS2 – Waste Reduction; adopted Minerals Local Plan for Gloucestershire Policy SR01 and Paragraph 8 of the National Planning Policy for Waste.

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.

- 2** The development hereby approved includes the carrying out of work on the adopted highway. You are advised that before undertaking work on the adopted highway you must enter into a highway agreement under Section 278 of the Highways Act 1980 with the County Council, which would specify the works and the terms and conditions under which they are to be carried out.

Contact the Highway Authority's Legal Agreements Development Management Team at highwaylegalagreements@gloucestershire.gov.uk allowing sufficient time for the preparation and signing of the Agreement. You will be required to pay fees to cover the Councils costs in undertaking the following actions:

Drafting the Agreement
A Monitoring Fee
Approving the highway details
Inspecting the highway works

Planning permission is not permission to work in the highway. A Highway Agreement under Section 278 of the Highways Act 1980 must be completed, the bond secured and the Highway Authority's technical approval and inspection fees paid before any drawings will be considered and approved.

- 3** You are advised that a Traffic Regulation Order (TRO) is required. You must submit a plan to scale of an indicative scheme for a TRO, along with timescales for commencement and completion of the development. Please be aware that the statutory TRO process is not straightforward, involving advertisement and consultation of the proposal(s).

You should expect a minimum of six months to elapse between the Highway Authority's TRO Team confirming that it has all the information necessary to enable it to proceed and the TRO being advertised. You will not be permitted to implement the TRO measures until the TRO has been sealed, and we cannot always guarantee the outcome of the process.

We cannot begin the TRO process until the appropriate fee has been received. To arrange for a TRO to be processed contact the Highway Authority's Legal Agreements Development Management Team at highwaylegalagreements@gloucestershire.gov.

The cost of implementing any lining, signing or resurfacing required by the TRO is separate to the TRO fees, which solely cover the administration required to prepare, consult, amend and seal the TRO.

- 4 If there is a public right of way running through the site, the applicant will be required to contact the PROW team to arrange for an official diversion, if the applicant cannot guarantee the safety of the path users during the construction phase then they must apply to the PROW department on 08000 514514 or highways@gloucestershire.gov.uk to arrange a temporary closure of the right of way for the duration of any works.

We advise you to seek your own independent legal advice on the use of the public right of way for vehicular traffic.

The site is traversed by a public right of way and this permission does not authorise additional use by motor vehicles, or obstruction, or diversion.

- 5 Access to the site is via a public right of way and the applicant's attention is drawn to the restrictions imposed by Section 34 of The Road Traffic Act, 1988, regarding the driving of motor vehicles over public footpaths/bridleways.
- 6 The development hereby approved and any associated highway works required, is likely to impact on the operation of the highway network during its construction (and any demolition required). You are advised to contact the Highway Authorities Network Management Team at Network&TrafficManagement@gloucestershire.gov.uk before undertaking any work, to discuss any temporary traffic management measures required, such as footway, Public Right of Way, carriageway closures or temporary parking restrictions a minimum of eight weeks prior to any activity on site to enable Temporary Traffic Regulation Orders to be prepared and a programme of Temporary Traffic Management measures to be agreed.
- 7 You are advised that as a result of the proposed layout and construction of the internal access road, the internal access road will not be accepted for adoption by the Highway Authority under Section 38 of the Highways Act 1980.

The development will be bound by Sections 219 to 225 (the Advance Payments Code) of the Highways Act 1980, unless and until you agree to exempt the access road.

The exemption from adoption will be held as a Land Charge against all properties within the application boundary.

- 8 Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

- 9 It is expected that contractors are registered with the Considerate Constructors scheme and comply with the code of conduct in full, but particularly reference is made to “respecting the community” this says:

Constructors should give utmost consideration to their impact on neighbours and the public

- Informing, respecting and showing courtesy to those affected by the work;
- Minimising the impact of deliveries, parking and work on the public highway;
- Contributing to and supporting the local community and economy; and
- Working to create a positive and enduring impression, and promoting the Code.

The CEMP should clearly identify how the principal contractor will engage with the local community; this should be tailored to local circumstances. Contractors should also confirm how they will manage any local concerns and complaints and provide an agreed Service Level Agreement for responding to said issues.

Contractors should ensure that courtesy boards are provided, and information shared with the local community relating to the timing of operations and contact details for the site coordinator in the event of any difficulties. This does not offer any relief to obligations under existing Legislation.