




# PLANNING STATEMENT

Permission in Principle for a single infill dwelling  
and associated vehicular access

Land between Hill Farm House and Crane Hill,  
Oxenton, Cheltenham, GL52 9SE



On behalf of:



March 2021

## Contents

1.0	Introduction .....	3
2.0	The Application Site and Planning History .....	5
3.0	The Proposed Development.....	7
4.0	Planning Policy Context.....	8
5.0	The principle of housing on the application site.....	15
6.0	Other material considerations .....	22
7.0	Summary and conclusions.....	27

## Appendices

- A. JCS Settlement Audit 2017 Refresh – Extracts
- B. Officer Delegated Report and Approved Plans for Permission in Principle for 2 dwellings at Land adjacent to Manor Cottage, Walton Hill, Deerhurst Walton (TBC ref: 20/00774/FUL)
- C. Officer Committee Report and Approved Plans for full permission for a single infill dwelling at Part Parcel 3359, Bushcombe Lane, Woodmancote (TBC ref: 20/00381/FUL)
- D. Officer Delegated Report and Approved Plans for 4 dwellings at Vine Tree Farm, Teddington (TBC ref: 19/00957/FUL)
- E. Officer Committee Report and Approved Plans for a single infill dwelling at The Vine, High Street, Stanton (TBC ref: 17/00881/FUL).

## **1.0 Introduction**

- 1.1. Zesta Planning has been instructed to prepare and submit an application for Permission in Principle (PiP) for a single infill dwelling and associated vehicular access on land within the village of Oxenton, Cheltenham, 9SE.
- 1.2. The application site comprises of approximately 0.2 hectares of land located within the confines of the village of Oxenton, between residential properties of Hill Farmhouse and Crane Hill. The application is advanced on the basis that the proposal complies with Development Plan Policy SD10, which supports infilling within the existing built-up areas of Tewkesbury Borough's villages and settlements, including those villages outside the settlement hierarchy.
- 1.3. The proposal is also brought forward on the basis of emerging Tewkesbury Borough Plan Policy RES4, which permits new housing within rural settlements, including those outside the settlement hierarchy. In this regard, it is noted that Oxenton is specifically identified as one of 75 named 'Settlements' in the 'Rural Settlement Audit' (July 2017 Refresh), which formed part of the JCS evidence base (See **Appendix A**). This emerging policy reflects the Government's approach of supporting some growth in rural areas to help sustain local facilities and services.
- 1.4. Furthermore, the application is advanced in the wider context of the 'tilted balance' of national policy in favour of new housing development triggered by the acknowledged shortfall in five-year housing land supply within Tewkesbury Borough, which in turn engages the 'tilted balance' in favour of development. The suitability of the site as a location for new small-scale infilling housing, together with the lack of housing land supply, most certainly warrants the granting of PiP in this case.
- 1.5. This Planning Statement describes the site, its context and the development. It then sets out the development plan policies relevant to this case, and addresses matters concerning the location, land use and amount of development proposed against these policies. In this regard, the application is accompanied by an illustrative layout plan which is submitted to show how such a development could be achieved on the site in a manner that respects the character of the area.
- 1.6. It also considers the influence of other material considerations such as national policy, especially with regard to housing land supply, sustainable development, AONB and heritage effects. This includes reference to other recent housing developments permitted within the AONB and in close proximity to Listed Buildings in the Borough.

### The 'Permission in Principle' process

- 1.7. The permission in principle route to obtaining permission was introduced by the Town and Country Planning (Permission in Principle - PiP) Order 2017 (as amended), with the express purpose of fast-tracking proposals for residential development in order to speed up the delivery of housing. It is also intended to be a simpler process for establishing the principle of residential development on a particular site.
- 1.8. PiP are restricted to minor developments of less than 10 houses only. The legislation limits the scope of matters to be decided at permission in principle stage and the Council's consideration is therefore limited to the following matters only.
  - **location**
  - **land use**
  - **amount of development**
- 1.9. A second stage of technical details consent allows for examination of the details of the development, at which time it is open to the council to refuse permission if harm in relation to other planning issues is identified and cannot be mitigated, and in a balanced judgement is found to outweigh the housing and other benefits.
- 1.10. The Planning Practice Guidance (PPG) suggests additional information may be voluntarily submitted with a PiP, particularly to give more certainty about how many dwellings a site is capable of supporting. In this regard, illustrative layout drawings have been submitted with this application to help to illustrate the capacity of the site to accommodate one house in a manner that will respect the form of development in the village.
- 1.11. PPG states that a decision on whether to grant planning permission in principle must be made in accordance with relevant policies in the development plan unless there are material considerations, such as the NPPF and national guidance, which indicate otherwise. It is noted that should the Council be minded to grant the Permission in Principle, then, in accordance with PPG, it may not be made subject to conditions.

## 2.0 The Application Site and Planning History

### The Application Site

- 2.1. The application site relates to a parcel of land in the village of Oxenton. The site comprises of 0.2 hectares of under-developed land situated between the residential properties of Hill Farmhouse to the north and Crane Hill to the south. The village road runs along the west of the site, which will provide access to the land.
- 2.2. The site sits within a row of established residential properties on the eastern side of the village, with Rose Cottage directly opposite to the west. The site is essentially sandwiched by development on three sides. The site is well screened by mature landscaping, with the parcel sloping from west to east towards the field boundary.
- 2.3. The following aerial view image shows the context of the application site (highlighted in red), in and amongst the built-up form of the village.



- 2.4. Oxenton is characterised by loose knit development located along the main village road and benefits from the Church of St John the Baptist to the north of the village.
- 2.5. In the wider context, the site is located relatively near to the villages of Gotherington (a Service Village) and Bishops Cleeve (Rural Service Centre) and is a short distance to the A435 that provides bus services to these village as well as links to one of the main county settlements in Cheltenham. These nearby areas provide a good range of services and facilities, access to employment opportunities and good bus links.
- 2.6. The site adjoins Grade II listed buildings in the vicinity, although these do not necessarily read in the same context as the site. The site also lies within the Cotswolds Area of Outstanding Natural Beauty (AONB) and is Flood Zone 1 land (low risk) as defined on the EA Flood Maps. There are no land-use constraints or designations affecting the site.

## Planning History

- 2.7. The Council's online records reveal no planning history to this specific piece of land. However, the following applications are considered relevant to this case by virtue of their similarities in scale, size and function of settlement and AONB context.
- 2.8. **20/00774/PIP - Land adjacent to Manor Cottage, Walton Hill, Deerhurst** – The Council granted Permission in Principle for up to two dwellings in the settlement of Deerhurst Walton in October 2020. It is noted that Deerhurst Walton is arguably a smaller settlement than that of Oxenton, being perhaps best described as a hamlet. The site was located in and amongst other housing development within the settlement.
- 2.9. In granting permission, the Council concluded that the development was contrary to policy and within a relatively unsustainable location. However, they considered that the site was within the confines of the settlement and that the benefits of allowing development, including the boosting of housing and the Council's lack of 5-year housing supply, balanced against the lack of identifiable harm, provided the overriding basis for granting permission in the overall balance. The Officer's Delegated Report and approved plans for this approved application are attached at **Appendix B**.
- 2.10. **20/00381/FUL – Part Parcel 3359, Bushcombe Lane, Woodmancote** – The Council granted full planning permission in November 2020 for a single infill dwelling within the village of Woodmancote. The site is within the Cotswold AONB and outside the emerging Woodmancote settlement boundary in the Tewkesbury Borough Plan. The site also comprised of open grassed land and on the Cotswold escarpment.
- 2.11. However, in granting planning permission the Council determined that the site comprises of 'infill development' and was thus in accordance with JCS policy SD10, which allows new infill housing in locations outside of defined settlement boundaries. Furthermore, despite the location of the site within the AONB, the Council concluded that there would be no demonstrable harm to this designation given its siting amongst other housing development.
- 2.12. In this regard, the site at Bushcombe Lane is very similar to the current proposal site at Oxenton. The Council rightly concluded at Bushcombe Lane that because there was no demonstrable harm to the AONB, the 'tilted balance' was engaged. The benefits of the proposal overwhelmingly justified the granting of permission in that case, given the lack of harm to the AONB and any other harms. The Officer's Committee Report and approved plans for this approved application are attached at **Appendix C**.

## 3.0 The Proposed Development

- 3.1. The application seeks Permission in Principle for a residential development for a single infill detached dwelling on the site, with a vehicle access off the village road to the west.
- 3.2. An Illustrative site layout accompanies the application for the purpose of demonstrating that the quantum of development can be accommodated in an in-keeping arrangement that respects the local character. The illustration shows a linear shaped dwelling, reflecting the grain of neighbouring properties. This layout would also allow the property to cut into the contours of the land, thus limiting visual impact.
- 3.3. However, beyond the principle of the amount of development appropriate to the site, detailed considerations are not matters for this application but for the next technical details stage of consent and therefore are not determinative of the current application.

### Use

- 3.4. The single dwelling is considered to be an appropriate use of land in this location within the built-up area of the village. Other land on the site will be set aside for access, parking and landscaping. The property would integrate satisfactorily with the character of this part of the village, with the development proposing a single loose knit dwelling which is similar to elsewhere in the locality.

### Amount

- 3.5. The illustrative plans show that the dwelling would be sensitively laid out, in keeping with the rural loose knit feel of the area. The dwelling would benefit from a generous garden, with parking and manoeuvring space to the front. This amount of development can evidently be comfortably accommodated within the site, as demonstrated by the illustrative site layout plan (left). An aerial view context map is shown right.



## 4.0 Planning Policy Context

- 4.1. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 sets out that applications should be determined in accordance with the Development Plan, unless other material considerations indicate otherwise.
- 4.2. The Development Plan in this case comprises of the Cheltenham, Gloucester and Tewkesbury Joint Core Strategy (JCS) and the saved policies of the Tewkesbury Borough Local Plan to 2011.
- 4.3. The emerging Tewkesbury Borough Plan (TBP) to 2031 will also form part of the Development Plan in due course. The TBP has now been submitted to the Secretary of State for Examination which is currently taking place. However, given unresolved objections, the TBP can presently only carry limited weight at this stage, as has been found to be the case with numerous recent appeal decisions.
- 4.4. However, given the Council's identified housing land supply shortfall, it is considered that the aspects of policy that seek to boost the supply of housing could be given some weight, as it indicates the direction of travel towards a more positive approach to providing at least some small-scale and organic housing growth in rural settlements going forward. In the context of an undersupply of housing, this is a factor that should clearly be afforded significant weight in the planning balance.
- 4.5. Other relevant material considerations include the Government's National Planning Policy Framework (NPPF) and the Planning Practice Guidance (PPG).
- 4.6. As a result, the below planning documents are considered relevant:
  - The Adopted Joint Core Strategy to 2031
  - The emerging Tewkesbury Borough Plan to 2031
  - The National Planning Policy Framework (NPPF)
  - Planning Practice Guidance (PPG)
- 4.7. It is also considered that some weight can be given to the evidence base that underpins the emerging Development Plan. In this case, the Settlement Audit that was undertaken in 2017 as part of the JCS evidence base is of relevance (see Appendix A). In this regard, it is noted that Oxenton was specifically named as one of 75 defined Settlements in the audit. It should be stressed that there were other settlements and villages that were not named, due to their limited size and function.



### The Joint Core Strategy (JCS) – Adopted December 2017

- 4.8. The JCS for Cheltenham, Gloucester and Tewkesbury was adopted in December 2017 and now forms part of the Development Plan for the area. The JCS covers the plan period for up to 2031 and acts as the spatial strategy for the three districts.
- 4.9. The following policies of the JCS are relevant to this application:
- Policy SP1: The need for new development** sets out the need to provide 35,175 new homes up to 2031 across the JCS, for which Tewkesbury Borough Council's administrative areas is required to deliver at least 9,899 new homes
- 4.10. **Policy SP2: Distribution of new development** established that out of the 9,899 new homes to be delivered in Tewkesbury Borough, at least 7,445 are to be provided through existing commitments; development at Tewkesbury Town and smaller-scale development meeting local needs at Rural Service Centres and Service Villages.
- 4.11. It is noted that Oxenton is not one of the twelve designated 'Services Villages'. Policy SP2 establishes that in the remainder of the rural areas, Policy SD10 will apply to proposals for residential development.
- 4.12. **Policy SD10: Residential Development** sets out the criteria for delivering the housing required by the Development Plan. The below criterion is relevant to this application:
- 4(ii). Housing development on other sites will be permitted where, inter alia, it is infilling within the existing built up areas of Gloucester, Cheltenham or Tewkesbury Borough's towns and villages. (emphasis added)*
- 4.13. Firstly, it is important to stress that the reference to "villages" in criteria 4ii does not refer to designated "service village". Instead, the purpose of this policy is to facilitate some organic growth in settlements that do not fall within the settlement hierarchy, and in doing so, assists in aiding the viability of local services and communities.
- 4.14. The JCS does not define settlement boundaries or what is meant by a 'built up area', and therefore whether development is within a built-up area or not is a matter for the decision maker based on the circumstances relating to that specific site.
- 4.15. The settlement boundaries previously defined by the Local Plan to 2011 are no longer relevant to the determination of planning applications, as these were only relevant to the context of old Policy HOU4 which has now been superseded.
- 4.16. In terms of criterion 4(ii), it is noted that the policy indicates that such infill development will be permitted within the villages of Tewkesbury Borough. The supporting text

clarifies that “for the purpose of 4(ii) infill development means development of an under-developed plot well related to existing built development”.

- 4.17. There is no definition in the JCS of the term ‘under-developed’ or ‘plot’, but it has been established through recent appeal decisions in Tewkesbury Borough that under-developed means land that is currently ‘free of development’. The dictionary definition of ‘plot’ is “a small piece of land that is marked out for a purpose”.
- 4.18. **Policy SD6: Landscape** states that development will seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being. It also states that proposals will have regard to the local distinctiveness and historic character of the different landscapes in the JCS area, and that applications for development will consider the landscape and visual sensitivities of the areas in which they are to be located or which they may affect.
- 4.19. **Policy SD7: The Cotswolds AONB** relates to development in the Cotswold AONB and states that all development will be required to conserve and, where appropriate, enhance its landscape scenic beauty, wildlife, cultural heritage and other special qualities, whilst also being consistent with the Cotswold AONB Management Plan.
- 4.20. Importantly, the AONB designation of land is not a barrier to development, particularly where it does not constitute ‘major development’. The fact that land may be located within an AONB does not automatically infer harm. As such, this is a permissive policy.
- 4.21. **Policy SD8: Historic Environment** states that development should make a positive contribution to local character and distinctiveness, having regard to valued and distinctive elements of the historic environment, with designated heritage assets and their settings conserved.
- 4.22. **Policy INF2: Flood Risk Management** reflects the advice of the NPPF, which is to avoid locating development within the areas at highest risk of tidal flooding and mitigating the potential effects of surface water flooding. The site is within Flood Zone 1 (lowest risk) and is therefore not considered to be at risk of flooding.

#### **Emerging Tewkesbury Borough Plan to 2031 (TBP)**

- 4.23. The Tewkesbury Borough Plan is an emerging Development plan document that is at an advanced stage of its formulation but is unlikely to be adopted now until at least the end of 2021, with 2022 being more likely. Once adopted it will complement the JCS as a lower-level development plan document, replacing the saved policies of the Tewkesbury Borough Local Plan to 2011.

4.24. The TBP has been submitted for public examination, which is currently taking place. However, its housing policies are subject of unresolved objections and therefore carry little weight at this stage, in accordance with recent appeal decision.

4.25. The emerging plan takes a generally restrictive approach to housing elsewhere in rural locations. However, **Policy RES 4**, does permit very small-scale windfall housing schemes (up to a maximum of ten units) both within and adjacent to the built-up area of other villages which do not feature in the settlement hierarchy.

4.26. **Policy RES4 New housing at other rural settlements** states:

*To support the vitality of rural communities and the continued availability of services and facilities in the rural areas, small-scale residential development will be acceptable in principle within and adjacent to the built-up area of other rural settlements:*

- a) it is of a scale that is proportionate to the size and function of the settlement and maintains or enhances sustainable patterns of development;*
- b) it does not have an adverse cumulative impact on the settlement having regard to other developments permitted during the plan period; as a general rule no more than 5% growth or 10 dwellings, whichever is lesser, will be allowed;*
- c) it complements the form of the settlement and is well related to existing buildings within the settlement;*
- d) the site of the proposed development is not of significant amenity value or makes a significant contribution to the character and setting of the settlement in its undeveloped state;*
- e) the proposal would not result in the coalescence of settlements*
- f) the site is not located in the Green Belt, unless the proposal would involve limited infilling in a village, limited affordable housing for local community needs (in accordance with Policy RES6) or any other exceptions explicitly stated within the National Planning Policy Framework.*

*In all cases development must comply with the relevant criteria set out at Policy RES5. Particular attention will be given to the effect of the development on the form, character and landscape setting of the settlement.*

4.27. Oxenton is not a named Service Village in the JCS but it is a settlement that is specifically named as one of 75 settlements within the Settlement Audit 2017, that formed a key part of the JCS evidence base. Emerging Policy RES4 will therefore apply to new housing proposals in Oxenton.

### **The National Planning Policy Framework (NPPF)**

4.28. The NPPF 2019 sets out the Governments overarching planning policies and how it intends them to be applied at the local level. The NPPF provides guidance for local planning authorities in determining applications. As national guidance it is a material consideration capable of outweighing the provisions of the development plan.

4.29. **NPPF paragraph 11** sets out the presumption in favour of sustainable development. It goes on to assert that the balance between the benefits and adverse impacts of a proposed development should be considered alongside specific policies. For decision taking this means:

- c) *Approving development proposals that accord with the development plan without delay; or*
- d) *Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
  - i. *the application of policies in this Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed; or*
  - ii. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole.*

4.30. In relation to Criterion i) above, it is recognised that **Footnote 6** at paragraph 11 makes it clear that those policies referred to are those in the Framework including those relating to Areas of Outstanding Natural Beauty (AONB).

4.31. In this respect, paragraph 172 of the Framework makes it clear that development for 'major' development in the AONB should be refused unless there are exceptional circumstances, and where it can be demonstrated that the development is in the public interest. In this case, the proposed development would not fall within the definition of 'major' development owing to its size, scale and siting.

- 4.32. The AONB designation can therefore only disengage the 'tilted balance' as set out in NPPF paragraph 11d where development would cause substantial and demonstrable harm to the AONB, thus providing a clear reason for refusing the development. However, the development of AONB land does not infer definitional harm. Rather, there must be substantial harm. Where such harm is not found, the tilted balance continues to apply.
- 4.33. **Footnote 7** clarifies that for the purposes of 11d), policies most important for determining applications including housing will be 'out of date' in situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. The application of the 'tilted' planning balance therefore applies in the determination of this application because the Council cannot demonstrate a five-year housing land supply shortfall, as discussed in further detail later within this Statement.
- 4.34. **Paragraph 59** seeks to boost significantly the supply of housing.
- 4.35. **Paragraph 68** states that small sites can make an important contribution to meeting the housing requirement of an area and local planning authorities should support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes.
- 4.36. **Paragraph 78** states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.
- 4.37. **Paragraph 103** aims for the transport system to be balanced in favour of sustainable modes of travel, which will in turn offer people a genuine choice over how they travel. The government do, however, recognise that opportunities for sustainable transport may vary from urban to rural areas.
- 4.38. **Paragraph 172** relates to AONB's and states that "great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty". It seeks to resist 'major' development within the AONB, unless there are exceptional circumstances, and it is in the public interest.
- 4.39. Again, it is clear that an application for a single dwelling does not fall within this definition. It is therefore the case that there is no fundamental barrier to providing development of this scale within the AONB, particularly in cases where there is an undersupply in housing land supply.

4.40. **Paragraph 193** indicates that local planning authorities should assess the impact that a development proposal may have on the significance of a listed building. Although the proposal site is located in proximity to several listed buildings, this is a matter for considerations at the technical matters stage and any issues that may arise would need to be addressed at that stage of the process.

#### **Planning Practice Guidance**

4.41. The NPPF is supplemented by the Government's Planning Practice guidance. Of relevance in this case is the section on 'Rural Housing', which states that people living in rural areas can face particular challenges in terms of housing supply and affordability.

4.42. The PPG also highlights that rural housing is essential to the retention of local facilities, and that all rural settlements can play a role in the delivery of sustainable development. This is a clear recognition from the Government that rural areas do need to be allowed to provide some organic growth, to support communities and people from rural backgrounds. Small-scale housing can also assist in building community cohesion.

4.43. PPG also provides relevant guidance on the Permission in Principle regime, as follows:

- A decision on whether to grant permission in principle must be made in accordance with relevant policies in the development plan unless there are material considerations, such as those in the NPPF, which indicate otherwise (para. 011).
- The scope of permission in principle is limited to location, land use and amount of development. Other matters should be considered at technical details consent stage.
- Additional information can be volunteered to give more certainty about how many dwellings the site is capable of supporting and whether mitigation of likely impacts that may result from development is possible (paragraph 043).

## 5.0 The principle of housing on the application site

- 5.1. An application for permission in principle may only be decided on the basis of matters of location, land use and the amount of development proposed, in accordance with legislation and national practice guidance governing this route to planning permission.
- 5.2. In this section it is demonstrated that the single dwelling proposed accords with the prevailing decision-making context provided by the development plan in relation to land use, location and amount of development; meeting all the requirements necessary to merit a grant of permission in principle. Other material considerations, notably a substantial five-year housing land supply shortfall are set out in Section 6.0.
- 5.3. It will also identify similar cases where permission has been granted, including a PIP development of two dwellings at the settlement of Deerhurst Walton, which is a similar sized settlement to Oxenton, which was supported by Tewkesbury Borough Council. It will also refer to similar examples in the AONB in the villages of Woodmancote, Stanton and Teddington.

### Location

- 5.4. The starting point for establishing the principle of new housing on this site is the development plan, with the most important policies being JCS policies SP1, SP2 and SD10. Policies SP1 and SP2 govern the amount and distribution of new housing to meet the needs of Tewkesbury Borough.
- 5.5. JCS Policy SD10 supports infill housing within the other villages/settlements of Tewkesbury Borough that are not named in the settlement hierarchy (criterion 4ii). The supporting text clarifies that *“for the purpose of 4(ii) infill development means development of an under-developed plot well related to existing built development”*.
- 5.6. In terms of compliance of the application proposal with Policy SD10, it is considered that the site is capable of satisfying the requirements of this definition of infill development in the supporting text, as it is an under-developed plot well related to existing built development taking into account the following factors:
  - Oxenton is undoubtedly a ‘village’ and a ‘settlement’ and the site is clearly within the confines of it.
  - the site neighbours residential development to the north, south and west, adjoining Hill Farmhouse, Rose Cottage and Crane Hill.

- the site is located within a linear row of development, with built form on both sides of the village road.
  - given the development surrounding the proposal site, it is considered that housing on this plot, as demonstrated by the illustrative layout, would accord with the pattern of the village, and not result in encroaching on open countryside. The illustrative layout plan provides for a loose-knit form of development that would respect the semi-rural character of the area.
- 5.7. In addition to the proposal compiling with JCS policy SD10, the emerging Tewkesbury Borough Plan housing policy RES4 supports very small-scale housing development within the built-up area of rural settlements not identified in the settlement hierarchy. Although this policy has not been adopted, we consider that it can be given some weight in this case in view of the Council's 5-year housing land supply shortfall and following the submission of the TBP for examination.
- 5.8. It is noteworthy, that this policy relates to 'settlements' rather than villages, which opens up small-scale organic growth to all types of settlements. This is evidenced by the PIP permission granted for 2 dwellings at Land at Manor Cottage, Walton Hill, Deerhurst Walton (TBC ref: 20/00774/PIP) (Appendix B), which is a similar size settlement to Oxenton. There can be no doubt that Oxenton is a settlement, given that it is named as one of 75 settlements in the JCS Settlement Audit 2017, which formed part of the JCS evidence base. In this regard, it must be seen as a reasonably capable settlement to absorb at least some small-scale growth.
- 5.9. The application proposes the erection of a single dwelling, which clearly falls within the definition of a very small-scale development. The emerging TBP Proposals Map does not define a settlement boundary for Oxenton but the site is clearly spatially located within the built-up area of this settlement.
- 5.10. The relevant criteria of emerging Policy RES4 are as follows:
- a) It is of a scale that is proportionate to the size and function of the settlement and maintains or enhances sustainable patterns of development;
  - b) It does not have an adverse cumulative impact on the settlement having regard to other developments permitted during the plan period;
  - c) It complements the form of the settlement and is well related to existing buildings within the settlement;



- d) The site of the proposed development is not of significant amenity value or makes a significant contribution to the character and setting of the settlement in its undeveloped state;
  - e) The proposal would not result in the coalescence of settlements.
- 5.11. Being a development of only one dwelling, it is considered that the scheme is of a scale that is proportionate to the size and function of the settlement. This very small scale of development is the type of appropriate organic growth that is readily assimilated into smaller villages. There is not a level of housing commitments in the village with which this proposal could combine cumulatively to have an adverse swamping effect or otherwise unbalance the community. In any event, there is no allocation of housing numbers to each of the villages in the emerging plan, which would determine what constitutes a proportionate level of growth. Criteria (a) and (b) are therefore satisfied.
- 5.12. The application site is located within the built-up area of Oxenton, located off the access road through the village. Residential development surrounds the application site, with Hill Farmhouse to the north, Rose Cottage across the village road to the west and Crane Hill to the south. The surrounding development extends along the village road to the north and west of the site. Taking all of this into account, the siting of the proposed houses would be well related to the existing built form of the settlement.
- 5.13. The proposed layout of the dwelling seeks to provide a loose knit development which is characterful to the area, following the build line along the village road, therefore demonstrating that Criterion (c) requiring a complementary form that is well related to the settlement is satisfied.
- 5.14. In terms of Policy RES4 Criterion (d), the site is not considered to be of significant amenity value and is not designated for this purpose on the TBP Proposals Map, with no formal or informal public access or recreational use of the privately owned site. The site falls within the lower escarpment slopes of the AONB which have less sensitivity to change as a result of their reduced prominence within the landscape, with opportunities for small-scale sensitively designed developments near to the settlement edge given the ability to accommodate landscape change better than areas that are more exposed or more sensitive locations.
- 5.15. In addition, the dwelling will be partially screened from views along the village road, and the proposed site unkept in the context of the wider agricultural field. As a result, although the site is currently undeveloped, it is not considered to be making a

significant contribution to the character and setting of the settlement. Notwithstanding this, given the position of the dwelling, views up towards Oxenton Hill will still be possible. Given the spacious nature of the site, we also do not consider that the provision of a single dwelling in this form would be likely to cause any undue harm to the setting of nearby listed buildings. The dwelling would be likely to be set into the contours of the land, which would minimise its height and limit its visual impact.

- 5.16. Finally, given the location and the contained nature of the plot, the development of the site would not lead to any unwelcome coalescence. Criterion (e) is therefore satisfied.
- 5.17. In conclusion, it is considered that the application proposal is compliant with emerging TBP Policy RES4. While this policy had not yet been fully examined and found sound, it provides a strong indication of the council's future approach. The Council has started to afford weight to similar proposals for small-scale development in recent times, such as PIP permission granted for 2 dwellings at Land at Manor Cottage, Walton Hill, Deerhurst Walton (TBC ref: 20/00774/PIP).
- 5.18. A similar approach was also taken in respect of a development of 4 new dwellings in the nearby village of Teddington at Vine Tree Farm (19/00957/FUL), which is a site falling on the edge of the village and partially within the AONB. In allowing this development, the Council concluded that the development would be within and adjacent to the built-up area of Teddington and therefore complies with policy RES4. The Officer Delegated Report for this case is attached at **Appendix D**.
- 5.19. NPPF Paragraph 48 advises on the approach to emerging policy in determining planning applications. In this instance, paragraph 48 c) is of significance. This criterion references the degree of consistency between emerging policy and national policy in the NPPF, such that *"the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given"*.
- 5.20. It is submitted that TBP Policy RES4 is consistent with NPPF Paragraph 68 c) support for small windfall sites in contributing to meeting housing requirements, and Paragraph 78 promotion of sustainable development in rural areas by locating development where it will enhance or maintain the vitality of rural communities. The NPPF also does not sanction any form of blanket restriction on housing outside of settlement boundaries.
- 5.21. Given this degree of consistency with national policy, especially in light of current housing policies of the JCS being out of date, emerging Policy RES4 should be afforded some weight in deciding this particular application.

## Land-use

- 5.22. Landscape quality and status is an important consideration in determining the acceptability of the site as a location for housing development. It is not necessary for a Landscape & Visual Impact Assessment to accompany this application as such a detailed analysis is beyond the scope of an application for permission in principle. Nonetheless, consideration has been given to the landscape sensitivity of the site in making this application, as follows.
- 5.23. The application site falls within the Cotswolds AONB, which must be afforded a high level of protection. However, the NPPF makes it clear that only 'major developments' are fundamentally unacceptable within such areas. A footnote to paragraph 172 of the NPPF charges the decision maker with a judgement on whether the scale of a development proposed constitutes major development, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes of AONB designation.
- 5.24. Taking into account the very small scale of this scheme for only one dwelling immediately adjacent to an existing settlement, positioned within a gap in an otherwise built-up linear form of development, it is not considered there would be a significant adverse effect on the AONB and therefore no fundamental policy objection to this development. There is no scenario where this proposal could be considered to represent 'major development' in the AONB.
- 5.25. In this regard, it is important to stress that the mere location of development within an AONB does not automatically infer harm. This has been established through the granting of numerous planning permissions for new housing within the AONB in Tewkesbury Borough, including those for a single dwelling at Bushcombe Lane, Woodmancote; 4 dwellings at Vine Tree Farm Teddington and The Vine, Stanton, all of which have been permitted in the AONB in recent times (see Appendices C, D and E).
- 5.26. The proposal site situated within a linear form of residential development along the eastern side of the village Lane. The layout plan shows that the new dwelling will be situated in a sizable plot, which would be set behind existing landscaping both along the highway as well as to the north and south boundaries, meaning that the development will be partially screened from public vantage points in Oxenton, with longer-distance views of the development to the east also partially screened by the existing field boundary positioned beyond the site boundary up the escarpment. Views of the countryside beyond would be retained.

- 5.27. Importantly, the site falls within the lower escarpment slopes which have less sensitivity to change as a result of their reduced prominence within the landscape, with opportunities for small-scale sensitively designed developments near to the settlement edge given the site is able to accommodate landscape change better than areas that are more exposed or more sensitive locations. The dwelling would be set into the contours of the land and would follow the shape and grain of other nearby property.
- 5.28. Although the exact design and layout would be established at the technical details stage, any future dwelling will be of a scale and design that respects the surrounding neighbouring developments, in keeping with the proportions and material pallet of the area. The plot is spacious and the inclusion of an infill dwelling in this location will not have an undue impact on the AONB in principle. Whilst the dwelling would be partially visible from certain locations, it does not follow that the development would cause visual harm with the changing effects arising from the development deemed negligible.
- 5.29. In terms of wider views of the site, the development would be read in the context of an already developed row of housing and will be soften by existing landscaping.
- 5.30. We conclude that the proposed dwelling would be likely to integrate into the framework of the existing settlement, without cause undue harm to the AONB in accordance with JCS policy SD7 and the provisions of the NPPF.
- 5.31. The site neighbours three Grade II listed buildings, Hill Farmhouse to the north, Crane Hill to the south and with Rose Cottage across the village road to the west. Given the distance between the proposal site and these listed dwellings, any future dwelling will be sensitively designed to ensure the size, scale and design respects the setting of the surrounding listed buildings. Furthermore, existing landscaping will be retained, with opportunity to further enhance this to ensure adequate screening of the future dwelling. As a result, it is deemed that a future dwelling can be appropriately designed and sited to ensure no harm of the surrounding heritage assets.
- 5.32. Notwithstanding this, the heritage impact is a matter for considerations at the technical matters stage and any issues that may arise would need to be addressed at that stage of the process. That said, there is no reason to suspect that this development cannot be provided in a sympathetic manner that would respect the setting of heritage assets.
- 5.33. In terms of access, the proposal seeks to create a new site access off the village road along the western site boundary, whilst ensuring the bulk of the landscape boundary is retained. The access road is a typical country lane, however, based on a scheme of

one moderate sized dwelling, the number of associated trips would be minor and would not have an adverse impact. Furthermore, the road is lightly trafficked, with the access benefiting from acceptable visibility in both directions. The exact details would be assessed at the technical details stage.

- 5.34. Finally, the site is also located within Flood Zone 1 and is therefore at a low risk from flooding. Drainage details would also be secured at the technical details stage.

#### **Amount of housing proposed**

- 5.35. The proposal is a very small-scale scheme of only one dwelling, which represents an organic level of growth in-keeping with the overall size of the settlement. In this regard, it will assist in maintaining the vitality and viability of the village.
- 5.36. In considering that the amount of development proposed in this location is appropriate, it is relevant that the Council's emerging TBP Policy RES4, which supports very small-scale development on the edge of smaller non-Service Village settlements, defines 'very small scale' as a maximum of 10 dwellings.
- 5.37. On the basis that one dwelling fall substantially below that threshold, this scale of development is considered in-keeping and capable of being absorbed by the settlement and is the type of appropriate organic growth that is readily assimilated by smaller villages. It will contribute towards sustaining the vitality and viability of the village.

#### **Conclusion on the principle of development**

- 5.38. The foregoing analysis demonstrates compliance with the development plan. The key points of this analysis are as follows:
- a site location within the built-up area of one of the Borough's named settlements and represents infilling, compliant with the general adopted JCS settlement hierarchy and strategy, and in accordance with the emerging TBP to steer for new development within the built-up areas of rural settlements.
  - a modest amount of development well-related to the surrounding built form, without unacceptable encroachment into open countryside and without causing undue visual impact on the AONB or the setting of listed buildings;
  - a modest scale of development relative to the size of Oxenton, determines what constitutes a proportionate level of growth.
- 5.39. We conclude that this scheme is acceptable in principle. Other material considerations beyond compliance with the development plan are considered in the Section 6.0.

## 6.0 Other material considerations

- 6.1. Section 38(6) of the 1990 Planning Act directs that planning decisions should be made in accordance with the development plan but allows for other material considerations to have a bearing on those decisions. In this case the other material considerations are:
- a substantial shortfall in five-year housing land supply in Tewkesbury Borough;
  - NPPF paragraph 11(d) rendering development plan policies most important for the supply of housing out of date and of reduced weight in planning decisions due to a shortfall in five-year housing land supply, triggering the tilted balance in favour of sustainable housing development.

- 6.2. The implications of these material considerations for a decision on this application are examined together in more detail under the following sub-heading.

### **Housing land supply shortfall and the tilted balance of NPPF paragraph 11(d)**

- 6.3. Paragraph 11 of the NPPF sets out a presumption in favour of sustainable development. Tewkesbury Borough Council cannot currently demonstrate a 5-year housing land supply, with supply understood to be somewhere between 1.82 and 4.33 years depending on how the figure is calculated. Regardless of the figure employed, the result is a substantial housing supply shortfall.
- 6.4. Recent appeal decisions provide evidence on the inability of the council to demonstrate a 5-year housing land supply at this time. In deciding a very recent appeal for 50 homes in the village of Gotherington in January 2021 (APP/G1630/W/20/3256319) the Inspector concluded that the Council's housing supply was only 1.82 years.
- 6.5. In making this judgment, the Inspector did not agree with the Council's position of including past oversupply within its 5-year housing calculation. Furthermore, the Inspector raised significant concern over the validity of the Council's suggested housing delivery trajectory. The Inspector determined that there was no clear evidence that housing completions would meet that trajectory within 5 years and therefore proceeded to discount both the historic oversupply and several sites from the trajectory.
- 6.6. Additionally, the Inspector raised deep concerns over the lack of supply beyond year 3, meaning that even if the historic oversupply had been taken into account, the supply would still not meet the 5-year requirement. The Inspector references this situation as "deeply concerning" (para. 73) and a "very poor housing land supply position" (para 90). In doing so, she concluded that the "spatial strategy is not effective and therefore these

policies are of limited weight” (para 90). It is noted that the Council is seeking to Judicially Review this appeal decision based on the Inspector’s judgment on 5-year housing supply. Nevertheless, at this time the decision stands and this is the most recent authority on the matter.

- 6.7. Whilst identifying the degree of harm to the AONB (the AONB setting in this case), the Inspector concluded that this did not provide a clear reason for refusing the development, particularly in the context of the chronic housing land supply position (Para 91).
- 6.8. In the overall balance, the Inspector referred to the housing delivery boost as a “very significant benefit, of overriding importance when considering the chronic housing land supply position” (para 92). She proceeded to allow the appeal.
- 6.9. Importantly policies for the supply of housing in the adopted development plan are therefore out-of-date for decision making. In this context, the NPPF advises that the presumption should be that planning permission is granted unless there are adverse impacts of doing so which would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF as a whole – the ‘tilted balance’.
- 6.10. In such circumstances, planning applications should only be refused where the level of harm would be so significant and demonstrable so as to justify an overwhelming refusal, irrespective of whether or not the proposal complies with the development plan. This is a very high-level test, thus setting out an expectation that permission should normally be granted.
- 6.11. In the unlikely event that the Council finds conflict with the Development Plan, the appellant advances the case that when considered in the overall tilted planning balance and presumption in favour of sustainable development, the application must be considered acceptable in any event. This would be consistent with the case referred to at Manor Cottage, Deerhurst Walton at Appendix B.
- 6.12. In the overall planning balance, it is clear that there are benefits associated with boosting housing supply, particularly in light of the substantial undersupply of housing in Tewkesbury Borough, and other social benefits from providing such housing in a rural village. Paragraph 59 of the Framework seeks to boost significantly the supply of housing and Paragraph 68 recognises the importance of small sites in meeting housing requirements. Even the smallest of settlements will benefit from some organic growth.

- 6.13. Paragraph 78 states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Additional housing will assist in supporting existing services within the surrounding neighbouring villages. The fact that emerging policy RES4 of the Tewkesbury Borough Plan supports this type of development in non-service villages, is another factor that weighs heavily on this point.
- 6.14. Regarding the small size of the proposal and the scale of housing benefit, the two dwellings mentioned above at 'Land adjacent to Manor Cottage, Walton Hill in the settlement of Deerhurst Walton (Appendix B), is a highly relevant to this case as Oxenton, given it is a similar settlement to Deerhurst Walton. In fact, Oxenton is a larger settlement than Deerhurst Walton.
- 6.15. Despite finding conflict with the housing policies of the Development Plan, and finding the site to be an unsustainable location, the Council determined that the benefits associated with permitting housing in that location in light of the Council's 5-year housing land supply shortfall, warranted the granting of permission.
- 6.16. The Officer's report noted that the council are unable to demonstrate a five-year housing supply and that the provision of two homes would be a contribution towards providing housing in the Borough:
- "The benefits which would be derived from the development would be a contribution, albeit in a small way, towards providing housing in the Borough. Furthermore, there would be economic benefits both during and post construction through the creation of new jobs and the support to existing local services and the local economy".*
- 6.17. It is considered that the public benefit is comparable to the application proposal and therefore the public benefit of permitting one dwelling on the site is undeniable. In the tilted balance, the greater the size of housing shortfall, the greater the benefit of even small-scale housing schemes. Economic benefits would also arise from the construction and occupation of the proposed dwelling.
- 6.18. Similarly, the application at Vine Tree Farm, Teddington, which was recently permitted for four dwellings under application reference 19/00957/FUL (Appendix D) is relevant. The Officer's report concluded:



"The application site lies outside of any settlement boundary's and is not allocated for housing development. The site does not represent previously developed land within the built-up areas of a service village; is not a rural exception scheme; and does not represent 'infilling'. It has not been brought forward for development through a Community Right to Build Order and there are no policies in the existing Tewkesbury Borough Local Plan to 2011 which allow for the type of development proposed here. The proposal therefore conflicts with Policies SP2 and SD10 of the JCS. *However, the site would conform with Policy RES3 & RES4 of the emerging Borough Plan, however, only limited weight can be afforded to these policies at this time.*

*The Council cannot currently demonstrate a five-year supply of deliverable housing sites and therefore the Council's policies for the supply of housing are out of date, in accordance with paragraph 11 of the Framework. As discussed above there are no policies in the Framework that protect assets of particular importance which provide a clear reason for refusing the development in this instance and the 'tilted balance' applies".*

- 6.19. As set out above, the LPA are consistently applying the tilted balance in determining planning applications of this type, and if the same approach is used at the current application site at Oxenton, it should follow that permission be granted.
- 6.20. On the other side of the balance are adverse effects. The NPPF does not sanction any form of blanket restriction on housing outside of defined settlement boundaries, although safeguarding the intrinsic beauty of the countryside and valued landscapes is of course important policy. In this regard, the AONB is identified as an asset of particular importance in NPPF Paragraph 172 and where great weight is given to conserving and enhancing landscape and scenic beauty. AONB policy does not, however, impose a blanket restriction on new housing, only 'major' scale development.
- 6.21. In accordance with Paragraph 172, the scale and extent of the development proposed is limited and it is considered that one dwelling could feasibly be provide on-site which would have an acceptable impact on the surrounding landscape as a result of the sites location within the context of built development within the village and its low-lying position. It is deemed that any future housing scheme would be read in the context of the surrounding development and would be soften by existing landscaping, with appropriate design and layout achieved at the technical details stage.

- 6.22. Similarly, in accordance with Paragraph 193, the proposal for one dwelling is not deemed to result in harm on the significance of the neighbouring listed buildings, and although this is a matter for considerations at the technical matters stage, a sensitive design and layout which respects the setting and appearance of the surrounding historic development can be achieved in this location.
- 6.23. The site is also considered to be physically and visually well-related to the settlement edge and pattern, lies in a low flood risk area and overall there would be no undue adverse environmental impacts to set against the benefit of a dwelling in this location.
- 6.24. Therefore, in line with the Framework, planning permission should be granted as there are no adverse effects of doing so that would significantly and demonstrably outweigh the housing and other benefits of the proposal.

## **7.0 Summary and conclusions**

- 7.1. In conclusion, it is the applicant's firmly held view that the proposal complies with adopted development plan Policy SD10 criterion 4(ii) governing the suitability of the site as a location for new infill housing. The proposed development is considered to be in a suitable location for small-scale. The development can reasonable be considered as 'infilling' by virtue of its sitting between residential development, positioned to the north, south and west of the site.**
- 7.2. The emergence of Policy RES4 of the TBP is also something that the Council has started to afford some weight to. Policy RES4 supports small-scale housing in rural settlements, including those outside the defined settlement hierarchy.**
- 7.3. In this regard, it is clear that Oxenton is a 'settlement', having been identified as one of 75 named settlements in the JCS Settlement Audit 2017, and accords with policy RES4 in line with the recent PIP permission for 2 dwellings at Deerhurst Walton, which is a similar sized settlement to Oxenton.**
- 7.4. In addition, the Statement provides evidence that Tewkesbury Borough Council has a substantial shortfall in deliverable 5-year housing land supply, such that the opportunity to boost housing is a factor that ought to weigh heavily in favour of the application. Indeed, in applying the tilted balance of national policy in favour of development, the weight of the range of benefits when measured against limited adverse impacts, provides clear justification for granting permission.**
- 7.5. Careful consideration has been given to the layout of the proposed dwelling to ensure the proposal is in-keeping with the character of this village. The illustrative layout plan shows a low-density scheme with minimal urbanising effect that follows the linear pattern of development. Given the proposed position of the site which is physically and visually well-related to the settlement edge and pattern, the proposal is not considered to result in harm to the AONB, satisfying JCS Policy SD7 and the provisions of the NPPF.**
- 7.6. Similarly, the proposal for one dwelling is not deemed to result in harm on the significance of the neighbouring listed buildings, with such matters for considerations at the technical matters stage.**
- 7.7. In conclusion, the proposal provides a suitable form of development that accords with the JCS, emerging Tewkesbury Borough Plan and the NPPF, and therefore should be granted permission in principle. It also represents sustainable development in the overall balance, for which there is a tilted balance in favour of permission.**

**APPENDIX A**

JCS Settlement Audit 2017 Refresh – Extracts

**JOINT CORE STRATEGY RURAL AREA SETTLEMENT AUDIT**  
**July 2017 Refresh**

**CONTENTS**

- 1. Introduction**
- 2. Policy context**
- 3. Methodology**
- 4. Results – settlement profiles**

**Appendix 1: Full (A3) settlement profile**  
**Appendix 2: Access to 10 Key Services Map**  
**Appendix 3: Access to Major Employer (Public Transport)**  
**Appendix 4: Access to Major Employer (Drive)**

## **1. INTRODUCTION**

### **1.1 The nature of settlements**

Services are often located within settlements. Large settlements tend to provide more services, be more accessible and have a greater population of users, while smaller settlements often contain few services aimed at provision for more local communities. Over time, settlement hierarchies emerge and evolve on a local, regional and national basis.

1.2 The settlement hierarchy within the Joint Core Strategy (JCS) area is no different; Gloucester and Cheltenham are at the top of the hierarchy and relatively remote rural villages such as Stanton and Prescott are towards the bottom. While it is usually easy for anyone to identify settlements at either end of a hierarchy, those in between are often less clear. This paper reports on a study to audit the services within, and access to settlements within the JCS area and thereby inform the discussion of each settlement's role within the study area. The settlement audit was originally undertaken in 2010/2011 and subsequently updated in 2013 and 2015.

1.3 The current audit has sought to update these earlier findings and present a more up to date picture of the services and facilities available within each settlement.

1.4 The results of this revised audit helps inform a detailed hierarchy based on each settlement's level of service provision and accessibility. In turn, this forms part of the evidence base that helps to inform where new development may be directed by the JCS and the Tewkesbury Borough Plan – encouraging close proximity of housing, jobs and services in pursuit of a more sustainable development pattern.

1.5 A settlement's position within the service hierarchy does not mean that development is appropriate and deliverable, or that it is to be avoided. Other factors must be considered such as environmental constraints, available development sites and local character. This audit must therefore be viewed within the context of the wider JCS evidence base.

### **1.6 Settlements in the JCS area**

The JCS area is dominated by three settlements: Gloucester, Cheltenham and Tewkesbury.

1.7 Gloucester and Cheltenham are major centres providing services to the sub-region and beyond. As such, they fall outside of the scope of the settlement audit since their dominant position is clear and they will continue to play key roles in meeting the needs of the JCS area. Gloucester and Cheltenham both have administrative boundaries drawn tightly around their urban areas, with urban fringe settlements such as Brockworth, Hucclecote, Churchdown, Innsworth and Longford located just beyond. These urban fringe settlements fall within the administrative area of Tewkesbury Borough.

1.8 With the exception of the urban fringes to Gloucester and Cheltenham, Tewkesbury Borough is predominantly rural. Its major settlements include Tewkesbury town, Winchcombe town and Bishops Cleeve, together with the urban fringe settlements previously mentioned. Tewkesbury town also has separate fringe settlements at Wheatpieces, Newtown, Northway and Ashchurch. Consultation work to date reveals that many residents of the larger settlements in Tewkesbury Borough view them as villages with limited services, essentially rural in nature, and separate and distinct from the urban areas. The original audit and current revision do not account for character or location but identifies that many such settlements are in fact significant and accessible service providers in the area.

1.9 In common with other parts of Britain, many urban areas and urban fringe areas within the JCS area have expanded significantly in recent years, while some rural settlements have struggled to

retain their services as increased population mobility leads residents to obtain services more conveniently and with more choice elsewhere.

1.10 There are 75 named settlements in Tewkesbury Borough which have been included within the audit, as follows:

Alderton	Elmstone Hardwicke	Sandhurst
Alstone	Fiddington	Shuthonger
Apperley	Forthampton	Shurdington
Ashchurch	Gotherington	Snowhill
Ashleworth	Great Washbourne	Southam
Aston Cross	Great Witcombe	Stanton
Aston-on-Carrant	Greet	Stanway
Badgeworth	Gretton	Staverton
Barrow	Hardwicke	Stoke Orchard
Bishop's Cleeve	Hasfield	Teddington
Bentham	Hawling	Tewkesbury
Boddington	Highnam	The Leigh
Brockhampton	Hucclecote	Tirley
Brockworth	Innsworth	Toddington (incl. New Town)
Buckland	Laverton	Tredington
Chaceley	Little Witcombe	Twigworth
Chargrove	Longford	Twyning
Charlton Abbotts	Maisemore	Uckington
Churchdown	Minsterworth	Walton Cardiff
Coombe Hill	Northway	Wheatpieces
Deerhurst	Norton	Winchcombe
Deerhurst Walton	Oxenton	Wood Stanway
Didbrook	Pamington	Woodmancote
Down Hatherley	Prescott	Woolstone
Dumbleton	Priors Norton	Wormington

1.11 However, it should be noted that there are other small settlements/hamlets within the borough, in addition to those settlements mentioned above. For the purposes of the audit, these settlements have not been included, due to their very modest scale, and/or remote location within the open countryside.

#### 1.12 Settlements outside the JCS area

The JCS area adjoins Cotswold, Forest of Dean and Stroud Districts in Gloucestershire, as well as Malvern Hills and Wychavon Districts in Worcestershire. In view of this, several important settlements outside the JCS area play a role in meeting the needs of the JCS population.

1.13 Such settlements were not audited through, either the previous work, or the current revision, but their influence on settlements within the JCS area is considered in terms of access to jobs and services. Accessibility data used in the audit incorporates access to services located across local authority boundaries in neighbouring settlements such as those listed above.

1.14 The wider relationship of neighbouring settlements with the JCS area will be considered in greater detail through on going work and the Duty to Co-operate.

## **APPENDIX B**

Officer Delegated Report and Approved Plans for  
Permission in Principle for 2 dwellings on Land  
adjacent to Manor Cottage, Walton Hill,  
Deerhurst Walton (TBC ref: 20/00774/PIP)



## DELEGATED REPORT

<b>APPLICATION NO</b>	20/00774/PIP
<b>EXPIRY DATE</b>	27.10.2020
<b>PROPOSAL</b>	Permission in Principle for the erection of up to 2 no. dwellings
<b>LOCATION</b>	Land Adjacent To Manor Cottage Walton Hill Deerhurst Gloucester Gloucestershire
<b>RECOMMENDATION</b>	PERMIT
<b>DATE OF RECOMMENDATION</b>	23.10.2020

**Planning Officer Emma Dee**

### **1.0 Application Site**

- 1.1 The application site comprises a parcel of land (covering circa 0.23 hectares) located on the northern side of an unnamed road at Deerhurst Walton, between the dwellings known as Laurel Cottage to the west and Manor Cottage (an agricultural worker dwelling) to the east. The submitted Planning Statement advises that the application site is functionally associated with the dwelling known as Manor Cottage, although precise details of its use have not been provided. It appears to be an open parcel of agricultural land, albeit with some vehicles parked on it.
- 1.2 The application site is bounded by established trees/hedgerows and is located within the Landscape Protection Zone (LPZ). There is an existing agricultural access along the southern (front) boundary of the site, and there is an existing Public Right Of Way (PROW), Deerhurst Footpath ADE89, passing through the site.

### **2.0 Policies and Guidance**

Planning (Listed Buildings and Conservation Areas) Act 1990

#### **National guidance**

National Planning Policy Framework and Planning Practice Guidance

#### **RELEVANT DEVELOPMENT PLAN POLICIES**

**Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) - Adopted 11 December 2017**

- SD3 (Sustainable Design and Construction)
- SD4 (Design Requirements)
- SD6 (Landscape)
- SD9 (Biodiversity and Geodiversity)

- SD10 (Residential Development)
- SD11 (Housing mix and Standards)
- SD14 (Health and Environmental Quality)
- INF1 (Transport Network)
- INF2 (Flood Risk Management)
- INF3 (Green Infrastructure)

**Tewkesbury Borough Local Plan to 2011- Adopted March 2006 (saved policies not replaced by the JCS)**

- LND3 (Landscape Protection Zone)

**Tewkesbury Borough Local Plan 2011 - 2031 – Pre-Submission Version (October 2019)**

The Pre-Submission Tewkesbury Borough Plan (PSTBP) was submitted to the Secretary of State for Housing, Communities and Local Government on 18 May 2020 for examination. On the basis of the stage of preparation it has reached it is considered that the plan can be afforded at least moderate weight. However, the weight to be attributed to individual policies will be subject to the extent to which there are unresolved objections (the less significant the unresolved objections, the greater the weight that may be given) and their degree of consistency with the NPPF (the closer the policies to those in the NPPF the greater the weight that may be given).

- RES3 (New Housing Outside Settlement Boundaries)
- RES4 (New Housing at Other Rural Settlements)
- RES5 (New Housing Development)
- RES13 (Housing Mix)
- DES1 (Housing Space Standards)
- LAN2 (Landscape Protection Zone)
- NAT1 (Biodiversity, Geodiversity and Important Natural Features)
- NAT3 (Green Infrastructure: Building with Nature)
- ENV2 (Flood Risk and Water Management)
- TRAC1 (Pedestrian Accessibility)
- TRAC9 (Parking Provision)

### 3.0 Planning History

Application Number	Proposal	Decision	Decision Date
T.7251	Outline application for the erection of a pair of dwelling houses. Construction of a new vehicular access. [Land adjoining Laurel Cottage, Walton Hill]	REFUSED	17.06.1980
T.7251/A	Outline application for the erection of one dwelling house. Construction of a new vehicular access. [Land adjoining Laurel Cottage, Walton Hill]	REFUSED	17.06.1980
T.7251/B	Outline application for the erection of two detached bungalows. Alteration of existing vehicular access. [Land adjoining Laurel Cottage, Walton Hill]	REFUSED	23.02.1982

T.7251/C	Outline application for the erection of two bungalows. Alteration of existing vehicular access. [Land adjoining Laurel Cottage, Walton Hill]	REFUSED	22.02.1983
T.7251/D	Outline application for the erection of a bungalow. Alteration of existing vehicular access. [Land adjoining Laurel Cottage, Walton Hill]	REFUSED Appeal dismissed	20.03.1984
88T/3601/01/11	Non-compliance with condition (C) of Planning Permission Ref T3601 dated 16 May, 1961. (Agricultural occupancy). [Manor Cottage, Walton Hill]	REFUSED	
88T/8212/01/02	Alterations to 1st floor of existing dwelling to provide a dwelling unit. [Manor Cottage, Walton Hill]	PERMITTED	15.02.1989
89T/7251/01/02	Conversion of farm buildings to form 3 holiday units. [Walton House, Walton Hill]	PERMITTED	25.10.1989
92T/7251/01/02	Erection of a detached bungalow and garage and alteration to access. [Walton House, Walton Hill]	REFUSED Appeal dismissed	02.06.1992
93/3601/1108/FUL	Erection of barn for the storage of farm implements [Manor Cottage, Walton Hill]	PERMITTED	14.04.1994
94/7251/0370/FUL	Alterations to 3 holiday cottages and erection of porch to provide one residential unit including non-compliance of condition (e) attached to Planning Permission Ref: 89T/7251/01/02 dated 25th October 1989 (holiday use limitation). [Walton House, Walton Hill]	PERMITTED	28.06.1994
08/01333/OUT	Erection of a detached dwelling for an agricultural/rural occupational worker, treatment plant drainage. Use of existing access. [Manor Cottage, Walton Hill]	RETURNED	12.01.2009
09/00103/OUT	Outline application for the erection of a detached agricultural workers dwelling with associated access and parking facilities (appearance, layout, scale and landscaping reserved for future consideration). [Manor Cottage, Walton Hill]	REFUSED	20.04.2009
09/00205/FUL	Extension to dwelling. [Manor Cottage, Walton Hill]	WITHDRAWN	29.04.2009
09/00590/OUT	Outline application for the erection of a detached agricultural workers dwelling with associated access and parking facilities (appearance, layout, scale and landscaping reserved for future consideration) - Revised application. [Manor Cottage, Deerhurst]	REFUSED Appeal dismissed	11.08.2009

09/00742/FUL	Extension to dwelling. [Manor Cottage, Walton Hill]	PERMITTED	25.08.2009
17/00280/PDAD	Prior approval for change of use of agricultural building to a residential use (C3) of the use classes order and associated works. [Manor Cottage, Walton Hill]	Prior Approval Refused  Appeal dismissed	12.05.2017
18/00393/PDAD	Prior approval for change of use of agricultural building to a residential use (C3) of the use classes order and associated works. [The Dutch Barn, Manor Farm Cottage, Walton Hill]	Prior Approval Approved	31.08.2018

#### **4.0 Proposal**

- 4.1 The application is for Permission in Principle, which is defined in the NPPF as a form of planning consent which establishes that a site is suitable for a specified amount of housing-led development in principle. Following any grant of permission in principle, the site must receive a grant of technical details before development can proceed.
- 4.2 This current application is the first stage of the process and solely seeks to establish whether the site is suitable in principle for the erection of up to 2 no. dwellings. The Government's guidance sets out that the scope of the first stage of permission in principle is limited to location, land use and amount of development. The site layout, design, access, landscaping, drainage and any other relevant technical matters would be considered at the 'technical details' stage. Notwithstanding this, the application includes the submission of an illustrative Proposed Layout plan for indicative purposes only, which proposes the erection of 2 no. detached dwellings on the site as well as a detached garage block. The proposed Planning Statement makes the case that this single garage block serving both plots would assist in providing a courtyard feel for the development.

#### **5.0 Consultations and Representations**

- 5.1 **Deerhurst Parish Council** – No objection in principle to a PIP for housing, as it is infill between existing dwellings and adjacent to a road. No issue with the relocation of the footpath. Concern that the location may not be suitable for two houses. Noting the comments from Highways, the safety of the access and the adequacy of screening must be addressed at the technical details stage
- 5.2 **County Highways Officer** – Recommends refusal of the application, noting that the application is not appropriate to be determined under the permission in principle legislation for highway reasons and therefore an application for full planning permission should be submitted. The highway authority has concerns that this development will be within an unsustainable location. The submitted information presented with the proposal has not considered all modes of transport apart from those reliant on private a vehicle which is at variance with paragraphs 108 and 110 of

the NPPF 2019. The proposed development site is located in a remote area away from key facilities i.e. schools, shops and amenities. If the Local Planning Authority were minded to grant consent at stage 1, then the stage 2 technical submission would need to address the lack of suitable linkages between the development site and the nearest bus stop along the A38 Stop ID: glodmdtp. PROW have been consulted at this stage and no in principle objection has been raised regarding the re-alignment of the PROW.

- 5.3 **Public Rights Of Way Officer** – Has confirmed that, as of 21<sup>st</sup> September 2020, it had not received an application for the proposed footpath diversion.
- 5.4 **Conservation Officer** – No objection, acknowledging that the proposed site is not within a conservation area nor is it within the immediate setting of any listed buildings. In this case the Conservation Officer does not consider that the proposed development would have any direct impact upon the setting of the listed buildings.
- 5.5 **Environmental Health Officer** – No adverse comments to make in relation to noise/nuisance
- 5.6 **Gloucestershire County Council Sustainable Drainage Engineer** – acknowledges that the site is in flood zone 1, and raises no objection to development in principle at this location, although advises that clearly any planning application would need to demonstrate that the development is safe from flooding and that it does not increase flood risk elsewhere in line with the requirements of the NPPF.
- 5.7 **Urban Design Officer** – This site is well related to existing dwellings in the village, therefore no objection to the principle of two dwellings on this site. Any future application will of course be required to comply with the National Design Guide and deliver buildings of a high standard of design.
- 5.8 **Ecological Advisor** – The site area has habitats of value to species including commuting, foraging and roosting bats, reptiles, nesting birds and great crested newts and therefore a preliminary ecological appraisal is to be completed (along with all relevant surveys that the appraisal triggers), with the report to include all results, mitigation and appropriate enhancements, and submitted to the Local Planning Authority for review prior to determination of full application.
- 5.9 **Natural England** – No comments to make on this application
- 5.10 **Gloucestershire Wildlife Trust** – Has been consulted but has not provided comments within the 21-day statutory consultation period or since, and has not requested further time for the submission of comments.
- 5.11 **Archaeological Officer** – has checked the proposed development site against the County Historic Environment Record and advises that there is no significant archaeology known at the location indicated. The Archaeological Officer considers that there is a low risk that archaeological remains would be adversely affected by this development proposal and therefore recommends that no archaeological investigation or recording need be undertaken in connection with this scheme.
- 5.12 **Tree Officer** – No objection subject to conditions

**5.13 Local Residents** – The application has been publicised through the posting of 2 site notices and 1 letter of representation has been received within the 21-day statutory consultation period or since, neither objecting to nor supporting the planning application. The main points raised relate to:

- This proposal will require the diversion of Public Right of Way AD89. This is acknowledged in the application and it is stated that a separate diversion order will be applied for. The application does not make any commitment regarding the form and route of the diverted Right of Way. The application should commit to compliance with Rights of Way Planning Circular 1/09, in particular section 7.8, which recommends that routes diverted for development reasons should be through landscaped green corridors. The responsibility for maintenance of the diverted route and its boundaries must also be made explicitly clear. Failure to address these issues will inevitably lead to objections to the diversion order, with resulting delays to the approval process.

## **6.0 Analysis**

**6.1** The guidance (paragraph 012 Planning Practice Guidance) for Permission in Principle states that the scope of the PIP is limited to:

- Location
- Land Use
- Amount

**6.2** Each of these will be discussed in turn below.

### Location

**6.3** Policy SP2 of the JCS sets out the strategy for the distribution of new development across the JCS area, and JCS Policy SD10 ('Residential Development') specifies that, within the JCS area, new housing will be planned in order to deliver the scale and distribution of housing development set out in Policies SP1 and SP2. It sets out that housing development will be permitted at sites allocated for housing through the development plan, including Strategic Allocations and allocations in district and neighbourhood plans. The application site is not allocated for housing through the development plan. Criteria 3 of JCS Policy SD10 specifies that, on sites that are not allocated, housing development will be permitted on previously developed land in the existing built-up areas of Gloucester City, the Principal Urban Area of Cheltenham and Tewkesbury town, rural service centres and service villages except where otherwise restricted by policies within District plans. Deerhurst Walton is not identified as a 'Service Village' or a 'Rural Service Centre' within Table SP2c ('Settlement hierarchy') of the JCS. As such, the proposed development fails to comply with criteria 3 of JCS Policy SD10.

- 6.4 Criteria 4 of JCS Policy SD10 goes on to specify that housing development on other sites will only be permitted where:
- i. It is for affordable housing on a rural exception site in accordance with Policy SD12, or
  - ii. It is infilling within the existing built up areas of the City of Gloucester, the Principal Urban Area of Cheltenham or Tewkesbury Borough's towns and villages except where otherwise restricted by policies within district plans, or
  - iii. It is brought forward through Community Right to Build Orders, or
  - iv. There are other specific exceptions/circumstances defined in district or neighbourhood plans.
- 6.5 The application is not for affordable housing on a rural exception site in accordance with Policy SD12, is not brought forward through Community Right to Build Orders, and there are no other specific exceptions/circumstances defined in district or neighbourhood plans. As such it does not comply with criteria 4 (i), (iii) or (iv) of JCS Policy SD10.
- 6.6 In terms of criteria 4 (ii) above, the JCS sets out that infill development means the development of an under-developed plot well related to existing built development. By virtue of the location of the application site, between the dwellings known as Laurel Cottage to the west and Manor Cottage to the east, it is considered that the proposal would fall within the JCS's definition of infill development. However, criteria 4(ii) further requires this infilling to be within the existing built up area of a village. The application site is located towards the south-eastern end of existing ribbon development, comprising a number of residential dwellings only which face onto the adjacent public highway. This linear form of development at Deerhurst Walton does not form part of the principal settlement of Deerhurst. In this context, and given the absence of local services and amenities, it is considered that the proposal cannot reasonably be regarded as constituting infilling within the existing built-up area of a village, in conflict with criteria 4(ii) of JCS Policy SD10.
- 6.7 The application site lies outside of any defined settlement boundary and is not allocated for housing development. The proposal is not for affordable housing on a rural exception site, and it does not represent infilling within the existing built-up area of a village. It has not been brought forward for development through a Community Right to Build Order and there are no policies in the existing development plan which allow for the type of development proposed here. The principle of the proposed development is therefore considered to be entirely inconsistent with the spatial strategy of the development plan, as set out within policies SP2 and SD10 of the JCS.
- 6.8 Notwithstanding this conflict with the Development Plan, however, the Council's policies for the supply of housing are currently considered to be out-of-date having regard to Paragraph 11 of the NPPF as the Local Planning Authority cannot currently demonstrate a 5 year supply of deliverable housing sites. The Council can currently demonstrate a 4.37 year supply which equates to a shortfall in supply of 180 dwellings. In these circumstances, paragraph 11d of the NPPF specifies that the presumption should be that planning permission is granted unless (i) the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole. This is also known as the 'tilted balance'. The presumption in favour of sustainable development is a material consideration which must be considered in the overall planning balance.

- 6.9 As detailed above, the Council is in the process of carrying out a review of the Local Plan, with the Tewkesbury Borough Plan (2011-2031). The PSTBP was submitted to the Secretary of State for Housing, Communities and Local Government on 18th May 2020 for examination. On the basis of the stage of preparation it has reached it is considered that the plan can be afforded at least moderate weight. However, the weight to be attributed to individual policies will be subject to the extent to which there are unresolved objections (the less significant the unresolved objections, the greater the weight that may be given) and their degree of consistency with the NPPF (the closer the policies to those in the NPPF the greater the weight that may be given).
- 6.10 The PSTBP acknowledges that the JCS identifies a settlement hierarchy as the basis for the strategy for delivering growth targets, derived from the objectively assessed need for housing, in the most sustainable manner possible. It does, however, also acknowledge that, further to the planned growth at Tewkesbury town, the Rural Service Centre and Service Villages as defined within the JCS, some opportunities for small scale new housing will be necessary in order to support the vitality of communities at other rural settlements across the Borough, but that it is essential that the levels of rural housing growth are manageable and sustainable in order to protect existing communities and the rural landscape and avoid harmful over development.
- 6.11 The TBLP Proposals Map defined a number of settlement boundaries throughout the Borough. Whilst this has not been carried forward following the adoption of the JCS, it is acknowledged that no such settlement boundary was defined for Deerhurst Walton. The PSTBP Proposals Map, however, defines the settlement boundaries of Tewkesbury town, the rural service centres, the service villages and the Urban Fringe Settlements. Emerging Policy RES2 of the PSTBP specifies that, within these defined settlement boundaries, the principle of residential development is acceptable subject to the application of all other policies in the Local Plan, and subject to compliance with the relevant criteria set out at Policy RES5. The PSTBP Proposals Map does not define a settlement boundary for Deerhurst Walton. As such the proposed development does not accord with emerging Policy RES2 of the PSTBP.
- 6.12 The application site is not identified as a Housing Site Allocation within the PSTBP, and is not located within a settlement boundary as defined within the PSTBP Proposals Map. Emerging Policy RES3 of the PSTBP provides a set of 7 criteria in which the principle of new residential development outside of the defined settlement boundaries will be considered acceptable. The only criteria of possible relevance to this application is: (3) very small scale development at rural settlements in accordance with Policy RES4.
- 6.13 Emerging Policy RES4 of the PSTBP specifies that, to support the vitality of rural communities and the continued availability of services and facilities in the rural areas, very small scale residential development will be acceptable in principle within and adjacent to the built up area of other rural settlements (i.e. those not featured within the settlement hierarchy), subject to a number of criteria. By virtue of the location of the application site, located towards the south-eastern end of this linear form of development, it is considered that the application proposes very small scale residential development adjacent to the built up area of this rural settlement. Emerging Policy RES4 of the PSTBP provides a set of criteria which such development should comply with. It further states that, in all cases, development must comply with the relevant criteria set out at Policy RES5, and specifies that particular attention will be given to the effect of the development on the form, character and landscape setting of the settlement.



- 6.14 One such criteria of emerging Policy RES4 of the PSTBP requires such very small-scale residential development within and adjacent to the built up area of other rural settlements to be of a scale that is proportionate to the size and function of the settlement and to maintain or enhance sustainable patterns of development (criteria (a)). In this regard emerging Policy RES5 similarly requires residential development to, inter alia, be of an appropriate scale having regard to the size, function and accessibility of the settlement.
- 6.15 In this regard, Policy INF1 of the JCS is relevant in that this requires developers to provide safe and accessible connections to the transport network to enable travel choice for residents and commuters. It specifies that all proposals should ensure that
- i. Safe and efficient access to the highway network is provided for all transport modes;
  - ii. Connections are provided, where appropriate, to existing walking, cycling and passenger transport networks and should be designed to encourage maximum potential use;
  - iii. All opportunities are identified and taken, where appropriate, to extend and/or modify existing walking, cycling and public transport networks and links, to ensure that credible travel choices are provided by sustainable modes.
- 6.16 Section 9 of the NPPF relates to "Promoting Sustainable Transport" and, at paragraph 108, specifies that, in assessing specific applications for development, it should be ensured that, inter alia, appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location. Paragraph 110 of the NPPF requires development to, inter alia:
- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
  - b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport; and
  - c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards.
- 6.17 The Gloucestershire County Council Highway Authority has been consulted and recommends that the application is not appropriate to be determined under the permission in principle legislation for highways reasons and therefore an application for full planning permission should be submitted. The Highway Authority has concerns that this development would be within an unsustainable location, and notes that the submitted information presented with the proposal has not considered all modes of transport apart from those reliant on private vehicle, which is at variance with paragraphs 108 and 110 of the NPPF. The Highway Authority comments that the proposed development site is located in a remote area away from key facilities, i.e. schools, shops and amenities. For these reasons, the Highway Authority recommends refusal of this application.

- 6.18 By virtue of the remote location of the application site relative to the nearest amenities and facilities, and taking into consideration that the adjacent public highway is not attractive to walkers or cyclists given the nature of the road network and the unlit nature of the route, it is considered that the proposal would place a high reliance on the use of the car for travel to work, shopping, leisure, community facilities and other usual travel destinations which would not accord with the environmental dimension of sustainability. As such, the proposed development would fail to maintain or enhance sustainable patterns of development, contrary to criteria (a) of emerging Policy RES4 of the PSTBP.
- 6.19 In terms of accessibility, paragraph 78 of the NPPF further sets out that, to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Whilst any future occupants of the proposed dwellings may make use of the services and facilities in nearby settlements which would support their vitality, they would be doing so using unsustainable transport means. Moreover, as the proposal is for up to 2 no. dwellings only, it is not considered that the dwellings would contribute to the enhancement or maintenance of the vitality of nearby settlements to any significant degree.
- 6.20 Taking these factors into account, it is considered that the proposed development would be contrary to the locational strategy of the development plan and would not accord with the environmental dimension of sustainability as set out in the NPPF, which seeks to manage patterns of growth to make the fullest possible use of sustainable modes of travel and local services.
- 6.21 Notwithstanding the above, one other criteria of emerging Policy RES4 of the PSTBP requires such very small-scale residential development within and adjacent to the built up area of other rural settlements to complement the form of the settlement and be well related to existing buildings within the settlement (criteria (c)). Emerging policy RES5 specifies that proposals for new housing development should, inter alia, be of an appropriate scale having regard to the character and amenity of the settlement. In this respect, JCS Policy SD4 provides that new development should respond positively to, and respect the character of, the site and its surroundings, enhancing local distinctiveness, and addressing the urban structure and grain of the locality in terms of street pattern, layout, mass and form. It should be of a scale, type, density and materials appropriate to the site and its setting.
- 6.22 As detailed above, the Urban Design Officer considers this site to be well related to existing dwellings and raises no objection to the principle of two dwellings on this site. Any future application will of course be required to comply with the National Design Guide and deliver buildings of a high standard of design. Any subsequent technical details application would need to demonstrate that the proposal would be of a design and layout that respects the character, appearance and amenity of the surrounding area and is capable of being well integrated within it.
- 6.23 In addition, emerging Policy RES4 of the PSTBP specifies that such very small-scale residential development within and adjacent to the built up area of other rural settlements will be acceptable in principle providing, inter alia, the site of the proposed development is not of significant amenity value or makes a significant contribution to the character and setting of the settlement in its undeveloped state (criteria (d)). Emerging policy RES5 specifies that proposals for new housing development should, inter alia, not cause the unacceptable reduction of any open space (including residential gardens) which is important to the character and amenity of the area.

- 6.24 As detailed above, the application site is located towards the south-eastern end of the existing linear form of residential development, with a dwelling to either side. Nevertheless it currently comprises an open parcel of land, clearly visible from the adjacent public highway, in a rural setting. Section 15 of the NPPF relates to "Conserving and Enhancing the Natural Environment" and, at paragraph 170, specifies that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, and by recognising the intrinsic character and beauty of the countryside. JCS Policy SD6 specifies that development will seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social wellbeing.
- 6.25 In this case the application site is located within the LPZ. Saved Policy LND3 of the TBLP specifies that special protection is given to the ecology and visual amenity of the river environment within the LPZ, and that development will not be permitted which (a) has a detrimental visual or ecological effect on the character of the river banks or associated landscape setting of the Severn Vale, and/or (b) has an adverse impact on the water environment. Emerging Policy LAN2 of the PSTBP is similar in this regard, and requires regard to be had to the following criteria:
- The visual and ecological effect of the new development on the river banks or the associated landscape setting of the Severn Vale;
  - The impact of the development on the water environment;
  - Whether the proposal would enable the protection of important landscape and environmental features within the designated area;
  - Whether reasonable opportunities for the enhancement of the environment and landscape are sought, including appropriate provision for improved public access.
- 6.26 Emerging Policy LAN2 of the PSTBP goes on to state that, where a proposal would result in harm to the LPZ having regard to the above criteria, this harm should be weighed against the need for, and benefits from, the proposed development. It specifies that proposals causing harm to the LPZ will only be permitted where the benefits from the development would clearly and demonstrably outweigh the identified harm.
- 6.27 It is acknowledged that this application is for the principle of development only, but it is nevertheless important to consider if the proposed erection of up to 2 no. dwellings on this open parcel of land would conserve or enhance the landscape and visual amenity of the LPZ. It is clear that the proposed development would introduce built development into a currently open field, and the buildings and associated paraphernalia would be clearly visible from public vantage points including the highway network. Notwithstanding this, it is acknowledged that the proposed dwellings would be viewed in the close context of adjacent built development on either side, and on the opposite side of the public highway.
- 6.28 It is also acknowledged that the application site is surrounded by mature vegetation which positively contributes to its rural setting and softens views of the site from the adjacent public highway. Any subsequent technical details application would need to demonstrate that the proposal would incorporate into the development any natural features on the site that are worthy of protection and that it would conserve or enhance the landscape and visual amenity of the LPZ. The Tree Officer advises that an arboricultural impact assessment and tree survey will be required and a proposed planting scheme. The Government's guidance sets out that landscaping is a technical matter to be considered at the 'technical details' stage. A scheme for the

protection of the retained trees and hedgerow, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an Arboricultural Impact Assessment (AIA), as well as full details of proposed tree and hedgerow planting (to include planting and maintenance specifications, including use of guards or other protective measures and confirmation of location, species and sizes) would be required for submission at the 'technical details' stage.

- 6.29 Subject to an appropriate landscaping scheme being provided at the 'technical details' stage, to incorporate into the development any natural features on the site that are worthy of protection and to incorporate a sympathetic scheme of proposed landscaping, and subject to the proposed development complementing the form of the settlement, being well related to existing buildings within the settlement, and being of a design and layout that respects the character, appearance and amenity of the surrounding area, it is considered that the proposed very small-scale residential development adjacent to the built up area of this other rural settlement would protect the visual amenity of the LPZ. This would need to be clearly demonstrated at the 'technical details' stage.

#### Land-use

- 6.30 The guidance sets out that housing led development is an accepted land use for the Permission in Principle application process. The application is for up to 2 no. dwellings.

#### Amount

- 6.31 The application proposes up to 2 no. dwellings to be accommodated on site. Whilst it is acknowledged that this application is for the principle of development only, it is considered that the application demonstrates that up to 2 no. dwellings could be accommodated to a satisfactory level of design quality. Any future application will of course be required to comply with the National Design Guide and deliver buildings of a high standard of design.

#### Other Matters

- 6.32 It should be made clear that it is not within the scope of this application to determine the details of access to the site. This would be given full consideration at the technical approval stage. Planning in principle could only be refused on this basis if there were insurmountable reasons why the development as proposed would have unacceptable impacts on the operation of the highway network.
- 6.33 It is also acknowledged that there is a PROW passing through the application site. The submitted Planning Statement confirms that the applicant is in the process of applying for a Footpath Diversion Order, which is controlled under separate legislation, to re-align the PROW to the western extremity of the site. It further states that, whilst the intention to divert the PROW is not a material consideration for this application, the illustrative plans show its proposed re-alignment for clarity. The Highway Authority advises that the PROW Officer has been consulted at this stage and that no in principle objection has been raised regarding the proposed realignment of the PROW. As detailed above, the site layout, access, landscaping and any other relevant technical matters would be considered at the 'technical details' stage. The current application solely seeks to establish whether the site is suitable in principle for the erection of up to 2 no. dwellings, and the Government's guidance sets out that the scope of the first stage of permission in principle is limited to location, land use and amount of development.

- 6.34 In respect of the impact on the residential amenity of existing and future occupiers, both of adjacent sites and of the proposed development, this remains a matter for consideration at the technical matters stage and any issues which may arise must be overcome through that part of the process and are not within the scope of this Permission in Principle application.
- 6.35 In respect of the ecological impact of the proposed development, the Council's Planning Ecological Advisor acknowledges that the site area has habitats of value to species including commuting, foraging and roosting bats, reptiles, nesting birds and great crested newts and therefore a preliminary ecological appraisal is to be completed (along with all relevant surveys that the appraisal triggers), with the report (to include all results, mitigation and appropriate enhancements) to be submitted to the Local Planning Authority for review prior to the determination of a full application. The details requested by the Planning Ecological Advisor constitute a technical matter which would be given full consideration at the 'technical details' stage.
- 6.36 In terms of the drainage impact of the proposed development, the Flood Risk and Drainage Management Officer raises no objection to development in principle at this location, but advises that any subsequent 'technical details' application will need to demonstrate that the proposed development would be safe from flooding and that it would not increase flood risk elsewhere in line with the requirements of the NPPF.

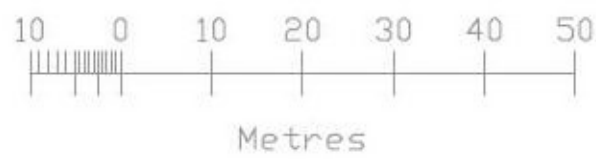
## **7.0 Conclusion and Recommendation**

- 7.1 Section 38(6) of the Town and Country Planning Act 1990 provides that, if regard is to be had to the development plan, the determination must be made in accordance with the development plan unless other material circumstances indicate otherwise. Section 70 (2) of the Act provides that the Local Planning Authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations.
- 7.2 The application site lies outside of a defined settlement boundary and is not allocated for housing development. The application is not for affordable housing on a rural exception site, it is not brought forward through a Community Right to Build Order, the proposal does not represent infilling within the existing built-up area of a village and there are no other specific exceptions/circumstances defined in district or neighbourhood plans. The proposal therefore conflicts with Policies SP2 and SD10 of the JCS.
- 7.3 However, the Council cannot currently demonstrate a five-year supply of deliverable housing sites and therefore the Council's policies for the supply of housing are out of date, in accordance with paragraph 11 of the NPPF. In this scenario, permission should be granted unless: (i) the application of policies in the NPPF 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 NPPF taken as a whole.

- 7.4 The benefits which would be derived from the development would be a contribution, albeit in a small way, towards providing housing in the Borough. Furthermore, there would be economic benefits both during and post construction through the creation of new jobs and the support to existing local services and the local economy. The economic benefits which would be derived from the development and the potential contribution towards supporting the vitality of services and facilities in nearby settlements would, however, similarly be limited by the scale of the development proposed.
- 7.5 For the reasons given above, the application site is not considered to be in a sustainable location for residential development, and the proposal would place a high reliance on the use of the car for travel to work, shopping, leisure, community facilities and other usual travel destinations. The location of the application site and the corresponding need to travel by car would not accord with the environmental dimension of sustainability. As such, the proposal is contrary to the overall objectives of JCS Policy INF1 and paragraphs 108 and 110 of the NPPF in seeking development to be balanced in favour of sustainable transport modes.
- 7.6 It is, however, considered that the proposal, by virtue of its small scale and its location in the close context of the existing linear form of development on this side of the public highway with adjacent dwellings on each side and on the opposite side of the public highway, would be well integrated with the existing built up area of this other rural settlement. Any subsequent 'technical details' application would need to demonstrate that an appropriate landscaping scheme would be provided, that the proposed development would complement the form of the existing settlement and that the proposed dwellings would be of a design, scale, form and layout that would respect the character, appearance and amenity of the surrounding area and built development and that would protect the visual amenity of the LPZ. Any future application will be required to comply with the National Design Guide and deliver buildings of a high standard of design.
- 7.7 The objection raised by the Highway Authority is acknowledged and understood. However, in current circumstances regarding the Council's inability to demonstrate a five-year supply of deliverable housing sites, and taking into account all of the above, it is considered that any adverse impacts of granting permission in principle would not significantly or demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. Further, the policies in the NPPF that protect assets of particular importance do not provide a clear reason for refusing the proposed development. This is finely balanced, but it is considered that, in accordance with paragraph 11 of the NPPF, permission in principle should be granted in this case.
- 7.8 The applicant is advised that the stage 2 technical submission will need to address the lack of suitable linkages between the development site and the nearest bus stop along the A38 Stop ID: glodmdtp, as requested by the Highway Authority.

## **CONDITIONS**

Nil



Revisions		
No.	Revision/Issue	Date

**ZESTA**  
 Planning & Development  
 Consultancy

a: Basepoint Business Centre, Oakfield Close  
 Tewkesbury, GL20 8SD  
 m: 07817 903 943 t: 01684 772 397  
 www.zestaplanning.co.uk

**Project**  
 Land at Deerhurst Walton  
 Nr Tewkesbury  
 Gloucestershire  
 GL19 4BS  
 Easting: 388463, Northing 228102.

Project DHW	Sheet Site Location Plan
Date June 2020	
Scale 1:1250 @ A4	

B X: 388510  
Y: 228148

Proposed PRow ADE89 alignment - 96.9m

Existing PRow ADE89 to be re-aligned - 89.4m

Laurel Cottages

Plot 02

Plot 01

Manor Cottage

X: 388437  
Y: 228090

A

X: 388449  
Y: 228084

A

Oxleys Farm



For illustrative purposes only

Revisions

No.	Revision/Issue	Date

**ZESTA**  
Planning & Development  
Consultancy

a: Basepoint Business Centre, Oakfield Close  
Tewkesbury, GL20 8SD  
m: 07817 903 943 t: 01684 772 397  
www.zestaplanning.co.uk

Project

Land at Deerhurst Walton  
Nr Tewkesbury  
Gloucestershire  
GL19 4BS

Easting: 388463, Northing 228102.

Project DHW	Sheet SK01 Proposed Layout
Date July 2020	
Scale 1:500 @ A4	



## **APPENDIX C**

Officer Committee Report and Approved Plans for full permission for a single infill dwelling at Part Parcel 3359, Bushcombe Lane, Woodmancote (TBC ref: 20/00381/FUL)

## TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT CONTROL

<b>Committee:</b>	Planning
<b>Date:</b>	17 November 2020
<b>Site Location:</b>	Part Parcel 3359 Bushcombe Lane Woodmancote Cheltenham Gloucestershire
<b>Application No:</b>	20/00381/FUL
<b>Ward:</b>	Cleeve Hill
<b>Parish:</b>	Woodmancote
<b>Proposal:</b>	Erection of a single detached dwelling (revised design).
<b>Report by:</b>	Dawn Lloyd
<b>Appendices:</b>	Site location plan Site layout plan Proposed Elevations and Floor Plans Sections
<b>Recommendation:</b>	Permit

### 1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 This application relates to a site to the north east of Woodmancote. The site is sloping with ground levels rising to the north east, two modern buildings are sited to the north west of the site and the access is existing shared access off Bushcombe Lane.
- 1.2 The site falls within an AONB with public rights of way to the north and north east. Grade II Listed Buildings, Yew Tree Farmhouse and Brook Cottage lie within 50m of the site.
- 1.3 The proposal is for the erection of a detached two storey, five bedroomed dwelling. The design of the front elevation has been amended the two storey front gable has been reduced to single storey.

### 2.0 RELEVANT PLANNING HISTORY

- 2.1 Outline application 00/00139/OUT- for the erection of a detached dwelling and garage was refused and dismissed at Appeal 11 September 2020.
- 2.2 Application 14/00318/OUT an outline application for the residential development of 41 homes and associated works to include means of access with all other matters reserved was Refused 25th June 2014.
- 2.3 15/00764/FUL for the erection of 38 no. two, three, four and five bedroom dwellings, open space, parking, associated works and new vehicular access from Butts Lane was Refused and was dismissed at Appeal on 26th September 2016.

- 2.4 Application 16/01310/FUL for the change of use of existing buildings to form two dwellings was Refused on 18<sup>th</sup> April 2017 and was dismissed at Appeal on 9<sup>th</sup> March 2018.
- 2.5 16/00860/FUL for the erection of a single dwelling on land at Hillview stables was refused on 14<sup>th</sup> March 2017 but was allowed at appeal 4<sup>th</sup> August 2017.
- 2.6 19/00333/FUL for the erection of 5 dwellings with associated access off Butts Lane was appealed for non-determination by the council in the agreed time frame. The Appeal was considered and dismissed by the Inspector on 8 September 2020.

### **3.0 RELEVANT POLICY**

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

#### **National guidance**

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

#### **Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) - Adopted 11 December 2017**

Policies: SP2, SD10, SD4, SD6, SD7, SD8, SD14, INF1, INF2,

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

No relevant saved local plan policies:

#### **Tewkesbury Borough Plan 2011-2031 – Pre-Submission Version (October 2019)**

Policies: RES3, RES4,

The Cotswolds AONB Management Plan (2013-2018)

Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)

The First Protocol, Article 1 (Protection of Property)

### **4.0 CONSULTATIONS**

#### **4.1 Woodmacote Parish Council object for the following reasons:**

- The proposal does not present infilling within the existing built up area of the village conflicts with SP2 and SD10. The plot lies outside the settlement boundary for Woodmancote in the Emerging Local Plan.
- Unwarranted intrusion into the Cotswold Area of Outstanding Natural Beauty AONB at a transitional point where the Village of Woodmancote ends on Bushcombe Lane and gives way to agricultural land and views up the escarpment.
- The filling of gaps in ribbon form of development contrary to the character of the area. Previous Inspectors state the importance of retaining gaps and the clear distinction between the village and countryside. Creates a more urban character and erosion of agricultural landscape and rural character of the road network

- Harm to AONB and landscape impact. The proposal conflicts Cotswold AONB Management Plan 2018 and policies SD6 and SD7. The Cotswolds AONB Landscape Strategy and Guidelines (Sections 2.1 and 7.1) highlights the potential adverse implications of development, expansion and infilling of settlements in relation to the escarpment (Landscape Character Type 2). The boundary of the Cotswold AONB follows the edge of Woodmancote village on either side of the lane, and this coincides with the residential boundary of the village. However, the delineation between countryside and village has always been the AONB boundary. The historic evolution of the village is cited.
- The Parish consider the evidence base for the housing land supply is flawed. There is no evidence locally to suggest that there is a pressing demand for housing in Woodmancote and this proposal will definitely not contribute to any unmet affordable housing need across the JCS area. The planning statement is incorrect Woodmancote has been allocated a target of 60 homes to be located behind current park home site on Oxbutts.
- The Highways Safety concerns raised at the original appeal 00/4189/0139/OUT are unchanged, overall levels of traffic are higher now than 20 years contrary to JCS Policy INF1 and SD4.
- An unauthorised fence has been erected over 1m high on the boundary adjacent to the highway.
- Woodmancote is preparing a Neighbourhood Development Plan.

Additional comments received on the amended plans reiterate and elaborate on the Parish council's previous objections to the proposal which is maintained.

- In addition the Parish consider the gaps between Yew Tree Farm and Two Chimneys is critical to maintaining a sporadic pattern of development and preventing a continuous ribbon form of development.
- The Parish compare the proposal with the recent appeal decision for 5 dwellings on Butts Lane with reference to the site as open field.
- A new fence has been erected to prevent along the highway to prevent the site being perceived as open field.
- The revised design does not overcome the unmitigated harm to the Cotswold AONB.
- The tilted balance argument is disappplied.

- 4.2 **County Archaeologist** considers there is evidence of Mesolithic/ Roman and Medieval activity to the south and west of the site which have been moved downhill by natural processes.

Recommends in advance of determination the applicant should provide the results of an archaeological field evaluation which describes the significance of any archaeological remains within the proposed development area, and how these would be affected by the proposed development.

- 4.3 **County Highway Authority**- No objection subject to conditions for completion and maintenance of vehicle parking, cycle provisions, visibility splays, electrical vehicle charging points and access gates requirements.

- 4.4 **Cotswold Conservation Board** – comments with regard to the erection of the fence and the planting of conifers on boundary with Bushcombe Lane and what action is being taken. As the Board is concerned about these measures being implemented because of the adverse effect that they are having on local landscape character and views within the Cotswolds AONB. The suburbanising and consolidating effect of the conifer hedging and the fencing is undermining this delicate balance between the built and rural environment of Buschcombe Lane. Having this type of fencing immediately behind a dry stone wall also undermines the intrinsic appeal of the wall (with such walls being a ‘special quality’ of the Cotswolds AONB).

Recommends a condition that requires the conifers and fencing to be removed and for just the existing dry-stone wall to be retained as the boundary feature along Buschcombe Lane.

Comments submitted on the amended plan:

The scale of the proposal is below the boards main consultation thresholds. However, this should not be taken to mean that the Board has taken the view that the proposed development would not have an adverse impact on the National Landscape. The LPA should ensure that planning decisions are consistent with relevant national and local planning policy and guidance; and give explicit consideration to the Board’s publications.

## 5.0 PUBLICITY AND REPRESENTATIONS

The application has been publicised through the posting of a site notice for a period of 21 days and/or the neighbour notification scheme. A notice for the proposed amendment put up which expired on 5<sup>th</sup> November 2020. The planning committee will be updated with regard to any additional comments to the objections already raised.

20 letters of objections were received in the first notification period. There comments are summarised as follows:

- Previous applications on the site have been refused and an appeal dismissed, numerous applications submitted over the last 20 years. Reason for dismissing the appeal was that this plot of land formed a natural break – with open views - to the more built-up area on-route up Bushcombe Lane. Conifers now block this view. A Close boarded fence erected adjacent to Bushcombe Lane. Site was a paddock and should be restored.
- Site is very visible from Butts Lane. The area heavily used by walkers, cyclists and horse riders. Disagree with description of Bushcombe Lane. The dwelling would be visually prominent and the impact of garden paraphernalia on AONB would be visible from the public realm.
- Site is outside the settlement boundary, no pavements or street lights in the vicinity. The appeals at Hill View stables and Badgerbank are not similar. Hillview stables is immediately adjacent to the boundary of the village and, as the appeal inspector said, the dwelling there would be difficult to visually distinguish from other built development against the urban backdrop. The current proposal is not immediately adjacent to the village boundary and has no urban backdrop so it would have the potential to be highly visible.
- The permitted development at Badgerbank is not an infill. It is situated along a private drive far away from the public road and replaces an existing stable building. Concrete block walls and concrete tile roof are to be replaced with stonework, wood panelling and a blue slate roof so the new building will enhance the AONB, whereas the proposed development certainly does not.
- Benefit of one dwelling not outweigh harm to AONB. Approval would lead to precedent for further development.

- Recent years there has been extensive tree planting and bushes on Yew Tree Farm to block views to AONB area and Nottingham Hill from local lanes and adjacent properties.
- No need for this development as adequate numbers of housing being built in Woodmancote, Bishops Cleeve and Gotherington.
- The lane is considered unsuitable for additional traffic and used as a rat run.
- Bushcombe Lane is very steep and floods badly during heavy rains as drains can not cope.
- Site is close to the SSSI of The Slades Longwood Farm.

## **6.0 POLICY CONTEXT**

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the Local Planning Authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.
- 6.2 The Development Plan currently comprises the Joint Core Strategy (JCS) (2017), saved policies of the Tewkesbury Borough Local Plan to 2011 (March 2006) (TBLP), and a number of 'made' Neighbourhood Development Plans.
- 6.3 The Pre-Submission Tewkesbury Borough Plan was submitted to the Secretary of State for Housing, Communities and Local Government on 18 May 2020 for examination. On the basis of the stage of preparation it has reached it is considered that the plan can be afforded at least moderate weight. However, the weight to be attributed to individual policies will be subject to the extent to which there are unresolved objections (the less significant the unresolved objections, the greater the weight that may be given) and their degree of consistency with the NPPF (the closer the policies to those in the NPPF the greater the weight that may be given).

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

## **7.0 ANALYSIS**

### **Principle of development**

- 7.1 Woodmancote is a 'service village' as defined by Policy SP2 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (adopted December 2017)(JCS). The site does not fall within an allocated area in the village and therefore the provision in Policy SP2(5) does not apply. However, Policies SP2 and SD10 of the JCS together allow for development of housing in the remainder of the area in certain circumstances, including on previously developed land and infilling in a village.
- 7.2 JCS Policy SD10 specifies that, on sites that are not allocated, housing development and conversions to dwellings will be permitted on previously-developed land in the existing built-up areas of Gloucester City, the Principal Urban Area of Cheltenham and Tewkesbury town, rural service centres and service villages except where otherwise restricted by policies within district plans. Housing development on other sites will only be permitted where it constitutes affordable housing; constitutes infilling within a town or village, is brought forward via a Community Right to Build Order; or is allowed for in district or neighbourhood plans. This strategy is consistent with the NPPF which (paragraph 79 refers) seeks to avoid isolated new homes in the countryside.

- 7.3 Woodmancote does not have a defined development boundary, so a degree of judgment is necessary regarding whether the site is within the village. The site is agricultural land which is excluded from previously developed under the NPPF. In recent appeal decisions for development sites at Yew Tree Farm, Hill View Stables and Badgerbank which are along Bushcombe Lane have been considered by Inspectors to be within the built-up area of the village.
- 7.4 Yew Tree Farm is to the north side of Bushcombe Lane, on which there are a few, distantly scattered houses in large plots with outbuildings, separated by fields from Woodmancote. The site lies to the north east of the farmhouse and its associated farm buildings and to the south west of Two Chimneys. To the south side of Bushcombe Lane is Hill View Stables which has consent for the erection of a new dwelling 16/00860/FUL allowed at appeal. Given there is existing and extant development around the appeal site it is considered that the proposal would be considered as infilling within the built-up area of the village and complies with Policy SD10 in this regard
- 7.5 The Preferred Option Tewkesbury Borough Local Plan (PTBP) proposes a settlement boundary for Woodmancote (Policy RES2). Outside of these settlement boundaries the Policy RES3 stipulates that new residential development will only be acceptable if it falls within a specified criteria of development types (for example, it would be a replacement dwelling) or involves development through local initiatives including Community Right to Build Orders and Neighbourhood Development Orders. The current application would not comprise residential development fitting within any of the listed exceptions and the proposal would conflict with PTBP Policy RES3 therefore.
- 7.6 However, given that the Preferred Option Tewkesbury Borough Local Plan is not yet adopted it can only be afforded moderate weight. For the reasons cited above, the proposal is considered infilling development within the built-up area the development is considered acceptable in principle having regard to JCS Policy SD10.

#### **Councils 5 Year Housing Land Supply**

- 8.0 It is the Council's current position that a 4.33 years supply of housing can be demonstrated. In this scenario, paragraph 11 of the NPPF states that where policies which are most important for determining the application are out of date, permission should be granted unless: i.) the application of policies in the Framework that protect assets of particular importance provides a clear reason for refusing the development; or ii). any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 8.1 The Framework clarifies that planning policies for housing will be judged out of date where, inter alia, the local planning authority cannot demonstrate a 5-year supply of deliverable housing sites. Footnote 6 to paragraph 11 also clarifies which policies in the Framework provide a clear reason for refusing. As the site is within the Cotswold AONB, a judgment must be made as to whether the proposal would protect the AONB, and whether any impacts provide a clear justification for refusing permission, before a judgment can be made as to whether the 'tilted balance' applies.

#### **Impact on the Cotswold AONB and Landscape character**

- 9.0 The application site is located within the Cotswolds AONB an area of high scenic quality that has statutory protection in order to conserve and enhance the natural beauty of its landscape. The National Planning Policy Framework (NPPF) makes clear that great weight should be given to conserving landscape and scenic beauty in AONBs, which have the highest status of protection in relation to landscape and scenic beauty Para 172.

- 9.1 Para 116, that planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. However, the framework does not place a blanket restriction on all development in the AONB and a single dwelling is not considered major development.
- 9.2 Policy SD7 (The Cotswolds Area of Outstanding Natural Beauty) of the JCS specifies that all development proposals within the setting of the Cotswolds AONB will be required to conserve and, where appropriate, enhance its landscape, scenic beauty, wildlife, cultural heritage and other special qualities. The Cotswolds AONB Management Plan (2013-2018) is the statutory plan which sets out the Cotswold Conservation Boards' policies for the management of the Cotswolds AONB and for the carrying out of its functions in relation to it.
- 9.3 Landscape character assessments for the area have been carried out at national, county and AONB level by Natural England; National Character Area, Gloucestershire County Council; Gloucester Landscape Character Assessment, LDA Design, 2006, and the Cotswolds AONB Conservation Board; Cotswolds AONB Landscape Character Assessment, 2006, respectively. In addition, Tewkesbury Borough Council has recently produced a district level landscape character assessment: Landscape and Visual Sensitivity Study - Rural Service Centres and Service Villages, 2014 (LVSS).
- 9.4 The LVSS puts the proposal within the landscape parcel Cotswolds AONB Landscape Character Area 2E: 'Winchcombe to Dovers Hill - (Escarpment)'. The "Escarpment" landscape is characterised as a narrow landscape type, forming a dramatic, prominent and well known landscape feature as part of the distinctive topography of the area. A key characteristic is "small scale settlement generally confined to lower shallower slopes of the escarpment, in sheltered locations and adjacent to spring lines"
- 9.5 Landscape Strategy and Guidelines for the AONB describe the lower escarpment slopes as having less sensitivity to change.
- 9.6 There is extensive planning history for development proposals on and in the vicinity of the site. However, the impact of the proposal needs to be considered within the context of the existing and extant permissions.
- 9.7 The site is on the north side of Bushcombe Lane with residential properties of the north east. Agricultural buildings of Yew Tree Farm lie to the immediately to the north west, Yew Tree Farm house and the main settlement of Woodmancote lie to the south west. Since the previous dismissed appeals on the application site, permission has been granted at appeal for a dwelling at Hill View Stables on the south side of Bushcombe Lane. The Inspector in this decision considered the context of the site; that land was next to the built-up area, surrounded on three sides by development, well screened from Bushcombe Lane by mature trees and hedges, and the presence of the existing built-up area was omnipresent in these views from public rights of way and therefore significantly influences the character of the site.
- 9.8 The proposal is similar terms of this context. The site is well screened, has development on three sides. There are public footpaths 220 metres to the north and 130 metres to the east of the site. The site would be visible in part from these public rights of way due to topography of the site and scale of building but would be viewed against the background of existing development.
- 9.9 The views to the open lower slopes of the escarpment to the north are no longer visible from Bushcombe Lane as the site has been screened by substantial planting and a high boarded fence, preventing views to the Cotswold escarpment to the north. The fence is unauthorised, the planting and fence is considered contrary to the rural character of the area. The view from Butts lane is of open fields to the north, and a ribbon form of development along Bushcombe Lane in the vicinity of the site giving rise to a disperse pattern further east.



- 9.10 The visual impact of the development from distant views would not be considered prominent or substantial due to its relationship with existing and approved development. The degree of harm would be limited taking account of the setting and existing development nearby.
- 9.11 Properties along Bushcombe Lane are generally set in mature gardens with occasional glimpses of the open countryside beyond. A landscaping condition for the development would be required for appropriate landscaping and details for boundary treatment to be submitted and agreed to ensure the development would be appropriate to the character of the area and AONB.

#### **Design and layout**

- 10.0 Policy SD4 of the JCS states that new development should respond positively to, and respect the character of, the site and its surroundings, enhancing local distinctiveness, and addressing the urban structure and grain of the locality in terms of street pattern, layout, mass and form. It should be of a scale, type, density and materials appropriate to the site and its setting.
- 10.1 The proposed dwelling would be a detached 1 ½ storey dwelling constructed from natural Cotswold stone with artificial Cotswold stone slates laid in diminishing courses with matching ridges. The Council's Conservation Officer (CO) raised concerns with regard to the design of the dwelling and recommended removal of the two-storey front projection and adding a gable chimney to assimilate the house into the prevailing Cotswold vernacular. Revised plans have been received to address these comments. The double height front gable as originally proposed has been replaced with a porch and a gable chimney added. The CO considers the amended design would be more in keeping with Cotswold vernacular and raises no objections subject to conditions requiring details of doors and windows and samples of all materials (including a sample panel of the stone wall to be constructed on site).
- 10.2 Subject to the above, the proposal is considered acceptable in terms of the size, scale and design, and with regard to the character of the area.

#### **Residential amenity**

- 11.0 Policy SD14 of the JCS requires that new development must cause no harm to local amenity including the amenity of neighbouring occupants.
- 11.1 The proposed dwelling would be situated in the centre of the plot orientated in a west to east direction, is sited 15m from the south elevation of the nearest property and set forward of its front elevation. There is no overlooking or breach of light to habitable rooms to neighbouring properties and there is no undue impacts in terms of neighbour amenity.

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

- 12.0 Policy SD8 considers that should make a positive contribution to local character and distinctiveness, having regard to valued and distinctive elements of the historic environment. There are two Grade II Listed buildings situated to the west of the site Brook Cottage and Yew Tree Barn. These buildings are prominent and contribute greatly to the historic character of the area. The development plot is separated from the buildings by other buildings and vegetation. It is considered that the proposal would not have a negative impact on the setting of the listed buildings.
- 12.1 Existing unauthorised high boundary fence is not considered appropriate to the rural character of the area and is dominant, suburban and highly incongruous in this semi-rural location. Its retention is not supported.

- 12.2 There is evidence for Mesolithic, Roman and medieval activity in the close proximity to the site. The County Archaeologist considers that site has high potential for significant archaeological deposits to be present and considers ground works and intrusions required for the proposed development may have an adverse impact on significant archaeological remains. Applicant has agreed to a pre-commencement condition for a programme of archaeological work, including a Written Scheme of Investigation and post investigation assessment.
- 12.3 The Conservation Officer confirms that the proposal would not have a negative impact upon the setting of listed buildings.

#### **Biodiversity**

- 13.0 The site was a paddock, at the site visit it had the appearance of mowed grass with substantial planting of conifers around the site. The site is not considered significant in terms of biodiversity.

#### **Drainage and flood risk**

- 14.0 JCS Policy INF2 sets out that development proposals must avoid areas at risk of flooding. Proposals must not increase the level of risk to the safety or occupiers of a site, the local community or the wider environment either on the site or elsewhere. The site falls within Flood Zone 1 as shown on the Environment Agency's indicative flood map indicating that it has a low probability of river or sea flooding. The EA's updated Flood Map for Surface Water identifies part of the site as having either a very low or low risk of surface water flooding. A drainage statement was submitted with the application the surface water is proposed to be disposed of via sustainable drainage system and foul drainage to the main sewer and the proposal is therefore considered acceptable in this respect.

#### **Access and highway safety**

- 15.0 JCS Policy INF1 requires that developers should provide safe and accessible connections to the transport network to enable travel choice for residents and commuters. The site has existing access onto Bushcombe Lane which is shared access to agricultural buildings of Yew Tree Farm. The County Highway Authority have no objection to the proposal in terms of highway safety subject to conditions with regard to the proposed parking arrangements, access visibility splays, siting of access gates, the provision of cycle storage and an electrical vehicle charging point. An amended site plan drawing number 03 Rev B has been submitted which demonstrates the visibility splays and indicates that within the visibility splays the existing stone wall and boundary fence to be reduced to below 0.6 metres and canopies of existing trees to be maintained at a minimum height of 2 metres above ground level.

#### **Community Infrastructure Levy**

- 16.0 The proposed development is liable for a Community Infrastructure Levy (CIL) contribution.

## **CONCLUSION AND RECOMMENDATION**

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

The proposal would be considered infill development within the existing built up area of Woodmancote and therefore acceptable in principle. The presumption in favour of development at Paragraph 11 of the NPPF states that where policies are out of date planning permission should be granted unless:

- i) policies in the framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or
- ii) any adverse impacts of doing so would significantly outweigh the benefits, when assessed against the policies in this framework taken as a whole.

As the site is within the Cotswold AONB, a judgment must be made as to whether the proposal would protect the AONB, and whether any impacts provide a clear justification for refusing permission, before a judgment can be made as to whether the 'tilted balance' applies.

### **Benefits**

The proposal would deliver a single market dwelling which would contribute towards the shortfall in housing supply albeit limited. Woodmancote is identified as a Service Village and the site is reasonably well-located to provide access to shops and services within the village and a little further away at Bishops Cleeve. The development would be sited to minimise the use of private motorised transport and make a modest contribution to the local economy during its construction and afterwards through the use of local shops and services by its occupants. It would therefore generally fulfil the social and economic roles forming two of the three dimensions of sustainable development as couched in the Framework.

### **Harms**

The harm to the Cotswolds AONB would be limited due to the setting and existing development nearby.

### **Neutral**

It is considered that the design of the proposal development responds to the site's constraints and the context of the site. There would be no undue impact in terms of design, residential amenity, heritage, archaeology, drainage, the local highway network subject to the approval of technical details.

### **Conclusion**

The consideration of material planning issues on this application is finely balanced. However, it is considered that there would be limited harm to the AONB that would not, in this instance, provide a clear reason for refusal. Therefore, the tilted balance is engaged. Given the Council's current land supply shortfall, and in light of the above, it is considered that there would not be any adverse impacts that would significant or demonstrably outweigh the benefits of the scheme. The proposal is considered to represent sustainable development and the application is therefore recommended for Permit.

## **CONDITIONS:**

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved documents:

- Location plan Drawing number 01 received 30 Apr 2020
- Block Plan Drawing number 02 Rev A received 6 th October 2020
- Section plan Drawing number 04 Rev A received 6 th October 2020
- Floor Plans Drawing number 05 Rev A received 6 th October 2020
- Front Elevations Plans Drawing number 06 Rev A received 6 th October 2020
- Rear Elevations Drawing number 08 Rev A received 6 th October 2020
- Side Elevations Drawing number 07 Rev A and 09 Rev A received 6 th October 2020
- Site layout Drawing number 03 Rev B received 19 th October 2020
- 

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. Notwithstanding any indication of materials which have been given in the application, a schedule and/or samples of the materials and finishes for the development shall be submitted to and approved in writing by the Local Planning Authority before erection of development above damp course level. Thereafter, the development shall not be carried out other than in accordance with the approved details..

Reason: In the interest of quality design, visual amenity and character of the AONB.

4. The proposed exterior walling shall be constructed in strict accordance with details of coursing, jointing, texture relief and colour to be submitted to and approved in writing by the Local Planning Authority and such details to be demonstrated by the prior construction of a sample panel. The panel shall be retained on site until the completion of the walling. In addition the sample panel will contain edge detail and pointing.

Reason: In the interest of quality design, visual amenity and character of the AONB.

5. Prior to installation detailed drawings of the proposed windows and doors including elevations and sections, have been submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the approved drawings. Windows and external doors to be set back in reveals by a minimum of 75mm.

Reason: In the interest of quality design, visual amenity and character of the AONB.

6. The proposed ridge height shall be wholly in accordance with submitted section drawing ref 04 Rev A. The proposed site levels and finished floor levels hereby approved shall be implemented wholly in accordance with submitted floor plan drawing number 05 rev A.

Reason: To preserve and enhance the character and appearance of the AONB

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order) no extensions, gates, fences, walls, other means of enclosure or structures of any kind (other than any hereby permitted) shall be erected or constructed on this site.

Reason: To preserve and enhance the character and appearance of the Cotswold Area of Natural Beauty.

8. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall:

- i. specify the type and number of vehicles;
- ii. provide for the parking of vehicles of site operatives and visitors;
- iii. provide for the loading and unloading of plant and materials;
- iv. provide for the storage of plant and materials used in constructing the development;
- v. provide for wheel washing facilities;
- vi. specify the intended hours of construction operations;
- vii. measures to control the emission of dust and dirt during construction

Reason: To reduce the potential impact on the public highway and accommodate the efficient delivery of goods and supplies.

9 Prior to the occupation of the development hereby permitted, the vehicular access shall be laid out and constructed in accordance with the submitted plan 02 Rev A with any gates situated at least 5.0m back from the carriageway edge of the public road and hung so as not to open outwards towards the public highway and with the area of driveway within at least 5.0m of the carriageway edge of the public road surfaced in bound material, and shall be maintained thereafter.

Reason :In the interest of highway and pedestrian safety

10. The building(s) hereby permitted shall not be occupied until the vehicular parking and turning facilities have been provided in accordance with the submitted site plan drawing number 03 Rev B and those facilities shall be maintained available for those purposes thereafter.

Reason: To ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework.

11 Development shall not begin until visibility splays are provided from a point 0.6m above carriageway level at the centre of the access to the application site and 2.4 metres back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of 54 metres in each direction measured along the nearside edge of the adjoining carriageway and offset a distance of 0.5 metres from the edge of the carriageway. Nothing shall be planted, erected and/or allowed to grow on the triangular area of the land so formed which would obstruct the visibility described above.

Reason: In the interests of highway safety.

12The development hereby permitted shall not be occupied until the cycle storage facilities have been made available for use in accordance with the submitted drawing number 05 Rev A and those facilities shall be maintained for the duration of the development.

Reason: To ensure the provision and availability of adequate cycle parking

13 The development hereby permitted shall not be occupied until the proposed dwelling has been fitted with an electric vehicle charging point. The charging points shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851. The electric vehicle charging points shall be retained for the lifetime of the development unless they need to be replaced in which case the replacement charging point(s) shall be of the same specification or a higher specification in terms of charging performance.

Reason: To promote sustainable travel and healthy communities

14 Notwithstanding the submitted plans, prior to erection of wall above DCP level details of hard and soft landscaping including, boundary treatments shall be submitted to and approved by the Local Planning Authority. The existing high boundary fence fronting Bushcombe Lane to be removed prior to the installation of the approved hard boundary treatment or within 6 months of the date of this permission.

The details shall include indications of all existing trees (including spread and species) and hedgerows on the land, details of trees to be removed and those to be retained together with measures for their protection during the course of development.

Reason: To ensure that the new development will be visually attractive in the interests of amenity.

15 All planting, seeding or turfing in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building(s) or completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

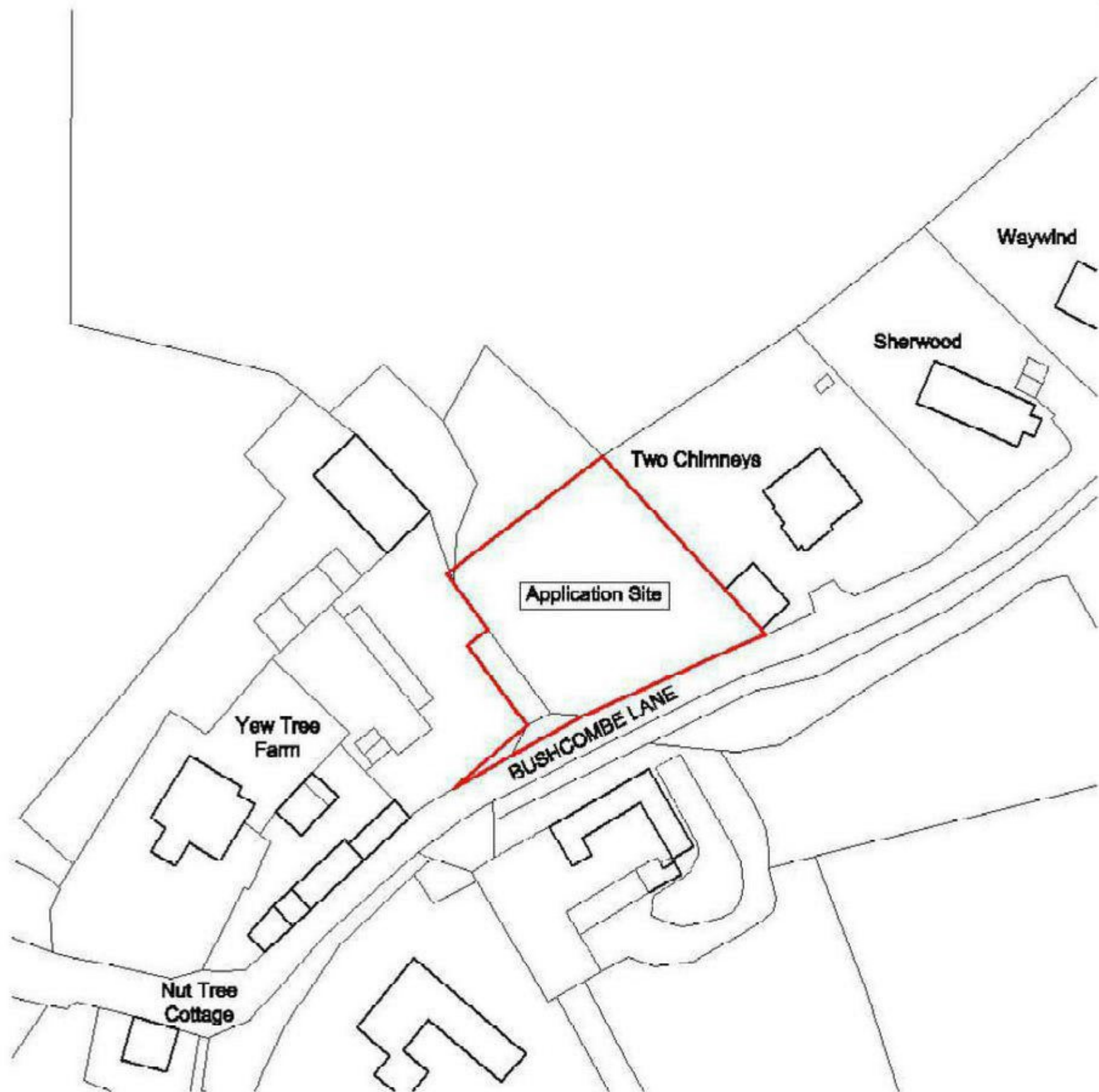
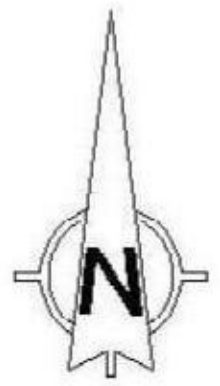
Reason: To ensure that the new development will be visually attractive in the interests of amenity.

16. No development shall take place until a programme of archaeological work, including a Written Scheme of Investigation, and/or a programme of historic building recording, and interpretation, has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:


- a. The programme and methodology of site investigation and recording.
- b. The programme for post investigation assessment.
- c. Provision to be made for analysis of the site investigation and recording.
- d. Provision to be made for publication and dissemination of the analysis and records of the site investigation
- e. Provision to be made for archive deposition of the analysis and records of the site investigation
- f. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation

No development shall take place other than in accordance with the Written Scheme of Investigation. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To protect, conserve and enhance the significance of heritage assets



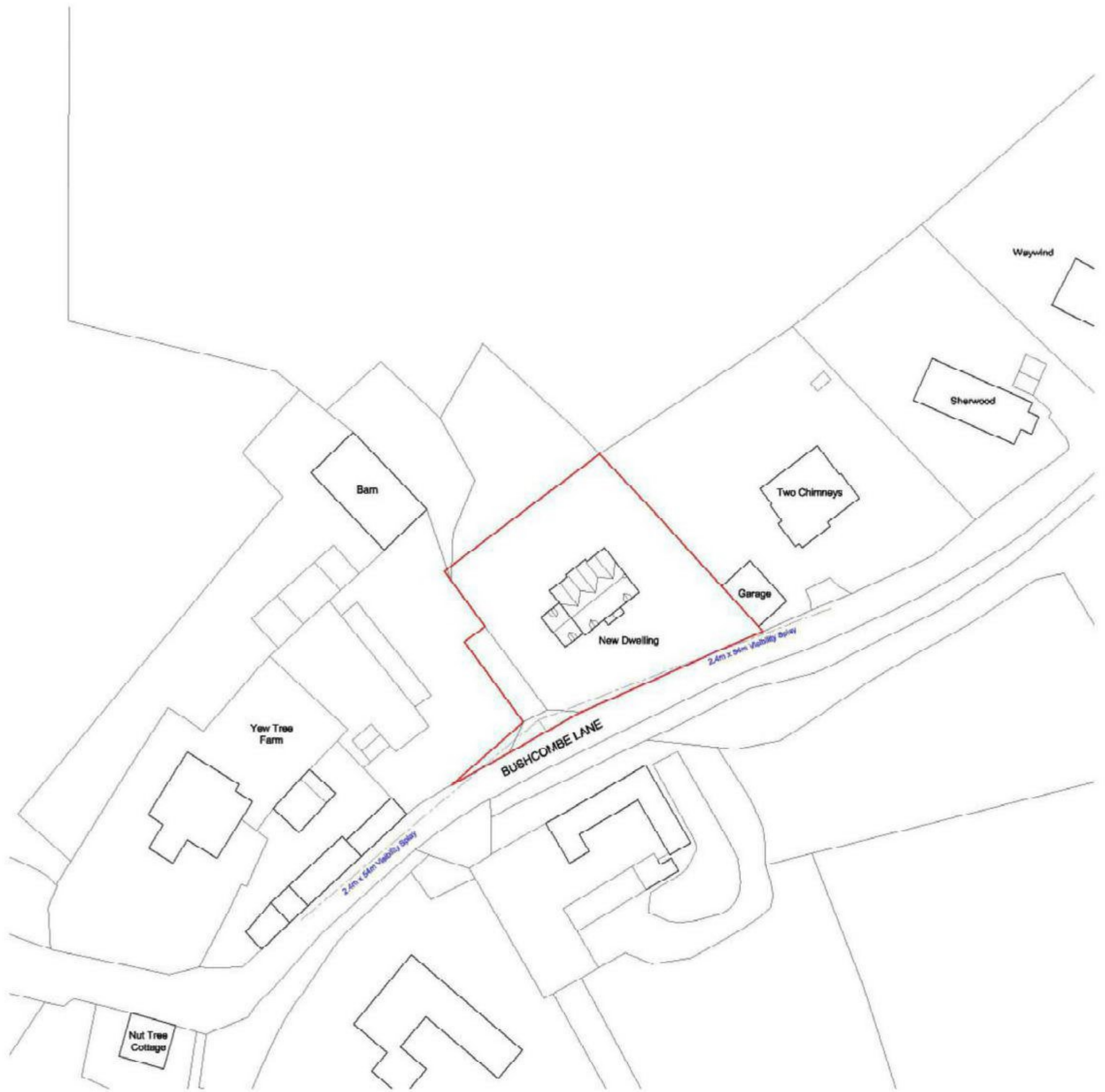
This drawing, design and the illustrated works are the copyright of Urban Aspects Limited and may not be reproduced either wholly or in part without written consent.

Client				 <b>URBAN ASPECTS</b> LAND · PLANNING · DESIGN		
Project						
Part Parcel 3359, Bushcombe Lane, Woodmancote						
Drawing Title				<b>Location Plan</b>		
Date	Scale	Drawn	Status	Job No.	Dwg No.	Rev.
Apr 2020	1:1250 @ A4	GMP	PA	HDS19.01	01	-

7 Bath Mews • Bath Parade • Cheltenham • GL53 7HL


T 01242 806170 M 07766 112132 E gary@urbanaspects.co.uk

[www.urbanaspects.co.uk](http://www.urbanaspects.co.uk)



A 02.10.20 Design of new dwelling amended.

This drawing, design and the illustrated works are the copyright of Urban Aspects Limited and may not be reproduced either wholly or in part without written consent.

Client		[REDACTED]						
Project		Part Parcel 3359, Bushcombe Lane, Woodmancote						
Drawing Title		Block Plan						
Date	Scale	Client	Drawn	Checked	Drawn	Proj. No.	Sheet No.	Rev.
Apr 2020	1:500 @ A2	GMP		PA		HDS19.01	02	A

7 Beth Mews • Beth Parade • Cheltenham • GL53 7HL

T 01242 806170 M 07766 112132 E gary@urbanaspects.co.uk

[www.urbanaspects.co.uk](http://www.urbanaspects.co.uk)





Note: Within visibility splays existing down well and sunk to be reduced below 0.1m in height and canopies of existing trees to be maintained at a minimum height of 2m above ground level.

Key	
1	Existing vehicular access
2	Existing loose gravel driveway
3	Tarmac
4	Concrete parking edging
5	New retaining walls and steps
6	Existing boundary fence
7	New 1.2m high timber post and rail fence
8	Existing trees / landscaping to be retained
9	2.4m x 2.4m Visibility Splay



The drawing, design and the illustrated works are the copyright of Urban Aspects Limited and may not be reproduced either wholly or in part without written consent.

B 19.10.20 Visibility splays added.  
A 02.10.20 Design of new existing amended.

Name		Part Parcel 3359, Bushcombe Lane, Woodrancote	
Drawing Title		Site Layout	
Date	Scale	Drawn	Checked
Apr 2020	1:200 @ A3	GMP	FA
Job No		HDS19.01	
Job Title		03	
Job No		B	

7 Bath Mews • Bath Parade • Cheltenham • GL53 7HL  
T 01242 806170 M 07766 112132 E gary@urbanaspects.co.uk  
www.urbanaspects.co.uk



## **APPENDIX D**

**Officer Delegated Report and Approved Plans  
for 4 dwellings at Vine Tree Farm, Teddington  
(TBC ref: 19/00957/FUL)**

## DELEGATED REPORT

<b>APPLICATION NO</b>	19/00957/FUL
<b>EXPIRY DATE</b>	18.09.2020
<b>PROPOSAL</b>	Demolition of Agricultural buildings and hard standing and the erection of 4 No. dwellings with associated access and landscaping.
<b>LOCATION</b>	Vine Tree Farm Teddington Tewkesbury Gloucestershire GL20 8JA
<b>RECOMMENDATION</b>	Permit
<b>DATE OF RECOMMENDATION</b>	21/09/2020

**Planning Officer** Mr James Lloyd

### **Application Site**

The application site is located on the eastern side of Gander Lane, a narrow road serving a cluster of dwellings to its northern part and a series of agricultural buildings to the southern part.

This application relates to a number of portal frame agricultural and buildings and associated structures located to the south of Vine Tree Farm, a Grade II Listed heritage asset. The northern part of the site lies within a Special Landscape area (SLA) and the southern part is within the Cotswolds Area of Outstanding Natural Beauty (AONB).

The existing buildings at the site are no longer in agricultural use and appear to be used for the informal storage of domestic paraphernalia, building materials and general waste all of which contribute to a rather neglected appearance to the site.

### **POLICIES AND GUIDANCE**

Planning (Listed Buildings and Conservation Areas) Act 1990

#### **National guidance**

National Planning Policy Framework and Planning Practice Guidance

### **RELEVANT DEVELOPMENT PLAN POLICIES**

**Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) - Adopted 11 December 2017**

- SP1 (The Need for New Development)
- SP2 (Distribution of New Development)
- SD3 (Sustainable Design and Construction)
- SD4 (Design Requirements)
- SD6 (Landscape)
- SD7 (The Cotswolds Area Of Outstanding Natural Beauty)
- SD8 (Historic Environment)
- SD9 (Biodiversity and Geodiversity)

SD10 (Residential Development)  
 SD11 (Housing mix and Standards)  
 SD14 (Health and Environmental Quality)  
 INF1 (Transport Network)  
 INF2 (Flood Risk Management)  
 INF3 (Green Infrastructure)

**Tewkesbury Borough Local Plan to 2011- Adopted March 2006 (saved policies not replaced by the JCS)**

LND2 (Special Landscape Area)

**Tewkesbury Borough Local Plan 2011 - 2031 – Pre-Submission Version (October 2019)**

The Pre-Submission Tewkesbury Borough Plan was submitted to the Secretary of State for Housing, Communities and Local Government on 18 May 2020 for examination. On the basis of the stage of preparation it has reached it is considered that the plan can be afforded at least moderate weight. However, the weight to be attributed to individual policies will be subject to the extent to which there are unresolved objections (the less significant the unresolved objections, the greater the weight that may be given) and their degree of consistency with the NPPF (the closer the policies to those in the NPPF the greater the weight that may be given).

RES3 (New Housing outside Settlement Boundaries)  
 RES4 (New housing at other rural settlements)  
 RES5 (New Housing Development)  
 HER2 (Listed Buildings)  
 LAN1 (Special Landscape Areas)  
 NAT1 (Biodiversity, Geodiversity and Important Natural Features)

**Neighbourhood Plan**

None

**RELEVANT PLANNING HISTORY**

<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
05/00789/OUT	Outline application for 5 No. detached houses to replace farm buildings	REF	12.10.2005
06/00911/OUT	Outline application for erection of 2 dwellings and removal of all existing buildings. (including siting and means of access)	REF	17.10.2006
06/01481/OUT	Outline application for the erection 7 houses to include 4 affordable houses (including layout and access).	REF	06.03.2007
14/01119/FUL	Upgrading existing Agricultural Track	PER	04.02.2015
17/00195/FUL	Redevelopment of farmyard to create 4No. new dwellings in place of existing farm buildings.	REF	26.09.2017

## **CONSULTATIONS AND REPRESENTATIONS**

**Teddington Parish Council** – Raise no formal objection, however, have concerns regarding foul and surface water drainage, landscaping scheme and demolition impacts.

**Building Control Officer** – Building Control regulations are required

**County Highways Officer** – No objection (Subject to conditions)

**Conservation Officer** – No objections

**Historic England** - Do not wish to offer any comments and suggest that the views of the specialist conservation and archaeological advisers are sought, as relevant.

**Environmental Health Officer** – No objection to the application in terms of any nuisance issues.

**County Archaeologist** - No archaeological investigation or recording need be undertaken in connection with this scheme.

**Urban Design Officer** – recommends application is resisted

**Landscape Officer** – No objection (Subject to conditions)

**Ecologist** – No objection (Subject to conditions)

**Severn Trent** – Awaiting comments at time of writing report

**Local Residents** – The application has been publicised through the posting of a site notice for a period of 21 days and no.9 letters of representation have been received. The details of which are outlined and summarised below;

### Objections (No.2 letters)

- The proposal would result in inappropriate encroachment into the AONB
- The proposal would extend the built form beyond the village boundary
- Concerns around the capacity of the foul sewage system.
- Concerns about the boundary line between the site and the open areas to the south, who would manage these after development and maintain them?
- The proposal would increase the potential for flooding in the area and exacerbate existing issues.
- The site has already had planning refused on it for housing.

### Support (No.7 letters)

- The scheme will help with the housing stock availability.
- The development will improve the area over and above its existing state.
- The location is just within the AONB but again the loss of a very small section of AONB on this site is clearly a bonus and an improvement on the visual aspect we all see now.
- 4 units is the correct number for the parcel of land and would not be over development.
- The proposed development is on a suitable scale and would be a vast improvement upon how the land area is currently used.
- As the development does not extend beyond the existing footprint I can see no reason why this should not be approved

## **PLANNING OFFICERS APPRAISAL AND CONCLUSIONS**

### **Proposal**

The current application seeks full planning permission for the redevelopment of farmyard to create 4 new dwellings in place of existing farm buildings. The proposed development would be laid out in a 'U' shape to the south of Vine Tree Cottage and would be accessed from the existing track to the north western corner of the site. The development would be laid out with a series of buildings to form a courtyard.

Starting at the north-eastern end the proposal would provide off road parking and a single garage which would be attached to the northern end elevation of Plot 1, which comprises a two storey 4-bedroom dwelling.

Plots 2 and 3 would be located to the southern part of the site and would comprise one, two-storey detached dwelling and one single storey detached dwelling with associated parking and garaging. Plot 4 would be located on north western side of the courtyard and would comprise a single storey detached dwelling of a similar design to Plot 3.

Plots 3 & 4 are of similar design and scale, both are single storey and would be constructed using re-claimed red brick (on a blue brick skirt) with natural blue/black slates. Plot 2 would be constructed using corrugated roof sheeting and metal framing with a vertical timber boarding to clad the exterior. The design of this building would seek to mimic a steel framed agricultural building. Plot 1 would be two storeys and constructed with reclaimed brick, vertical timber cladding and plain clay tiles.

In addition to the dwellings the application also proposes landscaping works comprising the planting of an orchard, mixed trees and hedging upon the area to the south and east of the site.

### **Principle of the development**

Policy SP2 of the JCS sets out the strategy for the distribution of new development across the JCS area, and Policy SD10 ('Residential Development') specifies that, within the JCS area, new housing will be planned in order to deliver the scale and distribution of housing development set out in Policies SP1 and SP2. On sites that are not allocated as in this instance, housing development will be permitted on previously developed land in rural service centres and service villages. The NPPF definition excludes the site from the definition of previously developed land (given it is former agricultural holding currently occupied by agricultural buildings) and Teddington is neither a rural service centre nor service village as defined by the JCS.

Criterion 4 (ii) of Policy SD10 'Residential Development' of the JCS sets out that housing development on other sites will only be permitted where; It is infilling within the existing built up areas of the City of Gloucester, the Principal Urban Area of Cheltenham or Tewkesbury Borough's towns and villages except where otherwise restricted by policies within district plans. The site is adjacent to existing built development on the northern and eastern boundaries, an existing track runs along the western boundary. Whilst the site would be located adjacent to existing development, it is considered more 'edge of settlement' than 'infilling' for the purposes of this policy.

As detailed above the site is not considered to be within a rural service centre or service village and would not be considered an area of 'infill' irrespective of the site being contained by dwellings on two boundaries, the introduction of four new dwellings in this location would therefore be contrary to Policies SP2 and SD10 of the JCS.

Policy RES2 of the emerging Borough Plan defines settlement boundaries for the Service Villages. Teddington is not allocated a defined settlement boundary through the emerging Borough Plan and therefore in this regard the principle of residential development is not acceptable in relation to this Policy. However, Policy RES3 relates to new housing outside of the defined settlement boundaries and supports development where it consists of:

1. The reuse of a redundant or disused permanent building.
2. The sub-division of an existing dwelling into two or more self-contained residential units.

3. Very small-scale development at rural settlements in accordance with Policy RES4.
4. A replacement dwelling.
5. A rural exception site for affordable housing.
6. Dwellings essential for rural workers to live permanently at or near their place of work in the countryside.
7. A site that has been allocated through the Development Plan or involves development through local initiatives including Community Right to Build Orders and Neighbourhood Development Orders.

Criterion 3 of Policy RES3 is considered relevant in this case as the development could be classified as small-scale and Toddington is considered to be a rural settlement. Policy RES4 supports the principle of new development within and adjacent to the built up area of other rural settlement providing;

- a) it is of a scale that is proportionate to the size and function of the settlement and maintains or enhances sustainable patterns of development;
- b) it does not have an adverse cumulative impact on the settlement having regard to other developments permitted during the plan period; as a general rule no more than 5% growth or 10 dwellings, whichever is lesser, will be allowed;
- c) it complements the form of the settlement and is well related to existing buildings within the settlement;
- d) the site of the proposed development is not of significant amenity value or makes a significant contribution to the character and setting of the settlement in its undeveloped state;
- e) the proposal would not result in the coalescence of settlements
- f) the site is not located in the Green Belt, unless the proposal would involve limited infilling in a village, limited affordable housing for local community needs (in accordance with Policy RES6) or any other exceptions explicitly stated within the National Planning Policy Framework.

The site proposes 4 dwellings and seeks to mimic a rural courtyard in its form and layout. The site is encompassed by development on 3 sides (north, east and west) and whilst it would not represent infilling it would be a continuation of the built form to the south, covering predominantly an area of already developed land. The layout has been designed to complement the Listed Building to the north (Vine Tree Farm) and represents a continuation of the farmyard. The site in its current state is made up of old agricultural buildings and the dumping of waste has also taken place which has a negative impact upon its wider appearance. The proposal is considered an improvement over its current state. The proposal is not within the Green Belt, nor would it result in the coalescence of settlements.

Given the above it is considered that the principle of the proposal would comply with Policy RES3 in this regard, however, limited weight can be afforded to the emerging Borough Plan at this stage.

### **Council's 5 Year Housing Land Supply**

Whilst the proposal is contrary to Policies SP2 and SD10 of the JCS, it is also currently the case that the Council's policies for the supply of housing are considered to be out-of-date having regard to Paragraph 11 of the NPPF. In these circumstances, as set out above, the NPPF advises that the presumption should be that planning permission is granted unless there are adverse impacts of doing so which would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole. Footnote 6 to paragraph 11 also clarifies which policies in the Framework provide a clear reason for refusing. There are two potential policies in the Framework that could provide a clear reason for refusal in this case (Designated Heritage Assets and the Area of

Outstanding Natural Beauty) the implications of these are discussed below. It is therefore necessary to consider whether the proposal complies with those policies.

### Other Material Considerations

#### **Heritage Assets**

The application site is located to the south of Vine Tree Farmhouse, a Grade II listed building (NHLE ref 1340181). The property has 17-18th century origins and has been subdivided into two properties. Vine Tree Cottage dates from the 17th century and comprises a timber framed range to the northern part, which abuts a stone 18th Century return wing to the south and adjacent to the application site. To the south east of the site is St Nicholas's Church which is Grade I listed (NHLE ref 1340161) and is located approximately 75 metres away from the nearest part of the proposed development.

Section 66(1) of the Listed Buildings and Conservation Areas Act 1990 sets out that in considering whether to grant planning permission for development which affects a listed building or its setting, the planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The NPPF advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. The NPPF also advises that where proposed development would lead to substantial harm to the significance of a designated heritage asset consent should be refused unless the harm or loss is outweighed by substantial public benefits. Paragraph 134 sets out that where the harm is less than substantial, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

This requirement is emphasised by Policy SD9 of the JCS which requires that designated and undesignated heritage assets and their settings are conserved and enhanced as appropriate to their significance, and for their important contribution to local character, distinctiveness and sense of place.

The proposed development would result in the removal of the existing 20th century agricultural buildings and ancillary structures, which as a result of Vine Tree Farm no longer being a viable working farm have fallen out of agricultural use and into disrepair. The present neglected state of the buildings and the wider site has a negative effect on the setting of the listed buildings particularly from adjacent views within Gander Lane.

The proposed development has been revised since it was first received in order to simplify the overall form of the proposed buildings. It is considered that, notwithstanding the policy restrictions, there is some benefit in reinstating a context which echoes the layout of the farmstead at least in form and massing and the revisions have resulted in a more sympathetic scheme, which reflects the priorities and requirements for 21st century housing and now fulfils the objectives for development on the site.

The Conservation Officer has been consulted and was involved in providing guidance towards the revised scheme. The Conservation Officer now considers that the proposed development would not have a harmful or adverse impact upon the setting of the listed farmhouse or the church. As such I consider it to be compliant with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Section 16 of the NPPF and Policy SD8 of the JCS.

However, in planning terms, the fact that a site has been neglected and used without permission for the storage of building materials and general waste cannot be used to justify the grant of planning permission. Otherwise, this would encourage other landowners to neglect their sites in the hope that they could achieve planning permission in locations which would otherwise be unsuitable. The proper way of addressing such sites through the planning system is via enforcement action.

Nevertheless, it is recognised that, notwithstanding the state of the site, there would be some benefit in reintroducing a farmstead layout, however it is not considered that this necessarily justifies the provision of four large dwellings. On balance, it is considered that the proposal would have an acceptable impact upon the setting of the farmhouse.



The site is also within the setting of the Grade I listed Church of St Nicholas. On that basis Historic England have been consulted however they do not wish to offer comment and are happy for the proposals to be assessed by the Council. It is considered that the setting of the Church changed significantly as a result of largely 20th century development and there would be no undue impact as a result of the proposed development.

### **Design and Impact on Character and Appearance of Area**

The NPPF sets out that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. This is now reflected in the National Design Guide, which provides planning practice guidance for beautiful, enduring and successful places.

JCS Policy SD4 provides that new development should respond positively to, and respect the character of, the site and its surroundings, enhancing local distinctiveness, and addressing the urban structure and grain of the locality in terms of street pattern, layout, mass and form. It should be of a scale, type, density and materials appropriate to the site and its setting. Criterion 6 of Policy SD10 of the JCS states that residential development should seek to achieve maximum density compatible with good design, the protection of heritage assets, local amenity, the character and quality of the local environment, and the safety and convenience of the local and strategic road network. Policy RES5 of the emerging Borough Plan echoes this advice and also states that proposals on the edge of settlements should respect the form of the settlement and its landscape setting, not appear as an unacceptable intrusion into the countryside and retain a sense of transition between the settlement and open countryside.

The site is located on the southern edge of Teddington and partially within the SLA and partially within the AONB. Paragraph 172 of the NPPF sets out that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs which, along with National Parks and the Broads, have the highest status of protection in relation to these issues. Paragraph 172 further states that the scale and extent of development within these designated areas should be limited. Policy SD7 of the JCS sets out that all development proposals in or within the setting of the Cotswolds AONB will be required to conserve and, where appropriate, enhance its landscape, scenic beauty, wildlife, cultural heritage and other special qualities.

The Cotswolds AONB Landscape Character Assessment, identifies most of Vine Tree Farm within the Character Type of 'Settled Underwood Vale' with its specific Character Area being '18A Vale of Gloucester Fringe'. It is close to Character Type 'Escarpment Outlier', Character Area '1C Oxenton and Dixon Hills' which lies on the higher ground to its south.

The application has been accompanied by a Landscape Appraisal (LA) which advises that the site is contained within the southern part of the village and the site is only openly visible from the south along Teddington Footpath with restricted and seasonal views from elsewhere.

The LA acknowledges that there is a potential for a negative visual impact to result from the proposed development. The applicant considers this would be mitigated by the proposed layout and contemporary vernacular style which is considered to be sympathetic and in keeping with its former use and also respects the close relationship with adjoining heritage assets.

The effect on landscape character of the housing development has been identified in the LA as ranging between neutral to beneficial and that the proposed orchard and hedge planting on the adjacent field will be beneficial. The visual impact within the area is identified as small due to the contained nature of the site and the limited extent of the views that are possible, the one exception being the views from along Teddington Footpath as it runs north down from Oxenton Hill.

The LA concludes that the proposed redevelopment of the site would result in limited landscape and visual effects. These effects would be largely confined to the site itself where the existing dilapidated structures would be removed and replaced with locally characteristic architecture.

While the condition of the site is declining and is particularly apparent from adjacent views, from farther afield to the south, the existing buildings are seen in the context of similar agricultural buildings at the adjacent farm to the west. This group of 20th century agricultural buildings mark the edge of the built-up area of the village and contribute to the agricultural character of the area when viewed from the south.

While the proposed development would introduce an element of formality to the farm yard area by creating a courtyard development reflecting a more traditional layout of buildings, it would nevertheless introduce a residential development to the southern edge of the built up area of Teddington and within the AONB.

The proposed buildings have been designed to have a simple barn forms and would not be of a scale dissimilar to a threshing barn and other typical barns of a rural nature, the articulation and fenestration particularly to the upper floors of Plot 2 would allude to the buildings being in residential use. The domestic use would be revealed in winter months and evenings where internal lighting would be apparent from the wider area.

The application proposes dwellings that would be of a size suitable for family occupation. While each property would benefit from substantial private gardens which would meet the reasonable demands of future occupiers, the proposal is likely to result in further visual intrusion to the wider area as a result of the introduction of domestic paraphernalia such as laundry drying lines, children's play equipment, outdoor seating and dining areas, outdoor furniture and boundary treatments which would have an altered appearance of that of the existing agricultural character.

The proposed orchard, tree and hedge planting along with any reinstatement of ponds at the site would result in a positive visual and ecological benefit. Nevertheless it should be noted that the landscaping will take significant maintenance and a number of years to become established to a position where it would be able to afford meaningful screening to the development proposed.

The Council's Landscape consultant has assessed the application and advises that the proposed mitigation strategy and landscaping strategy are deemed acceptable, however, additional information is required that could be secured by way of condition.

Whilst the previous planning permission on this site raised concerns regarding the erosion of the agricultural nature of this site to a more domesticated appearance, it is considered that the proposed revised mitigation and landscaping scheme would enhance the surrounding area and wider SLA/AONB. It is acknowledged that for certain vistas the site would appear more domesticated, however the designs of the new buildings are also considered appropriate for the setting and would also help to mitigate the prominence of the site.

It is considered that whilst there would be a degree of harm arising from the redevelopment of the site for housing on the edge of the AONB, on balance, having regard to the siting and design of the proposed development, and the proposed mitigation, this would not be so significant to warrant refusal of the application. It is therefore considered that the development as proposed would not fail to conserve the character of the SLA and the scenic beauty of the AONB.

### **Residential amenity**

JCS policies SD4 and SD14 require development to enhance comfort, convenience and enjoyment through assessment of the opportunities for light, privacy and external space. Development should have no detrimental impact on the amenity of existing or new residents or occupants.

From within the application site each of the proposed plots would be apportioned an acceptable level of outdoor amenity space. It is also considered that the internal layout of the plots would not result in an unacceptable loss of amenity to one and other.

In terms of impact upon surrounding residential development, Plots 3 & 3 would be located on the western edge of the site, an existing access track (leading to other residential properties) bisects the site from neighbouring dwellings, these plots are single storey and it is considered that they would not have an unacceptable impact upon the neighbouring dwellings to the north or west. Plot 1 is located

in the north eastern corner of the site, set approximately 25m from the nearest residential dwelling to the east. Whilst this dwelling would be 2 storeys' there is an existing level of mature trees and hedges along this boundary that would obscure any perceived views between the two sites. There would be No.4 windows at first floor level facing towards the neighbouring property, however, it is considered that the separation distance of over 25m's is acceptable in terms of impact on privacy. The property is also sited an acceptable distance away as to not give rise to any overshadowing or overbearing impact upon these properties.

Plot 2 would face 'gable on' towards the neighbouring property to the east, much like the impact of plot 1 it would be located an acceptable distance away from this property as to not give rise to an unacceptable level of overlooking.

Overall, it is considered that the proposal would have an acceptable impact upon the residential amenity of neighbouring properties and the properties within the application site and complies with Policy SD4 and SD14 of the JCS and the NPPF in this regard.

### **Highway Matters**

Policy INF1 'Transport Network' states that developers should provide safe and accessible connections to the transport network to enable travel choice for residents and commuters.

Gander Lane itself is an unclassified road with a single carriageway width, which terminates at an adjoining farm, approximately 25 metres to the south of the site. The proposal would make use of the existing site access. Considering the nature of the proposed use and alignment of the road, a safe and suitable access to serve the development can be achieved in accordance with Policy TPT1 of the Local Plan.

The proposed development would result in an increase in traffic movements over and above the existing use of the application site. The County Highways Authority have been consulted and raise no objections to the scheme (providing conditions are applied). Provision for off road parking and turning would be made within the internal site layout and the increase in traffic would not result in a severe impact upon the highway network. The proposal is therefore considered acceptable in these terms.

### **Biodiversity**

JCS Policy SD9 seeks the protection and enhancement of biodiversity and geological resources of the JCS area in order to establish and reinforce ecological networks that are resilient to current and future pressures. Improved community access will be encouraged so far as is compatible with the conservation of special features and interest.

The application is supported by a Preliminary Ecological Assessment (PEA), which provides an ecological assessment of the habitats on the site. It consists of a desk study of ecological data in relation to the site and an ecological assessment of the land within the application site.

No designated sites revealed from the ecological data set provided by GCER fall on or adjacent to the proposed re-development site. The report therefore advises that, the proposed re-development would have no impact upon any designated sites as the works are due to remain within the site boundary. The report also advises that no habitats of conservation concern were located on the site itself. Therefore, the proposed scheme of works would not impact upon any rare or valuable habitats.

The site was found to contain the potential to support protected and/or rare species. These include Bats, Birds & Hedgehogs. As a result of this the report recommends mitigation and protection measures for the proposed development.

The Council's ecology consultants have assessed the PEA and raise no ecological objection to the application, subject appropriate conditions to secure the recommended mitigation.

### **Flood Risk and Drainage**

JCS Policy INF2 sets out that proposals must not increase the level of risk to the safety of occupiers of a site or the local community and that new development will be required to incorporate suitable Sustainable Drainage Systems where appropriate. The site is located within Flood Zone 1 and is therefore at a low risk from flooding.

The application has been accompanied by a drainage strategy and the scheme. The proposal seeks to use a soakaway system for the surface water for each dwelling. Foul sewerage would be discharged into the mains system.

The principle of the proposed surface water and foul water drainage strategy is acceptable, however further details relating to implementation and management will need to be secured by condition.

The applicants have advised that there is a Severn Trent Water connection nearby, however the applicant will need the separate approval of Severn Trent to carry out these works.

#### **Community Infrastructure Levy (CIL)**

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

#### **Balancing Exercise and Summary**

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.

The application site lies outside of any settlement boundary's and is not allocated for housing development. The site does not represent previously developed land within the built-up areas of a service village; is not a rural exception scheme; and does not represent 'infilling'. It has not been brought forward for development through a Community Right to Build Order and there are no policies in the existing Tewkesbury Borough Local Plan to 2011 which allow for the type of development proposed here. The proposal therefore conflicts with Policies SP2 and SD10 of the JCS. However, the site would conform with Policy RES3 & RES4 of the emerging Borough Plan, however, only limited weight can be afforded to these policies at this time.

The Council cannot currently demonstrate a five-year supply of deliverable housing sites and therefore the Council's policies for the supply of housing are out of date, in accordance with paragraph 11 of the Framework. As discussed above there are no policies in the Framework that protect assets of particular importance which provide a clear reason for refusing the development in this instance and the 'tilted balance' applies.

#### **Benefits**

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

There are also ecological benefits to the proposal in terms of mitigation and enhancements, and visual improvements by way of improving the appearance of the existing site.

#### **Harms**

Harm arises from the conflict with development plan policies relating to housing, particularly JCS Policy SD10, although it is accepted that the Council's housing policies are currently out of date. There would also be a limited degree of harm to the landscape given that it is proposed to develop a site on the edge of the settlement, however, this would not warrant a refusal solely on the impact

upon the AONB.

### **Neutral**

The site layout demonstrates that the proposed design and layout of development is appropriate. Furthermore, the layout does not raise any residential amenity issues. The development would not be at an acceptable risk of flooding and appropriate drainage infrastructure can be provided. The proposal would not harm the setting of any designated heritage assets and there would be an acceptable impact in terms of archaeology. The proposal would be served by a safe and suitable access and the residual cumulative impact on the highway network would not be severe.

### **Conclusion**

Harm would arise though conflict with the Council's development plan policies in respect of the distribution of housing. The Council's housing policies are currently out of date and the weight that can be afforded to them is reduced. There would be a degree of harm to the landscape, however, the level of harm is considered to be limited and can be mitigated with appropriate landscaping that would be secured through appropriate conditions. Given the application of the tilted balance, it is considered that the harms identified do not significantly and demonstrably outweigh the benefits in this case. Therefore it is recommended that planning permission be granted subject to the following conditions.

### **CONDITIONS & REASON**

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved documents:

- 1155.03F - PROPOSED SECTION & LOCK PLAN
- 1155.18A - ELEVATIONS & GROUND FLOOR PLAN PLOT 4
- 1155.17A - ELEVATIONS & GROUND FLOOR PLAN PLOT 3
- 1155.15A - ELEVATIONS & GROUND FLOOR PLAN PLOT 1
- 1155.14A – ELEVATIONS COVERED PARKING
- 1155.16A - ELEVATIONS & GROUND FLOOR PLAN PLOT 2
- 19156.101 REV E - LANDSCAPE STRATEGY PLAN
- LANDSCAPE AND VISUAL IMPACT REPORT (MHP Dated 26th September 2019)
- PRELIMINARY ECOLOGICAL APPRAISAL (Elite Ecology Dated November 2019)

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

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

3. Notwithstanding the submitted details, no construction works shall take place above slab level until precise details and where appropriate samples of the following (for all four plots) have been submitted to and approved in writing by the local planning authority. The works shall thereafter be carried out in accordance with the approved details and shall be similarly maintained thereafter:-

- External facing and roofing materials,
- Details including profile and colour of any window frames, roof lights and doors and their reveals.
- Details of any colour tinting to glazing
- Details of proposed rainwater goods, fascias, bargeboards, flues and vents, including colour and material
- Details of all boundary treatments and enclosures
- Details of the glazed balustrade on Plot 2

**Reason:** To ensure a high-quality finish to the development in the interest of the visual amenities of the area.

4. Prior to the commencement of development, a detailed plan, showing the levels of the existing site, the proposed levels of the site, the proposed slab levels of the dwellings approved and a datum point outside of the site, shall be submitted to and approved by the local planning authority. The development shall be carried out in accordance with the approved details.

**Reason:** In order to define the permission and ensure that the development is appropriate to the site and surrounding development

5. The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 2.0m back along the centre of the access measured from the public road carriageway edge (the X point) to a point on the nearer carriageway edge of the public road 43m distant in both directions (the Y points). The area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between 1.05m and 2.0m at the X point and between 0.26m and 2.0m at the Y point above the adjacent carriageway level.

**Reason:** To avoid an unacceptable impact on highway safety by ensuring that adequate visibility is provided and maintained to ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians is provided in accordance with paragraphs 108 and 110 of the National Planning Policy Framework.

6. Throughout the construction and demolition period of the development hereby permitted provision shall be within the site that is sufficient to accommodate the likely demand generated for the following:

- i. parking of vehicles of site operatives and visitors;
- ii. loading and unloading of plant and materials;
- iii. storage of plant and materials used in constructing the development;
- iv. provide for wheel washing facilities;
- v. vehicle routing strategy

**Reason:** To reduce the potential impact on the public highway and accommodate the efficient delivery of goods in accordance with paragraph 110 of the National Planning Policy Framework.

7. The buildings hereby permitted shall not be occupied until the vehicular parking and turning facilities have been provided in accordance with the submitted plan drawing no. 1155.03F, and those facilities shall be maintained available for those purposes thereafter.

**Reason:** To ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians is provided in accordance with the paragraphs 108 and 110 of the National Planning Policy Framework.

8. The development hereby permitted shall not be occupied until details of secure and covered cycle storage facilities have been made available in accordance with details to be submitted to and approved in writing by the LPA.

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

9. Prior to occupation of any dwelling hereby permitted a scheme of soft and hard landscaping shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include:-

(i) a plan(s) showing details of all existing trees and hedges on the application site. The plan should include, for each tree/hedge, the accurate position, canopy spread and species, together with an indication of any proposals for felling/pruning and any proposed changes in ground level, or other

works to be carried out, within the canopy spread.

- (ii) a plan(s) showing the layout of proposed tree, hedge and shrub planting and grass areas.
- (iii) a schedule of proposed planting - indicating species, sizes at time of planting and numbers/densities of plants.
- (iv) a written specification outlining cultivation and other operations associated with plant and grass establishment.
- (v) details of a precise specification of the proposed materials for the hard landscaping of the site (including roads, paths, parking areas and other hard surfaces);

All planting and seeding/turfing shall be carried out in accordance with the approved details no later than in the first planting and seeding/turfing seasons following the occupation of the dwelling hereby permitted.

The planting shall be maintained in accordance with the approved schedule of maintenance. Any trees or plants which, within a period of five years from the completion of the planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, and shall be successively replaced if they fail within five years of planting.

The hard landscaping of the site shall be completed before the occupation of the dwelling hereby permitted or in accordance with a timetable agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

**Reason:** To ensure the proposed development does not have an adverse effect on the character and appearance of the Area of Outstanding Natural Beauty.

**10.** No development including site clearance or preparation shall take place until details of the specification and position of fencing and any measures to be taken for the protection of any retained trees and hedgerows from damage before or during the course of development (including all preparatory work) have been submitted to and approved in writing by the Local Planning Authority prior to any works being carried out onsite. The tree protection measures shall be in accordance with BS 5837:2012 and shall be retained onsite in accordance with the approved details for the duration of the construction process.

**Reason:** To safeguard the root systems of the trees/hedgerow to be retained and in the interests of visual amenity and the character of the area.

**11.** No above ground development shall take place until comprehensive evidence-based surface water and foul drainage details, including a SuDS/drainage management plan, have been submitted and approved in writing by the Local Planning Authority. The information submitted shall be in accordance with the principles set out in the approved drainage strategy. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in The SuDS Manual, CIRIA C753 (or any subsequent version), and the results of the assessment provided to the Local Planning Authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. include a timetable for its implementation

In addition, unless foul water is to be treated via a package treatment plant, the sewerage authority must first take any steps necessary to ensure that the public sewer will be able to cope with the increased load and there being in place adequate and appropriate sewerage facilities to cater for the requirements of the development without increase of flood risk or ecological damage. The scheme shall be implemented in accordance with the approved details before the development is finished and put into use, and subsequently maintained to the required standard.

**Reason:** To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution for the lifetime of the development.

**12.** The development hereby permitted shall be carried out in strict accordance with the recommendations and mitigation's (Section 5) set out in the Preliminary Ecological Appraisal (Dated November 2019) carried out by Elite ecology submitted with the planning application.

**Reason:** In the interests of biodiversity and protected species.

**13.** Prior to occupation of any residential dwelling hereby permitted, locations and details of the proposed enhancements (as outline in the Preliminary Ecological Appraisal - Dated November 2019) shall be submitted to and approved in writing by the Local Planning Authority.

**Reason:** In the interests of biodiversity and protected species.

**14.** No external lighting other than hereby permitted shall be installed within the site without the prior express permission of the Local Planning Authority.

**Reason:** In the interests of biodiversity and protected species.

**15.** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, re-enacting or modifying that Order), no development specified within Classes A, B, C, D and E of Part 1 of Schedule 2 or Classes A and C of Part 2 of Schedule 2 to that Order shall be carried out without the prior written approval of the Local Planning Authority.

**Reason:** Any further development at the site will require consideration in the interest of the character and appearance of the area.

#### **Informative**

- 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 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.** In order to minimise any nuisance, from noise, vibration and dust emissions, during the demolition and construction phases the applicant should refer to the WRS Demolition & Construction Guidance (attached) and ensure its recommendations are complied with.
- 3.** The upgrade works to the access require alteration to the existing highway network and must be undertaken by the Highway Authority or its appointed agents. An Agreement under Section 278 of the Highways Act 1980 will be required. The Local Highway Area office will need to be contacted prior to commencement of work on the access. The applicant is also advised that it is an offence under section 161 of Highway Act 1980 to deposit anything on a highway the consequence of which a user of the highway is injured or endangered. It is strongly recommended that during any form of earthworks and/or excavations that are carried out as part of the development, suitable vehicle wheel washing equipment should be provided and used within the site,



**CLIENT** Building Comm. Ltd  
**SITE** Vine Tree Farm Teddington  
**PROJECT** Residential Development

**DRAWING TITLE**  
**DRAWING NUMBER 1155.02**

SCALES / PAPER SIZE  
DATE  
REVISION DATE

as noted @ A4  
Sept. 2019  
DESCRIPTION



**Location Plan**  
**Scale 1 : 1250 @ A4**



**Steve Mitchell Building Design**

48 Cambray Court,  
Cheltenham,  
Gloucestershire GL50 1JX

01242 261415 / 07973 520581  
email [smbd@mac.com](mailto:smbd@mac.com)

- Key**
- Proposed trees (indicative locations)
  - Existing boundary planting to be augmented and managed to ensure longevity
  - Proposed Native hedges and herbaceous planting
  - Proposed grass areas
  - Proposed meadow / willowflower grass mixes
  - Proposed mixed native boundary hedgerow
  - Proposed buff colour hard surfacing subject to detailed design.
  - Proposed low dry stone walls
  - Proposed timber post and rail fence with plastic mesh at 900mm height

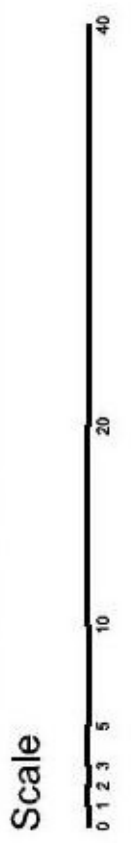


**Notes**

- 1) Do not scale directly from this drawing.
- 2) This drawing is to be read in conjunction with all other relevant MHP drawings and information supplied by other consultants.
- 3) Hatch patterns displayed on this drawing are indicative only and do not represent actual paving units or material sizes.
- 4) All tree planting in proximity to buildings to be checked by engineers to ensure foundation detailing is appropriate.

Author/Designer/Drawn	08/2023	08	08
Checked/Reviewed	08/2023	08	08
Approved/Authorised	20/08/23	08	08
Residence			
Project: Vine Tree Farm, Teddington			
Client: SMBD			
Title: Landscape Strategy Drawing			
Drawing number: 19156.101	Rev: D		
FOR INFORMATION			
Drawn By: BC	Check By: BC	Date: 27/08/19	Scale: 1/200

**Vine Tree Farm, Teddington**  
Landscape Strategy



## **APPENDIX E**

Officer Committee Report and Approved Plans for a single infill dwelling at The Vine, High Street, Stanton (TBC ref: 17/00881/FUL).

Valid 08.08.2017  
Grid Ref 406785 234243  
Parish Stanton  
Ward Isbourne

Erection of a self-build family home.

## **RECOMMENDATION Permit**

### **Policies and Constraints**

Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990  
National Planning Policy Framework (2018)  
Planning Practice Guidance  
Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) (December 2017) - Policies SD4, SD7, SD8, SD9, SD10, SD14, INF1  
Tewkesbury Borough Local Plan to 2011 (March 2006) - Policy HEN2  
Tewkesbury Borough Flood and Water Management Supplementary Planning Document (February 2018)  
Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)  
The First Protocol, Article 1 (Protection of Property)

Cotswolds Area of Outstanding Natural Beauty (AONB)  
Stanton Conservation Area  
Listed Buildings  
Tree Preservation Order

### **Consultations and Representations**

**Stanton Parish Council** - Objection to the original proposal and subsequent revisions for the following reasons (as summarised):

- The application site is outside the built-up area of the village and therefore its development for residential purposes is contrary to JCS Policy SD10;
- The loss of a significant proportion of the garden and immediate setting of The Vine coupled with the clear cramped nature of the development and poor detailing will give rise to harm to designated heritage assets. It is abundantly clear that even if the harm caused is deemed to be less than substantial, there is no public benefit arising from the proposal;
- The Tree Protection Plan showed that the dwelling and driveway as originally proposed will result in a significant incursion into the root protection areas (RPAs) of three mature European Lime trees. There is no information on the extent or position of utility services and connections to the new dwelling and access/parking arrangements are not shown and will have a further impact on trees as well as the mass of the proposed development;
- The proximity of the retained trees to the entire north elevation of the proposed dwelling will cast shade to the house, giving rise to pressure to remove them. Given the trees significant amenity value, their loss will be unacceptable;
- The importance of high quality design features heavily in the NPPF. Stanton is a well preserved and special Cotswold village and the proposed development is too large, has been designed with unsuitable large modern windows and has an ungainly garage wing. It is not a suitable building in the character of Stanton;

The Parish Council has commented on the latest revised proposal (plans dated 28/08/18) and acknowledges there has been some further reductions in size and alterations in design but maintain original objection (as summarised above) that the principle of development is unacceptable; will give rise to harm to designated heritage assets; impinge on the RPAs of protected, important trees; the proposed dwelling remains too large and unsuitable for the site; and, will impact on the amenity of adjoining residents.

**Conservation Officer** - Objection to the original scheme with regard to siting and design of the proposed dwelling which would have an unacceptable impact on heritage assets. No objection to the latest revised proposal (plans dated 28/08/18) subject to conditions.

**County Archaeologist** - There is potential for the site to contain Roman remains and any such remains may be adversely affected by construction ground works required for this scheme. No objection subject to a condition requiring the implementation of a programme of archaeological works in accordance with a written scheme of investigation.

**County Highways** - Subject to Highways Standing Advice.

**Severn Trent Water** - No objection, drainage condition not required.

**Technical Officer (Trees)** - Objection to the original scheme with regard to the positioning of the proposed driveway between the two protected lime trees and it was recommended that the access point be repositioned to the north-east corner of the site. No objection to the latest proposal subject to conditions requiring details of tree protection works and arboricultural method statement to be submitted prior to any works being carried out onsite.

**Local Residents** - 35 letters of representation have been received from local residents raising objections to the proposed development (the original scheme and subsequent amendments) for the reasons summarised below:

- The proposal does not respect the local context and street pattern or scale and proportions of surrounding development;
- It would be entirely out of character and to the detriment of the local environment. It would amount to serious 'cramming' in what is a low density area;
- The overall design is not in keeping with the Cotswold vernacular or architecture found in Stanton;
- The proposed dwelling would be afforded very limited outdoor amenity space and allows little space for landscaping;
- It would result in loss of light, privacy and dominating impact to neighbouring property - particularly 1 Stanway Road which has enjoyed an open aspect for at least 100 years;
- The site plan is misleading and includes the access track and grass verge leading to neighbouring properties to the south and west. This track is maintained by the owners of these properties who have right of way over it;
- The overall scale of the building, combined with construction works and the heavy transport required, would put protected trees at risk;
- Infill of new residential development has previously not been permitted in the Conservation Area. This application is approved would set a precedent for residential infill to the detriment of Stanton and Snowhill;
- The proposed dwelling is too large for the plot and would completely dominate neighbouring property;
- It would cause harm to the character of the Conservation Area and negatively impact on the setting of designated heritage assets;
- Access, parking and manoeuvring space for the proposed dwelling is inadequate and would share an existing access onto the public highway close to a sharp bend and T-junction which is already crowded with parked cars, pedestrians and horses.

Following the submission of the latest revised plans (dated 28/08/18), 10 additional letters of representation have been received from local residents raising the following objections:

- The site is not sufficient for a 3 storey, 4-bed family home with garden and parking arrangement. The drawing is deceptive by not distinctly showing the access gravel road to Vine Yard homes.
- Street parking is a problem on this corner and adequate parking is essential. The parking shown would have a damaging impact on the three large lime trees.
- What is the faint shadow around the site boundary? Does it represent a stone wall?
- The ground levels of Cricket Cottage and 1 Stanway Road are "significantly" higher and privacy will be impossible for all the properties.
- The reduced size of the dwelling without garage are not sufficient to overcome previous objections (as summarised above).
- The proposal is still too large for the site and is not consistent with planning policy in that it does not conserve or enhance the AONB and nearby grade II listed buildings. It is over-development on a restricted site.
- It will have a significant and detrimental impact on the owners of 1 Stanway Road and Cricket Cottage.
- Infill development within the Conservation Area should not be allowed.
- There is a lack of detail on the plans to show how the proposed development will be carried out without detriment to the trees.
- The height of the proposed dwelling should be no more than 1.5 storeys to avoid dominating existing buildings.

- If approved, a condition should be attached preventing business use.

34 letters of representation in support of the proposed development have also been received. The main reasons for support include:

- The proposed house will provide useful accommodation in the village without extending into open countryside or expanding the village footprint.
- It would be within the boundary of the village and would read as a sympathetic addition in keeping with the character of the area.
- The proposal does not detract from any amenities and would not result in the loss of designated green space.
- The applicant is a longstanding member of the community and is acutely aware of Stanton's unique character. Any building constructed in this location would be sympathetic to the surrounding area and to the highest standard.
- In comparison to the so-called 'extensions' going on in this village, the proposed development seems small scale and fits in well to what was an overgrown and rarely used garden.
- The design appears in keeping with the Cotswold vernacular.

**Planning Officers Comments:** Mrs Helen Stocks

## **1.0 Application Site**

1.1 The application site relates to a rectangular plot of land on the north-west edge of the village of Stanton, south of the village cricket ground. The site is located in close proximity to several listed buildings and lies within Stanton Conservation Area, as well as the Cotswolds Area of Outstanding Natural Beauty (AONB). Access to the site is gained via a private driveway which serves a small number of dwellings at The Vine Yard and extends from the main through road to Stanton when approaching from the north.

1.2 The site presently forms part of the garden serving Vine House, a grade II listed building located to the east. The site has been cleared of vegetation in recent months apart from the mature (and protected) trees located along the northern edge of the site.

## **2.0 Planning History**

2.1 There is no relevant planning history pertaining to the site.

2.2 Planning permission was granted in 1997 for the erection of four dwellings on land to the south-west of the application site (ref: 97/2917/1046/FUL). Part of the access track which serves this development (known as The Vine Yard) is included in the application site boundary.

## **3.0 Current Application**

3.1 The current application seeks full planning permission for the erection of a self-build family home. The original plans as submitted proposed a large two-and-a-half storey dwelling, with an attached garage wing providing two floors of accommodation above. The proposed dwelling was shown to be positioned in the centre of the plot and had a footprint of approximately 180 square metres, with a total floor space of 390 square metres. Its eaves and ridge height measured 5.6 metres and 9.3 metres respectively. A gravel driveway was proposed between the two protected lime trees, with off-road parking shown to be available for four vehicles.

3.2 Since the application was first submitted, the proposal has been subject to various revisions and alterations which have primarily sought to amend the siting, scale and design of the proposed dwelling in response to officer concerns and consultee responses. The description of development has been amended from that cited on the application form in light of these revisions and reference to a proposed garage has been omitted with the agreement of the agent.

3.3 The latest proposal (see attached plans) is for a smaller dwelling with a simplified design. The ridge height has been lowered to 8.5 metres although the roof space is still proposed to be utilised to provide living accommodation across three floors, with a total floor space of 268 square metres. The proposed dwelling has been re-positioned within the plot to follow the angled build line of existing dwellings on Stanway Road and has a reduced footprint of approximately 137.5 square metres. This equates to a 24% reduction when compared to the original scheme. The driveway has also been amended and access to the site is now shown from the north-east corner of the plot rather than between the two protected trees, as originally proposed.

#### **4.0 Policy Context**

4.1 The determination of a planning application is to be made pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004, which is to be read in conjunction with section 70(2) of The Town and Country Planning Act 1990. Section 38(6) requires the local planning authority to determine planning applications in accordance with the development plan, unless there are material circumstances which "indicate otherwise". Section 70(2) provides that in determining applications the local planning authority "shall have regard to the provisions of the Development Plan, so far as material to the application and to any other materials considerations."

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

4.3 Other material policy considerations include national planning guidance contained within the National Planning Policy Framework (July 2018).

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

#### **5.0 Analysis**

5.1 The main issues for consideration are the principle of development; siting, design and visual impact; impact on heritage assets, including listed buildings and conservation area; residential amenity, highway safety; and, impact on protected trees.

##### Principle of Development

5.2 Criterion 4 (ii) of JCS Policy SD10 states new housing development will be permitted where it is infilling within the existing built-up areas of the City of Gloucester, the Principal Urban Area of Cheltenham or Tewkesbury Borough's towns and villages except where otherwise restricted by policies within district plans. For the purposes of criterion 4(ii), the supporting text defines 'infill development' as "the development of an under-developed plot well related to existing built development".

5.3 The Parish Council and local residents have raised an in principle objection to the proposed development, citing that the application site is located outside the built-up area of the village and therefore its development for residential purposes is contrary to JCS Policy SD10.

5.4 However, officers consider the application site to be within the built up area of the village. Although it is seen to be on the rural fringe of the village overlooking the cricket ground, the site is bound by existing residential development to the east, south and west and is therefore considered to be well-related to existing built development. Therefore, the proposal is deemed to constitute infilling within the existing built-up area of Stanton in accordance with JCS Policy SD10. For this reason, the principle of development is considered acceptable subject to compliance with other relevant planning policies.

##### Siting, Design and Visual Impact

5.5 Section 12 of the NPPF which sets out that the creation of high quality buildings and places is fundamentally to what the planning and development process should achieve and that good design is a key aspect of sustainable development, creating better places in which to live and work and helping make development acceptable to communities. This advice is echoed in JCS Policy SD4 which states new development should respond positively to, and respect the character of, the site and its surroundings, enhancing local distinctiveness, and addressing the urban structure and grain of the locality in terms of street pattern, layout, mass and form. It should be of a scale, type, density and materials appropriate to the site and its setting.

5.6 The siting, scale and design of the proposed dwelling has been subject to numerous amendments following officer concerns regarding the original proposal which was deemed too large for the plot and discordant to the character and appearance of surrounding development. The latest revisions have reduced the footprint of the dwelling by approximately 24% and simplified the design by lowering the ridge line and introducing single storey elements to reduce the scale and mass of the building. The siting of the proposed dwelling has also changed and the latest revisions show the building orientated on an angle away from the south-west boundary. This is considered more responsive to the historic urban structure and grain of the village and also increases the separation distance between the proposed dwelling and Crickets Cottage to the south while avoiding the root protection areas of the TPO trees.

5.7 In terms of design, the revised proposal is less dominant than the original scheme and does respond to the traditional Cotswold vernacular, with steeply pitched gables and well balanced window openings without over-fussy detailing. The external facing materials would comprise natural Cotswold stone and artificial Cotswold stone slate tiles in direct response to the character and appearance of the site's surroundings. The quality and finish of materials and other detailing will be crucial to achieving a high quality design that responds to and respects the local vernacular and it recommended that material samples and fenestration details are secured by way of condition.

5.8 There remain some concerns regarding the size of the proposed dwelling within the constrained plot; however, it is accepted that the single storey additions on the east facing and west facing elevations of the main building have reduced the overall mass of the proposed dwelling to an acceptable level which is appropriate to the site context. Furthermore, the proposed dwelling would be read against the backdrop of existing development as part of the main village and would not appear visually intrusive in the wider AONB landscape.

5.9 Thus, subject to conditions, the revised proposal is considered, on balance, to present an acceptable design solution that responds to the site and its surroundings in accordance with JCS Policies SD4 and SD7 and the advice contained in the NPPF.

#### Impact on Heritage Assets

5.10 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 specifies that, in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Similarly, the local planning authority also has a duty under Section 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 conservation area. This is reflected in Section 16 of the NPPF.

5.11 JCS Policy SD8 relates to the historic environment and requires development to make a positive contribution to local character and distinctiveness, having regard to valued and distinctive elements of the historic environment. It also states designated and undesignated heritage assets and their setting will be conserved and enhanced as appropriate to their significance, and for their important contribution to local character, distinctiveness and sense of place. In addition, Local Plan Policy HEN2 refers specifically to conservation areas and requires particular attention to be paid to the development's impact on the conservation area and its setting, including any existing trees, and the use of traditional materials on the construction of new buildings.

5.12 As previously mentioned, the site is located in Stanton Conservation Area and is in close proximity to several listed grade II buildings, including The Vine and 1 & 2 Stanway Road which are situated to the east / south-east. The Conservation Officer has advised that the application site does not form an area of important open space within Stanton Conservation Area and is not regarded to be an integral part of the historic curtilage of The Vine.

5.13 The Conservation Officer raised an initial objection to the original scheme and has been involved in lengthy discussions with the agent/applicant since this time to seek amendments to the siting, scale and design of the proposed dwelling in relation to the site's heritage constraints.



5.14 The Conservation Officer has provided detailed comments on the revised proposal in which it is noted that the re-orientation of the building away from the boundary with the rear of listed buildings and the introduction of a single storey at its closest point has reduced the impact of the development upon listed buildings to a more acceptable level. There would continue to be some harm to their setting by virtue of the application site's location although the revised proposal is deemed to result in less than substantial harm (and at the lower end of that scale) for the purposes of the NPPF. Paragraph 196 (of the NPPF) requires this level of harm to be weighed against the public benefits of the proposal which, in this case, is taken to be the contribution to rural housing provision, with the addition of one 4-bed family dwelling being provided on an under-developed plot of land in a sustainable location which would make assist in the future vitality of the village. Whilst these benefits, as well as the economic benefits that would result, are limited by the scale of development, it is considered in this particular case that, on balance, the proposal would offer public benefits that outweigh the less than substantial harm to the designated heritage assets in accordance with the NPPF.

5.15 With regard to the impact of the proposal on the character of the Stanton Conservation Area, it is noted by the Conservation Officer that the building has been reduced in size and mass and the amended design is in general conformity to the Cotswold vernacular. The Conservation Officer has commented that a smaller cottage type building would have been more sympathetic; however, the reduced footprint is considered reasonably appropriate for its context in terms of the grain and density of development in this part of the Conservation Area and no further objection is made to the form and orientation of the proposed dwelling. Thus, the revised proposal is deemed to have satisfactorily addressed previous concerns and the amended design is an improvement on the original scheme which has successfully taken inspiration from the local character and distinctiveness of surrounding development. Subject to conditions to ensure the design and materials reflect the local vernacular, it is considered that the revised proposal would preserve the character and appearance of the Conservation Area in line with JCS Policy SD8 and Local Plan Policy HEN2.

#### Residential Amenity

5.16 Paragraph 127 of the NPPF specifies that planning decisions should ensure that developments create places with a high standard of amenity for existing and future users. This advice is reflected in JCS Policies SD4 and SD14 which require new development to enhance comfort, convenience and enjoyment through assessment of the opportunities for light, privacy and external space, and cause no unacceptable harm to local amenity including the amenity of neighbouring occupants.

5.17 With regard to amenity of neighbouring property, the amended siting and orientation of the proposed dwelling has increased separation between the proposed dwelling and Crickets Cottage to the south (approximately 7.5 metres) and No.1 Stanway Road to the east (approximately 11 metres). There are no window openings proposed on the east facing (side) elevation to prevent direct overlooking to No.1 Stanway Road and the first floor window opening on the south facing (rear) elevation have been kept to a minimum and would be obscure glazed (secured by condition) to ensure no loss of privacy for Crickets Cottage.

5.18 In terms of potential overbearing impact, the ridge height of the proposed dwelling has been lowered by 0.8 metres and the overall length of the 2.5 storey element of the building has been reduced to 10.5 metres, in comparison to the original proposal which measured approximately 20 metres along the south boundary. The incorporation of single storey elements as part of the design approach has also reduced the overall bulk of the proposed dwelling. While it is accepted that the introduction of built form on this currently undeveloped site would inevitably change the relationship with neighbouring property; the revised proposal is not considered to result in unacceptable harm to the amenity of neighbouring property in terms of bulk, massing, size or overlooking that would warrant the refusal of this application. It is also noted that whilst the area to the front of Cricketer's Cottage appears to be well used, this property has a private garden to the rear.

5.19 The level of amenity for future residents is also a material consideration in the determination of new residential development. The plot itself is relatively constrained in terms of size but the revised siting of the dwelling does provide a small area of private amenity space to the rear of the building, with additional garden area to the front which is not dissimilar to arrangements elsewhere in Stanton. Thus, the proposed dwelling is deemed to be provided with a sufficient amount of outdoor amenity space and would have reasonably good outlook in line with JCS Policy SD4. Similarly, it is considered that The Vine would also retain sufficient garden area following the sub-division of the site as a result of the proposed development.

## Highway Safety

5.20 Section 9 of the NPPF relates to the promotion of sustainable transport and specifies that in assessing specific applications for development, it should be ensured that safe and suitable access to the site can be achieved for all users. The NPPF goes on to state that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. JCS Policy INF1 reiterates this advice.

5.21 Access to the proposed dwelling would be provided from the north-east corner of the application site from the private road serving The Vine Yard. The revised site plan shows sufficient space within the site for parking and manoeuvring, with vehicles able to exit the site in a forward facing gear. The addition of one dwelling in this location would utilise the existing private road in order to access the public highway and the intensification of this access as a result of the proposed development is not considered to cause unacceptable impact on highways safety in accordance with JCS Policy INF1 and the advice contained in the NPPF.

## Other Matters

5.22 The trees along the northern boundary of the site are covered by a Tree Preservation Order (TPO). The Technical Officer (Trees) raised an objection to the original proposal for reasons relating to the proposed access arrangements which made provision for a gravel driveway to be provided between the two protected trees and would cause damage to their root systems. It was also commented that the proximity of the proposed dwelling to the TPO trees would also require substantial crown reduction to avoid over-shadowing. In line with the advice provided by the Technical Officer (Trees), the siting of the dwelling and proposed driveway has subsequently been amended to avoid damage to the root protection areas of the TPO trees. This is deemed acceptable and no objection raised subject to a condition requiring details of tree protection measures to be implemented prior to any works taking place on site and retained during construction.

5.23 The site is in a location where there is potential for archaeological remains, with previous development undertaken. 30 metres to the south having revealed evidence for Roman activity. The County Archaeologist considers there is potential for the application site to contain further Roman remains which may be adversely affected by construction ground works required for the proposed development. It is therefore recommended that a condition is imposed to secure the implementation of a programme of archaeological works in accordance with a written scheme of investigation.

5.24 The site is located within Flood Zone 1 (low risk) as defined by the Environment Agency's most up-to-date flood risk maps. The development is therefore unlikely to be at risk of flooding or cause significant risk of flooding to third party property. Severn Trent Water have been consulted and raise no objection and do not consider a drainage condition to be necessary. It is noted that the precise drainage arrangements will be subject to building regulation approval.

## **6.0 Conclusion and Recommendation**

6.1 The proposal is acceptable in principle and would constitute infilling within the existing built-up area of the village of Stanton in accordance with JCS Policy SD10. For the reasons set out in this report, the revised proposal, which has substantially reduced the size, scale and massing of the proposed dwelling and amended its design, is deemed to be in keeping with the character and appearance of the locality (having special regard to the Conservation Area) and would have an acceptable impact on residential amenity, highway safety and protected trees. The proposal would cause less than substantial harm to the significance of nearby listed buildings which would, on balance, be outweighed by the public benefits arising from the provision of one additional dwelling. Whilst the planning judgment in this case is finely balanced, subject to conditions, the application is therefore considered to accord with relevant national and local planning policy and is recommended for **permission**.

## **RECOMMENDATION Permit**

### **Conditions:**

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: 604-070A, 604-071B and 604-072B received by the Local Planning Authority on 29 August 2018.
- 3 No construction of the external walls and roof of the development hereby permitted shall commence until samples of the external facing materials proposed to be used for the walls and roof (including ridge tile) have been submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the sample(s) so approved.
- 4 The proposed walling shall be constructed in strict accordance with details of coursing, jointing, texture relief and colour to be submitted to and approved in writing by the Local Planning Authority and such details to be demonstrated by the prior construction of a sample panel. The panel shall be retained on site until the completion of the walling.
- 5 All door and window frames shall be recessed by a minimum of 75mm into the external walls of the building
- 6 No bargeboards or eaves fascias shall be used in the proposed development.
- 7 Prior to installation, detailed drawings of the proposed doors, windows and roof lights shall have been submitted to and approved in writing by the Local Planning Authority. The elevations shall be at a minimum scale of 1:20 and the sections shall be at a minimum scale of 1:5 and shall indicate profiles at full size. All doors, windows and roof lights shall be fitted in accordance with the approved drawings.
- 8 Prior to installation, details or samples of rainwater goods to be used shall be submitted to and approved in writing by the Local Planning Authority. The rainwater goods shall conform with the details / samples so approved.
- 9 Prior to the construction of the roof, details of the eaves, to a minimum scale of 1:10, shall have been submitted to and approved in writing by the Local Planning Authority. The eaves shall be constructed in accordance with the approved drawings.
- 10 No development shall commence until details of existing and proposed levels, to include details of finished floor levels, relative to Ordnance Datum Newlyn including a datum point outside of the site, have been submitted to and approved by the Local Planning Authority. All development shall be carried out in accordance with the approved details.
- 11 Notwithstanding the submitted plans, before the first use/occupation of the dwelling hereby permitted, full details of both hard and soft landscaping, including the position, design, materials and type of boundary treatments to be erected, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.  
  
All planting, seeding or turfing in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building(s) or completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
- 12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no windows or roof lights (other than any hereby permitted) shall be installed above ground floor ceiling height without the prior express permission of the Local Planning Authority.

- 13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order), the first floor windows on the south facing (rear) elevation of the dwelling hereby permitted shall be fitted with, and retained in, obscure glazing (Pilkington Level 4 or equivalent).
- 14 The development hereby permitted shall not be occupied until the vehicular parking and turning facilities have been provided in accordance with the submitted plan drawing no: 604-070A, and those facilities shall be maintained available for those purposes thereafter.
- 15 No development shall take place within the application site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.
- 16 No development should take place until there has been submitted to and approved by the Local Planning Authority, an Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) which shall include:
- o precise location and species of trees
  - o tree protective fencing
  - o trees to be retained/removed
  - o schedule of tree surgery works (prior to and upon completion of construction works)
  - o existing and proposed tree surgery schedule
  - o tree protection zone (TPZ)
  - o specification for surface and level changes
  - o any trenching methods
  - o any post construction landscaping near trees.
- 17 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall:
- i. specify the type and number of vehicles;
  - ii. provide for the parking of vehicles of site operatives and visitors;
  - iii. provide for the loading and unloading of plant and materials;
  - iv. provide for the storage of plant and materials used in constructing the development;
  - v. provide for wheel washing facilities;
  - vi. specify the intended hours of construction operations;
  - vii. specify measures to control the emission of dust and dirt during construction

**Reasons:**

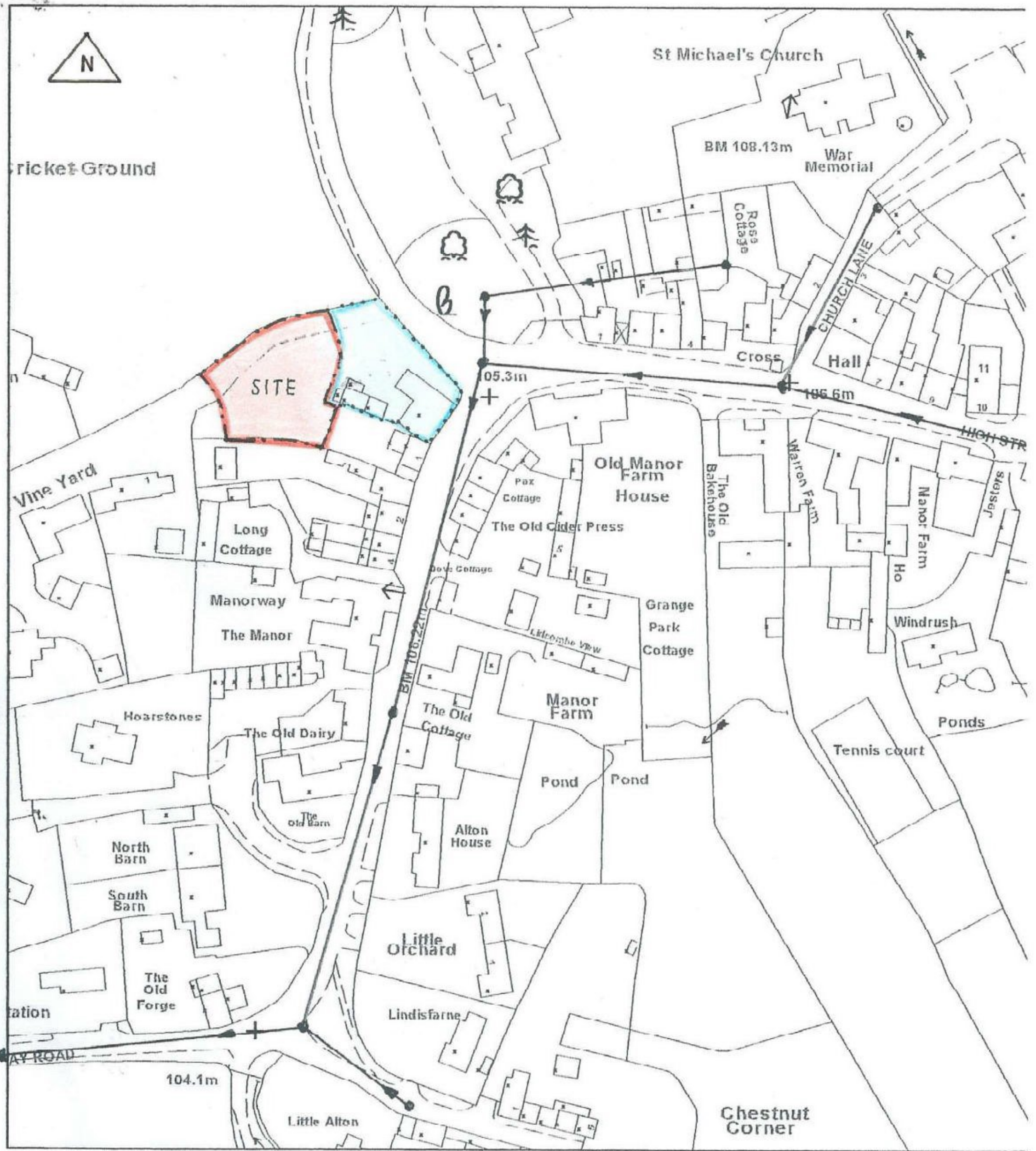
- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity in accordance with the NPPF.
- 4 To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity in accordance with the NPPF.
- 5 It is important to preserve and enhance the character and appearance of the Conservation Area in which this development is located in accordance with the NPPF and Policy HEN2 of the Tewkesbury Borough Local Plan to 2011 - March 2006. These are important details that need to be constructed in the traditional, local way to ensure that the development fits into its surroundings.
- 6 It is important to preserve and enhance the character and appearance of the Conservation Area in which this development is located in accordance with the NPPF and Policy HEN2 of the Tewkesbury Borough Local Plan to 2011 - March 2006. These are important details that need to be constructed in the traditional, local way to ensure that the development fits into its surroundings.

- 7 It is important to protect and maintain the character and appearance of the area in which this development is located. These are important details that need to be constructed in the traditional, local way to ensure that the development fits into its surroundings to accord with the NPPF.
- 8 To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity in accordance with the NPPF.
- 9 To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity in accordance with the NPPF.
- 10 To ensure that the development integrates harmoniously with its surroundings and does not adversely impact upon the amenity of neighbouring residents.
- 11 To ensure that the new development will be visually attractive and in the interests of residential amenity.
- 12 To protect the amenity of neighbouring residents.
- 13 To protect the amenity of neighbouring residents.
- 14 To reduce potential highway impact by ensuring that adequate parking and manoeuvring facilities are available within the site in accordance with the NPPF.
- 15 It is important to agree a programme of archaeological work in advance of the commencement of development, so as to make provision for the investigation and recording of any archaeological remains that may be destroyed by ground works required for the scheme. The archaeological programme will advance understanding of any heritage assets which will be lost, in accordance with paragraph 199 of the National Planning Policy Framework.
- 16 To safeguard the root systems of the protected trees and in the interests of visual amenity and the character of the area.
- 17 To reduce the potential impact on the public highway and accommodate the efficient delivery of goods and supplies in accordance with the National Planning Policy Framework.

Note:

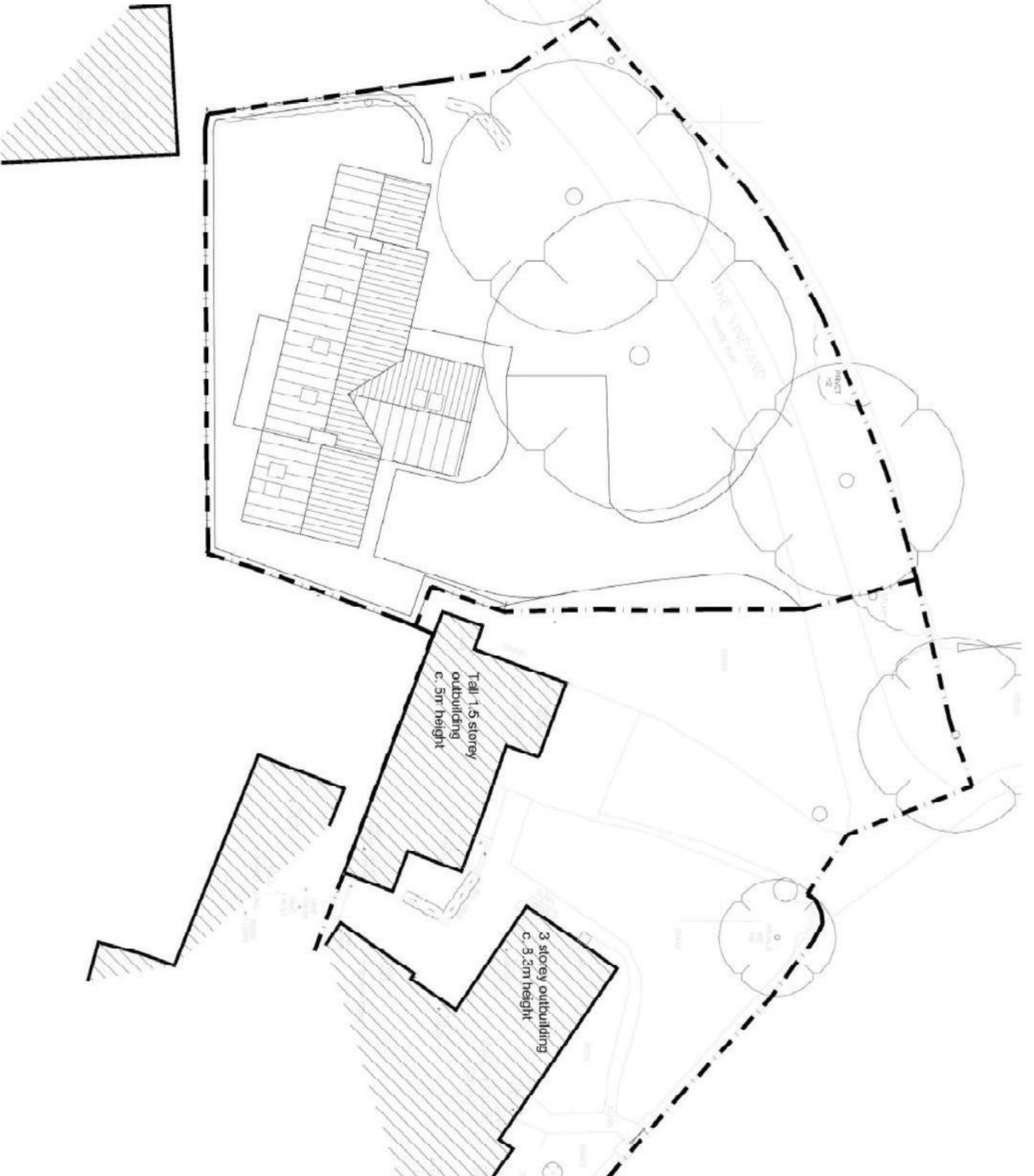
1 **Statement of Positive and Proactive Engagement**

In accordance with the requirements of the NPPF the Local Planning Authority has worked with the applicant in a positive and proactive manner in order to secure sustainable development which will improve the economic, social and environmental conditions of the area by negotiating the siting, scale and design of the proposed dwelling.



Public Four Gravity

LOCATION PLAN  
1:1250 SCALE



A	SCALE	GRID SCALE	EXAGG.
1:100	1:100	1:100	1:100

**absolute**

**ARCHITECTURE LTD**

CHARTERED ARCHITECTS

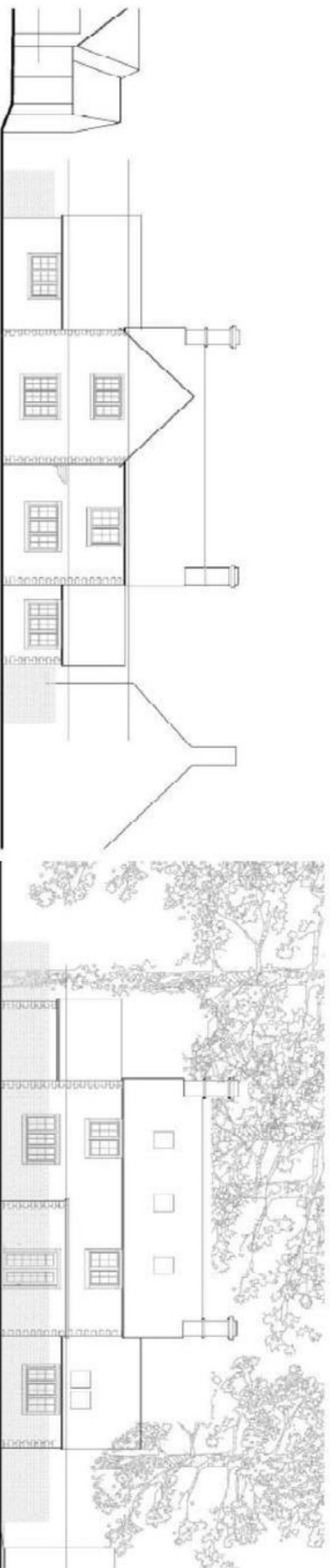
© Absolute Architecture Limited, 2018. All rights reserved.  
 100, High Street, Stanton, Warwick, CV23 7NE  
 01827 525252  
 www.absolute-architecture.co.uk

**PROPOSED NEW DWELLING AT THE VINE,  
 HIGH STREET, STANTON, WR127NE**

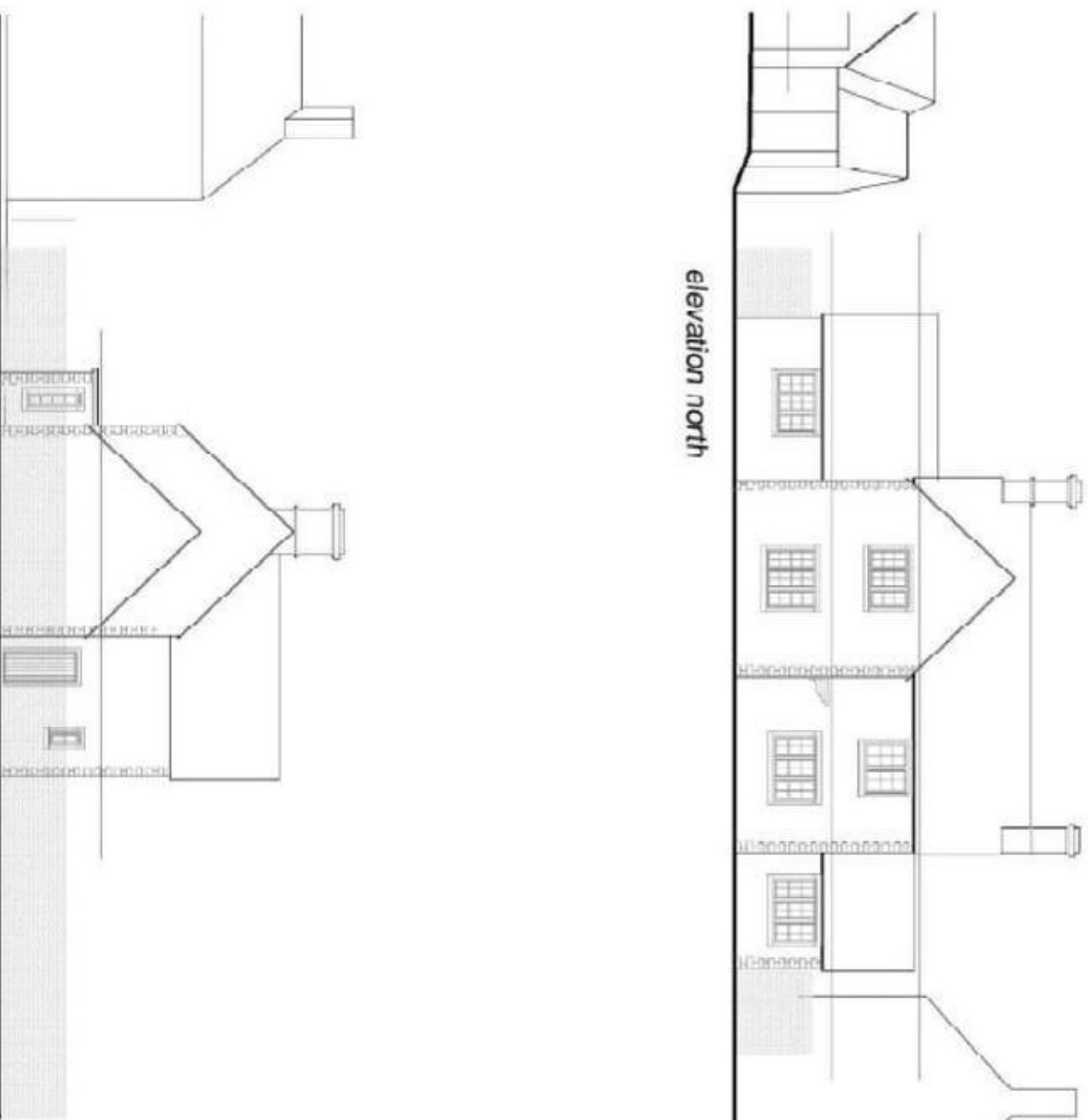
**PROPOSED SITE PLAN**

date	drawn
26.05.18	SB
code	number
604-070A	

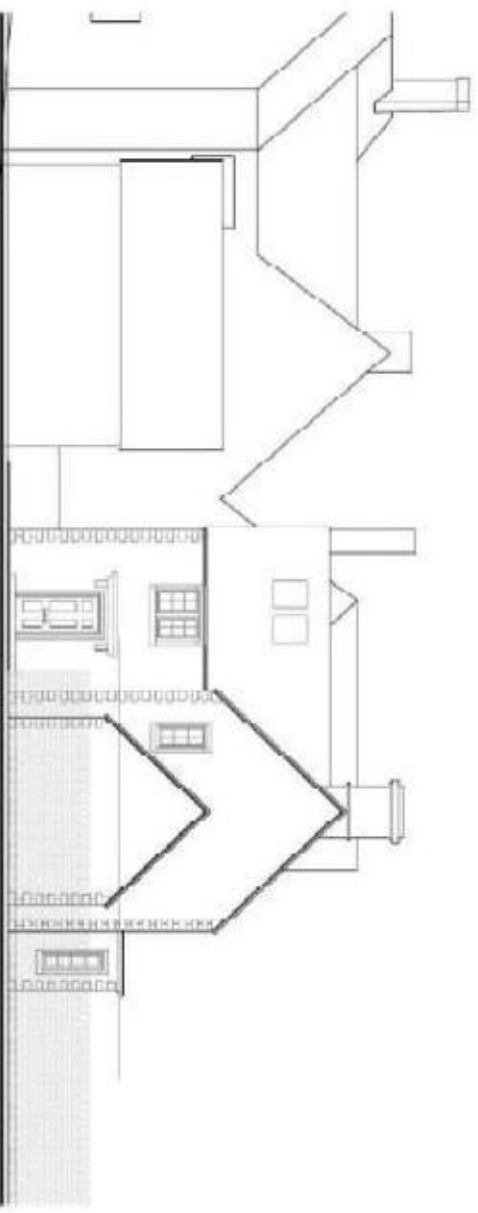
This drawing and the building works depicted are the copyright of Absolute Architecture Limited. It may not be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of Absolute Architecture Limited. The drawing shall be used for the purposes specified and information provided. It is not to be used for any other purpose and any liability shall be taken from the drawing.



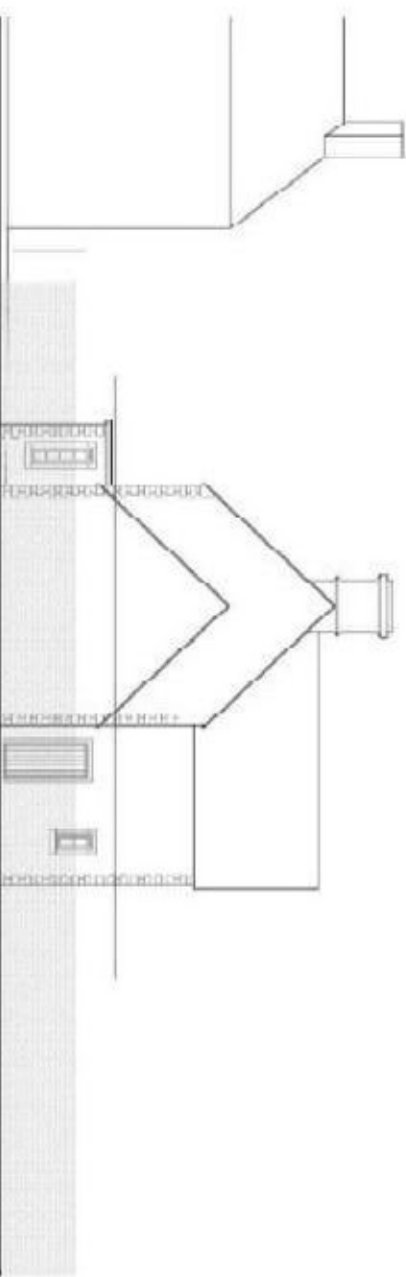
elevation south



elevation north



elevation west



elevation east

1	25mm	BY	1:100
2	50mm	BY	1:100
3	75mm	BY	1:100
4	100mm	BY	1:100

**absolute**

ARCHITECTURE LTD

CHARTERED ARCHITECTS

12, WOODSIDE ROAD, BATH, AVON, BA2 9JF  
 TEL: 01225 310042 FAX: 01225 310043  
 EMAIL: info@absolute.co.uk  
 COMPANY NUMBER: 05000171709 BS 5615:2012

PROJECT NO: [REDACTED]  
 PROPOSED NEW DWELLING AT  
 THE VINE, HIGH STREET, STANTON [REDACTED]  
 PROPOSED ELEVATIONS

scale	1:100	drawn	SB
date	05.06.18	number	604-0723

This drawing and the building works depicted are the copyright of the author and may not be reproduced, copied, or written permission. This drawing must be read and checked against the original drawings and information provided. Use on scale prints. Signed dimensions may be taken from the drawing.





## ZESTA PLANNING LTD

Planning & Development Consultancy

---

m: 07817903943 t: 01684 772397

a: Basepoint Business Centre, Oakfield Close,  
Tewkesbury, GL20 8SD

[www.zestaplanning.co.uk](http://www.zestaplanning.co.uk)