

Item No 01:-

17/01351/REM

**Land Parcel To The South Of Berrells Road
And To The West Of Bath Road
Tetbury
Gloucestershire**

Item No 01:-

Reserved Matters Application in conjunction with outline planning permission reference 14/00176/OUT for the erection of up to 39 dwellings and associated works at Land Parcel To The South Of Berrells Road And To The West Of Bath Road Tetbury Gloucestershire

Approval of Reserved Matters 17/01351/REM	
Applicant:	Hill Homes Ltd
Agent:	Trower Davies Ltd
Case Officer:	Claire Baker
Ward Member(s):	Councillor Tina Stevenson
Committee Date:	13th December 2017
RECOMMENDATION:	PERMIT SUBJECT TO FINAL CONFIRMATION FROM THE ENGINEER AND HIGHWAY OFFICER THAT THEY ARE SATISFIED WITH THE PROPOSALS

Main Issues:

The main issues to consider in respect of this application are as follows:

- (a) Scale and Design
- (b) Impact on the Area of Outstanding Natural Beauty
- (c) Neighbour amenity
- (d) Drainage and Flood Risk
- (e) Highway matters

Reasons for Referral:

Ward Member, Councillor Stevenson, required determination by the Planning Committee in order to "assess the impact of the development on the amenity of the occupiers of the neighbouring properties and due to the number of letters of objection to the reserved matters application."

1. Site Description:

The site is a field of approximately 1.7 hectares in size and located to the south of Tetbury. It is bounded on two sides by existing residential development at Long Furlong Lane (single storey) and Southfield (two storey), to the east by the A433 Bath Road and to the south by open fields. The ground level of the site adjacent to the existing residential properties is higher than the ground level of those properties. The site is within the Cotswold Area of Outstanding Natural Beauty

2. Relevant Planning History:

12/00219/OUT The erection of up to 39 dwellings and associated works; includes the formation of a vehicular access to the site. Allowed on appeal on 13 February 2013.

14/00176/OUT Variation of Condition 5 of permission 12/00219/OUT (erection of up to 39 dwellings and associated works; includes the formation of a vehicular access to the site) to include the words "in so far as this is achievable within the application site and the existing highway" in relation to the provision of a footway. Permitted 18 June 2014.

3. Planning Policies:

LPR06 The Water Environment
 LPR09 Biodiversity, Geology and Geomorphology
 LPR10 Trees, Woodlands and Hedgerows
 LPR21 Affordable Housing
 LPR43 Provision for the Community
 LPR45 Landscaping in New Development
 LPR46 Privacy & Gardens in Residential Deve

4. Observations of Consultees:

Conservation Officer: Comments incorporated into the report

Landscape Officer: Comments incorporated into this report

Biodiversity Officer: No objection subject to conditions

Engineer: No objection

Housing Enabling Officer: No objection

Highway Officer: No objection

5. View of Town/Parish Council:

Objects: Tetbury Town Council requests that you move the new properties both south and east by a minimum of 3-6m and to relocate the properties back to the original March 2017 layout. It is our opinion that residents in both existing and new properties would benefit by this and the entrance to our town would still be enhanced by the narrower buffer. Retain the reinforced planting scheme adjacent to the existing properties with a detailed planting proposal equivalent to the southern boundary. Request the properties are offset as the original design. We recommend that a land drain with individual feeder drainage channels installed across each garden be installed along the perimeter of the site boundary.

6. Other Representations:

14 letters of objection received raising the following issues:

- (i) with the exception of plot 29, all houses are elevated and too close to the northern boundary;
- (ii) the buffer on the southern boundary serves no purpose and therefore the whole development should be moved south to alleviate the overlooking of existing properties;
- (iii) the Highfield Farm development landscape buffer should be used as an example of good practice;
- (iv) slab levels of all properties remain higher than those in Southfield and Longfurlong, but are not shown on any plans;
- (v) soakaways are shown throughout the site but these will release water collected from hard surfaces back into the water table which is known to be higher than the slab levels of the house adjacent to the proposed development resulting in flooding;
- (vi) the speed limit on Bath Road should be reduced to 30 MPH and the safety of the junction reconsidered;
- (vii) the high risk power line should be removed or relocated as originally proposed;
- (viii) the landscape buffer between the proposed development site and Southfield and Longfurlong Lane should include the re-construction of the existing dry stone walls, placement of a wooden fence of at least 2m and shrubs and trees planted on the development side of the boundary;

- (ix) Local Planning Guidance regarding space around dwellings has not been adhered to as Plots 12 and 13 will directly overlook habitable rooms at 17 Southfields resulting in a loss of privacy for all three properties;
- (x) the 1 metre landscape buffer strip between the development and properties in Longfurlong Lane and Southfields is inadequate;
- (xi) due to the change in levels a bigger distance between properties is required and there is guidance which requires this;
- (xii) the design is unimaginative and out of date;
- (xiii) the layout is squashed and is overdevelopment in the AONB;
- (xiv) materials are not of satisfactory quality;
- (xv) drainage by soakaways is not sufficient, the only workable proposal is to drain site to a local water course as all nearby properties have direct drainage Cutwell;
- (xvi) there are no footways or cycleways within the site;
- (xvii) the increased vehicular / pedestrian and cyclist movement down Berrells Road and Bath Road is a cause for concern and CDC should provide a footpath / cycle way or introduce one way traffic, or reduce the speed of vehicles down that road;
- (xviii) the houses should be moved further away from the existing properties or a 4 metre wide landscape buffer provided;
- (xix) the windows in the proposed house behind 11 Longfurlong Lane would take away privacy from this bungalow and back garden and the landscaping would overhang this property;
- (xx) vehicles should not enter the site until 8am not 7.30am and work should not be carried out on a Saturday morning;
- (xxii) the design of the houses do not fit in with the surrounding properties, the site is overcrowded and should never be built on;
- (xxii) Bath Road has seen many accidents so something should be done to make it safer and vehicles from the proposed properties should not park in the surrounding area;
- (xxiii) 9 Longfurlong Lane would be overlooked and all privacy lost and as these are large houses there could be a lot of children next to elderly people;
- (xxiv) the working hours are too long and the noise and disturbance would be unbearable;
- (xxv) three proposed properties would overlook 11 Southfield and plot 14 would be 14/15 metres from its windows particular as the site is 1 metre higher than 11 Southfield;
- (xxvi) all the properties on the boundaries should be side on to the boundary;
- (xxvii) The storm water drainage needs to be piped and taken either offsite or directed into a balancing pond and if the drainage is not dealt with properly it could lead to more flooding as already experienced by the surrounding properties;
- (xxviii) The density is too high and a reduction in the number of properties would address the impact on neighbouring properties;
- (xxix) the extension to 11 Southfield is not shown and the developer should submit accurate plans;
- (xxx) The proposed drainage scheme is naive and clearly will not do the job;
- (xxxi) 15 Southfield would look on to the blunt end of a garage located immediately over our garden wall;
- (xxxii) the development is not financially viable;
- (xxxiii) It makes no sense to provide a landscape buffer against a field but not an adequate landscape buffer between the development and existing properties;
- (xxxiv) the development should be moved towards the road to alleviate the overlooking issues;
- (xxxv) the landscape strategy statement seems wholly unsympathetic to the adjacent properties;
- (xxxvi) the Planning Statement needs to clearly state that construction traffic should not park off site;
- (xxxviii) plot 27, 28 and the triple garage for 27, 28 & 29 indicate a slab level higher than the adjacent land, therefore run off will be to the north into 5 Southfield;
- (xxxix) why is it necessary to screen the development from the south?
- (xl) there is an overuse of render;
- (xli) the lack of pavements, walking and cycle access throughout the site does not meet the requirement defined in the NPPF for sustainability;
- (xlii) the proposed houses are too high and too close to 11 Longfurlong Lane and would greatly restrict the amount of light to this property and no consideration has been given to the fact that properties bounding the site are bungalows;

- (xlili) there is an alleyway from the road along the back of 11 Longfurlong Lane that will be a security risk;
- (Xliv) the buffer zone is part of the gardens so it cannot be maintained;
- (xiv)Introducing 50-60 vehicles on the site would lead to disturbance and light pollution for existing residents;
- (xlvii) the houses are so cramped together, visually; it would have a significantly negative impact on the scenery coming into Tetbury and damage the character of the area, which is one of the main draws for tourists.
- (xlviii)The Tetbury Civic Society is not happy with the following aspects of the above scheme which should be reassessed: Due to the sloping ground levels (which are not shown on the plans) there is a much greater degree of overlooking on to the properties of surrounding residents; there is a very poor attempt at protection of privacy by tree planting on the boundaries of Southfields and Longfurlong Roads as the buffer strip appears too narrow.
- (xlix) the existing tree shown on the site side of 15 Southfield's garden boundary is 90% dead and would have to be removed to fit the fence;
- (Li) the design of the fence needs to recognise the soil/water conditions and the wood posts need to be replaced with concrete posts to give a minimum life of 25 years;
- (Lii) the proposed silver birch to the rear of 5 Southfield is not acceptable;
- (Liii) Residents were promised a 2-4 metre buffer at the appeal meeting.

7. Applicant's Supporting Information:

- Design and access statement
- Landscape strategy plan
- Vehicle manoeuvring plan
- Drainage plan
- Construction traffic management plan
- Construction method statement

8. Officer's Assessment:

Background

Outline planning permission was granted on appeal following the refusal by the District Council of application 12/00219/OUT, which was an outline application for the erection of up to 39 dwellings and associated works; including the formation of a vehicular access to the site. The application was in outline with all matters reserved for future consideration other than the means of access, with a new entrance to be constructed onto the A433 Bath Road. The scheme included an indicative layout that showed how 39 residential units might be accommodated at the site. It also showed a 4 metre landscape buffer to the south where the site borders on open countryside and an area of communal open space at the front of the site adjacent to the A433 Bath Road. Some planting was also indicated on the boundaries with existing residential properties but no specific depth of planting was indicated.

A Public Inquiry was held over three days between 1st and 3rd of August 2012 and the Inspector recommended that the appeal should be allowed subject to conditions. However, the appeal had been recovered for the Secretary of State's determination on 11 July 2012 so that he could consider it alongside the cumulative impact of the larger Highfield Farm residential development on the northern side of Tetbury. The Secretary of State issued his decision letter agreeing with the Inspector's recommendation on 13 February 2013. The outline planning permission was approved subject to a Section 106 Legal Agreement which included the requirement to provide 16 units of affordable housing and the area of public open space shown on the outline indicative layout.

The principle of the development has therefore been established with the conditions imposed by the Inspector. A copy of the Secretary of State's letter, which includes relevant sections of the Inspector's report, and the outline indicative plan are attached as appendices.

(a) Scale and Design

Section 7 of the NPPF requires good design in all development and para 61 states that good design goes beyond aesthetic considerations and therefore planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

Policy 42 states that development should be environmentally sustainable and designed in a manner that respects the character, appearance and local distinctiveness of the Cotswold District

This application seeks approval of the detailed siting and design of 39 residential units of which 16 would be affordable housing. The units would all be two storey of a traditional vernacular appearance and would be a mixture of detached, semi-detached and terraces. The proposed walling materials would be a mixture of Natural and reconstructed stone and render and the roofing materials would be reconstructed Cotswold stone tiles and natural blue slate. The walling of all the proposed frontage units would be natural stone. The proposed layout also includes the provision of a communal open space at the front of the site adjacent to Bath Road and 4 metre landscape buffer adjacent to the open countryside required by the Section 106 Legal Agreement.

The design and layout of the proposed dwellings has been subject to considerable discussion between Officers and the applicant, and has been amended in response to concerns that Officers have raised. This has included discussion over the siting, form, design and details of the units as well as materials and boundary treatments. Officers are now satisfied that the proposed development is acceptable and in accordance with Policy 42 of the Local Plan and Section 7 of the NPPF.

(b) Impact on the Area of Outstanding Natural Beauty

The site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB). Section 85 of the Countryside and Rights of Way (CROW) Act 2000 states that relevant authorities have a statutory duty to conserve and enhance the natural beauty of the AONB. Section 11 of the National Planning Policy Framework encourages the conservation and enhancement of the natural environment. Paragraph 109 states that the planning system should protect and enhance valued landscapes. Paragraph 115 states that great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty. Paragraph 17 of the National Planning Policy Framework states that the planning system should recognise the intrinsic character and beauty of the countryside. Policy 45 of the Local Plan states that high standards of appropriate landscaping should be required in all developments and any attractive, existing landscape features, such as trees, hedgerows and other wildlife habitats should be retained and integrated into all landscaping schemes.

In determining the appeal, the Inspector commented that, "whilst the initial stages of the southern approach to Tetbury have an attractively rural character, once the road is level with the southern boundary of the appeal site and the town comes into view, the scene is dominated by "the rather stark, recent Southfields development and not the historic landscape". She concurred with a previous Inspector's description of the site as "a field constrained by housing development, and the existing built development as providing an unsatisfactory visual gateway to Tetbury."

The Inspector's view of the outline indicative proposed layout was as follows:

"The currently proposed development would be set back from the southern boundary of the appeal site behind a 4m wide landscape buffer. It would also be set back from the Bath Road frontage, with the existing dry stone wall largely retained and repaired, behind a communal green space, at its broadest toward the southern end, and narrowing toward the northern end. The houses on this side of the site would be of traditional Cotswold stone and would front on to this open green space. In my judgment, these features would together serve to funnel views of the town when travelling northwards along Bath Road. Provided that suitable landscaping and planting were included throughout the site, with particular care given to the boundary treatments,

the proposed development would achieve a softer transition from the countryside to the town than presently exists. "

The importance of the proposed communal open space at the front of the site and the landscape buffer on the southern boundary was recognised by the Inspector and accordingly the current scheme has included these elements in the proposed layout. In addition a landscape strategy has been submitted which includes details of planting on the northern and western boundary adjacent to existing residential properties. However, further landscape and biodiversity details would be required by landscape and biodiversity conditions, as attached to this report.

The Inspector concluded:

"In my judgment, sufficient information has been provided to demonstrate that up to 39 dwellings could be accommodated on the appeal site, while still achieving the necessary planting, landscaping and provision of open space to achieve the desired softening of this southern edge of town. "

It is clear that the inclusion of the public open space adjacent to the road and the landscape buffer to the south were crucial to the Inspector's conclusion that, on balance, the benefits of the scheme outweighed the harm to the Area of Outstanding Natural Beauty. Without these elements, therefore, a housing development at this site would not be acceptable.

The proposal as submitted is considered to acceptably respond to the Inspector's conclusions and the illustrative layout that she commented upon. It is therefore considered that the proposal would be acceptable in landscape impact terms and compliant with Paragraph 115 of the NPPF and Local Plan Policy 45.

(c) Residential Amenity

Local Plan Policy 46 seeks to protect residential amenity. In particular, it states that care needs to be taken when considering the design and layout of new residential development, including extensions to existing dwellings, and that privacy and daylight to neighbouring properties is not adversely affected.

The application site is bounded to the North and west by existing residential properties. The properties to the north in Southfield are 2 storey and those to the west in Longfurlong Lane are single storey and this was recognised at the appeal. The ground level of the site is higher than the ground level of the existing properties. The occupiers of adjacent residential properties have raised concerns regarding the impact of the proposed development on their residential amenity in terms of loss of privacy and loss of light. Some residents have requested that a 4 metre landscape buffer, similar to that provided on the southern boundary to soften the transition from the countryside to built development, be provided between the existing and proposed dwellings. The applicant has proposed landscaping on the boundary but not the 4 metre landscape buffer adjacent to existing residential properties requested by local residents. Having regard to the comments of objectors, Officers are content that the proposed layout is acceptable without the 4 metre buffer. The buffer in that location was not a requirement of the appeal decision. Whilst Officers may not have an objection to such a provision, the applicant has chosen not to include it. The appeal decision does, however, require the provision the southern boundary buffer and public open space serving the application site. The public open space as proposed satisfies that requirement in terms of its location and size.

Considerable discussion has taken place with the applicant to ensure that the development would not impact on the amenity of neighbours, particularly due to the difference in levels and the fact that properties in Longfurlong Lane are single storey. As a result, the applicant has provided plans showing the interface distance between facing habitable windows in the existing and proposed dwellings. Cotswold District Council does not have an adopted policy or guidance which stipulates what such interface distances should be, but the applicant has demonstrated that the interface distances meet, and in some cases exceed the 21 metres which has been well

established by appeal Inspectors to be an acceptable interface distance. At the request of officers, the applicant has also provided cross sections to show the ridge heights of the proposed dwellings in relation to the ridge heights of existing dwellings. The cross sections also show that the proposals would comply with the advice in the Building Research Establishments publication IP 5/92 - Site Layout Planning for Daylight, referred to in the notes for guidance attached to Local Plan Policy 46.

(d) Flooding and drainage

A Flood Risk Assessment was submitted with the outline application and the Environment Agency raised no objection to the proposed development subject to a condition requiring details of a surface water drainage scheme. Such a condition was applied by the Inspector and the applicant has sought to comply with that condition by way of the reserved matters application. Accordingly a drainage scheme has been considered by the Council's Engineer and, subject to some minor amendments, he is satisfied that the proposed scheme is appropriate having regard to Section 10 of the NPPF and Local Plan Policy 5. The final comments of the engineer following receipt of the further amended plans will be reported at the Committee meeting.

(e) Highway matters

Local Plan Policy 38 seeks to ensure sustainable and safe access to and within development and Policy 39 seeks to ensure adequate parking provision. Section 4, Paragraph 32 of the NPPF states that; "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe."

The acceptability of the new access to the site and the issue of the impact of the proposed development of 39 residential units on the highway network were considered at the appeal. The Inspector noted that Highway Authority was satisfied that, subject to the reduction of the speed limit along the stretch of Bath Road adjacent to the appeal site, the new development would have no adverse impact on the safety of road users. The only highway matters for consideration as part of this reserved matters application, therefore, are the acceptability of the internal access roads and parking provision. However, the applicant has also sought to comply with the condition applied at appeal for the submission of a Construction Traffic Management Plan. The final response of the Highway Officer on the proposed layout and Construction Traffic Management Plan is awaited and Members will be updated at the Committee meeting.

9. Conclusion:

The principle of development of up to 39 dwellings upon the site has been established through the granting of the outline planning permission at appeal, with the means of access having also been approved. Having had regard to all of the relevant planning considerations described within this report, it is considered that the proposal would accord with the policies in the Development Plan and the NPPF, subject to the receipt of final confirmation from the Engineer and Highway Officer that they are satisfied.

10. Proposed conditions:

The development hereby approved shall be implemented in accordance with the following drawing number(s) (*Final drawings numbers to be confirmed at the Committee meeting*)

Reason: For purposes of clarity and for the avoidance of doubt, in accordance with paragraphs 203 and 206 of the National Planning Policy Framework.

The external walls of the development hereby permitted shall be built of Natural rubble stone walling, reconstituted rubble stone walling and roughcast render and shall be permanently retained as such thereafter.

Reason: To ensure that in accordance with Cotswold District Local Plan Policy 42, the development will be constructed of materials that are appropriate to the site and its surroundings. It is important to protect and maintain the character and appearance of the area in which this development is located.

The roofslopes of the development hereby permitted shall be covered with artificial Cotswold stone tile, laid to diminishing courses, and natural blue slate and shall be permanently retained as such thereafter.

Reason: To ensure that, in accordance with Cotswold District Local Plan Policy 42, the development will be constructed of materials that are appropriate to the site and its surroundings. It is important to protect and maintain the character and appearance of the area in which this development is located.

Prior to the construction of any external wall of the development hereby approved, samples of the proposed walling and roofing materials, natural walling stone, reconstituted walling stone, reconstituted stone for architectural details, dry walling stone, artificial stone tile, natural blue slate, and any red brick for chimneys, shall be approved in writing by the Local Planning Authority and only the approved materials shall be used.

Reason: To ensure that, in accordance with Cotswold District Local Plan Policy 42, the development will be constructed of materials of a type, colour, texture and quality that will be appropriate to the site and its surroundings.

Prior to the construction of any external wall of the development hereby approved, sample panels of natural stone walling, reconstituted stone walling, bonded garden boundary walling, including capping, dry stone walling including capping and end treatments walling, of at least one metre square in size showing the proposed stone colour, coursing, bonding, treatment of corners, method of pointing and mix and colour of mortar shall be erected on the site and subsequently approved in writing by the Local Planning Authority and the walls shall be constructed only in the same way as the approved panel. The panel shall be retained on site until the completion of the development.

Reason: To ensure that in accordance with Cotswold District Local Plan Policy 42, the development will be constructed of materials of a type, colour, texture and quality and in a manner appropriate to the site and its surroundings. Retention of the sample panel on site during the work will help to ensure consistency.

New render shall be of a roughcast type and be of a mix containing sharp sand, stone dust, pea shingle and lime unless an alternative mix is agreed in writing by the Local Planning Authority. The render shall finish flush with all stone dressings and shall not be belled outwards over the heads of doors, windows or any other opening.

Reason: To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policy 42.

Prior to the construction of any external wall of the development hereby approved, a sample panel of render of at least one metre square in size showing its proposed texture and colour shall be erected on the site and subsequently approved in writing by the Local Planning Authority and the walls shall be constructed only in the same way as the approved panel and shall be permanently retained as such thereafter. The panel shall be retained on site until the completion of the development.

Reason: To ensure that in accordance with Cotswold District Local Plan Policy 42, the development will be constructed of materials of a type, colour, texture and quality and in a manner appropriate to the site and its surroundings. Retention of the sample panel on site during the work will help to ensure consistency.

No bargeboards or eaves fascias shall be used in the proposed development.

Reason: To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policy 42.

All door and window frames shall be recessed a minimum of 75mm into the external walls of the building and shall be permanently retained as such thereafter.

Reason: To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policy 42.

All doors, including garage doors and windows shall be of timber construction and shall be permanently retained as such thereafter.

Reason: To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policy 42.

Prior to the first occupation of the development hereby permitted, the finish for the doors, including garage doors, windows, external timber for porches, including framing, posts and boarding, gates and fencing shall be first submitted to and approved in writing by the Local Planning Authority and shall thereafter be permanently retained in the approved finish unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policy 42.

No ridges, verges, eaves, valleys, chimneys, dormers, windows, bay windows, standard and arched lintels, sills, reveals, doors, porches, garage doors, gates, fencing, railings, and wall treatment to south of Unit 1 shall be installed/inserted/constructed in the development hereby approved, until their design and details have been submitted to and approved in writing by the Local Planning Authority.

The design and details shall be accompanied by drawings to a minimum scale of 1:5 with full size moulding cross section profiles, elevations and sections. The development shall only be carried out in accordance with the approved details and retained as such at all times.

Reason: To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Local Plan Policy 42.

Prior to the first use/occupation of the development hereby approved, a comprehensive landscape scheme shall be approved in writing by the Local Planning Authority. The scheme must show the location, size and condition of all existing trees and hedgerows on and adjoining the land and identify those to be retained, together with measures for their protection during construction work. It must show details of all planting areas, tree and plant species, numbers and planting sizes. The proposed means of enclosure and screening should also be included, together with details of any mounding, walls, gates and fences and hard surface materials to be used throughout the proposed development.

Reason: To ensure the development is completed in a manner that is sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policy 45.

The entire landscaping scheme shall be completed by the end of the planting season immediately following the completion of the development or the site being brought into use, whichever is the sooner.

Reason: To ensure that the landscaping is carried out and to enable the planting to begin to become established at the earliest stage practical and thereby achieving the objective of Cotswold District Local Plan Policy 45.

Any trees or plants shown on the approved landscaping scheme to be planted or retained which die, are removed, are damaged or become diseased, or grassed areas which become eroded or damaged, within 5 years of the completion of the approved landscaping scheme, shall be replaced by the end of the next planting season. Replacement trees and plants shall be of the same size and species as those lost, unless the Local Planning Authority approves alternatives in writing.

Reason: To ensure that the planting becomes established and thereby achieves the objective of Cotswold District Local Plan Policy 45.

A Landscape and Ecology Management Plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority before occupation of the development. The content of the LEMP shall include, but not necessarily be limited to, the following information:

- i. Full specification of habitats to be created, including locally native species of local provenance and locally characteristic species;
- ii. Description and evaluation of features to be managed; including location(s) shown on a site map;
- iii. Landscape and ecological trends and constraints on site that might influence management;
- iv. Aims and objectives of management;
- v. Appropriate management options for achieving aims and objectives;
- vi. Prescriptions for management actions;
- vii. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a 5-10 year period);
- viii. Details of the body or organisation responsible for implementation of the plan;
- ix. Ongoing monitoring and remedial measures;
- x. Timeframe for reviewing the plan; and
- xi. Details of how the aims and objectives of the LEMP will be communicated to the occupiers of the development.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body (ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that the conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented. The LEMP shall be implemented in full in accordance with the approved plan.

Reason: In the interests of the character and appearance and biodiversity of the site and surrounding area in accordance with Cotswold District Local Plan Policies 9 and 45.

Before development takes place, details of the provision of bat roosting features and nesting opportunities for birds (House martin, House sparrow, Starling and Swift) into the new dwellings/garages shall be submitted to the local planning authority for approval, including a drawing showing the locations and types of features. The approved details shall be implemented before the dwellings hereby approved are first occupied, and thereafter permanently maintained.

Reason: To provide additional roosting for bats and nesting birds as a biodiversity enhancement, in accordance with paragraph 118 of the National Planning Policy Framework and Local Plan Policy 9.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any other statutory instrument amending or replacing it, no garages, outbuildings or extensions shall be erected, constructed or sited in the development site nor new windows opened other than those permitted by this Decision Notice.

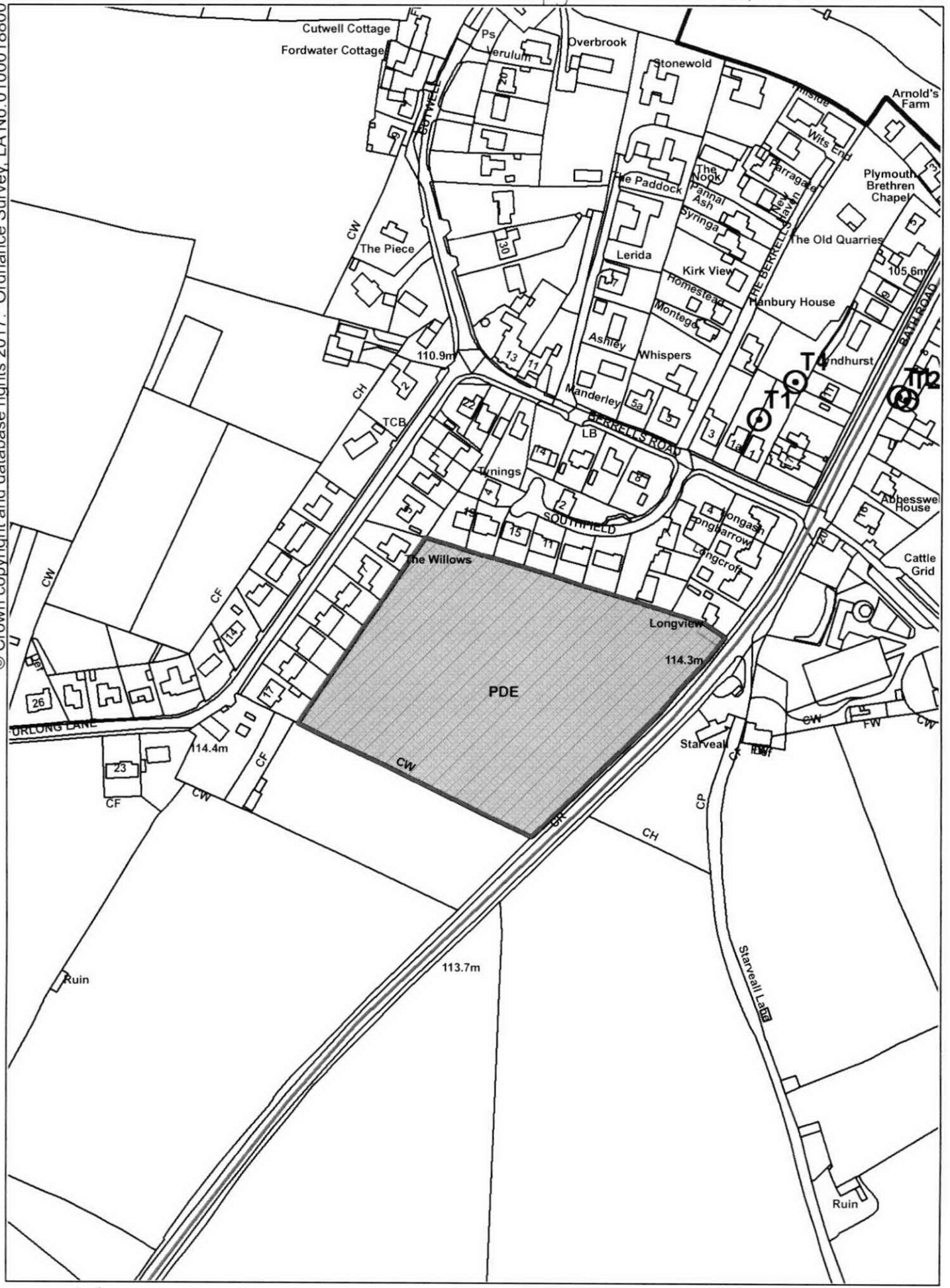
Reason: In order to protect visual and residential amenity in accordance with Cotswold District Local Plan Policies 42 and 46.

Prior to occupation, the development hereby permitted shall be completed in accordance with the provisions of the submitted Waste Minimisation Strategy dated January 2010 and shall thereafter be permanently maintained in accordance with the said Strategy".

Reason: To ensure that waste generated during the development and subsequent occupation is to be sustainably managed, in accordance with PPS1 and PPS10.

Informatives:

The applicant should note that under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Further information can be found at the Cotswold District Council website: <http://www.cotswold.gov.uk/residents/planning-building/wildlife-biodiversity/biodiversity-development-management/> and <http://www.cotswold.gov.uk/residents/planning-building/wildlife-biodiversity/ecological-consultants/>



LAND PARCEL BERRELLS ROAD/BATH ROAD TETBURY

Scale: 1:2500

Organisation: Cotswold District Council

Department:

Date: 30/11/2017



COTSWOLD
DISTRICT COUNCIL



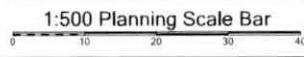


- Statutory approvals to be received prior to commencement of works.
- Building control submission to be deposited prior to any works.
- Check / trace positions of existing services / drainage prior to new works.
- Ensure no Easements / rights of way exist on site prior to construction.
- Do NOT scale from this drawing. Check dimensions on site against site survey prior to any new works. Report and resolve any discrepancies prior to any new building works.
- Relevant Party Wall notices to be served and agreed before new works.
- CDM Co-ordinator to be appointed with Health & Safety file in place prior to any new works.

Revision	Date	Description	By
P2	09-02-17	Affordable house names & Schedule amended.	MC
P3	07-03-17	Site layout adjusted following Conservation Officers comments & House types updated.	MC
P4	09-03-17	Minor update to Plans 1 & 2.	AY
P5	25-08-17	Planning layout updated to Conservation Officers comments.	AY
P6	04-10-17	Planning layout updated to latest planning comments.	AY
P7	27-11-17	Planning layout updated to latest engineering designs.	AY
P8	29-11-17	Overhead cable notes added.	AY

Tetbury Accommodation Schedule

Private Housing						
House Code	Number of Bedrooms	House Name	Storey Height	House Quantity		
C	4 Bed	Cherwell	2	5		
D	4 Bed	Dunlington	2	3		
E	4 Bed	Elington	2	4		
K	3 Bed	Kingdon	2	4		
M	3 Bed	Milcombe	2	5		
R	4 Bed	Hamshire	2	1		
Y	4 Bed	Yatesbury	2	1		
					Total	23
Affordable Housing - Social Rented						
A2/L	2 Bed	264P	2	3		
A2*/	2 Bed	264P	2	1		
A3/L	3 Bed	365P	2	3		
A4L	4 Bed	466P	2	2		
Flats	4 Bed	162P	2	2		
					Total	11
Affordable Housing - Shared Ownership						
A2*	2 Bed	264P	2	2		
A3*	3 Bed	365P	2	2		
FOG*	2 Bed	263P	2	1		
					Total	5
					Grand Total	39



Client:

Drawn By:

Site Address:
Land off Bath Road,
Tetbury, Gloucestershire.

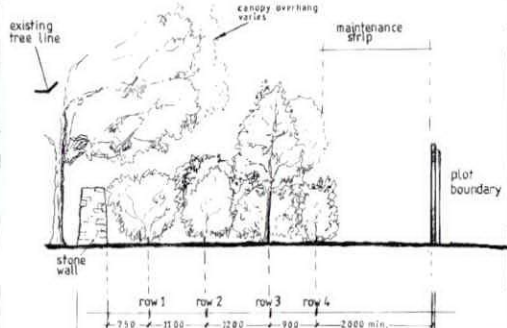
Drawing Title:
Proposed Residential Development

Scale: 1:500
Date drawn: Jan 17
Drawn by: MC

Project Number: 631
Drawing Number: 01
Revision: P8

Status: **Planning Issue**

A2 SHEET



Trees:

- Ax Acer campestre (Field Maple)
- Standard 2.5m x 8cm min
- Ap Avar platanoides 'Delicat' (Norway Maple var.)
- Heavy Standard 3.0m x 12.7cm min
- B Betula jacquinetii (Himalayan Birch)
- Feathered min 2.7m x 8cm
- C Catalpa x 'Carteri' (Lemon var.)
- Standard 2.5m x 8cm min
- F Fagus sylvatica (Beech)
- Selected Standard min 3.0m x 10cm R.B.
- M Malus tribulata (Flowering Crab Apple)
- Standard 2.5m x 8cm min
- PP Prunus avium 'Pissa' (Double Cherry)
- Selected Standard 3.0m x 10cm min
- PA Prunus padus 'Albica' (Bird Cherry var.)
- Selected Standard 3.0m x 10cm min
- SM Surface min 'Magister' (Whitebeam var.)
- T Tilia cordata 'Oreomure' (Lime var.)
- Heavy Standard 3.0m x 12cm min

Hedges:

- Fx Fagus sylvatica (Green Beech), plants 60-80cm tall, planted at 4.5m in 2 alternate rows, rows approx. 200mm apart
- Lx Lonicera nitida, 30-40cm tall, 3.5-5m m as single row
- MX Mixed Native Hedge - random mix, plants/5m m, as 2 alternate rows
 - 15 Cornus sanguinea 60-80cm
 - 16 Corylus avellana 60-80cm
 - 17 Crataegus monogyna 40-100cm
 - 18 Eucalyptus marginata 60-80cm
 - 19 Ilex aquifolium 30-40cm C.G.
 - 20 Ligustrum vulgare 60-80cm

Fruit Trees:

- Apple trees in variety, planted as half-standards or feathered trees, min. 1.65m tall, on MM106 rootstocks

Climbers/Wall Shrubs:

- All 3L min. combined area
- CP Clematis 'Pugil Blue' 60-80cm
- EC Escallonia 'Crispum Spire' 50-60cm
- Hx Hedera helix 'Dorset Avea' 80-100cm
- Hx Hedera helix 'Goldheart' 60-80cm
- Ph Parthenocissus hibernica 60-80cm
- Vc Vitis vulpina 60-80cm

Provide climbers with min. 3m horizontal training wires at each location, or similar means of initial support.

Rail & Bird Fences:

Provisions made to incorporate bat boxes and bird nesting boxes across the site to enhance biodiversity in particular provision for Common Pipit and other BAP Bats.

Statutory approvals to be received prior to commencement of works.

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- Do NOT scale from this drawing. Check dimensions on site against site survey prior to any new works. Report and resolve any discrepancies prior to any new building works.
- Relevant Party Wall notices to be served and agreed before new works.
- CDM Co-ordinator to be appointed with Health & Safety file in place prior to any new works.

Revision	Date	Description	By
P2	25.08.17	layout updated to Conservation Officers comments.	AY
P3	04.10.17	Planning layout updated to latest planning comments.	AY
P4	27.11.17	Planning layout updated to latest engineering designs.	AY

C232/17/01 - Buffer Planting Detail



- LANDSCAPE STRATEGY PLAN**
- 1 - Planted buffer strip, see dip no. C232/17/01
 - 2 - Tree & hedge planting to garden boundaries adjoining buffer strip.
 - 3 - Open Space areas including large scale/native trees in informal layout.
 - 4 - Native hedge & additional trees to open space boundary.
 - 5 - Hedges e.g. Beech used to provide separation between public space & private gardens.
 - 6 - Medium scale trees & fruit trees to punctuate boundaries with adjacent gardens; new hedging where necessary.
 - 7 - Strategic shrub planting to soften gable walls, garages etc & give additional legibility to layout/private areas.
 - 8 - Climbing plants used to soften screen walls, blank gables etc.
 - 9 - Trees within private gardens particularly where they contribute to the street scene & to break-up spaces between adjoining rear gardens.
 - 10 - Central green overlooked by housing & providing opportunity for tree planting within public domain.
 - 11 - Proposed attenuation ponds.



PLANTING SCHEDULE

Shrubs & Groundcover	Plant size(cm) Cont'dr Val.(min.)	Qty
A Akacia x grandiflora	30-40	3
Cl Chrysa ternata	30-40	3
CM Cornus 'Mabonier Fire'	60-80	3
Cx Cotoneaster sachsii/rosea repens	30-40	3
Ep Eucalyptus marginata 'Maculata'	40-50	5
ED Euonymus 'Desmond Rodmans'	30-40	3
EG Eucalyptus 'Emerald Gassy'	20-25	1.5
F Fuchsia 'Mrs Pippin'	25-30	2
G Geranium byala	30-40	2
HM Hebe 'Marjorie'	30-40	2
Hx Hedera helix 'Green Ripple'	30-40	2
HH Hypericum 'Hidcote'	30-40	2
Lx Lonicera alexandriana	15-20	1.5
LB Lonicera 'Bagginses's Gold'	30-40	3
Lp Lonicera pilosella	30-40	3
M Malva x 'Charry'	50-60	2
Pa Philadelphus microphyllus	30-40	2
PF Pinksom frutescens	30-40	2
PP Potentilla 'Flamingo Beauty'	30-40	2
PU Prunus l. 'Otto Luyken'	30-40	2
Px Pyracantha argentea 'Flava'	40-60	3
Rf Ribes 'Pulcherrimum Scarlet'	50-60	2
RB Rosa 'Bonica'	30-40	2
RR Rosmarina officinalis	25-30	2
Sg Senecio greyi	25-30	2
SA Spirea 'Anthony Waterer'	30-40	2
Vd Viburnum davidii	30-40	3
Vl Viburnum lantana 'Eve Price'	40-50	3
VA Vase minor 'Asteropurpurea'	20-25	1.5
W Weigela 'Brilliant Ruby'	40-50	3

Client:

Drawn By:

Site Address:

Land off Bath Road,
Tetbury, Gloucestershire.

Drawing Title:

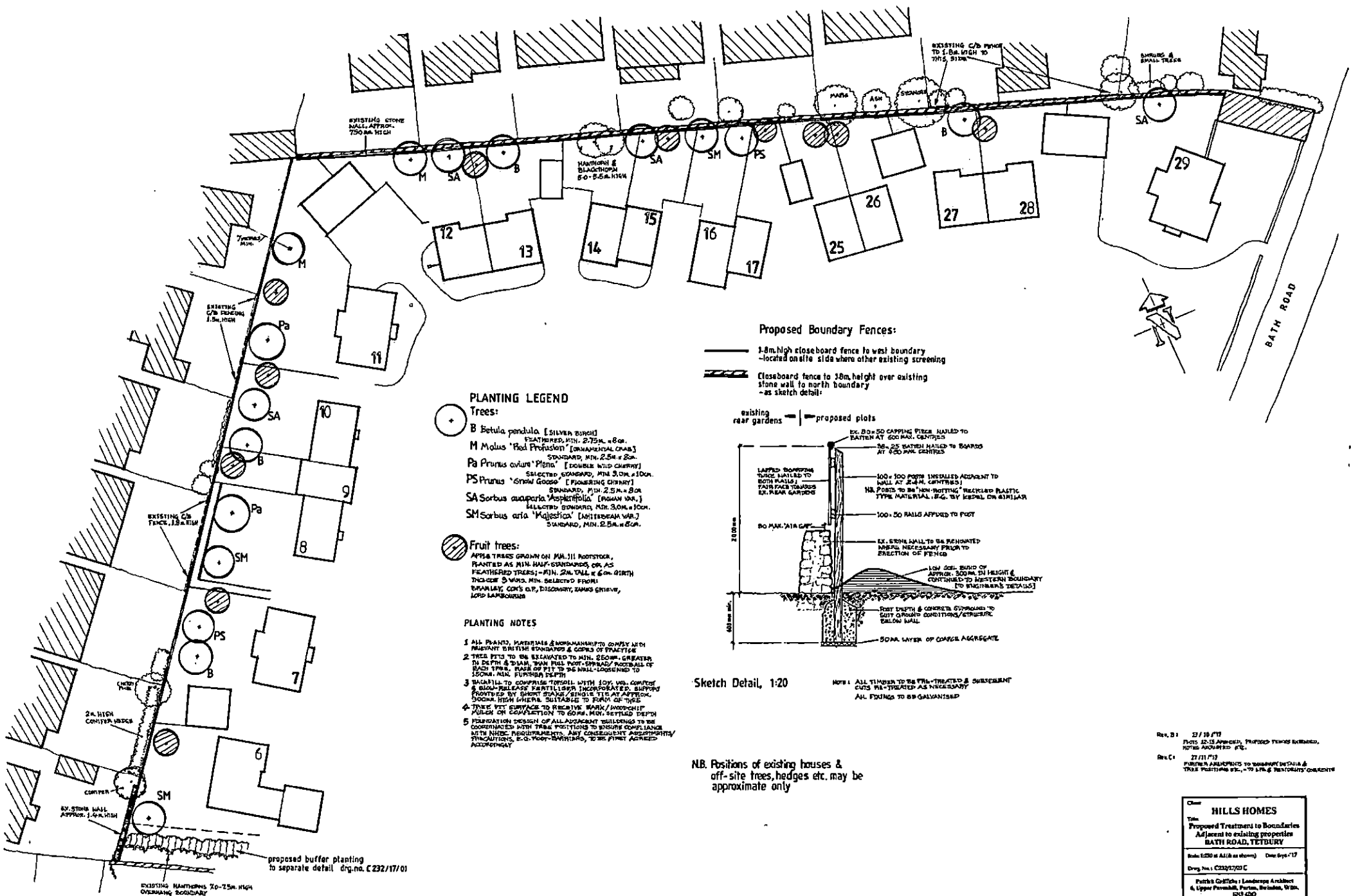
Landscape Strategy Plan

Scale	Date drawn	Drawn by
1:500 @A2L	March 17	AY

Project Number	Drawing Number	Revision
631	03	P4

Status: **Planning Issue**

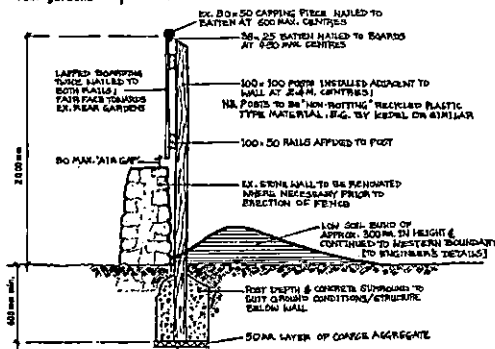
Please note surrounding Ordnance Survey information is approximate only



Proposed Boundary Fences:

- 1.8m high closeboard fence to west boundary
- - - - - located on site side where other existing screening
- Closeboard fence to 3.0m height over existing stone wall to north boundary
- - - - - as sketch detail

existing rear gardens | proposed plots



Sketch Detail, 1:20

NOTE: ALL TIMBER TO BE FEN-TREATED & SUBSEQUENT CUTS RE-TREATED AS NECESSARY. ALL FIXINGS TO BE GALVANISED.

PLANTING LEGEND

- Trees:**
- B *Betula pendula* [SILVER BIRCH] FEATHERED, MIN. 2.75M x 80cm. STANDARD, MIN. 2.5M x 80cm.
 - M *Malus 'Red Profusion'* [ORNAMENTAL CRAB] STANDARD, MIN. 2.5M x 80cm.
 - Pa *Prunus avium 'Piedra'* [DOUBLE WILD CHERRY] SELECTED STANDARD, MIN. 3.0M x 100cm.
 - PS *Prunus 'Snow Goose'* [FLOWERING CHERRY] STANDARD, MIN. 2.5M x 80cm.
 - SA *Sorbus aucuparia 'Asplenifolia'* [ROWAN VAR.] SELECTED STANDARD, MIN. 3.0M x 100cm.
 - SM *Sorbus aria 'Magistica'* [WHITEBERRY VAR.] STANDARD, MIN. 2.5M x 80cm.

- Fruit trees:**
- APPLE TREES GROWN ON MM.311 ROOTSTOCK, PLANTED AS MIN. HALF-CORDBONES, OR AS FEATHERED TREES (MIN. 2M TALL x 60cm GIRTH THROUGH 3 YEARS, MIN. SELECTED FROM BURNLEY, COX'S O.P., DISCOVERY, RAMOS GRINNE, LORD LAMBOROUGH)

PLANTING NOTES

- 1 ALL PLANTS, MATERIALS & WORKMANSHIP TO COMPLY WITH RELEVANT BRITISH STANDARDS & CODES OF PRACTICE
- 2 TREES FITS TO BE SEPARATED TO MIN. 2500mm, OR SLIGHTER IN DEPTH & 500mm THAN FULL FOOT-SPREAD/ROOTBALL OF EACH TREE. PILES OF FIT TO BE WALL-LOGGED TO 500mm MIN. FURTHER DEPTH
- 3 BARKWALL TO COMPRISE TOPSOIL WITH 50% WEL-COMPOST & 50% BLENDED FERTILISER INCORPORATED. BUFFERED FRONTED BY SHORT STAKES, SINGLE FIT AT APPROX. 500mm HIGH WHERE SUITABLE TO FORM OF TREE
- 4 TREE FIT CONTACT TO NATIVE BANK/HOOCHIFF MULCH ON COMPLETION TO 600mm MIN. SETTLED DEPTH
- 5 FOUNDATION DESIGN OF ALL ADJACENT BUILDINGS TO BE COORDINATED WITH TREE POSITIONS TO ENSURE COMPLIANCE WITH NINE REQUIREMENTS. ANY CONSEQUENT ADJUSTMENTS/FUNDATIONS, E.G. FOOT-DRAINAGE, TO BE FIRST ADVISED ACCORDINGLY

N.B. Positions of existing houses & off-site trees, hedges etc. may be approximate only

Rev. B 1 27/10/17
 PLOTS 22-28 APPROVED, PROPOSED FENCES SUBMITTED, NOTES INCORPORATED etc.
 Rev. C 1 27/11/17
 FURTHER AMENDMENTS TO NECESSARY DETAILS & TREE PLANTING etc., TO LPA & RESIDENTIAL CLIENTS

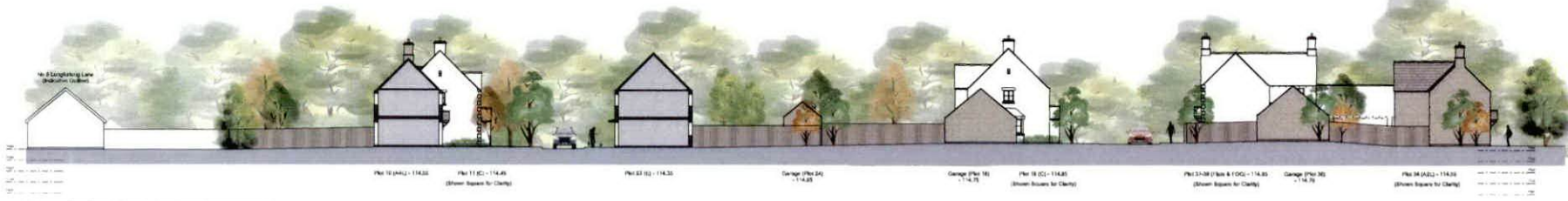
Client	HILLS HOMES
Title	Proposed Treatment to Boundaries Adjacent to existing properties BATH ROAD, TETDURY
Scale	1:500 or A1 (if as shown) Date: 09/11/17
Drawn	By: C232/17/01 C
Project	Project Co-Ord: Landscapes Architect & Upper Penwith, Parva, Bideford, Devon. SN3 4DQ
Contact	Tel: 01752-772844

REVISED PLAN SHOWING TREATMENT TO BOUNDARIES -

• Building approval to be received prior to commencement of works.
 • Building control agreement to be obtained prior to new works.
 • Check / issue positions of existing services / drainage prior to new works.
 • Secure the Boundaries / rights of way until the site is completed.
 • Do NOT work from the drawing. Check dimensions on site against the
 existing prior to any new works. Report and rectify any discrepancies
 prior to any new building works.
 • Relevant Party 10/18 notices to be issued and agreed before new works.
 • CDM Coordination to be completed with Health & Safety for all areas prior
 to any new works.



1 - Indicative Street Scene / Site Section - Viewed from Bath Road



2 - Indicative Street Scene / Site Section - Viewed from within site looking South



3 - Indicative Street Scene / Site Section - Viewed from within site looking South



4 - Indicative Street Scene / Site Section - Viewed from within site looking West



5 - Indicative Street Scene / Site Section - Viewed from within site looking North

PLANNING 1:200

Drawn By: Trower Davies Architectural consultants	
Site Address: Land off Bath Road, Hilperton, Tetbury, Gloucestershire.	
Drawing Title: Street Scene / Site Sections	
Scale: 1:200 A1/1	Drawn By: March 17 AY
Project Number: 631	Client Number: 04
Revision: Planning Issue	

19



Rear Elevation



Side Elevation

- Statutory approvals to be received prior to commencement of works.
- Building control submission to be deposited prior to any works.
- Check / trace positions of existing services / drainage prior to new works.
- Ensure no Elements / rights of way exist on site prior to construction.
- Do NOT scale from this drawing. Check dimensions on site against site survey prior to any new works. Report and resolve any discrepancies prior to any new building works.
- Relevant Party Wall notices to be served and agreed before new works.
- CDM Co-ordinator to be appointed with Health & Safety file in place prior to any new works.

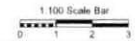
Revision	Date	Description	By
P2	27.06.17	Updated to Planning comments.	AY
P3	25.08.17	Plot numbers amended to updated site layout, amendments to planning comments.	AY
P4	12.10.17	Minor amendments made in accordance with conservation comments.	AY



First Floor Plan



Front Elevation



Ground Floor Plan



Side Elevation

Client:

Drawn By:

Site Address:
Land off Bath Road,
Tetbury, Gloucestershire.

Drawing Title:
Affordable Housing - Block 1 - Plots 32-34
Plans & Elevations

Scale: 1:100 @A2L	Date drawn: Feb 17	Drawn by: AY
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Project Number: 631	Drawing Number: 90	Revision: P4
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Status:
Planning Issue

20



PLOT 36 - M Type
Rear Elevation



PLOT 36 - M Type
PLOT 35 - Y Type
Side Elevation



PLOT 35 - Y Type
Front Elevation



PLOT 35 - Y Type
PLOT 36 - M Type
Side Elevation



Ground Floor Plan



First Floor Plan

- Statutory approvals to be received prior to commencement of works.
- Building control submission to be deposited prior to any works.
- Check / trace positions of existing services / drainage prior to new works.
- Ensure no Easements / rights of way exist on site prior to construction.
- Do NOT scale from this drawing. Check dimensions on site against site survey prior to any new works. Report and resolve any discrepancies prior to any new building works.
- Relevant Party Wall notices to be served and agreed before new works.
- CDM Co-ordinator to be appointed with Health & Safety file in place prior to any new works.

Revision	Date	Description	By
P1	25.08.17	Block 7 (Plots 35 & 36) drawn up and supercedes previous planning only no 100 (All Housing - Block 2) Issued For Planning	AY
P2	12.10.17	Updated to latest conservation comments.	AY



Client:		
Drawn By:		
Site Address:		
Land off Bath Road, Tetbury, Gloucestershire.		
Drawing Title:		
Private Housing - Block 7 - Plots 35 & 36 Plans & Elevations		
Scale:	Date drawn:	Drawn by:
1:100 @AZL	Aug 17	AY
Project Number:	Drawing Number:	Revision:
631	125	P2
Status:		
Planning Issue		



Front Elevation



Rear Elevation

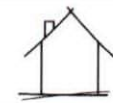


Side Elevation

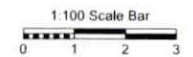


Side Elevation

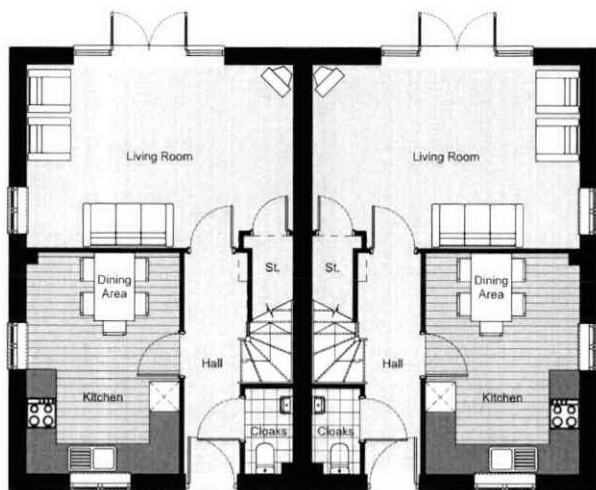
Revision		
Client:	Hills Homes Developments Ltd.	Scales: 1:100 @ A3L
Site Address:	Land off Bath Road, Tetbury.	Project Number: 631
Drawing Title:	Kington House Type - Elevations (Plot 30 & 31)	Drawing Number: 52
Date: Feb 17	Drawn by: AY	Revision: P4



Trower Davies
Architectural Consultants



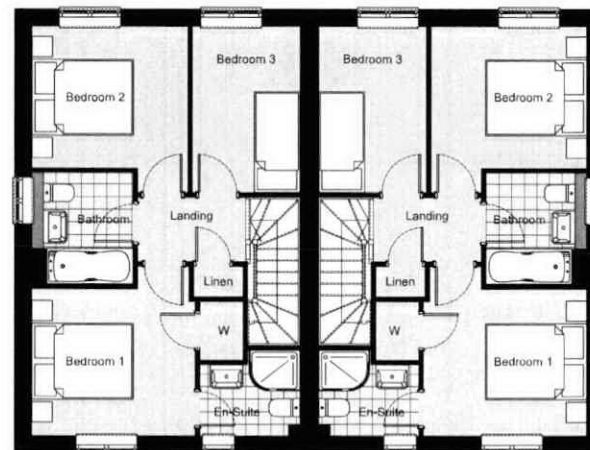
8 Manor Park
Mackenzie Way
Cheltenham
Gloucestershire
GL51 9TX
Tel: 01242 224247



PLOT 7 & 25

PLOT 8 & 26

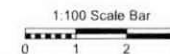
Ground Floor Plan



First Floor Plan

23

Revision		
Client:	Hills Homes Developments Ltd.	Scales: 1:100 @ A3L
Site Address:	Land off Bath Road, Tetbury.	Project Number: 631
Drawing Title:	Kington House Type - Plans (Plot 25, 26, 30 & 31)	Drawing Number: 50
Date: Feb 17	Drawn by: AY	Revision: P3



 Chartered Institute of Architectural Technologists	 Trower Davies Architectural Consultants	8 Manor Park Mackenzie Way Cheltenham Gloucestershire GL51 9TX Tel: 01242 224247
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**PLANNING
ISSUE**



Front Elevation



Side Elevation

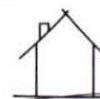


Side Elevation

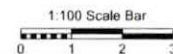


Rear Elevation

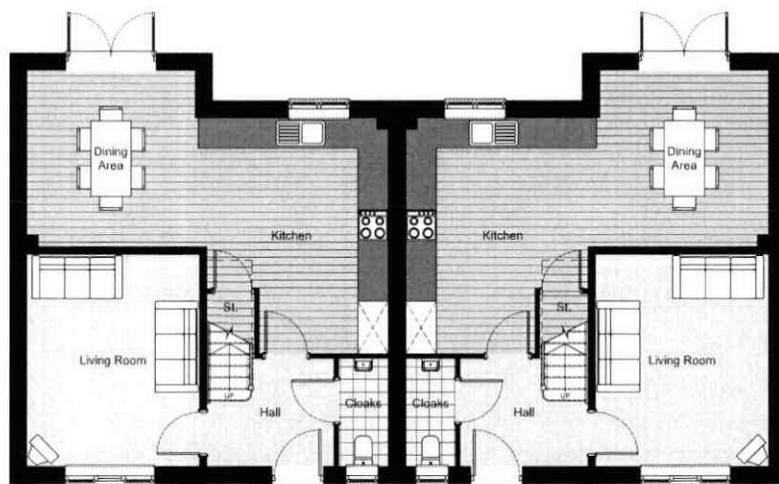
Revision		
Client:	Hills Homes Developments Ltd.	Scales: 1:100 @ A3L
Site Address:	Land off Bath Road, Tetbury.	Project Number: 631
Drawing Title:	Milbourne House Type - Elevations (Plots 12 & 13)	Drawing Number: 61
Date:	Feb 17	Drawn by: AY
		Revision: P3



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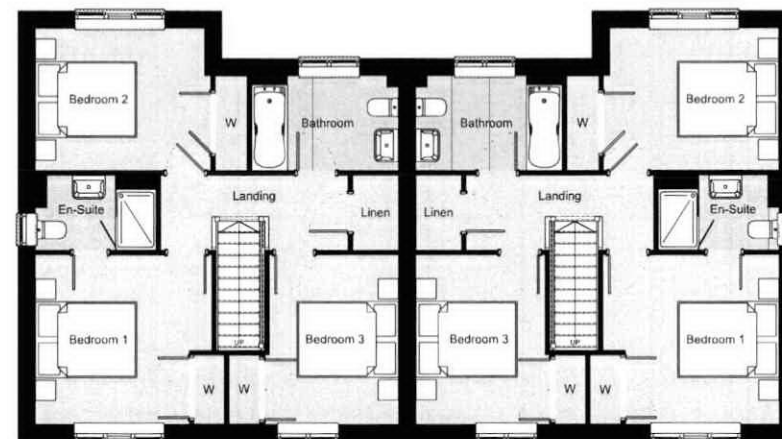


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Mackenzie Way
Cheltenham
Gloucestershire
GL51 9TX
Tel. 01242 224247



PLOT 12 & 27
Ground Floor Plan

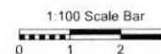
PLOT 13 & 28



First Floor Plan

25

Revision		
Client:	Hills Homes Developments Ltd.	Scales: 1:100 @ A3L
Site Address:	Land off Bath Road, Tetbury.	Project Number: 631
Drawing Title:	Milbourne House Type - Plans (Plots 12,13,27 & 28)	Drawing Number: 60
Date: Feb 17	Drawn by: AY	Revision: P2



<p>Chartered Institute of Architectural Technologists</p>	<p>Trower Davies Architectural Consultants</p>	<p>8 Manor Park Mackenzie Way Cheltenham Gloucestershire GL51 9TX Tel: 01242 224247</p>
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**PLANNING
ISSUE**



Front Elevation



Side Elevation



Rear Elevation

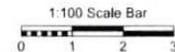


Side Elevation

Bay window
to Plot 29 Only

26

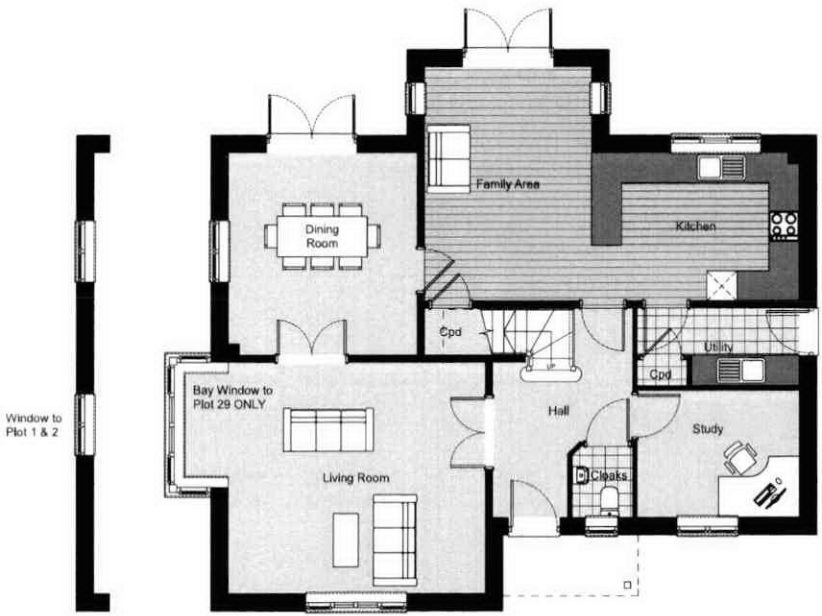
Revision		
Client:	Hills Homes Developments Ltd.	Scales: 1:100 @ A3L
Site Address:	Land off Bath Road, Tetbury.	Project Number: 631
Drawing Title:	Durrington House Type - Elevations (Plot 1,2 & 29)	Drawing Number: 31
Date: Feb 17	Drawn by: AY	Revision: P4



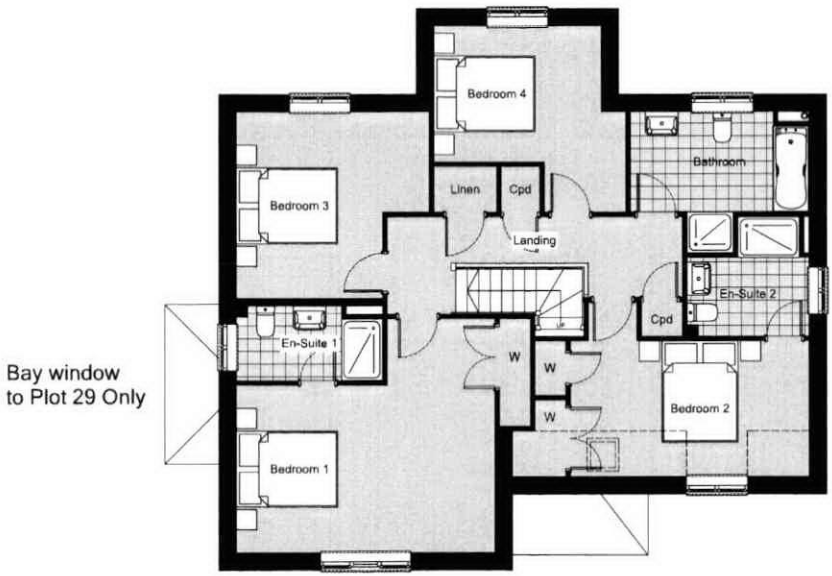
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Mackenzie Way
Cheltenham
Gloucestershire
GL51 9TX
Tel: 01242 224247

**PLANNING
ISSUE**



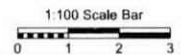
Ground Floor Plan



First Floor Plan

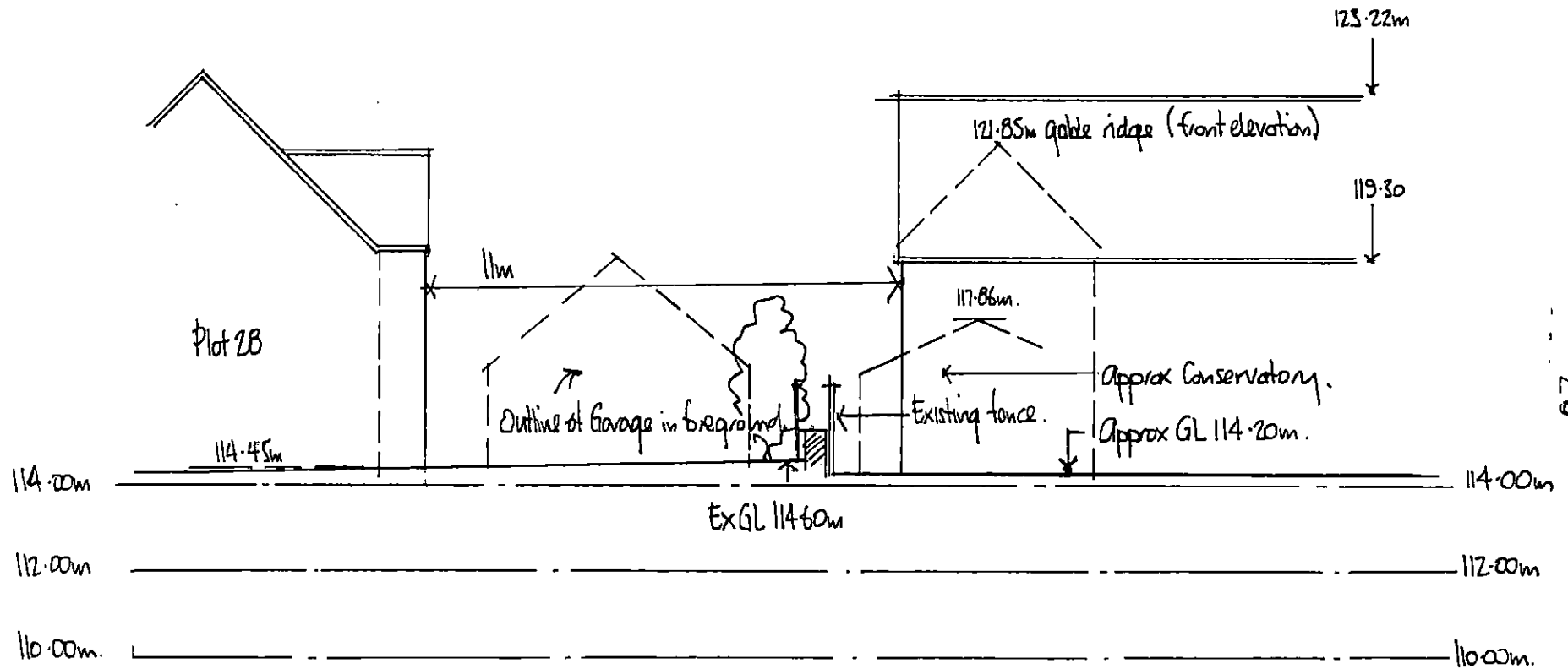
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Revision		
Client:	Hills Homes Developments Ltd.	Scales: 1:100 @ A3L
Site Address:	Land off Bath Road, Tetbury.	Project Number: 631
Drawing Title:	Durrington House Type - Plans (Plots 1, 2 & 29)	Drawing Number: 30
Date:	Feb 17	Drawn by: AY
		Revision: P3



<p>Chartered Institute of Architectural Technologists</p>	<p>Trower Davies Architectural Consultants</p>	<p>8 Manor Park Mackenzie Way Cheltenham Gloucestershire GL51 9TX Tel: 01242 224247</p>
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No 5 Southfield Eaves and Ridge heights
(Rear Elevation) taken from Survey

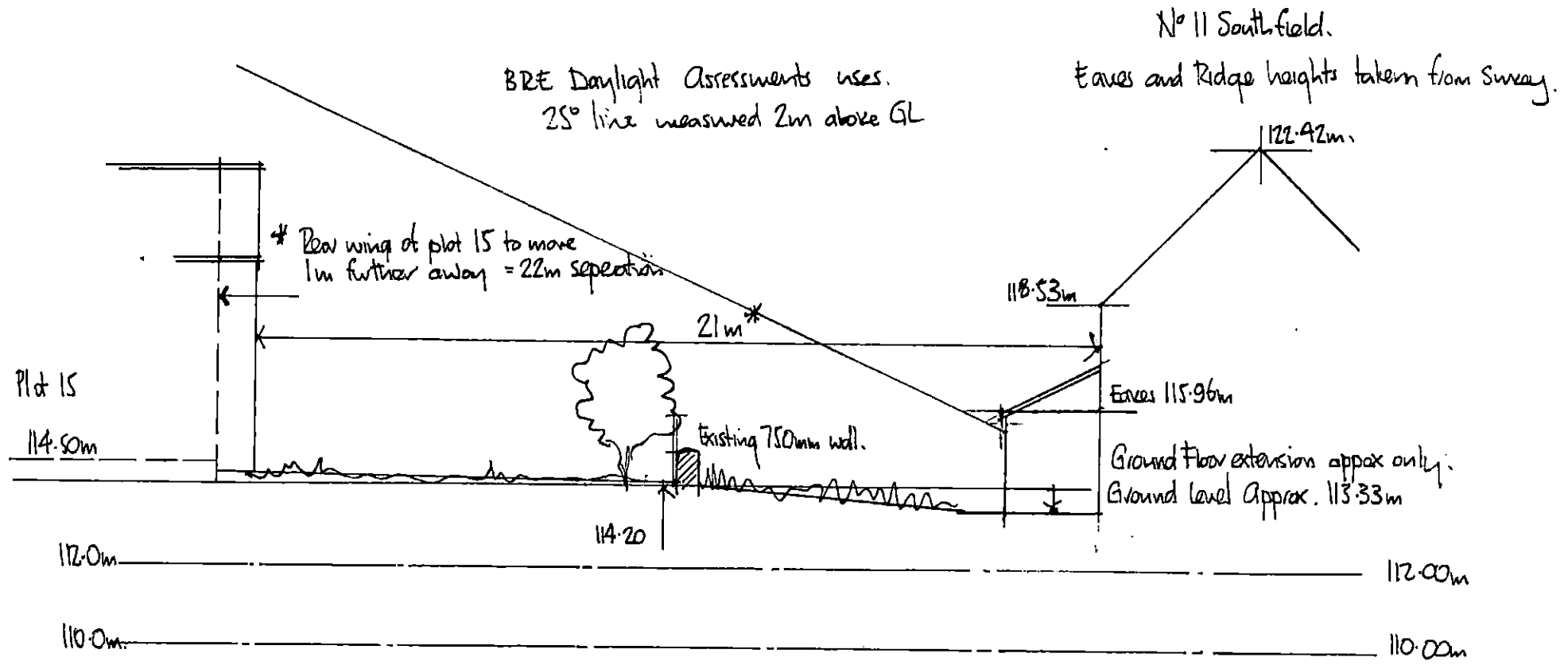


28

Cross Sections Land West of Bath Road Tetbury

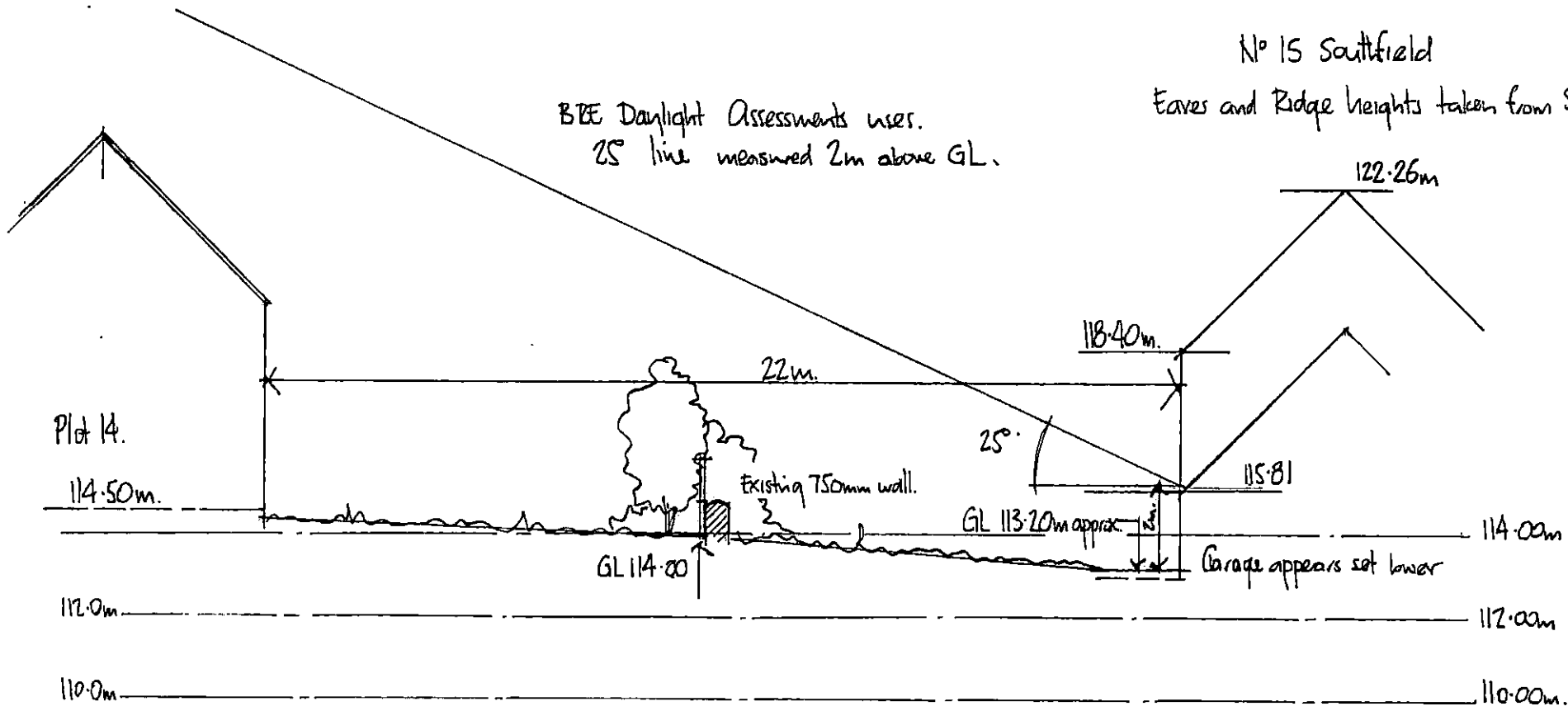
Plot 28 - No 5 Southfields

Scale 1:100 November 2017 Project 631 Drawing-CS05



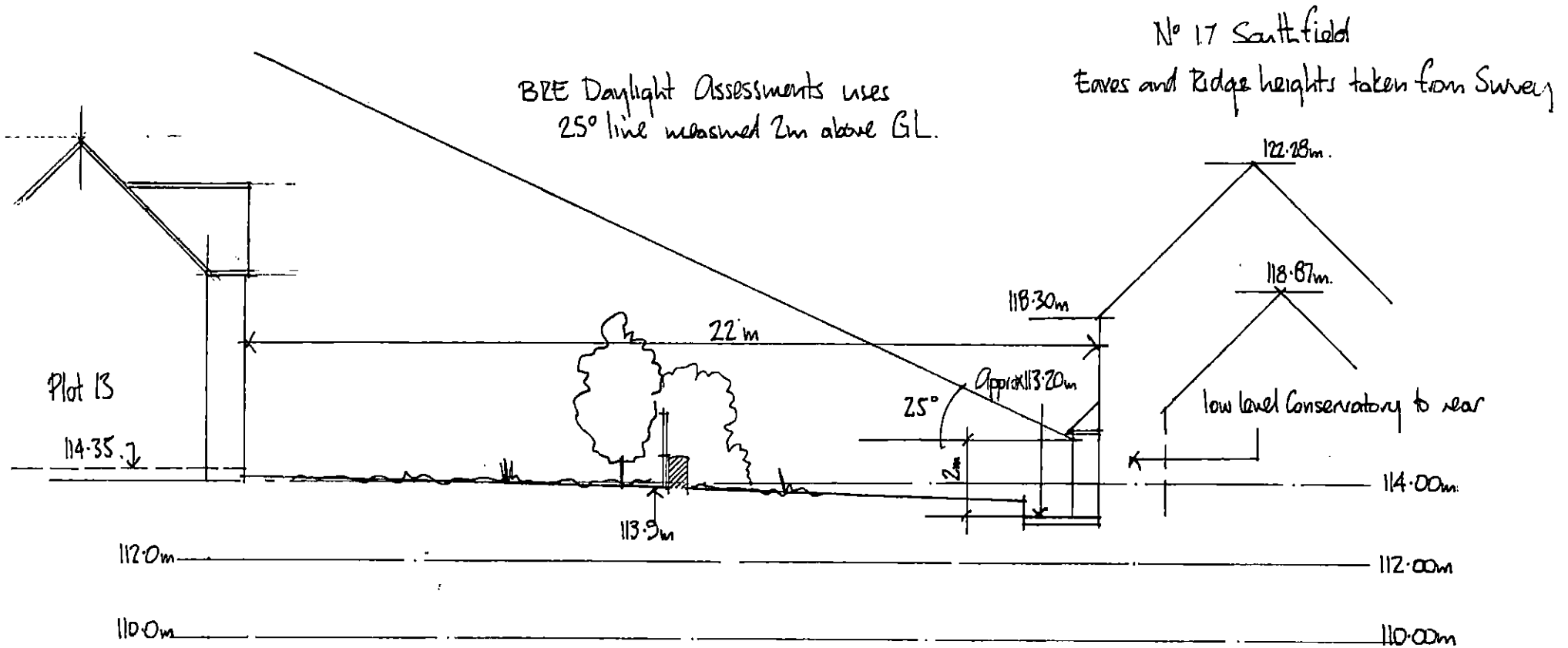
29

Cross Sections Land West of Bath Road Tetbury
Plot 15 – No 11 Southfields
Scale 1:100 October 2017 Project 631 Drawing-CS11



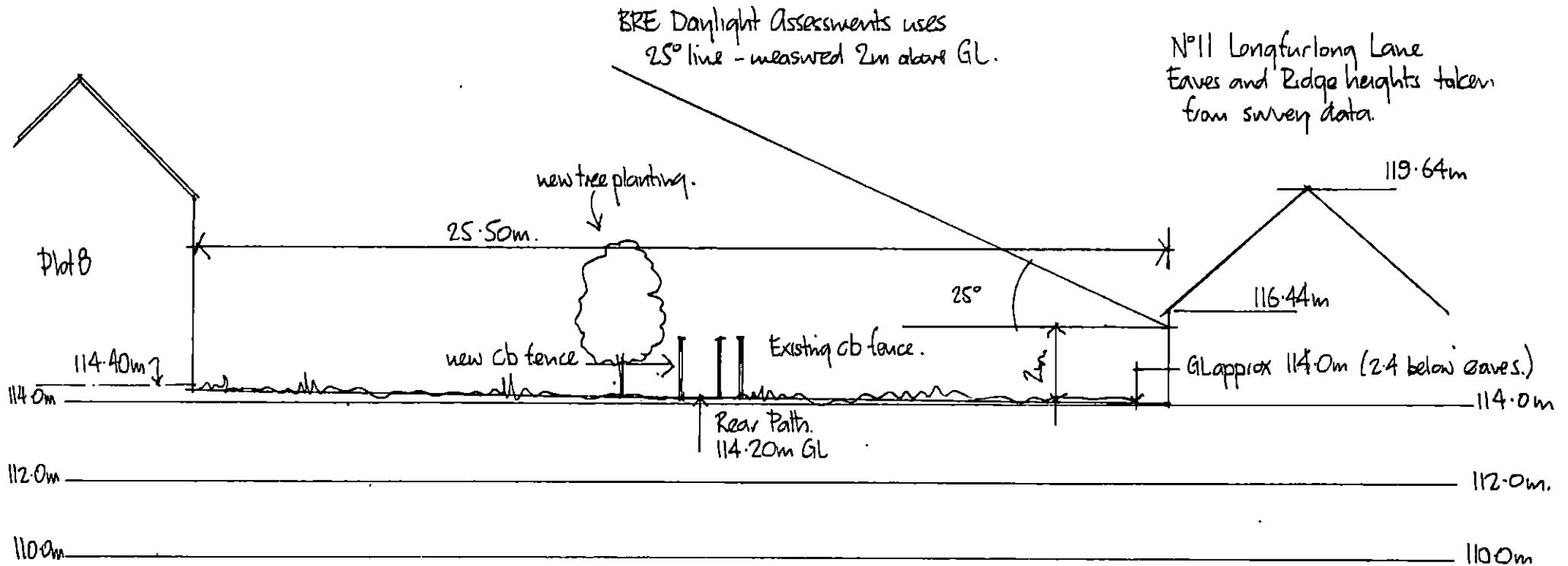
30

Cross Sections Land West of Bath Road Tetbury
 Plot 14 – No 15 Southfields
 Scale 1:100 October 2017 Project 631 Drawing-CS15



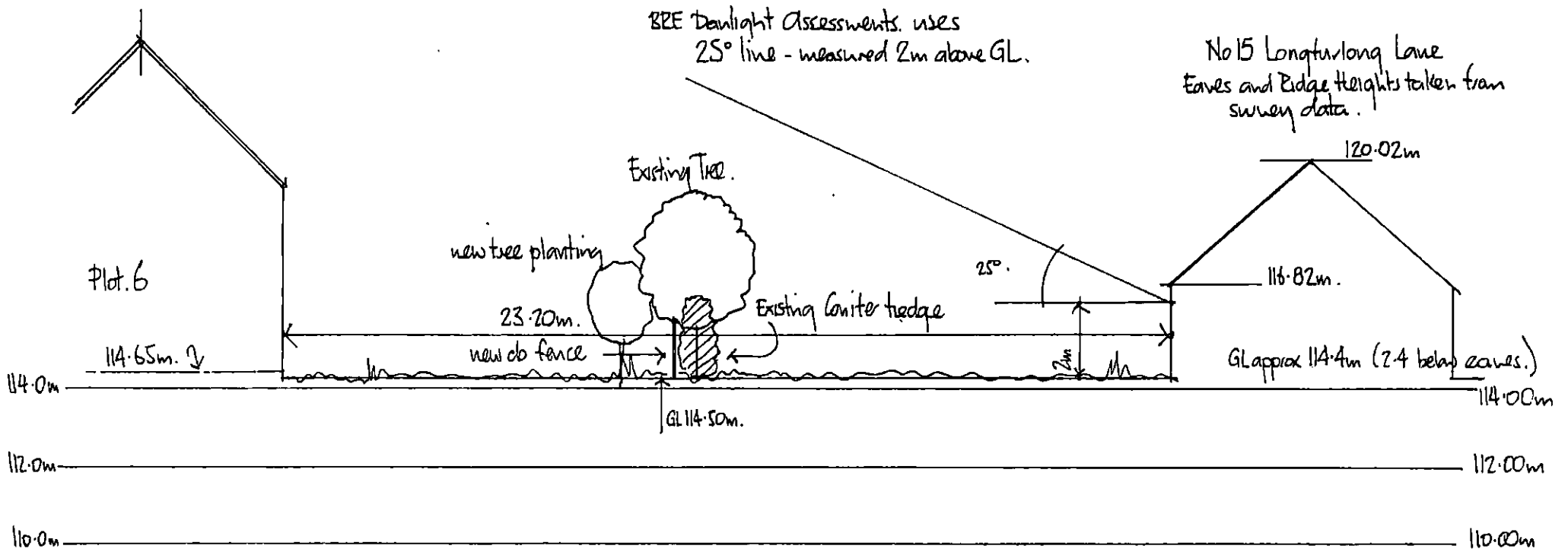
31

Cross Sections Land West of Bath Road Tetbury
Plot 13 – No 17 Southfields
Scale 1:100 October 2017 Project 631 Drawing-CS17



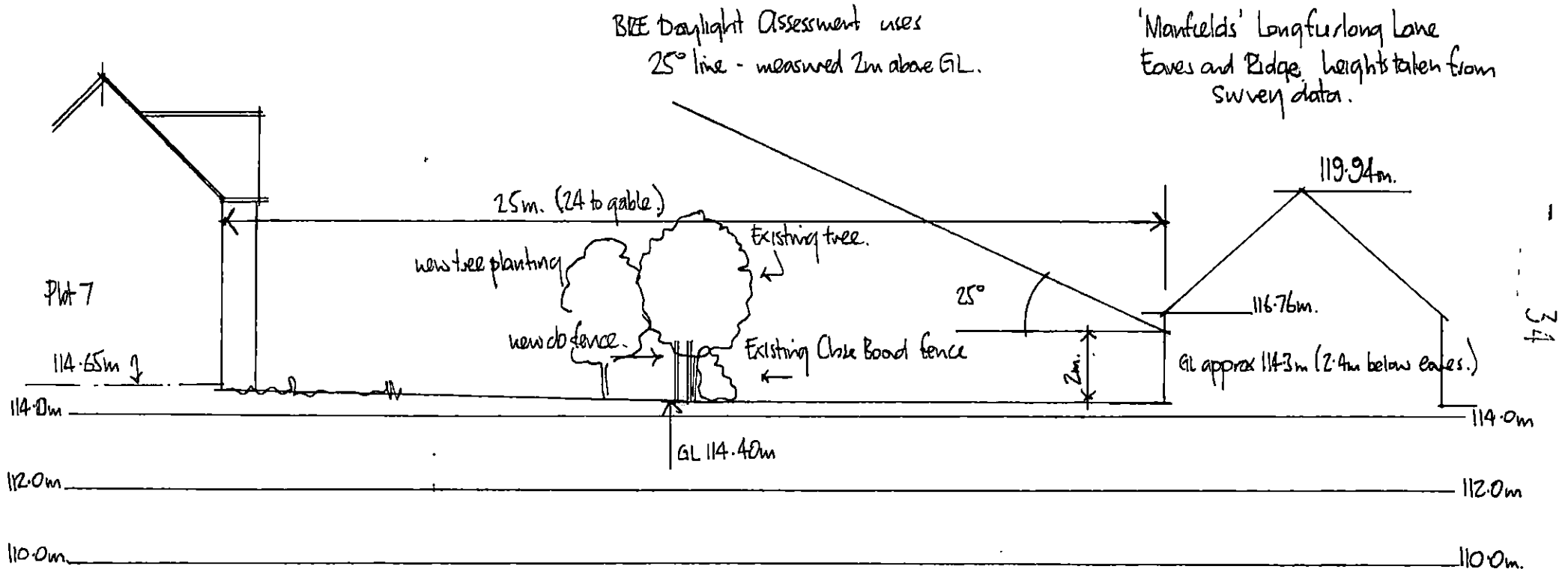
1
32

Cross Sections Land West of Bath Road Tetbury
Plot 8 - No 11 Longfurlong Lane
Scale 1:100 October 2017 Project 631 Drawing-CS111LF



1
33

Cross Sections Land West of Bath Road Tetbury
 Plot 6- No 15 Longfurlong Lane
 Scale 1:100 October 2017 Project 631 Drawing-CS15LF



Cross Sections Land West of Bath Road Tetbury
 Plot 7- Mayfields Longfurlong Lane
 Scale 1:100 October 2017 Project 631 Drawing-CS-MFLF

Our Ref: AT/631

27th November 2017



Trower Davies
Architectural Consultants

For the attention of Claire Baker
Cotswold District Council
Planning Service
Trinity Road
Cirencester
Glos
GL7 1PX

Dear Claire

Re: Bath Road Tetbury Reserved Matters Application 17/01351/REM

Further to our ongoing discussions with officers in respect of the above mentioned Reserved Matter Application we write to confirm and clarify the latest position on design and how we have arrived at the latest proposals.

Firstly I would like to thank officers for working positively and collaboratively with us on the proposals through pre-application stage and during the course of the application.

The proposals have been shaped by the original outline approval, officer's feedback and local consultation.

House type design and material choices have been subject to detailed discussion and negotiation with your Conservation Team and we are pleased to receive their support for the scheme now in front of you.

The site layout, including landscape, road design and alignment, housing mix, and plot location have all been subject to discussion and negotiation.

The drainage strategy has been checked and approved by your Drainage team. We await final comments from Gloucestershire Highways but confirm we have worked with them to obtain a satisfactory scheme that is safe, functional and aesthetically acceptable for a development in this location.

The proposed layout retains the fundamental design issues agreed at Outline stage including the site access, road configuration and a strong frontage along the Bath Road set back behind a swath of open space.

The scheme also includes the landscape buffer to the southern boundary as required by your Landscape and Conservation officers highlighted to us as early as our pre-application meetings.

Further feedback from officers and adjoining residents as well as a meeting with Tetbury Town Council on site has made us reconsider and adjust detailed plot positioning in certain areas.

Clearly the western and northern boundaries are extremely sensitive where new development is planned adjoining the existing properties in Southfield and Longfurlong Lane.

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In respect of these interfaces we have been asked to consider various options along the boundaries including reducing the southern buffer and introducing further landscape buffers to the west and north, moving development away from the boundaries and lowering the proposed buildings into the ground by up to 2 metres; as well as sacrificing development land and giving it the adjoining properties.

We have tried to take on board these suggestions where practical and tried to accommodate specific requests for changes.

Unfortunately it is not always possible to provide a single collective design response to suit everyone's individual concerns particularly when it comes down to individual neighbour comment. As our meeting with the Town Council and residents on site highlighted, what is acceptable to one person raises concerns for another.

For instance the suggestion that a 4 metre buffer along the western and northern boundary would be desirable to some was rejected by others as this had the possibility of reducing daylight to the existing rear gardens.

Whilst we have considered the use of a buffer along these boundaries we don't believe this provides a satisfactory design solution. We have therefore taken the approach to 'soften' the boundary treatments by introducing strategic and limited planting along the boundaries.

We have recently provided you with additional details to clarify our proposals and show that they meet or in most cases exceed industry standards and well as Planning Policy requirement where they exist.

The scheme has been adapted to respond to officer and consultee feed back including neighbours comments. The scheme now provides;

- A varied mix of building forms and better use and location of semi detached and terraced units across the site
- Provides a highway network that is safe, functional and does not dominant the design
- An acceptable drainage strategy approved by CDC officers
- Retains the landscape buffer to the southern boundary
- Increased separation distances between proposed and existing properties beyond normal industry standards.
- Moved proposed houses and garages away from the western and northern boundaries
- Reduced finished floor levels where practically possible and adjusted the drainage strategy to suit
- Provides detailed cross sections between individual plots and adjoining properties to show horizontal and vertical relationship between new and existing.
- Indicated the scheme follows BRE Daylight Assessment Criteria
- Detailed landscaping proposals along the western and northern boundaries.
- Adapted the landscaping designs to suit individual neighbours comments by moving positions and amending planting specifications

We consider the scheme in front of you now provides a quality design and policy complaint proposal that responds to both officer and neighbour feedback.

We look forward to you continued support for the scheme at next month planning committee meeting

Yours sincerely

Andy Trower
Trower Davies Limited

INDICATIVE LAYOUT - OUTLINE PERMISSION
38



REVISIONS

1. All dimensions shall be to the face of the building.
2. The drawing shall be read in conjunction with the specification and the contract documents for the project.
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PROJECT TITLE Land at Bath Road Tetbury

DRAWING TITLE Site layout



Department for
Communities and
Local Government

Mark Chadwick
Hunter Page Planning Ltd
Thornbury House
18 High Street
Cheltenham
GL50 1DZ

Our Ref: APP/F1610/A/12/2173305

13 February 2013

Dear Mr Chadwick

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78
APPEAL BY HANNICK HOMES AND DEVELOPMENT LTD
LAND TO THE SOUTH OF BERRELLS ROAD AND THE WEST OF BATH ROAD,
TETBURY, GLOUCESTERSHIRE
APPLICATION REF: 12/00219/OUT**

1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, Jessica Graham BA(Hons) PgDipL, who held a public local inquiry on 1, 2 and 3 August 2012 into your client's appeal against the decision of Cotswold District Council (the council) to refuse outline planning permission for the erection of up to 39 dwellings and associated works, including the formation of a vehicular access on land to the south of Berrells Road and the west of Bath Road, Tetbury, Gloucestershire, in accordance with application ref: 12/00219/OUT, dated 16 January 2012.

2. The appeal was recovered for the Secretary of State's determination on 11 July 2012 in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act 1990, so that he could consider it alongside an appeal concerning the residential development of a site outside the development boundary on the northern side of Tetbury, which had already been recovered by letter dated 26 January 2012. That appeal (APP/F1610/A/11/2165778) is the subject of a separate decision by the Secretary of State.

Inspector's Recommendation and Summary of the Decision

3. The Inspector, whose report is enclosed with this letter, recommended that the appeal be allowed and outline planning permission be granted. For the reasons given in this letter, the Secretary of State agrees with the Inspector's recommendation. All paragraph numbers, unless otherwise stated, refer to the Inspector's report (IR).

Pamela Roberts
Planning Casework Division
Department for Communities and Local Government
Zone 1/H1, Eland House
Bressenden Place
London SW1E 5DU

Procedural Matters

4. The Secretary of State notes that after the inquiry closed, the Council resolved on 12 September 2012 to grant planning permission for 174 dwellings on the SIAC/Matbro site on Quercus Road, which comprises some previously developed land within the Tetbury settlement boundary, and that the Inspector has taken this into account in her consideration of the appeal (IR1.9)
5. The application for costs made by your client at the inquiry (IR1.6) will be the subject of a separate decision letter.
6. The Secretary of State notes that at the inquiry the Inspector expressed concerns about some of the provisions of the appellant's unilateral undertaking, and about the information provided by the council to justify the requested financial contributions, and allowed additional time for the parties to provide further material in accordance with an agreed timetable (IR1.7). The Secretary of State notes that this material was provided after the inquiry closed and was taken into account by the Inspector in preparing her report. He considers the planning obligation at paragraph 24 of this letter.

Policy Considerations

7. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises Regional Planning Guidance for the South West (which became the Regional Spatial Strategy for the South West (RS) (2001); the saved policies of the Gloucestershire Structure Plan Second Review (SP) (1999); and the saved policies of the Cotswold District Local Plan 2001-2011 (LP) (2006). Development plan policies relevant to this appeal are set out at IR 5.2 – 5.9.
8. Work has commenced on a replacement to the Cotswold Local Plan, but it is still in the early stages of preparation. Two Core Strategy issues and options papers have been published, in 2007 and 2010 (IR5.10). Although these are material considerations, the Secretary of State affords them only limited weight given the early stage of plan preparation.
9. The Localism Act 2011 provides for the abolition of Regional Strategies by Order. However, the Secretary of State has attributed limited weight to the proposed plan to revoke the South West RS. Any decision to revoke the RS will be subject to the environmental assessment which is in train.
10. Other material considerations include the National Planning Policy Framework (the Framework) (IR5.12); RS Proposed Changes (2008) (IR5.13); and local policy documents listed at IR5.14 – 5.15. In addition the Secretary of State has had regard to Circular 11/95 the Use of Conditions in Planning Permissions; the Community Infrastructure Levy (CIL) Regulations (2010) as amended; Technical Guidance to the National Planning Policy Framework (2012); Baroness Hanham's Written Ministerial Statement on Abolition of Regional Strategies of 25 July 2012; and the Written Ministerial Statement on Housing and Growth of 6 September 2012.
11. In determining this appeal, the Secretary of State has had regard to the purpose of conserving and enhancing the natural beauty of the Cotswolds AONB, as

required under section 85 of the Countryside and Rights of Way Act 2000. He has also had special regard to the desirability of preserving listed buildings and their setting or any features of special architectural or historic interest they possess, as required under the provisions of sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. There is intervisibility between the appeal site and Highgrove House (IR 13.52), which is a grade II listed building. The former Toll House at the corner of Grange Lane is also grade II listed.

Main Issues

12. The Secretary of State agrees with the Inspector that the main issues are those set out in the Inspector's conclusions at IR13.1 – 13.68.

The development plan

13. The Secretary of State agrees with the Inspector the proposed development would fundamentally conflict with adopted development plan, which seeks to restrict residential development on land which, like the appeal site, lies outside any settlement boundary and inside an AONB. He agrees that the Framework states that relevant policies for the supply of housing should not be considered up to date if the council cannot demonstrate a five year land supply, and that this should be considered by establishing the housing requirement and then the supply of deliverable sites (IR13.2 – 13.3).

Housing requirement and buffers

14. The Secretary of State agrees with the Inspector's reasoning and conclusions on the housing requirement for the district as set out in IR13.4 - 13.19. He agrees that the SP housing requirement remains the starting point, but the plan was only intended to cover the period to 2011 and its housing requirement calculation was based on household projections from 1996 (IR13.6 – 13.8). He agrees with the Inspector that there is more up to date evidence available and has carefully considered the Inspector's conclusions on the evidence noted at IR13.9 - 13.13. He agrees with the Inspector that the housing requirement in the SP is so out of date as to be unfit for purpose in terms of defining the five year housing requirement for the district (IR13.16) and that it is reasonable to use the figure at the lowest end of the spectrum of more up to date forecasts and projections, to assess the five year housing requirement. He therefore proposes to use the figure of 2,022 dwellings, derived from the draft RS Proposed Changes, as the five year housing requirement in this instance (IR13.17). He agrees with the Inspector that this is not an endorsement of this figure as representing the objectively assessed housing need for the district, but in the absence of an up to date development plan, he considers it to be a more robust housing requirement than the SP requirement. In reaching this conclusion he has taken account of the policy in the Framework to boost significantly the supply of housing.

15. The Framework also requires that an additional buffer of 5%, or 20% in cases where there is a record of persistent under delivery of housing, should be added to the supply of deliverable sites. The Secretary of State agrees with the Inspector's reasoning and conclusions at IR13.20 – 13.26 that there has been persistent under delivery of housing in the district, which justifies an additional buffer of 20%. This increases the five year housing requirement to 2,426 dwellings over the next five years (IR13.26).

Supply

16. The Secretary of State agrees with the Inspector's reasoning and conclusions on the housing supply for the district as set out in IR13.27 – 13.34. He finds that the five year land supply of 1,828 dwellings amounts to a very serious shortfall against the lowest estimate of the five year requirement, with a 20% buffer, of 2,426 dwellings (IR13.31).

17. The Secretary of State notes the Inspector's explanation for the discrepancy in the housing supply figure between this case and the Highfield Farm case (APP/F1610/A/11/2165578) which is determined contemporaneously with this appeal. He agrees with the Inspector that even though the evidence provided by parties differed in the two cases, the resulting assessment of five year land supply in the Highfield Farm case of 1,711 dwellings has no bearing on the Inspector's conclusions on land supply (IR 13.34). Whichever supply figure is used, there is still a considerable shortfall against the five year housing requirement.

Implications of the housing supply position

18. The Secretary of State agrees with the Inspector's reasoning and conclusions on the implications of the housing supply position as set out in IR13.35 – 13.40. He finds that the inability of the council to demonstrate a five year land supply means that the relevant policies for the supply of housing cannot be considered up to date, in accordance with policy in the Framework (IR13.35). The Secretary of State agrees with the Inspector that the special emphasis in the presumption in favour of granting planning permission in such circumstances does not automatically apply in this case; because of the specific policies in the Framework that indicate development should be restricted and the duty to have regard to the purpose of conserving and enhancing the natural beauty of the AONB. The Secretary of State further agrees that the serious shortfall in the supply of housing land is a material consideration that weighs heavily in favour of allowing the proposed development, but there are other material considerations that need to be weighed in the balance (IR13.40).

The effect of the development upon the character and appearance of the area

19. The Secretary of State agrees with the Inspector's reasoning and conclusions on the effect of the proposed development on the character and appearance of the area as set out in IR13.41 – 13.54. He notes that both parties considered that the proposal did not constitute major development within the AONB (IR13.41). Like the Inspector, he sees no reason to differ from this joint conclusion in the particular circumstances of this case. However he agrees that this does not lessen the great weight that should be given to conserving landscape and scenic beauty in AONBs (IR13.42). The Secretary of State agrees with the Inspector that the proposed development, with suitable landscaping, planting and boundary treatments would achieve a softer transition from the countryside to the town than presently exists (IR13.46). Like the Inspector, he considers that sufficient information has been provided to demonstrate that 39 dwellings could be accommodated on the site, with the necessary planting, landscaping and open space and that the details can all be addressed at the reserved matters stage and by conditions (IR13.50-13.51).

20. The Secretary of State notes that the Inspector found intervisibility between the appeal site and the upper storeys of the grade II listed Highgrove House. He notes that the separation distance is such that the proposed development would not, in the

Inspector's judgement, have any appreciable impact on the setting or significance of that heritage asset. The Secretary of State agrees (IR13.52). He also agrees that the proposed development would not affect the setting or significance of the grade II listed former Toll House at the corner of Grange Lane (IR 13.52).

21. The Secretary of State agrees with the Inspector's conclusions on this issue that the proposed development would have benefits in terms of improving the southern edge of the built-up part of Tetbury, and enhance the setting of the town although it would result in the loss of a field that is part of an AONB. The Secretary of State agrees that this particular field makes little contribution to the overall character of the AONB, being surrounded on three sides by existing development and a road but acknowledges that its loss would clearly be harmful (IR 13.54).

Other considerations

22. The Secretary of State has carefully considered all the other matters noted by the Inspector at IR13.55 – 13.63 and agrees with her reasoning and conclusions on these matters. He agrees that the provision of affordable housing would help address the needs in the district and he attaches some weight to this (IR13.55). He agrees that there are no significant impacts in highway terms that would weigh against the proposal (IR13.57 – 13.58). He notes the concerns about impacts on existing infrastructure and services but does not find that these weigh significantly against the proposal (IR13.61 – 13.63).

Local involvement in the planning system

23. The Secretary of State notes the Inspector's comments and conclusion on this issue at IR14.77 – 14.81. He considers that she has correctly reflected his views which are contained in the extract from his Written Ministerial Statement: Housing and Growth of 6 September 2012 at IR14.80. The Framework also clearly emphasises the importance of keeping plans up to date; meeting the full, objectively assessed needs for housing; and maintaining a five year supply of deliverable housing sites

Conditions and obligations

24. The Secretary of State agrees with the Inspector's reasoning and conclusions on the planning obligation and conditions set out in IR 11.1 - 12.8. He is satisfied that the terms of the planning obligation are necessary and that the provisions within it satisfy the tests of Regulation 122 of the CIL Regulations 2010 as amended. He has therefore taken it into account in determining this appeal (IR11.6).

25. The Secretary of State has considered the proposed conditions, the Inspector's assessment of these at IR12.1 – 12.8 and national policy as set out in Circular 11/95. He agrees with the Inspector's assessment that the conditions, as recommended, are necessary and he considers that they comply with the provisions of Circular 11/95.

Overall Conclusions

26. The Secretary of State agrees with the Inspector's overall conclusions on the planning balance as set out in IR13.69 – 13.71. He agrees that the proposed development would conflict with the development plan. However, he considers that there are material considerations that weigh in favour of the proposal, in particular the

serious shortfall in the district housing provision and the scope for the development to go some way towards addressing that shortfall in market and affordable housing, in a location close to the town centre, within acceptable walking distance of many local facilities and public transport.

27. The Secretary of State concludes that the overall benefits of the proposed development in this case decisively outweigh the conflict with the development plan, and all other material considerations including the harm that would be caused to the AONB (IR13.71).

Formal Decision

28. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation at IR14.1. He hereby allows your client's appeal and grants outline planning permission for the erection of up to 39 dwellings and associated works, including the formation of a vehicular access to the site at land to the south of Berrells Road and the west of Bath Road, Tetbury, Gloucestershire, in accordance with application ref: 12/00219/OUT, dated 16 January 2012 subject to the conditions listed at Annex A of this letter.

29. An applicant for any consent, agreement or approval required by a condition of this permission for agreement of reserved matters has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the Local Planning Authority fail to give notice of their decision within the prescribed period.

30. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.

Right to Challenge the Decision

31. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by making an application to the High Court within six weeks from the date of this letter.

32. A copy of this letter has been sent to Cotswold District Council. A notification letter/email has been sent to all other parties who asked to be informed of the decision.

Yours sincerely

Pamela Roberts
Authorised by the Secretary of State to sign in that behalf

Annex A Conditions

- 1) Details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development on land to which the reserved matters relate begins, and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission. The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 3) Subject to the provisions of condition no. 4 below, applications for the approval of the reserved matters shall be in accordance with the principles and parameters described and identified in the Design and Access Statement (December 2010). A statement shall be submitted with each reserved matters application which demonstrates that the application proposals comply with the Design and Access Statement (December 2010) or, where relevant, explaining why they do not.
- 4) Notwithstanding the provisions of condition no. 3 above, none of the buildings hereby permitted shall have more than two storeys; the buildings located on the Bath Road frontage shall be constructed of natural Cotswold stone; and no building shall have a gable width exceeding 7 metres.
- 5) The details to be submitted in accordance with condition no. 1 above shall include slab levels; a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geographical context of the development, including details of how the scheme is to be maintained and managed once implemented; details of a 2 metre wide footway from a point north of the main site access along Bath Road to a point on the south side of Berrells Road, 50 metres west of its junction with Bath Road; details of vehicular parking and manoeuvring facilities, and cycle parking provision; details of the water butts that will be provided to serve each dwelling; a scheme detailing the provision of fire hydrants served by mains water, and a timetable for their installation; and a five-year Ecological Management Plan for the site, setting out the mitigation and habitat features to be provided, with details of how they are to be managed and monitored once implemented.
- 6) No development shall commence until the access arrangements detailed on drg. no. 59001-TS-003 Rev A have been completed to at least base course level for the first 25 metres into the site, and a timetable for full completion submitted to, and agreed in writing by, the local planning authority.
- 7) The development shall be served by access roads laid out and constructed in accordance with details to be submitted to and approved in writing by the local planning authority at reserved matters stage. None of the dwellings hereby permitted shall be occupied until the road (including any proposed turning heads, street lighting and footways) providing access to that dwelling has been completed to at least base course level in accordance with the approved details. All roads and footways within the site shall be completed no later than five years after first occupation of any dwelling served and

shall be maintained thereafter until adopted as highway maintainable at the public expense.

- 8) No development shall take place 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 provide for:
 - i) the 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) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - v) wheel washing facilities
 - vi) measures to control the emission of dust and dirt during construction
 - vii) hours of working on site during the period of construction.
- 9) No development shall take place within the appeal site until a programme of archaeological work has been implemented in accordance with a written scheme of investigation which has been submitted to, and approved in writing by, the local planning authority.

13.30 Nevertheless, in the absence of any specific evidence to the contrary, I consider that for current purposes it is fairest to proceed on the basis that there is at least a reasonable prospect that the dwellings will come forward in the next five years. The development would comprise a total of 174 accountable dwellings, which amounts to 109 more than the 65 already included in the 2012 Housing Supply Document [INQ 33]. This means that the Council's calculation that it has housing sites sufficient to deliver 1,719 dwellings over the next five years can be increased to 1,828.

Conclusions on the District's housing supply position

13.31 On the basis of the evidence before me, I have concluded that the five year housing requirement for the Cotswold District should be treated as, at its lowest, 2,426 dwellings [13.25]. There is however sufficient land to deliver only 1,828 [13.29]. This clearly amounts to a very serious shortfall.

13.32 In the interests of clarity and consistency, it is necessary to comment here on the findings set out in my report about the Highfield Farm appeal, which is to be determined contemporaneously by the SoS [1.4]. In that case, I concluded that the housing supply was 1,711 dwellings. The discrepancy with the housing supply figure established in this case is due to differences in the evidence provided, and the cases put, by the parties to each of these two separate appeals.

13.33 The key difference was that the appellant in this appeal did not contest most aspects of the Council's calculation of its total deliverable housing sites, on the (correct) assumption that this would make little difference to the overall housing supply position. The appellant in the Highfield Farm case, however, took a number of issues with that calculation, and on the basis of the evidence provided and arguments made in that case, I found that a 10% reduction should be made in respect of large sites with planning permission.

13.34 If the differences between the two sets of figures were capable of having any impact at all on conclusions about the District's housing supply, I would recommend providing all the main parties with a further opportunity to comment. But that is clearly not the case. Comparison of the housing supply figures established in each appeal against the lowest credible housing requirement figure for the District shows that in each case, there is, at best, sufficient land to deliver only a 3.8 year supply of housing. The difference between the figures in each case therefore has no bearing on the conclusion that the Council cannot demonstrate a 5 year supply of housing land.

The implications of the housing supply position

13.35 As noted above, paragraph 49 of the Framework states that if a local planning authority cannot demonstrate a five-year supply of housing, relevant policies for the supply of housing should not be considered up-to-date. This in turn has implications for the application of paragraph 14 of the Framework, which sets out the presumption in favour of sustainable development said to be "at the heart of" the Framework.

13.36 The second bullet point of paragraph 14 says that where the Development Plan is absent, silent or relevant policies are out of date, then the presumption in favour of sustainable development means that (unless material considerations

indicate otherwise) permission should be granted: unless 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, or specific policies in the Framework indicate development should be restricted.

- 13.37 In this case, the Development Plan is neither absent nor silent. However, since the Council is unable to demonstrate a five-year supply of housing land, the application of Paragraph 49 of the Framework means that to the extent that it concerns the supply of housing, LP Policy 19 should be considered out of date [8.16].
- 13.38 The Council drew my attention to a recent appeal decision in Coberley, in which the Inspector states, in terms, that LP Policy 19 and SP Policy NHE.4 (of which more below) are not in conflict with the policies of the Framework [7.16]. But that is quite beside the point at issue here. The absence of conflict is relevant for the purposes of paragraph 215 of the Framework, but for the purposes of deciding whether a policy should be considered up-to-date in terms of paragraph 49 (which was not at issue in the Coberley appeal), what is relevant is whether the local planning authority can demonstrate a five-year supply of housing.
- 13.39 SP Policy NHE.4 seeks to restrict development within the AONB. On the basis that Tetbury (and much of the Cotswold District as a whole) is washed over with the Cotswold AONB designation, the appellant contends that this policy is relevant to the supply of housing in the terms of paragraph 49 of the Framework, and so should be considered out of date [8.17]. But even if that were so, footnote 9 to the second bullet point of Paragraph 14 makes it clear that where specific policies in the Framework "for example, those policies relating to... land designated as... an AONB" indicate development should be restricted, then the presumption in favour of granting permission does not apply. That, as the appellant has accepted, is the case here [8.24].
- 13.40 However, finding that the proposed development would conflict with the Development Plan, and that the presumption in favour of development does not apply, is not the same as establishing that planning permission should not be granted [7.7, 8.25]. I have established that the Council has a serious shortfall in its supply of housing land, and that is a material consideration that weighs heavily in favour of allowing the proposed development to go ahead. There are a number of other material considerations which also need to be weighed in the balance, and not least among them is the impact that the proposed development would have on the AONB.

The effect of the development upon the character and appearance of the area

- 13.41 Irrespective of whether SP Policy NHE.4 should not be considered up-to-date (per paragraph 49 of the Framework) to the extent that it seeks to restrict residential development in the AONB, the overall thrust of its objective to conserve and enhance the natural beauty of AONBs accords with the aims of paragraphs 115 and 116 of the Framework [7.6]. "Major development" in the terms of paragraph 116 is not further defined, and I see no reason to differ from the joint conclusion of the Council and the appellant that this current proposal does not constitute major development within the AONB [6.1]. The advice of paragraph 116 (which sets out the "exceptional circumstances" in

- which permission for such development might be granted) is therefore not applicable here.
- 13.42 Paragraph 115 is however highly relevant, and states 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. It also states that the conservation of wildlife and cultural heritage are important considerations in AONBs.
- 13.43 The Cotswold AONB includes the whole of Tetbury and the land adjacent to it, such that any new residential development at Tetbury, even on sites within the settlement boundary, would take place within the AONB [6.1]. Recognising that many other settlements are also included within the AONB, the Council commissioned a study of the land surrounding the District's key settlements, to determine where development would be least harmful in terms of its impact on the landscape.
- 13.44 The results of that study, known as "The White report", were published in June 2000. In its assessment of Tetbury the Report noted that "The Berrells Road area of housing extends Tetbury southwards. Post war and recent housing provide a poor introduction to the town from the south" (CD 2.6, para 19.5). The Berrells Road area of housing was also described as providing a "built edge detracting from settlement character" (CD 2.6, Figure T4), and was consequently identified in the Report as one of three negative relationships between town and landscape (CD 2.6, para 19.11).
- 13.45 I saw at my site visit that the initial stages of the southern approach to Tetbury, along Bath Road, have an attractively rural character. Once the road is level with the southern boundary of the appeal site, and the town comes into view, it is (as noted by the Inspectors who determined the 1989 appeal [3.1, 3.2] and the 2011 appeal [3.3, 3.4] "the rather stark, recent, Southfields development which dominates the scene, and not, except for the spire of St Mary's Church, the historic landscape" (LPA 2.4 para 11). The 2011 Inspector went on to describe the impression created by the appeal site as that of a field constrained by housing development, and the existing built development as providing an unsatisfactory visual gateway to Tetbury (LPA 2.4 paras 12 - 13). I consider that a fair summary.
- 13.46 The currently proposed development would be set back from the southern boundary of the appeal site behind a 4m wide landscape buffer. It would also be set back from the Bath Road frontage, with the existing dry stone wall largely retained and repaired, behind a communal green space, at its broadest toward the southern end, and narrowing toward the northern end. The houses on this side of the site would be of traditional Cotswold stone and would front on to this open green space [8.20]. In my judgment, these features would together serve to funnel views of the town when travelling northwards along Bath Road. Provided that suitable landscaping and planting were included throughout the site, with particular care given to the boundary treatments, the proposed development would achieve a softer transition from the countryside to the town than presently exists.
- 13.47 I note that the 2011 Inspector came to much the same conclusion concerning the very similar illustrative landscaping proposals that were then before him. He found that "the loss of this field would not result in harm to the adjacent

countryside, if suitably landscaped" and that it would "acceptably round-off development in this locality" (LPA 2.4, para 14). However, he also went on to find that the number of dwellings then proposed would be likely to give rise to an unduly excessive amount of built development, such as might prejudice the ability of the scheme to provide the open space and additional planting needed to achieve the intended visual improvements to the southern approach to the town [3.2].

- 13.48 In an effort to overcome this concern, the current appeal proposal seeks permission for "up to 39 dwellings" [8.9]. That is a significant reduction, and with fewer dwellings, there would be more room to provide open green space and planting within the eventually agreed layout.
- 13.49 While the Council officers considered that the indicative layout plan submitted with the application demonstrated that the proposed number of units could be satisfactorily accommodated on the site (APP 3.4 p 62), the Council Members considered that it did not [CD 1.14]. It is of course right to have careful regard to indicative material submitted with outline planning applications, but it is also necessary to bear in mind that such material is just that: "indicative". The appellant has made it very clear, at all stages of the application and appeal, that layout is one of the matters reserved for future determination, and that the indicative layout plan was provided to illustrate one possible way in which the maximum number of proposed dwellings might be arranged on the site [8.10].
- 13.50 In my judgment, sufficient information has been provided to demonstrate that up to 39 dwellings could be accommodated on the appeal site, while still achieving the necessary planting, landscaping and provision of open space to achieve the desired softening of this southern edge of town. I share some of the Council's concerns about the suburbanising effect of the high number of detached garages, and the proportions of some of the proposed dwellings (LPA 1), but since details of layout, scale and appearance do not form part of this outline proposal those are matters that could all be addressed at the Reserved Matters stage: if the Council considered the details then submitted unacceptable, it should refuse to approve them. Similarly, I share the Council's concern that dwellings with more than two storeys would be incongruous in the context of the site's slightly elevated position and the height of the surrounding development [7.45], but this concern could be adequately addressed by attaching an appropriately worded condition [12.4].
- 13.51 In terms of the impact that the proposed development would have upon wildlife and cultural heritage, reports and studies undertaken by the appellant and assessed by the Council demonstrate that any adverse effects can be appropriately mitigated, through the mechanism of imposing conditions to secure an Ecological Management Plan and a programme of archaeological work.
- 13.52 I saw at my site visit that there is intervisibility between the appeal site and the upper storeys of Highgrove House, which is a Grade II listed building [1.8]. However, the separation distance is such that the proposed development would not, in my judgment, have any appreciable impact on the setting or significance of that heritage asset. It was suggested at the inquiry that the gap in the vegetation on the southern boundary of the appeal site had been

created specifically to provide Highgrove House with views of the spire of St Mary's Church. If it is indeed the case that the church spire was intended to form the focus of planned views from this listed building, that would not in any event undermine the principle of permitting the proposed development, since such views already encompass intervening residential development in the form of Southfields.

13.53 The former Toll House at the corner of Grange Lane is also listed Grade II, but the proposed development would lie on the opposite side of the road beyond other existing development, and would not affect the setting or significance of this listed building.

13.54 I conclude that the proposed development would have benefits in terms of improving the southern edge of the built-up part of Tetbury, and thus enhancing the setting of the town. But it is important not to lose sight of the fact that the proposal would also result in the loss of a field that is part of an AONB. This particular field makes little contribution to the overall character of the AONB, being surrounded on three sides by existing development and a busy road, but nevertheless I recognise that as an open and undeveloped piece of land it has its own inherent natural beauty [9.9]. I do not underestimate the value placed on this, by local residents and visitors to the area as well as by the Framework; its loss would clearly be harmful.

Other considerations

13.55 The Council acknowledges that there is a need for more affordable housing in the District, and that the provision of affordable dwellings on the appeal site would help to address this need (INQ 3). That is a benefit to which I attach some weight.

13.56 Concerns were expressed by some local residents that occupiers of the new houses might drive into Tetbury, contributing to congestion and the competition for parking spaces. However, as the Council acknowledges [6.1], the site is located close to the town centre, within acceptable walking distance of many local shops and services, and has ready and convenient access to public transport. In this respect, the site occupies a sustainable location.

13.57 I saw at my site visit that the pedestrian routes between the appeal site and the town centre, via Bath Road or Cutwell, have footways that are narrow in some places, and entirely absent in others. But as the Inspector who determined the 2011 appeal observed, many of the footways within the town centre itself are also narrow (LPA 2.4 para 20). I do not underestimate the inconvenience, and potential hazards, that narrow or absent footways can sometimes cause but equally, it is important to recognise that requiring footways to be widened can cause significant harm to the character and appearance of historic market towns such as Tetbury. I have not been provided with any substantive evidence that the pedestrian routes are currently unsafe, or would be made more so as a result of the proposed development.

13.58 Further, the Highway Authority is satisfied that subject to the reduction of the speed limit along the stretch of Bath Road adjacent to the appeal site [11.3], the new development would have no adverse impact on the safety of road users; it has not identified a need for any new pedestrian crossings as a result

of the proposed development. I see no substantive reason to diverge from the Highway Authority's professional assessment, and so conclude that there are no significant impacts, in highway safety terms, that would weigh against the proposal.

- 13.59 The point was repeatedly made, by Councillors and residents, that residential development should be accommodated on previously-developed rather than greenfield sites. After the inquiry closed, the Council resolved to grant planning permission for residential development on the SIAC/Matbro site, a site that is previously developed in part, and lies within the Tetbury settlement boundary [1.9]. But even if all of the dwellings proposed for that site were to be built within the next five years, the Council would still have a significant housing shortfall [13.29, 13.30]. There is no evidence to suggest that the remaining shortfall could be addressed solely through the use of previously developed sites, and no "clear choice" between previously developed and greenfield sites, in the terms of the Council's Interim Housing Guidance (CD 4.21, criteria 5). Nor does there appear to be anything other than very limited scope for locating residential development in areas of the district not covered by the AONB designation [8.19].
- 13.60 The Localism Act 2011 makes provision for local communities to draw up plans to direct, at neighbourhood level, the location of new development. There is a great deal of local interest in pursuing this opportunity in Tetbury, but the process is still at a very early stage, with no clear indication of a date by which any Neighbourhood Plan might be ready for examination, let alone adoption.
- 13.61 I can understand local residents' concerns that in the absence of employment opportunities in Tetbury, future occupiers of the proposed dwellings would be obliged to commute elsewhere. But the core principles of the Framework, set out at paragraph 17, make it clear that the planning system must be proactive about driving and supporting economic development. Tetbury is one of the principal settlements in the Cotswold District, and employment provision will clearly need to be addressed in the Council's emerging Local Plan. In the meantime, I see no good reason why an alleged lack of existing job opportunities should act as a bar to the development of much needed housing, particularly on a site with good links to public transport.
- 13.62 I also understand that neighbouring occupiers are concerned about the impact the proposed development may have on their properties. These are however concerns which would be dealt with at the Reserved Matters stage, when details of the position, dimensions and fenestration of the buildings, and the height and species of the boundary planting, would need to be provided: any significant adverse impact on the living conditions of neighbouring occupiers would be reason, alone, for the Council to refuse permission.
- 13.63 As regards concerns raised about flooding and drainage, the appellant submitted a Flood Risk Assessment and the Environment Agency has raised no objection to the proposed development, subject to a condition requiring details of a surface water drainage scheme [12.5]. I note residents' concerns about the additional pressure new dwellings would place upon facilities such as education and healthcare provision, but the impact upon all types of infrastructure was assessed by the Council and the County Council, and where it was considered necessary (such as for the relocation of the speed limit

signage), a financial contribution was requested. I have not seen any substantive evidence that different, or greater, contributions ought to have been requested.

Local involvement in the planning system

- 13.64 It is only fair to bring to the attention of the SoS the concern, raised by a number of interested parties, that to grant planning permission for this proposal in the face of sustained and extensive local opposition would appear to undermine the government's stated intention, set out at paragraph 17 of the Framework, of "empowering local people to shape their surroundings" [9.15, 9.21, 9.32] (TP 1, TP 2). I can understand why local residents, keen to take up new opportunities for involvement in the planning process, may feel that allowing housing developments on appeal, in advance of the outcome of that process, is exactly the kind of top-down interference that the Framework was intended to prevent.
- 13.65 However, paragraph 17 of the Framework makes it clear that Plans should be kept up to date, to provide a practical framework within which decisions on planning applications can be made. Cotswold District does not have an up-to-date Plan. The Framework also maintains the requirement, formerly included in PPS 3, that local planning authorities should identify a supply of specific, deliverable sites sufficient to provide five years worth of housing against their housing requirement. Cotswold District has only identified sufficient sites to provide, at best, 3.8 years worth of housing.
- 13.66 In such circumstances there is, as the Inspector who reported on the appeals at Bishop's Cleeve noted, tension in policy between the desire for decisions to be taken locally and the requirement to maintain a five year supply of housing land (APP 8.2 IR para 14.26). I share his view that this is unsurprising, because it reflects the tension in reality between the understandable concerns of local residents, who wish to protect the qualities of the community and its environment, and the acute needs of other local people for housing.
- 13.67 The SoS has set out his view on this subject, in his decision on the Bishop's Cleeve appeals [8.19]. He said there that *...the changes to the planning system that give communities more say over the scale, location and timing of developments in their areas carry with them the responsibility to ensure that local plans are prepared expeditiously to make provision for the future needs of their areas* (APP 8.2, para 32).
- 13.68 The conclusion I draw from this is that in a situation where the absence of a sufficient supply of deliverable housing sites indicates that a district has a significant shortfall in its housing provision, action to address that shortfall should not be delayed by the absence of an up-to-date Local Plan.

The overall planning balance

- 13.69 In summary, I find that the proposed development would conflict with Policy 19 of the Local Plan and Policy NHE.4 of the Structure Plan. It would result in residential development outside the settlement boundary, and the loss of a field that is part of the Cotswold AONB.
- 13.70 On the other side of the balance, however, there is a serious shortfall in the District's housing provision, which must be addressed urgently. The proposed

development would go some way toward addressing that shortfall. It would provide much-needed market housing and affordable housing, in a location that is close to the town centre, within acceptable walking distance of many local facilities and readily accessible by public transport. The proposed development would also achieve visual improvements to the southern approach to Tetbury.

13.71 I find that the benefits of the proposed development in this case decisively outweigh the conflict with the development plan, and all other material considerations including the harm that would be caused to the AONB.

14. Inspector's recommendation

14.1 I recommend that the appeal should be allowed, subject to the conditions set out in the attached Schedule C.

Jessica Graham

INSPECTOR