# **Public Document Pack**



29 November 2022

Tel: 01285 623208 or 623210 e-mail - democratic@cotswold.gov.uk

## PLANNING AND LICENSING COMMITTEE

A meeting of the Planning and Licensing Committee will be held at Council Chamber - Trinity Road on Wednesday, 7 December 2022 at 2.00 pm.

Rob Weaver Chief Executive

To: Members of the Planning and Licensing Committee (Councillors Ray Brassington, Patrick Coleman, Mark Harris, Stephen Hirst, Sue Jepson, Julia Judd, Andrew Maclean, Dilys Neill, Gary Selwyn, Steve Trotter and Clive Webster)

Recording of Proceedings – The law allows the public proceedings of Council, Cabinet, and Committee Meetings to be recorded, which includes filming as well as audio-recording. Photography is also permitted.

As a matter of courtesy, if you intend to record any part of the proceedings please let the Committee Administrator know prior to the date of the meeting.

# **AGENDA**

# 1. Apologies

# 2. Substitute Members

To note details of any substitution arrangements in place for the Meeting.

#### 3. Declarations of Interest

To receive any declarations of interest from Members and Officers, relating to items to be considered at the meeting.

## 4. **Minutes** (Pages 5 - 12)

To confirm the minutes of the meeting of the Committee held on Wednesday 9<sup>th</sup> November 2022

# 5. Chair's Announcements (if any)

# 6. Schedule of Applications (Pages 13 - 100)

To consider and determine the applications contained within the enclosed schedule:

Application No.	Description	Ward Member	Case Officer
21/04342/FUL	Extension to yard used for the storage of horticultural products at Melcourt Industries Limited Boldridge Brake Crudwell Lane Long Newnton Tetbury Gloucestershire GL8 8RT	Councillor Nikki Ind	Andrew Moody
21/00549/FUL	45 residential dwellings with associated garages/parking, including demolition of existing petrol filling station and other existing buildings at Northfield Garage London Road Tetbury Gloucestershire GL8 8HW	Councillor Nikki Ind	Mike Napper

22/02519/FUL	Erection of	Councillor Julia	Harrison Bowley
	incidental	Judd	•
	outbuilding		
	(retrospective) at		
	Grain Store 5 Old		
	Dowmans		
	Farm Coberley		
	Cheltenham		
	Gloucestershire		
	GL53 9FF		

# 7. Sites Inspection Briefing

Members for 4<sup>th</sup> January 2022 (if required)

Councillors Ray Brassington, Andrew Maclean, Mark Harris, Dilys Neill, Gary Selwyn

# 8. Licensing Sub-Committee

Members for 21<sup>st</sup> December 2022 (if required)

Councillors Ray Brassington, Stephen Hirst, Steve Trotter, Dilys Neill and Gary Selwyn

(END)



# Public Document Pack Agenda Item 4

Planning and Licensing Committee 09/November2022



Minutes of a meeting of Planning and Licensing Committee held on Wednesday, 9 November 2022.

#### Councillors present:

Ray Brassington - Chair Patrick Coleman - Vice-Chair

Mark Harris Andrew Maclean Clive Webster

Sue Jepson Dilys Neill Julia Judd Gary Selwyn

#### Officers present:

Susan Gargett – Head Of Legal Services
David Morren – Head of Development Management
Mike Napper – Major Developments and Appeals Manager
Justin Hobbs Tree Officer
Andrew Moody – Senior Case Officer
Florence Maxwell – Senior Conservation & Design Officer
Caleb Harris – Democratic Services
Wayne Smith – Democratic Services

# 137 Apologies

Apologies had been received from Councillor Stephen Hirst and Councillor Steve Trotter

Councillor Mark Harris had given notice that he would be arriving later (11.00am)

#### 138 Substitute Members

Councillor Stephen Andrews was substitute for Councillor Steve Trotter and Councillor Ray Theodoulou was substitute for Councillor Stephen Hirst.

#### 139 Declarations of Interest

A declaration of interest was received from Councillor Patrick Coleman regarding the Applicant (Newland Homes) of Schedule of Applications item 3. Mr J Drew, a director of Newland Homes was a resident of Councillor Coleman's Ward,

A declaration of interest was received from Councillor Clive Webster regarding an Objection to a scheduled application by Cotswold National Landscape Board. Councillor Webster was the CDC representative on the Cotswold National Landscape Board.

#### 140 Minutes

Minutes of the Planning and Licensing Committee meeting 12 October 2022 were considered

Minute 134 - Application 22/02119/REM (para 9) "The Committee noted that the application had now been referred to the Committee, as Cotswold District Council had now become involved with the development and scrutiny was now required" should read, "The Committee noted that the application had now been referred to the Committee, as Cotswold District Council had *subsequent to the original application's approval* become involved with the development and scrutiny was now required"

RESOLVED: The Committee agreed that, subject to the amendment being made, the Minutes were a correct record of the meeting held on 12 October 2022.

Voting Record – For 7, Against 0, Abstentions 3, Absent I,

# [14] Chair's Announcements (if any)

The Chair announced that the Licensing training for Members would be postponed due to the officer not being available for some time.

The Chair announced that due to the number of members of the public and other interested parties attending the Planning and Licensing Committee meeting in connection with: Schedule of Applications Item no 04, 21/04342/FUL Melcourt Industries Limited, Boldridge Brake, Crudwell Lane, Long Newton, Tetbury, Gloucestershire GL8 8RT would be considered after the Tree Preservation Order item in the meeting.

#### 142 Tree Preservation Order 22/00005/IND

22/00005/IND Consider comments of objection and support to the making of Tree Preservation Order (TPO) in respect of a tree at Waterfront Tea Room, Victoria Street, Bourton on the Water.

The Tree Officer introduced the report and summarised the background and context for the requirement of the TPO, the location of the tree in a

Conservation Area at the Waterfront Tea Room, Victoria Street Bourton-on-the-Water along with pictures of the site and the wider area around the affected property.

The following people addressed the Committee:

Mr Ken Shepard (written statement read out) – Applicant/Agent

The Committee noted that the tree was around 50 years old and no reports of people being hurt by the uneven paving at the base had been received by CDC, (although other organisations may have received them).

The Committee noted that Gloucestershire Highways had recommended a solution to the ongoing damage to the highway.

The Committee noted that pruning tree roots would slow the growth of a tree but would not halt it.

The Committee noted that the seating area of the Tea Rooms had been adversely affected by the ground being lifted by the tree roots.

The Committee noted that root deflectors were used to divert roots away from paths to less busy area.

Councillor Neill proposed and Councillor Judd seconded that the Tree Preservation Order is confirmed

RESOLVED: The Committee agreed to confirm the Tree Preservation Order TPO22/00005/IND.

Voting Record – For 10, Against 0, Abstentions 0, Absent 1,

# 143 Schedule of Applications

21/04342/FUL Extension to yard used for the storage of horticultural products at Melcourt Industries Limited Boldridge Brake Crudwell Lane Long Newton Tetbury Gloucestershire GL8 8RT

The Senior Planning Case Officer introduced the application extend a yard used to store horticultural products, and undertake tree and landscape planting. Locality and site maps and photographs of the proposed development were presented, along with details of both the current road access to the site, and the proposed improvements, including the addition of five passing places.

The following people addressed the Committee:
Diane Thomas – Town/Parish Council
Jamie Lewis – Objector
Susan Hughes – Applicant
Nikki Ind – Ward Member

The Committee noted that the site was not located in the Area of Outstanding Natural Beauty (AONB) although the boundary of the AONB was a short distance away.

The Committee noted that the majority of objections to the proposed development applied to the impact of additional traffic to and from the site rather than the extension to the yard.

The Committee noted that the current site has unrestricted use and unrestricted movement of HGV and other sized vehicles to and from the site with the potential for the current volumes of traffic to increase. This cannot be retrospectively restricted or removed.

The Committee noted that the number of daily HGV movements captured by villagers and the Town & Parish Council was significantly different to the number captured by the Applicant.

The Committee noted that a representative from Gloucestershire Council Highways had not been available to attend the Committee meeting.

Councillor Webster proposed and Councillor seconded that the decision was deferred pending completion of an all Committee Member site visit was to view the surroundings of the site and to see whether the mitigation suggested would work and was in keeping.

RESOVED: The Committee agreed that the decision was deferred pending completion of an all Committee Member site visit.

Voting Record – For 10, Against 0, Abstentions 0, Absent 1,

20/02798/FUL Demolition of single storey lean to, fenestration alterations and landscaping (part retrospective) at Middle Hill Farm Saintbury Broadway Gloucestershire WR12 7PX

The Senior Conservation & Design Officer introduced the report that had been considered by the Planning and Licensing Committee on 12 October 2022 and deferred to this Committee meeting, pending completion of an all Committee Member site visit 30 November 2022. Application details were re-presented seeking planning permission for the demolition of a single storey lean-to, fenestration alterations, internal alterations including new mechanical and electrical works both of which were part-retrospective. The site location, maps, photographs and illustrations were also presented to provide context for the proposed works.

The following people addressed the Committee: Mr John Evetts – Applicant

The Chair invited Committee members that attended the site visit to share their comments.

Members commented that the site visit had been very thorough covering both storeys and inside and outside of the property.

Members thanked the planning officers that accompanied them for their in situ expert comments and advice.

Members commented that high quality restoration work had been completed at the property, but there were also a number of examples of inappropriate restoration work and materials being used.

The Committee noted that the application was looking at 'harm' that had been caused to the building from the work that had been completed, and not whether the work had been authorised or not authorised.

The Committee noted that 'harm' can be done physically to the fabric of the building e.g. using breeze blocks in place of stone during re-construction, or more theoretically harm the 'story' of the building across time periods e.g. removal or alteration of authentic features in order to create a more cohesive, consistent or 'pleasing' look to the building.

The Committee noted that a refusal of the application would refuse permission for all completed work. However the applicant would then have an opportunity to re-apply to retain elements of the work to which the Planning officer had no objection.

The Committee noted that there was an ongoing enforcement investigation at the property relating to a number of unauthorised works that had been undertaken at the property which were considered unacceptable, and some of which formed part of the two applications. A listed building enforcement notice had also been served.

Councillor Webster proposed and Councillor Neill seconded that the application was REFUSED for the reasons provided by the Senior Planning Officer

RESOLVED: The application was REFUSED for the reasons provided by the Senior Planning Officer.

Voting – For 6, Against 5, Abstentions 0, Absent 2,

20/02799/LBC Demolition of single storey lean to, fenestration alterations, internal alterations to include new mechanical and electrical works, and landscaping (part retrospective) at Middle Hill Farm Saintbury Broadway Gloucestershire WR12 7PX

The Senior Conservation & Design Officer introduced the report that had been considered by the Planning and Licensing Committee on 12 October 2022 and deferred to this Committee meeting, pending completion of an all Committee Member site visit 30 November 2022. Application details were re-presented seeking Listed Building Consent including fenestration alterations, internal alterations including new mechanical and electrical works both of which were part-retrospective. The site location, maps, photographs and illustrations were also presented to provide context for the proposed works.

The Chair invited Committee members that attended the site visit to share their comments.

Committee commented that the fire surround was not an overpowering element of the panelled room and the new mullioned window enhanced the look of the rear wall even though it was not in its original location.

Committee commented that the gradual increasing formality of the building from one end to the other was very subtle and made any assessment appropriateness of building elements very subjective. Other harm such as the removal of the stairs and the dividing of the hall into two rooms were far easier assess.

Committee noted that the harm done by the six issues listed in the application were collectively 'less than substantial harm' to the listed building

Committee noted that 'substantial harm' would be harm that was significant enough potentially to remove the property from the listing.

Councillor Webster proposed and Councillor Neill seconded that the application was REFUSED for the reasons provided by the Senior Planning Officer

RESOLVED: The application was REFUSED for the reasons provided by the Senior Planning Officer.

Voting – For 6, Against 5, Abstentions 0, Absent 0,

21/00549/FUL 45 residential dwellings with associated garages/parking, including demolition of existing petrol filling station and other existing buildings at Northfield Garage London Road Tetbury Gloucestershire GL8 8HW

The Major Developments and Appeals Manager introduced the report and summarised several additional updates that had been received and provided to the Committee.

The Chair provided time for the additional updates to be read and understood by the committee.

The Major Developments and Appeals Manager summarised two very late representations, and read out an amendment to Proposed Condition II (page 81) which should now read: "The dwellings hereby approved shall be designed and constructed to incorporate measures to ensure that as a minimum, they achieve the internal and external ambient noise levels contained in British Standard 8233:2014 (or later versions) These standards currently require:

- i) Resting (Living Room) 35 dB LAeq, 16 hour (0700-2300)
- ii) Dining (Dining Room Area) 40 dB LAeq,16 hour (0700-2300)
- iii) Sleeping (Bedroom) 30 dB LAeq, 8 hour (2300-0700)

45dB LAFmax (external to any bedroom window 2300-0700 and no more than 10 occurrences in any period) and any external amenity space(s) should achieve 50dB LAeqT where T is a time period

Reason: To protect those living in the dwellings from traffic or other external noise sources in accordance with Cotswold District Local Plan Policy EN15"

The Major Developments and Appeals Manager then presented the planning application for the erection of 45 residential dwellings with associated garages/parking. The proposed development was summarised, and the application site and location maps, photographs and illustrations were presented to provide context for what was proposed.

The Committee noted that the overall site was 0.85HA, was a site allocated for housing in the Local Plan and was within the town's development boundary and within the AONB.

The Committee noted that of the 45 Carbon Zero proposed properties, eight would be affordable housing units, four would be I-bed social rent flats, two would be social rented properties, two would be affordable rent houses and two would be properties in shared ownership.

The Committee noted that 100 parking places would be provided across the site, 91 would be allocated and all properties would have access to EV charging points.

The following people addressed the Committee: Judith Taylor – Town/Parish Council Tom Shepperd – Applicant Nikki Ind – Ward Member

The Committee noted that the original indication that twelve properties were to be built on the site was an indicative minimum amount and was not an estimate or a target.

The Committee noted that although there is a stated requirement for an additional GP Surgery this site was not allocated for that development as part of the delivery of the current housing strategy.

The Committee noted that none of the proposed properties were bungalows.

Councillor Jepson proposed and Councillor Harris seconded that the application was DEFFERED to enable officers to speak to the developer to investigate the inclusion of a public open space within the site.

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RESOLVED: The application was DEFFERED to enable Officers to speak to the applicant to investigate the inclusion of a public open space within the site.

### Voting - For II, Against 0, Abstentions 0, Absent 0,

The Chair noted comments from Members and those observing that the Committee meeting had reached 4 hours.

The Chair adjourned the meeting for 15 minutes to enable the Head of Legal Services to refer to the Council's Constitution on the matter which was determined by the Head of Legal Services, in consultation with the Democratic Services Officer that the Committee was exempt under the Constitution from any time limits which would apply to other Committees

The Chair reconvened the Committee meeting and confirmed that the Head of Legal Services had confirmed that the meeting could continue.

22/02837/FUL Variation of condition 8 (timber windows) of permission 16/03602/FUL (Demolition of existing buildings and erection of four dwellings) to replace warped timber windows with new PVC-U at 77 Victoria Road Cirencester Gloucestershire GL7 IES

The Planning Case Officer introduced and presented the planning application to replace warped timber windows with new PVC-U at 77 Victoria Road Cirencester Gloucestershire GL7 IES. The proposal was summarised, and the location of the affected windows was described, with location maps, photographs and illustrations providing context for what was proposed.

The following people addressed the Committee: Earle Ludlow – Applicant Joe Harris – Ward Member

The Committee noted the properties were within the Cirencester South Conservation Area.

The Committee noted the usual requirement would be to replace wooden windows with new wooden windows in a similar style.

The Committee noted that the affected windows were at the rear of the properties and the front of the properties and the 'street scene' would not be affected. The windows could only be seen at a distance and could not been seen closely enough to determine whether wood or appropriately coloured wood grain UPVC had been used

Councillor Jepson proposed and Councillor Judd seconded the proposal to APPROVED the application as the windows could not be seen closely enough to determine their and the harm was not sufficient to prevent the use of UPVC.

Voting Record – For 10, Against 1, Abstentions 0, Absent 0,

# 144 Sites Inspection Briefing

All Members of the Committee were invited to a Site Visit 30 November 2022

145 Licensing Sub-Committee

Planning and Licensing Committee 09/November2022
If required, the Next Licensing Sub-Committee would take place 23 November 2022
The Meeting commenced at_10.00 am and closed at 3.40 pm
Chair
(END)

# PLANNING AND LICENSING COMMITTEE 7th December 2022

### SCHEDULE OF APPLICATIONS FOR CONSIDERATION AND DECISION (HP)

- Members are asked to determine the applications in this Schedule. My
  recommendations are given at the end of each report. Members should get in
  touch with the case officer if they wish to have any further information on any
  applications.
- Applications have been considered in the light of national planning policy guidance, the Development Plan and any relevant non-statutory supplementary planning guidance.
- The following legislation is of particular importance in the consideration and determination of the applications contained in this Schedule:
  - Planning Permission: Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that "where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 special regard to the desirability of preserving the (listed) building or its setting or any features of special architectural or historic interest.
  - <u>Listed Building Consent</u>: <u>Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990</u> special regard to the desirability of preserving the (listed) building or its setting or any features of special architectural or historic interest.
  - <u>Display of Advertisements</u>: <u>Town and Country Planning (Control of Advertisements)</u> (<u>England</u>) Regulations 2007 powers to be exercised only in the interests of amenity, including any feature of historic, architectural, cultural or similar interest and public safety.
- The reference to **Key Policy Background** in the reports is intended only to highlight the policies most relevant to each case. Other policies, or other material circumstances, may also apply and could lead to a different decision being made to that recommended by the Officer.
- Any responses to consultations received after this report had been printed, will be reported at the meeting, either in the form of lists of **Additional Representations**, or orally. Late information might result in a change in my recommendation.
- The **Background Papers** referred to in compiling these reports are: the application form; the accompanying certificates and plans and any other information provided by the applicant/agent; responses from bodies or persons consulted on the application; other representations supporting or objecting to the application.

# PLANNING AND LICENSING COMMITTEE 7th December 2022 INDEX TO APPLICATIONS FOR CONSIDERATION AND DECISION

Parish	Application	Schedule No.
Long Newnton	Melcourt Industries Limited Boldridge Brake Crudwell Lane Long Newnton Tetbury Gloucestershire GL8 8RT 21/04342/FUL Full Application	01
Tetbury	Northfield Garage London Road Tetbury Gloucestershire GL8 8HW 21/00549/FUL Full Application	02
Coberley Grain Store 5 Old Dowmans Farm Coberley Cheltenham Gloucestershire GL53 9FF 22/02519/FUL Full Application		03

# Item No 01:-

# 21/04342/FUL

Melcourt Industries Limited
Boldridge Brake
Crudwell Lane
Long Newnton
Tetbury
Gloucestershire
GL8 8RT

#### Item No 01:-

Extension to yard used for the storage of horticultural products at Melcourt Industries Limited Boldridge Brake Crudwell Lane Long Newnton Tetbury Gloucestershire GL8 8RT

Full Application 21/04342/FUL		
Applicant:	Melcourt Industries Limited	
Agent:	Land & Mineral Management	
Case Officer:	Andrew Moody	
Ward Member(s):	Councillor Nikki Ind	
Committee Date:	9th November 2022	
RECOMMENDATION:	PERMIT	

UPDATE: The application was deferred at the November Planning & Licensing Committee Meeting to allow for a Sites Inspection Briefing, to assist Members in their consideration of the application with regard to viewing the local road network, and also to request attendance at the meeting by the Highway Authority. Members will provide comments regarding their site visit at the Committee Meeting.

#### I. Main Issues:

- (a) The principle of development
- (b) Landscape impact
- (c) Impact upon biodiversity
- (d) Residential amenity
- (e) Surface water drainage
- (f) Highways

#### 2. Reasons for Referral:

- 2.1 This application has been referred to the Planning and Licensing Committee for determination by the Ward Member (Councillor Ind) for the following reasons:-
- 2.2 "As Ward Councillor and following consideration of all reports, comments and objections, could I please request that this matter be referred to the Planning & Licensing Committee for further consideration and determination. I would like to draw to the attention of the Committee the issues of Highway Safety, the AONB, Conservation Areas and also highlight the strength of feeling in a small rural village which is affected daily by HGV movements at this site.

## **Highway Safety**

- 2.3 Whilst I appreciate that a report has been received from the Local Highways Authority Gloucestershire County Council primarily, I am not satisfied that the major safety concerns highlighted regarding the junction of the B4014 and Church Lane have been addressed.
- 2.4 **B4014/Church Lane Junction** It appears that no consideration has been given to this junction, which is the access point for all HGVs onto Church Lane and the route outlined in the Local Highways Authority response dated 18th July 2022 at pages 2/3 **Access**. This junction is currently unsafe, as vehicles have been witnessed mounting the pavement and reversing onto the B4014, due to the narrowing of the highway and inability for an HGV and car to pass safely. Consideration must be given to the width and safety of this vital junction. In addition, whilst the B4014 has a 30mph speed limit, there is evidence that traffic travels along this road much faster and even at 30mph, reversing onto the B4014 is dangerous and is contrary to **Policy INF4 Point A** well integrated with the existing network within and beyond the development, **Point D** avoids locations where the cumulative impact of congestion or other undesirable impact on the transport network is likely to remain severe following mitigation and **NPPF Point 110 (b)** safe and suitable access to the site can be achieved by all users. The lack of addressing this junction and the impact of increased HGV traffic is a major safety concern.
- 2.5 **Telephone ahead point** further consideration is required regarding the suitability of the site proposed on Church Lane. Due to the varying widths of the highway, the potential for 2 HGVs to meet and the safety concerns at the B4014/Church Lane junction. **NPPF Point 85** states- it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads.
- 2.6 **Passing Places** whilst it is reported that these are planned to be on highway land, is it appropriate for some of these passing places to be across private access drives? I have noted that there is a condition requiring a planning application for these places, however, shouldn't they be considered as part of this application? When agreeing these passing places consideration must be given to Cotswold Local Plan Policies ENI/EN4/EN5/ENII and if the safety issues at the B4014/Church Lane junction have been addressed.
- 2.7 **Number of vehicle movements** there is a conflict in the reports of accurate numbers of vehicle movements at the site and hours of operation the weighbridge records (during opening hours only) and the traffic survey commissioned by Long Newnton Parish Council. Is the percentage of HGV traffic on these rural lanes at an acceptable level according to the Local Travel Plan? In addition, no condition has been requested by the Highways Authority regarding limiting the number of vehicle movements at this rural site I am concerned about unlimited vehicle movements and question if this complies with **Policy EC3 Point 2** small scale employment development in a rural area.
- 2.8 **Highway Code** -further consideration is required regarding the new rules for safely passing bicycles and horses

#### Area of Outstanding Natural Beauty/Conservation Area

2.9 This rural site is within the setting of the Area of Outstanding Natural Beauty and the route approved by the Highways Authority passes through both this and two Conservation

Areas. These are therefore impacted by any increase in HGV traffic and the creation of passing places. Verge damage is already being experienced and is noted along this route. **NPPF Point 176** shows that development should be designed to avoid or minimise adverse impacts on the designated area. **NPPF Point 85** shows it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads.

#### Cotswold Local Plan - ENI/EN4/EN5/ENII

2.10 These policies concern the great weight given to the protection, conservation and enhancement of the historic and natural environment, along with the tranquillity of the countryside. The impact that increased HGV movements and creation of passing places throughout the AONB and Conservation Areas will need further consideration."

## 3. Site Description:

3.1 This is an existing B2 industrial site located in the open countryside. The site is not within the Cotswolds Area of Outstanding Natural Beauty (AONB).

# 4. Relevant Planning History:

- 4.1 91/00570/FUL: Retention of Portakabin office building in connection with industrial reprocessing building. Granted 29.05.1991
- 4.2 91/01226/FUL: Retention of the use of land for bark processing. Granted 24.10.1991
- 4.3 92/01274/FUL: Removal of condition 9 (CT.6888/A) to enable the retention of the use of land for bark processing. Granted 21.08.1992
- 4.4 92/01747/FUL: Formation of a paved area and the installation of a bark-processing machine. Granted 23.11.1992
- 4.5 96/00578/FUL: Extension of existing concrete hardstanding for turning vehicles and storage of bark. Granted 23.05.1996
- 4.6 01/00055/FUL: Erection of two Portacabin units for B1 office use. Granted 05.04.2001
- 4.7 08/00191/FUL: Proposed replacement modular building. Granted 13.03.2008
- 4.8 II/04815/FUL: Installation of generator. Granted 09.12.2011
- 4.9 17/00322/FUL: Concreting of land to provide additional bulk storage for landscaping materials, and enhancement of existing pond as mitigation for concreting works. Granted 19.10.2017
- 4.10 19/02816/FUL: Erection of lean-to extension to existing processing/bagging shed. Granted 11.09.2019

# 5. Planning Policies:

TNPPF The National Planning Policy Framework

EC3 All types of Employment-generating Uses

EN2 Design of Built & Natural Environment

EN4 The Wider Natural & Historic Landscape

EN7 Trees, Hedgerows & Woodlands

EN8 Bio & Geo: Features Habitats & Species

EN15 Pollution & Contaminated Land

INF3 Sustainable Transport

**INF4** Highway Safety

**INF5** Parking Provision

#### 6. Observations of Consultees:

- 6.1 Landscape Officer: No objection subject to conditions, comments incorporated into the report.
- 6.2 Drainage Engineer: No objection subject to condition.
- 6.3 Tree Officer: No objection subject to condition.
- 6.4 Highway Authority: No objection subject to conditions, comments incorporated into the report.

#### 7. View of Town/Parish Council:

- 7.1 Long Newnton Parish Council: Objects as contrary to the following policies from the adopted Local Plan: -
- (i) Policy EC3 in that it is not small scale nor does it create additional jobs;
- (ii) Policy ENI in that the application does not promote the protection, conservation and enhancement of the historic and natural environment;
- (iii) Policy EN5 in that the additional lorry traffic will cause further harm to the character and appearance of AONB;
- (iv) Policy ENII in that the additional lorry traffic will cause further harm to the Conservation Area; and v) Policy INF4 in that a safe and suitable access is not provided, it is not well integrated within the existing transport network beyond the application site and is located where the cumulative impact will remain severe following the proposed mitigation.

#### 7.2 Crudwell Parish Council:

Objects to this application as a highways issue. "The visibility splay around the yard is not suitable for the goods vehicles, nor are the rural roads which will be used to access and egress the site. We are particularly concerned of the danger at school drop off and pick up times when we know these roads will be busy as routes to and from local schools."

# 8. Other Representations:

- 8.1 120 representations have been received objecting to the proposal, raising the following issues:
- (i) increased impact upon highway safety from additional traffic
- (ii) speed limits are not adhered to by lorry drivers
- (iii) inappropriate location for the use
- (iv) lorries use the lane 24 hours a day
- (v) impact upon other road users
- (vi) impact upon AONB
- (vii) safety for cyclists, horse riders and pedestrians
- (viii) the number of vehicles visiting the site has increased significantly in recent years
- (ix) damage to road verges
- (x) information provided by applicants on traffic movements is inaccurate
- (xi) numerous incidents along the lane between HGVs and other drivers
- (xii) increased traffic through Tetbury
- (xiii) more emissions and pollution
- (xiv) impact upon wildlife
- 8.2 Cotswold National Landscape Board: Object "Having considered the applicant's submission, for the reasons outlined within Annex I below the Board has concerns in respect of the potential adverse impact this application may have upon the tranquillity and landscape and scenic beauty of the National Landscape. For this reason, we consider that the application conflicts with Policy EN5 of the Cotswold Local Plan 2011-2031 and paragraph 176 of the National Planning Policy Framework as well as not according with Policies CE1, CE4 and CE10 of the Cotswolds AONB Management Plan 2018-2023. Therefore, we object to this application."
- 8.3 5 representations have been received in support of the proposal, raising the following issues:
- (i) supports local employment
- (ii) impact of expansion would be low
- (iii) the business should be encouraged to expand

#### 9. Applicant's Supporting Information:

Planning Statement
Transport Statement
HGV Management Plan
Technical Note
Tree Survey
SUDS Supporting Information
Preliminary Ecological Appraisal
Proposed Plans

#### 10. Officer's Assessment:

# (a) The Principle of Development

- 10.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that 'If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.' The starting point for the determination of this application is therefore the current development plan for the District which is the adopted Cotswold District Local Plan 2011- 2031.
- 10.2 The Council must also have regard to other material considerations when reaching its decision. In particular, it is necessary to have regard to guidance and policies in the National Planning Policy Framework (NPPF).
- 10.3 The site is an existing B2 industrial site in an isolated location, but is excluded from the listed established employment sites included within the Cotswold District Local Plan having regard to Policy EC2 Safeguarding Employment Sites. The proposal is therefore subject to Policy EC3 which states that:

'Outside Development Boundaries, and outside established employment sites, proposals for small-scale employment development appropriate to a rural area will be permitted where they:

C. facilitate the retention or growth of a local employment opportunity.'

- 10.4 In addition, paragraphs 84 and 85 of the NPPF support a prosperous rural economy, and state that:
- '84. Planning policies and decisions should enable:
- (a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;
- (b) the development and diversification of agricultural and other land-based rural businesses;
- (c) sustainable rural tourism and leisure developments which respect the character of the countryside; and
- (d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.
- 85. Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.'
- 10.5 The proposed additional hardstanding would be for ancillary storage purposes to the existing business. The business operated from the site is horticultural, and includes the

production of peat free compost products. The supporting information provided with the application states that the proposed stocking yard is required to accommodate additional packed and bulk products, so as to improving the efficiency of the processing plant and the site generally. The applicant is also wishing to maintain production runs on individual products to ensure efficient use of the plant for processing and packing, and that a larger storage area is required on site to hold the products awaiting dispatch.

10.6 Therefore, it is considered that the principle of the proposed development would accord with Local Policy EC3, in addition to paragraphs 84 and 85 of the NPPF.

#### (b) Landscape Impact

- 10.7 The site is located within the setting of 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.
- 10.8 Policy EN2 of the Local Plan states that development will be permitted which accords with the Design Code (Appendix D). Proposals should be of design quality that respects the character and distinctive appearance of the locality.
- 10.9 Policy EN4 of the Local Plan states that development will be permitted where it does not have a significant detrimental impact on the natural and historic landscape (including the tranquillity of the countryside) of Cotswold District or neighbouring areas. This policy requires that proposals will take account of landscape and historic landscape character, visual quality and local distinctiveness. They will be expected to enhance, restore and better manage the natural and historic landscape, and any significant landscape features and elements, including key views, settlement patterns and heritage assets.
- 10.10 Policy EN5 of the Local Plan states that in determining development proposals within the AONB or its setting, the conservation and enhancement of the natural beauty of the landscape, its character and special qualities will be given great weight.
- 10.11 Policy INF7 of the Local Plan states that development proposals must contribute, depending on their scale, use and location, to the protection and enhancement of existing Green Infrastructure and/or the delivery of new Green Infrastructure. Green Infrastructure will be designed in accordance with principles set out in the Cotswold Design Code (Appendix D).
- 10.12 Paragraph 131 of the National Planning Policy Framework states that planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible.
- 10.13 Paragraph 174 of the National Planning Policy Framework requires the planning system to recognise the intrinsic character and beauty of the countryside.

- 10.14 Paragraph 176 of the National Planning Policy Framework states that great weight should be given to conserving landscape and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty.
- 10.15 The application site lies to the north of Melcourt Industries existing yard and buildings, with an area of 1.32ha of existing woodland to be removed. This is understood to have been planted in 1991, and contains approximately 2100 trees. To compensate for this loss of area of woodland, a new woodland is shown to be provided extending to 1.35ha in area, to be planted further to the north adjacent to the southern side of Crudwell Lane. The application site in its entirety therefore extends to approximately 4.1 ha.
- 10.16 The site borders the existing industrial site to the south and a belt of retained woodland to the north, whilst beyond the woodland boundary lies agricultural land. Views of the site are available locally from a public footpath, the route of which lies along the agricultural track which defines the south-eastern boundary, whilst views from Crudwell Lane to the north would be largely screened by intervening vegetation. The impacts of lighting (if required) may also be seen from the wider landscape context.
- 10.17 The scheme has been amended to delete an area of bunding that was proposed, which was not considered to be acceptable in landscape terms. Subject to this amendment, the scheme is considered to be acceptable. The area of woodland to be removed is considered to be of low value, although a perimeter belt of trees within the existing woodland would be retained to provide containment of the site. The Tree Officer has also raised no concerns about the removal of the existing planting.
- 10.18 Details of new woodland planting are provided on the Proposed Landscape Planting Plan, and it is considered that the new woodland would provide sufficient landscape enhancement. The proposed planting mix is in keeping with the rural context and the diverse species selection would improve the biodiversity at the site.
- 10.19 There are no details of lighting provided with the application. However, if lighting is needed, details must be submitted and agreed by the Local Planning Authority in order to protect the tranquillity of the rural countryside and also the dark skies of the nearby Cotswolds AONB. A condition is, therefore, recommended to require details of any new external lighting to be provided prior to installation.

## (c) Impact upon Biodiversity

10.20 Having regard to Policy EN8 of the Local Plan and paragraphs 174 and 180 of the NPPF, a Preliminary Ecological Appraisal and Great Crested Newt Environmental DNA (eDNA) Assessment have been provided in support of the application. The proposal includes the adoption of all the proposed mitigation and biodiversity enhancement measures recommended within the report, to include the preparation of a mitigation and enhancement scheme / Biodiversity Enhancement Plan which would be submitted for approval pursuant to a condition of the planning permission, which would incorporate the following:

- (i) A planting and aftercare schedule for the new plantation woodland as set out in the tree survey report provided by Pryor and Rickett Silviculture (PRS, 2021);
- (ii) Landscaping proposals for the new bunds with the aim of maximising biodiversity;
- (iii) Details of construction timing restrictions with respect to breeding birds; and

- (iv) The provision of bird and bat boxes on retained plantation trees.
- 10.21 Officers are satisfied that relevant legislation and policy requirements would be met by the submission, and as such accord with the objectives of Cotswold District Local Plan Policy EN8 and Section 15 of the NPPF.

# (d) Residential amenity

- 10.22 Policy EN2 and the Cotswold Design Code require consideration of the impact of development in terms of residential amenity, which is also referred to within paragraph 130 (f) of the NPPF.
- 10.23 The nearest residential property to the proposed hardstanding is in Wiltshire, approximately 80 metres distant. However, considering the established use of the site and the nature of the proposed use, for outdoor storage, it is not considered that the proposed development would impact upon the amenities of any nearby residential properties.
- 10.24 It should, however, be noted that the applicants have suggested working hours of:

Monday to Friday 0730 to 1800 Saturday 0800 to 1400 with no working on Sundays or Bank Holidays.

- 10.25 It should be noted that any working hours restriction would only apply to the area within the red line upon the submitted plans denoting the application site boundary.
- 10.26 However, in view of the use of the land proposed, it is considered that the proposal would be acceptable having regard to Policy EN2, the Cotswold Design Code and the NPPF.

#### (e) Surface Water Drainage

- 10.27 Having regard to Policy EN14 of the Local Plan, the application refers to the hardstanding being constructed from concrete, and this would, therefore, result in a considerable increase in hard surfacing.
- 10.28 The proposed plans include a storage swale to direct surface water run-off via a network of gulleys and filter drains, so as to minimise potential detrimental impacts on flood risk and water quality. It is expected that the swale will be dry under normal conditions, with this being located to the north of the yard extension.
- 10.29 The Council's Drainage Engineers consider that the proposed details are acceptable in principle, but have recommended that a condition be attached to any permission granted.

#### (f) Highways

10.30 Section 9 of the NPPF advocates sustainable transport, including safe and suitable accesses to all sites for all people. However, it also makes it clear that development should only be prevented or refused on highway grounds where there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network are severe.

- 10.31 Local Plan Policy INF3 (Sustainable Transport) supports development that actively supports travel choices with priority to walking and cycling and access provided to public transport. Links with green infrastructure, PROWs and wider cycle networks should be provided. Development that would have a detrimental effect on the amenity of existing infrastructure will not be permitted.
- 10.32 Local Plan Policy INF4 (Highway Safety) supports development that is well integrated with the existing transport network and beyond the application site, avoiding severance resulting from mitigation and severe impact upon the highway network. Developments that create safe and secure layouts and access will be permitted.
- 10.33 Local Plan Policy INF5 (Parking Provision) seeks to ensure sufficient parking provision to manage the local road network.
- 10.34 In support of the application, the applicants have stated that they estimate that the development will add an average of 6 articulated lorry loads (12 vehicle movements) per day, allowing for growth in raw material imports, product sales and other materials. However, the increased storage space will remove at least 80 HGV movements associated with off-site storage of product in the busiest months of the year, typically I articulated lorry load meaning 2 movements a day, so the net change will be 10 daily HGV movements. It is also stated that no change in staff levels is anticipated.
- 10.35 Furthermore, the applicants have also stated that they have relocated existing soil processing operations to a site at South Cerney last year. This will remove an average of 10 articulated lorry movements a day (5 loads) in the busiest months (March to May), and will therefore off-set the 10 envisaged articulated lorry movements during busy periods. Therefore, the supporting statement concludes that the current traffic impact from site operations will not change.
- 10.36 The Highway Authority has assessed the estimated additional traffic that could be generated by the site expansion on the highway network, accounting for the figures in the original Transport Assessment (TA) of 10-12 HGV's and those recorded from the site and Parish traffic counts compared to potential site land use trips from TRICS analysis. The previous TA comments that the additional trips would be balanced by the removal of associated trips from HGV trips between other applicant sites due to the additional storage and operations not occurring on the site were not accepted by the Highway Authority, due to the application allowing the larger commercial land use potential trips for either the current applicant or another operator.
- 10.37 The Highway Authority has also commented that applicants are required to mitigate the impact of the development, and although the impact of the existing operations has been observed, including verge damage which will be required to be repaired, the mitigation for the proposed expansion of the operations at the site has been the focus of their consideration of the application.
- 10.38 It is proposed to provide 5 passing spaces along the route to the site from the junction of Church Lane with the B4014, with further spaces along Crudwell Lane and the entrance to the site where there is evidence of passing (i.e. damage to the verge). These would be provided within the highway verge, and funded by the applicants. The Highway Authority considers that

the final details may be subject of a condition, and are considered reasonable based on the potential increase in trips generated.

- 10.39 The site access will be required to provide improved signage notifying all HGVs to turn west via Crudwell Lane, Church Lane and the B4014 as well as visibility splays being provided based on recorded speeds.
- 10.40 Based on the analysis of the information submitted, the Highway Authority concludes that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion, and that there are no justifiable grounds on which an objection could be maintained.
- 10.41 Within the objections received to the application, reference has been made by objectors to breaches of the Operator's licence issued by the DVSA (Drive and Vehicle Standards Agency). Whilst these concerns are noted, that is a matter for the DVSA to investigate rather than the Local Planning Authority, and does not affect the recommendation made.

#### II. Conclusion

- II.I The proposal is considered to accord with the policies in the Development Plan, in addition to the NPPF, which are not outweighed by other material planning considerations.
- 11.2 The recommendation is for planning permission to be granted.

# 12. Proposed conditions:

1. The development shall be started by 3 years from the date of this decision notice.

**Reason:** To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in accordance with the following drawing numbers: **LMM/049/01-B**; **LMM/049/02-E**; MEL001-B; MEL003-A and MEL004.

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

3. 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 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 EN2.

4. 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 EN4.

5. 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 EN2.

6. Prior to its installation, a scheme shall be submitted to and agreed in writing by the Local Planning Authority, which specifies the provisions to be made for the level of illumination of the site and the control of light pollution. The scheme shall be implemented and maintained in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To prevent light pollution in accordance in accordance with Cotswold District Local Plan Policy EN15.

7. Prior to the commencement of the development hereby approved, full details of highway improvements/offsite works comprising the provision of 5 passing places, to accommodate HGV passing with appropriate signage in general accordance with plan IMA-2I-022 028, shall be submitted to and approved in writing by the Local Planning Authority. The use hereby approved shall not be brought into use until those works have been constructed in accordance with the approved details, with the passing bays to be retained thereafter.

**Reason:** To ensure the safe and free flow of traffic onto the highway to mitigate and minimise conflicts according to Policies INF1 and INF4 of the Cotswold District Local Plan and NPPF paragraphs 110 and 112.

8. All HGVs accessing and egressing from the site shall travel via the B4014, Church Lane and Crudwell Lane to the west. Site access signage for all HGVs to turn west on egress towards Church Lane and the B4014 shall be erected in general accordance with plan IMA-21-022 027.

**Reason:** To ensure safe and suitable access to and from the site minimising impact on highway users according to Policies INFI and INF4 of the Cotswold District Local Plan and NPPF paragraphs 110 and 112.

9. The development hereby approved shall not be occupied/brought into use until visibility splays are provided from a point Im above carriageway level at the centre of the access to the application site and 2.4 metres back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of 93.6 metres in each direction measured along the nearside edge of the adjoining carriageway and offset a distance of 0.6 metres from the edge of the carriageway. These splays shall thereafter be permanently kept free of all obstructions to visibility over 0.9m in height above carriageway level.

**Reason:** In the interests of highway safety according to Policies INF1 and INF4 of the Cotswold District Local Plan and NPPF paragraphs 110 and 112.

10. An electric vehicle infrastructure strategy and implementation plan shall be submitted to and approved in writing by the Local Planning Authority prior to the first use of the land use hereby permitted. The plan shall contain details of the number and location of all electric vehicle charging points shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851, and Manual for Gloucestershire Streets. Buildings and parking spaces that are to be provided with charging points shall not be brought into use for the permitted development until associated charging points are installed in strict accordance with approved details and are operational. The charging points installed shall be retained thereafter unless replaced or upgraded to an equal or higher specification.

**Reason:** To promote sustainable travel and healthy communities according to Policies INFI and INF4 of the Cotswold District Local Plan and NPPF paragraphs 110 and 112.

- II. Prior to commencement of the development hereby permitted details of a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the clearance/construction period. The plan/statement shall include but not be restricted to:
- Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- Advisory routes for construction traffic;
- Any temporary access to the site;
- Locations for loading/unloading and storage of plant, waste and construction materials;
- Method of preventing mud and dust being carried onto the highway;
- Arrangements for turning vehicles;
- Arrangements to receive abnormal loads or unusually large vehicles;
- Highway Condition survey;
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

**Reason:** In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development according to Policies INF1 and INF4 of the Cotswold District Local Plan and NPPF paragraphs I 10 and I 12.

12. The Development hereby approved shall not be brought into use until a HGV management plan has been submitted to and approved in writing by the Local Planning Authority. The measures shall thereafter be implemented in accordance with the approved delivery plan for the lifetime of the development.

**Reason:** In the interests of highway safety and to minimise the impact of vehicles servicing the development upon congestion according to Policies INFI and INF4 of the Cotswold District Local Plan and NPPF paragraphs 110 and 112.

13. The development shall be completed in accordance with the recommendations in Section 5 of the Preliminary Ecological Appraisal report (May 2021, Pure Ecology), as submitted with the planning application. All the recommendations shall be implemented in full according to the specified timescales, unless otherwise agreed in writing by the Local Planning Authority, and all mitigation features shall thereafter be permanently retained.

**Reason:** To ensure that the bats, badgers, birds, reptiles and hedgehogs are protected in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 as amended, Policy EN8 of the Cotswold District Local Plan 2011-2031, Circular 06/2005, paragraphs 174 and 180 of the National Planning Policy Framework and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

14. Prior to the commencement of development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site to demonstrate the infiltration rate. Three tests should be carried out for each soakage pit as per BRE 365 with the lowest infiltration rate (expressed in m/s) used for design. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved. Development shall not take place until an exceedance flow routing plan for flows above the 1 in 100 year + 40% CC event has been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality (The Cotswold Strategic Flood Risk Assessment, National Planning Policy Framework and Planning Practice Guidance). If the surface water design is not agreed before works commence, it could result in abortive works being carried out on site or alterations to the approved site layout being required to ensure flooding does not occur.

15. The works shall be completed in accordance with the arboricultural recommendations laid out in the consultancy report 'BS 5837 Trees in Relation to Design, Demolition and Construction - Recommendations Report' prepared by Pryor & Rickett Siviculture (May 2021). All of the recommendations shall be implemented in full according to any timescales laid out in the recommendations, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To safeguard the retained/protected tree/s in accordance with Cotswold District Local Plan Policy EN7.

16. 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 buildings, fencing or other means of enclosure shall be erected, constructed or sited in the application site other than those permitted by this Decision Notice.

**Reason:** In the interests of visual amenity in accordance with Cotswold District Local Plan Policies EN2 and EN4.

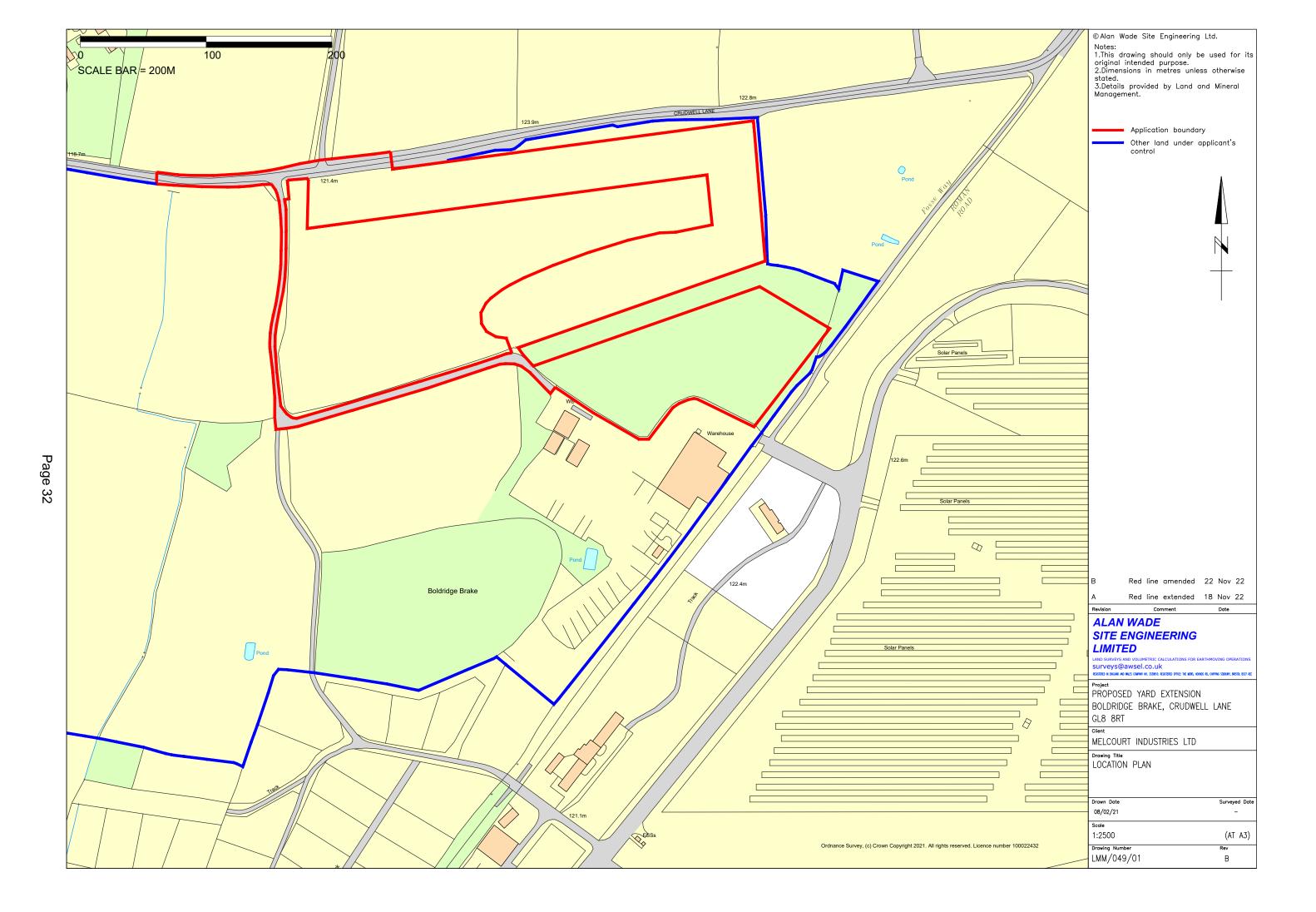
17. No machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site except between the hours of 0730 to 1800 Monday to Friday, 0800 to 1400 on Saturday and not at any time on Sundays, Bank or Public Holidays.

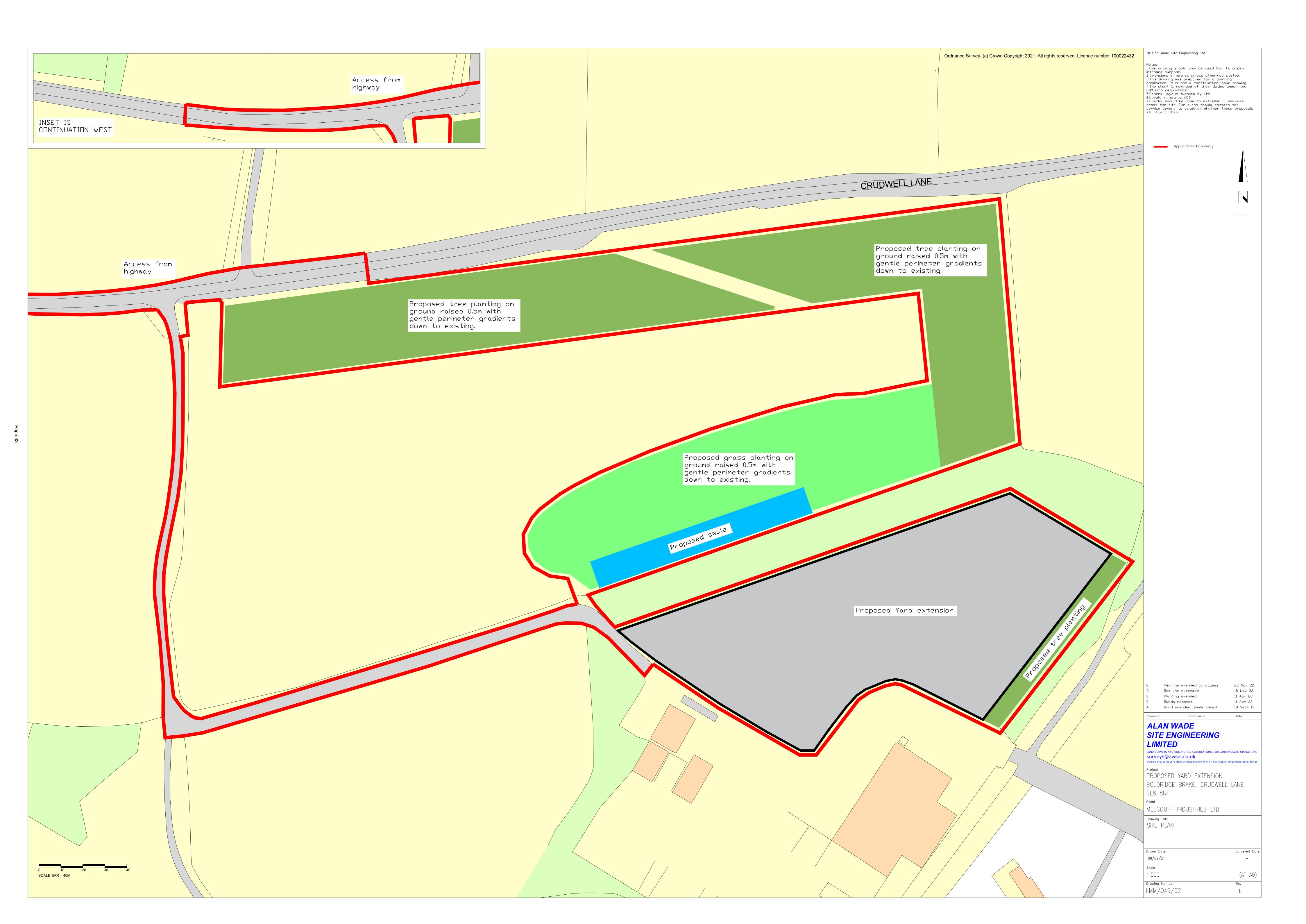
**Reason:** To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Cotswold District Local Plan Policy EN15.

#### Informative:

- I. The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with;
- Flood and Water Management Act 2010 (Part I Clause 27 (1))
- Code for sustainable homes A step-change in sustainable home building practice
- The local flood risk management strategy published by Gloucestershire County Council, as per the Flood and Water Management Act 2010 (Part 1 Clause 9 (1))
- CIRIA C753 SuDS Manual 2015
- The National Flood and Coastal Erosion Risk Management Strategy for England, produced by the Environment Agency in July 2020, pursuant to paragraph 9 of Section 7 of the Flood and Water Management Act 2010.











PLANTING AREAS (Blocks B1 - B3)



PROPOSED UNDERPLANTING WITHIN EXISTING WOODLAND (Block U1)



AREA SEEDED TO LOW MAINTENANCE, TUSSOCKY GRASSLAND



PROPOSED 1.8m HIGH DEER AND RABBIT FENCE AROUND BLOCKS B1 & B2

#### Tree & Shrub Planting Areas: Planting Specifications and Management (Blocks B1 - B3 & U1)

Small woodland blocks B1 & B2, a scrubby planting strip (Block B3) and underplanting within the existing woodland (Area U1) will be planted with species in accordance with the Schedule of Plant Material (see above). The planting would comprise native species (of local origin where possible) containing primary/secondary tree species and shrubby understorey/woodland edge species in order to establish a range of vegetation types and sizes throughout the planting blocks.

Scrubby species would predominate in Block B3 and Area U1. For block B3 plants would be planted at an average of 2m centres for blocks B1 & B2 plants would be at average of 2.5m centres, for area U1 plants would be at an average of 3.0m centres. In all planting areas plants would be randomly located as opposed to adhering to a strict planting grid, which can look unnatural. For blocks B1 - B3 plants would be planted in random groups of 1 - 7. For blocks B1 & B2, the outer edge of each block would consist mainly of more shrubby species to encourage a gradual variation from a shrubby woodland edge through to the main woodland

Underplanting area U1 would be randomly planted with the selected species where possible, with the aim to 'gap up' and 'fill in' areas where the existing vegetation is less dense. The planting would provide additional understorey vegetation over time, although such planting is difficult to establish due to the lack of water and light. The selected species are considered reasonably suitable for this type of planting environment.

at a point once the plant is deemed mature enough to withstand browsing by predators.

Each planting station will be kept weed free by the application of glyphosate herbicide (e.g., Roundup) at least twice every year. in early spring and early/mid summer, for at least the first three seasons, with review thereafter. Plants within Blocks B1 and B2 will not be individually guarded, so for these blocks, the spraying lance would be fitted with a spray shield to prevent herbicide drifting onto the plant. Excessive tall and noxious weeds within planting areas will be controlled by selective spraying or strimming if deemed necessary (although strimming can encourage more vigorous weed growth). All chemical applications will be in accordance with guidelines as set out in the Pesticide Control Act 1996.

Plants, guards and canes which become loose, over-tight or broken will be re-firmed and adjusted on an annual basis. Fencing will be repaired as necessary on a regular basis. All planting/seeding failures would be replaced on an annual basis, during the first five years to ensure 100% stocking. All replacements will use plants of the same species or alternatively other species seen to be thriving on site. All natural regeneration of desirable species arising within planting areas will be accepted. Refer to the Typical Annual Planting Maintenance Programme table at the upper right hand corner of the drawing for timings of operations PROPOSED LANDSCAPE PLANTING PLAN

Drawing No. APRIL 2022 MEL001Rev.B Scale 1:1250 @ A3 Revision B

File Ref. 2204\_006.040\_MEL001Rev.B\_LANDSCAPE PLANTING

**DB** Landscape Consultancy

T: 017344 624 709 M: 07736 083 383 david@dblc.co.uk www.dblc.co.uk























Item No 02:-

21/00549/FUL

Northfield Garage London Road Tetbury Gloucestershire GL8 8HW

#### Item No 02:-

45 residential dwellings with associated garages/parking, including demolition of existing petrol filling station and other existing buildings at Northfield Garage London Road Tetbury Gloucestershire GL8 8HW

Full Application 21/00549/FUL	
Applicant:	Newland Homes Ltd
Agent:	
Case Officer:	Mike Napper
Ward Member(s):	Councillor Nikki Ind
Committee Date:	9th November 2022
RECOMMENDATION:	DELEGATED PERMISSION subject to i) completion of \$106 in respect of Affordable Housing, ii) completion of \$106 in respect of library contribution, and iii) confirmation of Lead Local Flood Authority satisfaction.

UPDATE: This application was deferred by Committee at the Meeting of 9th November to allow further negotiations to take place in relation to the potential provision of additional on-site Public Open Space. Those negotiations have now been completed. Updates are provided in bold text in the relevant sections of the following report, including in respect of items that were reported to the November Committee in the Additional Pages to the latter Meeting.

#### I. Main Issues:

- (a) The Principle of the Development
- (b) Design and Visual Impact
- (c) Highways Issues
- (d) Residential Amenity
- (e) Flood Risk

#### 2. Reasons for Referral:

2.1 The Ward Member (Councillor Ind) referred the application for the consideration of the Planning and Licensing Committee for the following reasons:-

#### "Local Plan Policy \$9 - Tetbury

2.2 Whilst this is an allocated Housing development for Tetbury this policy is for 18 Houses (net) on this site - whilst I appreciate this doesn't appear to include the existing petrol station or part of the charity shop, the application for 45 houses is more than double, whilst the increase in site size is not double - it would appear that this could be an overdevelopment

of the site. Parking allocation on site is a concern and I also understand that no affordable housing will be provided on this site either, due to the cost in decontamination around the Petrol site, so all housing will be at market value. Given the current cost of living crisis and the need for socially rented houses in the District, I am concerned that this is not a requirement.

- 2.3 Whilst I understand that there is nothing currently in the Local Plan, consideration of the Climate Emergency declared by Gloucestershire County and Cotswold District Councils would be welcomed, I have noted some allowance in the most recent plans for this site, but we do need to ensure that we are not building houses which will need to be retrofitted in the next 10 years or so at a further cost to our residents.
- 2.4 Policy DS2 6.2.6 Open Spaces, gardens, gaps Apart from the domestic gardens there is no open space within this development, only grass adjacent to London Road at the entrance to the development. Consideration for the ecological emergency declared by the District Council should also be considered.

### **Cotswold Design Code**

2.5 D10 - Settlements are distinctive in how they sit within the landscape. They have their own unique layouts and patterns of streets. These characteristics should be reflected in the location and design of developments

DII - tightly arranged

DI3- - sense of rhythm

DI4 - elevations

I refer to my earlier point about potential overdevelopment of this site.

#### Policy EN14 - Managing Flood Risk

2.6 Cookspool on opposite side of road is known to flood through the dry-stone wall and across London Road at events of heavy rainfall, consideration must be given to how this could affect the development on the opposite side of the road."

#### 3. Site Description:

- 3.1 The site of approximately 0.85 ha lies within Tetbury's Development Boundary and is situated on the corner of London Road and Northfield Road and is prominent on a key eastern approach to Tetbury from the A433 (London Road), from which it is accessed. It comprises a former car showroom (formerly Northfield Garage) and a charity shop, with the former Tesco petrol filling (PFS) station to the centre of the London Road frontage. There is existing residential development to the north, south-east and east of the site and Tescos supermarket is located to the south-west of the site. The terraced housing lining Northfield Road is probably early C20, which gives the site some historic context. The site is outside of the town's Conservation Area, which is drawn around its historic market town core to the south-west of the application site. A mature lime tree at the London Road frontage is the subject of a Tree Preservation Order (TPO).
- 3.2 The majority of the site (excluding the PFS) is allocated within the Cotswold District Local Plan (site reference  $T_5I$ ) for housing re-development with an indicative net delivery of 18 dwellings.

- 3.3 The whole site is within the Cotswolds Area of Outstanding Natural Beauty (AONB).
- 3.4 The site is within Flood Zone I, which is at least risk of surface water flooding. The site is also located within the inner Source Protection Zone (SPZI) for Long Newton Public Water Abstraction.

# 4. Relevant Planning History:

- 4.1 CT.0547/3/D Change of use of offices to car showroom: Permitted 20.08.92.
- 4.2 CT.0547/3/K Alterations and extension to existing showroom and workshop: Permitted 27.12.95.
- 4.3 CT.0547/3/N Alterations to existing showroom, workshop and forecourt shop (revised scheme): Permitted 29.11.96.
- 4.4 CT.0547/3/P New Audi showroom and body/paint shop: Permitted 20.12.96.
- 4.5 21/00312/FUL Petrol Filling Station and associated works within car parking area of Tesco: Permitted 12.08.21. **N.B. Adjacent to current application site.**

# 5. Planning Policies:

NPPF National Planning Policy Framework

**DSI** Development Strategy

DS2 Dev within Development Boundaries

EN2 Design of Built & Natural Environment

S9 S9 - Tetbury

S9 NG T 51 - Northfield Garage

#### 6. Observations of Consultees:

- 6.1 Housing Strategy Officer: No objections, subject to completion of \$106 legal agreement.
- 6.2 Conservation & Design Officer: No objection.
- 6.3 Highways Officer: No objections.
- 6.4 ERS Officer (Pollution): No objection in respect of air quality, noise or contamination.
- 6.5 Waste Manager: Initial comments Accessibility for waste collection vehicles appears to be satisfactory, but dependent on location of on-street parking. Carry distance for waste operators appears to exceed required 10m.
- 6.6 Biodiversity Officer: No objection.
- 6.7 Tree Officer: No objection.

- 6.8 Update: Lead Local Flood Authority: Comments now received still raising technical queries in respect of drainage strategy.
- 6.9 Update: Water Company: Confirm that a 4" water main next to the site boundary which could be affected by the proposed development and developer will need to contact the Water Company to discuss impact.
- 6.10 Update: GCC Community Infrastructure Officer: Requests Library contribution of £8820.00. No education contribution required.

#### 7. View of Town/Parish Council:

Tetbury Town Council: Objects: "There are too many units on a small parcel of land. The location is out of place on the entrance into Tetbury. There still remains a significant problem about the traffic pulling out from this estate, Northfield Road, Tesco and Conygar all onto London Road."

# 8. Other Representations:

#### 8.1 30 Third Party Objectors:

- i) through thorough viability assessment in relation to Housing policies that seek a minimum 10% Affordable Housing, the development should deliver a minimum of three Affordable Housing units, preferably by commuted sum for off-site provision;
- ii) The density of the development is high and is only achievable by having; no common open play space, that would normally be expected in a residential development of this scale; having 3 electric charge points, obstructing the entrance; and having relatively unbroken car spaces, that as laid out will give a relatively cluttered appearance, not being broken up by sufficiently by Landscaping. Such is not possible, given the number of car spaces, to satisfy standards. The density of the surrounding residential areas and recently approved Tetbury new build developments is approximately 28 dwellings per hectare. The applicant is proposing 50 dwellings per hectare (45 dwellings in 0.9 hectares) this is more than twice the local area and 50dph is more akin to inner city areas. The density needs to be substantially reduced. This would reduce the amount of car parking required and allow the central area of housing to be replaced with a central park area of usable green space and wildflower meadow/trees. It is not acceptable that some plots have no private or usable shared amenity space (e.g. plots 39-40). The garden sizes on a number of plots are also vastly insufficient, 3 bedroom homes should expect a garden size of 60m squared not the 25m squared provided (e.g. plots I and 2);
- iii) having regard to Local Plan Policy SAI, there would seem to be a legitimate case for \$106 funding, towards GP facilities. In this case that would be towards the new Healthcare Centre. After all, as the existing Surgery is too small, and needs relocating, with expansion. There is a clear necessity, justifying a \$106 Agreement. Also, investigation of any need, related to schooling and library contributions is required;
- iv) likely to create extra congestion at the Northfield Rd junction, which is unsafe due to onstreet parking and excessive speed. On-site parking is insufficient, which would result in additional cars using roadside parking to the detriment of highway safety; extra traffic generated would create a bottleneck at the nearby London Rd roundabout;

- v) the current petrol station should not be decommissioned until the new one is up and running due to there being no other local petrol station as there is no other way for local residents to get petrol other than driving all the way to Cirencester or Malmesbury;
- vi) The proposed elevations of the dwellings still do not sit well with the more traditional Cotswold vernacular of Tetbury further design changes are required to meet the Cotswold Design Guide. The porches should take cues from the recent new build developments at either end of Tetbury. The fenestration layout is still not symmetrical and lacks prominent lintels;
- vii) Within the development, the street scene is predominantly views of parking. Parking needs to be located to the sides of buildings and not fronting the road. The position of some plots is very far away from their parking space (e.g. 6 and 7) and in reality residents will not be bothered to walk such distances to their car and instead park inappropriately on the development or Northfield Road. Please look at every recent new build development in Tetbury to see how many cars are parked on the roads due to lack of parking provision. This also makes access for refuse vehicles difficult and dangerous;
- viii) The proposed scheme involves the creation of more than 20 dwellings. Criterion 3 of Policy HI states that 'proposals for more than 20 dwellings will be expected to provide 5% of dwelling plots for sale as serviced or self or custom build plots.' Therefore, 2 self-build plots will need to be provided. This is especially important as the recent Bromford development to the north of Tetbury failed to provide any self-build plots even though the policy required them to do so. The lack of self-build plots is especially frustrating for Tetbury residents;
- ix) "Tetbury is over populated and cannot cope with new developments. Council should not let big business rough shot [sic] over people's wishes"; "It is about time the residents of Tetbury were able to live in their town which is not in a continual state of being a building site. We have been living with this for well over 5 years now with all the new developments. This land should be used as a green space for residents."; Lack of adequate local infrastructure facilities and local employment opportunities;
- x) the mature trees currently on the site should be retained for biodiversity and carbon dioxide absorption reasons, and also for reasons of privacy; xi) site would be better used to provide an urgently needed new surgery and/or other community facilities, including a public car park;
- xii) insufficient regard to Sustainable energy/water-use in the design details and layout; xiii) the proposals need to make on-site provision for children's play as it is not safely accessible to existing alternatives;
- xiv) the applicant has made no attempt to engage with or involve local nature conservation organisations (who have the required local expertise) in the design of the development;
- xv) the development would create noise and air pollution for existing residents;
- xvi) Scale of proposed two and a half & three storey dwellings would create lack of privacy and daylight to existing residents on Northfield Rd, including to a difference in ground levels. Proposed tree screening would not be permanent in the longer term;
- xvii) poor design of the development could set an irresistible and dangerous precedent for other sites within the District;
- xviii) loss of the charity shop on the site would be detrimental to the town; and
- ix) potential use of private drive for turning due to limitations of proposed layout.

# 8.2 Update: 9 Further Objection comments as reported to the November Committee and since the Meeting in respect of:

i) integrity of submitted Acoustics Report;

- ii) loss of privacy, noise barrier and biodiversity due to loss of mature boundary trees;
- iii) too much development in the town without services and facilities to support it;
- iv) local road congestion;
- v) the centrally-located site should be developed for or to include the required new GP surgery;
- vi) dwellings too small with insufficient private amenity space;
- vii) 'ugly' houses to site frontage; and
- viii) supports Committee's requirement for more on-site POS provision.

# 8.3 I Third Party comment of Support:

Previous comments of objection now withdrawn due to the provision of the proposed on-site Affordable Housing and Library contribution, and the proposal is now supported as earlier revisions have overcome other previous concerns. The proposed 45 units is a reasonable number for the site in this location.

# 9. Applicant's Supporting Information:

Planning Statement
Design & Access Statement
Viability Assessment
Sustainability Statement
Flood Risk Assessment & Drainage Strategy
Ground Investigation Report
Ecological Assessment
5 Year Landscape Management Plan
Noise Impact Assessment
Acoustics Report
Waste Management Plan

# 10. Officer's Assessment:

#### The Proposals

- 10.1 Permission is sought for the redevelopment of the application site to provide 45 new-build dwellings (37 houses, 4 flats above garages and 4 apartments in two blocks), now including 8 units (approx. 17%) of Affordable Housing (4  $\times$  1-bed flats for Social Rent (Plots 27, 28, 39 and 40), 2  $\times$  2-bed houses for Affordable Rent (plots 37 and 38) and 2  $\times$  2-bed houses for Shared Ownership (plots 25 and 26)). The overall mix of house sizes proposed is 4  $\times$  1-bed, 12  $\times$  2-bed, 17  $\times$  3-bed and 12  $\times$  4-bed dwellings.
- 10.2 The proposed dwellings are of a vernacular-influenced contemporary design and comprise a mix of 2 and 2.5 storeys in height of predominantly Cotswold stone and reconstituted stone, with a smaller amount of render walling, together with a mix of natural blue slate and reconstituted stone roofing. The developer adopts a 'fabric first' approach to sustainable energy performance for all of its new buildings with an objective of achieving Band B of the energy efficiency rating range for new houses. Drawings are attached to this report to show examples of the building types.

10.3 The proposed development would have vehicular access from London Road. Parking provision would comprise 100 spaces in total, with 72 garages and undercroft spaces, 19 open allocated, 6 visitor and 3 for unrestricted use. Electric vehicle charging points would be provided or available for each new dwelling.

# (a) The Principle of the Development

- 10.4 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise." The starting point for the determination of an application would therefore be the current development plan for the District which is the Cotswold District Local Plan 2011-2031.
- 10.5 Local Plan Policy DS1 (Development Strategy) states that "Sufficient land will be allocated, which together with commitments and dwellings completed since 2011, will deliver at least 8,400 dwellings and at least 24 hectares for B class employment use over the Plan period 2011-2031." The policy then lists the 17 Principal Settlements across the District, including Tetbury, within which the specific allocations are made. The supporting text of the Policy confirms that "The Principal Settlements listed in Policy DS1 have been identified as the most sustainable locations to deliver future growth, with Cirencester being the District's main centre by a very considerable margin. These settlements were selected on the basis of their social and economic sustainability, including accessibility to services and facilities. The availability of suitable land capable of delivering sustainable development during the Plan period also helped determine which settlements to include in the Development Strategy." (paragraph 6.1.9).
- 10.6 In terms of the delivery of the above strategy, which remains up-to-date, Policy S9 (Tetbury) identifies the land allocated as a result of Policy DSI and includes the majority of the current application site for housing as 'T\_5I Northfield Garage' with an indicative capacity for 18 dwellings. The policy's supporting text explains that "As part of the site allocation process, various constraints and issues (including flood risk, archaeology, landscape, form, scale and access) have been taken fully into account. In some instances, these considerations have resulted in the allocation of fewer units or smaller sites areas being assumed to be built than might otherwise have been anticipated. Further high-level guidance on such considerations, and possible means by which they might be addressed, are included in the Local Plan evidence base, particularly the SHELAA. The number of dwellings referred to for each allocated site is an indication of assumed capacity rather than a policy requirement or limit on the amount of development."
- 10.7 Importantly, the whole site has also been re-assessed as part of the on-going SHELAA (Strategic Housing and Economic Land Availability Assessment) review process as a potential candidate for re-allocation in the Local Plan Review document for 50 dwellings. The supporting text to the Site Capacity section (paragraph 2.10) explains that "A conservative approach has been used when assessing the capacities of sites to ensure that development trajectories are not over-optimistic. The adopted Local Plan policies have guided the assessment of development potential and site capacities, which provides robust and deliverable estimates."

- 10.8 Paragraph 2.11 further expands that "As a starting point, the capacities of residential sites have been calculated using a Density Multiplier Assumption. This uses a basic assumption of 30 dwellings per hectare but takes account of the patterns of development. For example, larger developments would be required to provide sustainable drainage, green infrastructure, walking and cycling facilities, some new roads and parking areas, recreational space, and so on. This affects the overall density of the development. To reflect this, the Density Multiplier Assumption makes a deduction on the capacity of larger sites. This method has proven to be realistic and deliverable for the site allocations of the adopted Local Plan."
- 10.9 The application site is located within Tetbury Development Boundary and Policy DS2 (Development Within Development Boundaries) is also applicable to residential development in such locations, which states that:-

'Within the Development Boundaries indicated on the Policies Maps, applications for development will be permissible in principle.'

- 10.10 Of additional relevance are paragraphs 176 and 177 of the NPPF that relate to development within AONBs, which states that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty and that major development should be refused other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. In this instance, the site is an allocated site within the town's Development Boundary and currently makes no beneficial contribution to the scenic beauty of the AONB. Clause 2 of Local Plan Policy EN5 (Cotswolds Area of Outstanding Natural Beauty) accords with paragraph 177, but clarifies, in paragraph 10.5.2 of the supporting text, that "Clause 2 does not apply to development sites allocated by the Local Plan because the need for those developments and scope for them to be accommodated outside the AONB was assessed during plan preparation."
- 10.11 In the context of the above policy considerations, the erection of new-build housing on the site is therefore acceptable in principle. Issues of the acceptability of the details of the application, including the impacts of the number of dwelling proposed, will be addressed in the following sections of this report, assessed against other Local Plan policies and national guidance.

#### (b) Design and Visual Impact

10.12 Local Plan Policy EN2 (Design of the Built and Natural Environment) policy is applicable to this application, which states that "Development will be permitted which accords with the Cotswold Design Code. Proposals should be of design quality that respects the character and distinctive appearance of the locality." Appendix D of the Design Code reinforces and expands upon these principles and requires that development should respond to its context, and its specific townscape setting (paragraph D.9); There should be close attention to the site and its setting, in determining the overall principle, density and grain, scale and form of new buildings (paragraph D.14); and that excessive or uncharacteristic bulk should be avoided. Whatever the architectural approach (vernacular or contemporary), any design should respond to its context and to local distinctiveness. A high quality of materials, details and finishes is also expected (paragraph D.17).

- 10.13 Policy INF7 (Green Infrastructure) requires that new development proposals must contribute, depending on their scale, use and location, to the protection and enhancement of existing Green Infrastructure and/or the delivery of new Green Infrastructure.
- 10.14 Tetbury and Tetbury Upton Neighbourhood Plan 2015-2030 was formally 'made' in 2017 and is also a material policy consideration. Policy I (Types of Housing) states that "Housing development should, where appropriate and viable, provide for a range of dwelling types and sizes, to reflect local demand." Policy 2 (Enhancement of Tetbury's Townscape and Character) requires that "Development Proposals will be required to pay regard to the Tetbury Townscape and Character Assessment Report 2016 and the Cotswold Design Guide 2000 and any future adopted update to the Cotswold Design Guide."
- 10.15 Section 12 of the NPPF sets out criteria for achieving well-designed places, with paragraph 130 requiring that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term, but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); establish a strong sense of place; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 10.16 Paragraph 131 emphasises that trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined.
- 10.17 Paragraph 134 states that permission should be refused for development that is not well designed and, conversely, development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents and/or outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
- 10.18 Section 14 of the NPPF deals with climate change. Paragraph 157 states that "local planning authorities should expect new development to: (a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and (b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption."
- 10.19 Concerns have been raised by the local community in respect of the amount of the proposed new development and the site's capacity. It is clear from the above policies that it is nevertheless important to ensure the efficient use of allocated sites, whilst also ensuring that each development appropriately addresses other relevent planning policy considerations, including regarding Policy EN2 and those relating to highways issues which will be addressed in the next section of the report. As explained in the preceding section of this report, the SHELAA review assesses that the site has capacity for 50 dwellings. A large proportion of the proposed units within this scheme are smaller dwellings (33 would be 3-bed or smaller), which

is considered to be beneficial having regard to Policy HI (Housing Mix & Tenure to Meet Local Needs) in delivering a suitable mix and range of housing in terms of size, type and tenure.

- 10.20 The redevelopment of the site creates an opportunity for enhancement from an urban design perspective and there are no significant built heritage constraints that directly inform the design approach. The density of the wider area of the town within which the site is located is itself characteristically relatively high and, in terms of basic layout pattern of this development, officers have also sought to add visual quality to the London Road and Northfield Road streetscenes, and to ensuring an appropriate quality of design within the site. As again will be explained later in this report, officers have also had regard to the impact of the proposals on the amenity of existing residents adjoining the application site. The assessment of the various relevant policy considerations has resulted in officers concluding that the number of dwellings as laid out in the submitted details can be successfully accommodated on the site without material demonstrable harm being caused and in delivering a development of an appropriate quality.
- 10.21 A feature of the proposed layout is the creation of new residential streetscenes to the prominent London Road and Northfield Road frontages. Along the London Road, the proposed dwellings would be set back thereby allowing the re-landscaping to provide a wide tree'd verge with improved pedestrian footpaths, which are currently interrupted by the two wide vehicular access splays. Existing trees would be retained to the London Road frontage (including the mature lime protected by the TPO), as would mature hedges along the southern boundary abutting existing neighbouring residential development. A new beech hedge would be also be planted to define the verges from the roadside. The new areas of verge will be seeded with native meadow mix grassland, together with areas of native bulb planting, and native tree and shrub planting would be undertaken through the interior of the site to create streetscene character, break up areas of hard surface, and to provide focal points at junctions. The dwellings that would face onto London Road and Northfield Road would have traditional cottage-style frontages with low Cotswold stone walls.
- 10.22 In terms of the building design approach, the redevelopment of the site lends itself to the 'contemporary vernacular' design approach proposed. Following negotiations, the most prominent street frontages along London Road and Northfield Road would be primarily of natural stone walling with visual variety created with the use of roughcast render. The remainder of the site would include the addition of reconstituted stone walling. A mix of natural blue slate and reconstituted stone slate would be used for the roofing throughout the site. The buildings would create strong building lines to reinforce the residential streetscene of this town approach, which is considered to be a beneficial, incorporating terraces and semi-detached dwellings in a sympathetic and visually attractive mix of roof forms and elevational treatments, whilst maintaining traditional simplicity of the local vernacular.
- 10.23 Central to the design approach of the development is to achieve Energy Performance Certificate (EPC) Energy Efficiency Rating band A, which means that each home creates as much Prime Energy (i.e. energy required for lighting, heating and hot water) as it needs and is the current optimum rating. The applicant has stated that all of the company's new-build dwellings now require as standard a Dwelling Emission Rate (DER), as set out in part L1A of the Building Regulations, of 0 kgCO2/(m2/yr) in terms of its prime energy usage as indicated in the 'As-Built SAP calculations' and as displayed in the PEA's & EPC's, which places them well in excess of the latest Part L Building Regulations. To achieve this standard the dwellings are designed on a 'fabric first' approach to energy conservation and without the use of gas at the

properties. The dwellings will be provided with Air Source Heat Pumps for heating and hot water with electricity will be provided to the home on a renewable tariff, and with additional renewable energy from integrated solar panels. Each dwelling would be fitted with a water butt.

10.24 In terms of green infrastructure and biodiversity, the existing site and use has low ecological value and therefore makes a very low level of contribution. The current proposals would provide a positive contribution as a result of the proposed new landscaping, which has been designed to address this issue. Additionally, the proposals will incorporate new nest boxes for birds and bats as recommended within the submitted Ecological Assessment. Although no formal Public Open Space is proposed within the scheme, the development provides ample garden space for the dwellinghouses and the site is well connected to other open space opportunities within the town. On this basis, officers are content that the proposals would accord with Local Plan policies EN2, EN5, EN8 and INF7.

10.25 Overall, it is considered that the proposed development will not have an adverse impact on the character and appearance of the area, and would, in fact, enhance the existing streetscene frontages, whilst also seeking to address the impact of climate change at this allocated redevelopment site and providing affordable homes for local people.

10.26 Update: Committee's resolution in November was to defer the application with a direction to officers to seek additional Public Open Space (POS) within the development site. In particular, Members were keen to ensure that appropriate level of provision was made for the future residents of the proposed development, which is generally characterised by smaller family-sized dwellings, likely to be popular with younger families. Officers have positively completed their negotiations with the applicant agreeing to review the layout. As a result, proposals have been provided (as attached to this report), which officers consider would deliver an appropriate and proportionate solution in this instance. The revisions propose two additional green spaces with a cumulative area of 251 sqm, the largest between plots 5 and 6 and a smaller space between plots 33 and 34, both of which would link with and extend the POS to be provided by the new wide verge that would run parallel to the site frontage. Both areas of POS would be landscaped, largely with new planting, and provided with seating, as detailed in the new layout drawings attached (for most detail, please see the 'Landscape Nodes' drawing). Both spaces would be well-overlooked and therefore secure. The smaller space, between plots 33 and 34, was previously shown as an area of hard landscaping, whilst the larger between plots 5 and 6 has resulted from some re-arrangement of the parking and turning head in that part of the site, including the loss of three parking spaces. The applicant has provided additional details to demonstrate that the overall parking and vehicle tracking standards are still maintained in the revised layout. The latter have been sent for review to the Highways Officer for his confirmation. Notwithstanding that the now proposed POS provision is an acceptable response in itself, the applicant has stated that any alternative that would result in the loss of dwellings would critically affect the scheme's independently tested viability, particularly now in light of current economic forecasts.

### (c) Affordable Housing

10.27 This application seeks permission for more than 10 dwellings and is therefore subject to the requirements of Local Plan Policy H2 (Affordable Housing). Policy H2 seeks to secure up to 30% on-site affordable housing provision. However, in considering the level of affordable provision on the site, it is also necessary to have regard to national guidance and, in particular, the Vacant Building Credit (VBC). Paragraph 026 (Reference ID:23b-026-20190315) of the Planning Practice Guidance (PPG) is a significant material consideration and states:

"National policy provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floorspace."

10.28 At the submission of the application, the applicant was uncertain that this 'brownfield' site, with significant challenges resulting from its previous use, could be viably developed with on-site Affordable Housing contribution. Following formal Viability Assessment undertaken by the District Valuer on behalf of officers and subsequent negotiations, the proposals now include 8 units of Affordable Housing (approx. 17%). This meets the results of the Viability Assessment, having taken account of limiting site factors and particularly Vacant Building Credit in respect of existing buildings on the site. Due to the pressing local need for Affordable Housing in Tetbury and the redevelopment constraints of the site, officers have, in this instance, focussed upon maximising the amount of Affordable Housing, rather than the provision of any self-build units on the site, which is also sought by Policy HI in developments of over 20 units.

10.29 In terms of design, officers are content that the Affordable Housing units would be 'tenure blind' in appearance and would be well-integrated within the overall development. Similarly, officers have ensured that the units would meet the established living space standards required as part of the Council's standards for the relevant \$106 legal agreements. As such, officers are content that the proposed development would deliver an appropriate number and type of Affordable Housing, subject to the final completion of the associated legal agreement.

#### (d) Highways Issues

10.30 At the outset, the Highways Officer has been mindful of the Local Plan indication of the site's capacity for 18 dwellings and local concerns regarding highway safety, congestion and parking resulting from the number of dwellings now proposed. Consequently, during the course of the application, clarification and revisions relating to a number of issues have requested. As a result, further consultation with the Highways Officer has now confirmed that the traffic surveys used to determine vehicle flows on London Road are considered to be reliable, and that the scale of the proposed development would be unlikely to have an adverse impact on the wider network or the local junctions as concluded by the submitted Transport Assessment.

- 10.31 The parking schedule indicates that 72 allocated parking spaces would be provided and overall the provision is considered to be acceptable. It is noted that the previously proposed potentially problematical parking on Northfield Road has been removed.
- 10.32 Additional details were provided to confirm the acceptability of the roads for waste collection and other services. Although the Highway Officer and Waste Manager do have some remaining concerns regarding carry distances (in excess of 10m) for a Plots 1-4, the distances are within the Building Regulation parameters and are considered not so significant to be practically problematical to the functionality of the overall development.
- 10.33 The Highway Officer has confirmed that a robust assessment of the planning application has been undertaken and that, based on the analysis of the information submitted, the Highway Authority concludes that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion. As such, there are no justifiable grounds on which an objection could be maintained.
- 10.34 Overall and subject to the separate completion of legal agreements between the developer and the Highway Authority regarding works to the public highway and adoption, it is considered that the proposed scheme can be undertaken without having an adverse impact on highway safety or parking. Provision is also made for electric vehicles and bicycles to encourage more sustainable modes of travel. The proposal is considered to accord with Local Plan Polices INF3, INF4 and INF5. Having regard to paragraph 109 of the NPPF, there is not considered to be an unacceptable impact on highway safety considering the traffic that would be generated if the established use of the existing buildings upon the site was to be recommenced, and that the residual cumulative impacts on the road network would not be 'severe'.
- 10.35 Update: As explained under section (b) above, the layout has been revised to address Committee's November resolution to seek increased POS provision, as illustrated and detailed in the additional attachments to this report.

#### (d) Residential Amenity

- 10.36 The floorspace of the proposed dwellings meets the Government's Technical Housing Standards, the Nationally Described Space Standards document, as required by Local Plan Policy H1.
- 10.37 Each dwelling will be provided with an appropriate level of private outdoor garden space which is considered to be commensurate with the size of the dwellings proposed in accordance with guidance in the Cotswold Design Code.
- 10.38 The proposed dwellings will be orientated and positioned so as to ensure that occupiers of the proposed and existing dwellings will receive adequate levels of light in accordance with guidance in BRE document IP23/12 Site Layout Planning for Daylight.
- 10.39 The windows of the proposed dwellings will be in excess of 22m of the minimum distance set out in the Cotswold Design Code for facing windows of existing dwellings, unless in relation to facing frontages across the public highways. It is considered that the proposed development can be undertaken without having an adverse impact on privacy.

- 10.40 Overall, it is considered that the proposed development accords with guidance in the Cotswold Design Code concerning residential amenity.
- 10.41 Update: Following a review by the ERS Officer of the potential sensitivity of the site from noise generated from the adjoining Tesco Stores, particularly from the movement of delivery vehicles, amendments to Condition II of the conditions attached to this report were recommended in the November Additional Pages Update and have now been incorporated.
- 10.42 Additionally, officers recommended a further condition in the November Additional Pages Update to protect existing residents neighbouring the application site from construction-related noise. Again, that condition (Condition 25) has now been added to the conditions attached to this report.

#### (e) Flood Risk

- 10.43 The proposed dwellings will be located in a Flood Zone I which is the lowest designation of flood zone and wherein new residential development can be acceptable in principle. Nevertheless, there has been local concerns regarding flood risk. The applicant has submitted a Flood Risk Assessment (FRA) with the application.
- 10.44 A full assessment of potential flood risk has been undertaken as part of the application process in consultation with the Lead Local Flood Authority (LLFA). The LLFA has noted that there is a risk that surface water accumulates on site. Much of this will be from rainfall that falls on the site itself so will be managed by the new surface water drainage. There are no records of the site flooding and overland flow will be managed through the overland flow routes. The rate that surface water will leave the site will be reduced by approximately 40% of the current peak runoff rate.
- 10.45 The applicant has provided a plan to deal with this flooding, which is to incorporate two underground attenuation tanks to store surface water. This strategy is acceptable, subject to a detailed design condition.
- 10.46 Climate change has been accommodated using a value of 40% added to the peak rainfall intensity, which is in line with the latest Environment Agency estimates. Surface water flow paths, during events greater than the I in 100 year rainfall event, would be directed and contained within the highway. Additional confirmation is currently awaited from the LLFA regarding the details of the adoption details for the highways drainage, which will hopeful be reported with any related conditions at the Committee Meeting. Subject to the resolution of this final issues, It is considered that the proposed development can be undertaken without have an adverse impact on foul or surface water drainage in accordance with Local Plan Policy EN14.
- 10.47 A full consultation has been undertaken with the Council's Environmental Regulatory Services in respect of addressing potential ground pollution in relation to the previous use of the site and no objections have been raised subject to the conditions recommended.
- 10.48 Comments are awaited from the Water Company to ensure their satisfaction with the proposals and it is expected that an updated can be provided at the Committee Meeting.

10.49 Update: Applicant has provided correspondence that shows engagement with Bristol Water to agree a water main connection design.

10.50 In terms of the LLFA's position, further comments have now been received and recommend that more information is provided on the protections in place over the private sewer that the development is proposed to discharge into, the water quality aspects of the drainage network and the exceedance flow route plan around plots 21-24. Climate change also needs to be updated in line with the latest Environment Agency estimates. As such, these comments are currently with the applicant and officers expect to be able to provide an update at the December Meeting.

### (f) Other Matters

- 10.51 Officers can confirm that the new PFS, as previously permitted under application reference 21/00312/FUL in 2021, is now in full operation at the adjacent Tesco Store development to the south-west of the site.
- 10.52 The proposed development is liable for the Community Infrastructure Levy (CIL). Section 143 of the Localism Act 2011 states that any financial sum that an authority has received, will, or could receive, in payment of CIL is a material 'local finance consideration' in planning decisions. Notwithstanding this, a CIL exemption can be secured if the development is for affordable housing provided by a registered provider. No payment would be required if an exemption is sought prior to the commencement of development.
- 10.53 Update: Additional comments from Applicant in response to Officer report (as reported in November Additional Pages): "Zero Carbon/Sustainability Newland Homes houses are zero carbon in operation, the requirement for this is a Dwelling Emission Rate (DER) as set out in part LIA of the building regulations, of 0 kgCO2/(m2/yr) in terms of its prime energy usage as indicated in the 'As-Built SAP calculations' and as displayed in the PEA's & EPC's by following these guidelines our houses are well in excess of Part L of the building regulations. The development has been evolved with reference to and in compliance with Cotswold District Council's Zero Carbon Toolkit and in response to the Council's Climate Emergency. This is achieved by the following:
- Air Source Heat Pumps for heating and hot water.
- Electricity will be provided to the home on a renewable tariff
- Additional renewable energy derived from solar panels.
- 10.54 These elements and the high levels of fabric efficiency means the dwelling obtains an EPC Rating at the top of A, equal to having an Energy Efficiency Rating of 100+. This puts homes in the top 2% of energy performance of those built nationally. This means that the home will create as much Prime Energy as it needs. Prime energy is defined as the regulated (ie direct wired) energy required for lighting, heating and hot water in a property.
- 10.55 Ecology and green spaces The site as existing has a very low ecological value, this is due to the amount of hard standing on site (around 90%) with the only green areas being the frontage to the petrol filling station and existing trees

around the perimeter of the site. The proposals include a swathe of green/landscaped area across the entire frontage of the site, this includes new tree and hedge planting, meadow mix grassland and new bulb planting - an amenity space that can be enjoyed by all. Existing trees are to be retained where shown. There will be new tree and shrub planting along the new estate road, creating green pockets as you travel through the site. All family housing will also have rear garden space, providing private amenity space and more opportunities for ecology, including hedgehog highways. Bat and bird boxes will be included within the scheme; these will be as indicated within the Ecology report. The landscape proposals include native tree and shrub planting throughout the site and has been chosen to enhance local ecology. Through development of the site around half will become green landscape space, as part of both garden and communal green space.

10.56 LLFA - Newland Homes proposals offer significant improvement over the existing site drainage conditions, with improved foul water connections and reducing significantly impermeable area across the site with the removal of buildings and hard standing. The initial surface water drainage strategy utilised an existing combined water outfall to the highway drain within London Road. Discussions with GCC's highway drainage team identified that the receiving highway drain was not an acceptable point of connection, due to capacity. Following further discussions with both WW and GCC highway drainage teams, their preferred solution was to connect the surface water drainage from our proposed development into the existing private surface water drainage network within the neighbouring Tesco land. Tesco as landowner have already granted the right to follow this route as a point of surface water outfall from our site.

10.57 Our current surface water proposals provide a private surface water drainage network that will outfall to the private surface water network within the Tesco land at a rate that is equivalent to the unsurcharged capacity of the receiving 150mm diameter pipe. A flow control chamber will be provided within the last surface water manhole in our site, just prior to the outfall into Tesco land. Sufficient attenuation will be provided to accommodate return periods up to and including the 1 in 100-yr critical storm event and will include a 40% allowance for climate change. The proposed drainage strategy has been agreed with both WW and GCC highway drainage teams and should satisfy the LLFA.

10.58 Foul water drainage will connect to the existing public foul sewer within London Road and the network will be offered for adoption with WW."

#### II. Conclusion

- 11.1 Subject to the final conclusion of the outstanding issues, it is considered that the proposed development represents the sustainable re-development of a redundant brownfield site, in accordance with the Local Plan allocation. Officers therefore recommend that the application should be permitted on completion of the related \$106 legal agreement.
- 11.2 Upddate: The Officer Recommendation has been revised to include the reported updates and now refers to the need for the completion of the two \$106

legal agreements, in respect of Affordable Housing and Library contribution, and confirmation of the LLFA's satisfaction.

# 12. Proposed conditions:

1. The development shall be started by 3 years from the date of this decision notice.

**Reason:** To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in accordance with the following drawing number(s): .

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

3. The development hereby permitted shall be completed such that, prior to the occupancy of each dwelling, those dwellings achieve a minimum of Energy Performance Certificate (EPC) Energy Efficiency Rating Band A.

**Reason:** In order to ensure the creation of an energy efficient development that addresses the impact of climate change.

- 4. Prior to the commencement of the development hereby permitted details of a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Plan shall be adhered to throughout the demolition/construction period. The plan shall include but not be restricted to:
- Parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of
- neighbouring properties during construction);
- Advisory routes for construction traffic;
- Any temporary access to the site;
- Locations for loading/unloading and storage of plant, waste and construction materials;
- Method of preventing mud and dust being carried onto the highway;
- Arrangements for turning vehicles;
- Arrangements to receive abnormal loads or unusually large vehicles;
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

**Reason:** In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development.

5. Prior to the first occupation of each dwelling forming part of the development hereby permitted vehicle parking, including electric vehicle charging points, and cycle storage shall be provided in accordance with the approved drawings. The parking, storage and charging points shall be maintained for this purpose thereafter.

Reason: To promote sustainable travel and healthy communities

6. Prior to the first occupation of any dwelling forming part of the development hereby permitted a residential welcome pack promoting sustainable forms of access to the development shall be submitted to and approved in writing by the Local Planning Authority. The pack shall be provided to each resident at the point of the first occupation of the dwelling.

**Reason:** To reduce vehicle movements and promote sustainable access.

7. Prior to the first occupation of any dwelling forming part of the development hereby permitted the site access and associated highway improvement works on London Road shall be provided in accordance with drawing no 776-141-3.

Reason: In the interests of highway safety.

8. Prior to the first occupation of any dwelling forming part of the development hereby permitted visibility splays shall be provided from a point 0.6m above carriageway level at the centre of the access to the application site and 2.4 metres back from the near side edge of the adjoining London Road carriageway, (measured perpendicularly), for a distance in each direction as shown on drawing no 776-141-3. These splays shall thereafter be permanently kept free of all obstructions to visibility over 0.6m in height above carriageway level.

Reason: In the interests of highway safety.

9. Prior to the commencement of the development hereby permitted full details of all proposed street tree planting, root protection systems, future management plan, and the proposed times of planting, shall have been submitted to and approved in writing by the Local Planning Authority, and all tree planting shall be carried out in accordance with those details and at those times.

**Reason:** To ensure the continued wellbeing of the trees in the interests of the amenity and environmental quality of the locality.

10. No development shall take place until a desk study has been produced to assess the nature and extent of any contamination, whether or not it originated on site, the report must include a risk assessment of potential source-pathway-receptor linkages. If potential pollutant linkages are identified, a site investigation of the nature and extent of contamination must be carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any significant contamination is found during the site investigation, a Remediation Scheme specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before any development begins.

The Remediation Scheme, as agreed in writing by the Local Planning Authority, shall be fully implemented in accordance with the approved timetable of works and before the development hereby permitted is first occupied. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. On completion of the works the developer shall submit to the Local Planning Authority a Verification Report confirming that all works were completed in accordance with the agreed

details. If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

**Reason:** To ensure any contamination of the site is identified and appropriately remediated, in accordance with Cotswold District Local Plan Policy EN15 and Section 15 of the NPPF.

- II. The dwellings hereby approved shall be designed and constructed to incorporate measures to ensure that as a minimum, they achieve the internal and external ambient noise levels contained in British Standard 8233:2014 (or later versions) These standards currently require:
- i) Resting (Living Room) 35 dB LAeq, I 6hour (0700-2300 hours);
- ii) Dining (Dining room/area) 40 dB LAeq, I 6hour (0700-2300 hours);
- iii) Sleeping (Bedroom) 30 dB LAeq, 8hour (2300-0700 hours);

45dB LAFmax (External to any bedroom window 2300-0700 hours and no more than 10 occurences in any period) and any external amenity space(s) should achieve 50dBLAeqE, where T is a time period.

**Reason:** To protect those living in the dwellings from traffic or other external noise sources in accordance with Cotswold District Local Plan Policy EN15.

12. Prior to the commencement of any works on site (including demolition and site clearance), the tree protection as detailed on Tree Protection Plan, shall be installed in accordance with the specifications set out within the plan and BS5837:2012 'Trees in relation to design, demolition and construction - recommendations' and shall remain in place until the completion of the construction process. No part of the protection shall be removed or altered without prior written approval of the Local Planning Authority.

Fires on site should be avoided if possible. Where they are unavoidable, they should not be lit in a position where heat could affect foliage or branches. The potential size of the fire and the wind direction should be taken into account when determining its location, and it should be attended at all times until safe enough to leave. Materials that would contaminate the soil such as cement or diesel must not be discharged with 10m of the tree stem. Existing ground levels shall remain the same within the Construction Exclusion Zone and no building materials or surplus soil shall be stored therein. All service runs shall fall outside the Construction Exclusion Zone unless otherwise approved in writing by the Local Planning Authority.

**Reason:** To safeguard the retained/protected tree/s in accordance with Cotswold District Local Plan Policy EN7. It is important that these details are agreed prior to the commencement of development as works undertaken during the course of construction could have an adverse impact on the well-being of existing trees.

13. The entire landscaping scheme shown by drawing number 20265.101 Rev. G 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 EN4.

14. 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 EN2.

15. All new trees are to be adequately staked, protected and mulched. All works to accord with BS3936-1:1992 Nursery stock. Specification for trees and shrubs and BS 4428:1989 Code of practice for general landscape operations (excluding hard surfaces) and BS 8545:2014 Trees: from nursery to independence in the landscape Recommendations.

Should any of the trees be removed, die or become severely damaged or seriously diseased within 5 years of planting, they must be replaced by trees of a similar size and species to that originally planted. The tree planting 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 the development is completed in a manner that is sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policy EN7.

16. Prior to the occupation of each dwellinghouse, surface water attenuation/storage works for the said dwelling hereby permitted shall be provided by the installation of a functioning water butt (minimum capacity 200 litres) in a position to be agreed. The water butt shall thereafter be permanently maintained in working order in the agreed position unless an alternative siting is approved in writing by the Local Planning Authority.

**Reason:** To enhance water conservation and as a precautionary measure to reduce the possible increased risks of flooding associated with water runoff in accordance with Cotswold District Local Plan Policy EN14.

17. Prior to the construction of any external wall of the development hereby approved, samples of the proposed walling materials (including boundary walling) 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 EN2, the development will be constructed of materials of a type, colour, texture and quality that will be appropriate to the site and its surroundings.

18. Prior to the construction of any external wall of the development hereby approved, sample panels of stone and render walling of at least one metre square in size showing i) the proposed stone colour, coursing, bonding, treatment of corners, method of pointing and mix and colour of mortar for stonework and ii) showing the proposed texture and colour of render, 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 panels shall be retained on site until the completion of the development.

**Reason:** To ensure that in accordance with Cotswold District Local Plan Policy EN2, 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 panels on site during the work will help to ensure consistency.

19. The development shall not be brought into use or occupied until traditional Cotswold drystone walling has been constructed in accordance with the approved drawings and in accordance with construction details (including capping treatment) to be submitted to and approved in writing by the Local Planning Authority. The wall shall then be maintained in accordance with the approved details.

**Reason:** To ensure that the development is completed in a manner that is sympathetic to its surroundings in accordance with Cotswold District Local Plan Policy EN2.

20. 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 EN2.

21. Prior to the first occupation of the development hereby permitted, the windows and external doors shall be finished in a colour to be first submitted to and approved in writing by the Local Planning Authority and shall thereafter be permanently retained in the approved colour 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 EN2.

22. No windows and doors, garage doors, head and cill treatments, eaves, verges, rooflights, porches and porch canopies, copings, chimneys, and/or dormer windows 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 Policy EN2.

23. The new rooflights shall be of a design which, when installed, shall not project forward of the roof slope in which the rooflights are located 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 EN2.

24. The development shall be completed in accordance with the recommendations in Section 3 of the Ecological Assessment, dated January 2021, prepared by Tyler Grange as submitted with the planning application. All the recommendations shall be implemented in full according to the specified timescales, unless otherwise agreed in writing by the local planning authority, and shall thereafter be permanently retained.

**Reason:** To ensure that species and habitats are protected and enhanced in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 as amended, Policy EN8 of the Cotswold District Local Plan 2011-2031, Circular 06/2005, the National Planning Policy Framework and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

25. No construction, demolition works or deliveries shall be undertaken on the site before 0800 on weekdays and 0900 on Saturdays, nor after 1800 on weekdays and 1300 on Saturdays, nor at any time on Sundays or Bank Holidays.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Cotswold District Council Local Plan ENI5.

#### Informatives:

- I. The development hereby permitted includes the carrying out of work on the adopted highway. You are advised that before undertaking work on the adopted highway you must enter into a highway agreement under Section 278 of the Highways Act 1980 with the County Council, which would specify the works and the terms and conditions under which they are to be carried out. Contact the Highway Authority's Legal Agreements Development Management Team at <a href="highwaylegalagreements@gloucestershire.gov.uk">highwaylegalagreements@gloucestershire.gov.uk</a> allowing sufficient time for the preparation and signing of the Agreement. You will be required to pay fees to cover the Councils costs in undertaking the following actions:
- Drafting the Agreement
- A Monitoring Fee
- Approving the highway details
- Inspecting the highway works
- 2. Planning permission is not permission to work in the highway. A Highway Agreement under Section 278 of the Highways Act 1980 must be completed, the bond secured and the Highway Authority's technical approval and inspection fees paid before any drawings will be considered and approved.

- 3. All new streets must be tree lined as required in the National Planning Policy Framework. All proposed street trees must be suitable for transport corridors as defined by Trees and Design Action Group (TDAG). Details should be provided of what management systems are to be included; this includes root protections, watering and ongoing management. Street trees are likely to be subject to a commuted sum.
- 4. You are advised that as a result of the private nature of the proposed surface water drainage outfall, the internal access road and surface water drainage will not be accepted for adoption by the Highway Authority under Section 38 of the Highways Act 1980.
- 5. The development will be bound by Sections 219 to 225 (the Advance Payments Code) of the Highways Act 1980. The exemption from adoption will be held as a Land Charge against all properties within the application boundary.
- 6. Please note that the proposed development set out in this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). A CIL Liability Notice will be sent to the applicant, and any other person who has an interest in the land, separately. The Liability Notice will contain details of the chargeable amount and how to claim exemption or relief, if appropriate. There are further details on this process on the Council's website at <a href="https://www.cotswold.gov.uk/CIL">www.cotswold.gov.uk/CIL</a>











Street Scene A-A 1:500 @A3 London Rd



Street Scene B-B 1:500 @A3 Northfield Rd



A Drawing ammended 14/10/2021 SS Date Initial Checked Newland HOMES

# London Rd, Tetbury

DO NOT SCALE FROM THIS DRAWING

DO NOT SCALE FROM THIS DRAWING
All dimensions to be checked on site prior to manufacture of prefabricated items. Any discrepancy or query to be reported and clarified before associated work proceeds. All construction to be in accordance with relevant Trade and Professional Standards and Guidelines, Statutory requirements and product manufacturers' specifications. Read in conjunction with Finishing specification, Workmanship specification, all other associated drawings issued and details which may be issued from time to time.

**Street Scenes** 

1:500 @A3

SS Drawn 14.10.2021

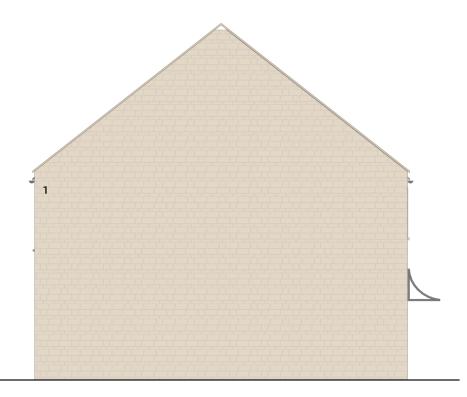
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CR3a Front Elevation

Page 71



CR3a Side Elevation

**1521.P.HT.CR3a.101 CR3a Elevations** 1:100@A3



CR3a Rear Elevation



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#### NOTES

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#### Material Key

- 1. Cotswold Stone
- 2. Reconstituted Stone
- 3. Render
- 4. Slate Roof Tiles
- 5. Reconstituted Stone Roof Tiles
- 6. Window (Light Colour Frames) with
- Stone Surround
- 7. Window (Light Colour Frames)
- 8. Rooflight (Frame Colour to Match Windows)
- 9. Timber Front Door
- 10. Timber Garage Door
- 11. Stone Coping
- 12. Porch (Grey Colour)
- 13. Rainwater Goods (Grey Colour)
- 14. Dormer (Window Frame Colour to
- Match Windows)

15. Black Single Ply Membrane Roof Finish

Amendments SS Amendments NS SC 13/07 A NS SC <sup>25/01</sup> <sub>2021</sub> Issued for Planning

DR CH Date Rev Notes



Keep Architecture Limited t: 0117 325 0359

Rep Architecture Limited 1.017/32/30395
Elm House, 10 Fountain Court
New Leaze, Bristol e: info@keeparchitecture.co.uk
BS32 4LA

W: keeparchitecture.co.uk

#### Project

London Road, Tetbury

#### Drawing

CR3a Elevations

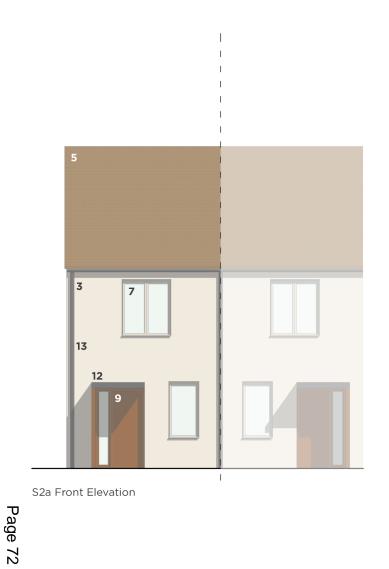
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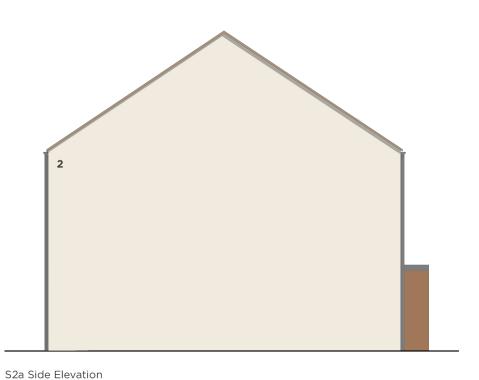
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#### Revision number





S2a Rear Elevation



**1521.P.HT.S2a.101 S2a Elevations** 1:100@A3



#### NOTES

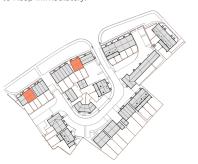
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SS В Amendments NS SC 15/07 A Amendments Issued for Planning NS SC <sup>25/01</sup> <sub>2021</sub>

DR CH Date Rev



Keep Architecture Limited
Elm House, 10 Fountain Court
New Leaze, Bristol
BS32 4LA

Keep Architecture Limited
t: 0117 325 0359
e: info@keeparchitecture.co.uk
w: keeparchitecture.co.uk

#### Project

London Road, Tetbury

# Drawing

S2a Elevations

## Drawing number

1521.P.HT.S2a.101

#### Scale

0 0.5 1

1:100 @ A3

#### Revision number

В



N4b Front Elevation

Page

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N4b Side Elevation

**1521.P.HT.N4b.101 N4b Elevations** 1:100@A3



N4b Rear Elevation



NOTES

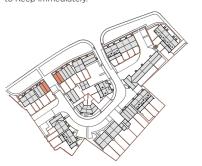
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Amendments Issued for Planning

NS SC 14/07 A NS SC 23/02 2021

DR CH Date Rev



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### Project

London Road, Tetbury

### Drawing

N4b Elevations

# Drawing number

1521.P.HT.N4b.101

### Scale

1:100 @ A3

### Revision number

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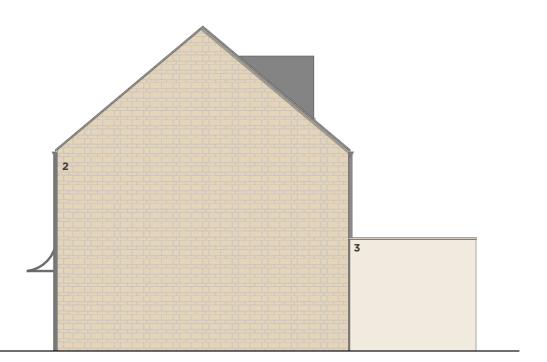
Original drawing size A3







BR3e Rear Elevation





74

1521.P.HT.BR3e.101 BR3e Elevations 1:100@A3



NOTES

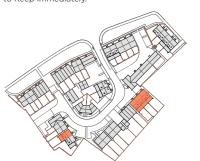
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Amendments Issued for Planning

NS SC 14/07 A NS SC 23/02 2021

DR CH Date Rev



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New Leaze, Bristol
BS32 4LA

Project

London Road, Tetbury

### Drawing

BR3e Elevations

# Drawing number

1521.P.HT.BR3e.101

# Scale

1:100 @ A3

### Revision number

А





BR3a Rear Elevation



BR3a Front Elevation

75

**1521.P.HT.BR3g.101 BR3g Elevations** 1:100, 1:373.33@A3



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Amendments

NS SC 14/07 2021 NS SC 25/01 2021

Issued for Planning

DR CH Date Rev



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Project

London Road, Tetbury

# Drawing

BR3g Elevations

# Drawing number

1521.P.HT.BR3g.101

### Scale

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### Revision number

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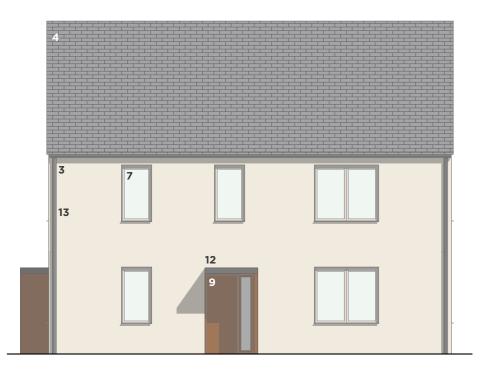
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1B2Pb Rear Elevation





77

**1521.P.HT.1B2Pb.101 1B2Pb Elevations** 1:100@A3



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### Material Key

- 1. Cotswold Stone
- 2. Reconstituted Stone
- 3. Render
- 4. Slate Roof Tiles
- 5. Reconstituted Stone Roof Tiles
- 6. Window (Light Colour Frames) with
- Stone Surround 7. Window (Light Colour Frames)
- 8. Rooflight (Frame Colour to Match
- Windows)
- 9. Timber Front Door
- 10. Timber Garage Door 11. Stone Coping
- 12. Porch (Grey Colour)
- 13. Rainwater Goods (Grey Colour) 14. Dormer (Window Frame Colour to
- Match Windows)
- 15. Black Single Ply Membrane Roof Finish

Issued for Planning

NS SC <sup>25/01</sup> <sub>2021</sub>

Notes

DR CH Date Rev



Keep Architecture Limited
Elm House, 10 Fountain Court
New Leaze, Bristol
BS32 4LA

t: 0117 325 0359
e: info@keeparchitecture.co.uk
w: keeparchitecture.co.uk

### Project

London Road, Tetbury

### Drawing

1B2Pb Elevations

# Drawing number

1521.P.HT.1B2Pb.101

### Scale

1:100 @ A3

### Revision number



FR2a Front Elevation



**1521.P.HT.FR2a.101 FR2a Elevations** 1:100@A3



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### Project

London Road, Tetbury

### Drawing

FR2a Elevations

# Drawing number

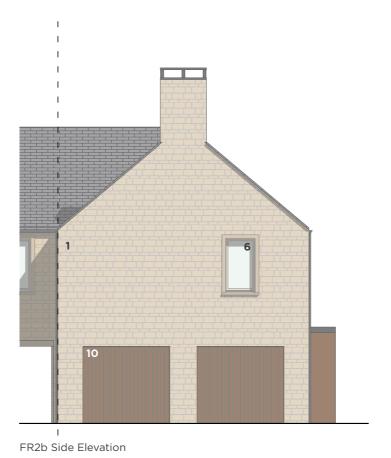
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### Scale

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### Revision number





FR2b Side Elevation



FR2b Rear Elevation

Page

79

**1521.P.HT.FR2b.101 FR2b Elevations** 1:100@A3



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New Leaze, Bristol
BS32 4LA

### Project

London Road, Tetbury

### Drawing

FR2b Elevations

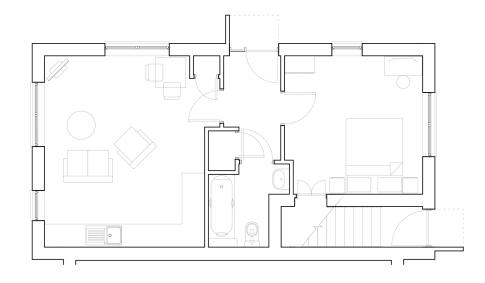
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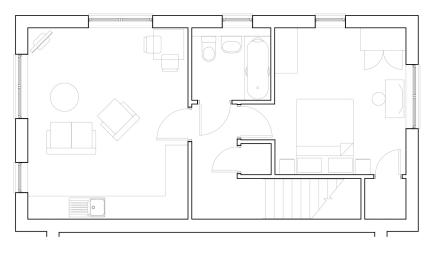
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# Revision number



1B2Pb Ground Floor Plan



1B2Pb First Floor Plan

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SS NS SC 15/07 2021 Amendments NS SC <sup>25/01</sup> <sub>2021</sub> Issued for Planning Notes DR CH Date Rev

Keep Architecture Limited
Elm House, 10 Fountain Court
New Leaze, Bristol
BS32 4LA

t: 0117 325 0359
e: info@keeparchitecture.co.uk
w: keeparchitecture.co.uk

Project

Amendments

London Road, Tetbury

Drawing

1B2Pb Floor Plans

Drawing number

1521.P.HT.1B2Pb.100

Scale

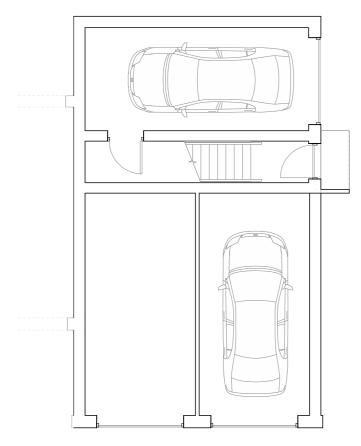
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Revision number

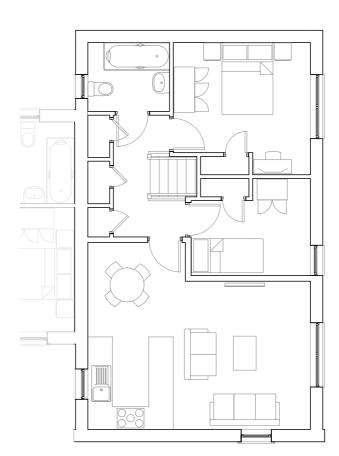
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**1521.P.HT.1B2Pb.100 1B2Pb Floor Plans** 1:100@A3

Original drawing size A3



FR2b Ground Floor Plan



FR2b First Floor Plan

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NS SC <sup>23/02</sup> <sub>2021</sub>

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Keep Architecture Limited
Elm House, 10 Fountain Court
New Leaze, Bristol
BS32 4LA

t: 0117 325 0359
e: info@keeparchitecture.co.uk
w: keeparchitecture.co.uk

Project

London Road, Tetbury

Drawing

FR2b Floor Plans

Drawing number

1521.P.HT.FR2b.100

Scale

1:100 @ A3

Revision number

Original drawing size A3

**1521.P.HT.FR2b.100 FR2b Floor Plans** 1:100@A3

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# London Road, Tetbury - Landscape Nodes



# 1. The Courtyard

Between plots 33 and 34 a small courtyard garden is created to provide an area of incidental open space for resents and visitors to enjoy. A pedestrian thoroughfare, off the London Road, passes through the space where a central, circular area of paving is defined with silver-grey radius kerb (Conservation kerb).

Low, ornamental planting beds and lawn are combined with specimen shrubs, climbers and a semi-circular hedge to create a simple but attractive garden space which also provides a green gateway into the development.

A radius bench is provided in the circular paved area and looks north to the wide grass verge, bulbs and trees. Plants will be selected to give a balance of year-round evergreen structure plus seasonal variety with colours, scents and textures which will also appeal to wildlife. The courtyard is a communal space and will be maintained by the private management company, potentially alongside a resident's volunteer group.



# 2. The Green

Between plots 5 and 6 a small 'village green' is provided with a seat as a resting place. The circular paving node from The Courtyard is replicated but in a more informal setting, surrounded by amenity grass.

Around the central seat, three ornamental cherry trees (Prunus 'Snow Goose') with spring blossom and autumn colour, provide a legible gateway to the development. These trees are underplanted with drifts of colourful, flowering bulbs (Crocus and Narcissus) which will provide an attractive display through the spring.

A low stone wall separates the pathway to the north and the parking to the south from the green space and adjoining residents gardens are bounded with screen walls to give privacy to residents.

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Item No 03:-

22/02519/FUL

Grain Store
5 Old Dowmans Farm
Coberley
Cheltenham
Gloucestershire
GL53 9FF

### Item No 03:-

# Erection of incidental outbuilding (retrospective) at Grain Store 5 Old Dowmans Farm Coberley Cheltenham Gloucestershire GL53 9FF

Full Application 22/025   9/FUL	
Applicant:	Claire Lewis
Agent:	Benchmark Development Planning Ltd
Case Officer:	Harrison Bowley
Ward Member(s):	Councillor Julia Judd
Committee Date:	7th December 2022
RECOMMENDATION:	PERMIT

### I. Main Issues:

- (a) Design and Impact on Non-designated Heritage Asset
- (b) Impact on the Cotswolds Area of Outstanding Natural Beauty
- (c) Impact on Residential Amenity

### 2. Reasons for Referral:

2.1 This application has been referred to the Planning and Licensing Committee by the Ward Member (Councillor Judd) for the following reasons:- "I request that this application be put forward to the Planning Review Panel for consideration for the Planning Committee.

The report does not accurately represent the true situation.

# **Ground level**

- 2.2 The report states that "The raised land levels that accommodate the outbuilding are at most 0.3m, and as such, would not have constituted development in planning terms"
- 2.3 Included with the documents under application 17/04117/FUL is a Topographical Survey dated 8 May 2017. A gate is shown across the driveway which existed at that time. The ground levels were similar on both sides of that gate. The infill therefore measures about 1.5 metres in depth. Indeed it is evident with the naked eye that the new stone wall stands some 1.5 metres high and is infilled behind almost to the top. Photographic evidence can be provided to illustrate this if required. This massive raising of ground level magnifies the dominating and awkward presence of the building and its incongruity of place.

# Permission for additional structures

2.4 The decision notice for the original application 17/04117/FUL included at paragraph 3, a condition that "no extensions, openings, structures or means of enclosure shall be erected, constructed or sited in the buildings/application site other than those permitted by this decision notice"

- 2.5 This is an important condition and it has not been explained why it was omitted from the decision notice for application 18/02120/FUL yet it should still be applied. The omission of this condition leaves the development open to inappropriate expansion and cluttering subsequent to 22/03399/FUL.
- 2.6 This should be reviewed urgently to correct the omission so that this condition can be applied, together with a reassessment of this application.

# Impact on adjacent residential amenity

- 2.7 The Officer refers to the impact on Dowmans Farm, stating that "the development abuts an open paddock which does not constitute formal amenity space or residential curtilage". However, it also adjoins a residential driveway and other buildings belonging to Dowmans farmhouse.
- 2.8 The existing drystone wall (leading North from the gateway) and possibly also the new drystone wall across the former gateway were not designed as retaining walls. They are now supporting ground built up to 1-1.5m and are at high risk of failure as the built-up ground settles over time.
- 2.9 The landscaping scheme is lacking. Mature shrubs or bushes should be planted along the boundary wall to afford greater privacy to Dowmans Farm.

### Other matters

- 2.10 No reference has been made to the applicant's declaration that the car barn (21/02051/FUL) would be abandoned with the advent of the gym building.
- 2.11 It should be clarified whether the car barn permission would remain and, therefore, that it may also still be constructed, adding further building density and cluttering of the site. Clarity and possibly further conditions are required here."

# 3. Site Description:

- 3.1 The application site lies at the western edge of the village of Coberley and comprises historic vernacular farm buildings with more modern farm buildings to the north, which have been the subject of permission for conversion to residential use. The current application relates to No. 5 Old Dowmans Farm, set centrally within the latter development, along the eastern boundary of the site. The building constitutes a historic barn, now converted to a dwelling, with a modest garden and off street parking to the front.
- 3.2 The host building has been identified as a non-designated heritage asset. The application site is also located within the Cotswolds Area of Outstanding Natural Beauty.

# 4. Relevant Planning History:

4.1 12/01348/FUL - Change of use from a grain store to a micro-brewery: Permitted 11/05/2012;

- 4.2 17/02764/FUL Formation of new access, stopping up of existing access, erection of wall and change of use to residential garden land: Permitted 31/08/2017;
- 4.3 17/04117/FUL Conversion and partial demolition of agricultural barns to form 4 no. dwellings with access, car parking and landscaping: Permitted 20/12/2017;
- 4.4 18/02120/FUL Conversion and partial demolition of agricultural barns to form 7 no. dwellings with access, car parking and landscaping: Permitted 02/10/2018;
- 4.5 I8/02686/COMPLY Compliance with condition 3 (boundary fencing) of planning permission I7/02764/FUL (Formation of new access, stopping up of existing access, erection of wall and change of use to residential garden land): Permitted 27/7/2018;
- 4.6 20/02387/FUL Variation of Condition 2 (approved drawings) of application 18/02120/FUL (Conversion and partial demolition of agricultural barns to form 7 no. dwellings with access, car parking and landscaping) Revisions to internal layouts and fenestration: Permitted 17/12/2020;
- 4.7 21/02050/FUL Variation of Condition 2 (approved drawings) of application 20/02387/FUL (Variation of Condition 2 (approved drawings) of application 18/02120/FUL (Conversion and partial demolition of agricultural barns to form 7 no. dwellings with access, car parking and landscaping) Revisions to internal layouts and fenestration) Revisions to internal layouts and fenestration: Permitted 27/08/2021;
- 4.8 22/02475/FUL Variation of condition 8 (Landscaping scheme prior to first use), 9 (Time end of planting season) and 15 (Lighting scheme) of permission 21/02051/FUL (Variation of Condition 2 (approved drawings) of application 20/02387/FUL (Variation of Condition 2 (approved drawings) of application 18/02120/FUL Conversion and partial demolition of agricultural barns to form 7 no. dwellings with access, car parking and landscaping) Revisions to internal layouts and fenestration Addition of four car barns) to update landscaping and lighting scheme: Permitted 04/10/2022.

# 5. Planning Policies:

TNPPF The National Planning Policy Framework

EN1 Built, Natural & Historic Environment

EN2 Design of Built & Natural Environment

EN4 The Wider Natural & Historic Landscape

**EN5** Cotswolds AONB

EN12 HE: Non-designated Heritage Assets

EN13 HE:Conv'n of non-domestic historic bldgs

### 6. Observations of Consultees:

6.1 None.

# 7. View of Town/Parish Council:

7.1 Coberley Parish Council: Strongly Objects:-

# First Comment (30/08/2022):

- 7.2 "Coberley Parish Council strongly objects to this application and requests that it be refused and removal of the building enforced. The ground level of the garden to No.1 (Grain Store 5) has clearly been raised by in-filling to the top of the new wall which has replaced the old gateway between Dowmans Farmhouse and the old farmyard area (now garden of No. 1). This raise in level appears to be some 1.5metres.
- 7.3 We note the comments made by James Murphy of Dowmans Farm in his objection letter against current application 22/02475/FUL regarding landscaping conditions, which have bearing on this application.
- 7.4 On top of this raised ground level has been placed the gym building, which is the subject of the application 22/02519.
- 7.5 As a result, viewed from the east (the Dowmans Farm yard and fields further east), the building, with its black, container-like appearance, casts a dominating, ominous presence over the Dowmans Farm property, it is incongruous in the beautiful rural setting and is harmful to the AONB. It is offensive to the eye.
- 7.6 Viewed from the west, the style and appearance of the building is completely out-of-keeping with the buildings on the development. It is in a prominent position in front of the principal facade of the property, Unit 1.
- 7.7 We note that the decision giving permission to 18/02120/FUL stated at item 8 c) Officer's Assessment, second paragraph on page 6 of 8 that "Permitted development rights will be removed ......"
- 7.8 There appeared no mentions of additional buildings being permitted, referring only to conversion of the existing buildings."

# Second Comment (30/08/2022):

- 7.9 "Coberley Parish Council wishes to submit a further comment to the comment submitted earlier today.
- 7.10 The following condition has been found in the earlier decision and permit, ref Application 17/04117/FUL of 20/12/2017 for Conversion and partial demolition of agricultural barns to form 4 no. dwellings with access, car parking and landscaping | Dowmans Farm Coberley Cheltenham Gloucestershire GL53 9QY
- 7.11 This decision applies to the unit which is subject of the application 22/02519/FUL
- 7.12 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 extensions, openings, structures or means of enclosure shall be erected, constructed or sited in the buildings/application site other than those permitted by this Decision Notice. Reason: To retain the character and appearance of the buildings and their setting in accordance with the National Planning Policy Framework, Cotswold District Local Plan Policies 14, 28 and 42."

# 8. Other Representations:

- 8.1 Two letters of Objection have been received raising concerns of:
- i. Link to separate application 22/02475/FUL;
- ii. Out of keeping design with surrounding environment and buildings;
- iii. The scale is disproportionate to the plot;
- iv. Materials' are out of keeping;
- v. The aesthetic is not in keeping with the AONB;
- vi. Impact on neighbours outlook and privacy;
- vii. Impact on views from footpath;
- viii. Unauthorised nature of the works.

# 9. Applicant's Supporting Information:

9.1 N/A

### 10. Officer's Assessment:

- 10.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that 'If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'
- 10.2 The starting point for the determination of this application is therefore the current development plan for the District which is the adopted Cotswold District Local Plan 2011 2031.
- 10.3 The policies and guidance within the revised National Planning Policy Framework (NPPF) are also a material planning consideration.

# **Background and Proposed Development**

- 10.4 The application seeks retrospective permission for the erection of an outbuilding within the garden of the converted barn. The outbuilding is positioned to the front of the building, on land raised by 0.3m. The building itself covers a footprint of 7.5m  $\times$  3.5m, with a flat roof 2.5m in height.
- 10.5 The building has been constructed in larch cladding and Marley Eternit Cedral click boarding; however, during the course of the application the materials have been amended to incorporate larch cladding on all elevations.

# (a) Design and Impact on a Non-designated Heritage Asset

- 10.6 Local Plan Policy EN2 supports development which accords with the Cotswold Design Code and respects the character and distinctive appearance of the locality.
- 10.7 Local Plan Policy EN12 requires development affecting a non-designated heritage asset to be designed sympathetically, having regard to the significance of the asset, its features, character and setting. Where possible, development should seek to enhance the character of

the non-designated heritage asset. Proposals for demolition or total loss of a non-designated heritage asset will be subject to a balanced assessment taking into account the significance of the asset and the scale of harm or loss. This policy also sets out criteria for assessment of whether a site, feature or structure is considered to be a non-designated heritage asset.

- 10.8 Section 12 of the NPPF requires good design, providing sustainable development and creating better place to live and work in. Paragraph 130 states decisions should ensure that development will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping, which are sympathetic to local character and history maintaining a strong sense of place.
- 10.9 Section 14 of the NPPF addresses climate change. Paragraph 153 of the NPPF states that, 'in determining planning applications, local planning authorities should expect new development to comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable. Development should also take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.'
- 10.10 Section 16 of the NPPF (2018) seeks to conserve and enhance the historic environment and is consistent with Policies EN10 and EN11.
- 10.11 The host dwelling has been identified as a non-designated heritage asset by virtue of its historic nature and characteristic agricultural appearance. Whilst the conversion of the barns has led to some domestication, the approved scheme sought to preserve the agricultural character through the use of sympathetic fenestration and limited extensions and external alterations.
- 10.12 The current proposal, seeks to introduce a residential outbuilding within the established residential curtilage of the dwelling. It is noted that the implemented conversion scheme (18/02120/FUL) did not include a condition removing permitted development rights for outbuildings, and that the scheme included a number of open timber car ports within the site. Subsequently, the principle of an outbuilding is not considered objectionable.
- 10.13 The current design seeks to introduce a simple, partially open, outbuilding into the front of the plot. The building would be somewhat prominent in views to the north-west and in some glimpsed views from the south-east. Within these views, the building would appear as a subservient residential outbuilding with a simple design that achieves an unassuming appearance. Whilst flat roofs are not generally associated with the wider site, the roof form distinguishes the building as a clearly modern addition that does not compete with the host dwelling. Moreover, the incorporation of a flat roof achieves a lower ridge height than could otherwise be achieved by a more traditional pitched roof. The use of larch cladding on all elevations is considered appropriate, achieving a sympathetic appearance in keeping with the barn conversions to the north of the plot. This will lead to an integrated appearance within the site that will not detract from the retained agricultural character of the host dwelling. The building will be fitted with double glazed UPVC windows and an EDRM roofing system which are appropriate in terms of their design and will contribute towards the energy performance of the building.

10.14 Overall, it is considered that the proposed development would preserve the significance of the Non-designated Heritage Asset and is acceptable in this regard.

# (b) Impact on the Cotswolds Area of Outstanding Natural Beauty

- 10.15 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.
- 10.16 Local Plan Policy EN5 relates specifically to the Cotswolds AONB, and states that in determining development proposals within the AONB, or its setting, the conservation and enhancement of the natural beauty of the landscape, its character and special qualities will be given great weight.
- 10.17 Section 15 of the NPPF seeks to conserve and enhance the natural environment. More specifically Paragraph 176 states Great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty (amongst other sensitive areas), which have the highest status of protection in relation to these issues.
- 10.18 The application site contains a collection of converted farm buildings. The buildings have been converted to seven dwellings, which has changed the character of the site from an open agricultural area, to a more domestic setting. The wider area retains an open character.
- 10.19 The proposed outbuilding would be located within the established residential curtilage of the host dwelling and as such, would not result in any encroachment of urban built form into the open countryside. As noted, the existing character of the site is, in part, derived from its openness and layout. Whilst the introduction of an outbuilding would result in an increase in built form, it would share a close relationship with the existing buildings within the site. The building will be visible from public footpaths, most notably to the north-west, but also in some glimpsed views to the south-east. Whilst visible, the building will be viewed within its residential context and would not obstruct any key or long range views into or from the wider countryside. The applicants have proposed that the proposed outbuilding would be erected in lieu of the previously approved car barn. Officers do not, however, consider that the incorporation of both buildings would be objectionable. Both buildings would have a generally open character and would closely relate to the host dwelling and associated curtilage which is considered appropriate.
- 10.20 Within its plot, the addition would be of a proportionate scale, and would not result in a cramped or overdeveloped appearance, including when considered cumulatively with the approved car barn. The outbuilding would not incorporate excessive glazing and as such, will not lead to any harm to the local dark skies.
- 10.21 Overall, it is considered that the proposed development will preserve the special qualities of the AONB and is acceptable in this regard.

# (c) Impact on Residential Amenity

10.22 Local Plan Policy EN2 refers to The Design Code (Appendix D) which sets out policy with regard to residential amenity. This expects proposals to respect amenity in regards to

garden space, privacy, daylight and overbearing effect. Section 12 of the NPPF requires good design with a high standard of amenity for existing and future users.

- 10.23 The application site sits within a development of seven barns, within which it lies to the east. Around 24m to the north sit three additional barn conversions, currently under construction (No's 2 4 Old Dowmans Farm). The property adjoins No. 6 Old Dowmans Farm to the south and No. 1 Old Dowmans Farm lies around 25m to the west. To the southeast lies Dowmans Farm around 23m from the application site. The development abuts an open paddock associated with Dowmans Farm to the immediate east.
- 10.24 The proposed development would benefit from reasonable separation from adjoining properties and as such, would not result in any overbearing impact, overshadowing or loss of light. Whilst concerns have been raised with regard to the impacts on Dowmans Farm, it is noted that the development abuts an open paddock which does not constitute formal amenity space or residential curtilage. The building is located between 2.5m and 4m from the shared boundary and around 23.4m from Dowmans Farm and 26m from its associated amenity space. Owing to the level of separation, there would be no loss of light or overbearing impact. Concerns have also been raised regarding the loss of outlook from Dowmans Farm. Right to a view does not form a material planning consideration, and the impact on the wider landscape has been addressed in previous sections.
- 10.25 Concerns have also been raised with regard to loss of privacy and overlooking. It is noted that this in part, relates to raised ground levels within the easternmost corner of the garden, which fall outside of the red line development boundary. Subsequently, this would not form part of the current application. With regard to the outbuilding, the building does not contain any windows within its eastern elevation and as such, will not result in any overlooking of the adjoining land and paddock. The proposed development will have some views towards the three dwellings to the north of the site. The views will be obscured by the angle and separation distances of around 27m. Moreover, the additional facing window will not be dissimilar to the existing building frontage of No. 5 Old Dowmans. The level of overlooking will not therefore be increased as a result of the development. It is therefore considered that the proposed development will not result in any increase in overlooking, and there will be no loss of privacy as a result of the development.
- 10.26 Overall, it is considered that the proposed development will preserve the amenity of adjoining neighbours and is acceptable in this regard.

### **Other Matters**

10.27 Concerns have been raised with regard to raised land levels within the site. The raised land levels that accommodate the outbuilding are at most 0.3m, and as such, would not have constituted development in planning terms. The impact of the increased land levels when considering the overall height have been considered as part of the assessment of the applications. Further land level changes have occurred to the east of the existing building. This land falls outside of the identified red line development boundary, however, and as such form a separate planning matter. Whilst the total extent of the land level changes have resulted in the levelling of the eastern part of the plot, it is noted that the building works associated with the outbuilding would not have been reliant on the additional raised land levels. The building could have been constructed without the requirement for the further land level increases, through the levelling at up to 0.3m immediately below the building. At the time of writing, the

- 10.28 Local Planning Authority are investigating the breach in planning regulations. Any potential unauthorised land level changes that fall outside of the red line development boundary do not form part of the consideration of this application.
- 10.29 The proposed development is not liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). This is because it is less than 100m2 of new build that does not result in the creation of a dwelling, and therefore benefits from Minor Development Exemption under CIL Regulation 42.

# II. Conclusion:

11.1 The proposal is considered to comply with Local Plan Policies and as such is recommended for permission.

# 12. Proposed conditions:

I. The development hereby permitted shall be implemented in strict accordance with the following approved plans: Front and Left View (Drawing No. A 03 REV A); Rear and Right View (Drawing No. A 04 REV A); Materials List (Drawing No. A 01 REV A).

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

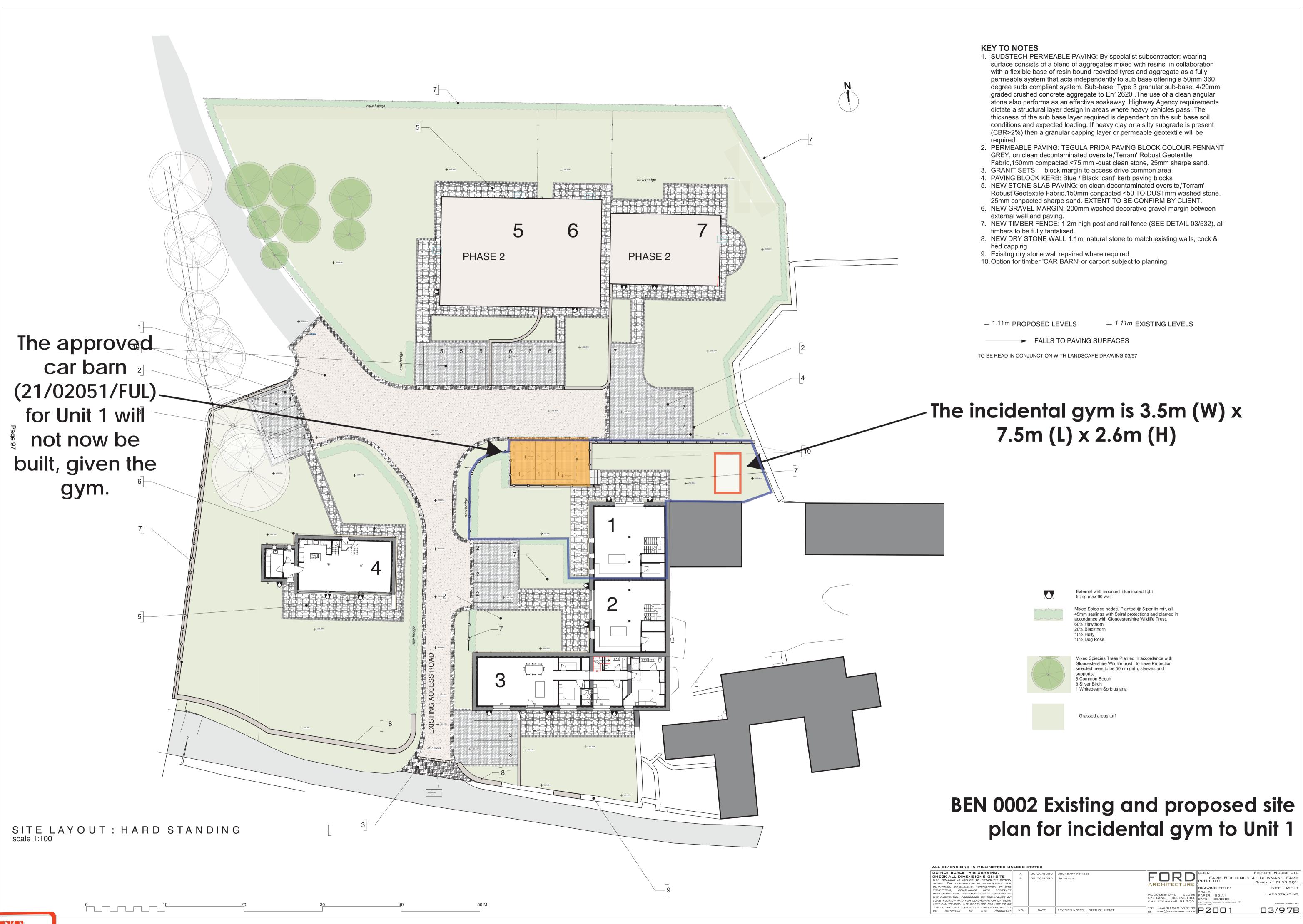
2. Within 3 months of the permission hereby approved, the external walls of the development shall be built of Larch cladding and shall not be treated in any way and shall be left to weather and silver naturally and shall be permanently retained as such thereafter.

**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 EN2.

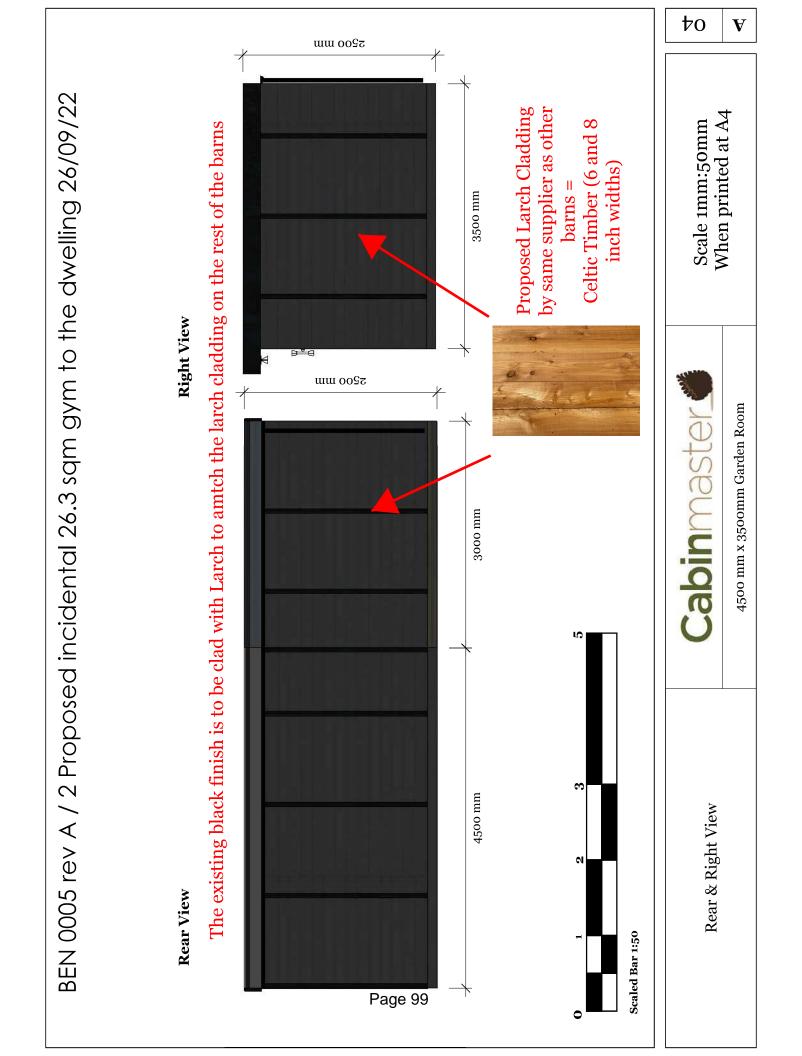
### Informatives:

I. Please note that the proposed development is not liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) because it is:

less than 100m2 of new build that does not result in the creation of a dwelling, and therefore benefits from Minor Development Exemption under CIL Regulation 42.









Claire Lewis Drawings 4500mm x 3500mm Garden Room



July 11, 2022