

14/01021/FUL
PP-03740889
Valid 30.10.2014

Land Adjacent To Gretton View, Alderton, GL20 8TP

8

Revised submission of planning application 13/01018/FUL for the erection of 4 detached dwellings and associated works.

Grid Ref 400407 233275
Parish Alderton
Ward Winchcombe

Mr David Greening
Lowerfield Court
New Barn Lane
Cheltenham
Gloucestershire
GL52 3LB

RECOMMENDATION Minded to Refuse

Policies and Constraints

NPPF

Planning Practice Guidance

Joint Core Strategy (Gloucester Cheltenham Tewkesbury) Submission Version

November 2014 - Policies SP2, SD7 and SD9

Tewkesbury Borough Local Plan to 2011 - March 2006 - TPT1, EVT5, EVT9, LND2

Special landscape Area (SLA)

Within 50m of a Grade II listed building

Consultations and Representations

Alderton Parish Council - Objects to the proposals and requests that the application is refused. Grounds of objection are summarised as follows -

- Despite the repositioning, of Plot 3 and the addition "of a narrow slither of land" this application is essentially the same as 13/01018/FUL.
- The site lies in a designated Special Landscape Area (SLA)
- The site is visible from the B4077 viewing north and from public footpaths in the vicinity. As the Inspector pointed out in the previous appeal decision "this is due partly to the relatively dense grouping of the built form and partly to the very limited landscaping along its southern boundary. Moreover, a strong line of trees and other vegetation along the western boundary combined with the relatively spacious layout of development beyond that boundary means the existing Gretton View houses do not, in these northward views, appear well integrated with the village".
- The proposed layout fails to address the problem of the density so that they remain as stated in the Appeal Decision "an unduly cramped arrangement that would appear shoehorned into the site".
- A further increase in housing on this site will further exacerbate the existing access and parking problems on Gretton View.
- As the Inspector stated, the proposals would result in a degree of harm to the setting of the listed building.
- The proposals do not represent sustainable development due to density and poor design which is contrary to the NPPF.

County Highways - No objections.

Severn Trent Water - No Objections

Local Residents - 20 objections have been received and are summarised as follows -

- Previous grounds of refusal still remain valid and nothing has changed and all earlier objections to the scheme have not been addressed.
- 47 houses have been allowed at Beckford Road in Alderton (13/00114/FUL) which provides sufficient local contribution to housing supply.
- Poor design; amended layout and landscaping are largely cosmetic, essentially same as previous refused application.
- By turning Plot 3 and squeezing plots closer together the layout is more visually regimented than before; houses are still shoehorned into the site.
- TBC professional officers objected to previous scheme and should do so again to this slightly amended application.
- Unacceptable impact on the Grade II Listed Old Rectory.
- Clay soil will result in high risk of low absorption of surface water.
- Surface water storage calculation has been based on an area of 0.1 ha when the site is 0.2 ha.
- Traffic and parking problems on existing narrow private road will have serious highway safety implications.
- refuse vehicles cannot turn properly within the site if cars are parked on the road.
- The gateway of number 2 Gretton View opens directly onto the access road.
- The minimum standard for a safe roadway is 5m whereas the proposed access road is 4m.
- Detrimental impact on the character and appearance of the surrounding area and landscape.
- Site is in a prominent elevated position and the scheme is inappropriate for an edge of village site.
- The landscape character assessment by the Alderton Neighbourhood Development Planning Group shows the existing development to be highly visible from the AONB; the site is prominent in the Special Landscape Area.
- Insufficient infrastructure within the village i.e. school places to support more houses.
- Significant harm to the countryside and the existing residents of Gretton View and the village.
- Previous scheme was rejected unanimously by TBC Planning Committee following a site visit.
- Over development of site; no attempt to enhance let alone conserve the existing views of the Special Landscape Area from the B4077 which no amount of new landscaping will overcome.
- No attention has been given to the Inspector's comments on the previous refused application i.e. cramped arrangement detracting from the Special Landscaped Area; significant adverse impact on the rural landscape.
- The revised scheme pays lip service to the Inspector's objections and refusal of the previous application.

Planning Officers Comments: Linda Vincent

1.0 Application Site

1.1 The site is 0.20 hectares in size and is located on the edge of Alderton, adjacent to an existing residential development known as Gretton View. The site is bounded by hedgerow and post and rail fencing. Residential boundaries extend along the western boundary and the existing Gretton View development forms the northern site boundary.

1.2 The site is located within the Special Landscape Area (SLA) and a Grade II listed building known as 'The Old Rectory' is located to the West of the site. (See location plan)

2.0 Planning History

2.1 In 2014 (13/01018/FUL) planning permission was refused for the erection of 4 detached dwellings and associated works on 29th April 2014. The reasons for refusal were -

1. *The proposal, by virtue of its layout and density, would result in a cramped form of development which would have an unacceptable impact on the character and appearance of the area. Furthermore the proposed development would have an unacceptable impact on the setting of the adjacent Grade II listed building, known as the Old Rectory. The proposed development does not therefore represent sustainable development within the context of paragraph 14 of the NPPF and the identified harms would significantly and demonstrably outweigh the benefits of the proposal. The proposed development therefore conflicts with sections 7 (Requiring good design), 11 (Conserving and enhancing the natural environment) and 12 (Conserving and enhancing the historic environment), policies LND2 and HEN 2 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and policies SD7 and SD9 of the pre-Submission Joint Core Strategy (April 2014).*

2.2 *The application does not provide for an adequate emergency access/maintenance buffer between the proposed plots 1 and 2 and the adjacent watercourse, contrary to saved policy EVT5 of the Tewkesbury Borough Local Plan to 2011 - March 2006.*

2.3 On 11th September 2014 an appeal against the above refusal was dismissed (APP/G1630/A/14/2219972). The Inspector's comments, views and conclusions on the proposals will be explained in more detail in the relevant sections of this report. An application for costs was also dismissed.

2.4 The following planning history relates to the adjacent development in Gretton View -

- In 1997 (96/01215/OUT), outline planning permission was granted for the erection of six dwellings.
- In 1998 (98/00702/OUT), outline planning permission was refused for the erection of nine dwellings. This was later dismissed at appeal in 1999 with the Inspector noting that the proposal would "conflict with relevant 'development plan' policies intended to restrict residential development to within the built boundaries of the village and to protect the landscape of the SLA." Importantly, he also noted that "the Structure Plan EIP has been completed and the more restrictive approach, in line with current government thinking, is likely to be adopted." This was a material consideration which the Inspector noted supported that view that the existing built up area of the village should not be extended by new residential development.
- In 2000 (99/01366/FUL), full planning permission was granted for the erection of six dwellings on the site.
- In 2002 (02/00396/FUL), planning permission was granted for the conversion of plot 5 to two dwellings and, also in 2002 (02/00397/FUL), planning permission was granted for the conversion of plot 6 to two dwellings.

3.0 Current Application

3.1 This planning application is a revised submission to that refused and dismissed on appeal in September 2014.

3.2 The application site area has been increased to 0.2 ha (previous application site area was 0.18 ha) to include an additional wedge shaped area of land along the eastern boundary. Other revisions to the previous scheme include:

- Revised layout including changes to the access road;
- Plot 3 has been turned so this building is now gable end to the southern boundary;
- Plots 2 and 3 have been relocated further away from the southern boundary to allow for a 3 metre landscaping strip along the southern boundary;
- Revised Plots 1 & 2 are located further away from the western site boundary in order to protect trees and to allow additional planting if necessary;
- Reduced house sizes. The housing mix has been amended from 2 x 4 beds, 1 x 3 beds and 1 x 2 beds to 1 x 4 beds, 1 x 3 beds and 2 x 2 beds in order to reduce the built form/footprint of the development.

3.3 An addendum to the original Landscape Visual Impact Assessment (LVIA) has been submitted together with a detailed landscaping scheme. The landscaping scheme provides a continuation of the southern landscaped settlement edge. The applicant submits that there would be considerable wider benefit through the implementation of the revised landscaping scheme by integrating the existing development of Gretton View which, the Inspector considered at odds with the wider settlement in northward views.

3.4 In addition, an amended Planning, Design and Access Statement, Heritage Significance Statement, Water Management Report and a Vehicle Tracking Diagram have been submitted in support of their revised proposals.

3.5 The applicants are of the view that this revised submission overcomes the Inspector's objections to the proposals in the dismissed appeal.

4.0 Policy Context

National Planning Policy Framework (NPPF)

4.1 At the heart of the NPPF is a presumption in favour of sustainable development, of which there are three dimensions: economic, social and environmental. The 'economic' role entails, amongst other things, ensuring that sufficient land of the right type is available in the right place and at the right time to support growth and innovation. The 'social' role entails supporting strong, vibrant and healthy communities by, amongst other things, providing the supply of housing and supporting the community's health social and cultural well-being. The 'environmental' role entails, amongst other things, contributing to protecting and enhancing our natural environment (paragraph 7).

4.2 The NPPF does not change the statutory status of the development plan as the starting point for decision making but emphasises the desirability of local planning authorities having an up-to-date plan. According to paragraph 215 of Annex 1 of the NPPF, due weight should be given to relevant policies in existing development plans according to their degree of consistency with the framework (the closer the policies in the plan to the policies in the framework, the greater the weight that may be given).

4.3 Paragraph 14 of the NPPF indicates that sustainable development should be approved without delay, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits; or where specific policies within the Framework indicate that development should be restricted. However, this does not automatically follow from paragraph 14 that planning permission should be granted for all development proposals. Whilst paragraph 49 of the NPPF requires applications for housing to be considered in light of the presumption in favour of sustainable development at paragraph 17 it sets out Core Planning Principles that should underpin both plan making and decision taking. The relevant principles of paragraph 17 to these proposals include the need to take account of the different roles and character areas recognising the intrinsic character and beauty of the countryside (fifth bullet point) and to contribute to conserving and enhancing the natural environment (seventh bullet point).

4.4 Paragraph 55 of the NPPF states that in promoting sustainable development in rural areas housing should be located where it will enhance or maintain the vitality of rural communities. Planning decisions should aim to ensure that development adds to the overall quality of the area, establishes a strong sense of place to create attractive and comfortable places to live.

The Development Plan - Tewkesbury Borough Local Plan 2006

4.5 The Development Plan comprises of the saved policies of the Tewkesbury Borough Local Plan to 2011 (March 2006). The application site lies outside the residential development boundary of Alderton as defined by Local Plan to 2011. The appeal site lies beyond the current development boundary for Alderton and therefore would not comply with saved Local Plan Policy HOU4 which restricts new housing to limited purposes relating to affordable housing and rural activities.

However Paragraph 49 of the NPPF makes it clear that where a 5 year supply of deliverable sites cannot be demonstrated, housing supply policies should not be considered up to date. The Council accepts that it cannot demonstrate that it has a five year housing land supply and therefore Policy HOU4 of the adopted Local Plan is out of date.

4.6 Policy LND2 states that *"in the assessment of proposals for development special attention will be accorded to the protection and enhancement of the landscape character of the Special Landscape Area which are of local significance. Within this area proposals must demonstrate that they do not adversely affect the quality of the natural and built environment, its visual attractiveness, wildlife and ecology, or detract from the quiet enjoyment of the countryside"*.

4.7 The reasoned justification for Policy LND2 states *"The identification of the SLA aims to protect the foreground setting of the AONB where the topography of the area is a continuation of the adjacent AONB and/or where the vegetation and associated features are characteristic of the AONB. The SLA is of a high landscape quality that is worthy of protection in its own right, but it also protects the setting of the nationally designated AONB. The policy aims to protect the visual attractiveness of the area, its wildlife and ecology and the ability of people to enjoy the quietness of the countryside. For these reasons the policy goes beyond the more general countryside protection policy LND4"*.

4.8 In the previous dismissed appeal for this site the inspector afforded considerable weight to Policy LND2 of the adopted Local Plan.

4.9 Policy TPT1 of the Local Plan seeks to reduce the need to travel by car and promote alternative modes of transport and seeks to ensure that highway access can be provided to an appropriate standard which would not adversely affect the safety or satisfactory operation of the highway network, nor cause an unacceptable loss of amenity to users of adjacent land. This policy is considered to be consistent with the NPPF.

4.10 Policies EVT5 and EVT9 aim to reduce flood risk in local areas. EVT9 states that development proposals must demonstrate that appropriate provision has been made in their design for the onsite attenuation and treatment of surface water run-off in accordance with sustainable urban drainage principles. These policies are considered to be consistent with the advice given at Section 10 of the NPPF.

Emerging Development Plan - The Joint Core Strategy (JCS)

4.11 The Gloucester, Cheltenham and Tewkesbury JCS Submission Version (November 2014) (JCS) when adopted will constitute the spatial vision for the JCS area up to 2031. The JCS seeks to foster growth in the local economy and provide sufficient homes in sustainable locations. In relation to rural housing growth strategy, the approach is based on 'Rural Service Centres' and 'Service Villages'. The JCS Submission Version was submitted to the Secretary of State on 20 November 2014.

4.12 The NPPF at Paragraph 216 requires decision takers to give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which there are unresolved objections to relevant policies in the emerging plan to the policies in the Framework.

4.13 Policy SP2 of the JCS - 'Distribution of New Development' states that new development will be focused at Gloucester and Cheltenham. Rural Service Centres and Service Villages will accommodate lower levels of development proportional to their size and function; and also reflecting their proximity and accessibility to Cheltenham and Gloucester and taking into account the environmental, economic and social impacts. Alderton is identified as one of twelve 'Service Villages' deemed to be suitable for limited residential development (paragraph 3.2.20 refers). Service Villages over the plan period are to accommodate 752 new homes.

4.14 Policy SD7 of the JCS seeks, amongst other things, to protect landscape character for its own intrinsic beauty and for its benefits to economic, environmental and social well-being.

4.15 Policy SD9 of the JCS refers to the Historic Environment and one of the main principles of the policy is for new development to make a positive contribution to local character and distinctiveness, having regard to valued and distinctive elements of the historic environment. Further, the Policy states that designated and undesignated heritage assets and their settings will be conserved and enhanced as appropriate to their significance, and for their important contribution to local character, distinctiveness and sense of place.

4.16 Only limited weight can be given to Policy SP2 as there are outstanding objections to it. Policies SD7 and SD9 can be afforded significant weight however given the level of objection to them.

5.0 Analysis

5.1 The main consideration in the determination of this application is whether the revised scheme has overcome the previous reasons for refusal which was dismissed on appeal in September 2014. A detailed summary of the Inspector's decision will be addressed.

5.2 The planning considerations to be taken into account are the principle of new housing development on the site; the impact of the revised proposals on the character and appearance of the Special Landscape Area (SLA); design and layout; the impact on the setting of the nearby listed building and the impact on residential amenity, highway safety, protected trees and flood risk.

Principle of Development

5.3 Whilst the site lies outside any recognised residential development boundary and thus is in conflict with policy HOU4 of the Local Plan, that policy is considered to be out of date. Paragraph 55 of the NPPF seeks to avoid isolated new dwellings in the countryside. In this case, given the relationship of the site with the existing settlement of Alderton, the proposed dwellings could not be said to be isolated in the context of the NPPF. Paragraph 49 of the NPPF also states that housing applications should be considered in the context of the presumption in favour of sustainable development which is set out at Paragraph 14 of the NPPF as set out in paragraph 4.3 above. On that basis, permission should be granted unless there are any adverse impacts of doing so which would significantly and demonstrably outweigh the benefits when assessed as a whole.

5.4 In her decision letter the previous Inspector concluded:

"Through the construction of four new dwellings and the contribution they would make to the Borough's housing supply the proposal would accord with, and contribute in a very modest way to, its economic and social dimensions. With regard to the environmental dimension, and notwithstanding my findings in relation to surface water drainage, the proposal would result in significant harm in terms of character and appearance and limited harm to the setting of The Old Rectory. Moreover the cramped layout would not amount to good quality design and, as set out in the Framework, good design is a key aspect of sustainable development. In these circumstances therefore I conclude the proposal would not constitute sustainable development".

5.5 The current application must therefore be considered in light of the Inspector's conclusion and the amendments made to the proposals.

Impact of the revised proposals on the character and appearance of the Special Landscape Area (SLA)

5.6 The site lies within the locally protected and designated Special Landscape Area (SLA) and the Cotswold Area of Outstanding Beauty (AONB) lies to the North. The SLA is designated to protect the setting of the AONB and reflect the landscape features and vegetation of the AONB. The nature of these two protected landscape character areas makes their sensitivity to change high.

5.7 In the previous dismissed appeal for this site the Inspector afforded considerable weight to Policy LND2 of the adopted Local Plan and stated at paragraph 11 of the decision letter:

"It follows that I do not agree with the suggestion in the LVIA that the visual impact of the four dwellings now proposed would be greatly reduced, amongst other things, by their location 'within the form of the existing settlement'. They would be seen against the backdrop of the existing Gretton View housing in northward views but, like that development, would not appear well integrated with the built form of the bulk of the village to the west".

5.8 The Inspector continued at paragraph 12:

"Significantly, the proposed layout with two houses close to the southern boundary is such that there would be limited scope for sufficiently tall and dense landscaping that might, in time, satisfactorily integrate the development with the surrounding landscape. In particular the proximity of the plot 3 house to the southern boundary, together with future occupiers' reasonable expectations of good light into and outlook from its principal ground-floor living rooms, would preclude this type of landscaping which, as noted in the LVIA, typically characterises the village's southern boundary".

5.9 Finally, at paragraph 13 the Inspector concluded:

"The LVIA also acknowledges that introducing new dwellings into a rural landscape would typically result in moderate to significant adverse impact. In this case, given the sensitivity of the landscape, the intrusive visual impact of the proposed building group and the limited scope for landscaping of sufficient density and height along the southern boundary, I find that the proposal's adverse impact in close and medium range views would be significant".

5.10 As set out above, the applicants have submitted an addendum to their previously submitted Landscape and Visual Impact Appraisal (LVIA) clarifying that it is based on a proposal to construct four houses on a site slightly greater in size than the previous application site, with the addition of a narrow slither of land at the southern end of the eastern edge. The LVIA states that the application is for 'one 4-bedroom house, one 3-bedroom house and two houses of 3-bedrooms'. All buildings are oriented to present the narrower elevation of the gable end to the principle receptors on the public footpath Winchcombe Way and the B407, both to the south of the proposed site.

5.11 The LVIA also sets out that the geometry of the arrangement of the building footprints is looser than the previously application to better reflect the nature of the 'older' existing built form of Alderton rather than the more rigid geometry of the more recent Gretton View buildings. The proposed buildings have been repositioned further away from the substantive retained vegetation along the property line to the west to ensure a visual offset and to further reduce any possible impacts on the health of the trees. Finally the LVIA states that the eastern pair of proposed dwellings is offset further away from the western pair to increase the visual separation between the elements of the built form of the proposal. This has the effect of reducing the visually apparent density.

5.12 The LVIA concludes that *"In terms of the overall impact on landscape and visual character of the proposal it is considered that the effect would be negligible in year one. As the landscape mitigation matures the expected effect would be beneficial as views of the existing Gretton View properties, which are out of character with the settlement, would be screened and the landscape would become visually integrated with the existing condition of the adjacent landscape setting to the village".*

5.13 In assessing the revised proposals, officers consider that the revised scheme does not go far enough in addressing the Inspector's previous reasons for refusal. Only minor amendments have been made i.e. an increase in site area by 0.02ha in order to provide additional mature planting to the southern boundary; the internal road layout has been amended; Plot 3 has been turned so this building is now gable end to the southern boundary; Plots 2 and 3 have been relocated further away from the southern boundary to allow for a 3 metre landscaping strip along the southern boundary; Revised Plots 1 & 2 are located further away from the western site boundary in order to protect trees and to allow additional planting if necessary and the replacement of a 4 bedroom house with a 2 bedroom house.

5.14 The revised proposals would still have a significant adverse visual impact in its sensitive landscaping setting and that it would result in an unduly cramped form of development. In both respects it would be detrimental to the character and appearance of the surrounding area, thereby conflicting with Local Plan Policy LND2 and with policy guidance in the Framework.

Design and Layout

5.15 As set out above the Inspector considered that the proposed development would result in a cramped form of development. Whilst the applicant has attempted to address this issue through the minor amendments, including the slight increase in the size of the site, it is not considered that this slightly amended scheme addresses the objections. It is still considered therefore that the proposals would result in a cramped development that detracts from the character and appearance of the sites edge of village setting. The proposal is therefore considered to conflict with guidance set out in the NPPF and this is a matter which weighs against the proposal.

Impact of setting on Listed Building

5.16 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to have special regard to the desirability of preserving a listed building or its setting and this requirement is also set out at paragraphs 126 and 131 of the new NPPF.

5.17 The large detached property to the immediate West of the application site known as 'the Old Rectory' is grade II listed. The listed property is set within spacious grounds and the current proposals have moved the dwellings further away from this boundary.

5.18 With respect to the setting of a heritage asset the Inspector in her decision on the previous application stated -

"I find no reason to conclude, as a matter of principle, that development on the appeal site would automatically fail to preserve the setting or significance of the listed building. The Old Rectory would continue to be perceived and readily understood as a substantial building in its own extensive grounds. However, as I have concluded the appeal proposal would result in an unduly cramped development, it follows that this would result in a degree of harm to the listed building's setting. Such harm would be limited (much less than substantial) and, if it was the only matter at issue, it would not be so great as to outweigh the proposal's public benefits in terms of increased housing supply. Given my conclusions relating to character and appearance, it is however another matter that weighs against the proposal".

5.19 The Conservation Officer has considered the revised scheme and agrees with the previous conservation advice that the open and rural aspect of the eastern view does make a positive contribution to the setting of the heritage asset, and its erosion by way of the development along the boundary would harm this aspect of the setting. Further, the Conservation Officer notes that an early C19 polite building of this status is likely to have been deliberately sited to command prospects of the surrounding landscape, and as it is a square plan building with no one principal elevation, the south and east aspects would have been favoured equally. The map evidence for the presence of a conservatory on the east elevation from at least the 1880s onwards bears this out, so the Old Rectory's view across the application site is not incidental. The Conservation

Officer considers that the differences between the present and 2013 schemes are not substantive in terms of their relationship to the Old Rectory: the westernmost units Plots 1 & 2 have been handed so that their garages are to the north and south respectively, and the south-eastern Plot 3 has been aligned north-south and reduced in size. None of these changes go far enough to address the original refusal reasons with respect to the impact on the setting of the listed building.

5.20 As set out above, officers take the view that the Inspectors objections in respect of cramped form of development have not been satisfactorily addressed and, using the Inspector's reasoning, there would remain a degree of harm to the setting of the listed building. Whilst this harm may not be substantial, the identified harm to the setting of The Old Rectory is a matter that weighs against the proposal in the overall planning balance.

Residential Amenity

5.21 Paragraph 17 of the NPPF sets out the 'Core Principles' of the NPPF, one of which seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

5.22 The previous application was not refused on the grounds of impact on residential amenity. Indeed, the Inspector in her decision stated -
"In terms of the privacy and amenity of occupiers of neighbouring properties, the separation distances and the relationships that would be created reflect those widely considered acceptable for residential development."

5.23 The revised scheme is considered to be acceptable in terms of residential amenity.

Highway Safety

5.24 A number of objections have been raised in respect of highway safety, and in particularly the width of the proposed access road and the potential for on road parking as a result of the proposals.

5.25 It should however be noted that the previous application was not refused on highway safety grounds and the Inspector in refusing the previous application stated at paragraph 15 *"I note local concerns about other design aspects of the layout, most notably in relation to access, parking and highway safety. If, as existing residents expect, two parking spaces per dwelling proved insufficient, the likely result would be parking around the informal access driveway and potential congestion. That could add to the development's adverse visual impact but, as vehicle speeds would necessarily be low, it is unlikely this would pose undue safety hazards"*.

5.26 The Highway Authority have been consulted and raised no objections to the revised proposals. Following submission of additional objections to the scheme on highways grounds, the Highway Authority have been requested to consider a number of local objections and an update will be provided at Committee.

Impact on Protected Trees

5.27 Paragraph 118 of the NPPF states, inter alia, that planning permission should be refused for development resulting in the loss of aged or veteran trees.

5.28 There are mature trees of significant amenity value located along the western boundary of the site, within the grounds of the Old Rectory. In light of their high amenity value, character and age, they have been protected by Tree Preservation Orders (TPO).

5.29 The previous application was considered to have an acceptable impact on the protected trees and as this revised application has moved the proposed development further away from this boundary there will be no adverse effect on the trees.

Flood Risk

5.30 The Flood Risk Management Engineer (FRME) was consulted on the previous application and raised concerns on land drainage and flood risk grounds due to the close proximity of the watercourse and known local soil conditions which has impeded drainage in the past. These concerns have also been raised by a number of local residents. Although the site is within Flood Zone 1 (which has the lowest risk of flooding), the Authority should still seek opportunities to reduce the overall level of flood risk in the area and beyond, through the layout and form of the development and the appropriate application of sustainable drainage systems.

5.31 The previous application was refused on the grounds that the application did not provide for an adequate emergency access/maintenance buffer to the adjacent watercourse. However, the Inspector in her decision on the previous application stated at Paragraph 22 -

"It is of course essential that proper provision is made for surface water drainage (ideally using sustainable drainage techniques) and for future maintenance, and I note local concerns about flooding and drainage matters in this locality..... that planning conditions could be used to secure satisfactory provisions for surface water drainage, including emergency access and maintenance. Thus I find insufficient grounds to reject the proposal on the basis of inadequate provision for emergency access to, and maintenance of, the watercourse. There would be no material conflict with LP Policy EVT5".

5.32 On that basis it is not considered that there are any objections in respect of flood risk/drainage, and that those matters could be satisfactorily addressed by way of appropriately worded planning conditions.

6.0 Conclusion and Overall Balancing Exercise

6.1 Whilst the proposed development conflicts with Policy HOU4 of the Local Plan, that policy is out of date. As such the proposal must be considered in the context of the presumption in favour of sustainable development and should be permitted unless there are adverse effects which significantly and demonstrably outweigh the grant of permission.

6.2 The NPPF sets out that there are three dimensions to sustainable development: economic, social and environmental. Through the construction of four new dwellings and the contribution they would make to the Borough's housing supply the proposal would accord with, and contribute in a very modest way to its economic and social dimensions.

6.3 With regard to the environmental dimension, the revised proposals would still result in significant harm in terms of the character and appearance of the surrounding area and landscape, and notwithstanding the small increase in site area and revised layout the cramped appearance of the revised scheme would not amount to good quality design and, as set out in the Framework, good design is a key aspect of sustainable development.

6.4 Further, section 66 of the Planning (Listed buildings and Conservation Areas Act) places a duty on Council's to pay special regard to the desirability of preserving the setting of Listed Buildings. Whilst the harm identified to the setting of the listed building itself may be less than substantial, there is harm which would not preserve the setting of the listed building and the modest benefits, referred to at paragraph 6.2 above, would not justify that harm

6.5 In these circumstances therefore it is concluded that the proposal would not constitute sustainable development and there are significant and demonstrable harms which outweigh the benefits of granting permission. It is therefore recommended that the Committee be **Minded to Refuse** the application.

RECOMMENDATION Minded to Refuse

Reason:

The proposal, by virtue of its layout and density, would result in a cramped form of development which would have an unacceptable impact on the character and appearance of the area. Furthermore the proposed development would fail to preserve the setting of the adjacent Grade II listed building, known as the Old Rectory. The proposed development does not therefore represent sustainable development within the context of paragraph 14 of the NPPF and the identified harms would significantly and demonstrably outweigh the benefits of the proposal. The proposed development therefore conflicts with the statutory duty set out at section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, sections 7 (Requiring good design), 11 (Conserving and enhancing the natural environment) and 12 (Conserving and enhancing the historic environment), policies LND2 and HEN2 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and policies SD7 and SD9 of the Joint Core Strategy (April 2014) submission version November 2014.

Note:

Statement of Positive and Proactive Engagement

In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner offering pre-application advice, detailed published guidance to assist the applicant and published to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding. However, as a consequence of the clear conflict with Development Plan Policy no direct negotiation during the consideration of the application has taken place.

14/01021/FUL Site location plan

Region: SEPT



Planning, Design & Development
14 Fife Street, Dundee, Scotland
www.brodie-manning.com

Ref: BM014

Residential development of 4 no dwellings.

Land at Greiton View, Alberton, Tawkesbury, Glos.

Site Location Plan

Scale: 1:1250 @ A3

Date: Sept 2014

PLANNING



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Proposed layout

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 Ref: BM014

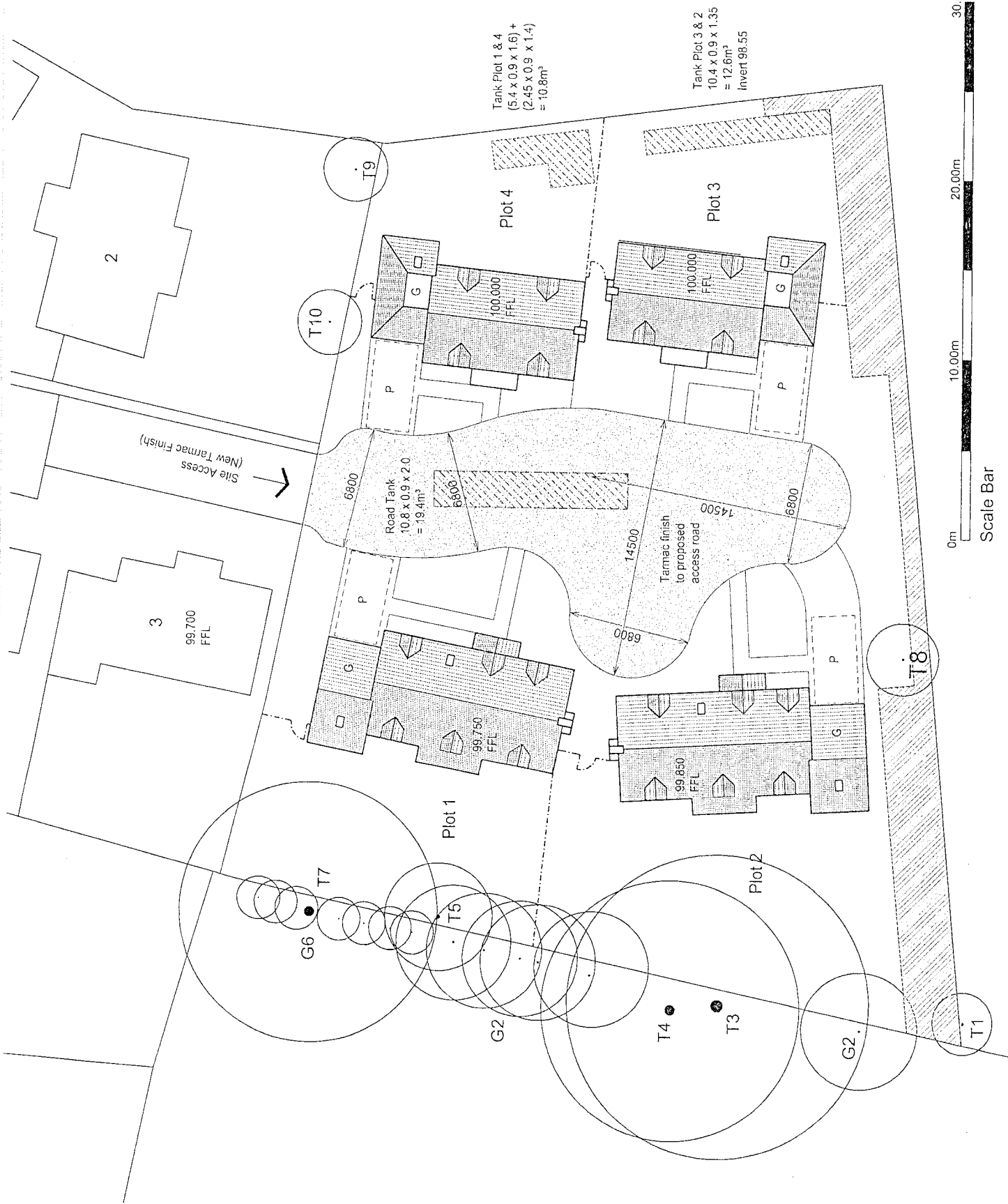
Residential development of 4 no dwellings.

Land at Greiton View, Alberton,
 Tewkesbury, Glos.

Proposed Site Plan

Scale: 1:200 @ A3
 Date: Sept 2014

PLANNING



Tank Plot 1 & 4
 (5.4 x 0.9 x 1.6) +
 (2.45 x 0.9 x 1.4)
 = 10.8m³

Tank Plot 3 & 2
 10.4 x 0.9 x 1.35
 = 12.6m³
 Invert 98.55

