

TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT CONTROL

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| Committee: | Planning |
| Date: | 20 October 2020 |
| Site Location: | Brickhouse Farm Chargrove Lane Up Hatherley Cheltenham Gloucestershire GL51 4XD |
| Application No: | 18/01238/FUL |
| Ward: | Shurdington |
| Parish: | Shurdington |
| Proposal: | Redevelopment of site to provide 1 no. single storey detached dwelling including detached home office, associated access and landscaping following demolition of existing garage building in ancillary residential use (Revision of application 18/00092/FUL). |
| Report by: | Mr Adam White |
| Appendices: | Site Location & Block Plan (no: 2396 P(0) 001 Rev F) Existing Elevations & Floor Plan (no: 2396 P(1) 102) Proposed Site Plan (no: 2396 P(2) 001 Rev C) Proposed Floor Plan (no: 2396 P(2) 101 Rev B) Proposed Elevations (no: 2396 P(2) 201 Rev B) Proposed Elevations (no: 2396 P(1) 202 Rev B) Proposed Study Elevations (no: 2396 P(2) 203 Rev A) Drainage Plan |
| Recommendation: | Permit |

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1. The application relates to two single storey outbuildings located south-east of Brickhouse Farm, a Grade II listed farmhouse (LB ref: 1152994), on the northern side of Chargrove Lane, Up Hatherley. The outbuildings, which are of modern construction (steel portal frame and blockwork), originally formed part of a larger farmstead prior to agricultural operations ceasing in the mid-1990s. The outbuildings have subsequently been used for ancillary purposes (storage of residential / domestic paraphernalia) in connection with the main dwelling, Brickhouse Farm.
- 1.2. The wider site has an extensive planning history and is now predominately residential in character, with two former agricultural buildings having been converted to residential use – ‘The Old Dairy’ and ‘The Cider Barn’. The former of these buildings immediately abuts the site’s southern boundary while the access track serving ‘The Cider Barn’ (which is curtilage listed) extends along the site’s eastern boundary with open fields beyond. Brickhouse Farm and its associated driveway, parking area and cart shed are located to the north-west of the application site (**see attached location plan**).

- 1.3. The site is located in the Green Belt and outside of a recognised settlement boundary. There is a Public Right of Way (PRoW) (Ref: ASH51) to the east of the site, which runs in a north-south direction, connecting Up Hatherley Way and Chargrove Lane. Access to the site is gained from Chargrove Lane.
- 1.4. The current application seeks full planning permission for the redevelopment of the site following the demolition of the outbuildings to provide a single storey detached dwelling (Use Class C3) including a detached home office, associated access and landscaping (**see attached plans**).

2.0 RELEVANT PLANNING HISTORY

| Application Number | Proposal | Decision | Decision Date |
|--------------------|--|----------|---------------|
| 18/00092/FUL | Redevelopment of site to provide 1no. single storey detached dwelling including detached home office, associated access and landscaping following demolition of existing garage building in ancillary residential use. | WDN | 25.04.2018 |
| 18/00093/LBC | Redevelopment of site to provide 1no. single storey detached dwelling including detached home office, associated access and landscaping following demolition of existing garage building in ancillary residential use. | NOTREQ | 06.02.2018 |
| 18/00640/CLE | Use of outbuildings for ancillary residential purposes in connection with Brickhouse Farm | CLECER | 22.11.2018 |

3.0 RELEVANT POLICY

- 3.1. The following planning guidance and policies are relevant to the consideration of this application:
- 3.2. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

National guidance

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

Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (December 2017) (JCS)

- 3.4. Policies: SP2, SD3, SD4, SD5, SD6, SD8, SD9, SD10, SD14, INF1, INF2.

Tewkesbury Borough Plan 2011-2031 Pre-Submission Version (October 2019) (PSTBP)

- 3.5. Policies: RES3, RES5, DES1, HER2, NAT1, NAT3, TRAC9.
- 3.6. Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life).
- 3.7. The First Protocol, Article 1 (Protection of Property).

4.0 CONSULTATIONS

4.1. **Shurdington Parish Council** – Objection raised in respect of the original and revised proposal for the following reasons:

- The site is located within the Green Belt. The Parish Council oppose all Green Belt development and insist the iconic Green Belt should be maintained;
- The location is unsustainable for a potential new business;
- The proposal is detrimental to existing designated heritage assets;
- The proposal is over-development of the site;
- The access is wholly unsuitable for such development and it would have a significant negative impact on existing residents.

4.2. **Conservation Officer** – No objections to latest iteration of the plans.

4.3. **Environmental Health Officer** – No objection in terms of noise nuisance.

4.4. **County Highways Officer** – No objection subject to conditions.

4.5. **Flood Risk Drainage Engineer** – No objections to latest drainage details.

4.6. **Consultant Ecologist** – No objections.

5.0 PUBLICITY AND REPRESENTATIONS

5.1. The application has been publicised through the posting of a site notice for a period of 21 days for the original and revised proposals. A total of 60 representations have been received raising objections to the proposed development; 35 in response to the original proposal and 25 in response to the revised proposals. These responses have been summarised as follows:

- The site is located within the Green Belt and is therefore unsuitable for development. The proposal should be recognised as ‘inappropriate development’.
- The development is outside of a recognised settlement boundary.
- The proposal would result in extra vehicles using a sub-standard access, with difficulties already encountered by refuse vehicles and emergency services.
- This is not an appropriate location for an office and would result in employment use in residential area.
- There are unresolved flooding issues with surface water run-off causing a highway hazard. The land is impermeable heavy clay; any further development would exacerbate existing drainage problems. What would be the drainage arrangement for the proposed development and where would foul waste go?
- There is a lack of service infrastructure to support the proposal and it would fail to comply with other non-planning legislation.

- Chargrove Lane is regularly used as a 'rat-run' and the existing access on this bend is currently unsuitable; the accident risk would be increased as a result of this proposal.
- The proposal is clearly in sight of two adjacent listed buildings which form part of a historic farmyard setting. The existing building forms part of the farm setting and the proposal would spoil the significance of the listed buildings.
- The proposed dwelling could not be considered affordable housing and, if approved, would be seized by adjacent landowners/developers who have failed in recent years to gain approval on adjacent land for major wholesale development.
- The proposal represents over-development and will set a precedent for farm buildings in the Green Belt.
- The development would result in the loss of a valuable resource.
- The replacement building would be out-of-character and result in unwarranted intrusion into a valued rural landscape which should be protected; this is a beautiful area of historic value and listed houses set in the Green Belt.
- The size and scale of the proposed dwelling is substantial and would diminish the rural character of the protected Green Belt.
- The proposal would have a detrimental effect on the ecology of the site: bats and birds.
- It would not provide affordable housing and would result in a high-end luxury home.
- There is an existing WPD electricity pole which is at risk of being struck by the allowance of more vehicles. This electricity pole already restricts the access of the fire and rescue services.
- This is an unsustainable location for new development. There are already four houses using this small area, the proposal would result in five houses generating more vehicles in an unsustainable location, with reliance on the private car. Chargrove Lane is used by more pedestrians than cars and this unique characteristic should be protected.
- Construction traffic during development would have an adverse effect on neighbouring occupants.
- The proposed house has Velux windows and glazed screens which are not in character with the surroundings.
- How would vehicles associated with the development manoeuvre to enter/exit the site? It would be unacceptable and inappropriate for vehicles to attempt to turn on the shared access drive which currently serves The Old Dairy and The Cider Barn.
- There is insufficient parking provision to serve the proposed development.
- The revised proposal shows the access within 2 metres of the shared boundary with The Old Dairy and within in clear sight of door/window openings. This would have a detrimental impact on residential amenity.

6.0 POLICY CONTEXT

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the Local Planning Authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.
- 6.2. The Development Plan currently comprises the Joint Core Strategy (JCS) (2017), saved policies of the Tewkesbury Borough Local Plan to 2011 (March 2006) (TBLP), and a number of 'made' Neighbourhood Development Plans.
- 6.3. The Pre-Submission Tewkesbury Borough Plan was submitted to the Secretary of State for Housing, Communities and Local Government on 18 May 2020 for examination. Whilst not currently forming part of the development plan, policies contained in the emerging Borough Plan can be given weight in determining applications. The weight to be attributed to individual policies will be subject to the extent to which there are unresolved objections (the less significant the unresolved objections, the greater the weight that may be given) and their degree of consistency with the NPPF (the closer the policies to those in the NPPF the greater the weight that may be given).
- 6.4. The relevant policies are set out in the appropriate sections of this report.

7.0 ANALYSIS

Principle of development

- 7.1. JCS Policy SD10 applies to all proposals for new residential development. It states that on sites that are not allocated, housing development will be permitted on previous development land within the built-up areas of Tewkesbury town, rural service centres and service villages except where otherwise restricted by policies within District or Neighbourhood Plans. Criterion 4 does make provision for housing development on other sites where it is for affordable housing, constitutes infilling within existing built up areas of Tewkesbury's towns and villages, is brought forward through a Community Right to Build Order or there are other specific exemptions in District or Neighbourhood Plans. JCS Policy SD10 also supports the sensitive, adaptive re-use of vacant or redundant buildings subject to the requirements of other policies.
- 7.2. The application site is located outside of a recognised settlement boundary and is therefore regarded as being within the open countryside. Although the lawful use of the outbuildings is for ancillary residential purposes in connection with Brickhouse Farm, thus meaning the site complies with the definition of previously developed land, the buildings are not located within an existing built-up area to support the site's redevelopment for residential use. Similarly, the proposal is not considered to comply with any of the exceptions listed in criterion 4 nor does it amount to the re-use / conversion of a redundant building. As such, the proposal is deemed contrary to the requirements of JCS Policy SD10.

- 7.3. There are no policies within the TBLP (March 2006) or the PSTBP (October 2019) to support the proposal. Indeed, emerging Policy RES3 relates to new housing development outside settlement boundaries and broadly echoes the requirements of JCS Policy SD10. It states residential development will only be considered acceptable where it consists of: (1) re-use of a redundant / disused permanent building; (2) the sub-division of an existing dwelling; (3) small scale development at rural settlements; (4) a replacement dwelling; (5) affordable housing; (6) an essential rural workers dwelling; or, (7) an allocated site or one which has been brought forward through local initiatives e.g. Community Right to Build, Neighbourhood Development Orders. None of these exemptions are applicable in this case.

Housing land supply

- 7.4. Whilst the proposal is contrary to Policy SD10 of the JCS, it is also currently the case that the Council cannot demonstrate a 5-year supply of deliverable housing sites. It is the Council's current position that a 4.33 years supply of housing can be demonstrated. In this scenario, paragraph 11 of the NPPF states that where policies which are most important for determining the application are out of date, permission should be granted unless: i. the application of policies in the Framework that protect assets of particular importance provides a clear reason for refusing the development; or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 7.5. The Framework clarifies that planning policies for housing will be judged out of date where, inter alia, the local planning authority cannot demonstrate a 5-year supply of deliverable housing sites. Footnote 6 to paragraph 11 also clarifies which policies in the Framework provide a clear reason for refusing. Amongst these are policies relating to designated heritage assets and land designated as Green Belt. For the reasons set out further in this report, it is considered that the proposal does not represent inappropriate development in the Green Belt and would not harm the setting of a designated heritage asset. As such, the presumption in favour of granting permission is engaged as per paragraph 11d of the Framework. This is also known as the 'tilted balance'.

Green Belt

- 7.6. The application site is located in the Green Belt. The NPPF makes clear that local planning authorities should regard the construction of new buildings as inappropriate development except in specific circumstances as set out in paragraphs 145 and 146 of the NPPF. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 states 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of its inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. JCS Policy SD5 (Green Belt) is consistent with this advice and restricts development to those limited types deemed appropriate by the NPPF.
- 7.7. Paragraph 145 of the NPPF sets out exceptions to the construction of new buildings in the Green Belt, of which one allows for: Limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: not have a greater impact on the openness of the Green Belt than the existing development; or not cause substantial harm to openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

- 7.8. For the reasons set out in the previous section, the application site is deemed to constitute previously developed land in accordance with the definition contained in Annex 2 (Glossary) of the NPPF. The proposal is seeking the complete redevelopment of the site to provide 1 no. new dwelling and could therefore amount to appropriate development in the Green Belt provided the replacement building has no greater impact on the openness than the existing development. This is considered in detail below.

Impact on openness

- 7.9. The existing development consists of modern, shallow pitched building with a footprint of approximately 197 square metres and volume of approximately 545 cubic metres. The revised proposal is for an 'L' shaped building with a footprint of approximately 139 square metres (including the detached home office) and volume of approximately 383 cubic metres. As such, the total volume of the proposed dwelling would be 30% smaller than the existing building on site.
- 7.10. Given that the proposed dwelling would be located in the same location as the existing and would be of a comparable size and scale, it is considered that there would not be a harmful impact on the openness of the Green Belt.

Design and layout

- 7.11. Policy SD4 of the JCS advises that new development should respond positively to, and respect the character of, the site and its surroundings, enhancing local distinctiveness, and addressing the urban structure and grain of the locality in terms of street pattern, layout, mass and form. It should be of a scale, type, density and materials appropriate to the site and its setting.
- 7.12. There have been various iterations of the proposal during the application process. The original proposal had sought to design a dwelling that would fit within the build parameters of the existing outbuildings. However, a number of concerns were raised by officers in respect of this approach and revisions have been made accordingly.
- 7.13. The latest revision being presented to Members is for the erection of a single storey 'L' shaped building that has taken design cues from the site's agricultural past by seeking to replicate the style of a traditional farm outbuilding, not dissimilar to neighbouring properties. The proposed dwelling has been orientated to front eastwards, overlooking a front garden area and driveway with off-road parking provision for two vehicles. A detached home office / study would also be erected to the rear (west) of the proposed dwelling in place of an existing structure. This would be used in association with, and accessed from, the dwelling only. This arrangement would provide for a rear courtyard / walled garden that would serve as private amenity space for future occupants. Access to the site would be from the single track to the east which already serves 'The Old Dairy' and 'The Cider Barn'. External facing materials would comprise reclaimed brick, handmade clay roof tiles and timber casement windows to match neighbouring buildings.
- 7.14. Following consultation with the Council's Conservation Officer, it is considered that the design of the proposed dwelling is now acceptable and would have an acceptable impact on the character and appearance of the surrounding area.

Impact upon designated heritage assets

- 7.15. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

- 7.16. Section 16 of the NPPF recognises the importance of designated and non-designated heritage assets as irreplaceable resources that should be preserved in a manner appropriate to their significance. Paragraph 193 stipulates that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Further, it sets out that any harm to, or loss of, the significance of a designated heritage asset from development within its setting should require clear and convincing justification.
- 7.17. JCS Policy SD8 reiterates the above advice and sets out that development should make a positive contribution to local character and distinctiveness, having regard to valued and distinctive elements of the historic environment. The policy also requires designated and non-designated heritage assets and their setting to be conserved and enhanced as appropriate to their significance, and for their important contribution to local character, distinctiveness and sense of place.
- 7.18. The proposed development is within the setting of Brickhouse Farmhouse, a Grade II listed building. Any structure which formed part of the farmstead prior to 1948 is also likely to be considered curtilage listed, this includes 'The Cider Barn' and the adjacent building to the north of the application site. The Conservation Officer has advised that 'The Old Dairy' is not curtilage listed because it is thought to be a relatively new replacement building. According to cartographic evidence the existing building, which is subject to demolition to allow for the proposed development, is not of sufficient age to be considered curtilage listed.
- 7.19. The Conservation Officer has commented that the existing building to be demolished is of no architectural or historic merit. It is a modern wide, shallow pitched building, which is considered to detract from the character and setting of the historic and traditional farmstead. As such, the Conservation Officer has raised no objection to its demolition from a heritage perspective.
- 7.20. The original proposal had sought a replacement building to mimic the design of the demolished structure. The Conservation Officer raised an objection to this design approach, advising that it neither reflected the historic character of the farmstead nor represented a considered contemporary approach to the interpretation of the site context. The applicant has therefore submitted revised plans to address the Conservation Officer's concerns.
- 7.21. As set out above, the Conservation Officer is now satisfied with the latest revisions and comments that the current amended design is sufficiently unlike a bungalow and sufficiently similar to the existing agricultural buildings. In light of this, it is considered that the proposed development would have an acceptable impact on the setting of designated heritage assets in the vicinity.

Residential amenity

- 7.22. JCS Policy SD14 sets out that development should protect and seek to improve environmental quality and should not cause unacceptable harm to local amenity including the amenity of neighbouring occupants.
- 7.23. Given the siting of the proposed dwelling and the fact that it is single storey, it is considered that the proposal would not result in any unacceptable loss of light, outlook or privacy to nearby property. The proposed dwelling would also be provided with sufficient outdoor private amenity space. The Council's Environmental Health advisors have been consulted and no objections are raised in terms of noise and disturbance. The proposal is therefore considered to be acceptable in terms of residential amenity.

Landscape and visual amenity

- 7.24. JCS Policy SD6 states that development will seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being. Proposals will have regard to local distinctiveness and historic character of different landscapes and proposals are required to demonstrate how the development will protect landscape character and avoid detrimental effects on types, patterns and features which make a significant contribution to the character, history and setting of a settlement area.
- 7.25. The site is not subject to any formal or informal landscape designation. However, the site is located in an attractive rural setting, which is surrounded by open countryside. The site would be visible from the Public Right of Way, which runs adjacent to the site but is otherwise reasonably well screened from longer distant views by intervening trees and vegetation to the surrounding field boundaries. As set out above, the proposed dwelling would be of a similar size and scale to the building it would replace and is now considered to be of an acceptable design. It is therefore considered that the proposal would have an acceptable impact on the landscape.

Access and highway safety

- 7.26. The Framework sets out that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making. Furthermore, development should only be prevented or refused on highways grounds where there would be an unacceptable impact on highway safety, or the residual cumulative impacts of development are severe. JCS Policy INF1 requires that developers should provide safe and accessible connections to the transport network to enable travel choice for residents and commuters.
- 7.27. As previously set out, access to the site would be from the single track to the east which already serves 'The Old Dairy' and 'The Cider Barn'. Following initial consultation with the Highways Authority and in light of the concerns raised by locals, additional information was sought in respect of traffic speeds and available visibility splays. In response to this a Transport Letter (TL) was submitted by the applicant, which sought to address the concerns raised. The TL contains details of a radar speed survey that was undertaken adjacent to the site access on the 22nd October 2019, between 10am and 4pm. The speed survey recorded 85th percentile speeds of 24mph northbound and 22mph southbound. Based on these speeds, the TL includes a drawing that demonstrates that junction visibility of 2.4m x 23m and 2.4 x 27m are achievable north and south of the access respectively. These splays are wholly achievable within the adopted highway boundary, with areas of vegetation cut back or removed where required.
- 7.28. The Highways Officer has reviewed the submitted information and is satisfied that appropriate visibility splays can be achieved within the highway boundary based on the recorded vehicle speeds. On that basis, no objections are raised subject to planning conditions to ensure that the appropriate visibility splays are provided and retained in perpetuity.

- 7.29. In term of accessibility, the site is not located within a recognised settlement. It is, however, located in close proximity to Cheltenham, which contains a significant level of services and facilities. The nearest bus stop with frequent connections to Cheltenham town centre and Bishops Cleeve is located within 500m of the site via a Public Right of Way, which directly links the site with Up Hatherley Way. A large supermarket, local shops, petrol station, public house, play group, primary school, library and doctors surgery are also located within 2km of the site, which is considered to be within an acceptable cycling distance. In light of this, it is not considered that the site's location outside of a recognised settlement boundary would be sufficient reason to refuse the application on accessibility grounds when considered in the context of the tilted balance.

Biodiversity

- 7.30. JCS Policy SD9 seeks the protection and enhancement of biodiversity and geological resources of the JCS area in order to establish and reinforce ecological networks that are resilient to current and future pressures.
- 7.31. Following consultation with the Council's ecology consultant, it was advised that the building proposed to be demolished could have potential for bats to be present. As such, it was recommended that a preliminary bat assessment was carried out to assess the potential of the building. In response to this a Preliminary Bat Roost Assessment was submitted, which highlighted that the building offered negligible potential for roosting bats and limited foraging habitat in the immediate surrounding landscape. The Council's ecology consultant concurs with these findings and is satisfied that no further surveys are required. The proposal is therefore considered to be acceptable in this regard.

Arboricultural implications

- 7.32. There are three trees to the south of the site that are subject to Tree Preservation Orders. These trees are outside of the application and no works are proposed within their vicinity. The proposed development would therefore not have any adverse impact on these protected trees.

Drainage and flood risk

- 7.33. JCS Policy INF2 advises that development proposals must avoid areas at risk of flooding and must not increase the level of risk to the safety of occupiers of a site and that the risk of flooding should be minimised by providing resilience and taking into account climate change. It also requires new development to incorporate Sustainable Urban Drainage Systems (SUDS) where appropriate to manage surface water drainage. This is reflected in emerging PSTBP policy ENV2.
- 7.34. The site is located in Flood Zone 1 and is therefore at a low risk from flooding. The site is also not identified to be at risk from surface water flooding according to the Environment Agency flood maps. In terms of drainage, it is proposed that surface water would be discharged into a detention basin, which would be provided to the east of the site on land within the ownership of the applicant. This would in turn discharge at a controlled rate to an existing pond to the north of the site, again within the ownership of the applicant. Foul discharge is proposed to be via a package treatment plant. Treated effluent would then be pumped to the existing pond. **(see attached drainage plan).**

- 7.35. Following consultation with the Council's drainage consultant, it is pointed out that the pond to the north of the site is the natural route for surface flows. Therefore, with surface water being discharged to it at greenfield runoff rates, it would continue to respond to surface water events as it currently does. Downstream sites would therefore not be at increased risk of flooding as a result of this development. In terms of foul drainage, the Environment Agency (EA) guidance (Environmental Permitting Regulations 2016) states that a discharge to a lake or pond which has no outlet (does not discharge into a river or watercourse or another pond which discharges into a river or watercourse) does not require a permit unless a Notice has been served under paragraph 5 of Schedule 21 of the Environmental Permitting (England and Wales) Regulations 2016. The pond does not have an outlet but if it overtopped it would flow into the drainage ditch to the north of the pond. In this event, the EA advise that the pond would still be considered 'offline'.
- 7.36. In light of the above, the Council's drainage consultant is of the view that the proposed drainage strategy is acceptable. However, given the concerns raised by local residents, it is considered that it would be prudent to attach a planning condition to secure a detailed surface water and foul drainage scheme prior to the commencement of development.

Community Infrastructure Levy

- 7.37. For CIL purposes the application site falls within a 'Generic Site' and would be subject to the levy for residential development at £207.46 per square metre.

8.0 CONCLUSION AND RECOMMENDATION

- 8.1. Section 38(6) of the Town and Country Planning Act 1990 provides that, if regard is to be had to the development plan, the determination must be made in accordance with the development plan unless other material circumstances indicate otherwise. Section 70 (2) of the Act provides that the local planning authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations.
- 8.2. As previously set out, the proposal does not accord with Policy SD10 of the JCS. However, the Council cannot currently demonstrate a five-year supply of deliverable housing sites and therefore the Council's policies for the supply of housing are out of date, in accordance with paragraph 11 of the Framework. For the reasons set out in this report, the proposal would not harm the setting of a designated heritage asset and is not considered to represent inappropriate development in the Green Belt. Consequently, it is considered that the 'tilted balance' applies and permission should be granted unless there are any adverse impacts of doing so that would significantly and demonstrably outweigh the benefits when assessed against the policies set out in the NPPF as a whole.

Benefits

- 8.3. The proposal would deliver a dwelling, which would provide a social benefit, albeit very limited. There would also be some economic benefits during construction but again this would be limited.

Harms

- 8.4. Harm arises from the conflict with development plan policies relating to housing; particularly Policy SD10 of the JCS. However, in the context of the current five year supply position, the Council's housing policies are out of date. Whilst the site is not located within a recognised settlement, it is not considered to be isolated in the context of paragraph 79 of the Framework. Furthermore, the site has good access to various services and facilities within 2km of the site, which is within an acceptable cycling distance. There are also bus stops within an acceptable walking distance to the site, which provide frequent connections to Cheltenham town centre and Bishops Cleeve.

Neutral

- 8.5. The proposal would be of an acceptable size, scale and design and would have an acceptable impact on residential amenity. The proposal does not represent inappropriate development in the Green Belt and would not harm its openness. The proposal would have an acceptable impact on the landscape and would not harm the setting of designated heritage assets in the vicinity. Access to the site is considered to be acceptable and the residual cumulative impact on the highway network would not be severe. The site is not at an unacceptable risk of flooding and the proposal is considered to be acceptable in terms of biodiversity.

Conclusion

- 8.6. Whilst the benefits of the proposal are limited, it is considered that the harms identified do not significantly and demonstrably outweigh those benefits. The proposal is therefore recommended for **Permit**.

CONDITIONS:

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

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

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

- Site Location & Block Plan (no: 2396 P(0) 001 Rev F)
- Proposed Site Plan - Revised (no: 2396 P(2) 001 Rev C)
- Proposed Floor Plan - Revised (no: 2396 P(2) 101 Rev B)
- Proposed Elevations - Revised (no: 2396 P(2) 201 Rev B)
- Proposed Elevations – Revised Cont. (no: 2396 P(1) 202 Rev B)
- Proposed Study Elevations - Revised (no: 2396 P(2) 203 Rev A)

Reason: To define the terms of the permission.

3. No works shall commence on the dwelling and detached study hereby permitted until details of proposed finished floor levels have been submitted to and approved by the Local Planning Authority. All development shall be carried out in accordance with the approved details.

Reason: To ensure that the development integrates harmoniously with its surroundings and does not adversely impact upon existing residential properties.

4. The dwelling and detached study hereby permitted shall be constructed using reclaimed brick and handmade clay roof tiles in accordance with the details shown on drawing numbers 2396 P(2) 201 Rev B, 2396 P(1) 202 Rev B & 2396 P(2) 203 Rev A.

Reason: To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity.

5. Before work commence on the dwelling and detached study hereby permitted, the design and details of the following shall be submitted to and approved in writing by the Local Planning Authority:

- Doors
- Windows
- Roof lights
- Rainwater goods
- Ridge tiles

Where relevant, drawings shall be submitted to a minimum scale of 1:5 with full size moulding cross section profiles. The works shall be carried out in accordance with the approved details.

Reason: To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity.

6. All door and window frames shall be recessed a minimum of 75mm into the external walls of the building

Reason: To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity.

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

Reason: To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity.

8. Prior to occupation, the chimney flue shall be painted black and retained as such thereafter.

Reason: To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order), no windows or openings be installed in the south elevation without the prior express permission of the Local Planning Authority.

Reason: In the interests of residential amenity.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order), no private car garages, extensions, garden sheds, gates, fences, walls, other means of enclosure or structures of any kind (other than any hereby permitted) shall be erected or constructed on this site without the prior express permission of the Local Planning Authority.

Reason: To protect the openness of the Green Belt.

11. The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 2.4m back along the centre of the access measured from the public road carriageway edge (the X point) to a point on the nearer carriageway edge of the public road 23m to the north and 27m to the south (the Y points). The area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between 1.05m and 2.0m at the X point and between 0.26m and 2.0m at the Y point above the adjacent carriageway level.

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

12. No development shall take place, including any demolition works, until a construction management plan or construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the demolition/construction period. The plan/statement shall provide for:

- 24 hour emergency contact number;
- Hours of operation;
- 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);
- Routes for construction traffic;
- Locations for loading/unloading and storage of plant, waste and construction materials;
- Method of preventing mud being carried onto the highway;
- Measures to protect vulnerable road users (cyclists and pedestrians)
- Any necessary temporary traffic management measures;
- Arrangements for turning vehicles;
- Arrangements to receive abnormal loads or unusually large vehicles;
- Methods of communicating the Construction Management Plan to 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.

13. Notwithstanding the submitted drainage details, no development shall take place until foul and surface water drainage details have been submitted to and approved in writing by the Local Planning Authority. The design detail must demonstrate the technical feasibility/viability of the drainage system to manage the flood risk to the site and elsewhere, include measures to ensure water quality is protected and that these systems are managed for the life time of the development. The dwelling shall not be occupied until the drainage works have been completed in accordance with the approved details.

Reason: To ensure adequate disposal of foul and surface water drainage.

14. The development hereby permitted shall be carried out strictly in accordance with the recommendations and mitigation measures detailed in the submitted Inspection Survey for Bat Roost Potential report from All Ecology dated May 2020.

Reason: To ensure proper provision is made to safeguard protected species and their habitats and to enhance the ecological value of the site.

15. No external lighting shall be installed on the site which has not first been submitted to and approved in writing by the Local Planning Authority. All external lighting on the site shall comply with the parameters of Environmental Zone 2.

Reason: To safeguard protected species and to ensure that the proposed development is not a source of nuisance to nearby property.

INFORMATIVES:

1. In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing 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.