

## TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT CONTROL

<b>Committee:</b>	Planning
<b>Date:</b>	15 December 2020
<b>Site Location:</b>	Land Adjacent Springbank Old Road Southam Cheltenham Gloucestershire GL52 3NN
<b>Application No:</b>	20/00598/FUL
<b>Ward:</b>	Cleeve Hill
<b>Parish:</b>	Southam
<b>Proposal:</b>	Proposed erection of a single dwelling, associated parking and landscaping.
<b>Report by:</b>	Victoria Stone
<b>Appendices:</b>	Site Location Plan Site Layout Plan Proposed Elevations – Sheet 1 of 2 Proposed Elevations – Sheet 2 of 2 Proposed Floor Plans
<b>Recommendation:</b>	Delegated permit

### 1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1. This application relates to a parcel of land adjacent Springbank, which is located along the eastern side of Old Road in Southam (**see attached Site Location Plan**).
- 1.2. The application site is rectangular in shape and measures approximately 0.06 hectares.
- 1.3. The site comprises an area of sloping lawn which currently forms the side garden of the host dwelling, Springbank. The site is bound by residential properties to the north and south, Cleeve Hill Road (B4632) lies to the east beyond the existing fence and hedge and Old Road lies to the west of the application site.
- 1.4. The site is located within the Green Belt, the Cotswolds Area of Outstanding Natural Beauty and is within 50 metres of a Grade II listed Water Conduit.
- 1.5. This application is submitted in full and seeks permission for the construction of a detached dwelling and associated parking and landscaping.
- 1.6. The proposed dwelling would be located centrally on the plot in alignment with the host dwelling. The dwelling would appear two storey in height from the front elevation, though due to the sloped nature of the site the accommodation would be arranged over three floors.

- 1.7. The application site would be accessed utilising the existing vehicular access from Old Road which would be widened to serve both properties. The proposed dwelling and the existing property at the site would each benefit from at least two off-road parking spaces.
- 1.8. Planning permission was granted in April 2020 for the erection of a single and two storey front extension and the construction of new dormer windows and roof lights, planning reference 19/01103/FUL, to the host dwelling, Springbank. As part of the permission changes to the external finish, to include the introduction of render, coursed local stone, fibre cement slates and the replacement of the existing white uPVC windows was granted. The applicant intends to construct the new dwelling and carry out the approved extensions/alterations to Springbank at the same time therefore the new dwelling has been designed to reflect and compliment the scale, appearance and character of host dwelling following the implementation of the planning permission.
- 1.9. Since the application was first submitted, the proposal has been subject to amendments to the fenestration detail on the front elevation and the north facing side elevation. Given the minor nature of the changes a new consultation and notification period was not considered necessary.

## 2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
19/01103/FUL	Erection of a single and two storey front extension, loft conversion and installation of roof lights	PERMIT	07.04.2020

## 3.0 RELEVANT POLICY

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

### National guidance

- 3.2. National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG) and the National Design Guide (NDG).

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

- 3.3. Policies: SP2, SD4, SD5, SD6, SD7, SD8, SD9, SD10, SD14, INF1, INF2

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

- 3.4. Policies: RES3, RES4, RES5, DES1, HER2, ENV2, TRAC9
- 3.5. Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)
- 3.6. The First Protocol, Article 1 (Protection of Property)

## **4.0 CONSULTATIONS**

### **4.1. Southam Parish Council** – Object for the following reasons:

- The proposal represents overdevelopment of the site;
- When viewed in conjunction with the proposed extension of the host dwelling, the complete built form would give the impression of one large property which would have a detrimental visual impact from Old Road;
- Development likely to harm the amenity of neighbouring properties, in particular Oaklands – due to the size and proximity the gable end would be overbearing.
- Compromise highway safety.

### **4.2. County Highway Authority** – Further information required.

### **4.3. Tree Officer** – No concerns with the proposal.

### **4.4. Sustainable Drainage Engineer** – No objection to the proposal.

## **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 and the neighbour notification scheme.

### **5.2.** Four separate responses objecting to the application have been received, three of which are from (or on behalf of) one local resident. The comments are summarised as follows:

- Development would have a significant detrimental effect on neighbouring amenity through loss of light, overbearing, reduction in privacy;
- New dwelling would be very noticeable and prominent in views from the neighbouring property, Oaklands – very little in the way of screening to mitigate the harm;
- Compromise highway safety;
- Increased housing density would be out of keeping with the rural character of the village;
- Springbank currently sits comfortably within its site with a sense of spaciousness which is appreciated from outside the site – the introduction of a new dwelling would give the scheme a cramped appearance and uncomfortably constrained within the site;
- The amenity space associated with the proposed new dwelling would be subject to significant overlooking and lack of privacy from the neighbouring property, Oaklands, and would diminish the enjoyment of their house and garden area;
- Location is not suitable for new housing having regard to the development strategy for the area and its accessibility to shops and services – the proposal would conflict with the strategic housing policies of the JCS;
- Southam is regarded as a settlement but is difficult to regard it as a village given its lack of services and facilities;

- Questionable as to whether the proposal could be regarded as infill development – it is not well-related to existing built development;
- Future occupants would rely heavily on the private motor car.
- Development would have an adverse impact on the openness of the Green Belt;
- Proposal would only be of minimal benefit in addressing the housing shortfall and in terms of the economy given the quantum of the development;
- Proposal to sub-divide the garden of the proposed new dwelling is wholly unacceptable and would result in a contrived arrangement;
- Any landscape planting along the northern boundary of the site would potentially have an adverse impact on the neighbouring amenity;
- The section plan is inaccurate and oversimplified.

## **6.0 POLICY CONTEXT**

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

## **7.0 ANALYSIS**

### **Principle of development**

- 7.1. In order to further sustainability objectives and in the interests of protecting the countryside, the housing policies of the JCS set out a development strategy for the Borough.
- 7.2. The application site has not been allocated for housing in the JCS and therefore the criterion of Policy SD10 of the JCS applies. This policy advises that housing on sites which are not allocated for housing in district and neighbourhood plans will be permitted if it meets certain limited exceptions.

- 7.3. Of relevance is Criterion 4 (ii). This criterion states that development will only be permitted where it is infilling within the existing built up areas of the City of Gloucester, the Principal Urban Area of Cheltenham or Tewkesbury Borough's towns and villages except where otherwise restricted by policies within district plans. For the purposes of criterion 4(ii), the supporting text defines 'infill development' as "the development of an under-developed plot well related to existing built development."
- 7.4. It is considered that the existing built-up area of Southam includes the properties along Old Road and the section of Sunset Lane to the west of the B4632. The application site is bound by residential development to the north, south and west and as such the proposal is therefore considered to constitute infill development in accordance with JCS Policy SD10.
- 7.5. In terms of the Pre-Submission Tewkesbury Borough Plan 2011-2031 ("the emerging TBP") the application site has not been allocated for housing and the village of Southam is not featured within the settlement hierarchy. However, Policy RES3 of the emerging TBP supports the principle of new residential development outside of a defined settlement boundaries where the development being proposed consists of, inter alia, very small scale development at rural settlements in accordance with Policy RES4. Policy RES4 sets out that the support the vitality of rural communities and the continued availability of services and facilities in the rural areas, very small-scale residential development will be acceptable in principle within and adjacent to the built up area of other rural settlements, subject to the development complying with a number of criteria.
- 7.6. Further to the above the site is located in the Green Belt therefore the significance of the impact of the development upon the Green Belt must be considered in assessing whether the principle of the development is acceptable.

### **Green Belt**

- 7.7. Policy SD5 of the JCS sets out that, to ensure the Green Belt continues to serve its key functions, it will be protected from harmful development. Within its boundaries, development will be restricted to those limited types of development which are deemed appropriate by the NPPF, unless it can be demonstrated that very special circumstances exist to outweigh the harm automatically caused to the Green Belt by virtue of the development being inappropriate and any other harm actually caused.
- 7.8. The NPPF provides that, as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 of the NPPF provides that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 7.9. Paragraph 145 of the NPPF sets out that the construction of new buildings in the Green Belt is inappropriate other than for a number of exceptions. One such exception (e) listed is limited infilling in villages. For the reasons set out above and as a matter of fact on the ground, the site appears to be within the village of Southam, the development is considered to represent 'infilling' in a village and given the application seeks permission for one dwelling, the development would represent 'limited infilling'. As such the proposed dwelling would not represent inappropriate development in the Green Belt
- 7.10. In light of the above it is considered the principle of the development would be acceptable.

### **Five Year Housing Land Supply**

- 7.11. On the basis the Council cannot at this time demonstrate a five year supply of deliverable housing land, the Council's policies for the supply of housing should not be considered up-to-date in accordance with footnote 7 of the NPPF. In accordance with paragraph 11 of the NPPF, the presumption in favour of sustainable development indicates that permission should be granted unless policies for protecting assets of particular importance provides a clear reason for refusing the development or any adverse impacts of permitting the development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

### **Cotswolds Area of Outstanding Natural Beauty**

- 7.12. The application site is located within the western most edge of the Cotswolds Area of Outstanding Natural Beauty (AONB). An AONB is an area of high scenic quality that has statutory protection in order to conserve and enhance the natural beauty of its landscape. The NPPF makes it clear that great weight should be given to conserving landscape and scenic beauty in AONBs, which have the highest status of protection in relation to landscape and scenic beauty.
- 7.13. Policy SD7 (The Cotswolds Area of Outstanding Natural Beauty) of the JCS specifies that all development proposals within the setting of the Cotswolds AONB will be required to conserve and, where appropriate, enhance its landscape, scenic beauty, wildlife, cultural heritage and other special qualities. Proposals will be required to be consistent with the policies set out in the Cotswolds AONB Management Plan (2018-2023) which is prepared by the Cotswolds Conservation Board and is the statutory plan which sets out the Boards' policies for the management of the Cotswolds AONB and for the carrying out of its functions in relation to it.
- 7.14. The application is supported by a Landscape and Visual Appraisal (LVIA), prepared by MHP Chartered Landscape Architects. The report identifies the site as within the 'Escarpment: Coopers Hill to Winchcombe' Landscape Character Type.
- 7.15. The LVIA concludes that due to the containment of the site, the location of the site within an existing residential area, the small size and scale of the proposals and the fact the development would conform to the existing pattern of settlement the development should have no discernible effect on the district landscape character area. In terms of views afforded, the site is visually very well contained. Views towards the site from the local roads are fleeting and glimpsed and for short durations where they directly pass the site and on approach from the west on Southam Lane to the west. The site is not readily identifiable in more distant views from the settlement edge at Cheltenham from more elevated land adjacent to the racecourse. The overall visual envelope is contained to views within close proximity from local roads and nearby residential dwellings.
- 7.16. Given this, it is considered the development would result in only very limited landscape and visual effects which would conserve the special qualities of the Cotswolds AONB and would be in keeping with the guidance and strategies set out in the Cotswolds AONB Management Plan. As such the proposed dwelling should not unduly harm the landscape, scenic beauty or the other special characteristics of the AONB.

### **Design and layout**

- 7.17. Section 12 of the NPPF sets out that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. This is echoed in JCS policy SD4 and emerging policy RES5 of the Pre-submission Tewkesbury Borough Plan (2019) which states new development should respond positively to, and respect the character of, the site and its surroundings, enhance local distinctiveness and the grain of the locality.
- 7.18. The proposed dwelling would demonstrate a traditional design approach incorporating a pitched gable projection, porch and chimney. The same palette of materials and finish is proposed to the approved scheme for the extensions and alterations to the host dwelling, which includes a combination of coursed local stone and smooth rendered walls, with a fibre cement slate roof and grey uPVC doors and windows. This design approach and the materials proposed to be used is considered acceptable and therefore no objections are raised to the style of the proposed dwelling.
- 7.19. In terms of layout, the proposed dwelling would sit in a linear layout alongside the host dwelling, in a similar setback position off Old Road. The dwelling would reflect the overall scale of the adjacent property, Springbank. Areas of landscaping would be provided to the front of the new dwelling. The existing trees and hedgerows are to be retained along the boundaries of the site.
- 7.20. The sub-division of the plot would result in two smaller plots however there are other plots in Southam of a similar size and the division of the plot would still provide a satisfactory amount of garden space to serve both the new dwelling and the host dwelling.
- 7.21. The Parish Council consider the proposal would represent over development of the site which would harm the character of the area. However, it is considered that the site layout represents an acceptable arrangement and demonstrates that an additional dwelling could be accommodated on the site without appearing constrained. Further, by virtue of the position of the proposed dwelling, set back from the roadside and the considered design approach it would not appear at odds with the form and local character of the surrounding built form.
- 7.22. In light of the above, it is considered that the design and layout of the proposed development would be appropriate to the site and its setting. The proposal is therefore considered to accord with JCS Policy SD4 and guidance set out in the NPPF in this regard.

### **Residential amenity**

- 7.23. In respect of the impact of the development upon residential amenity, paragraph 127 of the NPPF specifies that planning decisions should ensure development creates places with a high standard of amenity for existing and future users. This advice is reflected in JCS policies SD4 and SD14 which require development to enhance comfort, convenience and enjoyment through assessment of the opportunities for light, privacy and external space. Development should have no detrimental impact on the amenity of existing or new residents or occupants.
- 7.24. The proposed dwelling would be sandwiched between residential properties on the northern boundary (The Dipping Well and Oaklands) and the host dwelling (Springbank) to the south.

- 7.25. In terms of the relationship with the host dwelling, the proposed dwelling would be of a similar height and depth and would be located in a linear position with the host dwelling. Further, no openings are proposed on either side elevations. As such the new dwelling would sit comfortably with the property to the south and would not cause any harm upon the amenity of the host dwelling.
- 7.26. With regard to the relationship with the neighbouring property to the north of the application site, The Dipping Well, due to the orientation of the neighbouring property the rear elevation faces the site. Based on the plans submitted the rear elevation of the neighbouring property is approximately 12 metres from the northern boundary of the site, when taken from the nearest point (the conservatory). Further, by virtue of the set-back position of the proposed dwelling, the neighbouring property would look onto the proposed parking area and front garden space, thus not the private rear amenity space of the new dwelling.
- 7.27. Turning to the second property to the north of the site, Oaklands. Again, due to the orientation the rear elevation the neighbouring property faces the application site. The neighbouring property is two storey and at the closest point the elevation is approximately 4.9 metres from the site boundary. Given this distance and as there is a first floor window on the facing elevation part of the application site would be overlooked. However, the first floor window would overlook an area shown to be the side garden to the new dwelling. Based on the information submitted the principal amenity space, where the proposed patio would be located, would be approximately 12 metres from the window. In light of this, it is considered a sufficient distance would be maintained from the first floor window on the neighbouring property, Oaklands, to the area designated as the 'private garden space'. This should ensure the occupiers of the new dwelling would be afford a satisfactory level of private amenity. In respect of overbearing impact to the occupiers of Oaklands, a distance of approximately 12 metres would be maintained from the rear elevation of Oaklands to the side elevation of the new dwelling; this distance coupled with the difference in ground levels would ensure the introduction of the dwelling, as proposed, should not have an adverse overbearing impact to the occupiers of Oaklands.
- 7.28. In relation to any overshadowing, a Solar Study has been submitted which shows where shadows would fall at three intervals throughout the year (Summer Solstice, Autumn Equinox and Spring Equinox). This study shows that during certain times of the day in spring and autumn a small area of land at the bottom of the rear garden space of both The Dipping Well and Oaklands would be in shadow from the new dwelling. Given this, the proposed new dwelling would result in some harm, albeit limited, to the neighbouring residential amenity through overshadowing. It should be noted though that both the adjoining properties would have sufficient private garden space which would not be affected by the development.
- 7.29. The concerns raised in respect to the impact of the development upon neighbouring amenity are noted and much consideration has been given to the concerns raised. However in light of the above assessment it is considered that the new dwelling could be accommodated on the site without adversely impacting on the amenity of neighbouring properties or the amenity of future occupiers of the dwelling.

### **Access and Highway Safety**

- 7.30. The NPPF 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. Further, 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. Policy RES9 and TRAC9 of the emerging TBP states that proposals need to make provision for appropriate parking and access arrangements and not result in the loss or reduction of existing parking areas to the detriment of highway safety.
- 7.31. It is proposed to utilise the existing vehicular access off Old Road to provide a shared vehicular access with the host dwelling to the site. In respect to the internal arrangement, each dwelling would be afforded sufficient off-road parking spaces with sufficient space within the application site for turning and manoeuvring in order to allow vehicles to enter the highway in a forward gear.
- 7.32. Gloucestershire County Council Highway Authority have asked for the visibility splays to be demonstrated on the drawings. An updated drawing has been submitted but at the time of writing the report no further comments have been received from the Highway Authority therefore **Members will be provided an update accordingly.**

### **Drainage and Flood Risk**

- 7.33. Policy INF2 of the JCS seeks to prevent development that would be at risk of flooding. Proposals must not increase the level of risk to the safety of occupiers of a site, the local community or the wider environment either on the site or elsewhere. New development should incorporate suitable Sustainable Drainage Systems where appropriate.
- 7.34. The site is located within Flood Zone 1 and is therefore at a low risk from flooding. The Drainage Strategy (DS) submitted in support of the application confirms surface water from the site will be discharged using soakaways, which is the same approach as the host dwelling. The Council's drainage adviser has confirmed the approach would be acceptable and specific details are not required to be conditioned as the drainage matters would be dealt with by standard building control practices.
- 7.35. In terms of foul drainage, it is proposed to dispose foul sewage via a mains sewer. This would be acceptable.

### **Heritage assets**

- 7.36. The application site is located in close proximity of a Grade II listed Water Conduit which is located along Old Road. As such regard is given to Policy SD8 of the JCS and Section 16 of the NPPF.
- 7.37. Policy SD8 of the JCS requires that heritage assets and their settings should be conserved and enhanced as appropriate to their significance and that development should sustain and enhance the significance of heritage assets. Section 16 of the NPPF sets out the importance of protecting and enhancing the historic environment, and conserving heritage assets in a manner appropriate to their significance.
- 7.38. Given the nature of the listed structure and the intervening built form officers consider the introduction of the proposed dwelling would not have an adverse impact upon the setting of the heritage asset identified.

## **Ecology**

- 7.39. Policy SD9 of the JCS seeks to protect and, wherever possible enhance biodiversity, including wildlife and habitats. The NPPF sets out, inter alia, that when determining planning applications, Local Planning Authorities should aim to conserve and enhance biodiversity by encouraging opportunities to incorporate biodiversity in and around developments, especially where this can secure measurable gains for biodiversity.
- 7.40. The application site is located in a 'Red Zone' for Great Crested Newts (GCN) as identified by the NatureSpace Impact Risk Maps. Red zones are characterised as highly suitable habitat – the most important areas for GCN.
- 7.41. Natural England's new standing advice sets out that for developments located in the amber or red impact risk zones for GCNs (meaning there is a likelihood of this protected species being present), the Local Planning Authorities are advised to draw to the applicant's attention they are required to either:
1. Demonstrate that their proposal poses no risk to GCN (e.g. with survey information showing species absence); or
  2. Submit an assessment of the risk to GCN's and set out any measures which they propose to take to safeguard against significant risks and compensate for any impacts (which may be through the district licensing route, or standard approaches to compensation and licensing like a GCN site mitigation licence).
- 7.42. Given this an informative note will be added detailing this requirement.

## **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. On the basis that the Council cannot at this time demonstrate a five year supply of deliverable housing land, the Council's policies for the supply of housing are out of date. In accordance with paragraph 11 of the NPPF, the presumption in favour of sustainable development indicates that permission should be granted unless policies for protecting areas of assets of particular importance in the NPPF provide a clear reason for refusing the development proposed, or any adverse impacts of permitting the development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole. In this case, whilst the site is located in the Green Belt and the Cotswolds AONB the application of policies in the NPPF that protect these areas do not provide a clear reason for refusing the development proposed, therefore the decision-making process for the determination of this application is to assess whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits.

## **Benefits**

- 8.3. Weight should be given to the provision of new housing, albeit very modest weight given the quantum of the development proposed, especially in the context of a housing supply shortfall.

- 8.4. In terms of economic benefits, as with any new residential development, the construction of the new dwelling would bring benefits during the construction phase, and following construction through additional spending power in the local economy, however, again, this would be very modest given the scale of development.

#### **Harms**

- 8.5. There would be some harm through the overshadowing of a small area of the gardens to the neighbouring properties to the north of the application site (The Dipping Well and Oaklands) at certain times during spring and autumn. This counts against the proposal.

#### **Neutral**

- 8.6. The development would not represent inappropriate development in the green belt and would conserve the special qualities of the Cotswolds AONB.
- 8.7. The design and layout of the proposed dwelling is considered acceptable.
- 8.8. Other than the harm identified above in respect to overshadowing the proposed dwelling should cause no further harm in terms of residential amenity.
- 8.9. The proposal should, subject to satisfactory details and the imposition of appropriate planning conditions, be acceptable in regards to highway safety and ecological impact.

#### **Conclusion**

- 8.10.** In light of the above, whilst the development would cause some limited harm to the neighbouring amenity due to overshadowing, it is not considered the harm would unduly affect the occupiers of the neighbouring property to justify refusal in this case. It therefore follows that there would be no adverse impacts of approving the development proposal which would significantly and demonstrably outweigh the benefits and therefore in accordance with paragraph 11 of the NPPF, the presumption in favour of sustainable development indicates that permission should be granted. As such it is therefore recommended that the grant of permission be **delegated to the Development Manager subject to resolution of the outstanding highway matter and the addition to/amendment of planning conditions as appropriate.**

#### **CONDITIONS:**

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved documents except where these may be modified by any other conditions attached to this permission:

- 100 – Site Location Plan
- 101 Rev B – Site Layout
- 103 Rev B - Proposed Elevations – Sheet 1 of 2
- 104 Rev A – Proposed Elevations – Sheet 2 of 2
- 102 Rev A – Proposed Floor Plans

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

3. Prior to its/their installation as part of the development hereby approved, a specification of the materials and finish for the external walls, doors, windows and roofing proposed to be used in the construction of the new dwelling shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason - To ensure the new materials are in keeping with the surroundings and represent quality design.

4. The construction work on the dwelling hereby approved shall not be commenced until the precise floor slab levels of the new building, relative to the existing development on the boundary of the application site have been submitted to and approved in writing by the Local Planning Authority. The new dwelling shall be constructed in strict accordance with the approved floor slab levels.

Reason - To ensure the proposed development does not have an adverse effect on the character and appearance of the area or upon residential amenity.

5. Before the first occupation of the dwelling hereby permitted a plan indicating the positions, design, materials and type of boundary treatment to be erected, including those to be installed between the two plots, shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed before the first occupation of the dwelling hereby permitted. Development shall be carried out in accordance with the approved details.

Reason - To protect the amenities of properties and ensure the proposed development does not have an adverse effect on the character and appearance of the area.

6. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any order revoking, re-enacting, substituting, amending, extending, consolidating, replacing or modifying that Order no windows or other openings shall be constructed on the north and south facing side elevation of the dwelling hereby approved.

Reason – To protect the amenities of adjoining properties from unacceptable overlooking.

7. Before the dwelling hereby permitted is first occupied a scheme of soft and hard landscaping shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include:-

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

(ii) a plan(s) showing the layout of proposed tree, hedge and shrub planting and grass areas.

(iii) a schedule of proposed planting - indicating species, sizes at time of planting and numbers/densities of plants.

(iv) a written specification outlining cultivation and other operations associated with plant and grass establishment.

(v) a schedule of maintenance, including watering and the control of competitive weed growth, for a minimum period of five years from first planting.

(vi) details of a precise specification of the proposed materials for the hard landscaping of the site (including roads, paths, parking areas and other hard surfaces);

All planting and seeding/turfing shall be carried out in accordance with the approved details in the first planting and seeding/turfing seasons following the occupation of any dwelling hereby permitted.

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

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

Reason - To ensure the proposed development would conserve the special qualities of the Cotswolds AONB and does not have an adverse effect on the character and appearance of the area.

8. Temporary fencing for the protection of all retained trees/hedges on site and trees outside the site whose Root Protection Areas fall within the site shall be erected in accordance with BS 5837:2012 (Trees in Relation to Design, Demolition and Construction) before development of any type commences, including all preparatory work.

Any alternative fencing type or position not strictly in accordance with BS 5837 (2012) must be approved in writing by the Local Planning Authority prior to the commencement of development.

This protective fencing shall remain in place until the completion of development. Nothing should be stored or placed (including soil), nor shall any ground levels altered, within the fenced area without the previous written consent of the local planning authority. There shall be no burning of any material within 10 metres of the extent of the canopy of any retained tree/hedge.

Reason – To safeguard the existing trees/hedgrows during the construction phases and to ensure no storage of materials/soils is in close proximity of the tree.

#### **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.
2. Tewkesbury Borough Council operates a District Level Licence (DLL) scheme for GCN. The application site is located in a 'Red Zone' for Great Crested Newts (GCN) as identified by the NatureSpace Impact Risk Maps. Red zones are characterised as highly suitable habitat – the most important areas for GCN. Further information will be required prior to the commencement of development to demonstrate (a) the proposal poses no risk to GCN or (b) an assessment is submitted in respect of the risk to GCN alongside any measures to safeguard for significant risks and compensate for any impacts. This may result in the need for a GCN site mitigation licence if the developer chooses not to use the DLL.