

TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT CONTROL

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| Committee: | Planning |
| Date: | 16 February 2021 |
| Site Location: | 1 Notcliffe Cottages Walton Hill Deerhurst Gloucester Gloucestershire GL19 4BT |
| Application No: | 20/00364/FUL |
| Ward: | Severn Vale North |
| Parish: | Deerhurst |
| Proposal: | Demolition of 2 no. existing cottages and erection of 2 no. replacement detached dwellings and associated garages. Change of use of agricultural land to associated residential use. |
| Report by: | James Lloyd |
| Appendices: | Location Plan. Site Plan as Existing. Existing Cottages Survey. Change of Use Plan. Site Plan, Street Elevation, Landscape. Plot 1 House Type. Plot 1 Garage and Bin Store. Plot 2 House Type. Plot 2 Garage and Bin Store. |
| Recommendation: | Permit |

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application relates to Nos. 1 & 2 Notcliffe Cottages which are located along the eastern side of an unnamed road in Deerhurst Walton (**see attached location plan**). The application also relates to a small area of land situated to the north of the residential curtilage associated with No.1 Notcliffe Cottage. This land currently forms part of a larger parcel that surrounds the application site, in the absence of any planning history it is assumed that this land is currently agricultural.
- 1.2 The application site is rectangular in shape and measures approximately 0.2 hectares.
- 1.3 The site comprises a pair of semi-detached two storey dwellings which are rendered with a pitched roof. The site is bound by residential properties to the south/south east and open countryside to the north, east and west.

- 1.4 The application site is bounded by established trees/hedgerows and is located within the Landscape Protection Zone (LPZ). There is an existing access and parking area to the north, and there is an existing Public Right of Way (PROW), Deerhurst Footpath ADE90, passing through the site.
- 1.5 The application is submitted in full and seeks the demolition of Nos. 1 & 2 Notcliffe Cottages and the erection of two dwellings with associated works, including access, parking and landscaping.
- 1.6 The proposed units would comprise:
- Plot 1 - A two-storey three bedroom pitched roof dwelling with a recessed single storey to the side, located centrally in the garden of No.1 Notcliffe Cottage (to the north of the site).
 - Plot 2 – A two-storey four bedroom pitched roof dwelling located centrally in the garden of No.2 Notcliffe Cottage (to the south of the site).
- 1.7 Both dwellings would be served by a private external amenity area.
- 1.8 Access and egress for Plot 1 would be gained from the existing access point to the north of the site, a new access would be created further to the south for Plot 2. Both dwellings would benefit from detached garages and off-road parking spaces along with turning heads to allow vehicles to move out of site in a forward facing gear.
- 1.9 The application also proposes the change of use of a small area of land from agricultural into residential use. This change would facilitate the parking and garage area for Plot No.1 (**see attached change of use plan**).

2.0 RELEVANT PLANNING HISTORY

- 2.1 None.

3.0 RELEVANT POLICY

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

National guidance

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

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

Policies SD3, SD4, SD6, SD10, SD14, INF1, INF2.

Tewkesbury Borough Local Plan to 2011 - March 2006 (TBLP)

Policies: HOU7, HOU10, LND3.

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

Policies RES3, RES5, RES9, NAT1 DES1, ENV2, LAN2, TRAC9.

Neighbourhood Development Plan

Deerhurst Parish Council is in the process of drafting a Neighbourhood Development Plan, however, given the stage that the plan is currently at no weight can be given at this time.

Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life).

The First Protocol, Article 1 (Protection of Property).

4.0 CONSULTATIONS

Deerhurst Parish Council – Object for the following reasons:

- The size of both properties in comparison to those that they are replacing is of concern. Each plot is a similar size to the previous two cottages put together. The plot has not been allocated for housing in the JCS.
- Plot 2 is a mock Tudor pastiche which is not in keeping with the hamlet. A revised, simplified design for this plot, which is more like Plot 1 would be more in keeping with surrounding houses.
- A reduction in the height of the buildings, building closer to the level of the road and careful shielding (with hedges on all sides including the rear of the properties) would ensure that long distance views are respected.
- The outbuildings are of considerable size and will dominate the street scene.
- Housing Need the Housing Needs Assessment recommends that the Parish requires more high quality property that older people can retire to. Plot 1 fulfils this requirement.
- There are two new additional access points both on to an existing small lane which is used by many walkers, cyclists, horse riders and farm traffic. This potential danger is exacerbated by the driveways being on a steep gradient to the elevated position of the houses (particularly Plot 2).
- Plot 1 is more in keeping with the design of the existing cottages.
- Plot 2 is a mock Tudor pastiche which is not in keeping with the hamlet and does not meet the recommendations in the design code.
- The properties are situated at the top of Walton Hill, on a ridge which can be seen from the A38, the B4213 and from Apperley. The plots adjoin a listed building. Until recent clearing around them, the current cottages were well shielded from all aspects by dense hedging and trees.
- The building line should be defined more by neighbouring houses than by the existing cottages. Access to both plots would be safer by reducing the gradient.
- The outbuildings are of considerable size and will also dominate the street scene. The garage of plot one would benefit from being set back behind the building line. The garage for plot two would benefit from having a reduced roof height.
- There are 3 bat roosts on site, but the bat survey suggests remedial actions which are included in the plan.

Building Control Officer - The application will require Building Regulations approval.

Urban Design Officer – Initial objection to the design of Plot 2. No objections now to the revised design submitted.

Gloucestershire County Highways – No objection subject to conditions.

County Archaeologist - No archaeological investigation or recording should be required in connection with this scheme.

Severn Trent Water - No objections to the proposals and do not require a drainage condition to be applied.

Gloucestershire County PROW Officer – A diversion is required to the footpath, an application to GCC PROW is required.

Environmental Health Officer – No adverse comments to make – please follow the WRS's best practice for demolition.

Ecologist – No objection subject to mitigation being conditioned.

Drainage Officer – No objection.

Publicity and representations - The application has been publicised through the posting of a site notice for a period of 21 days.

Two separate responses objecting to the application have been received and one letter of support. The comments are summarised as follows:

Objections

- No.1 and No.2 Notcliffe Cottages form part of the history of Walton Hill and therefore should remain as they are.
- Proposed demolition of last 2 affordable homes on Walton Hill. These 2 cottages for many generations have been good usable homes for farm workers and their families.
- These 2 cottages have been systematically neglected and gardens now trashed with the sole purpose of development for financial gain.
- With some imagination and money these 2 cottages can easily be updated so the next generation of young families can enjoy the country living.
- The proposed new development will over power the plot size as most of the rear land is green belt and not got permission as a garden.
- I urge the committee to refuse this huge development and retain some of the village character which is being lost to sad new red brick monstrosities which will become the next eyesores.

Support

- Walton Hill is a mix of architecture, from very old to very new, period and '60's, the proposed development of these cottages would not look out of place, the enhancement of the new builds and the greater accommodation will benefit the long term survival of our village, rather than building on green space and vacant land this would blend in to the built environment very rapidly.
- A village has to thrive and grow to survive, and frankly we need more sympathetic building and growth in the village, not stagnation.

5.0 POLICY CONTEXT

- 5.1 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.
- 5.2 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.
- 5.3 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).
- 5.4 Other material policy considerations include the National Planning Policy Framework (NPPF) and its associated Planning Practice Guidance.
- 5.5 The relevant policies are set out in the appropriate sections of this report.

6.0 ANALYSIS

Principle of development

- 6.1 JCS Policy SD10 sets out that housing development will be planned in order to deliver the scale and distribution of housing development set out in Policies SP1 and SP2. The Policy sets out the circumstances where housing development would be permitted on sites which are not allocated for housing development, which includes at Criterion 3, housing development on previously developed and Criterion 4 ii, infilling within the existing built up areas of Tewkesbury Borough's except where otherwise restricted by policies within District Plans.
- 6.2 Saved policy HOU7 off the 2011 Tewkesbury Borough Local Plan supports the rebuilding and replacement of existing dwellings where these are of a similar size and scale to the existing dwellings, and that the replacement dwelling respects the scale and character of existing properties in the area and has no adverse impact on the landscape and subject to normal development standards in terms of design and environment. Emerging policies RES3 and RES9 adopt a similar approach.

- 6.3 The application site comprises of a pair of semi-detached dwellings and associated residential curtilages. The scheme proposes to replace these dwellings with two detached dwellings. The proposed new dwellings would be substantially larger than those that they are replacing and would include detached garages on each plot. As such, it is recognised that the size and scale of the proposed new dwellings could not be truly considered to be of a similar size, scale and character as the semi-detached houses they seek to replace. In this regard, the current scheme may be considered to be not wholly in accordance with Local Plan policy HOU7.
- 6.4 Pertinent to the current application is a recently allowed appeal at Vine Tree Farm, The Wharf, Coombe Hill (planning application ref: 15/01007/FUL; appeal ref: PP-04486411). The Inspector noted that in 'seeking to protect the countryside', Policy HOU7 is broadly consistent with the aims of the Framework (NPPF) in that it seeks to protect valued landscapes. However, the requirement of Policy HOU7 for replacement dwellings to not be significantly larger than the dwelling it would replace is, in this instance, inconsistent'. The Inspector considered that the proposal would not result in any adverse impacts, and secondly, there are no specific policies in the Framework to indicate that development of this nature should be restricted. As such, the Inspector concluded that 'the conflict with Policy HOU7 would therefore be outweighed by the overarching conformity of the proposal with the Framework which supports the enhancement and improvement of the places in which people live their lives, whilst conserving the natural environment'.
- 6.5 It is accepted that the proposed new dwellings are larger than the semi-detached dwellings they seek to replace, however, the size and scale elements of Policy HOU7 considered inconsistent with the NPPF which focuses on landscape impact of the proposal and local context (which is discussed later in this report).
- 6.6 Furthermore, Policy RES9 of the emerging borough plan sets out that replacement dwellings will be permitted subject to 6 criteria which include respect for the size of the plot and scale and character of property in the area and would have no unacceptable adverse impact on the landscape (again, this is discussed later within this report).
- 6.7 As such, it is considered that the principle of the proposal is consistent with the thrust of the NPPF which supports the enhancement and improvement of the places in which people live their lives, whilst conserving the natural environment and the landscape protection emphasis of Policy HOU7 of the Local Plan and Policy RES9 of the emerging borough plan.
- 6.8 Whilst the principle of replacement dwellings in this location may be acceptable there are other material planning considerations to be taken into account as set out below.

Change of use of land

- 6.9 The application also proposes the change of use of a small area of land that is located to the north of Plot 1. This land currently forms part of a larger parcel that surrounds the application site, in the absence of any planning history it is assumed that this land is currently agricultural.
- 6.10 Policy HOU10 sets out that the change of use of agricultural land will be resisted unless there is no adverse environmental or visual impact, no significant encroachment onto the surrounding countryside.
- 6.11 The area proposed to be changed is currently contained within a larger parcel of land that is already visually separate from the wider agricultural fields. A defined boundary of hedges and mature trees separates this land and the agricultural fields. The area would be used to facilitate the turning head, driveway and detached garage associated with Plot 1.

- 6.12 This change of use would inevitably domesticate the appearance of this area of land by enlarging the existing residential curtilage. Notwithstanding this, from a visual perspective, the area of land already appears to be contained within the residential site rather than forming open countryside. Given that the land relates more to this site than the neighbouring agricultural fields it is considered that the change of use would not result in an unacceptable level of encroachment into the surrounding countryside. There are no identified environmental impacts that would result in harm to the site and therefore on balance the change of use would accord with saved Policy HOU10 of the Borough Plan.

Design and layout

- 6.13 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. It continues by stating that good design is a key aspect of sustainable development, creating better places in which to live and work and helps make development acceptable to communities.
- 6.14 Planning decisions should, amongst other things, ensure that developments will function well and add to the overall quality of the area and should be sympathetic to the local character, including the surrounding built environment.
- 6.15 This advice is echoed in JCS policy SD4 which states 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.
- 6.16 Policy RES5 of the Pre-submission Tewkesbury Borough Plan (2019) states proposals for new housing should, inter alia, be of a design and layout that respects the character, appearance and amenity of the surrounding area and is capable of being well integrated within it and be of an appropriate scale having regard to the size, function and accessibility of the settlement and its character and amenity, unless otherwise directed by policies within the Development Plan.
- 6.17 The application has been amended further to comments from officers and the Urban Design officer as to the design of Plot 2. The original proposal sought a mock Tudor style home which was considered incongruous with the wider context of the area. A reduction in height of the building was also provided, along with the re-siting of the garage associated with Plot 1 behind the main dwelling.
- 6.18 Deerhurst Walton is a small hamlet of properties which are generally located in a linear fashion along the main road. There are a mixture of size, styles and ages of property and those located to the east of the main road are elevated and generally set back with spacious front gardens. The properties located to the west of the road are situated parallel to the road with large wide plots. The application site contains existing semi-detached cottages of a simple architectural appearance. The existing dwellings are set in large open plots surrounding by established hedgerows and trees.
- 6.19 The proposed dwellings are simple in architectural form, both dwellings would appear as 1.5 storey houses with dormers at eaves levels, expressed chimneys and timber framed porches. Plot 1 would benefit from 3 bedrooms and would have an internal floor area of 195sqm. Plot 2 would measure slightly larger at 197sqm and would be served by 4 bedrooms. Both properties would benefit from detached garages and off-road parking.

- 6.20 In terms of layout, both properties would replicate the relationship of the existing street scene providing dwellings fronting onto the main road. However, given that the proposed dwellings are detached they would be sited in a central position within their separate plots, rather than the existing semi-detached units which are in the centre of the site as a whole. Whilst this would alter the immediate appearance from one residential unit to two separate units when viewed from the street scene and on balance when taking account of the existing street pattern in the locality the layout of the development is considered acceptable.
- 6.21 In regard to scale, the dwellings would be pitched roof and the ridge height of Plot 1 would be approximately 7.5 metres and the ridge height of Plot 2 would be 8.5 metres. The existing buildings measure a roof height of approximately 6.1 metres, therefore there is a considerable increase in height over and above the existing semi-detached units. However, whilst this is a departure from current scale of dwellings the proposed units are of a different form that sit on larger footprints, it is therefore expected that the heights would be larger than the existing buildings. It is also relevant that the new buildings would be set further into the plot away from the road which would lesson the impact of the units when viewed from this position. In terms of the surrounding context, there is a mixture of dwelling sizes and forms within Deerhurst Walton. Whilst the scale would be larger than the existing units, it is considered that the scale of the dwellings would be appropriate to the site and its setting and respect the wider street scene which is characterised by various single storey and two storey dwellings.
- 6.22 The garages and houses would be founded on a multi- russet brickwork plinth. Above the plinth line would be a mixture of materials, that is, timber horizontal cladding and smooth through colour of white render. The roofs would have plain clay Rosemary tiles Medium Mixed Brindle colour. Whilst the existing dwellings are finished using a simple render and tile roof combination, given the context of the site and the wider variation of materials within the area the proposed materials pallet is considered appropriate. The precise details can be secured by condition.
- 6.23 The Council's Urban Design Officer has been consulted upon the scheme and raises no objections to the design and layout of the proposals as revised.
- 6.24 As such, subject to the imposition of conditions to control external materials to ensure the proposal respects the character of the surroundings the design and layout of the proposal is considered acceptable.

Landscape Impact

- 6.25 Section 15 of the NPPF relates to "Conserving and Enhancing the Natural Environment" and, at paragraph 170, specifies that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, and by recognising the intrinsic character and beauty of the countryside. JCS Policy SD6 specifies that development will seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social wellbeing.
- 6.26 In this case the application site is located within the LPZ. Saved Policy LND3 of the TBLP specifies that special protection is given to the ecology and visual amenity of the river environment within the LPZ, and that development will not be permitted which: (a) has detrimental visual or ecological effect on the character of the river banks or associated landscape setting of the Severn Vale; and/or (b) has an adverse impact on the water environment. Emerging Policy LAN2 of the PSTBP is similar in this regard.

- 6.27 Emerging Policy LAN2 of the PSTBP goes on to state that, where a proposal would result in harm to the LPZ having regard to the above criteria, this harm should be weighed against the need for, and benefits from, the proposed development. It specifies that proposals causing harm to the LPZ will only be permitted where the benefits from the development would clearly and demonstrably outweigh the identified harm.
- 6.28 The site is located to the north of Deerhurst Walton and forms the defining edge where rural open fields stop and residential development starts. The site itself is confined within a larger plot of land which is separated from the abutting open fields but hedge boundaries. This is not specific to this site and many of the residential dwellings to the south have either extended gardens or additional areas of land projecting to the east / north east. This land surrounding the application site acts almost as a buffer between the open countryside and the residential gardens associated with the existing dwellings.
- 6.29 Deerhurst Walton is also located on a hill, which raises the residential dwellings along the main road along its ridgeline. These dwellings are visible from the nearby A38 to the east and are prominent feature when look west from this vantage point. Given that the existing site effectively book ends the residential element of the hamlet and that the site is raised along the hill, the site is in a particularly prominent location when viewed from long range.
- 6.30 At present the existing dwellings appear as one unit (given the semi-detached appearance), the proposal would result in two larger detached properties located on the same plots, with Plot 1 being located further to the north. This would extend the built form further towards the open fields. As previously discussed, the application also seeks to change the use of a small area of agricultural land into residential, this would be located to the north and would aid the extension of built form.
- 6.31 As discussed in the previous design section, the dwellings are considered appropriate in term of scale, layout, and architectural design. Whilst the context would change, the site would remain in residential use, with the addition of a small piece of extra land. The site would be prominent from long range views; however, it would be read in context with the existing built form that follows the ridgeline of the hill. Given this it is not considered that the replacement of a pair of semi-detached units with two detached houses would result in any significant harm to the wider landscape.
- 6.32 The site is also surrounded by mature vegetation which positively contributes to its rural setting and softens views of the site from the adjacent public highway. A public footpath runs through the application site (its diversion is proposed through a separate application which is discussed later in this report), Notwithstanding this it is considered that the design of the proposed dwellings is acceptable and that any short range views from footpaths would not be impinged by the resulting built development.
- 6.33 Subject to an appropriate landscaping scheme being provided by way off an appropriate condition, to incorporate into the development any natural features on the site that are worthy of protection and to incorporate a sympathetic scheme of proposed landscaping, it is considered that the proposed replacement residential units sited adjacent to the built up area of this other rural settlement would protect the visual amenity of the LPZ.

Residential Amenity

- 6.34 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.
- 6.35 The site layout has been carefully considered to ensure that the development can achieve acceptable levels of amenity for the proposed new dwellings. In terms of the arrangement of windows, the orientation and layout is such that there would be no unacceptable overlooking between the proposed dwellings. Whilst there is a window in Plot 2 in the north west elevation facing towards Plot 1, there are no windows in the south east elevation of Plot 1.
- 6.36 In terms of the impact upon the nearest residential property, this would be Top Cottage located to the south east of the site. Top Cottage is positioned approximately 20 metres away from the south eastern side elevation of Plot 2. There would be one window on this elevation at first floor level. This window would serve an en-suite and therefore it is recommended that a condition is imposed requiring the installation in perpetuity of obscure glazing within this en-suite window to protect residential amenity.
- 6.37 In terms of external amenity space, each dwelling would be provided with adequate garden amenity area.
- 6.38 The Environmental Health Officer also raises no objection to the application in terms of any noise /nuisance issues.
- 6.39 Overall, subject to the imposition of conditions, it is considered that the proposed development would result in acceptable levels of amenity for existing and future residents in accordance with JCS policies.

Highways Safety

- 6.40 Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impact on the road network would be severe. Policy INF1 'Transport Network' of the JCS states that developers should provide safe and accessible connections to the transport network to enable travel choice for residents and commuters.
- 6.41 The application proposes the re-use of an existing highways access into the site and the creation of a new access into Plot 2. The Highways Authority have been consulted on the application and have undertaken a full assessment of this planning application. The Highways Authority advise that the proposal is considered to be acceptable given its location and the limited additional trips. The replacement dwellings generate a minimal increase in traffic movements and sufficient space is available to accommodate the parking requirements. The dwellings would provide car parking and cycle parking in accordance with the Manual for Gloucestershire Streets. The only missing item is the provision of electric vehicle charging infrastructure, and this can be addressed with a suitably worded condition.
- 6.42 As such, the Highways Authority raise no objection subject to the imposition of a condition and it is considered that that proposal is acceptable in regard to highway matters.

Flood Risk and Drainage

- 6.43 Policy INF2 of the JCS 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, the local community, or the wider environment wither on site or elsewhere. The NPPF echoes these requirements.
- 6.44 The development proposes soakaway to manage surface water from the development and foul is being treated in package treatment plants with space identified for drainage fields.
- 6.45 The Council's Flood Risk Officer has been consulted on the application and advises that the submitted flood risk assessment and drainage strategy is acceptable.
- 6.46 As such it is considered that the proposal is acceptable in regard to drainage.

Ecology

- 6.47 Policy SD9 of the JCS states that biodiversity of the JCS area will be protected and enhanced including by safeguarding protected species in accordance with the law. The application is supported by a Dusk Emergence and Pre-dawn re-entry Survey for bats and an addendum. During the initial surveys two common pipistrelle and one myotis day roosts were recorded, the demolition would be able to proceed with a licence. The addendum confirmed that an updated survey confirmed two common pipistrelles were found re-entering the property giving similar results to the previous surveys.
- 6.48 The Council's Ecologist has assessed the submitted reports and advises that the three 'favourable' tests which are run by Natural England can be met and given the low conservation status of the roosts, the mitigation and roost provisions set out in the reports are sufficient.
- 6.49 As such it is considered that the demolition of the two existing dwellings is acceptable in regard to ecology and protecting protected species, subject to the imposition of conditions that tie in the recommended mitigation.

Other Matters

Public Footpath

- 6.50 The application requires the diversion of a public footpath which currently runs across the site and would prohibit the construction of Plot 1.
- 6.51 The applicant has submitted a separate public footpath diversion order which will be determined by the Council at a later date.
- 6.52 The applicant is aware that should this be refused then it would impact the current scheme.

7.0 CONCLUSION AND RECOMMENDATION

- 7.1 In light of the above, it is considered that the proposed development is deemed to be acceptable in principle in accordance with JCS Policy SD10, Saved Local Plan Policy HOU7 and emerging policies RES3 and RES9. The proposed dwellings would be considerably larger than the existing cottages on site; however, it is recognised that the replacement builds have sought to respond to the site's topography and are of a traditional design which incorporates features that reflect the local character. Furthermore, the proposal is considered to be commensurate to the size of the spacious plots and, would not appear out-of-character with neighbouring properties located along this part of Deerhurst Walton.

7.2 The proposals would appear prominent when viewed from its immediate setting but it is accepted, on balance, that there would not be any undue harm to the wider LPZ landscape given the amount of established vegetation in and around the site which helps to screen the proposal. The proposed change of use of the area of land is also considered acceptable, given its limited impact upon the wider area. In view of this, it is therefore recommended that planning permission is **PERMITTED** subject to the conditions set out below:

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. Unless where required or allowed by other conditions attached to this permission/consent, the development hereby approved shall be carried out in accordance with the information provided on the application form and the following plans/drawings/documents:

| | |
|----------------|--|
| 20.20.01 rev C | Location Plan |
| 20.20.02 rev F | Site Plan, Street Elevation, Landscape |
| 20.20.03 rev C | Drainage Layout |
| 20.20.04 | Plot 1 House Type |
| 20.20.05 | Plot 1 Garage and Bin Store |
| 20.20.06 rev A | Plot 2 House Type |
| 20.20.07 rev A | Plot 2 Garage and Bin Store |
| 20.20.08 | Existing Cottages Survey |
| 20.20.09 rev A | Change of Use Plan |
| 20.20.11 | Site Plan as Existing |
| P-0230-T | Topographical survey |

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

3. No works above DPC level shall take place until samples of the external materials proposed to be used (including but not limited to; windows doors, porches and rainwater goods) have been submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the sample(s) so approved.

Reason: To ensure a satisfactory appearance to the development.

4. Prior to the first occupation of Plot 2 hereby permitted the window located on the south-east side elevation at first floor level shall be fitted with obscure glass (at a minimum of Pilkington Level 4 or equivalent). The window shall thereafter be retained as such and not altered without the prior consent of the Local Planning Authority.

Reason: To protect the amenities of adjoining/nearby properties from unacceptable overlooking.

5. 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 43m distant in both directions (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 0.6m 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.

6. Each plot hereby permitted shall not be occupied until the cycle storage facilities for that plot has been made available for use in accordance with submitted plans and those facilities shall be maintained for the duration of the development.

Reason: To give priority to cycle movements by ensuring that adequate cycle parking is provided, to promote cycle use and to ensure that the appropriate opportunities for sustainable transport modes have been taken up in accordance with paragraph 108 of the National Planning Policy Framework.

7. Each plot hereby permitted shall not be occupied until the vehicular parking and turning facilities for that plot have been provided in accordance with the submitted plans, and those facilities shall be maintained available for those purposes thereafter.

Reason: 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 the paragraphs 108 and 110 of the National Planning Policy Framework.

8. Each plot hereby permitted shall not be first occupied until the proposed dwelling(s) [has/have] been fitted with an electric vehicle charging point. The charging points shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851 and Manual for Gloucestershire Streets. The electric vehicle charging points shall be retained for the lifetime of the development unless they need to be replaced in which case the replacement charging point(s) shall be of the same specification or a higher specification in terms of charging performance.

Reason: To promote sustainable travel and healthy communities.

9. Throughout the construction period of the development hereby permitted provision shall be within the site that is sufficient to accommodate the likely demand generated for the following:
 - i. parking of vehicles of site operatives and visitors;
 - ii. loading and unloading of plant and materials;
 - iii. storage of plant and materials used in constructing the development;
 - iv. provide for wheel washing facilities.

Reason: To reduce the potential impact on the public highway and accommodate the efficient delivery of goods.

10. Before the first occupation of the dwellings hereby permitted a plan indicating the positions, design, materials and type of boundary treatment to be erected (or to be retained) shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved details before the first occupation of the development hereby permitted.

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.

11. Notwithstanding the submitted details, before either 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 schedule of proposed planting - indicating species, sizes at time of planting and numbers/densities of plants.
- (ii) a written specification outlining cultivation and other operations associated with plant and grass establishment.
- (iii) a schedule of maintenance, including watering and the control of competitive weed growth, for a minimum period of five years from first planting.
- (iv) 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);
- (v) Details of any new boundary treatments.

Reason: In the interest of visual amenity.

12. 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 the 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 occupation of the dwelling hereby permitted or in accordance with a timetable which has first been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interest of visual amenity.

13. The development hereby permitted shall be carried out in strict accordance with the mitigation detailed within the Bat Survey Report (All Ecology, September 2019) and the addendum (Countryside Consultants, August 2020) and the EPS licence.

Reason: In the interests of biodiversity and protected species.

14. A lighting scheme and plan for the development will need to be submitted and approved by the local planning authority prior to first occupation. It is recommended that this lighting plan is devised following consultation with the project ecologists.

Reason: In the interests of biodiversity and protected species.

15. Evidence of installation of ecological enhancements detailed within the Bat Survey Report (All Ecology, September 2019) are to be submitted to the local authority prior to occupation, this includes but not limited to bird and bat boxes.

Reason: In the interests of biodiversity and protected species.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, re-enacting or modifying that Order), no development specified within Classes A and E of Part 1 of Schedule 2 to that Order shall be carried out without the prior written approval of the Local Planning Authority.

Reason: Any further development at the site will require consideration in the interest of the character and appearance of the area.

17. Before the first occupation of the dwellings hereby permitted the drainage shall be implemented in accordance with the approved scheme as shown on drawing no. 20.20.03 rev C and the 'Foul Drainage Assessment Form received by the Council on 30/04/2020, drainage facilities shall be maintained and made available for those purposes thereafter.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating flooding problems and to minimise the risk of pollution.

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. There may be a public sewer located within the application site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the proposed dwelling.
3. It is advised that the applicant/contractors to review the Worcestershire Regulatory Services 'Code of Best Practice for Demolition and Constructions Sites' to minimise any impacts during demolition.
4. The proposal requires a diversion of the route of the existing public right of way under S257 Town and Country Planning Act 1990. Please note the route of the existing footpath must be protected and remain fully available for public use at all times. If however the footpath need to be temporarily closed to allow ground works to take place or to safeguard the public during construction works then an application should be made to GCC PROW giving 12 weeks notice for this. The footpath must not be permanently obstructed until such time as a diversion order is made under the TCPA.
5. This planning permission does not give any authority to the Applicant to carry out any hedge cutting works on the public highway referred to in Condition 5. The hedge cutting must be carried out by either the owner of the hedge or the Local Highway Authority under sc 154 of The Highway Act 1980. Sc154 requires the Local Highway Authority to serve Notice on the owner of the hedge and the owner has the right to appeal the Notice to the Magistrates Court.

6. The proposed development will require the provision of a footway/verge crossing and the Applicant/Developer is required to obtain the permission of the County Council before commencing any works on the highway.
7. The Local Highway Authority has no objection to the above subject to the applicant obtaining a section 184 licence. The construction of a new access will require the extension of a verge and/or footway crossing from the carriageway under the Highways Act 1980 - Section 184 and the Applicant is required to obtain the permission of Gloucestershire Highways on 08000 514 514 or highways@gloucestershire.gov.uk before commencing any works on the highway.