

TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

Committee:	Planning
Date:	16 March 2021
Site Location:	Yew Tree Farm Little Shurdington Cheltenham Gloucestershire GL51 4TX
Application No:	20/00950/FUL
Ward:	Badgeworth
Parish:	Badgeworth
Proposal:	Demolition of existing building and erection of a single dwelling.
Report by:	Paul Instone
Appendices:	Site Location Plan Proposed Plans and Elevations
Recommendation:	Permit The application requires committee determination as the applicant is related to Councillor Surman.

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1. The application site is located at Yew Tree Farm which is located off Whitelands Lane via an access track, within the settlement of Little Shurdington. Yew Tree Farm is a complex which comprises of a mix equestrian, storage and residential uses set around a concrete apron.
- 1.2. The application site itself comprises of a building in the south west of the concrete apron and a yard to the south which is enclosed by a fence. The building is constructed from blockwork and corrugated metal with a metal sheet roof. The building has a pitched roof with a ridge height of 5.77 metres. The footprint of the building is 281 sq m.
- 1.3. The eastern part of the building which extends to approximately 150 sq m benefits from a Certificate of Lawfulness (Reference 02/7859/1713/CLE) for the storage of builders materials which was granted in March 2003. However, at the time of the officer site visit in November 2020 the building was not been used for the storage of building materials and was primarily being used for the storage of hay and other items in association with the applicant's equestrian business.
- 1.4. A manege is located to the west of the site, with open countryside to the south and west. Two PROWs run from north to south, to the east and west of the application site.
- 1.5. The application site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB), as well as being situated within the Green Belt. The site is located within Flood Zone 1 and lies outside of any defined settlement boundary.

- 1.6. The application is submitted in full and proposes to demolish the existing building and erect a two storey four bedroom dwelling with a curved roof. The proposed dwelling has a footprint of circa 125 sq m and would be located within the footprint of the building to that is proposed to be demolished, albeit partially to the west of that part of the building which benefits from Certificate of Lawfulness 02/7859/1713/CLE.
- 1.7. The dwelling would be served by a garden to the south in the location of the existing yard as well as an external amenity area to the west which would be screened from the manege by the planting of trees and hedges. Vehicular access and egress to the dwelling would be via the existing access off Whitelands Lane and the submitted plan demonstrates that there is sufficient space to allow for a minimum of two parking spaces to the east of the proposed dwelling.

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
02/01713/CLE	Certificate of Lawfulness of an existing use relating to the storage of books, videos, catalogues, small gift items and storage of building materials.	PER	07.03.2003
02/01714/FUL	Continued use of buildings for the storage of vehicles, fairground equipment, telephone directories and for the stabling of horses	PER	10.03.2003
92/00690/FUL	Continued use of agricultural buildings as livery stables. Formation of a sand surfaced manege.	PER	14.12.1992
14/01218/FUL	Conversion of traditional rural building with removal and replacement of adjoining Nissan building by an extension to the traditional rural building into a C3 dwelling.	PER	01.04.2015
16/00014/CONDIS	Application for approval of details subject to conditions 2, 3, 5, & 7 of planning application 14/01218/FUL	DISCHA	02.03.2016

This is the most recent and relevant planning history relating to the application site and not a comprehensive record.

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) and the National Planning Practice Guidance (NPPG).

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

- 3.3. Policies: SP1, SP2, SD3, SD4, SD5, SD6, SD7, SD8, SD9, SD10, SD11, SD14, INF1, INF2.

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

- 3.4. Policies: None.

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

- 3.5. Policies: RES3, RES4, RES5, TRAC1, TRAC9.
- 3.6. Cotswold Area of Outstanding Natural Beauty Management Plan 2018-2023.
- 3.7. Planning (Listed Buildings and Conservation Areas) Act 1990.
- 3.8. Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life).
- 3.9. The First Protocol, Article 1 (Protection of Property).

4.0 CONSULTATIONS

- 4.1. Badgeworth Parish Council – No objection.
- 4.2. **County Highways Authority** - Recommends that this application be refused as the proposed development would be located in an unsustainable location and occupiers would be reliant on the private car for their daily needs for employment, schools, health and recreation and shopping. However the Highways Authority recognise that if the LPA see an overriding reason for allowing the proposed development that is indeed the LPA's prerogative. The County Highways Authority raise no issues in regard to highway safety or impact subject to the imposition of conditions.
- 4.3. Drainage Officer – No objection.
- 4.4. **Ecological Advisors** – No objection subject to conditions.
- 4.5. **Environmental Health (Contamination)** – No objections subject to conditions.
- 4.6. Environmental Health (Nuisances) – No objection.
- 4.7. **Severn Trent** – No objection.
- 4.8. Conservation Officer – No objection.

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. No comments were received.

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 and Location of Development

- 7.1. The application site is located within the settlement of Little Shurdington which is a small rural settlement with no service infrastructure and is not defined in the settlement hierarchy in JCS. However, the application site is located approximately 750 metres to the south of the defined Residential Development Boundary of Shurdington which is defined as a Service Village in the JCS. The application site is therefore not considered isolated, however it is acknowledged that future occupiers would be reliant on the private car for their daily needs for employment, schools, health and recreation and shopping.
- 7.2. In order to further sustainability objectives and in the interests of protecting the countryside policy SP2 of the JCS sets out the distribution strategy for new housing across the Borough to 2031. Criterion 6 of Policy SP2 confirm that on sites that are not allocated Policy SD10 will apply to proposals for residential development. The application site is not allocated and does not meet any of the policy exceptions for the distribution for residential development afforded by policy SD10.
- 7.3. The application is therefore contrary to policies SP2 and SD10 of the JCS and the adopted distribution strategy for new residential development.
- 7.4. However, policy RES4 of the Emerging TBP sets out emerging planning policy for new housing at rural settlements which are not featured in the settlement hierarchy. It is considered that this policy can be afforded at least moderate weight in the decision making process.
- 7.5. Policy RES4 of the Emerging TBP states that very small scale residential development within and adjacent to the built up area of other rural settlements will be acceptable in principle providing the proposal meets a number of exceptions including that the proposal is of an appropriate scale relative to the size and function of the settlement, it does not have an adverse cumulative impact on the settlement, it complements the form of the settlement, and does not result in coalescence of the settlements. The policy also states that the proposal must not be contrary to green belt policy.
- 7.6. Green Belt policy matters are set out below. However, it is considered the application accords with policy RES4 of the Emerging Local Plan insofar as the application is for one dwelling within the built up area of Little Shurdington which replaces an existing building on previously developed land. The design approach complements the form of the settlement and the building and quantum of development is an appropriate scale relative to the size and function of the settlement.

- 7.7. In conclusion, the application is contrary to adopted policies SP2 and SD10 of the JCS. However, the proposal is in accordance with Policy RES5 of the Emerging Local Plan. Officers also consider that the application site is not in an isolated location in the countryside, however it is acknowledged that future occupiers would be reliant on the private car for their daily needs for employment, schools, health and recreation and shopping.

Five Year Housing Supply

- 7.8. As set out in the latest Tewkesbury Borough Five Year Housing Land Supply Statement published in December 2020, the Council can demonstrate a 4.35 year supply of deliverable housing sites. On the basis therefore that the Council cannot at this time demonstrate a five year supply of deliverable housing land, the Council's policies for the provision of housing should not be considered up-to-date in accordance with footnote 7 of the NPPF and in accordance with paragraph 11 of the NPPF the presumption in favour of sustainable development (the 'tilted balance') applies. The presumption is therefore 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. This will be assessed below.

Green Belt

- 7.9. The application site is located in the Green Belt, the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 of the NPPF states that a local authority should regard the construction of new dwellings as inappropriate development in the Green Belt.
- 7.10. Exceptions to this are set out in paragraph 145 of the NPPF. Of relevance to this proposal paragraph 145(g) states that 'the partial or complete redevelopment of previously developed land, whether redundant or in continuing use which would not have a greater impact on the openness of the Green Belt than the existing development' is an exception to inappropriate development
- 7.11. Annex 2 of the NPPF states that previously developed land is land which is occupied by a permanent structure including the curtilage of the developed land and any associated fixed surface infrastructure. This excludes land that is or was last used for agriculture.
- 7.12. The eastern part of the building which is proposed to be demolished benefits from a Certificate of Lawfulness for the storage of building materials which was granted in 2003. However, when officers visited the site in November 2021 it appeared that the use of the building for storage of building materials has been abandoned. However, it is the case that the building is being used for storage (primarily hay) in association with the applicant's commercial equestrian business and there are also stables within the building.
- 7.13. Section 336 of the Town and Country Planning Act 1990 defines 'Agriculture' to include 'horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes'
- 7.14. Therefore, setting aside whether the use of the building for the storage of building materials has been abandoned. The existing use of the building is for an equestrian business which is not defined as agriculture. The building is therefore previously developed land.

- 7.15. The ground floor of the existing building extends to 20.2 metres by 13.9 metres, being a gross external area of 281 sq m. The existing building only accommodate floorspace at ground floor level and the ridge height of the existing building extends to 5.7 metres and the eaves are 5.15 metres.
- 7.16. By contrast, the proposed dwelling has a smaller footprint but provides floorspace at ground and first floor levels. The footprint of the proposed dwelling at first floor level, which excludes the recess on the eastern elevation, extends to 9.6 metres by 13.1 metres, being an area of 125 sq m. The height of the top of the curved roof would be 6.58 metres and the eaves height 5 metres.
- 7.17. In terms of volumes, the existing building has a volume of 1,228m³ and the proposed dwelling would have a volume of 579m³, which amounts to 47% of the volume of the existing building.
- 7.18. Officers have carefully considered the proposal, and whilst the ridge height of the proposed dwelling is 0.88 metres higher than the existing building, by virtue that the replacement dwelling would have a smaller footprint and volume than the existing building and that there would be a reduction in mass when viewed from the south, officers consider that the proposal would not have a greater impact on the Green Belt than the existing development. In addition, it is not considered that the proposed garden to the south of the dwelling would have a greater impact on the openness of the green belt than the existing development which is an area which is currently used for storage in association with the equestrian use and is enclosed by post and rail fencing.
- 7.19. It is therefore considered that the proposal is appropriate development in the Green Belt and the application accords with the NPPF and Policy SD5 of the JCS.

Landscape Impact and AONB

- 7.20. The application site is located within the Cotswolds AONB an area of high scenic quality that has statutory protection in order to conserve and enhance the natural beauty of its landscape. Paragraph 170 of the NPPF states that planning decisions should contribute to and enhance the natural environment by protecting and enhancing valued landscapes in a manner commensurate to their statutory status. Paragraph 172 of the NPPF states 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
- 7.21. Policy SD7 of the JCS requires all development proposals in the AONB to conserve and, where appropriate, enhance its landscape, scenic beauty, wildlife, cultural heritage and other special qualities. Proposals are also required to be consistent with the policies set out in the Cotswolds AONB Management Plan 2018-2023. Policies CE1, CE3, CE4 and CE5 are considered most relevant in this particular case and require development to, amongst other things, be compatible with the distinctive character of the location, be designed to respect local building styles and materials, having regard to tranquillity, and have regard to dark skies by seeking to avoid and minimise light pollution.
- 7.22. The application is accompanied by a Landscape and Visual Impact Assessment (LVIA) which identifies that the application site is located in a transitional landscape which extends from the edge of settlement of Little Shurdington southerly into the open agricultural landscape of the vale ascending to the escarpment. Existing layers of vegetation and hedgerows provide screening of the application site from more distant elevated viewpoints from the south.

- 7.23. The LVIA assesses the visual impact of the proposal from six viewpoints including four viewpoints from PRoWs between 100 and 200 metres to the south and east of the site, as well as from two viewpoints from PRoWs in Crickley Hill Country Park located approximately 1km to the south east.
- 7.24. The assessment identifies the application site has an open boundary to the south and that there would be direct views of the proposed development from the PROW's located in the fields to the south and east of the application site. There is also a transient view along Dark Lane. There are also limited middle distance viewpoints from the south, which is partially screened by intervening trees and hedgerows. The site would also be visible in long distance viewpoints from Crickley Hill, however it is viewed in the context of Yew Tree Farm and the wider settlement of Little Shurdington.
- 7.25. Where views are afforded of the application site, it is seen within the context of Yew Tree Farm and the surrounding built form and hardstanding on the site. Views towards the site include a backdrop of various styles of buildings including the existing Dutch-style barn which 'bookends' the courtyard of buildings to the east.
- 7.26. The application proposes a replacement dwelling with a smaller volume than the existing building on the site. By virtue of the design approach of the proposed dwelling, which mirrors the form and mass of the Dutch-style barn to the east, officers consider that the dwelling would not appear incongruous in this setting of the existing buildings and would be viewed as part of the wider complex of buildings. However, given that the proposed dwelling is at the edge of the settlement, any external lighting on the dwelling would have to be carefully controlled as the dwelling would have the potential to impact on the dark skies of the AONB through the introduction of a residential use. Officers therefore recommend that a condition is imposed on the planning permission to control any external lighting on the dwelling. In addition, officers also recommend that a condition is imposed to secure a planting scheme to screen the garden area to the south, as this area would be visible from the AONB and it is considered necessary to ensure that an appropriate soft landscaping screen is secured to protect the rural character of the AONB.
- 7.27. Overall officers consider that subject to conditions to secure a landscaping scheme and control external lighting, that the proposed development would conserve the landscape and scenic beauty of the AONB and that the proposal is consistent with the policies set out in the Cotswolds AONB Management Plan. For these reasons it is considered the application accords with Policy SD7 of the JCS and the NPPF in regard landscape and AONB policy.

Design

- 7.28. Paragraph 127 of the NPPF states that planning decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping. JCS Policy SD4 provides 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.
- 7.29. Policy RES5 of the Emerging TBP states proposals for new housing development 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.

- 7.30. The proposed dwelling is designed with a form and scale to reflect a Dutch-barn taking architectural cues from the building to the east. The proposed dwelling would be finished in vertically boarded timber and painted blockwork and its roof would comprise aluminium sheeting.
- 7.31. Officers have carefully considered the proposal and consider that the design approach and use of materials would complement and respect the agricultural character and setting of the locality of the application site. It is also considered that the layout is appropriate insofar as the principal elevation faces into the courtyard mirroring the orientation of the buildings in the locality and the character of Yew Tree Farm.
- 7.32. In light of above, and subject to the imposition of conditions to control external materials, it is considered that the proposed layout and appearance of the proposed development is appropriate to the site and its setting. The design of the proposed development is therefore considered acceptable.

Residential Amenity

- 7.33. The NPPF states at paragraph 180 that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to the impacts that could arise from the development. Policy SD14 of the JCS states that development must cause no unacceptable harm to local amenity including the amenity of neighbouring occupants.
- 7.34. The proposed dwelling would be located immediately adjacent to buildings associated with an equestrian business and vehicles accessing and egressing the equestrian uses would drive immediately to the front of the dwelling and use the same access track.
- 7.35. Environmental Health have been consulted on the application and advise that the use of the adjacent buildings as a stables does not pose a significant concern in regard to residential amenity as equine uses tend to cause fewer issues than livestock. The officer also advises that as there are existing residences at Yew Tree Farm the residential amenity afforded by the location has already been established as acceptable. Environmental Health therefore raise no objections in regard to the residential use of the application site and therefore officers consider that the future residential amenity of occupants would be acceptable in regard to odour and noise.
- 7.36. In terms of layout and external amenity space, it is considered that the dwelling would provide high quality accommodation and the dwelling would be provided with an adequate garden amenity area which is separated from the equestrian business.
- 7.37. There are no existing dwellings within the vicinity of the proposed dwelling which would be impacted by reasons of overlooking.
- 7.38. In light of the above it is considered that the proposed development would result in acceptable levels of amenity for existing and future residents in accordance with JCS policies.

Heritage Assets

- 7.39. Yew Tree Farmhouse is a Grade II Listed building and some of the associated outbuildings close to the farmhouse may also be curtilage listed buildings. As such when determining planning applications this authority has a duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have regard to the desirability of preserving listed buildings and their settings.
- 7.40. Paragraph 193 of the NPPF states that: When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets 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.
- 7.41. Paragraph 194 of the NPPF states that: Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a non-designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 7.42. Policy SD8 of the JCS states 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 states that: Designated and undesignated heritage assets and their settings will be conserved and enhanced as appropriate to their significance, and for their important contribution to local character, distinctiveness and sense of place.
- 7.43. The proposal involves the removal of a modern farm building some distance from the listed farmhouse and separated by numerous modern farm buildings. The Conservation Officer has been consulted on the application and advises that the demolition of the existing building is non-contentious. The proposed new building emulates the form of a 20th Century farm building (metal curved roofed Dutch barn) and will be seen amongst a backdrop of similar building with no intervisibility between it and the listed farmhouse or outbuildings.
- 7.44. As such, the Conservation Officer advises that it is not considered that this proposal would have a negative impact upon the setting of the Grade II Listed farmhouse or its historic outbuildings. The proposal would therefore be compliant with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Section 16 of the NPPF and Policy SD8 of the JCS.

Biodiversity

- 7.45. Policy SD9 of the JCS states that biodiversity of the JCS area will be protected and enhanced and ensure that European and National Protected Species are safeguarded in accordance with the law.
- 7.46. The application is supported by Preliminary Bat Roost Assessment which highlights that the development will not impact on bats, however a very low potential was recorded for night-time roosts for species such as brown long eared bats. At the request of the Council's Ecological Advisors the applicant has provided an updated report providing mitigation to minimise the risk to bats in the unlikely event that they are present. The report recommends a number of measures including that an inspection by a suitably qualified ecologist be undertaken immediately prior to the demolition works and that four bat boxes are installed on the elevations of the building.

- 7.47. The Council's ecological advisors have advised that there are no objections to the application subject to compliance with the mitigation measures set out in the ecological reports and subject to the imposition of conditions to control lighting spillage into adjacent habitats.
- 7.48. In light of the above and subject to the imposition of conditions it is considered that the application would not impact on protected species and would protect biodiversity and the proposed development is therefore considered acceptable in regard to biodiversity.

Highway Safety

- 7.49. 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 state 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.
- 7.50. It is proposed to utilise the existing vehicular access off Whitelands Lane and the submitted plan demonstrates that there is sufficient space to allow for a minimum of two parking spaces to the east of the proposed dwelling. The dwelling would be afforded sufficient off-road space for turning and manoeuvring in order to allow vehicles to enter the highway in a forward gear.
- 7.51. The County Highways Authority have recommended that this application be refused as they consider that the proposed development would be located in an unsustainable location and occupiers would be reliant on the private car for their daily needs for employment, schools, health and recreation and shopping. However, notwithstanding this matter, the Highways Authority do not object to the application on the grounds of highway safety subject to planning conditions to secure parking, EV charging points and cycle storage.
- 7.52. As such it is considered that that proposal is acceptable in regard to highway safety matters.

Drainage and Flood Risk

- 7.53. 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.
- 7.54. The site is located within Flood Zone 1 and is therefore at a low risk from flooding. The new dwelling would be drained via the provision of a soakaway system, with roof runoff conveyed by pipes to the soakaway that will be located within the proposed residential curtilage. In respect of foul sewerage, it is proposed that this will be addressed by a Package Treatment System, given the lack of mains sewage network in the area.
- 7.55. The Drainage Officer has been consulted on the application and advises that the application has been submitted with adequate information to show that the development will be made with adequate consideration for management of foul and surface water resulting from the development and that it will be safe from flooding and not cause flooding elsewhere. The officer has no objection and does not recommend a drainage condition is imposed.
- 7.56. Severn Trent also raise no objections to the proposals and do not require a drainage condition to be applied.

7.57. As such the application is considered acceptable in regard to drainage and flood risk.

Contaminated Land

7.58. Paragraph 178 of the NPPF states that planning decisions should ensure that a site is suitable for its proposed use having regard to ground conditions and contamination.

7.59. The Environmental Health Officer has been consulted on the application and advises that a condition should be imposed requiring that no development should place until a site investigation of the nature and extent of any contamination has been carried out. If any significant contamination is found during the site investigation remediation measures must be provided to and agreed by the local planning authority.

7.60. Officers consider that subject to the imposition of a condition to investigate and if necessary remediate the site, the proposal would be acceptable in regard to potentially contaminated land and comply with paragraph 178 of the NPPF.

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.

8.3. 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

8.4. Weight should be given to the provision of new housing especially in the context of a housing supply shortfall, albeit very modest weight is afforded to this benefit given the quantum of the development proposed.

8.5. 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

- 8.6. There would be harm arising by virtue that Little Shurdington contains no service infrastructure and future occupiers would be reliant on the private car for their daily needs for employment, schools, health and recreation and shopping. However, the application site is not considered to be an isolated location being located approximately 750 metres to the south of the defined Residential Development Boundary of Shurdington which is defined as a Service Village in JCS. The application site is therefore not considered an isolated home in the countryside and the proximity of Shurdington Service Village tempers this harm.

Neutral

- 8.7. The development would not represent inappropriate development in the green belt and would conserve the special qualities of the Cotswolds AONB.
- 8.8. The design and layout of the proposed dwelling is considered acceptable and the dwelling would provide acceptable residential amenity and not impact on existing residential amenity. The proposal would not impact on heritage assets.
- 8.9. Subject to satisfactory details and the imposition of appropriate planning conditions the proposal would be acceptable in regard to highway safety, ecology, flood risk and contamination.

Conclusion

- 8.10. In light of the above, 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.
- 8.11. 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. The development hereby permitted shall be carried out in accordance with the following approved documents:

- Site Location Plan LP/R2

- Proposed Plans and Elevations HBF0003 Revision 2

- Drainage and Water Management Statement – October 2020 – prepared by Zesta Planning and Development Consultancy

Except where these may be modified by any other conditions attached to this permission.

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, rainwater goods, flues 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.

5. 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 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.

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: To protect the landscape and scenic beauty of the Cotswolds Area of Outstanding Natural Beauty.

6. Prior to the installation of any external lighting for the development hereby permitted details of the lighting shall be submitted and approved by the local planning authority. This lighting scheme shall show contour plans highlighting lux levels, specifically when spilling onto adjacent/important habitats for wildlife. The development hereby permitted shall not be carried out otherwise than in accordance with the approved lighting details and the approved lighting details shall thereafter be retained for the lifetime of the development, unless agreed in writing by the Local Planning Authority

Reason: In the interests of biodiversity and to protect the landscape and scenic beauty of the Cotswolds Area of Outstanding Natural Beauty.

7. The development hereby approved shall be implemented strictly in accordance with the Recommendations set out in the Report of Preliminary Bat Roost Assessment at Yew Tree Farm prepared by Arbtech Consulting Ltd dated 8 January 2021, this includes but not limited to an inspection of the building immediately prior to demolition works by a qualified ecologist and the demolition works to be undertaken between October – March inclusive, unless otherwise agreed in writing by the local planning authority.

Reason: To protect biodiversity and protected species

8. Prior to the occupation of the development evidence of ecological enhancements are to be submitted to the local planning authority, including but not limited to, the type and location of bat and bird boxes. The development shall be carried out in accordance with the approved details.

Reason: To protect biodiversity and protected species

9. The development hereby permitted shall not be occupied until details of secure and covered cycle storage facilities for a minimum of 2 no. bicycles per dwelling has been made available in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the provision and availability of adequate cycle parking.

10. The development hereby permitted shall not be first occupied until the proposed dwelling has been fitted with an electric vehicle charging point. The charging point shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851. 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 shall be of the same specification or a higher specification in terms of charging performance.

Reason: To promote sustainable travel and healthy communities.

11. No building or use hereby permitted shall be occupied or use commenced until the car/vehicle parking area and turning spaces shown on the approved plan drawing number HBF0003 Revision 2 has been completed and thereafter the areas shall be kept free of obstruction and available for the parking of vehicles associated with the development.

Reason: To ensure that there are adequate parking facilities to serve the development constructed to an acceptable standard.

12. No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any significant contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The site shall be remediated in accordance with the approved measures before development begins.

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

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.