

## TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

<b>Committee:</b>	Planning
<b>Date:</b>	20 April 2021
<b>Site Location:</b>	Ashgrove Toddington Cheltenham Gloucestershire GL54 5DT
<b>Application No:</b>	20/01221/FUL
<b>Ward:</b>	Isbourne
<b>Parish:</b>	Stanway
<b>Proposal:</b>	Demolition of existing dwelling and erection of 2 No detached dwellings.
<b>Report by:</b>	Emma Dee
<b>Appendices:</b>	Location and Block Plan (drawing no. 19-5663 100 Rev 04). Existing Site Plan (drawing no. 19-5663 101 Rev 03). Site Survey and Topographical Plan (drawing no. 19-5663 001 Rev 02). Proposed Site Plan (drawing no. 19-5663 102 Rev 06). Site Management Plan (drawing no. 19-5663 103 Rev 02). Proposed Elevations (drawing no. 19-5663 120 Rev 01). Proposed Site Sections (drawing no. 19-5663 130 Rev 01). Proposed Ground Floor Plans (drawing no. 19-5663 110 Rev 01). Proposed First Floor Plans (drawing no. 19-5663 111 Rev 01). Proposed Roof Plans (drawing no. 19-5663 119 Rev 01). Beech House Elevations Houses 1 and 2 (drawing nos. 19-5647 130 Rev 05 and 19-5647 131 Rev 03). Indicative Site Plan as refused under application reference 20/00385/OUT (drawing no. 19-5663 102 Rev 04). Existing Elevations and Floor Plans as submitted under application reference 20/00385/OUT (drawing no. 19-5663 010 Rev 01).
<b>Recommendation:</b>	Permit.

### 1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1. The site is located in the New Town area of Toddington, on the northern side of the B4077. The existing detached dwelling known as Ashgrove is set back approximately 20 metres from the front boundary of the application site providing a generously sized front garden area, and there are mature trees and hedgerows along the northern (rear) and southern (front) boundaries of the site. The submitted Topographical Plan shows that land levels within the application site are generally flat although raise slightly from the lowest point towards the south-western corner towards the highest point towards the north-eastern corner by approximately 2.7 metres. The site is bounded by the detached dwelling known as Harrington House on its western side and the dwelling known as The Willows on its eastern side, with generous spacing between each of these dwellings. Planning permission has been granted for the erection of 6 no. dwellings on the parcel of land immediately to the rear of the

application and, although not currently complete, this remains an extant permission (most recently granted under s73 application reference 19/00752/FUL).

- 1.2. While the Newtown area has a mixture of property styles, it is generally characterised by Arts and Crafts style dwellings and this gives it a distinct and unique character. The existing dwelling on the site, known as Ashgrove, is an attractive and historic cottage in Cotswold stone. Ashgrove is not listed, nor is it within a conservation area. However, the Conservation Officer considers it to be a non-designated heritage asset.
- 1.3. The application site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB).
- 1.4. The application proposes the demolition of the existing dwelling known as Ashgrove and the erection of 2 no. detached four-bed dwellings. The submitted application sets out that the design of the proposed dwellings follows that previously approved under application reference 19/00595/APP on the development site directly opposite, on land adjacent to Beech House (see enclosed drawing nos. "19-5647 130 Rev 05" (Elevations House 1) and "19-5647 131 Rev 03" (Elevations House 2) as approved under application reference 19/00595/APP). Unlike the development approved under application reference 19/00595/APP, however, the current application proposes that each dwelling would include an attached single garage on its side elevation. An area of hardstanding (covered in Marshall's Driveline Piora "Brindled" Permeable Brindle block paving) would be provided towards the front of the site to provide an area for vehicular parking and turning associated with the proposed 2 no. dwellings. Paving around each dwelling would be surfaced in reconstituted buff stone paving.
- 1.5. The proposed dwellings would generally follow the building line established by adjacent built development to the east and west, although each would be located slightly further southwards in closer proximity of the adjacent public highway, set back approximately 10.4 metres from the front site boundary at the closest point. Each dwelling would measure approximately 10.6 metres in width (plus 4.25 metres for the proposed attached garage) and would measure some 4.7 metres in height to eaves and 8.7 metres in height to ridge, although it is proposed to raise the land levels towards the western side of the dwelling at Plot 1 by approximately an additional 0.6 metres to provide a flat surface. Each dwelling would include a two storey projecting gable element on the front elevation and two storey and single storey projecting elements on the rear elevation. At their longest points, the proposed dwellings would measure some 17.4 metres in length.
- 1.6. The proposed dwellings would have stone facing materials (as per the sample panel from Cotswold Hill Quarry, as shown within a photograph submitted with this application) and the roof of each would be covered in slates ("Del Carman First 500mm x 250mm Preholed Spanish Natural Roof Slate"). In addition, there would be Limestone copings, Limestone kneelers, Limestone cills and lintels around windows and Limestone quoins.
- 1.7. The application proposes the retention of existing 1.8m high fence panels along the eastern side boundary adjacent to The Willows, existing 1.8m high concrete post and panel fencing along the northern (rear) site boundary and an existing 1.2m high stone wall along the western side boundary adjacent to Harrington House. The existing wall along the front boundary would be retained, with the exception of the proposed vehicular access point.

- 1.8. As detailed below, this application is submitted further to the refusal of application references 17/00484/FUL (for the proposed erection of 1 no. detached dwelling to the side of the existing dwelling at Ashgrove) and 20/00385/OUT (an outline application for the proposed demolition of the existing dwelling at Ashgrove and the construction of 2 no. dwellings). Further to the refusal of these applications it was determined on 2nd November 2020 under application reference 20/00952/DEM that prior approval was not required for the method of demolition of the dwelling known as Ashgrove nor any proposed restoration of the site. The current application refers to this as a "fallback position" and states that "The applicant is at liberty to demolish Ashgrove at any point in time as Cadent/National Grid have been contacted and have agreed with the demolition methodology."

## 2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
T.5408	Outline application for a house. (On east side of land adj. railway.)	REFUSE	18.09.1968
15/00537/FUL	Erection of 2 No new dwellings.	PER	29.04.2016
16/00866/FUL	New 1 Bed Coach House Dwelling and New access to Ashgrove	WDN	20.09.2016
16/01422/FUL	Residential development on domestic garden land	PER	11.04.2017
17/00484/FUL	Erection of two storey detached dwelling to side of existing dwelling at Ashgrove and provision of associated vehicular access, parking and turning area, boundary treatment and landscaping	REF	29.06.2017
17/00992/FUL	Variation of Condition Number: 2 - On previously approved application 16/01422/FUL  Alterations to accesses, the addition of garages - Plot 1 - integral garage, Plot 2 - Garage at rear, Plot 3 - Double garage now attached at side, Plot 4 - Single garage attached at side, minor amendments to fenestration (window / door locations)	PER	10.04.2018
18/00764/FUL	Variation of conditions 2, 3, 6, 8, 9, 10 and 11 of approved planning application reference 17/00992/FUL, to allow for the removal of 1 no. existing tree and the planting of 1 no. replacement tree, alterations to vehicular access, driveways, parking and turning areas, and extension of footpath.	PER	23.10.2018
18/01101/FUL	Variation of Conditions 2, 3, 6, 8, 9, 10 & 13 of application 18/00764/FUL to amend the design of the approved dwellings and to make alterations to driveways, parking and turning areas.	PER	08.02.2019

20/00385/OUT	Outline application for the demolition of existing dwelling and the construction of 2 no. dwellings, with all matters reserved for future consideration except for access	REFCON	02.10.2020
20/00952/DEM	Demolition of the dwellinghouse known as Ashgrove	NONINT	02.11.2020

2.1. Outline application reference 20/00385/OUT, for the proposed demolition of the existing dwelling known as Ashgrove and the construction of 2 no. dwellings, with all matters reserved for future consideration except for access (as referred to above), was refused consent on 1st October 2020 for the following reasons:

1. The existing dwelling known as Ashgrove has a moderate degree of significance due to its heritage interest, and the loss of this building would cause substantial harm to the significance of the non-designated heritage asset. The application has failed to demonstrate that this harm would be outweighed by public benefit derived from the provision of higher density residential development with a net gain of one dwelling unit. As such the proposal fails to comply with Section 16 of the National Planning Policy Framework (2019), Policies SD4, SD8 and SD10 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (2017) and emerging Policies RES5 and HER5 of the Tewkesbury Borough Local Plan 2011 - 2031 - Pre-Submission Version (October 2019).
2. The application fails to demonstrate that 2 no. dwellings could be accommodated on the site which would respect the character and appearance of the surrounding area and which would conserve the visual attractiveness and scenic beauty of the Cotswolds Area of Outstanding Natural Beauty. The proposed development would be of a poor design quality which would result in the unsatisfactory erosion of the spacious and open character of the area and a relatively cramped form of development which would be unrelated to, and out of keeping with, the existing street scene and the character of the immediate area, and would therefore cause unacceptable harm to the rural character and appearance of the area and the visual attractiveness and scenic beauty of the Cotswolds Area of Outstanding Natural Beauty. The proposed development is therefore contrary to Sections 11, 12 and 15 of the NPPF, Policies SD4, SD6, SD7 and SD10 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (2017), emerging Policy RES5 of the Tewkesbury Borough Local Plan 2011 - 2031 - Pre-Submission Version (October 2019) and the National Design Guide.

2.2. An application to determine if prior approval was required for the demolition of the dwellinghouse known as Ashgrove was subsequently submitted (reference 20/00952/DEM). Before undertaking demolition which is permitted development under Part 11 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015, as amended, the developer must apply to the Local Planning Authority, providing a written description of the proposed demolition. The Local Planning Authority will then determine whether prior approval is required for the method of demolition and any proposed restoration of the site. If it is deemed that prior approval is required, the Local Planning Authority may then grant or refuse the prior approval.

- 2.3. The details submitted with application reference 20/00952/DEM included the submission of a Demolition Method Statement, and it confirmed that the site would be cleared and left flat for any future development. The Environmental Health Officer reviewed the submitted Demolition Method Statement and was satisfied that the measures proposed should be adequate to control noise and dust from demolition activities and considered that the hours of operation appeared suitable. The Gloucestershire County Council Highways Officer had also reviewed the Notification and advised that it did not wish to raise any objections to the demolition of the property. Given the recent planning history of the site the Officer report detailed that it was reasonable to assume that any future development would comprise residential redevelopment and, given the current and adjoining uses, it was judged that residential development would be an acceptable form of development in principle.
- 2.4. The Officer report for application reference 20/00952/DEM acknowledged that, notwithstanding the first reason for refusal of application reference 20/00385/OUT (as referred to above), which was a material consideration in the determination of the outline planning application, Planning Practice Guidance specifies that, as part of the application process to determine if prior approval is required for the proposed demolition of buildings, the Local Planning Authority will determine whether prior approval is required for the method of demolition and any proposed restoration of the site. The Officer report noted that, whilst the dwellinghouse known as Ashgrove is considered to be a non-designated heritage asset, it is not a listed building. As such, notwithstanding the fact that the loss of this building would cause substantial harm to the significance of the non-designated heritage asset, this was not a material consideration in determining whether prior approval was required for the proposed demolition of buildings.
- 2.5. Subject to development being carried out in accordance with the details submitted with the application, as required by paragraph B.2 (viii) (bb) of Schedule 2, Part 11, Class B of the Town and Country Planning (General Permitted Development) Order 2015, including the subsequent restoration, it was determined that prior approval was not required for the method of demolition and any proposed restoration of the site.

### 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: SD4 (Design Requirements), SD6 (Landscape), SD7 (Cotswolds Area of Outstanding Natural Beauty), SD8 (Historic Environment), SD9 (Biodiversity and Geodiversity), SD10 (Residential Development), SD11 (Housing mix and Standards), SD14 (Health and Environmental Quality), INF1 (Transport Network), INF2 (Flood Risk Management) and INF3 (Green Infrastructure)

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

- 3.4. There are no saved policies within the TBLP which are relevant to this proposal.

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

- 3.5. Policies: RES2 (Settlement Boundaries), RES5 (New Housing Development), DES1 (Housing Space Standards), HER5 (Locally Important Heritage Assets), NAT1 (Biodiversity, Geodiversity and Important Natural Features), ENV2 (Flood Risk and Water Management) and TRAC1 (Pedestrian Accessibility)
- 3.6. Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)
- 3.7. The First Protocol, Article 1 (Protection of Property)

### **4.0 CONSULTATIONS**

**Full copies of all the consultation responses are available online at <https://publicaccess.tewkesbury.gov.uk/online-applications/>**

- 4.1 **Toddington Parish Council** – objects to the application for the following reasons:
  - i. There is little if any difference from previous applications submitted for this property and subsequent refusal by Tewkesbury Planning Department and at appeal.
  - ii. The site is not sufficient for two properties. Such a dense build would be out of keeping with the surroundings. The proposed build is sited too close to neighbouring properties.
  - iii. The proposed build is forward of the existing building line and would look out of keeping with surrounding properties
  - iv. There is concern regarding access onto the busy B4077
  - v. The proposed development would cause unacceptable harm to the character and appearance of the surrounding area, including the AONB.
- 4.2 **Stanway Parish Council** – Has been consulted but has not provided comments within the 21 day statutory consultation period or since and has not requested further time for the submission of comments.
- 4.3 **Conservation Officer** – Acknowledges that they have previously objected to the demolition of this non-designated heritage asset. However, the applicant has demonstrated that they do not require any further permissions to carry out the demolition. There are therefore no further heritage issues to comment on in this case.
- 4.4 **County Highways** – No objection subject to conditions
- 4.5 **Environmental Health** – No adverse comments to make
- 4.6 **Health and Safety Executive** – Does not advise, on safety grounds, against the granting of planning permission.
- 4.7 **Environment Agency** – Having reviewed the location of the proposed development, available information indicates there is a major accident hazard pipeline within close proximity to the development site. The developer may wish to check further with the pipeline operator where known or the local authority before proceeding.
- 4.8 **National Grid** – Has been consulted but has not provided comments within the 21 day statutory consultation period or since and has not requested further time for the submission of comments.
- 4.9 **Wales and West Utilities** – Has been consulted but has not provided comments within the 21 day statutory consultation period or since and has not requested further time for the submission of comments.

- 4.10 **Gas Pipeline** – Has been consulted but has not provided comments within the 21 day statutory consultation period or since and has not requested further time for the submission of comments.
- 4.11 **County Sustainable Drainage Engineer** – No objection and does not feel there is any requirement for any drainage conditions to be applied to any consent granted against this application.
- 4.12 **Severn Trent Water** – As the proposal has minimal impact on the public sewerage system Severn Trent Water has no objections to the proposals and does not require a drainage condition to be applied.
- 4.13 **Tree Officer** – No objection subject to conditions.
- 4.14 **Ecological Advisor** – Has provided their previous responses to application references 20/00385/OUT and 20/00952/DEM, and advises that they raise no objection subject to conditions.
- 4.15 **Building Control** – The application will require Building Regulations approval

## 5.0 PUBLICITY AND REPRESENTATIONS

- 5.1 The application has been publicised through the posting of 2 site notices and 1 letter of representation has been received within the 21 day statutory consultation period or since, objecting to the planning application. The main points raised relate to:
- It is not understood why this planning application has again been submitted – it has recently been turned down and has been refused at least 3 times before that. There is now permission to demolish the property on the plot, but surely that makes no difference to the plans.
  - Adverse impact on amenity of adjoining occupiers at The Willows – Loss of most of the natural light to the back garden, serious overlooking and affecting adjoining occupiers' views. There are already 6 no. dwellings being built to the rear of The Willows, which will impact views from the back of the house and will result in overlooking
  - The plot is best suited for a single house as it is now.

## 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. Toddington does not currently have an adopted Neighbourhood Development Plan.
- 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 Other material policy considerations include National Planning Guidance contained within the National Planning Policy Framework; 2019 (NPPF).
- 6.5 The relevant policies are set out in the appropriate sections of this report.

## 7.0 ANALYSIS

### Principle of development

- 7.1 Whilst the application site is not allocated for housing through the development plan, Toddington is identified as a Service Village within the JCS. JCS Policy SD10 states that, on sites that are not allocated, housing development and conversions to dwellings will be permitted on previously developed land in the existing built-up areas of service villages except where otherwise restricted by policies within district plans.
- 7.2 It is also acknowledged that the site is located within the Toddington Settlement Boundary as defined by the PSTBP Proposals Map. Emerging Policy RES2 of the PSTBP specifies that, within the defined settlement boundaries of the Tewkesbury Town Area, the Rural Service Centres, the Service Villages and the Urban Fringe Settlements (which are shown on the policies map), the principle of residential development is acceptable subject to the application of all other policies in the Local Plan. Policy RES2 requires development to comply with the relevant criteria set out at Policy RES5 in all cases.
- 7.3 As the site forms previously developed land and is bordered by residential properties on either side, the development is considered to represent infill and, as such, the principle of new housing in this location is considered to be acceptable.
- 7.4 However, whilst the principle of residential development in this location may be acceptable the loss of the existing dwelling is a key material planning consideration which must also be taken into account.
- 7.5 The dwelling known as Ashgrove is not listed, nor is it within a conservation area. However, the Conservation Officer considers it to be a non-designated heritage asset. The NPPF defines a heritage asset as “A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest”. Principles of selection for heritage assets and assessment of significance are set out in Historic England’s publication ‘Conservation Principles, Policies and Guidance’ (2008) and ‘British Standard BS 7913: Guide to the Conservation of Historic Buildings’.
- 7.6 The National Planning Practice Guidance (NPPG) states that planning authorities may identify non-designated heritage assets as part of the decision-making process on planning applications. Irrespective of how they are identified, it is important that the decisions to identify them as non-designated heritage assets are based on sound evidence.
- 7.7 In the consideration of the development proposed under application reference 20/00385/OUT, the Conservation Officer advised that the significance of Ashgrove as a heritage asset included its form and materials. According to cartographic evidence the building was constructed between 1924 and 1955. It appears to date from circa 1930 and is a simple Cotswold vernacular/arts and crafts composition of modest proportions, constructed of local stone with metal windows and Cotswold stone roof slates. The Conservation Officer acknowledged that the building is simple in detail but charming in its composition and is constructed using high quality materials reflecting the Cotswold vernacular. In context, part of the local distinctiveness of this small settlement is the proliferation of 19th Century model estate workers cottages (presumably related to Toddington Manor) causing the area to be called New Town. As part of application reference 20/00385/OUT, The Conservation Officer commented that Ashgrove makes a clear and positive contribution to the character of the area.



- 7.8 Paragraph 135 of the NPPF states that such assets can merit consideration in planning matters, with the authority taking a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset.
- 7.9 Paragraph 184 of the NPPF states that: “Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.”
- 7.10 Paragraph 197 of the NPPF states that: “The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”
- 7.11 JCS Policy SD8 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.”
- 7.12 Application reference 20/00385/OUT was an outline application seeking approval for the principle of demolition of the existing building and the erection of two dwellings on this site. No assessment of the building to be demolished had been submitted with this application nor were any details of the buildings to replace it presented. As part of the consideration of application reference 20/00385/OUT, the Conservation Officer considered that Ashgrove had a moderate degree of significance due to its heritage interest, and that the loss of this building would cause substantial harm to the significance of the non-designated heritage asset. The Conservation Officer acknowledged that it had not been demonstrated that the harm would be outweighed by public benefit derived from the provision of higher density residential development with a net gain of one dwelling unit. As such the Conservation Officer considered that the proposal failed to comply with Section 16 of the NPPF and JCS Policy SD8 and recommended refusal of application reference 20/00385/OUT.
- 7.13 However, as detailed above, an application for the demolition of the dwellinghouse known as Ashgrove was subsequently submitted (reference 20/00952/DEM) to determine whether prior approval was required for the method of demolition and any proposed restoration of the site. The details submitted with application reference 20/00952/DEM included the submission of a Demolition Method Statement, and it confirmed that the site would be cleared and left flat for any future development. The Environmental Health Officer reviewed the submitted Demolition Method Statement and was satisfied that the measures proposed should be adequate to control noise and dust from demolition activities and considered that the hours of operation appeared suitable. The Gloucestershire County Council Highways Officer had also reviewed the Notification and advised that it did not wish to raise any objections to the demolition of the property. Given the recent planning history of the site the Officer report detailed that it was reasonable to assume that any future development would comprise residential redevelopment and, given the current and adjoining uses, it was judged that residential development would be an acceptable form of development in principle.

- 7.14 The Officer report for application reference 20/00952/DEM acknowledged that, notwithstanding the first reason for refusal of application reference 20/00385/OUT (as referred to above), which was a material consideration in the determination of the outline planning application, Planning Practice Guidance specifies that, as part of the application process to determine if prior approval is required for the proposed demolition of buildings, the Local Planning Authority will determine whether prior approval is required for the method of demolition and any proposed restoration of the site. The Officer report noted that, whilst the dwellinghouse known as Ashgrove is considered to be a non-designated heritage asset, it is not a listed building. As such, notwithstanding the fact that the loss of this building would cause substantial harm to the significance of the non-designated heritage asset, this was not a material consideration in determining whether prior approval was required for the proposed demolition of buildings.
- 7.15 Subject to development being carried out in accordance with the details submitted with the application, as required by paragraph B.2 (viii) (bb) of Schedule 2, Part 11, Class B of the Town and Country Planning (General Permitted Development) Order 2015, including the subsequent restoration, it was determined that prior approval was not required for the method of demolition and any proposed restoration of the site.
- 7.16 The Conservation Officer has again been consulted on the current application and acknowledges that they previously objected to the demolition of this non-designated heritage asset. However, the Conservation Officer further recognises that the applicant has demonstrated that they do not require any further permissions to carry out the demolition. The Conservation Officer advises that there are therefore no further heritage issues to comment on in this case. For these reasons, the principle of the proposed development is judged to be acceptable.

### **The Council's 5 Year Housing Land Supply and the implications of the NPPF**

- 7.17 Notwithstanding the above, it is also currently the case that the Council cannot demonstrate a 5-year supply of deliverable housing sites. It is the Council's current position that a 4.35 years supply of housing can be demonstrated (as set out in the latest Five Year Housing Land Supply Statement published in December 2020). In this scenario, paragraph 11 of the NPPF states that where policies which are most important for determining the application are out of date (including policies for the provision of housing where a five year supply cannot be demonstrated), permission should be granted unless: (i) the application of policies in the NPPF that protect assets of particular importance provides a clear reason for refusing the development; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 7.18 Members will be aware of the recent appeal decision at Ashmead Drive in which the Inspector concluded that the Council can demonstrate a 1.82 year supply of deliverable housing sites. This is principally because the Council includes advanced delivery (or 'oversupply') against annual housing requirements in its five-year supply calculations. Appeal decisions are not binding precedents however. Officers consider that, on the context of the plan-led system, it is wrong not to take into account houses that have already been delivered during the plan period, essentially ahead of schedule, and which meet the needs being planned for in the area. The Council considers that there are robust grounds for a successful challenge of this appeal decision and on that basis proceedings have now been issued in the High Court. Officers' advice is that a 4.35 year supply can be demonstrated at this time.

## **Design and Impact on Landscape and the Cotswolds AONB**

- 7.19 Section 11 of the NPPF relates to “Making effective use of land” and, at paragraph 122, specifies that “Planning decisions should support development that makes efficient use of land, taking into account: the identified need for different types of housing. The desirability of maintaining an areas prevailing character and setting, or of promoting regeneration and change and the importance of securing well-designed, attractive and healthy places. Section 12 of the NPPF relates to "Achieving well-designed places" and, at paragraph 124, sets out that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.
- 7.20 JCS Policy SD4 sets out 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, including having appropriate regard to the historic environment. It should be of a scale, type, density and materials appropriate to the site and its setting.
- 7.21 Criterion 6 of JCS Policy SD10 states the residential development should seek to achieve maximum density compatible with good design, the protection of heritage assets, local amenity, the character and quality of the local environment, and the safety and convenience of the local and strategic road network.
- 7.22 Further, as set out above, emerging Policy RES2 of the PSTBP requires development to comply with the relevant criteria set out at Policy RES5 in all cases. Emerging Policy RES5 specifies that new housing development proposals 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;
  - 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;
  - Not cause the unacceptable reduction of any open space (including residential gardens) which is important to the character and amenity of the area;
  - Incorporate into the development any natural or built features on the site that are worthy of retention;
  - Address any other environmental or material planning constraints relating to the site.
- 7.23 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 recognising the intrinsic character and beauty of the countryside, and protecting and enhancing valued landscapes. 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 well-being. It also states that all applications for development will consider the landscape and visual sensitivity of the area in which they are to be located or which they may affect.
- 7.24 Paragraph 172 of the NPPF specifies that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs which, along with National Parks and the Broads, have the highest status of protection in relation to these issues. JCS Policy SD7 specifies that all development proposals in or 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.

7.25 It is acknowledged that the design of the currently proposed 2 no. dwellings at Ashgrove would be similar to those approved on the opposite side of the public highway, adjacent to Beech House (as approved under application references 18/00302/OUT and 19/00595/APP), and that the same walling and roofing materials are proposed. As part of the consideration of application reference 19/00595/APP, the Urban Design Officer considered that the revised plans submitted throughout the consideration process of the application improved the appearance of the dwellings and that the materials would be acceptable. It is considered that the overall scale, form and materials of the proposed 2 no. dwellings would be in keeping with existing dwellings in this part of Toddington. Whilst a large proportion of the front of the site is proposed to be laid to hardstanding, this is not uncharacteristic of other sites in this part of Toddington.

7.26 As detailed above, the second reason for refusal for application reference 20/00385/OUT was as follows:

*The application fails to demonstrate that 2 no. dwellings could be accommodated on the site which would respect the character and appearance of the surrounding area and which would conserve the visual attractiveness and scenic beauty of the Cotswolds Area of Outstanding Natural Beauty. The proposed development would be of a poor design quality which would result in the unsatisfactory erosion of the spacious and open character of the area and a relatively cramped form of development which would be unrelated to, and out of keeping with, the existing street scene and the character of the immediate area, and would therefore cause unacceptable harm to the rural character and appearance of the area and the visual attractiveness and scenic beauty of the Cotswolds Area of Outstanding Natural Beauty. The proposed development is therefore contrary to Sections 11, 12 and 15 of the NPPF, Policies SD4, SD6, SD7 and SD10 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (2017), emerging Policy RES5 of the Tewkesbury Borough Local Plan 2011 - 2031 - Pre-Submission Version (October 2019) and the National Design Guide.*

7.27 It is also acknowledged that the development proposed under application reference 17/00484/FUL, for the proposed erection of a two storey detached dwelling to the eastern side of the existing dwelling at Ashgrove, was refused planning permission partly on the grounds that it would result in an unsatisfactory erosion of the spacious and open character of the area and a cramped form of development which would be unrelated to, and out of keeping with, the existing street scene and the character of the immediate area, and would therefore adversely affect the rural character and appearance of the area and the visual attractiveness and scenic beauty of the AONB. An appeal against this refusal of planning permission was subsequently dismissed on 18 January 2019 (reference APP/G1630/W/17/3181889).

7.28 Within this appeal decision, the Inspector acknowledged that the village is characterised by dwellings fronting the highway, set back to varying degrees and generally well-spaced, at least at upper floor level, giving a pleasant sense of spaciousness and openness, a distinctive attribute of this developed part of the AONB. The Inspector acknowledged that those houses to the east of the central village roundabout are well spaced, maintaining that spacious and open character. He noted that those two houses under construction to the east of the site, previously granted planning permission under Ref 16/01422/FUL, were an exception. However, he acknowledged that, as a pair, they are well separated from Ashgrove to the west and the nearest of the other two dwellings of that scheme under construction to the east. The Inspector further recognised that those other two maintain a significant gap at first floor level.

- 7.29 The Inspector considered that the proposed dwelling would cause the development to appear relatively cramped within the width of the plot, as it would occupy a large part of the remaining side garden to Ashgrove at two storey height, and in relatively close proximity to those either side in the context of the existing street scene. The Inspector noted that, importantly, it would also result in an uncharacteristic row of four dwellings in closer proximity to each other than most in the area, particularly at the second storey level. The Inspector concluded that the relatively cramped nature of the development referred to above would therefore be accentuated by such a circumstance and that it would represent a jarring feature of the street scene, despite being broadly aligned with those dwellings either side. For the above reasons, the Inspector concluded that the proposed development would cause unacceptable harm to the character and appearance of the surrounding area, including the AONB.
- 7.30 The currently proposed 2 no. detached dwellings would be located relatively close together by virtue of the proposed attached garages. However, the submitted elevations and section drawings demonstrate that they would be separated generously at first floor level, by a gap of approximately 10.4 metres. There would be a gap of 6.25 metres between the proposed dwelling at Plot 1 and the adjacent dwelling to the west known as Harrington House, and a gap of 3.6m metres between the proposed dwelling at Plot 2 and the adjacent dwelling to the east known as The Willows. By comparison, the dwelling proposed and refused under application reference 17/00484/FUL would have been located 3.6m to the east of the existing dwelling at Ashgrove and a similar distance to the dwelling known as The Willows.
- 7.31 Notwithstanding the above, however, in the context of the existing spacious and open site, the current proposal would result in a relatively cramped form of development. The proposed 2 no. detached dwellings would create a denser appearance than the current character of the site and existing dwelling. By virtue of this, and their location further southwards within the site and in closer proximity of the public highway, it is considered that the proposed dwellings would appear more prominent within the street scene. As such, the proposed redevelopment of the site would fail to conserve the rural character and appearance of the area and the visual attractiveness and scenic beauty of the AONB.

### **Arboricultural implications**

- 7.32 JCS Policy INF3 specifies that existing green infrastructure will be protected in a manner that reflects its contribution to ecosystem services (including biodiversity, landscape/townscape quality, the historic environment, public access, recreation and play) and the connectivity of the green infrastructure network. It further states that development proposals which will have an impact on woodlands, hedges and trees will need to include a justification for why this impact cannot be avoided and should incorporate measures acceptable to the Local Planning Authority to mitigate the loss. Mitigation should be provided on-site or, where this is not possible, in the immediate environs of the site. Emerging Policy NAT3 of the PSTBP requires development to contribute, where appropriate to do so and at a scale commensurate to the proposal, towards the provision, protection and enhancement of the wider green infrastructure network.
- 7.33 The Tree Officer advises that they have no concerns to the proposed scheme which has not changed significantly with regards to the trees since the previous submission. The Tree Officer advises that it is important that the tree protection fencing is installed before any works commence on site to ensure they are protected. The Tree Officer further notes that the proposed tree planting could be improved and the trees to be increased to 8 to 10 cm 250 to 300 overall height from the ground.

7.34 Overall the Tree Officer raises no concerns with the proposed development with regards to any impact on the mature trees at the rear, subject to condition that satisfactory tree protection is put in place, and subject to a condition restricting the removal of any trees/scrub/hedgerows on site between 1<sup>st</sup> March and 31<sup>st</sup> August inclusive in any year, unless otherwise approved in writing by the Local Planning Authority, in order to ensure that the nature conservation interest of the site is protected.

### **Residential amenity**

- 7.35 Paragraph 127 of the NPPF specifies that planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. In this regard, JCS Policy SD4 sets out that new development should enhance comfort, convenience and enjoyment through assessment of the opportunities for light, privacy and external space, and the avoidance or mitigation of potential disturbances, including visual intrusion, noise, smell and pollution. JCS Policy SD14 specifies that new development must cause no unacceptable harm to local amenity including the amenity of neighbouring occupants. Further, emerging Policy RES5 specifies that new housing development proposals should, inter alia, provide an acceptable level of amenity for the future occupiers of the proposed dwelling(s) and cause no unacceptable harm to the amenity of existing dwellings.
- 7.36 The rear elevations of the proposed dwellings would be set back some 12.5 metres from the rear site boundary at the closest point, which is considered sufficient in order to protect the residential amenity of future occupiers of the adjoining dwellings to the north (as permitted under application reference 19/00752/FUL). In addition, any fenestration proposed for installation on the front and rear elevations of the dwellings would not directly overlook adjacent sites to the east or west.
- 7.37 The rear elevation of the proposed dwellings would follow the building line established by the rear elevations of existing adjacent dwellings to the east and west, and it is therefore considered that proposed development would not unreasonably affect the amenity of adjoining occupiers in terms of overshadowing or overbearing impact of the adjacent rear garden areas.
- 7.38 The application proposes the installation of a secondary lounge window within the front projecting element of each dwelling at ground floor level, and a secondary bedroom window at first floor level within this part of each dwelling. In the case of the living room and bedroom windows for the dwelling at Plot 1, these would be set back approximately 8.2 metres from the side boundary shared with the adjacent dwelling known as Harrington House, and in the case of the living room and bedroom windows for the dwelling at Plot 2, these would be set back approximately 8.4 metres from the side boundary shared with the adjacent dwelling known as The Willows. By virtue of these distances, the secondary nature of these windows and the extent of boundary treatments, it is considered that these windows would not unreasonably affect the amenity of adjoining occupiers in terms of loss of privacy.
- 7.39 It is also proposed to install 1 no. ground floor level window on the eastern side elevation of the dwelling at Plot 1 and the western side elevation of the dwelling at Plot 2, each to serve the kitchen. There would be a distance of approximately 10.4m between these two windows. However, the proposed Site Plan does not include details of the proposed boundary treatments between the proposed 2 no. dwellings, and it is recommended that any approval of planning permission is subject to condition for details of the proposed boundary treatments, including scaled elevations and materials, to be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the proposed dwellings, in order to protect the residential amenity of adjoining occupiers in terms of privacy and also in the interests of visual

amenity and to conserve the landscape and scenic beauty of the AONB.

- 7.40 Aside from the first floor level bedroom window, the only other fenestration proposed for installation at first floor level would serve bathrooms, and it is recommended that any approval of planning permission is subject to condition that these 3 no. first floor level bathroom windows on each dwelling shall be constructed so that no part of the framework less than 1.7 metres above finished floor level shall be openable, and that any part of the window below that level shall be fitted with, and retained in, obscure glazing (Pilkington Level 4 or equivalent), in order to protect the residential amenity of adjoining occupiers in terms of privacy. In addition, for the same reason, it is recommended that any approval of planning permission is subject to a restrictive condition pertaining to the formation of any windows or openings, other than those shown on the proposed plans, in either side elevation of either proposed dwelling at any time unless a further planning permission has been granted.
- 7.41 By virtue of the scale and location of the proposed dwellings and associated residential garden areas, it is considered that an acceptable living environment would be provided for future occupiers. The Environmental Health Officer has no adverse comments to make in relation to noise/nuisance nor air quality.

### **Access and highway safety**

- 7.42 Section 9 of the NPPF relates to "Promoting sustainable transport" and, at paragraph 108, specifies that, in assessing specific applications for development, it should be ensured that safe and suitable access to the site can be achieved for all users. Paragraph 109 specifies 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 impacts on the road network would be severe. In this regard, JCS Policy INF1 states that developers should provide safe and accessible connections to the transport network to enable travel choice for residents and commuters. Further, emerging Policy RES5 of the PSTBP specifies that new housing development proposals should, inter alia, 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.
- 7.43 The application site is located on the northern side of the B4077 between Tewkesbury and Stow-on-the-Wold; a class 2 adopted highway, a short distance from where it intersects the B4632 between Cheltenham and Broadway. There are bus stops served by the 606 bus service to Cheltenham within walking distance of the site providing a daily service around peak times. There are also some local services and amenities within walking distance although partially connected by highway verge.
- 7.44 The Highway Authority advises that the recorded collision data has displayed that there have been no recorded personal injury incidents within the past 5 full years in relation to the proposed site access.
- 7.45 The development proposes to create a new vehicular access which would be accessed from a single point off of the B4077. The submitted plan ref: 102 rev 06 demonstrates a shared vehicular bell-mouth access arrangement with a 45 degree driver/pedestrian visibility splay and turning head facility for the proposed two dwellings.
- 7.46 The Highway Authority advises that the submitted plans demonstrate that there is sufficient space to provide adequate width to accommodate the required access arrangement for all.

- 7.47 As the B4077 is subject to a 40 mph speed limit the requirements deemed to satisfy visibility standards require emerging visibility splays of 120m in both directions with a setback of 2.4m. The Highway Authority notes visibility to the left (West) will be measured to the junction/roundabout at approximately 60m.
- 7.48 The Highway Authority further acknowledges that a speed survey was undertaken between 19/09/2015 - 27/09/2015 for planning application reference 15/00537/FUL, and confirms that the speed survey data is a material consideration and accepted as sound as there are no material changes in the highway alignment or design. The results from that survey revealed the 85th percentile wet weather speed. After inputting the information and applying the correct parameters the Highway Authority advise that the required visibility splays will be westbound (Right) 82m and eastbound (Left) 85m.
- 7.49 From a desk top assessment the Highway Authority advises that the required emerging visibility is achievable commensurate with the 85th percentile speed, but note that the applicant would be required to ensure the visibility splays are maintained clear of obstruction and maintained thereafter.
- 7.50 The Highway Authority has undertaken a robust assessment of the planning application. Based on the analysis of the information submitted the Highway Authority concludes that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion. County Highways advise that there are no justifiable grounds on which an objection could be maintained subject to conditions for secure and covered cycle storage facilities to be made available prior to the occupation of the proposed dwellings, in accordance with details to be submitted to and approved in writing by the Local Planning Authority, and for the proposed dwellings to be fitted with an electric vehicle charging point prior to the first occupation of the proposed dwellings and for these to be retained for the lifetime of the development unless they need to be replaced in which case the condition would require the replacement charging point(s) to be of the same specification or a higher specification in terms of charging performance.
- 7.51 The Highway Authority further recommends that any approval of planning permission be subject to condition relating to the provision of suitable visibility splays prior to the proposed vehicular access being brought into use and for the area between those splays and the carriageway to be reduced in level and thereafter maintained so as to provide clear visibility. In addition, the Highway Authority recommends that any approval of planning permission be subject to condition for the vehicular access to be laid out and broadly constructed in accordance with the submitted plan drawing no. 102 rev 06 prior to the occupation of the proposed development, with the area of driveway within at least 5.0m of the carriageway edge of the public road surfaced in bound material, and for this to be drained so that no surface water flows onto the adjoining highway.
- 7.52 The Highway Authority also recommends that any approval of planning permission be subject to condition that the development, including any works of demolition, shall only take place whilst running concurrently in accordance with the submitted Construction Method Statement/Site Management Plan ref: 103 rev 02 and shall be adhered to throughout the construction period.



## **Biodiversity**

- 7.53 The NPPF sets out 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. Policy SD9 of the JCS seeks to protect and, wherever possible enhance biodiversity, including wildlife and habitats. Emerging Policy NAT1 of the emerging PSTBP states that development proposals that will conserve, and where possible restore and/or enhance, biodiversity will be permitted.
- 7.54 The Council's Planning Ecological Advisor advises that their previous responses to application references 20/00385/OUT and 20/00952/DEM are relevant to this application, and that they raise no objection subject to conditions.
- 7.55 As part of their consideration of application reference 20/00385/OUT, the Ecological Advisor reviewed the two Bat Survey Reports and the updated bat survey report (CWS) and acknowledged that, from the initial assessment, the property was assessed as being low potential for roosting bats. Two surveys were conducted and found that the building supported common pipistrelle and natterer day roosts. A third bat survey was undertaken and found no further emergences. The Ecological Advisor commented that they were satisfied with the survey effort and mitigation proposed that would satisfy the three 'favourable' tests. The Ecological Advisor further commented that the site had opportunities for enhancement for bats and, due to the activity around the house, recommended that any approval of planning permission be subject to condition requiring evidence of the installation of the ecological enhancements to be submitted to the Local Planning Authority prior to occupation, including but not limited to the installation of an additional bat box on retained trees or on the new buildings (e.g. Schwegler 1FF for houses and 2FN for trees) and bird boxes to be installed on site on a retained tree or the new buildings, preferably a sparrow terrace nest box.
- 7.56 As part of their consideration of application reference 20/00952/DEM, the Ecological Advisor reviewed the updated bat survey report in addition to the previous bat survey reports submitted with application reference 20/00385/OUT and advised that they were satisfied with the survey effort and the mitigation proposed, thus satisfying the three 'favourable' tests applied by Natural England. The Ecological Advisor again raised no objection subject to any approval of planning permission being subject to the same conditions recommended within their comments for application reference 20/00385/OUT.
- 7.57 The Ecological Advisor raises no objection to the current application subject to any approval of planning permission being subject to conditions for (1) all works to strictly adhere to the mitigation detailed within the three ecology reports (CWS) and the bat mitigation strategy which will form part of the bat licence; (2) a lighting scheme and plan for the development to be submitted to approved by the Local Planning Authority prior to occupation; and (3) evidence of the installation of ecological enhancements to be submitted to the Local Planning Authority prior to occupation, including but not limited to, bat boxes and bird boxes.

## **Drainage and flood risk**

- 7.58 Whilst the proposed development is located within Flood Zone 1 as defined by the most up-to-date Environment Agency flood risk maps, the proposed development would have surface water implications and there is a requirement for the application to demonstrate that the proposed development would not lead to an adverse impact on surface water drainage infrastructure, in accordance with JCS Policy INF2, emerging Policy ENV2 of the PSTBP and the Tewkesbury Borough Council Flood and Water Management Supplementary Planning Document (SPD).

- 7.59 The development proposes the management of surface water by soakaway. The County Sustainable Drainage Engineer considers this to be a suitable solution at that location and raises no objection. He does not consider there is any requirement for any drainage conditions to be applied to any consent granted against this application.
- 7.60 Severn Trent Water considers that, as the proposal would have minimal impact on the public sewerage system, it has no objection to the proposal and does not require a drainage condition to be applied.
- 7.61 Severn Trent Water advises that there may be a public sewer located within the application site. Although its statutory sewer records do not show any public sewers within the area specified, there may be sewers that have been recently adopted under the transfer of sewer regulations 2011. 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 building. Severn Trent Water advises that there is no guarantee that the applicant/developer will be able to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that the applicant/developer will be able to undertake those works on a self-lay basis. Severn Trent Water advises that every approach to build near to or divert its assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider catchment it serves. It is vital therefore that the applicant/developer contact Severn Trent Water at the earliest opportunity to discuss the implications of its assets crossing the site. Failure to do so could significantly affect the costs and timescales of the project if it transpires diversionary works need to be carried out by Severn Trent.

## **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 Toddington is identified as a Service Village within the JCS and the site is located within the Toddington Settlement Boundary as defined by the PSTBP Proposals Map. As the site forms previously developed land and is bordered by residential properties on either side, the development is considered to represent infill. As such, the principle of new housing in this location is considered to be acceptable.
- 8.3 As further detailed above, the applicant has demonstrated that they do not require any further permissions to carry out the demolition of the existing dwelling, and the Conservation Officer advises that there are therefore no further heritage issues to comment on in this case. For these reasons, the principle of the proposed development is judged to be acceptable.
- 8.4 Notwithstanding this, the Council's policies for the supply of housing are currently considered to be out-of-date having regard to paragraph 11 of the NPPF. In these circumstances, the NPPF advises that the presumption should be that planning permission is granted unless (i) the application of policies in the NPPF that protect assets of particular importance provides a clear reason for refusing the development; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. A balancing exercise has been performed to weigh the benefits of the proposal against any adverse impacts.

## **Benefits**

- 8.5 The benefits which would be derived from the development would be a contribution, albeit in a small way, towards providing housing in the Borough. Furthermore, there would be economic benefits both during and post construction through the creation of new jobs and the support to existing local services and the local economy. The economic benefits which would be derived from the development and the potential contribution towards supporting the vitality of services and facilities in nearby settlements would, however, similarly be limited by the scale of the development proposed.
- 8.6 In addition, subject to compliance with the recommended condition requiring evidence of the installation of ecological enhancements to be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the proposed development, the proposal would protect and enhance ecology and biodiversity. Further, subject to compliance with the recommended condition requiring the proposed dwellings to be fitted with electric vehicle charging points prior to their first occupation, and for these to be retained for the lifetime of the development, the proposal would promote sustainable travel and healthy communities. Such benefits would, again, be limited by the scale of the development proposed.

## **Harms**

- 8.7 The proposed 2 no. detached dwellings would be located relatively close together by virtue of the proposed attached garages. However, the submitted elevations and section drawings demonstrate that they would be separated generously at first floor level. They would also be viewed in the context of adjacent built development on all sides. Notwithstanding this, however, in the context of the existing spacious and open site, the current proposal would result in a relatively cramped form of development. The proposed 2 no. detached dwellings would create a denser appearance than the current character of the site and existing dwelling. By virtue of this, and their location further southwards within the site and in closer proximity of the public highway, it is considered that the proposed dwellings would appear more prominent within the street scene. As such, it is judged that the proposed redevelopment of the site would fail to conserve the rural character and appearance of the area and the visual attractiveness and scenic beauty of the Cotswolds AONB.

## **Neutral**

- 8.8 Having regard to the policies of the development plan and the responses of technical consultees, subject to the imposition of suitable planning conditions, there are no objections in respect of impact on residential amenity, traffic and transport, drainage or biodiversity nor arboricultural implications.

## **Conclusion**

- 8.9. In this instance, by virtue of the location of the application site on previously developed land within this service village, in the context of adjacent built development on all sides, and by virtue of the design and materials of the proposed dwellings and the generous spacing between them at first floor level, it is concluded that the impact on the AONB does not result in a clear reason for refusal, subject to any approval of planning permission being subject to a restrictive condition pertaining to the erection or construction on this site of any private car garages, extensions, garden sheds, gates, fences, walls, other means of enclosure or structures of any kind. As such, the tilted balance is applied and engaged in this case.

8.10 Taking into account all of the above, it is considered that any adverse impacts of permitting this application would not significantly or demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. It is therefore recommended that **planning permission be granted, subject to the conditions 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, except where these may be modified by any other conditions attached to this permission:
  - Details within the Construction Management Statement (commissioned by JWS Cotswold Builders Ltd, dated November 2020, reference 19-5663), the Flood Risk Assessment, the Nocturnal Bat Survey Report (commissioned by Cotswold Wildlife Surveys, dated 4<sup>th</sup> May, 4<sup>th</sup> June and 28<sup>th</sup> July 2020), the Tree Report (commissioned by Cotswold Wildlife Surveys, dated June 2020), approved drawing nos. 19-5663 110 Rev 01 (Proposed Ground Floor Plans), 19-5663 111 Rev 01 (Proposed First Floor Plans), 19-5663 119 Rev 01 (Proposed Roof Plans), 19-5663 120 Rev 01 (Proposed Elevations) and 19-5663 130 Rev 01 (Proposed Site Sections), and the sample photos of the stone walling material, the slate roofing material, the Heritage Paving (colour Yorkstone), the Marshalls Driveline Priora Permeable Block Paving and the Marshalls Fairstone Cropped Granite Setts (colour Silver Grey) received by the Local Planning Authority on 8<sup>th</sup> December 2020;
  - Approved drawing nos. 19-5663 100 Rev 04 (Location and Block Plan), 19-5663 102 Rev 06 (Proposed Site Plan) and 19-5663 103 Rev 02 (Site Management Plan) received by the Local Planning Authority on 8<sup>th</sup> January 2021;
  - Details within the application form received by the Local Planning Authority on 25<sup>th</sup> January 2021; and
  - Details within the Demolition Method Statement, received by the Local Planning Authority on 25<sup>th</sup> March 2021.

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

3. The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved details specified in Site Plan - Proposed Drawing No 102 Rev 6 before any development including demolition, site clearance, materials delivery or erection of site buildings, starts on the site. The approved tree protection measures shall remain in place until the completion of development or unless otherwise agreed in writing with the local planning authority. Excavations of any kind, alterations in soil levels, storage of any materials, soil, equipment, fuel, machinery or plant, site compounds, latrines, vehicle parking and delivery areas, fires and any other activities liable to be harmful to trees and hedgerows are prohibited within any area fenced, unless agreed in writing with the local planning authority.

Reason: To ensure adequate protection measures for existing trees/hedgerows to be retained, in the interests of visual amenity and the character and appearance of the area.

4. No removal of trees/scrub/hedgerows shall be carried out on site between 1st March and 31st August inclusive in any year, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that the nature conservation interest of the site is protected

5. All works shall strictly adhere to the mitigation detailed within the Nocturnal Bat Survey Report (commissioned by Cotswold Wildlife Surveys, dated 4<sup>th</sup> May, 4<sup>th</sup> June and 28 July 2020), received by the Local Planning Authority on 8<sup>th</sup> December 2020, and the bat mitigation strategy which will form part of the bat licence.

Reason: In order to protect and enhance ecology and biodiversity.

6. No external lighting shall be installed in connection with the development hereby permitted other than in accordance with details (including specification and location of lighting) that shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to minimise light pollution and in order to protect ecology and biodiversity.

7. Prior to the first occupation of the development hereby permitted, evidence of the installation of the ecological enhancements (to include, but not be limited to, the installation of an additional bat box on a retained tree or on the buildings hereby permitted (e.g. Schwegler 1FF for houses and 2FN for trees) and bird boxes to be installed on site on a retained tree or on the buildings hereby permitted (preferably a sparrow terrace nest box)) shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to protect and enhance ecology and biodiversity.

8. All development shall be carried out in accordance with the approved details of proposed levels, including details of finished floor and ground levels, as shown on approved drawing no. 19-5663 110 Rev 01 (Proposed Ground Floor Plans) received by the Local Planning Authority on 8<sup>th</sup> December 2020 and on approved drawing no. 19-5663 102 Rev 06 (Proposed Site Plan) received by the Local Planning Authority on 8 January 2021.

Reason: In the interests of the character and appearance of the development, wider area and neighbouring amenity.

9. The development hereby permitted shall not be occupied until secure and covered cycle storage facilities for a minimum of 2 no. bicycles per dwelling have 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 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 eastbound (Left) 85m and westbound (Right) 57m to the extent of the achievable visibility to the junction/roundabout (the Y points). The area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between 1.05m and 2.0m at the X point and between 0.26m and 2.0m at the Y point above the adjacent carriageway level.

Reason:- To reduce potential highway impact by ensuring that adequate visibility is provided and maintained and to ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework.

11. The development hereby permitted shall not be first occupied until the proposed dwellings 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. 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.

12. Prior to the occupation of the development hereby permitted, the vehicular access shall be laid out and broadly constructed in accordance with the submitted plan drawing no. 102 rev 06 with the area of driveway within at least 5.0m of the carriageway edge of the public road surfaced in bound material, and shall be drained so that no surface water flows onto the adjoining highway and shall be maintained thereafter.

Reason: To reduce potential highway safety impact by ensuring that a safe and suitable access is laid out and constructed that minimises the conflict between pedestrians, cyclists and vehicles in accordance with paragraph 108 and 110 of the National Planning Policy Framework.

13. The development, including any works of demolition, shall only take place whilst running concurrently in accordance with the approved Construction Method Statement (commissioned by JWS Cotswold Builders Ltd, dated November 2020, reference 19-5663) received by the Local Planning Authority on 8<sup>th</sup> December 2020 and approved drawing no. 19-5663 103 Rev 02 (Site Management Plan) received by the Local Planning Authority on 8<sup>th</sup> January 2021, and shall be adhered to throughout the construction period.

Reason: To reduce the potential impact on the public highway and accommodate the efficient delivery of goods and supplies in accordance paragraph 110 of the National Planning Policy Framework.

14. Notwithstanding the details shown on the approved plans, prior to the commencement of development details of the proposed boundary treatments, including scaled elevations and materials, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the details so approved.

Reason: In order to protect the amenity of adjoining occupiers in terms of privacy, to preserve and enhance the visual amenity of the area, and to conserve the landscape and scenic beauty of the Cotswolds Area of Outstanding Natural Beauty.

15. The 3 no. first floor level bathroom windows to be installed in each dwelling hereby permitted shall be constructed so that no part of the framework less than 1.7 metres above finished floor level shall be openable. Any part of the windows below that level shall be fitted with, and retained in, obscure glazing (Pilkington Level 4 or equivalent).

Reason: In order to protect the amenity of adjoining occupiers in terms of privacy.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no windows or openings, other than those shown on the plans hereby approved, shall be formed at upper floor level in either side elevation of either dwelling at any time unless a further planning permission has been granted.

Reason: In order to protect the amenity of adjoining occupiers in terms of privacy.

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

Reason: To preserve the visual amenity of the area, and to conserve the landscape and scenic beauty of the Cotswolds Area of Outstanding Natural Beauty.

#### **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. Severn Trent Water advises that there may be a public sewer located within the application site. Although its statutory sewer records do not show any public sewers within the area specified, there may be sewers that have been recently adopted under the transfer of sewer regulations 2011. 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 building. Severn Trent Water advises that there is no guarantee that the applicant/developer will be able to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that the applicant/developer will be able to undertake those works on a self-lay basis. Severn Trent Water advises that every approach to build near to or divert its assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider catchment it serves. It is vital therefore that the applicant/developer contact Severn Trent Water at the earliest opportunity to discuss the implications of its assets crossing your site. Failure to do so could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent.
3. The buildings proposed for demolition may be periodically used by bats as roost sites. All species of bats are protected by the Wildlife and Countryside Act 1981. If your building is used by bats you must consult with Natural England before any works, which might affect the roost site, may be carried out. You are advised to have regard to the results and recommendations of the ecological reports submitted with the application; namely the Bat Survey Report (commissioned by Cotswold Wildlife Surveys, and dated 24th October 2019) and the Nocturnal Bat Survey Report (commissioned by Cotswold Wildlife Surveys, and dated 28th July 2020), received by the Local Planning Authority on 7th October 2020.
4. Due to the presence of Cadent and/or National Grid apparatus in proximity to the specified area, the contractor should contact Plant Protection before any works are carried out to ensure the apparatus is not affected by any of the proposed works. The applicant/developer is strongly advised to contact its Asset Protection Team for further detailed assessment; [assetprotection@nationalgrid.com](mailto:assetprotection@nationalgrid.com). The Plant Protection Team requests that you do not commence work or take further action with regards to your proposal until you hear from them.

5. Wales and West Utilities' apparatus is held pursuant to easements and it has other private law rights in relation to the use of the land in the vicinity of its apparatus. Wales & West's private law land rights are not material planning considerations and therefore it makes no comment in relation to those rights and advises that they have no impact on whether or not planning permission should be granted, or whether, if permission is granted, it can lawfully be implemented. Wales & West further notes that its apparatus may be at risk during construction works and, should the planning application be approved, then it requires the promoter of these works to contact Wales and West directly to discuss its requirements in detail. Should diversion works be required, Wales and West advises that these will be fully chargeable. Wales and West further comments that you must not build over any of its plant or enclose its apparatus. The applicant/developer is strongly advised to review the extract from Wales and West Utilities' main records of the area covered by these proposals together with the comprehensive list of 'General Conditions to be observed for the Protection of Apparatus and the Prevention of Disruption to Gas Supplies'. This information is given as a general guide and its accuracy cannot be guaranteed. Service pipes, valves, syphons, stub connections, etc. are not shown but their presence should be anticipated.
6. The development hereby approved includes the carrying out of work on the adopted highway. You are advised that before undertaking work on the adopted highway you must enter into a highway agreement under Section 278 of the Highways Act 1980 with the County Council, which would specify the works and the terms and conditions under which they are to be carried out.

Contact the Highway Authority's Legal Agreements Development Management Team at [highwaylegalagreements@gloucestershire.gov.uk](mailto:highwaylegalagreements@gloucestershire.gov.uk) allowing sufficient time for the preparation and signing of the Agreement. You will be required to pay fees to cover the Councils costs in undertaking the following actions:

- Drafting the Agreement
- A Monitoring Fee
- Approving the highway details
- Inspecting the highway works

Planning permission is not permission to work in the highway. A Highway Agreement under Section 278 of the Highways Act 1980 must be completed, the bond secured and the Highway Authority's technical approval and inspection fees paid before any drawings will be considered and approved.

7. A fee is payable where written confirmation is required that one or more conditions imposed on this permission have been complied with. The fee is currently £116 per request. The fee must be paid when the request is made.