

TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

Committee:	Planning
Date:	22 June 2021
Site Location:	Land At The Butts Shutter Lane Gotherington Cheltenham Gloucestershire GL52 9EZ
Application No:	20/01177/FUL
Ward:	Cleeve Hill
Parish:	Gotherington
Proposal:	Erection of 2 no. dwellings and provision of associated vehicular driveway, parking and turning areas and landscaping
Report by:	Emma Dee
Appendices:	Site Location Plan Comparison of red line area between Location Plan approved under application reference 20/00202/PIP and proposed plan. Site Layout Plans. Plot 01 Elevations. Plot 01 Floor Plans. Plot 02 Elevations. Plot 02 Floor Plans. Drainage Strategy. Gotherington Neighbourhood Development Plan Proposals Map. Pre-Submission Version of the Tewkesbury Borough Plan 2011-2031 Gotherington Settlement Boundary. Arboricultural Impact Assessment and Tree Protection Plan.
Recommendation:	Permit

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site is located off a long narrow drive leading from Shutter lane. The application site comprises an open parcel of land immediately to the south of the dwelling known as The Butts and covers an area of approximately 0.28 hectares. The application site also includes the existing private street serving the dwellings known as The Butts and Mayflower, from Shutter Lane to the north. The southern site boundary backs onto Long Furlong. The eastern site boundary lies immediately adjacent to residential development and the western site boundary backs onto open fields. A number of Public Rights of Way (PROWs) are located in close proximity of the site, including footpaths along the site's western and southern boundaries.

- 1.2 The application site is located within 50m of a grade II listed building known as the Homestead, Long Furlong. The application site is located within Flood Zone 1 (low probability) as defined by the most up-to-date Environment Agency flood risk maps, and is not subject to any landscape designations, although is in close proximity of land designated as a Special Landscape Area. Land immediately to the west of the application site and to the south on the opposite side of Long Furlong are identified as Strategic Gaps on the Pre-Submission version of the Tewkesbury Borough Plan 2011-2031 (PSTBP) Proposals Map.
- 1.3 Permission in Principle was granted on 2nd April 2020 for the erection of 2 no. infill dwellings on the application site (reference 20/00202/PIP). This was the first stage of the process and solely sought to establish whether the site was suitable in principle for the erection of 2 no. dwellings.
- 1.4 The current application is submitted as a full application rather than an application for technical details consent because of some changes to the red line on the Site Location Plan (relating to a slight enlargement to accommodate an adjustment to the driveway to deal with the root protection area of a tree) (**see comparison of red line area between approved plan and proposed plan**). The proposal is for 2 no. detached 5-bed dwellings. The principal element of each dwelling would be approximately 17.5m wide (excluding a chimney breast) and 10.1 metres deep, measuring 9.15 metres in height to ridge at the highest point, and designed with reconstituted facing stonework (Cotswold), with reconstituted buff coloured headers and cills, and reconstituted diminishing course stone tiles (Cotswold). Each dwelling would also include a 1 and a half storey element projecting from the front elevation towards its eastern side (measuring 6.2 metres by 6.4 metres, and 6.6 metres in height to ridge), comprising a double garage at ground floor level and an office above at first floor level. This element of the proposed dwellings would be timber clad designed with 2 no. garage doors on the west elevation at ground floor level and 2 no. dormer windows on the west elevation roofslope and 2 no. rooflights on the east elevation roofslope. It would be connected to the principal dwelling by a single storey element comprising a utility room.
- 1.5 The application also proposes the provision of associated vehicular driveway, parking and turning areas. The private access drive and turning area would be surfaced in tarmac, and the proposed parking area for each dwelling (providing parking for 3 no. vehicles) and access/footpaths would be surfaced in block pavements.

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
16/01075/FUL	The Construction of 2 No. 4 bed dwellings [Red Roofs, Shutter Lane, Gotherington]	PERMIT	14.02.2017
20/00202/PIP	Erection of 2No. infill dwellings [Land at The Butts, Shutter Lane, Gotherington]	PERMIT	02.04.2020

3.0 RELEVANT POLICY

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

National guidance

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

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

Policies: SP2 (Distribution of New Development), SD4 (Design Requirements), SD6 (Landscape), 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)

There are no saved policies within the Tewkesbury Borough Local Plan to 2011 which are considered relevant to the development proposed within this application.

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

Emerging policies: RES2 (Settlement Boundaries), RES5 (New Housing Development), RES13 (Housing Mix), DES1 (Housing Space Standards), HER2 (Listed Buildings), NAT1 (Biodiversity, Geodiversity and Important Natural Features), NAT3 (Green Infrastructure: Building with Nature), ENV2 (Flood Risk and Water Management), TRAC1 (Pedestrian Accessibility) and TRAC9 (Parking Provision).

Gotherington Neighbourhood Development Plan 2011- 2031 (September 2017)

Policies: GNDP01 (New Housing Development within Gotherington Service Village), GNDP04 (Securing a Suitable Mix of House Types and Sizes in New Development), GNDP07 (Gotherington Design Principles), GNDP09 (Protecting and Enhancing the Local Landscape) and GNDP12 (Biodiversity).

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

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

4.0 CONSULTATIONS

4.1 **Gotherington Parish Council** - objects to the removal of a footpath which they advise should be retained with a 3 metre width. The Parish Council also raises concern about the very narrow access road and sharp corner for the manoeuvre of construction traffic.

4.1.1 In response to the Parish Council's comments, the applicant has commented as follows -

"The plans clearly illustrate the protection of the PROW (it is not proposed to be removed) - 2m is normally perfectly adequate and most of it is much wider than this. Indeed, the 'official' PROW on the site at the moment is no wider than that illustrated on the submitted plan - see the site location plan. The County Council also doesn't have any objections regarding this matter or with regard to highway safety."

- 4.1.2 The Parish Council subsequently advised that it upheld their objection to the removal of the footpath, noting that this had not been discussed in Gloucestershire County Council's response, and that it sought to retain the integrity of public footpath AGO12 which crosses the development site on its western boundary. The Parish Council acknowledges that the wooden building at present sited on the legal line and thus obstructing it should be removed in order to leave a clear 3m wide footway from the site entrance gate from Shutter Lane to the handgate at the southern end where the path emerges onto Long Furlong, noting that, as far as they are aware, this footpath is not legally closed. In addition, the Parish Council requests that the owner of the hedge on the western boundary of the site cut the hedgerow back where it intrudes into the legal width of the path. The Parish Council assumes that the path would be unfenced on its eastern boundary, thus retaining its rural aspect.
- 4.2 **County Highways** – No objection subject to conditions.
- 4.3 **Public Rights of Way (PROW) Officer** – Comments that the public footpath that runs through this proposed site (AGO12) should not be built over or obstructed, and notes that the applicant may wish to temporarily close this footpath if construction is given permission to go ahead. They would not like to see this path lost. Happy the PROW is being retained on the same definitive line, but advises the applicant may need to apply for a temporary closure during construction.
- 4.4 **Environmental Health Officer** – No objection in terms of road traffic noise adversely impacting future residents.
- 4.5 **Conservation Officer** – No objection.
- 4.6 **Urban Design Officer** - No objection.
- 4.7 **Planning Ecological Adviser** – No objection subject to conditions.
- 4.8 **Tree Officer** – No objection subject to conditions.
- 4.9 **Severn Trent Water** - No objection.
- 4.10 **Sustainable Drainage Engineer** – No objection.
- 4.11 **Building Control Officer** – The application will require Building Regulations approval.

5.0 PUBLICITY AND REPRESENTATIONS

- 5.1. The application has been publicised through the posting of 3 site notices and a press notice and 1 letter of representation has been received within the statutory consultation period or since. The main points raised relate to:
- Concern raised that an important PROW will be lost if this development goes ahead.

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 (NDPs). Tewkesbury Borough Council brought the Gotherington NDP into legal force, under Section 38A(4) of the Planning and Compulsory Purchase Act 2004, on the 19th September 2017.
- 6.3. The Pre-Submission Tewkesbury Borough Plan (PSTBP) was subject to an Examination in Public in February/March 2021. On the basis of the stage of preparation it has reached it is considered that policies within the plan can be afforded at least moderate weight. However, the weight to be attributed to individual policies will be subject to the extent to which there are unresolved objections (the less significant the unresolved objections, the greater the weight that may be given) and their degree of consistency with the NPPF (the closer the policies to those in the NPPF the greater the weight that may be given).
- 6.4. The relevant policies are set out in the appropriate sections of this report.

7.0 ANALYSIS

Principle of development

- 7.1 As detailed above, Permission in Principle was granted on 2nd April 2020 for the erection of 2 no. dwellings on the application site (reference 20/00202/PIP), under which it was established that the site was suitable in principle for the erection of 2 no. dwellings.
- 7.2 Gotherington is defined within the JCS as a Service Village. Criterion 3 of JCS Policy SD10 specifies that, on sites that are not allocated, housing development 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.
- 7.3 The application site, however, is an open field and does not comprise previously developed land. As such the proposal fails to comply with criterion 3 of JCS Policy SD10.
- 7.4 Criterion 4 of JCS Policy SD10 goes on to specify that housing development on other sites will only be permitted where:
- i. It is for affordable housing on a rural exception site in accordance with Policy SD12, or
 - ii. It is infilling within the existing built up areas of the City of Gloucester, the Principal Urban Area of Cheltenham or Tewkesbury Borough's towns and villages except where otherwise restricted by policies within district plans, or
 - iii. It is brought forward through Community Right to Build Orders, or
 - iv. There are other specific exceptions/circumstances defined in district or neighbourhood plans.
- 7.5 The proposed development is not for affordable housing on a rural exception site in accordance with JCS Policy SD12, and it is not brought forward through Community Right to Build Orders. As such it does not comply with Criteria 4 (i) or (iii) of JCS Policy SD10.
- 7.6 Criterion 4 (ii) of JCS Policy SD10 sets out that housing development on other sites will be permitted where it would represent infilling within the existing built up areas of Tewkesbury Borough's towns and villages, except where otherwise restricted by policies within district plans.

- 7.7 The JCS defines “infilling” as the development of an under-developed plot well related to existing built development. By virtue of the location of the site, with built development to the north, east and south, it is considered that the proposal would comprise the development of an under-developed plot well related to existing built development and would therefore represent infilling within the existing built-up area of a village, in accordance with criterion 4 (ii) of JCS Policy SD10.
- 7.8 The principle of the proposed development is therefore considered to be acceptable as this would be consistent with the spatial strategy of the development plan, as set out within policies SP2 and SD10 of the JCS.

Gotherington NDP 2011 – 2031 (September 2017)

- 7.9 Policy GNDP01 of the Gotherington NDP specifies that, within the settlement boundary of Gotherington village, small infill housing development will be supported within existing built-up frontages when it is consistent with the scale and proportion of existing houses and gardens in the adjacent area. The application will be assessed against Policy GNDP01 of the Gotherington NDP and all other relevant NDP policies within the relevant sub-sections of this report.

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

- 7.10 The PSTBP was subject to an Examination in Public in February/March 2021. On the basis of the stage of preparation it has reached it is considered that policies within 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).
- 7.11 The PSTBP acknowledges that the JCS identifies a settlement hierarchy as the basis for the strategy for delivering growth targets, derived from the objectively assessed need for housing, in the most sustainable manner possible. The application site is not identified as a Housing Site Allocation within the PSTBP, but it is located within the Settlement Boundary of Gotherington as defined on the PSTBP Proposals Map. Emerging Policy RES2 of the PSTBP specifies that, within the defined settlement boundaries of the Tewkesbury Town Area, 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, and subject to compliance with the relevant criteria set out at Policy RES5 of the PSTBP. The proposed development will be assessed against such policy within the relevant sub-sections of this report.

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

- 7.12 As set out above, Gotherington is defined within the JCS as a service village, and the application site is located within the Gotherington settlement boundary as defined within the NDP and PSTBP Proposals Maps. It is considered that the site is well related to the existing settlement of Gotherington and development on the site would not be deemed isolated in the context of the NPPF. Moreover, Gotherington contains a good level of services and facilities, including a primary school, a village hall, shop, post office and public house. It is considered that the scale of development is proportionate to the size and function of Gotherington and would maintain sustainable patterns of development.

- 7.13 Notwithstanding this, however, it is also currently the case that the council cannot demonstrate a 5-year supply of deliverable housing sites. 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 sites, paragraph 11d of the NPPF is engaged. The presumption is therefore that permission should be granted unless policies for protecting assets of particular importance provide 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.
- 7.14 In a recent appeal decision at Ashmead Drive, Gotherington, the Inspector concluded that the Council can demonstrate a 1.82 year supply. This is principally because the Council includes advanced delivery (or 'oversupply') against annual housing requirements in its five-year supply calculations. The Council's firm view is that, in 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's firm position is that it can demonstrate a 4.35 year supply at this time and that there are robust grounds for a successful challenge of this appeal decision. On that basis proceedings have now been issued in the High Court. Members will be aware that appeal decisions are not binding precedents. Officers are aware that other Inspectors have taken a different approach to previous over supply.

Design and impact on Visual Amenity

- 7.15 The NPPF sets out that the Government attaches great importance to the design of the built environment and, at paragraph 127, specifies that planning policies and decisions should ensure that developments, inter alia: will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities). JCS Policy SD4 advises that new development should respond positively to, and respect the character of, the site and its surroundings, enhancing local distinctiveness, and addressing the urban structure and grain of the locality in terms of street pattern, layout, mass and form. It should be of a scale, type, density and materials appropriate to the site and its setting.
- 7.16 Emerging policy RES5 of the PSTBP specifies that 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; 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; and incorporate into the development any natural or built features on the site that are worthy of retention.
- 7.17 As detailed above, Policy GNDP01 of the Gotherington NDP specifies that, within the settlement boundary of the Gotherington village, small infill housing will be supported within existing built-up frontages when it is consistent with the scale and proportion of existing houses and gardens in the adjacent area.

- 7.18 The proposed 2 no. dwellings would be consistent with the scale and proportion of existing housing and gardens in the adjacent area, particularly the existing adjacent dwelling to the east known as Waterdale. The Urban Design Officer raises no objection to the proposed development. Overall, it is considered that the design of the proposed development would be sympathetic in scale, form and materials to adjacent dwellings and would not result in a cramped or incongruous form of development. It is judged that the proposal would respect the character and appearance of the area subject to any approval of planning permission being subject to condition for details of the existing and proposed levels across the site and relative to adjoining land, together with the finished floor levels of the proposed dwellings, to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. In addition, it is recommended that any approval of planning permission is subject to conditions requiring details of all walls, fences and other means of enclosure, and a sample of all roofing and external walling materials to be used, to be submitted to and approved in writing by the Local Planning Authority prior to their construction, in order to protect the visual amenity of the area.
- 7.19 It is further recommended that any approval of planning permission is subject to a restrictive condition pertaining to any development as specified in Classes A, B, C, D and E of Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification), in order to enable the Local Planning Authority to control the development and to safeguard the character and visual amenities of the area, and to ensure that adequate private open space is retained within the curtilage of each dwelling.

Landscape impact

- 7.20 The NPPF sets out at paragraph 170 that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside. JCS Policy SD6 states that development will seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being. Proposals will have regard to local distinctiveness and historic character of different landscapes and proposals are required to demonstrate how the development will protect landscape character and avoid detrimental effects on types, patterns and features which make a significant contribution to the character, history and setting of a settlement area.
- 7.21 Policy GNPD09 of the Gotherington NDP specifies that, to protect and enhance the landscape of the Gotherington NDP area, where appropriate, development proposals will have to demonstrate that:
- A) They would not have a detrimental impact on the views to and from surrounding hills (e.g. Crane Hill, Nottingham Hill, Prescott Hill and Cleeve Hill), or the Area of Outstanding Natural Beauty, and views of the Vale of Gloucester;
 - B) They preserve and enhance areas of woodland, hedgerows, mature trees, and the differing types of field patterns found across the area;
 - C) The sense of enclosure found in Gotherington village is maintained and the strong separation of Gotherington village from Bishop's Cleeve, Woolstone and the A435 is maintained;
 - D) Archaeological features in the landscape including ancient field systems are not disturbed or are appropriately considered in relation to their significance; and
 - E) Existing settlement patterns are preserved, including the strong east-west form of Gotherington, particularly by avoiding: encroachment in to open countryside, ridgeline development, or development that intrudes into the foreground of surrounding features such as hills, and the Area of Outstanding Natural Beauty.

7.22 The application site is not subject to any landscape designations, but it is clear that the proposed development would introduce built development into a currently open parcel of land. There would be clear views into the site from the adjacent highway and the network of PROWs in the vicinity of the site, although it is acknowledged that the application site is located within the settlement boundary of Gotherington as defined within the NDP and the PSTBP, and the proposed dwellings would largely be viewed in the context of existing surrounding built development. It would be positioned immediately adjacent to existing residential development and would not extend westward into the countryside to any greater extent than the adjoining development to the north. In addition, the western site boundary is well defined by dense vegetation and there is fencing and some vegetation along the southern boundary adjacent to Long Furlong, all of which provides some extent of screening. It is therefore considered that the encroachment into the countryside would be limited. Notwithstanding this, the limited degree of harm does weigh against the proposal in the overall planning balance.

Arboricultural Impact

- 7.23 With regards to trees, the application is supported by an Arboricultural Survey, Impact Assessment and Protection Plan (commissioned by MHP Arboricultural Consultants and dated 25th November 2020), which found that generally the trees on site are of poor quality, aside from an English Oak (T12) and Common Ash (T14). The Arboricultural Survey, Impact Assessment and Protection Plan confirms that, following arboricultural input into the design process, the layout of the proposal was amended so that most of the trees on the site could be retained. In particular, it advises that the best tree on the site, the English oak (T12) would be retained with no incursion into its Root Protection Area (RPA). The Arboricultural Survey, Impact Assessment and Protection Plan confirms that some tree removals will be necessary, notably the removal of low-quality pear tree (T13), the southern section of a large and outsized Leyland cypress screen (G2) and some smaller, ornamental garden-sized specimens, including T8. It also advises that many of the ash trees at the site are infected by ash dieback disease, which means that they have very little capacity to enhance the site in the context of the proposed land use (see Arboricultural Impact Assessment and Tree Protection Plan). The Arboricultural Survey, Impact Assessment and Protection Plan further anticipates that a suitable scheme of landscaping for the site can be required by means of a suitably worded planning condition, to ensure that the developed site makes provision for new tree planting.
- 7.24 JCS Policy INF3 provides that existing green infrastructure, including trees should be protected. Developments that impact woodlands, hedges and trees should be justified and include acceptable measures to mitigate any loss. Emerging Policy NAT1 of the PSTBP provides that development likely to result in the loss, deterioration or harm to features of environmental quality will not be permitted unless the need/benefits for development outweigh the impact, the development cannot be located on a site with less harmful impacts and measures can avoid, mitigate or, as a last resort, compensate for the adverse effects. The explanatory paragraphs clarify that this policy automatically applies to trees protected by a preservation order or located within a conservation area. Other non-protected landscape features (including trees, woodlands and hedgerows) will be subject to this policy if they are of sufficient value to warrant their protection.

- 7.25 The Tree Officer raises no objection to the proposed tree removal and tree works as outlined in the submitted Arboricultural Survey, Impact Assessment and Protection Plan subject to conditions requiring full details of proposed tree/hedgerow planting to be submitted to and approved in writing by the Local Planning Authority before the first use/occupation of the proposed development and for all planting to be carried out in accordance with the approved details in the first planting season following the completion or first occupation/use of the development, whichever is the sooner. The condition would require the planting to be maintained in accordance with the approved schedule of maintenance, and for 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 to be replaced in the next planting season with others of similar size and species.
- 7.26 In addition, the Tree Officer recommends that any approval of planning permission be subject to condition to secure tree protection measures.

Impact on Heritage Assets

- 7.27 The nearest Heritage Asset is 'The Homestead'; a Grade II Listed building. Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to have special regard to the desirability of preserving a listed building or its setting. In this regard, Section 16 of the NPPF, JCS Policy SD8 and emerging Policy HER2 of the PSTBP are also relevant.
- 7.28 The Conservation Officer has been consulted on the application and acknowledges that The Homestead is located some distance to the east and generally screened by intervening development. As such, whilst the Conservation Officer considers that the attempt to follow a Cotswold Vernacular style within the new building designs are let down by a number of inappropriate details such as externally expressed chimneys and kneelers on the gables, there is no heritage policy reason to refuse in this case. The Conservation Officer considers that this proposal would not have an adverse impact upon the setting of the Listed Building and raises no objection to the application.

Impact on Amenity of Existing and Future Occupiers

- 7.29 Paragraph 127 of the NPPF states that planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible which promote health and well-being, with a high standard of amenity for existing and future users. JCS policies SD4 and SD14 require development to enhance comfort, convenience and enjoyment through assessment of the opportunities for light, privacy and external space. Development should have no detrimental impact on the amenity of existing or new residents or occupants. Emerging Policy RES5 of the PSTBP states that proposals for new housing development should, inter alia, provide an acceptable level of amenity for the future occupiers of the proposed dwellings and cause no unacceptable harm to the amenity of existing dwellings.
- 7.30 The Environmental Health Officer raises no objection in terms of road traffic noise adversely impacting future residents.

- 7.31 The nearest residential development to the north of the application site is the dwelling known as The Butts, which would be some 36.5 metres from the proposed dwellings at the closest point. The residential garden area associated with The Butts would be approximately 5.7 metres from the proposed dwellings at the closest point, although it would be the one and a storey element of the proposed dwelling at Plot 2 which would be in closest proximity of this adjacent garden area. No upper floor level fenestration is proposed for installation within the northern elevation of this part of the proposed dwelling. By virtue of this, and the scale and form of the proposed dwelling and its proximity to residential development to the north, it is considered that there would be no significant adverse effect on existing or future adjoining occupiers here in terms of overshadowing, overbearing impact or loss of privacy.
- 7.32 The nearest residential development to the south of the application site are the dwellings known as Gothic House and Long Furlong Cottage, located at least 29 metres away on the opposite side of Long Furlong. By virtue of the scale and form of the proposed dwellings and their proximity to residential development to the south, it is considered that there would be no significant adverse effect on existing or future adjoining occupiers here in terms of overshadowing, overbearing impact or loss of privacy.
- 7.33 The nearest residential development to the east of the application site is the detached dwelling known as Waterdale; one of the two dwellings approved under application reference 16/01075/FUL. Waterdale is located approximately 4.3 metres from the eastern boundary of the application site, and its southern elevation would project approximately 9 metres beyond the rear (southern) elevation of the proposed dwelling at Plot 2. There would be a separation distance of approximately 9 metres beyond the principal two storey elements of each dwelling. By virtue of this, the orientation of the dwellings and the generous extent of rear garden area which would be afforded to any future occupiers of the proposed dwelling at Plot 2, it is considered that there would be no significant adverse effect on future occupiers in terms of overshadowing or overbearing impact.
- 7.34 The plans approved under application reference 16/01075/FUL, for the construction of 2 No. 4 bed dwellings at Red Roofs, Shutter Lane, showed that the only upper floor level fenestration on the western side elevation of the dwelling at Plot 2 (now known as Waterdale) would be a window serving an en-suite bathroom and a rooflight serving an office. Neither of these appear to be obscurely glazed. The plans do not specify that this fenestration is obscurely glazed, and no condition was attached for this fenestration to be obscurely glazed and fixed. The rooflight would face onto the eastern side elevation of the proposed dwelling at Plot 2 (with a separation distance of some 10.5 metres), within which it was originally proposed to install 2 no. first floor level windows; one serving the master bedroom and the other serving its en-suite bathroom. Further to negotiations, revised plans have been submitted to remove this originally proposed master bedroom window on the eastern side elevation of the proposed dwelling at Plot 2. This side elevation bedroom window would have been secondary to the fenestration proposed for installation on the rear elevation and as such its removal would not adversely affect the residential amenity of any future occupiers of the proposed dwelling.

- 7.35 Concern was also raised regarding the proposed installation of the other first floor level window and 2 no. rooflights on the eastern side elevation of the proposed dwelling at Plot 2 (serving an en-suite bathroom and home office respectively), the first floor level window on the western side elevation of the proposed dwelling at Plot 2 (serving an en-suite bathroom), and the first floor level window and 2 no. rooflights on the eastern side elevation of the proposed dwelling at Plot 1 (serving an en-suite bathroom and home office respectively), as there would be direct overlooking from some of these windows/rooflights into adjacent fenestration or garden areas. Further to negotiations, revised plans have been submitted annotated to show these windows/rooflights as obscurely glazed and non-opening below 1.7m. It is recommended that any approval of planning permission is subject to condition for these windows/rooflights to be constructed so that no part of the framework less than 1.7m above finished floor level shall be openable, and that any part below that level shall be fitted with, and retained in, obscure glazing, in order to protect the amenity of existing and future occupiers in terms of privacy.
- 7.36 For the same reason it is also recommended that any approval of planning permission is subject to a restrictive condition pertaining to the installation of any upper floor level windows, roof lights or openings, other than those shown on the proposed plans, in the eastern side elevation of the proposed dwelling at Plot 1, either side elevation of the proposed dwelling at Plot 2 or the northern elevation of the timber clad element comprising the home office of the proposed dwelling at Plot 2.
- 7.37 Further, as detailed above, it is also recommended that any approval of planning permission is subject to condition for details of all walls, fences and other means of enclosure to be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the proposed dwellings, in order to provide adequate privacy for existing and future occupiers.
- 7.38 Notwithstanding this, as detailed above, the first floor level window in the western side elevation of the adjacent dwelling known as Waterdale would directly overlook the rear garden area of the proposed dwelling at Plot 2, and would be only 4.3 metres from this shared boundary. Whilst the approved plans for application reference 16/01075/FUL showed that this window would serve an en-suite bathroom (which is an example of a non-habitable room), the approved plans do not specify that this fenestration is obscurely glazed, and no condition was attached to the approval of reference 16/01075/FUL for this fenestration to be constructed obscurely glazed and fixed. This window does not appear to be obscurely glazed and as such this would afford occupiers direct views into the residential garden area of the proposed dwelling at Plot 2.
- 7.39 The applicant's agent makes the case that this is a situation that any future purchasers of the proposed dwelling at Plot 2 would knowingly buy into, and that the planning application would not be forcing it on pre-existing occupiers. The applicant's agent therefore suggests that this is not an adverse impact that would significantly and demonstrably outweigh the benefits associated with 2 no. dwellings inside the development boundary. Whilst this may be a case of 'buyer beware' for any potential purchasers of the proposed dwelling at Plot 2, the overlooking from this adjacent first floor level window at Waterdale would, nevertheless, result in direct overlooking to this residential garden area and this weighs against the proposal in the overall planning balance.

Access and highway safety

- 7.40 The proposed dwellings would be accessed via an existing private street to the south of the western extent of Shutter Lane, which currently serves two residential dwellings known as The Butts and Mayflower. The private street is unlit and single-way working, has a bound surface and is between 2.3m and 3.3m wide with an informal passing place at the Mayflower dwelling access. The private street also forms part of the PROW network, with Gotherington Footpath 12 along its full extent and along the application site's western boundary. Immediately prior to the private street, Shutter Lane is two-way working with an informal passing place and, at its western extent, currently serves a field gate access. The application is supported by a Technical Note (commissioned by Cotswold Transport Planning and dated November 2020), which advises that the private street cannot be widened due to the presence of existing dwelling boundaries and hedgerow along the undeveloped land boundary to the west.
- 7.41 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. JCS Policy INF1 states that developers should provide safe and accessible connections to the transport network to enable travel choice for residents and commuters. Emerging Policy RES5 of the PSTBP states that proposals for new housing development 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. Emerging Policy TRAC9 of the PSTBP states that proposals need to make provision for appropriate parking and access arrangements.
- 7.42 Gloucestershire County Council, the Highway Authority, has been consulted on the application and acknowledges the Permission in Principle consent (reference 20/00202/PIP). As the proposed development would increase pedestrian and vehicular movements along the private road and public highway (Shutter Lane), the Highway Authority advised that it needed to be satisfied that a refuse vehicle could access, turn and egress without conflict. To satisfy highway safety concerns, the applicant's agent was asked to provide swept path analysis to show that the expected type of refuse vehicle can enter from the public highway and turn into the private road and turn within the turning head and leave in a forward gear with no conflict.
- 7.43 In response, the applicant's agent referred to the submitted Technical Note, which states that refuse collection for the existing dwellings on the private street are served off Shutter Lane, with the occupiers taking their bins to Shutter Lane, and that the proposed dwellings would be served as per the existing arrangement for dwellings located on the private street. The applicant's agent advised that the refuse vehicle turns into Shutter Lane from Malleson Road, and then reverses along the western spur off the main section of Shutter Lane, down towards the application site (or drives in and reverses back) and that, whilst this is not ideal, the proposal would not make a material difference to highway safety as the movement is already occurring. The applicant's agent advised that the public refuse vehicle will not enter the private drive serving the site and therefore refuse collection will take place in the same way as it does for all dwellings on this section of Shutter Lane, i.e. the bins will be left at the end of the private driveway on collection day (as they are for the existing dwellings), noting that there is plenty of room at the end of Shutter Lane to accommodate the bins on collection day.
- 7.44 The Highway Authority has been consulted and concludes that there would not be an unacceptable impact on highway safety of a severe impact on congestion, and that there are no justifiable grounds on which an objection could be maintained. The Highway Authority therefore raises no objection subject to conditions.

- 7.45 In terms of the PROW, the submitted Site Layout plans are annotated to show room provided for its retention. In addition, the submitted Planning Statement confirms that provision has been made to ensure that the PROWs bordering the site remain unaffected by the proposed development. The applicant's agent has confirmed in writing that the existing outbuilding within the application site currently sited on the PROW will be removed, and a revised Site Layout plan has been submitted to show this existing stable building as being removed. It is recommended that any approval of planning permission is subject to condition to secure this building's removal prior to the construction of the proposed development.
- 7.46 It is also noted that a gate appears to have been constructed along the private lane at the vehicular access into The Butts, which forms part of this PROW. The applicant's agent has been notified about this, and advises that, whilst this has nothing to do with the current application, the owner should not obstruct a PROW and that they will investigate what has happened here.

Biodiversity

- 7.47 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.
- 7.48 Emerging Policy NAT1 of the PSTBP states that development proposals that will conserve, and where possible restore and/or enhance, biodiversity will be permitted. In addition, as set out above, JCS Policy INF3 specifies that existing green infrastructure will be protected in a manner that reflects its contribution to ecosystem services including, inter alia, biodiversity.
- 7.49 Policy GNPD12 of the Gotherington NDP specifies that development that is likely to have either a direct or indirect adverse impact upon areas of local biodiversity should be avoided and that, where this is not possible, adequate mitigation should be proposed or, as a last resort, compensation should be provided at a suitable location within the Parish. It states that the protection and enhancement of biodiversity by enhancing or creating new wildlife corridors and stepping stones, including hedgerows, ditches, strips of tree planting, green open spaces with trees and grass verges to roads, both within and adjacent to the borders of Gotherington parish will be supported.
- 7.50 The Council's Ecological Advisor has reviewed the submitted ecology report, acknowledging that this details that the structures on site hold negligible potential for roosting bats and that no further surveys are required. The Ecological Advisor notes that the site does not hold benefit for reptiles and amphibians, though there are some areas suitable for nesting birds. Whilst the Ecological Advisor would normally require a desk study to be carried out, based on the habitats on site and the small scale of the development, they advise that they are satisfied that this will not be needed for this application.
- 7.51 The Ecological Advisor acknowledges that ecological enhancements have been recommended and are welcomed, and recommends that any approval of planning permission is subject to condition for evidence of the ecological enhancements to be submitted to and approved in writing by the Local Planning Authority prior to occupation, to include but not be limited to bird and bat boxes, native planting and permeability of the boundaries to prevent habitat fragmentation for wildlife.

- 7.52 The Ecological Advisor recommends that any approval of planning permission is subject to condition for all mitigation detailed within the ecological appraisal (AAe, October 2020) to be strictly adhered to throughout the works, to include sensitive timings for site clearance in relation to nesting birds, awareness of the risks and protocol if any roosting bats are found, maintaining the onsite habitat in order to retain the unsuitability for reptiles and amphibians and installing a ramp into any trenches created to allow means of escape for animals that may fall in.
- 7.53 In addition, the Ecological Advisor recommends that any approval of planning permission is subject to condition for a lighting strategy scheme to be submitted to and approved in writing by the Local Planning Authority detailing location and specification of the lighting supported by contouring plans demonstrating any light spill into adjacent habitats. The Ecological Advisor comments that this plan should be completed in conjunction with advice from the project ecologist and submitted prior to occupation.

Drainage and flood risk

- 7.54 The application site is located within flood zone 1 as defined by the most up-to-date environment agency flood risk maps. However, the proposal would have surface water implications. In this respect Policy INF2 of the JCS, Policy ENV2 of the PSTBP and the Tewkesbury Borough Council Flood and Water Management Supplementary Planning Document (SPD) are relevant.
- 7.55 The application is supported by a Water Management Strategy, which notes that an intrusive ground investigation undertaken on the adjacent site proved infiltration methods of storm water disposal are acceptable with an anticipated percolation rate of 1.688×10^{-6} m/hr. It advises that, as the underlying ground conditions are suitable for infiltration methods of storm water disposal, albeit at a relatively slow rate, it is proposed to utilise a mixture of permeable surfaces (loose gravel and permeable block paving) to allow the surface water run-off from the driveways and roofs to infiltrate into the underlying strata. It confirms that the roof water would be captured and discharged into the sub-base of the driveway construction via proprietary diffuser units. The Water Management Statement further details that it is proposed to utilise rainwater harvesting and capture in the form of individual rainwater butts to the properties, and that the butts would be fitted with an overflow system to the piped system and on into the permeable paving systems for infiltration.
- 7.56 The Gloucestershire County Council Sustainable Drainage Engineer has been consulted and considers the Water Management Statement supporting this application defines and justifies a suitable drainage strategy for the proposed development. The Sustainable Drainage Engineer raises no objection to the proposal and considers that the statement is detailed enough that there will be no benefit from applying drainage conditions to a consent granted against this application.
- 7.57 The submitted Water Management Strategy further confirms that foul water disposal from the proposed new development would be to the existing public foul sewer that runs along the eastern boundary of the site. Severn Trent Water further comments 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.

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 The application site is located within the settlement boundary as defined within the Gothington NDP and the PSTBP Proposals Map. By virtue of the location of the application site, with built development to the north, east and south, it is considered that the proposal would comprise the development of an under-developed plot well related to existing built development and would therefore represent infilling within the existing built up area of a village, in accordance with criterion 4 (ii) of JCS Policy SD10. The principle of the proposed development is therefore considered to be acceptable as this would be consistent with the spatial strategy of the development plan, as set out within policies SP2 and SD10 of the JCS.
- 8.3 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.

Benefits

- 8.4 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.

Harms

- 8.5 Whilst the application site is not subject to any landscape designations and whilst it is located within the settlement boundary of Gothington as defined within the NDP and the PSTBP, meaning that the proposed dwellings would largely be viewed in the context of existing surrounding built development with some screening in the form of dense vegetation along the western site boundary and fencing and some vegetation along the southern boundary, the proposed development would introduce built development into a currently open parcel of land and there would be clear views into the site from the adjacent highway and the network of PROWs in the vicinity of the site. In this context, it is considered that, whilst the encroachment into the countryside would be limited, the harm does weigh against the proposal in the overall planning balance.

- 8.6 It is further considered that the first floor level window in the western side elevation of the adjacent dwelling known as Waterdale, which would be only 4.3 metres from the boundary shared with the rear garden area of the proposed dwelling at Plot 2, would result in direct overlooking to this adjacent site. It is, however, acknowledged that, whilst this window appears to be non-obscurely glazed, the approved plans for application reference 16/01075/FUL showed that this window would serve an en-suite bathroom, which is an example of a non-habitable room. Further, as set out by the applicant's agent, this is a situation that any future purchasers of the proposed dwelling at Plot 2 would knowingly buy into, and that the planning application would not be forcing it on pre-existing occupiers.

Neutral

- 8.7 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 design, impact on trees, heritage assets, highway safety, green infrastructure (including the existing PROW), drainage or ecology/biodiversity.

Conclusion

- 8.8 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. Overall it is recommended that **planning permission be granted subject to the conditions as 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 details within the application form, the Arboricultural Survey, Impact Assessment and Protection Plan (commissioned by MHP Arboricultural Consultants and dated 25th November 2020), the Ecological Survey (commissioned by AAe Environmental Consultants and dated 12th October 2020), the Drainage Strategy (drawing no. 20-060/502 DS) and the micro drainage details received by the Local Planning Authority on 27th November 2020, details within the Technical Note (commissioned by Cotswold Transport Planning and dated November 2020) received by the Local Planning Authority on 1st December 2020, approved drawing nos. P20-0963_01-3 REV: H (Site Location Plan) and P20-0963_01-2 REV: H (Site Layout) and details within the Water Management Statement (commissioned by Cadsquare and dated 22nd December 2020) received by the Local Planning Authority on 22nd December 2020, and approved drawing nos. P20-0963_01-1 REV: i (Site Layout), P20-0963_02 SHEET NO: 2 REV: J (Plot 01 Elevations), P20-0963_02 SHEET NO: 4 REV: J (Plot 2 Elevations), P20-0963_02 SHEET NO: 1 REV: J (Plot 01 Floor Plans) and P20-0963_02 SHEET NO: 3 REV: J (Plot 02 Floor Plans) received by the Local Planning Authority on 4th June 2021, 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. No development shall take place until details of the existing and proposed levels across the site and relative to adjoining land, together with the finished floor levels of the dwellings hereby permitted, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In order to ensure the satisfactory appearance of the development and its relationship to adjoining properties.

4. Prior to the commencement of the development hereby permitted, the stable/outbuilding which has been constructed on the Public Right Of Way (Gotherington Footpath 12) shall be removed from the application site in its entirety, in accordance with the details shown on approved drawing no. P20-0963_01-1 REV: i (Site Layout) received by the Local Planning Authority on 4 June 2021.

Reason: In order to protect the existing green infrastructure network and public access.

5. No construction of the walls of the dwellings and associated garages hereby permitted shall commence until a sample of all materials to be used for the external walls have been submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the samples so approved.

Reason: To ensure that the external appearance of the development is satisfactory.

6. No construction of the roofs of the dwellings and associated garages hereby permitted shall commence until a sample of all roofing materials proposed to be used have been submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the samples so approved.

Reason: To ensure that the external appearance of the development is satisfactory.

7. Prior to the occupation of the dwellings hereby permitted, details of all walls, fences and other means of enclosure 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 prior to the first occupation of the dwellings hereby permitted.

Reason: To provide adequate privacy and an acceptable external appearance.

8. The dwellings hereby permitted shall not be occupied until the vehicular access, parking/driveways including garages and turning facilities have been laid out and constructed in accordance with the submitted plan drawing no. P20-0963_01-2 REV: H 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.

9. No development shall take place, including any demolition works, until a construction management plan or construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the demolition/construction period. The plan/statement shall provide for:
- 24 hour emergency contact number.
 - Hours of operation.
 - Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction).
 - Routes for construction traffic.
 - Locations for loading/unloading and storage of plant, waste and construction materials.
 - Method of preventing mud being carried onto the highway.
 - Measures to protect vulnerable road users (cyclists and pedestrians).
 - Any necessary temporary traffic management measures.
 - Arrangements for turning vehicles.
 - Arrangements to receive abnormal loads or unusually large vehicles.
 - Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

Reason: In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development.

10. The development hereby permitted shall not be occupied until secure and covered cycle storage facilities for a minimum of 2 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 give priority to cycle movements by ensuring that adequate cycle parking is provided, to promote cycle use and to ensure that the appropriate opportunities for sustainable transport modes have been taken up.

11. The development hereby permitted shall not be first occupied until the proposed garages 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 shall be of the same specification or a higher specification in terms of charging performance.

Reason: To promote sustainable travel and healthy communities.

12. Before the first use/occupation of the development hereby permitted, full details of proposed tree/hedgerow planting shall be submitted to and approved in writing by the Local Planning Authority. The details shall include location, species and sizes, planting specifications, maintenance schedule, provision for guards or other protective measures. The details shall include the tree pit design and location, type and materials to be used for hard landscaping including specifications.

All planting shall be carried out in accordance with the approved details in the first planting season following the completion or first occupation/use of the development, whichever is the sooner. 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.

Reason: To ensure adequate provision for trees/hedgerows, in the interests of visual amenity and the character and appearance of the area.

13. The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved details specified in the Arboricultural Survey, Impact Assessment and Protection Plan (commissioned by MHP Arboricultural Consultants and dated 25th November 2020), received by the Local Planning Authority on 27th November 2020, 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.

14. Where excavations or surface treatments are proposed within the root protection areas (RPA) of retained trees and hedgerows, full details shall be submitted to and approved in writing by the Local Planning Authority before any development starts. The RPA is defined in BS5837:2012. Details shall include the proposed locations of excavations and/or surface treatments, proposed methods & specifications of excavations and/or surface treatments and any post excavation remedial works. All excavations or surface treatments shall be carried out in accordance with the approved details.

Reason: To prevent damage to or loss of trees

15. 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

16. All mitigation detailed within the Ecological Survey (commissioned by AAe Environmental Consultants and dated 12th October 2020), received by the Local Planning Authority on 27th November 2020, including sensitive timings for site clearance in relation to nesting birds, awareness of the risks and protocol if any roosting bats are found, maintaining the onsite habitat in order to retain the unsuitability for reptiles and amphibians and installing a ramp into any trenches created to allow means of escape for animals that may fall in, shall be strictly adhered to throughout the works.

Reason: In order to protect ecology and biodiversity

17. Prior to the occupation of the development hereby permitted, a lighting strategy scheme, to be completed in conjunction with advice from the project ecologist, shall be submitted to and approved in writing by the Local Planning Authority detailing the location and specification of the lighting, supported by contouring plans demonstrating any light spill into adjacent habitats. All lighting shall be carried out in accordance with the approved details.

Reason: In order to protect ecology and biodiversity

18. Evidence of the ecological enhancements (including, but not limited to, bird and bat boxes, native planting and permeability of the boundaries to prevent habitat fragmentation for wildlife) shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development hereby permitted.

Reason: In order to protect and enhance ecology and biodiversity

19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification), no development as specified in Classes A, B, C, D or E of Part 1 of Schedule 2, other than those expressly authorised by this permission, shall be carried out without express planning permission first being obtained from the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development and to safeguard the character and visual amenities of the area, and to ensure that adequate private open space is retained within the curtilage of the building.

20. The first floor level window and 2 no. rooflights on the eastern side elevation of the proposed dwelling at Plot 2 (serving an en-suite bathroom and home office respectively), the first floor level window on the western side elevation of the proposed dwelling at Plot 2 (serving an en-suite bathroom), and the first floor level window and 2 no. rooflights on the eastern side elevation of the proposed dwelling at Plot 1 (serving an en-suite bathroom and home office respectively), shall be constructed so that no part of the framework less than 1.7m above finished floor level shall be openable. Any part below that level shall be fitted with, and retained in, obscure glazing (Pilkington Level 4 or equivalent).

Reason: To safeguard the amenity of adjoining occupiers in terms of privacy.

21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no upper floor level windows, roof lights or openings, other than those shown on the plans hereby approved, shall be formed in the eastern side elevation of the dwelling hereby permitted at Plot 1, either side elevation of the dwelling hereby permitted at Plot 2 or the northern elevation of the timber clad element comprising the home office of the dwelling hereby permitted at Plot 2 at any time unless a further planning permission has been granted.

Reason: To safeguard the amenity of adjoining occupiers in terms of privacy.

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 advise that there is a public 150mm foul sewer located within this site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. The applicant/developer is advised to contact 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. Please note, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 meters of a public sewer. Under the provisions of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval.

Please note 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. Every approach to build near to or divert Severn Trent Water's 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 contacts 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 your project if it transpires diversionary works need to be carried out by Severn Trent.

3. 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.