

## TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

|                        |   |
|------------------------|---|
| <b>Committee:</b>      | Planning  |
| <b>Date:</b>           | 20 July 2021  |
| <b>Site Location:</b>  | Starvealls Cottage<br>Corndean Lane<br>Winchcombe<br>Cheltenham<br>Gloucestershire<br>GL54 5NL  |
| <b>Application No:</b> | 20/00553/FUL  |
| <b>Ward:</b>           | Winchcombe  |
| <b>Parish:</b>         | Winchcombe  |
| <b>Proposal:</b>       | Construction of replacement dwelling and associated works following demolition of existing dwelling and change of use of additional areas of land to residential garden.  |
| <b>Report by:</b>      | James Lloyd   |
| <b>Appendices:</b>     | Site Location Plan<br>Existing Elevations & Floorplans<br>Site Plan<br>Proposed Elevations x2<br>Proposed Floor Plans x2<br>Proposed Reinstated Byre Elevations<br>Landscape Master Plan<br>Permitted Development Scheme (Elevations)<br>Change of Use Plan |
| <b>Recommendation:</b> | Permit  |

**At its meeting on 22 June 2021 the Planning Committee resolved to defer the application for a site visit.**

### **1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 This application relates to Starvealls Cottage, a detached stone dwelling located to the north of Corndean Lane. The building was originally built as two farm labourers' cottages but has since been converted into a single dwelling. The dwelling occupies an isolated but prominent position on the hillside and is located within the Cotswolds Area of Outstanding Natural Beauty. The site is predominantly surrounded by open fields/pastureland and Public Rights of Ways (PRoW) run to the West and North of the site.
- 1.2 The site is accessed via a track that was granted planning permission at appeal in 2013, whilst the track has not yet been completed the permission was implemented and therefore the previous permission is extant.

- 1.3 This application seeks planning permission for the demolition of the existing residential building and its replacement with a two-storey dwelling. The building would be constructed from natural materials such as stone and slate.
- 1.4 The application also seeks the change of use and conversion of an existing outbuilding to an ancillary poolhouse and the construction of an associated natural swimming pool and terrace. The application further seeks the change of use of several areas of agricultural land to residential curtilage and the creation of two attenuation ponds to serve the dwelling.
- 1.5 The dwelling would be accessed via an existing access from Corndean Lane that was granted permission on appeal. Off road parking and a garage would be provided, along with associated hard and soft landscaping.

## 2.0 RELEVANT PLANNING HISTORY

| Application Number | Proposal  | Decision | Decision Date |
|--------------------|---|----------|---------------|
| 13/00479/CLP       | Proposed extensions and alterations   | CLPREF   | 24.12.2013    |
| 13/00605/FUL       | Formation of new access track to existing dwelling and agricultural barn.   | REF      | 16.10.2013    |
| 15/00472/CLE       | Use of land as garden/amenity space serving and within the curtilage of the dwelling house.   | CLEREF   | 16.07.2015    |
| 16/00501/CLE       | Certificate of Lawfulness to establish that a two-storey extension has been commenced off the east elevation of Starvealls Cottage and constitutes permitted development. | CLEREF   | 16.03.2017    |

## 3.0 RELEVANT POLICY

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

### National guidance

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

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

- 3.3 Policies: SP1 - Need for new Development, SP2 - Distribution of New Development, SD4 - Design Requirements, SD6 – Landscape, SD7 - The Cotswolds Area of Outstanding Natural Beauty (AONB), SD8 - Historic Environment, SD9 - Biodiversity and Geodiversity, SD10 - Residential Development, INF1 - Transport Network, INF3 - Green Infrastructure

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

- 3.4 Policies: HOU7 - Replacement Dwellings, HOU10 – Change of use of agricultural land to residential curtilage.

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

- 3.5 Policies: RES3 - New Housing Development outside Settlement Boundaries, RES9 - Replacement Dwellings, RES11 – Change of use of agricultural land to domestic garden.

### **Neighbourhood Plan**

- 3.6 Winchcombe and Sudeley Neighbourhood Development Plan 2011- 2031
- 3.7 Policies: 1.1 - Protecting the distinctive character of the area, 5.1 - Design of new development, 5.2 - Off street parking, 5.6 – Gardens
- 3.8 Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)
- 3.9 The First Protocol, Article 1 (Protection of Property)

## **4.0 CONSULTATIONS**

- 4.1 **Winchcombe Parish Council** – objects to the application for the following reasons:

- i. The impact on the nationally designated Cotswolds AONB and the precedent it would set to damage the quality of that landscape.
- ii. Part of the attraction of the AONB is its extensive historic built heritage the modest buildings reflecting the long heritage of a man-made landscape.

- 4.2 **Conservation Officer** – No adverse impact upon surrounding designated heritage assets. However, the building is considered to be non-designated heritage asset of moderate to low significance and its total loss would cause substantial harm.

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

- 4.4 **Environmental Health Officer** – no adverse comments or objections to make in relation to noise/nuisance.

- 4.5 **Landscape Officer** – No objection subject to landscaping conditions.

- 4.6 **Ecologist** – Awaiting results of final Bat Survey – Update will be provided to members.

- 4.7 **Tree Officer** – No objection subject to conditions.

- 4.8 **Severn Trent** – No objection.

- 4.9 **Drainage Officer** – No objection.

- 4.10 **County Highways** – No objection.

## **5.0 PUBLICITY AND REPRESENTATIONS**

The application has been publicised through the posting of a site notice for a period of 21 days and no letters of representation have been received.

## **6.0 POLICY CONTEXT**

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the Local Planning Authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.
- 6.2 The Development Plan currently comprises the Joint Core Strategy (JCS) (2017), saved policies of the Tewkesbury Borough Local Plan to 2011 (March 2006) (TBLP), and a number of 'made' Neighbourhood Development Plans.
- 6.3 The Tewkesbury Borough Plan (TBP) has reached an advanced stage. The Examination in Public was held in February/March 2021 and the Inspector's post hearings Main Modifications letter was received on 16th June 2021. In this letter the Inspector provided his current view as to what modifications are required to make the Plan 'sound'.
- 6.4 Those policies in the Pre-submission version of the TBP which are not listed as requiring main modifications may now attract more weight in the consideration of applications, with those policies which do in the Inspector's view require main modifications attracting less weight depending on the extent of the changes required. The TBP remains an emerging plan and the weight that may be attributed to individual policies will still 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 the degree of consistency with the NPPF (the closer the policies to those in the NPPF the greater the weight that may be given).
- 6.5 The relevant policies are set out in the appropriate sections of this report.

## **7.0 ANALYSIS**

### **Principle of development**

- 7.1 The proposed development lies in an isolated location in the open countryside outside any defined settlement boundary. Saved Tewkesbury Borough Local Plan Policy HOU7 sets out that the replacement of existing dwellings in locations where the construction of new houses would otherwise be unacceptable will be supported, subject to certain caveats. These include, the requirement for the replacement dwelling to be of similar size and scale to the existing, respect the scale and character of existing characteristic property in the area and have no adverse impact upon the landscape. The policy also sets out that within the AONB, strict design controls will be applied to protect the natural environment, including the use of appropriate building materials.
- 7.2 Policy RES9 of the Tewkesbury Borough Plan Submission Version sets out that replacement buildings outside of settlement boundaries will be permitted provided that the proposed dwelling respects the size of the plot and scale, character of existing characteristic property in the area and have no unacceptable adverse impact on the landscape. It is noted that this emerging policy is somewhat less restrictive than Policy HOU7 in terms of the actual size of actual building as long as it respects the size of the plot. It should be noted that there have been no objections to this policy as a result of the Local Plan consultation process and an appropriate level of weight should be afforded to this change in approach.

- 7.3 The scheme proposes to replace an existing two storey building with a larger two storey detached dwelling. The proposed new dwelling would be substantially larger and would include the redevelopment of an existing Byre building for residential use. As such, it is recognised that the size and scale of the proposed new dwelling could not be truly considered to be of a similar size, scale and character as the single storey detached house it seeks to replace. In this regard, the current scheme may be considered to be not wholly in accordance with Local Plan policy HOU7.
- 7.4 Pertinent to the current application is a recently allowed appeal at Vine Tree Farm, The Wharf, Coombe Hill (planning application ref: 15/01007/FUL; appeal ref: PP-04486411). The Inspector noted that in 'seeking to protect the countryside', Policy HOU7 is broadly consistent with the aims of the Framework (NPPF) in that it seeks to protect valued landscapes. However, the requirement of Policy HOU7 for replacement dwellings to not be significantly larger than the dwelling it would replace is, in this instance, inconsistent'. The Inspector considered that the proposal would not result in any adverse impacts, and secondly, there are no specific policies in the Framework to indicate that development of this nature should be restricted. As such, the Inspector concluded that 'the conflict with Policy HOU7 would therefore be outweighed by the overarching conformity of the proposal with the Framework which supports the enhancement and improvement of the places in which people live their lives, whilst conserving the natural environment'.
- 7.5 It is accepted that the proposed new dwelling is larger than the detached dwelling it seeks to replace, however, the size and scale elements of Policy HOU7 considered inconsistent with the NPPF which focuses on landscape impact of the proposal and local context (which is discussed later in this report).
- 7.6 Furthermore, Policy RES9 of the emerging borough plan sets out that replacement dwellings will be permitted subject to 6 criteria which include respect for the size of the plot and scale and character of property in the area and would have no unacceptable adverse impact on the landscape (again, this is discussed later within this report).
- 7.7 As such, it is considered that the principle of the proposal is consistent with the thrust of the NPPF which supports the enhancement and improvement of the places in which people live their lives, whilst conserving the natural environment and the landscape protection emphasis of Policy HOU7 of the Local Plan and Policy RES9 of the emerging borough plan.
- 7.8 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.

#### **Impact on historic environment**

- 7.9 Policy SD8 of the JCS states that development should make a positive contribution to local character and distinctiveness, having regard to valued and distinctive elements of the historic environment. The policy also states that: Designated and undesignated heritage assets and their settings will be conserved and enhanced as appropriate to their significance, and for their important contribution to local character, distinctiveness and sense of place.
- 7.10 The dwelling known as Starvealls Cottage 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'.

- 7.11 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.
- 7.12 The Conservation Officer reports that the affected pair of cottages are of sufficient local historic and architectural interest to be considered a non-designated heritage asset. The cottages are indicative of a past narrative of country workers living in an isolated location within an estate setting. For over one hundred years these solitary cottages have stood on the hillside as a minor landmark to passers-by. Their location and design are functional and testament to the closing days of pre mechanised countryside management.
- 7.13 In regard to the constraints identified above, Section 16 of the NPPF and JCS Policy SD8 are relevant.
- 7.14 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."
- 7.15 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."
- 7.16 The Conservation officer considers that Starvealls Cottage is a non-designated heritage asset of moderate to low significance however its total loss through demolition would be substantial harm. As such the proposal to demolish the cottages would be contrary to Section 16 NPPF and JCS Policy SD8 and should be refused on that basis unless the harm is outweighed by public benefit.

#### **Previous permission - Commencement of development of PD extension**

- 7.17 The application site was granted a Lawful Development Certificate through application reference number reference number 16/00501/CLE on appeal (reference APP/G1630/X/17/3183950). This certificate determined that works to the building had lawfully started to extend the existing property under its permitted development rights. With this the building could be substantially extended and altered through the route of permitted development, which would result in a building 4 stories high, with a length of approximately 40m. Given this the building design would not reflect the Cotswold vernacular nor would it respond to the context or sensitivity of the site.
- 7.18 The proposed Permitted Development scheme would be deemed harmful to the AONB and would not respect the existing non-designated heritage asset as it would eradicate the vast majority of originality that the building has. As a result, the proposed Permitted Development scheme is considered to be a material consideration in this instance. Elevations of the proposed Permitted Development scheme can be seen at the appendix to this report, copies will also be shown on the Officers presentation.

### **Change of use of land**

- 7.19 The residential curtilage of the site has been previously established through application 15/00472/CLE. However, the applicant intends to use additional surrounding land, currently agricultural in nature, to accommodate new residential elements. These elements include a small section to the west of the site to allow for turning, a larger area of land to the east that would encompass the existing Byre building and a projecting section of land to the East that would cover the attenuation ponds required for the drainage strategy. A plan to illustrate the change of use areas can be seen at the appendix to this report, copies will also be shown on the Officers presentation.
- 7.20 Policy HOU10 sets out that the change of use of agricultural land will be resisted unless there is no adverse environmental or visual impact, no significant encroachment onto the surrounding countryside.
- 7.21 The area of land to the west is small and would amalgamate well with the existing residential curtilage. The land to the east is much larger and given the topography of the site slopes downwards in a north easterly direction. This part of the site is highly visible when looking up the escarpment from the B4632 and further afield. The area of land immediately adjacent the existing curtilage would form part of the buildings landscaping, as well as the natural swimming pool and converted Byre building. This could be used for full residential use and would form the main 'frontage' to the property'. This change would alter the existing context of the site where the building is viewed in isolation with a discreet residential curtilage. However, the introduction of a larger domestic building would naturally seek a more formalised frontage and outside amenity space. The curtilage already forms part of this site and the additional parcel of land would be well located to that area of land. As such it is considered that the inclusion of this area of land would not result in an unacceptable level of encroachment into the surrounding countryside and would be read in the context of the wider site.
- 7.22 The area of land further to the east that would accommodate the attenuation ponds would be further into a more undisturbed area of agricultural land. However, the intended use is to site attenuation ponds that, with appropriate landscaping, could assimilate well into the rural surroundings and appear as natural ponds.
- 7.23 Given the above there are no identified environmental impacts that would result in harm to the site and therefore on balance the proposed change of use of agricultural land to residential curtilage would accord with saved Policy HOU10 of the Borough Plan.

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

- 7.24 JCS Policy SD4 provides that new development should respond positively to, and respect the character of, the site and its surroundings, enhancing local distinctiveness, and addressing the urban structure and grain of the locality in terms of street pattern, layout, mass and form. It should be of a scale, type, density and materials appropriate to the site and its setting.
- 7.25 Criterion 6 of Policy SD10 'Residential Development' of the JCS 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.

- 7.26 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.
- 7.27 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
- 7.28 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.
- 7.29 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.
- 7.30 The site is located on the hillside of an escarpment, at a locally high elevation, overlooking a gently rolling landscape. The site occupies approximately 1.7 acres (0.7 ha) of scrub and rough grass on sloping ground that contains the cottage, the remains of a barn and a copse of mature trees. The plot is enclosed by a post and wire fence and remnants of dry-stone walling. Beyond this the Applicant owns some 40 acres (16 ha) of farmland around the site, divided into three fields; this constitutes a substantial area over which they have control.
- 7.31 The Site itself slopes sharply towards the north and east from a high point along the western boundary where the existing cottage is located at a level of around 171 m AOD. The copse and other mature trees provide a valuable visual framework and windbreak to the site, and a fairly effective screen to views from the north. Neither the site, nor the wider land holding, contains any designated features of historic, ecological or conservation value, although Starvealls Cottage is considered by the Council to be a non-designated heritage asset.

- 7.32 A Landscape Visual Assessment (LVA) has been submitted with the application. The LVA advises that fifteen public viewpoints have been chosen as representative of potential views of the application site and that survey fieldwork was carried out during clear weather in December when trees and hedges were leafless and visual conditions at their most open. Given its elevated and isolated hillside location, the application site can be seen from a number of locations across the Cotswolds AONB to the north, west and east. Viewpoints range between intermittent views from nearby roads and public footpaths to sustained, distant views from surrounding hillsides.
- 7.33 The conclusion of the LVA states that the potential impacts of the proposal on the landscape character resulting from the built development are considered to be moderate adverse. The residual effects vary between neutral-slight adverse from distant public footpaths on Langley Hill to moderate adverse from a number of surrounding locations within the AONB.
- 7.34 Landscape planting and mitigation is proposed to enable an enhancement of the landscape character. The Councils Landscape Officer has been consulted and advises that the principles of the submitted details are acceptable, however, a more detailed landscape strategy should be submitted via appropriate conditions should the application be deemed acceptable.
- 7.35 Whilst the landscape impact of the proposal is considered to be moderate adverse and the new building would be more prominent in the landscape than the existing building, consideration should also be given to the Permitted Development scheme that could be implemented. The current proposal has been assessed against the Permitted Development scheme within the LVA and would represent between Slight Beneficial and Moderate-Major Beneficial effects over the Permitted Development scheme. The Permitted Development scheme would also not allow the Council to secure a robust and detailed landscaping scheme that could enable enhancements on site.
- 7.36 Overall it is considered that whilst the current proposal marks a significant departure from the existing building and the landscape impacts would be more significant, on balance it is considered that the proposed scheme would be less harmful than the Permitted Development scheme to the character and appearance of the AONB.
- 7.37 In terms of design, the application proposes a building to be constructed of natural stone with a slate roof. The design and access statement advises that the building has been influenced by the formality of the Queen Anne-style and by the English re-interpretations of classicism found in later Cotswold country houses.
- 7.38 The Conservation Officer raises no objections in terms of the design of the building, however, points out that it is more prominent given its larger scale which would result in it competing hierarchically with its neighbours. However, the style and materials and its surrounding structures and landscaping are non-controversial with the Cotswold setting.
- 7.39 While the proposed dwelling would result in change to the natural landscape this would be tempered through the considered design and proposed muted materials pallet. With this in mind, it is considered that, on balance, the proposed dwelling design would be of an appropriate scale and high-quality design which would respond to the site and context and conserve the character and appearance of the AONB. It is noted however that the precise details of the external finishes to the materials and architectural detailing to the building would need to be controlled by condition to ensure a suitably high-quality finish.

### **Residential amenity**

- 7.40 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.
- 7.41 The proposed new dwelling would be located in an isolated position with the nearest residential property situated some 300m away. The proposal would also offer an acceptable level of amenity space for future residents. It is therefore considered that the proposed development would result in acceptable levels of amenity for existing and future residents in accordance with JCS policies.

### **Biodiversity**

- 7.42 Section 15 of the NPPF seeks to, inter alia, protect and enhance, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan), and minimise impacts on and provide net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. JCS Policy SD9 states that the biodiversity resource of the area will be protected and enhanced in order to establish and reinforce resilient ecological networks, including the safeguarding of protected species in accordance with the law. This is reiterated in Policy NAT1 of the emerging TBP, which also seeks proposals to deliver a biodiversity net gain.
- 7.43 The application is accompanied by Bat Surveys which set out the results of a habitat survey. The Council's Ecologist had assessed the initial surveys and advised that more information and further surveys were required due to the potential for roosting bats. Additional surveys had been provided but one further survey was due (between May and August). This additional survey was undertaken in June 2021 and submitted to the Council for comment. The Council's Ecologist has reviewed the additional survey report and raises no objections, adding that additional details have been provided that address any previous concerns. The Ecologist has recommended additional conditions should the application be granted permission.

### **Arboricultural implications**

- 7.44 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.
- 7.45 The proposal will require the removals of 2 tree groups and 1 tree which have a low amenity value. The Tree Officer advises that they have no concerns to the proposed scheme and 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 is also satisfied with the

principle of replacement tree planting, however, would seek a more detailed plan through an appropriately worded condition.

### **Drainage and flood risk**

- 7.46 Policy INF2 of the JCS advises that development proposals must avoid areas at risk of flooding and must not increase the level of risk to the safety of occupiers of a site, the local community or the wider environment with or on site or elsewhere. The NPPF echoes these requirements.
- 7.47 The Council's Flood Risk Officer has been consulted on the application and advises that the submitted flood risk assessment and proposed drainage strategy is acceptable.
- 7.48 In light of this advice, it is considered that the proposal is acceptable with regards to drainage.

### **Access and highway safety**

- 7.49 Paragraph 103 of the NPPF sets out that opportunities to maximise sustainable transport solutions which will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making. Furthermore, development should only be prevented or refused on highways grounds where there would be an unacceptable impact on highway safety, or the residual cumulative impacts of development are severe. Policy INF1 of the JCS requires that developers should provide safe and accessible connections to the transport network to enable travel choice for residents and commuters.
- 7.50 The application site would be accessed via an existing field opening leading to a track which was granted planning permission in 2013 (13/00605/FUL). Whilst the works to the track of not been completed the Council is satisfied that the permission has been implemented and is therefore extant.
- 7.51 The proposed manoeuvring and parking provisions have been assessed by the Local Highway Authority and no objections have been raised.

## **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 It is considered that the principle of the proposal is consistent with the thrust of the NPPF which supports the enhancement and improvement of the places in which people live their lives, whilst conserving the natural environment and the landscape protection emphasis of Policy HOU7 of the Local Plan and Policy RES9 of the emerging Borough Plan.
- 8.3 As further detailed above the building is identified as a non-designated heritage asset. However, the applicant has demonstrated that there is a Permitted Development scheme that whilst it would retain some of the fabric of the building it would eradicate the important features creating a large ill planned building in a prominent setting within the AONB.
- 8.4 The Conservation Officer advises that there must be a public benefit for that would outweigh the harm of the loss of the non-designated heritage asset. Officers consider that the

proposed permitted development scheme would cause unacceptable harm to the AONB that would neither protect or enhance the valued landscape.

- 8.5 Whilst the new building is much larger than the existing building and would become more visible in the landscape, it is of an acceptable design that would utilise a high quality materials pallet and an appropriate landscaping scheme can be achieved by way of conditions.
- 8.6 It is concluded that, on balance, the public benefit of establishing a high quality designed building in this sensitive location would outweigh the loss of the non-designated heritage asset in this instance. The impact on the AONB would not result in a clear reason for refusal given the Permitted Development Scheme that could be achieved.
- 8.7 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.

## **9.0 UPDATE – PLANNING COMMITTEE 20 JULY 2021**

- 9.1. Since the Committee meeting in June an updated Bat Survey Report has been submitted. The Councils Ecologist has recommended additional conditions which have been added/amended in the below conditions list.

### **CONDITIONS:**

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved documents:

- Site Location Plan (PL-001 REV C)
- Site Plan (Drg No.2 Rev B)
- Proposed Elevations (PL-004 Rev B & PL005 Rev A)
- Proposed Bay Window Elevation (PL-008 REV A)
- Proposed Garden Entrance Elevation (PL-009 REV A)
- Proposed Front Entrance Elevation (PL-010 REV A)
- Proposed Floor Plans (PL-002 REV B)
- Proposed Sections (PL-006 REV B)
- Proposed Reinstated Byre Elevations (PL-007 REV B)
- Landscape Master Plan (1641 L1 REV B)
- Landscape Enhancement Plan (1641.L.4)
- Change of Use Plan (PL-021 REV B)
- Arboricultural Impact Assessment (TWC-1295-R-001 – dated August 2020)
- Proposed Drainage Strategy Rev V1 Dated 10 August 2020
- Addendum to Drainage Strategy Calculations and Drainage Layout

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. Notwithstanding the submitted details, no construction works shall take place above slab level until precise details and, where appropriate, samples have been submitted to and approved in writing by the Local Planning Authority (to include materials for the Byre reinstatement) of the following:

- Samples of all proposed facing and roofing materials
- Details of coursing, jointing, texture and relief
- Details of design and colour of the window frames and doors and their reveals including section drawings at a scale of no less than 1:10
- Details of any colour tinting to glazing
- Details of external rainwater goods, flues and vents, including colour and material
- Details of gates, walls and fences, including scaled elevations.

The works shall thereafter be carried out in accordance with the approved details and shall be similarly maintained there after

Reason: To ensure that the external appearance of the proposed development will be of an acceptably high standard.

4. No above ground development shall take place until a sample panel of the materials to be used in the construction of the external surfaces has been prepared on site for inspection and approved in writing by the Local Planning Authority. The sample panel shall be at least 1 metre x 1 metre and show the proposed material, bond, pointing technique, Corner construction and palette of materials (including roofing and cladding) to be used in the development. The works shall be constructed in accordance with the approved sample, which shall not be removed from the site until completion of the development.

Reason: To ensure that the external appearance of the proposed development will be of an acceptably high standard.

5. Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B, C, E, F and G of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order), no development shall take place other than that expressly authorised by this permission.

Reason: In the interests of visual amenity and the character and appearance of the area.

6. Notwithstanding the submitted details on the landscape master plan, no development shall take place until a full landscape strategy for the site has been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. The landscape strategy shall include, inter alia, proposed finished levels or contours; means of enclosure; hard surfacing materials; planting plans, specifications and schedules, the wider landscape proposals (including details regarding the natural swimming pool and attenuation ponds) and details of tree and hedgerow protection for existing planting, to be retained, in accordance with BS5837: 2012 (as shown within the Arboricultural Impact Assessment by The Tree and Woodland Company Ref TWC-1295-R-001 dated August 2020) Trees in relation to construction. If the landscape strategy is to be phased over several years a phasing plan shall be provided as an integral part of the plan, to include proposed planting dates.

All approved tree and hedge protection measures shall be in place prior to the commencement of the development shall be retained thereafter until the development is complete. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or

defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.

Reason: In the interests of visual amenity and the character and appearance of the area

7. No external lighting whatsoever shall be erected at the site without the express prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity and the character of the area and to ensure proper provision is made to safeguard protected species and their habitats.

8. Notwithstanding the submitted details, no development shall be carried out above floor plate level until the existing and proposed levels across the site and relative to adjoining land, together with the finished floor levels and ridge levels of the proposed dwelling hereby approved have been submitted and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interest of residential and visual amenity

9. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall:
  - i. Specify the type and number of vehicles;
  - ii. Provide for the parking of vehicles of site operatives and visitors;
  - iii. Provide for the loading and unloading of plant and materials;
  - iv. Provide for the storage of plant and materials used in constructing the development;
  - v. Provide for wheel washing facilities;
  - vi. Specify the intended hours of construction operations;
  - vii. Specify measures to control the emission of dust and dirt during construction.

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

10. All works in connection with the development hereby approved shall strictly adhere to the mitigation detailed within Bat Survey Report (CWS, September 2019) and updated Bat Survey Report (CWS, June 2021).

Reason: To ensure the development contributes to the conservation and enhancement of biodiversity within the site and the wider area.

11. No development shall take place until a plan detailing ecological enhancements as detailed within Bat Survey Report (CWS, September 2019) and updated Bat Survey Report (CWS, June 2021) has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure the development contributes to the conservation and enhancement of biodiversity within the site and the wider area.

12. Prior to the first use/occupation of the development hereby approved, bird nesting sites/boxes shall be installed in accordance with details that have first been approved in writing by the Local Planning Authority.

Reason: To ensure the development contributes to the conservation and enhancement of

biodiversity within the site and the wider area.

**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.