

TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

Committee:	Planning
Date:	17 August 2021
Site Location:	Hillend Farm Hillend Twyning
Application No:	20/011111/FUL
Ward:	Tewkesbury North And Twyning
Parish:	Twyning
Proposal:	Demolition of three poultry sheds and erection of two dwellings and detached garage.
Report by:	Lisa Dixon
Appendices:	Existing & proposed site location plan Revised proposed site plan Existing elevations x1 Proposed revised elevations x3 Proposed floor plans x2 Proposed revised garage floor plans and elevations
Recommendation:	Permit

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site lies to the eastern side of Hill End, a small cluster of dwellings and agricultural buildings located to the North of Twyning. The site is accessed via a private road and comprises a Grade II Listed red-brick/timber frame Farmhouse (Hill End Farm) and associated outbuildings.
- 1.2 To the southwest of the farmhouse, are a number of brick built former agricultural buildings which benefit from planning permission for their refurbishment/reconstruction to provide two holiday lets and an annexe (permission no.17/00358/FUL). Works have now commenced in respect of this extant permission, although are not yet complete. The site is not subject to any national or local landscape designations and a number of public rights of way pass though or within close proximity to the application site – Twyning Footpath ATW16, ATW18, ATW19.
- 1.3 To the west of the farmhouse are three disused timber clad poultry sheds which are the subject of this current application. The proposal seeks to demolish these sheds and erect a pair of dwellings in a 'U' shaped, semi-enclosed courtyard layout. In addition, a new, detached, brick garage building, to the northeast of the proposed dwellings, also forms part of this current application. The garage building would be utilised in connection with the existing farmhouse, itself.
- 1.4 The proposed new dwellings would be of 1.5 storeys, comprising open-plan lounge, dining area/kitchen at ground floor level, with home office, cloakroom and shower room. First floor accommodation would be restricted to the projecting wings of each property, with a vaulted space created over the main living accommodation. A master bedroom with en-suite, together

with 2nos. further bedrooms, family bathroom and gallery landing would be provided at first floor level. Each dwelling would also benefit from an integral twin bay garage, with further parking spaces for a minimum of two cars per dwelling, provided within the courtyard area.

- 1.5 Private gardens would be provided for each dwelling, within the northern extent of the site, with new native hedgerow planting proposed to the rear boundary, in line with the northern boundary of Hill End Farm.
- 1.6 The proposed double garage building serving the main house, would be single storey in height, of red brick construction and with plain clay tiled, pitched roof. The building would also incorporate a garden store and would be sited to the north-west of the farmhouse, in line with the frontage of the new dwellings, and orientated with the gable facing the listed building itself.
- 1.7 The scheme proposes a simple courtyard design, reflecting the existing farmstead setting and grouping of ancillary buildings relating to the main listed farmhouse. Traditional built forms and materials have been proposed, to echo the rural vernacular. Elevations would comprise a mixture of red brick and horizontal Larch timber cladding, with plain clay tiled roof. Windows and doors would be double-glazed, powder-coated aluminium, with galvanised rainwater goods and black, stainless steel flue pipe, offset from the main ridge. The accompanying Design & Access Statement advises that these would be robustly designed buildings externally, with modern and sustainable interiors of a high specification. The D&A Statement also notes that the dwellings have been designed to exceed the current building regulations requirements, with low energy consumption (both in embodied energy and in use), high levels of natural light/passive solar gain and air sourced or ground sourced heat pumps in order to provide renewable sources of heating and reduce the carbon footprint of the buildings.
- 1.8 The chicken sheds currently occupy a footprint of 891 m2. The new houses would present a substantial reduction in this area, with a footprint of 386m2.

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
03/00324/FUL	Repairs and alterations including extension of the existing dwelling	PER	02.05.2003
03/00325/LBC	Repairs, alterations and extension to existing dwelling. Demolition of outbuilding - Grade II Listed Building Ref: 2/154	CONSEN	02.05.2003
T.4637	Two poultry breeding houses.	PERMIT	16.12.1964
05/00059/FUL	Extension to form garden room	REF	11.03.2005
05/00060/LBC	Extension to form garden room. (Grade II Listed Building Ref. No. 21/154).	REF	11.03.2005

17/00358/FUL	Proposed refurbishment / reconstruction of 3nos. existing brick built farm buildings at Hill End Farm to create two holiday cottages and annex accommodation for the main farmhouse.	PER	02.08.2017
20/01111/FUL	Demolition of 3 No. poultry sheds and erection of 2 No. dwellings and detached garage.		

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)

Sections 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

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

3.3 Policy SD3 (Sustainable Design and Construction);
 Policy SD4 (Design Requirements);
 Policy SD6 (Landscape);
 Policy SD8 (Historic Environment);
 Policy SD9 (Biodiversity and Geodiversity);
 Policy SD10 (Residential Development);
 Policy SD11 (Housing Mix and Standards);
 Policy SD14 (Health and Environmental Quality);
 Policy INF1 (Transport Network)
 Policy INF2 (Flood Risk Management)

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

3.4 TPT6 (Cycle Parking)

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

3.5 Policy RES3 (New Housing Outside Settlement Boundaries); Policy RES5 (New Housing Development); Policy RES10 (Alteration and Extension of Existing Dwellings); RES13 (Housing Mix); DES1 (Housing Space Standards); HER2 (Listed Buildings); NAT1 (Green Infrastructure: Building with Nature); ENV2 (Flood Risk and Water Management); TRAC1 (Pedestrian Accessibility); TRAC9 (Parking Provision).

Twynning Neighbourhood Development Plan 2011- 2031

3.6 Policies: GD1 (New Housing Development in the open countryside); GD3 (Development principles); GD4 (Landscape and bio-diversity); GD5 (Provision for vehicles); GD8 (Lighting); H1 (Housing site designations); H2 (Housing standards, design and mix).

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

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

4.0 CONSULTATIONS

4.1 Twynning Parish Council

Objects on the grounds that the scheme is contrary to the development plan and proposes two new isolated dwellings in the open countryside, outside of the residential development boundary. Furthermore, the Parish raise the following objections: the proposal would set a precedent for wider local development adversely affecting the local community and amenity; the height, scale and massing of the building would have a significant impact on the sensitive rural location and neighbouring properties; the extensive works within the curtilage of a listed historical farmhouse setting including the construction of a new, brick-built garage for use by the existing owners. Outbuildings are already used for holiday lets and the immediate area could be over-burdened for traffic and parking; The overdevelopment of this historical location with a new building footprint outside the adopted development boundary, would have significant environmental impact and cannot be considered sustainable.

4.2 County Highways Officer – awaiting response at time of report writing.

4.3 Building Control Officer – The application will require Building Regulations approval.

4.4 Conservation Officer – No objection - The erection of new buildings within the vicinity of the site of the old buildings is considered acceptable in principle, subject to detailed design. The CO advised that the originally submitted scheme reflected some elements of simple agricultural style, however there were a number of aspects that the CO considered contentious and some elements, considered harmful to the setting of the listed farmhouse and its curtilage buildings. These outstanding issues were required by the CO, to be addressed, before the proposal could be recommended for approval. Revised plans were duly submitted in order to seek to address the CO's detailed comments. This scheme was considered by the CO, to be acceptable, in heritage asset terms and to result in neutral impact upon the listed farmhouse.

Revised Drawings – The CO considers that the latest revised scheme, proposing an alternative palette of materials, would result in a development that would enhance the setting of the listed farmhouse.

4.5 Planning Ecological Adviser – No objections, subject to conditions.

4.6 Sustainable Drainage Engineer - No objection – The Drainage Engineer considers that the submitted drainage strategy is sufficiently detailed and therefore, there would be no requirement for a drainage condition to be applied, should permission be granted for this application.

4.7 Public Rights of Way Officer – No objection – The PRow Officer advises that Public Footpaths ATW 16, 18 and 19 are in the close vicinity of this application. Furthermore, ATW16 runs past the existing chicken sheds and ATW18 runs past Hillend Farm and joins up with ATW19. If any of the rights of way are to be affected by the development, the paths should be temporarily closed for public safety and reopened on the same line.

4.8 **Cleeve Ramblers** - The proposal should not be approved until clear commitments are submitted and approved to provide appropriate routes and access for the existing Public Rights of Way. In the event that any diversions are proposed then appropriate Diversion Orders must be sought prior to any changes.

4.9 **Environmental Health Officer** – No objection with regards to road traffic noise. It is unclear if adjacent nursery operates any plant / equipment or undertakes noisy activities that could potentially adversely impact future residents. Therefore, the EHO requested a Noise Statement from the applicant that identifies, or not, any such plant / activities associated with the nursery.

Additional comments following the submission of a Noise Impact Statement – No adverse comment

4.10 **Environmental Health Officer – Land Contamination** – No objection, subject to conditions

4.11 **Urban Design Officer** – No objection – the overall form and layout of the scheme is considered acceptable.

5.0 PUBLICITY AND REPRESENTATIONS

5.1 The application has been publicised through the posting of 2nos. site notices for a period of 21 days, together with a press notice.

5.2 Three letters of representation have been received within the statutory consultation period or since. The main points raised relate to:

- The site lies outside of the settlement boundary, as defined within the Twyning Neighbourhood Plan and emerging Borough Plan and therefore, the proposal does not meet the strategy for the distribution of new development within the Borough. The site, therefore, is not an appropriate location for new residential development;

- The proposal is sympathetic and well-designed and would enhance the setting of the historic asset;

- The removal of the existing poultry sheds would remove the possibility of future commercial activity from the site, with its associated traffic, noise and odour.

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. 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.

6.2 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'.

6.3 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).

6.4 The relevant policies are set out in the appropriate sections of this report.

7.0 ANALYSIS

Principle of Development

7.1 Policy SP2 of the JCS sets out the strategy for the distribution of new development across the JCS area, and JCS Policy SD10 ('Residential Development') specifies that, new housing will be planned in order to deliver the scale and distribution of housing development set out in Policies SP1 and SP2. It sets out that housing development will be permitted at sites allocated for housing through the development plan, including Strategic Allocations and allocations in district and neighbourhood plans. Policy SA1 of the JCS formally designates seven Strategic Allocations on the edges of existing urban areas and focuses on the need to deliver comprehensive development in each of these areas. The application site is not located within any of these locations.

7.2 JCS Policy SD10 specifies that on sites that are not allocated, housing development and conversions to dwellings will be permitted on previously-developed land in the existing built-up areas of Gloucester City, the Principal Urban Area of Cheltenham and Tewkesbury town, rural service centres and service villages except where otherwise restricted by policies within district plans. Housing development on other sites will only be permitted where it constitutes; affordable housing, infilling within a town or village, is brought forward via a Community Right to Build Order or is allowed for in district or neighbourhood plans. This strategy is consistent with the NPPF which (paragraph 79 refers) seeks to avoid isolated new homes in the countryside.

7.3 Twyning 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.

7.4 The area of land proposed for re-development, relates to former poultry farming. The NPPF definition of previously developed land, specifically excludes, amongst other exclusions, land that is, or was last occupied by agriculture or forestry buildings. As such, the proposal fails to comply with criterion 3 of JCS Policy SD10.

7.5 Criterion 4 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 area 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.

7.6 The proposed development is not for affordable housing on a rural exception site and 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.

7.7 Criterion 4 (ii) 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. 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 east, west and south, it is considered that the proposal would comprise the development of an under-developed plot well related to existing development and would therefore, represent infilling, 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.

Twyning Neighbourhood Development Plan 2011- 2031 (TNDP)

7.9 The Twyning NDP was adopted in April 2018 and has therefore been part of the development plan for more than two years. The NDP does contain policies and allocations relating to housing that meet the indicative requirement set out through the emerging Tewkesbury Borough Plan. Policy GD1 the TNDP sets out that new housing development in the open countryside and outside of the development boundary will be only be supported if it meets one of five criteria, none of which would apply in this instance.

7.10 Paragraph 11 of the NPPF sets out that plans and decisions should apply a presumption in favour of sustainable development. For decision making this means: '...(d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole'.

7.11 The NPPF clarifies (footnote 7) that planning policies for housing will be judged out of date, inter alia, where the local planning authority cannot demonstrate a 5 year supply of deliverable housing sites.

7.12 The latest published evidence (the Tewkesbury Borough Five Year Housing Land Supply Statement - 2018/2019 indicates that the Council can demonstrate a 4.33 year supply of deliverable housing sites, amounting to a shortfall of approximately 194 dwellings.

7.13 Regard is paid to a relatively recent appeal at Oakridge, Highnam. The Council had challenged the Secretary of States assertion in the appeal decision in respect of the five year supply where he had followed the Inspector's advice in relation to discounting previous oversupply. Based on the Secretary of State's approach, the Council could only demonstrate a 2.7 year supply whereas if the dwellings that had been provided over and above the cumulative requirements were counted, the Council could demonstrate a 4.3 year supply. The High Court did not rule one way or the other as it was considered that it should be left to a case where it would make a difference - the Council had won the Oakridge case therefore this ruling made no difference to the overall outcome. On that basis, there is no reason for the Council to change its position in terms of the oversupply being counted.

7.14 As the Council cannot demonstrate a five year supply of housing land the Council's policies for the supply of housing are considered to be out-of-date having regard to paragraph 11 of the NPPF. In these circumstances, as set out above, the NPPF advises that the presumption should be that planning permission is granted unless the application of policies in this Framework that protect areas or assets of particular importance (including designated heritage assets) provides a clear reason for refusing the development proposed; or there are adverse impacts of doing so which

would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole.

7.15 Hillend Farm is a designated heritage asset (Grade II listed). A judgment would have to be made as to whether the proposal would preserve the setting of the listed building and whether any impacts provide a clear justification for refusing permission before a view can be made as to whether the 'tilted balance' applies.

7.16 As highlighted above, the Tewkesbury Borough Plan (TBP) has reached an advanced stage, following Examination in Public and subsequent receipt of the Inspector's post hearings Main Modifications letter on 16th June 2021. The TBPPSV 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 TBPPSV also acknowledges that, further to the planned growth at Tewkesbury town, the Rural Service Centre and Service Villages as defined within the JCS, some opportunities for small scale new housing will be necessary in order to support the vitality of communities at other rural settlements across the Borough, but that it is essential that the levels of rural housing growth are manageable and sustainable in order to protect existing communities and the rural landscape and avoid harmful over development.

7.17 The application site is not identified as a Housing Site Allocation within the TBPPSV and is not located within a defined settlement boundary. Emerging Policy RES3 of the TBPPSV provides a set of 7 criteria in which new residential development outside of the defined settlement boundaries will be considered acceptable. The only criteria of possible relevance to this application is: '...(3) very small scale development at rural settlements in accordance with Policy RES4'.

7.18 Policy RES4 of the TBPPSV, supports very small scale residential development within and adjacent to the built up areas subject to 6 criteria, however the Reasoned Justification advises that Policy RES4 does not apply to service villages as these settlements are subject to housing land allocations in the JCS or are proposed to be subject to allocations within the TBPPSV. Furthermore, it advises that settlement boundaries have been defined for these settlements to prevent further unplanned growth beyond that within the Development Plan.

7.19 As set out above, Twyning is defined within the JCS as a service village, however, the application site is located at Hillend, outside of the Twyning settlement boundary as defined within the NDP and PSTBP Proposals Maps. Nevertheless, the site is well related to the existing clustered settlement of Hillend, which is itself, a part of Twyning village, (as is Church End) and development on the site would not be deemed isolated in the context of the NPPF. Moreover, Twyning contains a good level of services and facilities, including a primary school, a village hall, shop, two public houses, a church and a sports recreation building and associated outdoor tennis/multi-use courts. It is considered that the scale of development is proportionate to the size and function of Twyning and would maintain sustainable patterns of development.

7.20 Furthermore, it is of note that planning permission for 2 new dwellings on land at Cornerways Nursery, immediately west of the proposed site at Hillend Farm, was granted in 2015 ref. 14/00044/OUT the case officer noted: -

"Although the site is located outside the residential development boundary the site could not be said to be within an isolated countryside location. Twyning is identified as a service village in the pre-submission JCS (Policy SP2) and the village benefits from a level of public services including local employment opportunities, shop, community centre and primary school. Whilst Hillend appears physically detached from the main settlement of Twyning, it (and Church End) are considered to be part of Twyning and was included within the overall assessment of Twyning's services and facilities when compiling the settlement hierarchy."

7.21 As outlined above, Tewkesbury Borough has at least a three year housing supply, even if referring to the Highnam appeal decision and the Borough housing delivery has been significantly above 45% of that required over the past three years. While the council can-not presently demonstrate a 5 year housing land supply and policies relating to the supply of housing are considered to be out-of-date, the tilted balance is not automatically engaged particularly if a proposed development would impact the setting of a designated heritage asset. This issue is assessed in detail, below.

Heritage

7.22 Section 16 of the NPPF, requires LPA's, in the determining of applications, to take account of the desirability of sustaining and enhancing the significance of heritage assets. Paragraph 206 requires LPA's to look for opportunities for new development within the setting of heritage assets, to enhance or better reveal their significance. Furthermore, *'Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.'*

7.23 JCS Policy SD8 advises that designated and undesignated heritage assets and their setting will be conserved and enhanced as appropriate to their significance. Emerging Policy HER2 of the PSTBP is also relevant.

7.24 The first phase of the site's re-development concerned the substantial reconstruction of the Grade 2 listed farmhouse, permitted in May 2003. The second phase was the subject of Planning Approval (17/00358/FUL) dated 2nd August 2017, for re-development/reconstruction of existing ancillary outbuildings, to provide holiday-let accommodation and these works are now well underway. The current application seeks to demolish 3nos. redundant chicken sheds, which currently obscure the front view of the historic farmhouse when entering the site. In their place, would be a courtyard development of two new dwellings. The accompanying Design & Access Statement advises that the chicken sheds would therefore, *'no longer intrude on the main aspect of the farmhouse and the new dwellings 'would be set back in their own discrete courtyard, enhancing the overall setting of this listed building.'*

7.25 The Borough Conservation Officer (CO) has advised that the proposal is directly within the setting of Hillend Farm which is a Grade II listed building. As such when determining planning applications, the local authority has a duty under Sections 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have regard to the desirability of preserving listed buildings, their features of special architectural or historic interest and their settings.

7.26 The main heritage consideration is the impact of development upon the setting of the listed farmhouse. The current proposal seeks to replace three mid-century timber poultry houses with a residential complex loosely referencing the style of traditional agricultural outbuildings. The CO considers that the poultry buildings are modern and of no heritage merit. As such, there is no objection in principle to the removal of these buildings.

7.27 The applicant sought pre-application advice (planning ref: 19/00086/PRE) for re-development of the site to provide two new dwellings, together with a detached stable/garage building, for use in association with the main farmhouse. The CO advised that the erection of new buildings in place of the poultry sheds could be appropriate in heritage terms. However, this would be dependent on the location, scale, mass and appearance of the replacement buildings. Given the context of the listed farmhouse and the agricultural status of the buildings to be removed, the CO advised that any new development would need to take the form and scale of agricultural buildings, subservient to the main farmhouse. It was advised that the domestic scale and design proposed within the pre-application scheme, would not be appropriate in this sensitive context. Furthermore, it was considered that the proposed 'garage/stable' building would unacceptably encroach upon the setting of the farmhouse, would be too bulky and assertive and its siting inappropriate as it would be positioned too close to

the heritage asset and would project too far to the north, into an area of undeveloped garden.

7.28 The submitted proposal sought to address the CO's concerns in respect of the pre-application scheme by reflecting elements of simple agricultural style. However, there were a number of aspects, considered contentious by the CO and some that were considered harmful to the setting of the listed farmhouse and its curtilage buildings.

These elements were, as follows;

Garage: The form, scale location and configuration of the garage were considered acceptable, however, the detailed design and in particular, the incorporation of recessed brick panels and diaper work appeared over elaborate.

New Dwellings: The two semi-detached dwellings form a C shaped enclosure, which is a common agricultural form and the external materials are likely to be acceptable although they reflect nothing of the character of the historic brick and tiled farm buildings.

Landscaping: The planting of trees in the middle of the yard was considered, not to be indicative of the agricultural setting of this site.

Detailed Design: The originally proposed chimneys were domestic in appearance and out of keeping with the objectives of creating an agricultural character to the new buildings. It would however be acceptable to install a black stainless steel stove pipes (offset from the ridge) which would appear less domestic in style.

7.29 Furthermore, the quantum of roof-lights on the North-Western and South-Eastern roof slopes were considered excessive. The South-East elevation was noted to be the most impactful as it faces the listed farmhouse. The proliferation of roof lights was considered to create a cluttered appearance to the roofscape. In some cases, the roof lights appeared superfluous as they served rooms which are already served by large windows. Revised plans were duly submitted to seek to address the above concerns of the CO.

7.30 The simple courtyard design seeks to reflect the farmstead setting. Two 'cross-wings' are proposed, to reflect local vernacular and overall scale, relative to the main farmhouse, and have been reduced within the revised scheme, by reduction of ground levels. This lowers the ridge height of the outer 'wings' to set the building into its surroundings and forming a ridge line which would be at the same level as the proposed new ancillary garage. Hard landscape and areas of hard standing would be composed of reconstituted stone block or stone paviours, with blue brick or granite sett edging.

7.31 The Conservation Officer had advised that the revised proposal successfully addresses their previous concerns and no objection is raised with regards to the setting of the listed farmhouse. The CO, in their overall assessment of the proposal, considered the impact of the scheme, upon the setting of the heritage asset, to be neutral.

7.32 The current scheme put before Planning Committee, seeks to elevate the scheme further, beyond a neutral impact, towards a discernible enhancement of the listed building setting. The materials have been revised towards a more traditional and less contemporary approach. The elevations have been simplified and now comprise traditional brick to reflect the main farmhouse and existing ancillary buildings, with elements of larch timber cladding. The originally proposed standing seam zinc roofing, has been replaced by traditional plain clay tiles.

7.33 The CO considers the revised palette to be more appropriate to its setting and the resulting scheme is considered to meet the high bar of enhancement to its setting, in the context of paragraph 206 of the NPPF.

7.34 In addition, with regards to archaeology, the county archaeologist has advised that there is a low risk of archaeological remains being present and no archaeological investigation or recording will be required.

Design, Landscape and Visual Amenity

7.35 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.

7.36 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.

7.37 The NPPF sets out at paragraph 174 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.

7.38 The site proposed forms part of the curtilage of Hillend Farm. The farmhouse itself enjoys a dramatic position and long views from the top of the Twyning escarpment looking towards Bredon Hill, the Cotswolds and further to the south towards Cheltenham and Gloucester. The house and its adjacent field, previously an orchard, are shown in historic maps as comprising stock enclosures and ancillary buildings.

7.39 The site, which is currently occupied by the three chicken sheds, is tucked between Hillend Farmhouse and the rear garden of 'The Willows' to west. To the north of the development site, is former orchard land, also within the ownership of Hillend Farm, now utilised as ancillary paddock. The approach drive and its associated landscape, together with the reduction in levels around the new houses would serve to ensure that visual focus remains on the primary historic asset of the farmhouse.

7.40 Gardens and amenity space to serve the proposed dwellings, would be provided to the north of the two new properties, overlooking the fields/paddock beyond. Hedges would delineate the rear extent of the development, in order to provide natural screening and a defensible boundary which aligns with the curtilage of the farmhouse. The field beyond, would continue to be maintained as horse pasture for the owners. A drive/pathway would be formed from the farmyard, through to the field, between the garage block and the eastern-most new property, which would allow access to the field for mowing and maintenance.

External views into the site

7.41 The application site is not subject to any landscape designations, although Hillend occupies an elevated position within an attractive rural landscape setting. Three footpaths lie within close proximity of the site - Twyning Footpaths Nos 16, 18 and 19. Footpaths 16 and 19 intersect to the north-east, where they run onto Hillend Common at some distance from the site. Footpath 16 runs to the south-west, across the fields and through the garden and farmyard of Hillend Farm, passing

to the south of the existing chicken sheds and continuing out of the site, onto the road. Footpath 18 runs from Downfield Lane in the east, up the escarpment, across open fields, before entering Hillend Farm curtilage, at its south-eastern corner. Thereafter it runs within the farm curtilage along its southern boundary, joining with footpath 16 just inside the main gate, before emerging onto the public highway.

7.42 The new dwellings would be visible predominantly from Footpath 16, initially from across the fields to the north-east, looking south-west. These views would be mitigated to a certain extent, by the rising topography and by the proposed native species hedgerow planting. From Footpath 18, the site would not be visible until any walker emerged from behind the west end gable of the holiday-let accommodation at the southern end of the site. From Footpath 19, no significant views of the site would be possible, due to the topography of the land and relative screening from the main farmhouse itself.

7.43 In terms of massing, materials and detail, with regard to landscape impact, it is considered that the scheme would appear visually appropriate and sympathetic to the existing historic farmstead setting and the wider listed rural landscape. The proposal would not project into the open countryside and would be contained within the existing grouping of buildings that comprise the former farmyard. As such, the proposal would be very much read in the context of the existing built development of farmyard building and the neighbouring buildings, comprising the nursery site and linear row of cottages, lining the approach to the site. The positioning of the proposed garage building, for the use of the present owners/occupiers of the main farmhouse, is also considered appropriate in design and within the context of the existing grouping of buildings and therefore, to result in no discernible landscape harm.

7.44 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.

7.45 The existing farmyard, including the area immediately surrounding the existing chicken sheds, is relatively sparse with regard to hedgerow and tree planting. Timber post and wire fencing, denotes the north-eastern boundary with the paddock and as such, the existing chicken sheds are readily visible from the field beyond. A landscaped edge of mixed-species hedgerow and tree planting would be incorporated within the development. At the request of the Conservation Officer, the courtyard element itself, would contain minimal additional planting, in order to retain the overall traditional farmstead appearance and character.

7.46 The Urban Design Officer has been consulted in respect of the overall design and layout of the scheme and considers this to be acceptable.

7.47 In summary, the proposal would introduce built development into an already developed area of the historic farmyard. There would be views of the development from the network of PROWs that run through, and within the vicinity of the site. However, the proposed dwellings would largely be viewed in the context of existing surrounding built development and would be positioned adjacent to existing residential development, against the backdrop of the existing farmyard and adjoining garden nursery site. The development would not extend into the open paddock land to the north-east and a strong defensible boundary of native hedge planting, would provide, both screening from external views and prevent encroachment of domestic paraphernalia into the rural landscape and this weighs in favour of the proposal, within the overall planning balance.

Impact on Amenity of Existing and Future Occupiers

7.48 Policy SD14 of the JCS requires that new development must cause no harm to local amenity including the amenity of neighbouring occupants. Local Plan Policy HOU8 provides that extensions to existing dwellings should not have an unacceptable impact on adjacent property and residential amenity.

7.49 Paragraph 130 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.

7.50 The historic farmstead is no longer operational and as such, no noise/nuisance risk is posed to future occupiers of the new dwellings, as a result of farming activities.

7.51 The Environmental Health Officer has been consulted in respect of the proposal and has raised no objection in terms of road traffic noise adversely impacting future residents.

7.52 A redundant plant nursery, previously associated with the applicant's business exists to the northwest corner of the site. It is located behind the proposed new dwellings, whose gardens would back onto the main circulation route through the nursery. To the south and west of the nursery lie the gardens of existing dwellings, Willow Cottage and its adjoining neighbours. The boundary of the nursery would adjoin the boundary of the westerly house on the application site.

7.53 With regards to the adjoining commercial nursery site, the EHO advised that it was unclear if this business operates any plant / equipment or undertakes noisy activities that could potentially adversely impact future residents. In the first instance, therefore, the EHO requested a Noise Statement from the applicant that identified, or not, any such plant / activities associated with the nursery. A Noise Statement was duly submitted by the applicant, which advised that, at the current time, no work is taking place within the nursery and none is planned for the immediate future.

7.54 The submitted Noise Statement advised that within the current configuration of the nursery site, the only zone in which machinery could create noise nuisance would be the main circulation route to the west of the greenhouses. However, this would be a considerable distance away from the application site and would be in closer proximity to existing houses within the immediate locality. The Statement further set out that at this point in time, there is a minimal risk of minor noise intrusion from any future commercial nursery use of the site, unless it were to be substantially re-developed as a commercial venture. However, it is of note that this would be subject to the requirement for planning permission and would be subject to normal planning constraints. At present, the nursery buildings (greenhouses) are sited within approximately 2.5 metres of the boundary fence and as such, there is insufficient remaining space for nursery vehicles to traverse within this part of the site. This effectively pushes any potential for noise nuisance away from the boundary by 38 metres.

7.55 The addition of new tree planting/native hedgerow planting to the shared eastern boundary with the nursery site, would also serve to provide additional shielding and 'baffling' of any noise, in the event that the nursery business re-commences its operations. The new planting, as it matures would contribute towards both acoustic and visual screening and furthermore, any new noise sources would be subject to noise abatement legislation in order to protect adjoining neighbours.

7.56 The accompanying Noise Impact Statement advises that the nursery has not posed any noise nuisance to adjacent neighbours in the past and currently poses no noise nuisance. The EHO has confirmed that there have been no historic noise complaints in respect of the nursery business and similarly, no current/ongoing noise complaints. The EHO has appraised the submitted Noise Statement and concluded that the noise / nuisance risk to the current application would be low and thus, no objection is raised.

7.57 The impact of the proposal upon existing neighbours, including the applicants themselves (as owners/occupiers of the main farmhouse), has also been carefully considered. The main farmhouse is sited to the south-east of the site. The new, detached garage building, proposed as part of this scheme, would serve the farmhouse and would be sited within the intervening area of the farmyard, between the new dwellings and the farmhouse itself. The intervening distance between the farmhouse and the proposed dwellings would be such that each would benefit from its own private garden area and separate parking area. In addition, there would be sufficient distance from the new holiday-lets, currently under conversion and nearest residential property outside of the historic farmyard (Willow Cottage), to enable all dwellings to maintain a sufficient level of privacy/residential amenity.

7.58 As such, with regards to residential amenity, it is considered that the proposal would accord with Policy SD14 of the JCS.

Access and Highway Safety

7.59 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.

7.60 The development would utilise the existing vehicular access off Hill End Road, serving the site, with a separate driveway provided, leading to the park on-site parking for 2nos vehicles and further parking available for each dwelling by via an integral double garage. Cycle storage would be accommodated within the garages of each property. The supporting D&A Statement advises that waste and recycling bins would be located to the rear of each garage and a separate bin pickup area would be located adjacent to the main entrance to the site for refuse collection days. In addition, the proposed garage building would provide 2nos. additional spaces for the main farmhouse, in addition to the 4nos. plus, on-site spaces, already available.

7.61 Gloucestershire County Council, the Highway Authority, has been consulted on the application, although, no response had been received at the time of report writing. However, the County Highways Officer (CHO) provided detailed comments in respect of the previous 2019 pre-application enquiry on the site, for 2nos. dwellings and associated garaging/stabling for the main farmhouse. The CHO concluded that there would not be an unacceptable impact on highway safety of a severe impact on congestion, and that there were no justifiable grounds on which an objection could be maintained. The Highway Authority therefore raised no objection to the pre-application proposal and consequently, since the quantum of development remains unchanged from the pre-application scheme and the overall layout remains similar, there would be no objection to the current scheme, on highways grounds. It is also of note that the existing poultry sheds could be brought

back into use at any time, with associated traffic movements associated with agricultural use.

7.62 In terms of the PROW, ATW16 runs past the existing chicken sheds and ATW18 runs past Hillend Farm and joins up with ATW19. Whilst the current application proposes no alteration or diversion to the PROW, the County Footpaths Officer has advised that should the footpath be affected during development works, it should be temporarily closed for public safety and reopened on the same line.

Biodiversity

7.63 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.

7.64 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.

7.65 A Preliminary Ecological Appraisal Report accompanies the application, prepared by Shropshire Wildlife Surveys, with surveyed species including bats, nesting birds and Great Crested Newts. The Report concludes that no evidence of roosting bats or nesting birds was observed within the buildings. With regards to Great Crested Newts, the only pond within 100m was assessed as having an H.S.I score of 0.38 (Poor). Therefore, it was considered that the proposed development would result in negligible impact on any Great Crested Newts that might be found within the local area. The Report advised that the sheds have negligible potential for roosting bats, based on the overall low height of the buildings, shallow pitch of the roofs and their overall construction methods and materials. As such, no further activity surveys were recommended as part of the report. A series of standard recommendations were also included as part of the full report.

7.66 The Council's Ecological Advisor has reviewed the submitted ecology report, acknowledging that the buildings were assessed for the bat roosting potential and were confirmed as being negligible due to no evidence of bats and the construction of the buildings. As there are access points that can be used by bats, the EA recommended that a pre-commencement check is undertaken to confirm absence of bats prior to demolition.

7.67 Though no evidence of nesting birds was found if there are access points for nesting birds, the EA advised that the timing of the demolition should be completed outside of the nesting bird season (generally March to August inclusive).

7.68 The pond was confirmed as being poor suitability for great crested newts and the main footprint of the site is considered to be unsuitable for great crested newts. However, the EA notes that there are further waterbodies within the local landscape. Reptiles have not been mentioned in the report and it is assumed by the EA that this is because the habitat is sub-optimal for reptiles. However, the EA advises that further mitigation will need to be provided as part of a condition.

7.69 In conclusion on this matter, the Ecological Advisor raises no objection to the application, subject to the imposition of appropriate planning conditions requiring the development to strictly adhere to the mitigation detailed within the Preliminary Ecological Appraisal (Shropshire Wildlife Surveys, March 2020), the submission of a lighting strategy scheme, including contouring plans demonstrating any light spill into adjacent habitats, the carrying out of pre-commencement checks within 48 hours of the demolition to confirm absence of bats, the submission of evidence of ecological enhancements to be submitted to the local authority prior to occupation, including but not

limited to bird and bat boxes and the submission of a GCN and reptile mitigation strategy, for approval, prior to commencement of works.

Drainage and Flood Risk

7.70 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.

7.71 The application is supported by a Water Management Strategy, which notes that in respect of foul water, Hillend farm is already connected to the public sewer system. Foul water connections would be taken into this, using existing manholes where they are appropriately located. With regard to storm/surface water, this would be taken wherever possible into soakaways around the building. Permeable paving or gravel drives would be incorporated, allowing greater areas to drain through natural infiltration than is presently the case with the existing roof plan. The area covered by buildings would reduce substantially from 891 m² to 386m².

7.72 The 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 requirement to apply drainage conditions in respect of the application.

Community Infrastructure Levy (CIL)

7.73 The Community Infrastructure Levy (CIL) Regulations allow local authorities to raise funds from developers undertaking new building projects in their area.

7.74 The development would be CIL liable as it would create two, new dwellings.

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 outside of the settlement boundary as defined within the Twyning NDP and the PSTBP Proposals Map. However, the site is located within Hillend, which is recognised as part of Twyning village, with built development to the east, south and west. It is considered therefore, 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, including Twynning village itself, would, however, similarly be limited by the scale of the development proposed.

8.5 When assessing the impact of a proposal upon the significance of a designated heritage asset, paragraph 199 of the NPPF advises that great weight should be given to the asset's conservation – the more important the asset, the greater the weight should be. The existing redundant chicken sheds are considered by the CO, to be of no architectural merit but to have a neutral impact upon the historic setting of the farmhouse. The current scheme is considered, not only to sustain the significance of the heritage asset (the Grade II Listed farmhouse), but to provide an overall enhancement of its significance. As such, this is considered to represent an important and discernible benefit, resulting from the proposed development.

8.6 Benefits in respect of green infrastructure would also be achieved. Timber and wire boundary fencing would be replaced with native species hedgerow, enhancing opportunities for additional planting/landscaping within the site.

8.7 It is also considered that the overall layout of the scheme, together with its detailed design, would lead to visual amenity enhancements, over and above the existing chicken shed buildings.

Harms

8.8 Having regard to the policies of the development plan and the responses of technical consultees, no harms have been identified in respect of the proposal.

Neutral

8.9 Having regard to the policies of the development plan and the responses of technical consultees, the proposed development would have an acceptable impact on drainage, contaminated land, ecology, archaeology, residential amenity and impact on trees, subject to the imposition of appropriate planning conditions. Furthermore, while there would be a modest increase in vehicular movements, over and above the existing movements related to the site, this would not impact highway safety or the operation of the highway network, including the existing PROW.

Overall Balance and Recommendation

8.10 For the reasons given above, it is concluded that the positive benefits of permitting this application would significantly outweigh any harms, when assessed against the policies in the Framework taken as a whole. Therefore, 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 the following approved documents:

Shropshire Wildlife Surveys Preliminary Ecological Appraisal Report – Ref: 010/20, dated 16th March 2020;

Block3 Architects Drainage Strategy and Water Management Statement, dated 13th December 2020;

Block3 Architects Landscape Impact Assessment, dated 12th December 2020;

Block3 Architects Noise Vulnerability Assessment, dated 1st July 2021;

Drawing no. HND (10) 001, dated September 2020 – Topographical Plan;

Drawing no. HND (10) 003 – Existing Elevations;

Drawing no. HND-(90)-000 Rev.A, dated September 2020 – Existing and Proposed Site Location Plan, all received by the Local Planning Authority on 11th November 2020;

Drawing no. HND (-) 100 Rev.H, dated March 2019 – Proposed Site Plan, received by the Local Planning Authority on 22nd April 2021.

Drawing no. HND-(-)-110 Rev.E, dated February 2021 – Proposed Garage Plan and Elevations; received by the Local Planning Authority on 5th July 2021;

Drawing no. HND-(-)-101 Rev A - Ground Floor Plan - Proposed

Drawing no. HND-(-)-102 Rev B - First Floor Plan - Proposed

Drawing no. HND-(-)-104 Rev D - Elevations - Proposed

Drawing no. HND-(-)-105 Rev D - Elevations - Proposed

Drawing no. HND-(-)-106 - Contextual Elevations from field - Proposed, received by the Local Planning Authority on 29th July 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. No works above floor plate level shall be commenced until samples and/or details of all external walling and roofing materials (including timber cladding), including colour/finish, in respect of the proposed dwellings and detached garage building, 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 finished appearance of the development will enhance the character and visual amenities of the locality and the setting of the historic asset.

5. No development shall take place on any building of the development until there has been submitted to and approved by the Local Planning Authority in writing, a comprehensive scheme of landscaping. These details shall include, as appropriate:

Hard landscaping details shall include:

- i. Proposed finished levels or contours;
- ii. Positions, design, materials and type of any boundary treatments to be erected;
- iii. Hard surfacing materials;

Soft landscape details shall include:

- i. Planting plans including the positions of all tree, hedge and shrub planting;
- ii. Written specifications (including cultivation and other operations associated with plant and grass establishment);
- iii. Schedules of plants, noting species, planting sizes and proposed numbers;
- iv. Densities where appropriate; and
- v. Implementation timetables including time of planting.

The development shall be carried out only in accordance with the details so approved.

Reason: To ensure a well planned development and to preserve and enhance the quality of the rural environment and setting of the historic asset.

6. No development including demolition or site clearance shall be commenced on the site or machinery or material brought onto the site for the purpose of development until full details of measures to protect trees and hedgerows have been submitted to and approved in writing by the Local Planning Authority. This shall include:

(a) Protective fencing must be installed around trees and hedgerows to be retained on site. The protective fencing design must be to specifications provided in BS5837:2012 or any subsequent revisions, unless agreed in writing with the Local Planning Authority. A scale plan must be submitted and approved in writing by the Local Planning Authority accurately indicating the position of protective fencing. No development shall be commenced on site or machinery or material brought onto site until the approved protective fencing has been installed in the approved positions and this has been inspected on site and approved in writing by the Local Planning Authority. Such fencing shall be maintained during the course of development,

(b) The area around trees and hedgerows enclosed on site by protective fencing shall be deemed the tree protection zone (TPZ). Excavations of any kind, alterations in soil levels, storage of any materials, soil, equipment, fuel, machinery or plant, citing of site compounds, latrines, vehicle parking and delivery areas, fires and any other activities liable to be harmful to trees and hedgerows are prohibited within the TPZ. The TPZ shall be maintained during the course of development.

Reason: To ensure adequate protection to existing trees which are to be retained, in the interests of the character and amenities of the area.

7. All planting, seeding or turfing in the approved details of landscaping shall be carried out in the first planting and seeding season following the completion or first occupation/use of the development, whichever is the sooner. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a well planned development and to preserve and enhance the quality of the environment and the setting of the historic asset.

8. No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the Local Planning Authority. The results of the site

investigation shall be made available to the Local Planning Authority before any development begins. If any significant contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The site shall be remediated in accordance with the approved measures before development begins.

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

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

9. 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. HND (-) 100 Rev.H, dated March 2019 (Proposed Site Plan), 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.

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

Reason: To promote sustainable travel and healthy communities.

11. 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.

12. 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.

13. The development is to strictly adhere to the mitigation detailed within the Preliminary Ecological Appraisal (Shropshire Wildlife Surveys, March 2020) and recommendations within this report, which include the sensitive timing of demolition to avoid bird nesting season and where this is not practical a suitably qualified ecologist is to undertake a check immediately prior to demolition to confirm absence of birds.

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

14. 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

15. A GCN and reptile mitigation strategy shall be submitted to the Local Planning Authority and approved in writing, prior to commencement of works,

Reason: In order to protect and enhance ecology and biodiversity

16. 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 the setting of the historic asset, and to ensure that adequate private open space is retained within the curtilage of each dwelling.

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, 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 and working with the applicant to advise on the detailed design.

2. 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.

3. Should any trenches be created as part of the development; they are to be installed with a shallow ramp to allow a means of escape for any animals that may fall in.

4. If any of the Public Rights of Way are to be affected by the development, the paths should be temporarily closed for public safety and reopened on the same line. The County Public Rights of Way Officer would be happy to advise the applicant in respect of this ([08000 514514](tel:08000514514))

5. 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.

6. A pre-commencement check by a qualified ecologist shall take place within 48 hours of the demolition to confirm absence of bats. If signs of bats or presence is recorded the works shall be delayed until appropriate surveys / advice is sought.