

TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

Committee:	Planning
Date:	16 November 2021
Site Location:	1 Court Drive Apperley
Application No:	21/00054/OUT
Ward:	Severn Vale North
Parish:	Deerhurst
Proposal:	Outline application for the erection of a single dwelling; all matters except access reserved for future consideration
Report by:	James Lloyd
Appendices:	Site location plan Existing site layout plan Proposed site layout plan (Indicative)
Recommendation:	Delegated Permit

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1** The application site is located along Court Drive on the approach to Apperley Court, to the south of the core of the village. This area is characterised by a dispersed settlement pattern along Court Drive and School Lane, with a denser concentration where they intersect at the village green. There is a high proportion of traditional buildings, both listed and unlisted, in this area.
- 1.2** The application site measures approximately 0.08 hectares and is broadly rectangular with its eastern boundary forming a road frontage onto Court Drive. The site was formerly used as ancillary garden to No.1 Court Drive and is laid to lawn. The boundaries are defined by mature native hedges with some standard trees within.
- 1.3** The application site lies within Flood Zone 1; an area with the lowest probability of flooding and is identified as being within a landscape protection zone (LPZ) as designated by saved policy LND3 of the Tewkesbury Borough Local Plan.
- 1.4** The application seeks outline planning permission for the erection of 1 no. dwelling, with all matters reserved for future consideration except for access. An indicative Proposed Site Plan has been submitted to indicate the location of the dwelling and associated parking. Nos 1 & 2 Court Drive to the South, both fulfil the NPPFs definition of a heritage asset in that they have a degree of significance.

2.0 RELEVANT PLANNING HISTORY

- 2.1** None pertaining to this site.

3.0 RELEVANT POLICY

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

National guidance

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

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

- SD4 (Design Requirements)
- SD6 (Landscape)
- SD8 (Historic Environment)
- SD9 (Biodiversity and Geodiversity)
- SD10 (Residential Development)
- SD11 (Housing mix and Standards)
- SD14 (Health and Environmental Quality)
- INF1 (Transport Network)
- INF2 (Flood Risk Management)
- INF3 (Green Infrastructure)

Tewkesbury Borough Local Plan to 2011 – March 2006 (TBPL)

- LND3 (Landscape Protection Zone)

Main Modifications Tewkesbury Borough Plan 2011-2031

- RES3 (New Housing Outside Settlement Boundaries)
- RES4 (New Housing at Other Rural Settlements)
- RES5 (New Housing Development)
- RES13 (Housing Mix)
- DES1 (Housing Space Standards)
- NAT1 (Biodiversity, Geodiversity and Important Natural Features)
- ENV2 (Flood Risk and Water Management)

- LAN2 – Landscape Character
- TRAC1 (Pedestrian Accessibility)
- TRAC9 (Parking Provision)

Other relevant legislation

- Human Rights Act 1998
- Article 8 (Right to Respect for Private and Family Life)
- The First Protocol - Article 1 (Protection of Property)

4.0 CONSULTATIONS

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

Deerhurst Parish Council – Objections with the following comments as summarised:

- Inappropriate development of residential gardens.
- Impact upon Landscape protection Zone - This site is a residential garden from which hedgerow and trees have been removed.
- The site is outside the residential development boundary and not adjacent to the boundary. Infilling applies only within this boundary.
- Consistency with previous decisions is considered important by the Parish Council.

Gloucestershire County Council (Highways Officer) - No objections, subject to conditions.

Flood Risk and Management Officer – No objections.

Ecological Advisor - Preliminary ecological assessment required

Newt Officer - Preliminary ecological assessment required

Conservation Officer – No objection

5.0 PUBLICITY AND REPRESENTATIONS

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

5.1 The application has been publicised through the posting of a site notice for a period of 21 days.

5.2 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 Pre-Submission TBP was submitted for examination in May 2020. Examination in Public (EiP) took place over five weeks during February and March 2021. The examining 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** A schedule of Main Modifications to the Pre-submission TBP were approved at the meeting of the Council on 20th October 2021 and is now published for consultation as the Main Modifications Tewkesbury Borough Plan (MMTBP).
- 6.5** Those policies in the MMTBP which were not listed as requiring main modifications may now attract more weight in the consideration of applications, with those policies which are subject to 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 (including as with modifications as published for consultation) 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).
- 6.6** The relevant policies are set out in the appropriate sections of this report.
- 6.7** Other material policy considerations include national planning guidance contained within the National Planning Policy Framework 2019 and the Tewkesbury Borough Plan 2011-2031 Pre-Submission Version (October 2019).

7.0 ANALYSIS

Principle of development

- 7.1** Apperley comprises a small village which does not benefit from a defined settlement boundary in the emerging Local Plan, however the application site is located adjacent to the previously defined built up area as shown on the proposals map to the TBLP to 2011 and is also in close proximity to the village primary school and local bus stops.

- 7.2** 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, within the JCS area, 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. The application site is not allocated for housing through the development plan. 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 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. Apperley is not identified as a 'Rural Service Centre' nor a 'Service Village' within Table SP2c ("Settlement hierarchy") of the JCS.
- 7.3** 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.
- 7.4** The proposed development is not for affordable housing on a rural exception site in accordance with Policy SD12 and is not brought forward through Community Right to Build Orders. As such, it does not comply with Criteria 4 (i), (iii) or (iv) of Policy SD10 of the JCS.
- 7.5** Criterion 4 (ii) of JCS Policy SD10, relates to infilling within the existing built-up areas of towns and villages. The JCS defines infill development as the development of an under-developed plot well related to existing built development. The application site is adjoined on its northern side by the existing dwelling known as 2 Court Drive and on southern boundary by Fox Covert and its residential garden. Bushey House is located to the northeast of the site. The application site is an under-developed plot and is bound to the north and south by existing residential development. Any proposed dwelling could be accommodated on site so that it fronts onto Court Drive mirroring the existing building line of the surrounding properties. It is therefore considered that it is considered to constitute infilling within a village that relates well to the existing built development. As such, the proposed development is in accordance with the spatial strategy of the Development Plan.
- 7.6** Policy RES4 of the emerging MMTBP specifies that, to support the vitality of rural communities and the continued availability of services and facilities in the rural areas, very small scale residential development will be acceptable in principle within and adjacent to the built up area of other rural settlements (i.e. those not featured within the settlement hierarchy), subject to a number of criteria.

- 7.7** It is considered that the application proposes very small-scale residential development adjacent to the built up area of this rural settlement. Emerging Policy RES4 of the MMTBP provides a set of criteria which such development should comply with. It further states that, in all cases, development must comply with the relevant criteria set out at Policy RES5, and specifies that particular attention will be given to the effect of the development on the form, character and landscape setting of the settlement.
- 7.8** One such criteria of emerging Policy RES4 of the MMTBP requires such very small-scale residential development within and adjacent to the built up area of other rural settlements to be of a scale that is proportionate to the size and function of the settlement and to maintain or enhance sustainable patterns of development (criteria (a)). In this regard emerging Policy RES5 similarly requires residential development to, inter alia, be of an appropriate scale having regard to the size, function and accessibility of the settlement.

Councils 5 Year Housing Land Supply

- 7.9** As set out in the latest Tewkesbury Borough Five Year Housing Land Supply Statement published in December 2020, the Council can demonstrate a 4.35 year supply of deliverable housing sites. On the basis therefore that the Council cannot at this time demonstrate a five year supply of deliverable housing land, the Council's policies for the provision of housing should not be considered up-to-date in accordance with footnote 7 of the NPPF and in accordance with Paragraph 11 of the NPPF the presumption in favour of sustainable development (the 'tilted balance') applies. Paragraph 11 of the NPPF states that where policies which are most important for determining the application are out of date, permission should be granted unless: d)i. the application of policies in the Framework 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. This will be assessed below.
- 7.10** Members will be aware of the appeal decision at Ashmead Drive in which the Inspector concluded that the Council could demonstrate a 1.82 year supply and the subsequent High Court judgment. The Judge found that the Gotherington Inspector had not erred in law in arriving at that conclusion not to take previous oversupply into account in determining that appeal.
- 7.11** Appeal decisions are not binding precedents however. That the Council includes advanced delivery (or 'oversupply') against annual housing requirements in its five-year supply calculations is, in officers view, in the context of the plan-led system, is the correct approach. This is because not taking into account those houses that have already been delivered during the plan period, essentially ahead of schedule, and which meet the needs being planned for in the area would serve to artificially increase the plan-led housing requirement.
- 7.12** It is noteworthy that, in his judgment, the Judge made it clear that it was not for him to make policy, *"The question of whether or not to take into account past oversupply in the circumstances of the present case is... a question of planning judgment which is not addressed by the Framework or the PPG and for which therefore there is no policy"*. He went on- *'No doubt in at least most cases the question of oversupply will need to be considered in assessing housing needs and requirements'*.

- 7.13** More recently the Council has received two appeal decisions following public inquiries where the issue of 'oversupply' was also debated. In an appeal at Coombe Hill, the Inspector noted that taking into account *'past performance exceeding the annual average of the plan's requirement... seems to me to be a just approach, because it reflects reality, not a theoretical formula applied without consideration of actual outturns.'*
- 7.14** In another appeal decision for a scheme at Alderton, the Inspector arrived at a similar conclusion, saying that *'Nonetheless, in my judgement, the Council's method of taking account of an over-supply against the annual requirement is not to be [sic] an unreasonable one.... To continue to require 495 homes a year when the past over-supply would indicate a lesser requirement, would, it seems to me, be to 'artificially inflate' the housing requirement. I am not convinced, having accepted this position, that the appellant's argument that the supply is as low as 2.08 years is robust.'*
- 7.15** Officer's advice is therefore that a 4.35-year supply can be demonstrated at this time. Nevertheless, as set out above, as the Council cannot demonstrate a five-year supply of deliverable housing sites and the presumption in favour of sustainable development is therefore engaged in this case.

Landscape impact

- 7.16** Policy SD4 of the JCS 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.
- 7.17** Criterion 6 of JCS 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.
- 7.18** Emerging Policy RES4 of the MMTBP, as referred to above, specifies that very small-scale residential development will be acceptable in principle within and adjacent to the built-up area of other rural settlements providing, inter alia, it is of a scale that is proportionate to the size and function of the settlement and maintains or enhances sustainable patterns of development, providing it complements the form of the settlement and is well related to existing buildings within the settlement, and providing the site of the proposed development is not of significant amenity value or makes a significant contribution to the character and setting of the settlement in its undeveloped state.
- 7.19** In addition, emerging policy RES5 of the MMTBP specifies that proposals for new housing development should:
- 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;
 - Where an edge of settlement site is proposed, respect the form of the settlement

and its landscape setting, not appear as an unacceptable intrusion into the countryside and retain a sense of transition between the settlement and open countryside;

- 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; and
- Address any other environmental or material planning constraints relating to the site.

- 7.20** Policy SD6 (Landscape) of the JCS 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.
- 7.21** As noted above, the application site is located within the LPZ as defined on the TBLP Proposals Map. This policy was replicated in the Pre-submission TBP however one of the Main Modifications is for it to be deleted and replaced with a new policy (LAN2 – Landscape Character) which requires that All development must, through sensitive design, siting, and landscaping, be appropriate to, and integrated into, their existing landscape setting. In doing so, relevant landscape features and characteristics must be conserved and where possible enhanced.
- 7.22** The proposal would introduce development into a vacant piece of land and consequently there would be some extent of visual impact. However, the site itself sits in close proximity to existing residential development, and the illustrative site plan shows that the proposed dwelling could be located in a set back position from the front site boundary, thereby following the approximate building line of adjacent existing buildings. An indicative block plan has been submitted showing that the expected scale of a new dwelling would reflect the scale of existing nearby dwellings. No further details as to the scale, design and layout have been submitted with this application, however, this could be dealt with at reserved matters stage.
- 7.23** Whilst the proposed development would be fairly prominent from the road and would change the character of the site, by virtue of the footprint, layout and orientation of the proposed dwelling relative to existing nearby dwellings and the proximity to adjacent buildings as shown on the illustrative site plan, it is considered that the plan demonstrates that a single dwelling could be accommodated on the site in an acceptable manner in terms of the impact on landscape character. The applicant is, however, strongly advised that the architectural appearance of the dwelling and the location of the garaging would need to be taken into consideration and dealt with in any subsequent reserved matters application.

- 7.20** It is recommended that any approval of outline planning permission is subject to condition requiring details of existing and proposed levels, including finished floor levels, a plan indicating the position, design, materials and type of boundary treatments to be erected, precise details or samples of the external facing materials and hard surfacing proposed to be used, as well as a landscape scheme for the whole site to be submitted as part of the Reserved Matters application, in the interests of the visual amenity of the area, and to protect and enhance the landscape character of the LPZ.

Access and highway safety

- 7.21** The NPPF sets out 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 considers that developers provide safe and efficient access to the highway network and permission be granted only where the impact of the development is considered not to be severe. It further states that safe and efficient access to the highway network should be provided for all transport means.
- 7.22** Emerging Policy RES5 of the MMTBLP 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 MMTBLP states that proposals need to make provision for appropriate parking and access arrangements.
- 7.23** The Applicant has submitted a site plan indicating visibility splays of 58.9m to the north east and 93.8m to the south west, 2.4m back from the highway edge at the centre of the driveway. The submitted plans confirm that the host dwelling (No.1 Court Drive) and the proposed dwelling would retain, and provide sufficient parking space together with turning area for at least 2No vehicles.
- 7.24** The Local Highway Authority has been consulted on the application and raises no objection subject to conditions. Subject to these conditions, it is considered that there would be no unacceptable impact on highway safety and that the residual cumulative impacts on the road network would not be severe.

Residential amenity

- 7.25** Paragraph 127 of the NPPF specifies that planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. 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. In this respect, emerging policy RES5 of the MMTBP is also relevant.

- 7.26** Whilst there is potential for some overlooking as a result of the proposed development, it is considered that careful design and orientation of windows would ensure that the development could be accompanied in an acceptable manner and these matters would be addressed through any subsequent reserved matters applications. It is therefore considered that the plans show that 1 no. dwelling could be accommodated on the site in an acceptable manner in terms of the impact on the residential amenity of adjoining occupiers. It is recommended that any approval of outline planning permission is subject to condition requiring details of existing and proposed levels, including finished floor levels, as well as a plan indicating the positions, design, materials and type of boundary treatments to be erected, to be submitted as part of the Reserved Matters application, in order to ensure the amenities of the occupiers of neighbouring properties would be protected.
- 7.27** Policy DES1 of the MMTBP specifies that Tewkesbury Borough Council adopts the Government's nationally described space standards and expects all new residential development to meet these standards as a minimum. It also specifies that new residential development will be expected to make adequate provision for private outdoor amenity space appropriate to the size and potential occupancy of the dwellings proposed. Any subsequent reserved matters application would need to show that the proposed dwelling and associated external amenity area(s) would provide an acceptable living environment for future occupiers.

Drainage and flood risk

- 7.28** Whilst the proposed development is located within Flood Zone 1 as defined by the most up-to-date Environment Agency flood risk maps, the proposed development would have surface water implications. In accordance with JCS Policy INF2, emerging Policy ENV2 of the Tewkesbury Borough Local Plan 2011-2031 Pre-Submission Version (2019) and the Tewkesbury Borough Council Flood and Water Management Supplementary Planning Document, there is a requirement for the application to demonstrate that the proposal would not lead to an adverse impact on the surface water drainage infrastructure, foul water drainage infrastructure or sewage treatment systems.
- 7.29** The supporting surface water drainage strategy makes reference to a infiltration system shall be used however there is no detail to show how this may work or what is intended to achieve this.
- 7.30** The Flood Risk and Drainage Management Officer has been consulted on the application and acknowledges that the overall flood risk at the site is documented as low, no objections are therefore raised in relation to this scheme.

Biodiversity

- 7.31** Paragraph 180 of the NPPF states if significant harm to biodiversity resulting from a development cannot be avoided through locating on an alternative site with less harmful impacts, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by, inter alia, minimising impacts on and proving net gains to biodiversity.

- 7.32** Policy SD9 of the JCS seeks for the protection and enhancement of biodiversity and to establish and reinforce ecological networks. This includes ensuring that those European Species and Protected Species are protected in accordance with the law. Emerging Policy NAT1 of the PSTBLP states that proposals, where applicable will be required to deliver biodiversity net gains. Emerging Policy NAT3 of the PSTBLP seeks for development to contribute towards the provision, protection and enhancement of the wider green infrastructure network.
- 7.33** The Council's Ecological Advisor was consulted and recommended that a Preliminary Ecological Survey (PEA) be undertaken prior to determination. At this stage a PEA has not been submitted, however, the agent advises that one has been commissioned and will be available prior to committee. Given the time frames any submitted PEA may not have opportunity to be assessed by the Council's Ecological Advisor prior to Planning Committee. It is therefore recommended that should Members be minded to permit the application; it is delegated to the Development Manager to allow the assessment of the PEA and its recommendations.

Non-Designated Heritage Assets

- 7.34** Paragraph 203 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.
- 7.35** 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.
- 7.36** The Local Authority's Conservation Officer has been consulted and advises that The proposal is in outline only for the principle of erection of a dwelling within the garden associated with No 1 Court Drive. The plot addresses Court Drive and is in a relatively sensitive site in regards to the character of the historic environment.
- 7.37** In terms of the proposal the Conservation Officer adds:
- "It is considered that the area of garden to be developed is not inherent to the historic character of No 1 Court Drive. It is also considered that the principle of a new dwelling on this plot is acceptable. However, the scale mass, form, height, design, detail and materials of such a new dwelling would need to be sympathetic to the historic character of the context".
- 7.38** The Conservation officer therefore raises no objection to the principle of a single residential property, subject to careful consideration of its siting and design. This detail can be secured by way of a condition at reserved matters stage.

8.0 CONCLUSION AND RECOMMENDATION

- 8.1 Section 38(6) of the Town and Country Planning Act 1990 provides that, if regard is to be had to the development plan, the determination must be made in accordance with the development plan unless other material circumstances indicate otherwise. Section 70(2) of the Act provides that the Local Planning Authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations.
- 8.2 On the basis the Council cannot at this time demonstrate a five year supply of deliverable housing land, the Council's policies for the supply of housing are out of date. In accordance with paragraph 11 of the NPPF, the presumption in favour of sustainable development indicates that permission should be granted unless policies for protecting areas of assets of particular importance in the NPPF provide a clear reason for refusing the development proposed, or any adverse impacts of permitting the development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.
- 8.3 The benefit derived from the development would be a contribution towards the housing shortfall, albeit in a small way, towards providing housing in the Borough. There would also be consequent economic benefits which would again limited by the scale of the proposal. Having regard to those policies of the development plan, no harms have been identified in respect of the proposal. Subject to appropriate conditions, the development would not give rise to unacceptable impacts in regards to non-designated heritage assets, flood risk and drainage, highway safety, residential and visual amenity. It is noted that at the time of writing this report the issue of Ecological impact is still outstanding which needs to be resolved. Should, following the resolution of the outstanding matters, any further harm be identified, a new balancing exercise will be carried out and **an update will be provided at Planning Committee.**
- 8.4 It is therefore considered that the proposed development would constitute sustainable development in the context of the NPPF as a whole and it is therefore recommended that the grant of planning permission be **DELEGATED to the Development Manager, subject to the resolution of Ecology matters set out above, and the addition to/amendment of planning conditions as appropriate, if necessary.**

CONDITIONS:

1. The development for which permission is hereby granted shall not be begun before detailed plans thereof showing the appearance, landscaping, layout and scale (hereinafter referred to as "the reserved matters") have been submitted to and approved by the Local Planning Authority.

Reason: The application is in outline only and the reserved matters referred to in the foregoing condition will require further consideration.

2. Applications for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

3. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

4. The detailed plans to be submitted as part of the Reserved Matters application in accordance with Condition 1 shall include details of existing and proposed site sections and finished floor and site levels. All development shall be carried out in accordance with the approved details.

Reason: In the interests of the amenities of the occupiers of neighbouring properties and to protect the visual amenity of the Landscape Protection Zone.

5. The detailed plans to be submitted as part of the Reserved Matters application in accordance with Condition 1 shall show the positions, design, materials and type of boundary treatments to be erected. The boundary treatments shall be completed in accordance with the approved details before the dwelling hereby permitted is occupied.

Reason: In the interests of the amenities of the occupiers of neighbouring properties and to protect the visual amenity of the Landscape Protection Zone.

6. The details of appearance to be submitted as part of the Reserved Matters application in accordance with Condition 1 shall include precise details and/or samples of the external walling and roofing materials and the hard surfacing materials proposed to be used. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the materials harmonise with its surroundings, and to protect the visual amenity of the Landscape Protection Zone.

7. The details of landscaping to be submitted as part of the Reserved Matters application in accordance with Condition 1 shall include full details of proposed tree and hedge planting. This shall include planting and maintenance specifications, use of guards or other protective measures and confirmation of location, species and sizes. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory and well planned development, to preserve and enhance the quality of the environment, and to protect the visual amenity of the Landscape Protection Zone.

8. The details of landscaping to be submitted as part of the Reserved Matters application in accordance with Condition 1 shall include a scheme for the protection of any retained trees, in accordance with BS 5837:2012, including a Tree Protection Plan(s) (TPP) and an Arboricultural Method Statement (AMS). The specific issues to be dealt with in the TPP and AMS shall be as follows:

- a) The location and installation of services/utilities/drainage
- b) Details of any construction within the RPA or that may impact on the retained trees
- c) A full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include

relevant sections through them.

- d) A specification for protective fencing to safeguard trees during construction phases and a plan indicating the alignment of the protective fencing.

Reason: To ensure a satisfactory and well planned development, to preserve and enhance the quality of the environment, and to protect the visual amenity of the Landscape Protection Zone.

9. Prior to the commencement of the development hereby permitted (including all preparatory work), tree protection must be in place for the retained trees, in accordance with BS 5837:2012, to safeguard trees during the construction phases and to ensure no storage of materials is in proximity of the trees.

Reason: To ensure a satisfactory and well planned development, to preserve and enhance the quality of the environment, and to protect the visual amenity of the Landscape Protection Zone.

10. Any trees or plants which within a period of 5 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. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year defects period.

Reason: To ensure a satisfactory and well planned development, to preserve and enhance the quality of the environment, and to protect the visual amenity of the Landscape Protection Zone.

11. The detailed plans to be submitted as part of the Reserved Matters application in accordance with Condition 1 shall show the layout, vehicular access, parking and turning facilities and surface water drainage within the site. Any gates shall be situated at least 5.0m back from the carriageway edge of the public road and hung as not to open outwards towards the public highway. The dwelling hereby permitted shall not be occupied until those facilities have been provided in accordance with the approved plans and those facilities shall be maintained available for those purposes for the duration of the development.

Reason: To ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians is provided in accordance with paragraphs 108 and 110 of the National Planning Policy Framework.

12. The layout details to be submitted in accordance with Condition 1 above shall include details of secure and covered cycle storage facilities for a minimum of 2 bicycles. The facilities so approved shall be made available prior to first occupation of the dwelling hereby permitted.

Reason: To give priority to cycle movements by ensuring that adequate cycle parking is provided, to promote cycle use and to ensure that the appropriate opportunities for sustainable transport modes have been taken up in accordance with paragraph 108 of the National Planning Policy Framework.

13. Prior to the occupation of the dwelling hereby permitted, the proposed car parking spaces shall be provided so as to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Reason: To ensure that the development incorporates facilities for charging plug-in and other ultra-low emission vehicles in accordance with paragraph 110 of the National Planning Policy Framework.

14. No development shall commence on site until a detailed design, maintenance & management strategy and timetable of implementation for the surface water drainage strategy (e.g. Sustainable Drainage System - SuDS) presented in the Drainage Strategy/Water Management Statement, prepared by Zesta Planning and dated January 2020, has been submitted to and approved in writing by the Local Planning Authority. The detail must demonstrate the technical feasibility/viability of the drainage system through the use of SuDS to manage the flood risk to the site and elsewhere and the measures taken to manage the water quality for the life time of the development. The scheme for the surface water drainage shall be carried out in accordance with the approved details before the development is first put in to use/occupied.

Reason - To ensure the development is provided with a satisfactory means of drainage and thereby preventing the risk of flooding. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage, flood risk and water quality in the locality.

15. No development shall be brought in to use/occupied until a SuDS management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime, has been submitted to and approved in writing by the Local Planning Authority. The approved SUDS maintenance plan shall be implemented in full in accordance with the agreed terms and conditions.

Reason - To ensure the continued operation and maintenance of drainage features serving the site and avoid flooding.

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 the 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.