

TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

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| Committee: | Planning |
| Date: | 21 December 2021 |
| Site Location: | Glebe Cottage Main Street Wormington |
| Application No: | 21/00183/OUT |
| Ward: | Isbourne |
| Parish: | Dumbleton |
| Proposal: | Outline application for the erection of one dwelling and detached garage with all matters reserved |
| Report by: | Gemma Smith |
| Appendices: | Site location plan Indicative site layout plan |
| Recommendation: | Delegated Permit |

1.0 SITE DESCRIPTION AND PROPOSAL

Application Site

- 1.1 The Application Site relates to a parcel of land approx. 0.1ha comprising of paddock. The site is relatively flat and benefits from natural screening on the boundaries in the form of mature hedgerows and a high red brick wall.
- 1.2 A timber framed stable block is located in the south west corner of the site adjacent to a gated vehicular access.
- 1.3 Glebe Cottage is a detached building located in the north east corner of the village. It was originally constructed to house staff from the neighbouring Glebe House located to the south of the site (known as Wormington Manor).

The Proposal

- 1.4 The application seeks outline permission for the erection of 1 no. dwelling and detached garage with all matters reserved. An indicative plan has been submitted to indicate the location of the dwelling and a creation of a new access.
- 1.5 The proposal would subdivide the existing paddock area from Glebe House to form a separate property.

1.6 The proposal would seek the formation of a vehicle access point onto the highway to serve the new dwelling but this matter is reserved.

1.7 The application is supported by the following documents:

- Design and Access Statement, IJP Construction Services Ltd.
- Drainage and Water Management Strategy, IJP Construction Services Ltd.

1.8 Councillor Gore has called the application to Planning Committee on the grounds of the impact of the proposal on the landscape and nearby properties.

2.0 RELEVANT PLANNING HISTORY

2.1 No relevant site history.

3.0 RELEVANT POLICY

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

National guidance

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

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

- 3.3
- Policy SP1 (The Need for New Development)
 - Policy SP2 (Distribution of New Development)
 - Policy SD6 (Landscape)
 - 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 IN2 (Flood Risk Management)

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

3.4 None

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 DES1 (Housing Space Standards)
 - Policy NAT1 (Biodiversity, Geodiversity and Important Natural Features)
 - Policy ENV2 (Flood Risk and Water Management)
 - Policy TRAC1 (Pedestrian Accessibility)
 - Policy TRAC9 (Parking Provision)

Neighbourhood Plan

- 3.6** None

Other relevant policies/legislation

- 3.7**
- Human Rights Act 1998
 - Article 8 (Right to Respect for Private and Family Life)
 - The First Protocol - Article 1 (Protection of Property)

4.0 CONSULTATIONS

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

- 4.2 Dumbleton Parish Council Parish Council** – Comments – in principle the outline application looks acceptable but highlight the LLFA comments.

- Main reason the development within the proposal is not a material consideration.
- Support why it is considered an important consideration by the applicants in regard to their history within the village.

- 4.3 Gloucestershire County Council (Flood Risk Management) –**

Final comments – Rev A of Drainage Strategy. It is not clear how surface water drains from the site. Advises to attenuate the surface water in a swales and shallow pond at the front of the property.

Initial Comments: The proposal is for this development to dispose of surface water and the discharge from a package treatment plant to the existing adjacent ditch however it is not clear that this ditch is to connected to anything and isn't any more than a ditch the length of the western boundary of the development site. For this to be a viable proposition we would need to see how this ditch connects to a watercourse as it is not clear that there are any for it to connect to Either end of the site the ditch meets a gate crossing either from the development site or the adjacent property so unless the ditch feeds a culvert it goes nowhere. If the ditch goes nowhere it will simply fill up with the discharge from the package treatment plant and surcharge whenever it rains.

Without a mapped connection between the ditch and the watercourse this is not a functioning drainage system and so I must object to the proposal.

4.4 Environment Agency - The proposed development is situated within the consultation zone of a Major Accident Hazard Pipeline. Based on the details in the application and distance to the pipeline, it is considered the development will not increase the risk or consequences of a major accident to the pipeline. However, the developer may wish to check further with the pipeline operator where known or the local authority before proceeding.

4.5 GCC Highways – Objection with the following comments

- Transport Statement does not address the matter of unsustainability and lack of other transport options with a limited bus service.
- The development site is located in a rural environment with limited amenities and no schools within walking or cycling distances there are no footways.
- The Highway Authority consider the proposed development would be located in an unsustainable location and occupiers would be reliant on the private car for their daily needs for employment, schools, health and recreation and shopping, which is in variance with paragraphs 108a and 110 of the NPPF, 2019 (new 2021) Policy TRAC1 and conflicts with MfGS.

4.6 Ecology – PEA hedgerow assessment is required as the proposed plans include removal of a section of the hedgerow. PEA also needs to show Biodiversity Net Gains.

4.7 Severn Trent Water – No Objection with the following comments:As the proposal has minimal impact on the public sewerage system no objections to the proposals and do not require a drainage condition to be applied.

4.8 Building Control – The proposal will require Building Regulations approval.

4.9 Environmental Health Officer – No Objection to the application in terms of noise/nuisance issues.

4.10 Air Quality – No objection.

4.11 Tree officer – No Objection subject to conditions relating to tree enhancements, hedgerow and protection of habitats.

PUBLICITY AND REPRESENTATIONS

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

5.2 The application has been publicised through the posting of a site notice for a period of 21 days. No representation have been received in response.

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 2021 and its associated Planning Practice Guidance (PPG), the National Design Guide (NDG) and National Model Design Code.

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, 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. Deerhurst Walton is not identified as a 'Service Village' or a 'Rural Service Centre' within Table SP2c ("Settlement hierarchy") of the JCS. As such, the proposed development fails to comply with criteria 3 of JCS Policy SD10.

7.2 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.*

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.

7.3 In terms of criteria 4 (ii) above, the JCS sets out that infill development means the development of an under-developed plot well related to existing built development. By virtue of the location of the application site, between Glebe House to the north and Wormington Manor located to the south of the site, it is considered that the proposal would fall within the JCS's definition of infill development. However, criteria 4(ii) further requires this infilling to be within the existing built up area of a village. The application site is located adjacent to the main built up area of Wormington. In this context, and given the absence of local services and amenities, it is considered that the proposal cannot reasonably be regarded as constituting infilling within the existing built-up area of a village, in conflict with criteria 4(ii) of JCS Policy SD10.

7.4 The application site lies outside of any defined settlement boundary and is not allocated for housing development. The proposal is not for affordable housing on a rural exception site, and it does not represent infilling within the existing built-up area of a village. It has not been brought forward for development through a Community Right to Build Order and there are no policies in the existing development plan which allow for the type of development proposed here. The principle of the proposed development is therefore considered to be entirely inconsistent with the spatial strategy of the development plan, as set out within policies SP2 and SD10 of the JCS.

7.5 Emerging Policy RES4 of the 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. By virtue of the location of the application site, located towards the south-eastern end of this linear form of development, 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

- 7.6** 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 be of an appropriate scale having regard to the size, function and accessibility of the settlement.
- 7.7** The County Highway Authority objects to the development on account it would be located in an unsustainable location and occupiers would be reliant on the private car for their daily needs for employment, schools, health and recreation and shopping, which is in variance with paragraphs 108a and 110 of the NPPF, 2019 (new 2021) Policy TRAC1 and conflicts with Manual for Gloucestershire Streets. Whilst this position is acknowledged it is in conflict with locational policies of the adopted development plan and the NPPF that facilitate small scale residential development in rural locations in certain circumstances.
- 7.8** However, whilst the proposal is considered to be contrary to Policy SD10 it is also currently the case that the Council cannot demonstrate a 5-year supply of deliverable housing sites.

Five 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 4.39 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 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 4.39-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 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** The proposal would introduce development into an open parcel of land, and consequently there would be some extent of visual impact. However, the development would be viewed in the context of existing built-up development on either side of the application site and 'infill' of the developable plot in context of the surrounding built form.
- 7.22** Whilst the proposed development would be fairly prominent from the adjacent public highway and would change the character of the site, the site itself sits in close proximity to existing residential development, and the illustrative site plan shows that the proposed dwelling would be set back within the site with parking to the front side of the site.
- 7.23** Any subsequent reserved matters application would need to demonstrate that the proposed development would not result in an overly prominent or cramped form of development and that the proposed site layout would respect the location and orientation of existing built development, particularly of that to the south of the site as the dwelling would most closely be viewed from public vantage points in the context of this. In addition, the reserved matters application would need to show that the scale, form and external materials of the proposed dwelling and its architectural appearance would be in-keeping with the local vernacular and would be sympathetic in design to existing adjacent dwellings.

7.24 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 positions, design, materials and type of boundary treatments to be erected, precise details or samples of the external walling and roofing materials and hard surfacing materials 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.

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 Tewkesbury Borough Local Plan MMTBP is also relevant.

7.26 In terms of the impact on the residential amenity of adjacent neighbouring properties, 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 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 The Environmental Health Officer raises no objection to the application in terms of noise / nuisance adversely impacting on future residents, and it is considered that the residential amenity of existing and future occupiers would not be unreasonably affected in terms of noise, odour or pollution levels or general disturbances.

7.28 Policy DES1 of the Tewkesbury Borough Local Plan 2011-2031 Pre-Submission Version (2019) which 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.

Impact on Trees

- 7.29** Policy INF3 of with JCS 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 and should incorporate measures acceptable to the Local Planning Authority to mitigate the loss.
- 7.30** Policy NAT1 relates to biodiversity, geodiversity and important natural features and provides that development likely to result in the loss, deterioration or harm to features of environmental quality will not be permitted unless the need/benefits for development outweigh the impact, the development cannot be located on a site with less harmful impacts and measures can avoid, mitigate or, as a last resort, compensate for the adverse effects. The explanatory paragraphs clarify that this policy automatically applies to trees protected by a preservation order or located within a conservation area. Other non-protected landscape features (including trees, woodlands and hedgerows) will be subject to this policy if they are of sufficient value to warrant their protection.
- 7.31** The proposed details show part of the hedgerow at the front of the site will need to be removed to obtain future access to the site (which to clarify is a reserved matter). Hedgerows are increasingly recognised to be of great importance to both landscape character and ecological corridors. The tree officer has been consulted and has no objection subject to the replanting of a new native hedgerow positioned further back from the highway so splays and access can be obtained. Details would be required of the planting of new trees and hedgerows secured by condition.

Drainage and flood risk

- 7.32** 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.
- 7.33** 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, and that Severn Trent Water has raised no objection to the outline application.
- 7.34** Following a number of amendments and additional information sought from the Drainage Officer, the Drainage Officer recommends that any approval of planning permission be subject to condition requiring a detailed design, maintenance and management strategy and timetable of implementation for the surface water drainage strategy (e.g. Sustainable Drainage System – SuDS) presented in the Drainage Statement to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

Biodiversity

- 7.35** 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.
- 7.36** 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.
- 7.37** 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 179 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by, minimising impacts on and proving net gains to biodiversity.
- 7.38** 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.
- 7.39** The Ecological Advisor seeks for the application to be supported by a Preliminary Ecological Assessment which has been requested but has not yet been submitted. Officers seek a delegated permit in order for these matters to be addressed.

Community Infrastructure Levy (CIL)

- 7.40** The development is CIL liable because it creates a new dwelling. The relevant CIL forms have been submitted.

8.0 CONCLUSION AND RECOMMENDATION

- 8.1** As set out above, the proposal is considered to be inconsistent with the spatial strategy of the development plan, as set out within policies SP2 and SD10 of the JCS. the Main Modifications Tewkesbury Borough Local Plan is however now at advanced stage.

- 8.2 In particular, emerging Policy RES4 (as referred to within Policy RES7) of the MMTBP states that small-scale residential development within and adjacent to the built-up area of other rural settlements (those not featured within the settlement hierarchy) need to comply with five criterion. The application is considered to propose very small-scale residential development and, the application site is considered to be located adjacent to the built-up area of this rural settlement and would be considered as a continuation of the existing built form on this side of the public highway. Given the advanced stage of the MMTBP it is considered that Policy RES4 has significant weight.
- 8.3 Notwithstanding this assessment, 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 given the recent findings of the Authority Monitoring Report. In these circumstances, 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 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.

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 and the similarly limited economic benefits arising both during and post construction.

Harms

- 8.5 Further, there would be an adverse impact on the landscape and rural setting of the site brought about through the domestication of the land to allow for the proposed residential garden, combined with associated domestic paraphernalia. This can be mitigated through appropriate landscaping. The site is not located in a highly accessible location and there would be reliance on the private car. In this respect, whilst only limited weight can be attributed to the emerging Borough Plan, the proposal does comply with the emerging housing policy of that plan.

Neutral

- 8.6 The development with mitigation has a neutral impact on flood risk, trees and hedgerows, drainage and residential amenity

Overall conclusion

- 8.7 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.

- 8.8** Whilst 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. 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 ecology, trees, flood risk and drainage, highway safety, residential and visual amenity.
- 8.9** 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 planning permission is therefore recommended that the grant of planning permission be DELEGATED to the Development Manager, subject to the satisfactory resolution of the outstanding matters referred to in the report (the submission of an ecological report and any necessary conditions).

CONDITIONS:

1. The development for which permission is hereby granted shall not be begun before detailed plans thereof showing the access, 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.

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.

6. The details 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.

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. Any replacement trees/hedgerows 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 period.

Reason: To ensure a satisfactory and well planned development, to preserve and enhance the quality of the environment, and to provide ecological benefits.

8. All Planting shall be carried out in accordance with the approved details in the first planting season during the completion or first occupation of the development, whichever is sooner. The planting shall be maintained in accordance with the approved schedule of maintenance. Any trees or plants which, within a period of five years from the completion of planting, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. If any plants fail more than once, they shall continue to be replaced on an annual basis until the end of the 5 year period.

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

9. 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, and 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.

10. The details to be submitted as part of the Reserved Matters application in accordance with Condition 1 shall include surface water drainage details to include an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in The SuDS Manual, CIRIA C753 (or any subsequent version), and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
 - i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii. include a timetable for its implementation

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution for the lifetime of the development.

11. Prior to the occupation of the dwelling hereby permitted, the proposed car parking spaces shall be designed 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.

12. Prior to its installation, details of any artificial lighting (including the lux, position and height) and any external artificial lighting (including the location and the lux) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure light spill is minimised onto corridors and vegetation used by mammals and commuting/ foraging bats, in order to protect biodiversity.

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.
2. 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.