

## TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

<b>Committee:</b>	Planning
<b>Date:</b>	19 April 2021
<b>Site Location:</b>	Manor Farm Buildings Alstone Tewkesbury
<b>Application No:</b>	21/01554/FUL
<b>Ward:</b>	Isbourne
<b>Parish:</b>	Teddington
<b>Proposal:</b>	Demolition of existing buildings and erection of seven dwellings, new access arrangements and associated works.
<b>Report by:</b>	Bob Ristic
<b>Appendices:</b>	Site location plan Site layout plan – x 2 plans Floor Plans and Elevations – x 8 plans Proposed streetscene plan
<b>Recommendation:</b>	Delegated Permit
<b>Reason for referral to Committee:</b>	Parish Council objection

### 1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site comprises part of a farm complex and includes a number of large portal frame farm buildings to the central and eastern part of the site with an area of hardstanding to the western side of the site which is used for the storage of vehicles and trailers.
- 1.2 The site lies to the western edge of the settlement and adjoins residential properties to its eastern boundary, however the northern, southern and western boundaries adjoin the open countryside.
- 1.3 The site lies outside of any defined settlement boundary and within the Cotswolds Area of Outstanding Natural Beauty (AONB) and is in Flood Zone 1.
- 1.4 The application seeks full planning permission for the redevelopment of the site with 7 detached dwellings. The site would be laid out with 4 dwellings in a tandem arrangement to the central and eastern part of the site and 3 dwellings orientated at 90 degrees to the road to the western part of the site. **(See attached site plan)**
- 1.5 The proposed dwellings would have a traditional appearance incorporating projecting gables and dormers and would be constructed of Cotswold Stone and Winchcombe Tiles **(See attached elevation plans)**

## 2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
14/00154/CLE	Certificate of lawfulness for use of land as a commercial haulage yard.	CLEREF	10.06.2014
15/00242/OUT	Outline planning application for 15 dwellings (including 4 affordable homes) with all matters apart from access reserved.	REF	28.10.2015
16/01101/OUT	An Outline Application for the erection of 5 houses with all matters reserved (including Access).	REF	20.12.2016
19/00983/FUL	Development of 9 dwellings and associated infrastructure.	WDN	30.01.2020
20/00703/FUL	Demolition of existing buildings and erection of 6 no. dwellings and associated works.	WDN	06.01.2022

## 3.0 RELEVANT POLICY

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

### 3.1 National guidance

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

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

SP2 (Distribution of New Development)

SD3 (Sustainable Design and Construction)

SD4 (Design Requirements)

SD6 (Landscape)

SD7 (Cotswolds Area of Outstanding Natural Beauty)

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)

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

None

### **3.4 Tewkesbury Borough Plan 2011-2031 Pre-submission Version (October 2019)**

RES2 (Settlement Boundaries)  
RES3 (New Housing Outside Settlement Boundaries)  
RES4 (New Housing at Other Rural Settlements)  
RES5 (New Housing Development)

### **3.5 Neighbourhood Plan**

None

### **3.6 Other relevant policies/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/>.

### **4.1 Teddington and Alstone Parish Council – Object for following reasons:**

- Number and size of dwellings
- Uniform suburban style
- Urbanise entrance to village
- Suburban lighting in rural setting

- Encroachment into undeveloped field
- Would result in an 18% increase
- 3 large houses would be first view of village
- Would not integrate with natural or historic environment
- Cotswolds AONB Management Plan sets out that new development should support and not overwhelm existing settlements
- Would not conserve linear form of village
- Should avoid hard urban edge to settlement

**4.2** Environmental Health Officer – No objections

County Archaeologist – No objections

Borough Conservation Officer – No objections

Severn Trent Water – No objections

Gloucestershire Highways – object on sustainability and accessibility grounds

## **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. In response, 9 representations have been received. The comments raised are summarised below:

- 5.2**
- Proposal is for a significant residential development in the AONB
  - Applicant justifies the development due to the poor state of the site which should be enforced
  - Site is outside of village boundary
  - Proposal is of a dense suburban style
  - High pitched roof dwellings would be as visible as exiting barn structure
  - Fails to respect character of Alstone which is not a service village
  - No public facilities or transport
  - Site is in the AONB
  - village includes a number of listed buildings

- Site is in an agricultural use and covered livestock yards are needed in the area
- Recent nearby application for a piggery was approved
- Site is still being used as a haulage yard despite failed applications and Lawful use Certificates
- Extensive planning and enforcement history
- Study's in the 2 and 3 bed plots should be considered as extra bedrooms
- Insufficient parking
- Traffic generation should be calculated on this basis
- Density of development would result in loss of more trees
- Would increase Alstone by 15-18%
- Would exceed 5% or 10 dwellings whichever is the lesser of MMVTBP Policy RES4
- Existing houses have large plots and proposal is too dense and uniform
- Roads to village are single track and not suitable for cycling or walking
- Bus services are limited
- Would have an adverse impact on busy road
- No space for heat pumps, LPG or oil tanks
- Housing should be prioritised in areas with good services
- Closure of business on the site would result in loss of 3 full time and 7 part time jobs
- Does not address surface or foul drainage
- SUDS would discharge to ditch
- SUDS Provision needs management
- Would not support connection to utilities in adjoining gardens
- Should not affect water pressure
- Location plagued by flooding
- Object to street lighting
- Land may be contaminated
- Support the principle of a redevelopment however 7<sup>th</sup> dwelling is too much
- Previous bungalow proposal was preferred

- Would be overlooked by 2 storey houses
- Houses set too far back
- No details of walls or hedges
- Speed limit sign should be moved further out of village or reduced from 30 to 20mph

## **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** Alstone comprises a small rural settlement and does not benefit from a defined settlement boundary. The site is not allocated for housing and Policy SD10 of the JCS would apply to for proposals for new residential development.

- 7.2** Policy SD10 follows that housing development will only be permitted where it is previously developed land in the existing built up areas, or it is:
- i. It is for affordable housing on a rural exception site in accordance with Policy SD12, or;
  - ii. It is infilling within the existing built up areas of the City of Gloucester, the Principal Urban Area of Cheltenham or Tewkesbury Borough's towns and villages except where otherwise restricted by policies within District plans, or;
  - iii. It is brought forward through Community Right to Build Orders, or;
  - iv. There are other specific exceptions / circumstances defined in district or neighbourhood plans.

The proposal would not accord with any of these exceptions and would therefore be in conflict with this policy.

- 7.3** It is acknowledged that the NPPF seeks to promote sustainable development in rural areas and sets out that housing should be located where it will enhance or maintain the vitality of rural communities (Paragraph 79) and that where there are groups of smaller settlements, development in one village may support services in a village nearby (Paragraph 78). In this respect Alston is considered to be in proximity to nearby Service centres and service villages.
- 7.4** In terms of the emerging Borough Plan, Policy RES3 of the MMTBP sets out that new housing outside of settlement boundaries will be considered acceptable where development would comprise amongst other things, very small-scale development at rural settlements in accordance with Policy RES4.
- 7.5** Policy RES4 of the MMTBP sets out that in order to support the vitality of rural communities and the continued availability of services and facilities in the rural areas very small scale development will be acceptable in principle within and adjacent to the built up area of other rural settlements providing it is of a scale proportionate to the size and function of the settlement, maintains or enhances sustainable patterns of development and does not have an adverse cumulative impact on the settlement and as a general indication no more than 5% growth will be allowed and that the site of the proposed development is not of significant amenity value or makes a significant contribution to the character and setting of the village.
- 7.6** The proposal conflicts with Policies SP2 and SD10 of the JCS however it is located adjacent to the built-up area of the Village and as such is not located in an isolated rural location. Furthermore, the proposed development of 7 dwellings would significantly exceed the indicative 5% growth of as set out in Policy RES4. While this policy cannot be afforded full weight at this time this conflict would be significant due to the advanced stage of the MMTBP and would need to be balanced against any other benefits or harms of the scheme.

## ***Five Year Housing Land Supply***

- 7.7** As set out in the latest Tewkesbury Borough Five Year Housing Land Supply Statement published in January 2022 (April 2021 base), the Council can demonstrate a 3.83 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 8 of the NPPF and in accordance with Paragraph 11(d) 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: 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.
- 7.8** Members will be aware that the Council's approach to calculating housing land supply has been challenged in recent appeals and the courts. Significantly, however, the Inspector who recently decided the appeal relating to land the northwest of Fiddington (2nd March 2022) confirmed the Council's five year housing land supply as outlined above. Importantly, in doing so he confirmed that past 'oversupply' arising from a surplus of historic housing completions is a matter which should be factored into the Council's supply calculation, despite the appellant's contention to the contrary.
- 7.9** Members will also know that the Inspector's Report on the emerging Tewkesbury Borough Plan is imminently expected and, once adopted, this will include a number of sites which can reasonably be expected to deliver housing within the next five years. Whilst the land supply position will also need to be formally updated, officers fully expect to be able to report a housing land supply in excess of five years at that point, in compliance with NPPF paragraph 74.
- 7.10** Accordingly, whilst the Council cannot currently demonstrate a five-year supply and the tilted balance is engaged in this case, the planning balance should be approached in the context of a realistic expectation of the Council shortly being able to demonstrate a five-year housing land supply.
- 7.11** As set out in the latest Tewkesbury Borough Five Year Housing Land Supply Statement published in January 2022 (April 2021 base), the Council can demonstrate a 3.83 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 8 of the NPPF and in accordance with Paragraph 11(d) 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: 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.

- 7.12** Members will be aware that the Council's approach to calculating housing land supply has been challenged in recent appeals and the courts. Significantly, however, the Inspector who recently decided the appeal relating to land the northwest of Fiddington (2nd March 2022) confirmed the Council's five year housing land supply as outlined above. Importantly, in doing so he confirmed that past 'oversupply' arising from a surplus of historic housing completions is a matter which should be factored into the Council's supply calculation, despite the appellant's contention to the contrary.
- 7.13** Members will also know that the Inspector's Report on the emerging Tewkesbury Borough Plan is imminently expected and, once adopted, this will include a number of sites which can reasonably be expected to deliver housing within the next five years. Whilst the land supply position will also need to be formally updated, officers fully expect to be able to report a housing land supply in excess of five years at that point, in compliance with NPPF paragraph 74.

### **Conclusions on Principle of Development**

- 7.14** 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.
- 7.15** The application conflicts with policies SP2 and SD10 of the JCS and therefore the starting point is that the proposal should be refused in accordance with the development plan unless other material planning considerations indicate otherwise.
- 7.16** However, as set out above, the Council cannot at this time demonstrate a five year supply of deliverable housing land and therefore the most important policies for determining the application are deemed out of date in accordance with footnote 8 of the NPPF. On that basis the appeal must be determined in accordance with paragraph 11(d)(ii) of the NPPF (the tilted balance), i.e. planning permission should be granted unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of NPPF as a whole.
- 7.17** The statutory status of the development plan is not affected by the 'tilted balance' and nor does it mean that Policies SP2 and SD10 of the JCS, or any other development plan policy, is to be disregarded and the development plan remains the starting point for decision making. However, the benefits of the proposal must be considered in the context of the tilted balance, including the social benefits of the delivery of housing, along with other benefits of the proposal including economic benefits arising both during and post construction. These matters must be considered in the overall planning balance.

### ***Landscape***

- 7.18** Section 15 of the NPPF seeks to conserve and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan), and recognising the intrinsic character and beauty of the countryside. Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.

- 7.19** JCS Policy SD7 sets out that development proposals in the Cotswolds AONB will be required to conserve and, where appropriate, enhance the landscape, scenic beauty, wildlife, cultural heritage and other special qualities. Proposals will be required to be consistent with policies set out in the Cotswolds AONB Management Plan.
- 7.20** The Cotswolds AONB Management Plan is a statutory plan which sets out the vision, outcomes and policies for the management of the Cotswolds AONB for the period 2018-2023. Policy CE1 relates to landscape and states, proposals should have regard to, be compatible with and reinforce landscape character, ... and proposals likely to impact on, or create change in, the landscape of the Cotswolds AONB, should have regard to the scenic quality of the location and its setting to ensure that views – including those into and out of the AONB – and visual amenity are conserved and enhanced. Policy CE3 relates to local distinctiveness and states innovative designs which are informed by local distinctiveness, character and scale should be welcomed. Policy CE5 seeks to protect the dark skies of the AONB.
- 7.21** The application site is relatively flat and low lying, being located to the northern edge of the Cotswolds AONB and to the south of the Special Landscape Area, however the land slopes up to the south towards Oxenton Hill and Dixton Wood.
- 7.22** The site itself comprises several barn structures set to the central and eastern part of the site with the western part laid to hard standing providing open storage. The structures are of a substantial modern construction providing covered shelter for cattle, machinery and is not an untypical feature of the rural landscape. The northern boundary to the site comprises a number of substantial trees and shrubs which provide significant screening from the highway and open countryside to the north. The eastern boundary comprises more sporadic planting with the southern and western boundaries being unscreened.
- 7.23** A number of footpaths pass in proximity to the site including Teddington Footpath 12 (ATE12) which runs north/south and terminate on the northern side of the lane to the northeast of the application site. ATE15 which runs in an east/west alignment approximately 120metres to the south of the site and ATE16 which runs in a north/south alignment up eastern side of Oxenton Hill and Dixton Woods.
- 7.24** A Landscape and Visual Impact Assessment (LVIA) has been submitted with the application. The report sets out that Alstone, while not a conservation area, falls within the AONB and includes a number of listed buildings and its value within the landscape and AONB is judged as 'high'.
- 7.25** The report sets out that the application site in its current state is considered an incongruous and discordant feature given the size and condition of the structures along with other machinery and equipment stored in the open yard areas, which result in visual harm to the setting of the village and surrounding countryside.
- 7.26** The LVIA identifies the key landscape character types and impacts from a number of viewpoints including Teddington Footpaths ATE12, ATE15 and ATE16 and acknowledges that the present poor perception of the site fades with distance and becomes less harmful in medium to long distance views.
- 7.27** The LVIA concludes that the impact of the new development would be 'moderate' or 'minor' beneficial in proximity to the site and 'negligible' in distant views. In conclusion the proposed development would result in an improvement to the landscape and setting of the village when compared to the existing site and would not result in harm to the AONB.

- 7.28** The proposal would entail the loss of a number of trees principally from an un-managed cluster to the northern part of the site and are not subject of a TPO. The application is accompanied by an Arboricultural Impact Assessment which identifies a total of 16no. individual trees, 3no. groups of trees and 3no. hedgerows and these comprise of 2no. B category, 11no. C category and 9no. U category trees. The report advises that the proposal would entail the loss of 10no. individuals and 1no. group of trees. This includes 2 no. individuals as a direct loss to development, and 8no. individuals and 1no. group of trees proposed for removal as a general site management.
- 7.29** There is no objection in principle to the loss of these trees considering their condition and the fact that replacement tree planting along with new hedgerow planting are proposed as part of the development and would be a betterment. It is considered that over time these would compensate the immediate effects of the removal of trees and would provide further screening and softening of views of the development. Precise details of the planting and its retention could be secured by condition.
- 7.30** In conclusion the proposed development at worst would result in a neutral impact on the landscape and at best a moderate benefit particularly when assessed against the site in its current form. Furthermore, the proposal would allow delivery of further planting and landscaping which would benefit the natural environment. This would weigh in favour of the development.

### **Design**

- 7.31** The NPPF sets out that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Policy SD4 of the JCS advises that new development should respond positively to, and respect the character of, the site and its surroundings, enhancing local distinctiveness, and addressing the urban structure and grain of the locality in terms of street pattern, layout, mass and form. It should be of a scale, type, density and materials appropriate to the site and its setting.
- 7.32** 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.
- 7.33** 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. Furthermore, NNTBP Policy RES4 sets out that development should complement the form of the settlement and be well related to existing buildings within it.
- 7.34** The application site lies beyond, but adjacent to the residential edge of the village and presently comprises a cluster of agricultural buildings. While such structures and ancillary storage and activities are not an uncommon feature to the rural landscape, the scale, condition and juxtaposition with residential development in the village creates a jarring feature.

- 7.35** The proposed development has evolved over a number of applications to its current form which is broadly reflective of a Cotswold vernacular in terms of design and materials. The proposed design approach is considered broadly acceptable however discussions regarding the detailing of the scheme such as the removal of the uncharacteristic brick plinths is ongoing **an update will be provided at committee.**
- 7.36** In addition to the built development the application also proposes additional landscaping throughout the site and the introduction of tree and hedgerow planting to the site boundaries, which would serve to soften the development and reflect the rural character of the area.
- 7.37** On balance, and subject to receipt of amended plans and compliance with conditions in respect of materials and architectural features, it is considered that the proposed development would improve the appearance and use of the site, which would provide an appropriate and well related extension to the village which would conserve the character and appearance of the AONB.

### ***Biodiversity***

- 7.38** Section 15 of the NPPF seeks to, inter alia, protect and enhance, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan), and minimise impacts on and provide net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. JCS Policy SD9 states that the biodiversity resource of the area will be protected and enhanced to establish and reinforce resilient ecological networks, including the safeguarding of protected species in accordance with the law. This is reiterated in Policy NAT1 of the emerging TBP, which also seeks proposals to deliver a biodiversity net gain.
- 7.39** The application is accompanied by a Preliminary Ecological Appraisal which confirms that the site, due to the current structures and use is of limited ecological value. As such the redevelopment of the site would not cause harm to biodiversity or protected species subject to monitoring during the site clearance stage. Furthermore it is considered that the proposed redevelopment would present an opportunity to increase biodiversity and habitat improvements through the extensive landscaping proposed for the site.
- 7.40** Compliance with the recommendations of the report and the requirement to secure biodiversity net gain could be secured by condition and these enhancements are considered a benefit of the scheme.

### ***Access and highway safety***

- 7.41** Policy INF1 'Transport Network' states that developers should provide safe and accessible connections to the transport network to enable travel choice for residents and commuters.
- 7.42** The Local Highway Authority (LHA) have objected to the proposed development on sustainability grounds, highlighting the fact that the site is beyond walking distance of local services, limitations on the choice of transport modes and reliance on the private car.

- 7.43 Notwithstanding the observations of the LHA it should be noted that Policy RES4 of the MMTBP sets out 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. This reflects Paragraph 78 which sets out that where there are groups of smaller settlements, development in one village may support services in a nearby village.
- 7.44 Notwithstanding the objections on sustainability grounds, the LHA has been asked for their observations on the technical details of the scheme design as proposed. A response is awaited and **an update will be provided at committee.**

### **Historic Environment**

- 7.45 JCS Policy SD8 concerns the historic environment, stating that development should make a positive contribution to local character and distinctiveness, having regard to valued and distinctive elements of the historic environment.
- 7.46 The application site is set away from nearby listed buildings in the village and would not therefore adversely impact their setting.
- 7.47 The County Archaeologist has advised that there is a low potential for the development to impact any buried archaeology and no investigations would be required. Accordingly the proposal would have a neutral impact on heritage assets.

### **Residential Amenity**

- 7.48 JCS policies SD4 and SD14 require development to enhance comfort, convenience and enjoyment through assessment of the opportunities for light, privacy and external space. Development should have no detrimental impact on the amenity of existing or new residents or occupants.
- 7.49 The proposed development is separated from adjoining dwellings in the village by a private drive and the development would be screened by existing trees which would be retained along the eastern boundary of the site. As a result, the proposal would not result in any demonstrable harm to the living conditions of adjoining occupiers.
- 7.50 In terms of future occupiers of the development, the proposed plots would be laid out in an acceptable manner and would not result in any adverse impacts from loss of light, overlooking or overbearing impacts. Furthermore the proposed gardens are commensurate with the proposed dwellings and would provide adequate private amenity space for future residents.

## **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** Subject to satisfactorily resolving outstanding matters in respect of access and highway safety, there would be no clear reasons for refusal arising from NPPF policies for the protection of areas or assets of particular importance in this case and therefore, it is clear that the decision-making process for the determination of this application is to assess whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits.

### ***Benefits***

- 8.4** The development would contribute towards the supply of housing to help meet the objectively assessed need which attracts significant weight in favour of granting permission in light of the Council's housing land supply position.
- 8.5** The scale of development, its proximity to the existing built-up area, its relationship with the village and its proximity to a service village is a benefit that would attract fair weight in favour of granting permission in light of the Council's housing land supply position.
- 8.6** Furthermore, the development would replace a substantial agricultural building and associated yard area which are in a poor state. The proposal would offer the opportunity to provide an improved entrance to the village by removing these existing substantial structures and associated detritus at the site. This is a benefit that would attract fair weight.
- 8.7** In economic and social terms, it is clear that a number of benefits would flow from this development if permitted, including during the construction process. There would also be economic and social benefits arising from spend from future residents which would help sustain the local facilities in nearby settlements and this is considered a moderate benefit.
- 8.8** In environmental terms the redevelopment of the site would allow the opportunity for significant new planting and biodiversity net gain which would be a significant benefit.

### ***Harms***

- 8.9** Harm arises from the conflict with development plan policies and the spatial strategy relating to housing, particularly Policies SP2 and SD10 of the JCS, although it is accepted that the Council's housing policies are currently out of date. Similarly, there would be harm in respect of the quantum of development and the conflict with the indicative level of growth set out in Policy RES4 of the MMTBP.

### ***Neutral***

- 8.10** Subject to the receipt of revised drawings, and the imposition of appropriate planning conditions, the development would not give rise to unacceptable impacts in terms of, design and layout, ecology or drainage.

### **Overall conclusion**

- 8.11** There would be some harm arising from the development, namely harm arising from conflict with development plan policies and the spatial strategy relating to housing and landscape harm. However, given the characteristics of the site, these harms are not considered to be significant.
- 8.12** Significant weight should be given to the provision of housing and this benefit would attract fair weight in favour of granting permission in light of the Council's housing land supply position along with economic and environmental benefits of the scheme.
- 8.13** Taking account of all the material considerations and the weight to be attributed to each one, it is considered that subject to resolving outstanding design and highways matters the identified harms would not significantly and demonstrably outweigh the benefits in the overall planning balance.
- 8.14** In the absence of policies in the NPPF which would provide a clear reason for refusal, and subject to resolving outstanding matters in respect of design and highways, it is not considered that the harms of the development would significantly and demonstrably outweigh the benefits set out above. **It is therefore recommended that the delegated powers be granted to the Development Manager to approve the application subject to conditions as may be necessary in addition to those listed 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. No development shall start until a site investigation of the nature and extent of contamination has been carried out. The site investigation shall be in accordance with a site investigation methodology that has been submitted to and approved in writing by the Local Planning Authority, prior to the commencement of the investigation.

No construction works shall start until the results of the site investigation have been submitted to, and approved in writing, by the Local Planning Authority. If the site investigation identifies any contamination, the report shall specify the measures to be taken to remediate the site to render it suitable for the development hereby permitted, as well as an implementation timetable for the remediation. The site shall be remediated in accordance with the approved measures and timetable.

If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation, as well as an implementation timetable, shall be submitted to and approved in writing by the Local Planning Authority. The site shall be remediated in accordance with the additional approved measures and timetable.

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.

This condition is required as a pre-commencement condition because there is potential for contamination to exist on the site.

3. Notwithstanding the submitted details, no construction works shall take place above slab level until precise details and where appropriate samples have been submitted to and approved in writing by the local planning authority. The works shall thereafter be carried out in accordance with the approved details and shall be similarly maintained thereafter: -

- Samples of all proposed facing and roofing materials
- Details of design and colour of the window frames and doors and their reveals
- Details of external rainwater goods, flues and vents, including colour and material
- Gates, walls and fences

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

4. No above ground development shall take place until a detailed plan showing the levels of the existing site, the proposed levels of the site, the proposed slab levels of the dwellings approved and a datum point outside of the site, shall be submitted to and approved by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site

5. No development shall take place until there has been submitted to and approved by the Local Planning Authority in writing, a comprehensive scheme of landscaping, which shall include indications of all existing trees (including spread and species) and hedgerows on the land and details of any to be retained together with measures for their protection during the course of development.

Reason: This is required as a pre-commencement condition to ensure adequate protection of retained trees and in the interests of visual amenity.

6. All planting, seeding, or turfing in the approved details of landscaping for the residential development and/or the approval of reserved matters for landscaping in respect of the employment development shall be carried out in the first planting and seeding season following the occupation of the respective building(s) or completion of the respective developments, 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: In the interests of visual amenity.

7. No building hereby permitted shall be occupied until details of the design, implementation, maintenance and management of foul and surface water drainage works to serve the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out, and the drainage maintained/managed, in accordance with the approved details.

Reason: To ensure development would not result in unacceptable risk of pollution or harm to the environment.

8. The development hereby permitted shall be undertaken in accordance with the recommendations set out in the Wharton Preliminary Ecological Appraisal Ref. 211027 0939 PEAV1 dated 24<sup>th</sup> November 2021.

Reason: To ensure the development does not adversely impact wildlife.

9. No dwelling shall be occupied until it has 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 and Manual for Gloucestershire Streets. 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 points shall be of the same specification or a higher specification in terms of charging performance.

Reason: To promote sustainable travel and healthy communities.

10. No above ground development shall take place until a Biodiversity Net Gain Assessment using the Defra Biodiversity Metric (or any updated or replacement metric used as the industry standard) including a schedule for implementation has been submitted to and approved in writing by the Local Planning Authority. The assessment shall include details to demonstrate the development would secure measurable net gains for biodiversity. The development shall be implemented in accordance with the approved Biodiversity Net Gain Assessment.

Reason: To ensure the development would deliver a biodiversity net gain across the local and landscape scales.

11. No street lighting shall be installed on any part of the development site.

Reason: To protect the dark skies of the AONB and rural character of the area.

**INFORMATIVES:**

1. In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing 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.