

TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

Committee:	Planning
Date:	19 April 2022
Site Location:	South Park Farm Chargrove Lane
Application No:	21/01387/FUL
Ward:	Shurdington
Parish:	Shurdington
Proposal:	Restoration of existing farmhouse and conversion of existing barns to provide three new dwellings and associated landscaping and infrastructure.
Report by:	Dawn Lloyd
Appendices:	Site Location Plan Site Layout Plan Proposed Elevations – Building 1 Proposed Elevations - Building 2 Proposed Elevations - Building 3 Proposed Elevations - Farm House Proposed Floor Plan - Building 1 Proposed Floor Plan - Building 2 Proposed Floor Plan - Building 3 Proposed Floor Plan - Farm House Building 1A Elevations and Floor Plan Garage 2 and 3 Elevations and Floor Plan Landscaping Plan
Recommendation:	Delegated Permit
Reason for referral to Committee:	Called in for Committee determination by Councillor Surman, to assess the impact on the Green Belt.

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1** The proposed site relates to a dwellinghouse and a collection of associated agricultural buildings at South Park Farm, Chargrove Lane. The site is located in open countryside and is not located within a town or village. However, the built up area of Cheltenham is located approximately 300 metres to the north of the application site. The application site is located within the Green Belt.
- 1.2** The proposal seeks the conversion of former agricultural buildings to provide three new dwellings and garages, including the removal of some of the existing structures. The application also seeks the renovation and extension of the existing farmhouse.

2.0 RELEVANT PLANNING HISTORY

2.1 No relevant history

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)
- SD5 (Green Belt)
- 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)

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

- AGR6 (Re-Use and Adaption of Agricultural Buildings- General)
- AGR7 (Re-Use and Adaption of Rural Buildings – Retention of Character)
- HOU10 (Change of Use of Agricultural Land to Residential Curtilage)

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

- RES2 (Settlement Boundaries)
- RES3 (New Housing Outside Settlement Boundaries)
- RES5 (New Housing Development)
- RES7 (Re-Use of Rural Buildings for Residential Use)
- RES10 (Alteration and Extension of Existing Dwellings)
- RES13 (Housing Mix)
- DES1 (Housing Space Standards)
- NAT1 (Biodiversity, Geodiversity and Important Natural Features)
- ENV2 (Flood Risk and Water Management)
- TRAC1 (Pedestrian Accessibility)
- TRAC9 (Parking Provision)

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** Shurdington Parish Council – The Parish Council's policy is not to support any development within the Green Belt and this large development is located outside the Settlement Boundary.

4.2 Up Hatherley Parish Council – Objection

- Conflicts with designation of the land as Green Belt to prevent urban sprawl
- Whilst this proposal may be acceptable if it constituted a re-use of buildings on a like for like basis this is clearly not the case in this instance. It is not old, dilapidated housing being renewed but instead the creation of a new, all be it small housing estate. In our view this does not constitute the type of re-use which may be acceptable even in a Green Belt setting.
- The houses and associated vehicle movements would degrade this rural setting

4.3 Conservation Officer- No objection. It is considered that the proposed restoration and conversion of the historic buildings and the conversion of the more modern buildings would not harm the special interest of the heritage assets. The interventions and the materials applied will preserve the agricultural character of the farmstead.

4.4 Environmental Health Advisor – No objection in terms of noise/nuisance and air quality.

4.5 Ecological Advisor - Further information required prior to determination. The submitted Preliminary Ecological Appraisal required to be updated. Planning conditions recommended include:

- works to be in accordance with the recommendations of the Preliminary Ecological Appraisal & Assessment of The Buildings at South Park Farm (Willder Ecology, November 2021
- If external lighting proposed a lighting scheme to be submitted and agreed with the LPA including specification and contour plans.
- Ecological Mitigation and enhancement strategy to be submitted and agreed with the LPA.

An updated Preliminary Ecological Appraisal & Assessment of The Buildings was submitted on 25th March 2022.

Clarification required which buildings were surveyed during the dusk emergence surveys, to be undertaken in the form of an updated PEA or in the form of a plan indicating surveyor positions in relation to the surveyed buildings.

The amended PEA/additional document should include provision for nesting swallows as this species was recorded in one of the buildings on the site.

Conditions to be applied as previously recommended.

4.6 Council for the Protection of Rural England- Objection

- Impact on Green Belt covered by Policy SD5 and no very special circumstances apply.
- This development would encroach into what is a highly sensitive area of the Green Belt which provides essential recreational facilities for local people.
- Consider the proposal an introduction of a small housing estate rather than restoration/conversion of buildings.

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 Two letters of support

- Proposal uses the existing buildings would bring new life to them
- Suggests traffic mitigation measures such as warning signs, developer to fund resurfacing of the short PROW ASH51 that links Chargrove Lane to Up Hatherley Way.
- Access and visibility of farm drive impacted by cars parked in lane.
- Will provide much needed housing for the area.
- Ecological report recommends provisions for bats and birds.
- The development should be well landscape.

5.3 39 representations have been received objecting to the proposal the objections are summarised below:

- Concerns regarding urbanisation of the site, impact on the landscape, lack of landscape and visual impact assessment.
- impact on Green Belt and openness, it is close to Cheltenham the maintenance of an effective Green Belt here is considered particularly important.
- set a precedent for further development along Chargrove Lane.
- over development of the site
- landscape impact.
- the buildings have very large gardens which could be developed in the future.
- increase traffic in Chargrove Lane and highway safety concerns as Chargrove Lane is well used by walkers, cyclists and runners.
- the cumulative impact on development increasing traffic along the A46.
- vehicle access to the site is a poorly maintained private drive which is not owned by the applicant, although they have access rights. Access drive does not comply with the manual for streets.
- Area important for commuting and foraging of many species of bats, and local wildlife and - impact of Chargrove Nature Reserve
- comments on the submitted structure report consider some of the proposed development

amounts to a rebuild rather than a conversion.

- impact on the privacy of neighbouring occupiers
- some of the buildings are used for agricultural purposes and their loss will require replacement buildings.
- Surface water drainage impacting flooding of neighbouring fields
- Increase in pollution from traffic.
- Bat surveys carried out on buildings after works had been undertaken on them, commented on the surveys undertaken and previous surveys in the area.
- comments on the submitted Ecological report do not include all ponds within 500m
- the rural setting is used as an important recreational facility by many of the residents of Up Hatherley.

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 In order to further sustainability objectives and in the interests of protecting the countryside, the housing policies of the Gloucestershire, Cheltenham, and Tewkesbury Joint Core Strategy (JCS) set out a development strategy for the borough.
- 7.2 The site is located outside of the identified rural service centres or service villages in the JCS and outside of any defined residential development boundary shown in the housing maps of the Pre-submission Tewkesbury Borough Plan and the main modifications (MMTBP). The application site has not been allocated for housing in the JCS and therefore policy SD10 of the JCS applies.
- 7.3 Policy SD10 of the JCS advises that housing on sites which are not allocated for housing in district and neighbourhood plans will be permitted if it meets certain limited exceptions. One of those exceptions at criterion 5 sets out that proposals involving the sensitive, adaptive re-use of vacant or redundant buildings will be encouraged subject to the requirements of other policies in the JCS.

Rural Building conversion policies

- 7.4 Saved policies AGR6 and AGR7 of the Tewkesbury Borough Local Plan are directly relevant to this proposal as it provides for the re-use and adaption of rural buildings. These two policies require buildings to be of a permanent and substantial construction and in all cases the scale, form and general design of the building must be in-keeping with their surroundings (AGR6). In addition, they should be capable of conversion to the proposed use without substantial alteration or extension to their original structure. The essential scale, form, and character of the original building and as much as possible of the original structure and essential features be retained. New works should be of a scale, form, type, and materials compatible with the character of the original building and the surrounding area (AGR7).
- 7.5 Whilst saved Policy AGR6 states that residential re-use will only be permitted where the applicant has made every reasonable attempt to secure suitable business re-use or where residential conversion is a subordinate part of a scheme for business use, it is accepted that this policy position has been superseded by the more recent policy guidance set out in the adopted JCS and in the NPPF. This is also recognised in the Pre-submission TBP with the Main Modifications (MMTBP), which proposes specific policies for the re-use of rural buildings for residential use policies RES3 and RES7 are relevant to this proposal. Criterion 1 of Policy RES3 states that outside of settlement boundaries residential development will be considered acceptable where it consists of the reuse of a redundant or disused permanent building (subject to policy RES7). Policy RES7 confirms that the buildings must be of substantial construction, structurally sound and capable of conversion without the need for significant new building works and/or extensions; the proposal does not result in the requirement for another building to fulfil the function of the original building to be

converted and the proposal preserves or enhances the landscape setting of the site and respects the rural character of the area. In addition, paragraph 79 of the NPPF supports the re-use of redundant or disused buildings which would enhance its immediate setting.

- 7.6** As such the key policy requirements when establishing whether the principle of the development would be acceptable is to establish if the building is of a substantial construction, is structurally sound and capable of conversion without the need for significant new building works and/or extensions and that the proposed works would enhance the immediate setting and respect the scale, form, and character of the original building.
- 7.7** Furthermore, within the Green Belt particular emphasis will be placed on ensuring that the proposal does not conflict with the overall aims of designations in terms of protecting their open character.
- 7.8** The application proposes to use the existing agricultural buildings on the site for the dwellings and garaging, with demolition of buildings in disrepair which is in accordance with policy RES3.
- 7.9** The policies consider that the scale and general design of the buildings must be in keeping with their surroundings. Some derelict agricultural buildings would be demolished which would provide visual enhancement. The agricultural character of the farmstead would be retained and the design and alterations to the buildings would be compatible with the character of the original agricultural buildings.

Impact upon the Green Belt

- 7.10** Policy SD5 of the JCS sets out that, to ensure the Green Belt continues to serve its key functions, it will be protected from harmful development. Within its boundaries, development will be restricted to those limited types of development which are deemed appropriate by the NPPF, unless it can be demonstrated that very special circumstances exist to outweigh the harm automatically caused to the Green Belt by virtue of the development being inappropriate and any other harm actually caused.
- 7.11** The NPPF provides that, as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 of the NPPF provides that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the green belt. 'Very special circumstances' will not exist unless the potential harm to the green belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations
- 7.12** Paragraph 146 of the NPPF sets out that the re-use of buildings provided they are of permanent and substantial construction would not be inappropriate development, subject to the provision that the development should preserve its openness and not conflict with the purposes of including land within it. As such the structural state of the building, the harm to the openness and the purposes of including land as green belt must be considered to establish if the development would be harmful by reason of inappropriateness.

- 7.13** A new single storey extension would replace the existing extension on the Farmhouse. Paragraph 149 considers extensions to dwellings are an exemption to inappropriate development in the Green Belt:

Part c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

The farmhouse has a floor area of 55sqm with an existing extension of 26 sqm. The proposed extension would comprise of 31 sqm and would not be considered a disproportionate addition and would not be inappropriate development in the Green Belt.

Structural Survey

- 7.14** Structural works have been undertaken to the buildings and a Structural Survey by a qualified Structural Engineer has been submitted. The survey states that maintenance works has been carried out and that the loadbearing structural elements are in reasonable state of repair. The report states that for building 1 the walls can be retained but will require repointing and replacement of damaged brick units. The first-floor construction does not require remediation. Building 2 the purlins will become overstress when subject to additional cladding, insulation and ceiling loads and will require strengthening. Building 3, the rafters, trusses and purlins comply with loading standards for a timber design. The walls on the western part need to be tied into the roof. The external walls are relatively stable although the damage at eaves level to the northwest corner requires remediation. The report concludes that the primary load bearing elements of the buildings can be retained and successfully converted to residential accommodation without major re-construction.
- 7.15** The design of building 2 has been amended to not include a first floor which reduces the amount of intervention and scale of the development. The structural report for building 2 considers that the primary loadbearing elements can be retained and successfully converted to provide the requisite design life or residential accommodation without major reconstruction.
- 7.16** An updated structural survey was submitted on the 29 th March 2022 for buildings 1a, 2a and 3a which concludes that the structures are capable for retention for ancillary residential use. The report concludes that the wall structures of the mono pitch addition to building 2 is capable of retention however the roof will require replacing. Not all of the building would be converted and part would be demolished.
- 7.17** Saved Local Plan policy AGR6 and policy RES7 consider the reuse of rural buildings, does not exclude more modern agricultural buildings, the requirement is for the building to be capable of conversion without major or complete reconstruction and without the need for significant new building works and/or extension. However, this is not defined within the development plan.
- 7.18** The conversion of the of the agricultural buildings do not require extensions. The qualified Structural Engineer considers the structure of the buildings capable of conversion and Authority does not have any evidence to the contrary. In addition, external walls, windows and roofs can be installed within/on the existing structure. Therefore, on balance the works do not amount to a rebuild but would be necessary for conversion of the buildings and accord with policies saved Local Plan policies AGR 6, AGR 7, policies RES3 and RES7 of the MMTBP.

Preservation of openness

- 7.19** Paragraph 150 of the National Planning policy Framework considers that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.
- 7.20** Openness, as highlighted in the NPPF, is an essential characteristic of the Green Belt which is a separate issue from the character and appearance of an area. It is a matter of its physical presence rather than its visual qualities.
- 7.21** Recent case law, *R (Samuel Smith Old Brewery (Tadcaster) & Ors) v North Yorkshire County Council* [2020], has examined the concept of openness in great detail. It is asserted that determining the impact on openness is a matter of planning judgement rather than law and while recognised as the counterpart to urban sprawl, openness should not be taken to imply freedom from all forms of development.
- 7.22** The existing site comprises of a number of buildings and large areas of hardstanding. Some of the existing buildings on the site and large areas of hardstanding would be removed. The existing built footprint would be reduced from 931sqm to 631 sqm and a further 1,091sqm of concrete slab removed. Therefore, the reduction in built form would reduce impact upon openness.
- 7.23** Openness is capable of having both spatial and visual aspects. The proposed removal of derelict buildings on the edges of the site, the use of existing buildings as garages, and parking areas screened by the built form would enhance openness.
- 7.24** It is appropriate to consider any impact on openness resulting from the associated development which includes the parking arrangements, fencing and potential domestic paraphernalia in the garden area.
- 7.25** Although the landscaping plan included planting of trees, and boundary treatments of native hedges and post and rail fences, the case officer had concerns with regard to the extent of the residential curtilage proposed for each dwelling. An amended site plan has been submitted which has reduced the amount of residential curtilage, however further revisions of the plan are required to clearly demonstrate the enhanced agricultural land. Therefore, the impact upon openness from domestic paraphernalia would be minimised with the reduction in curtilage and the removal of permitted development rights.

Purposes of including land as Green Belt

- 7.26** The Green Belt serves five purposes:
- To check the unrestricted sprawl of large built-up areas;
 - To prevent neighbouring towns merging into one another;
 - To assist in safeguarding the countryside from encroachment;
 - To preserve the setting and special character of historic towns; and
 - To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

- 7.27** The farmstead context of the site would be retained and reduction in the area of curtilage from that of the existing farmyard area would safeguard the countryside from encroachment. Appropriate landscaping would screen the development from more distant views from the north and east. Therefore, the proposed development would not materially conflict with any of the purposes of the Green Belt and would be appropriate development in the Green Belt as per exception (d) of paragraph 150 of the NPPF.

Five Year Housing Land Supply

- 7.28** 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.
- 7.29** 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 north west 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.
- 7.30** 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.
- 7.31** 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.

Design and layout

- 7.32** Section 12 of the NPPF sets out that the creation of high quality buildings and places. Planning decisions should, amongst other things, ensure that developments will function well and add to the overall quality of the area and should be sympathetic to the local character, including the surrounding built environment. This advice is echoed in JSC policy SD4 which states new development should respond positively to, and respect the character of, the site and its surroundings, enhancing local distinctiveness. It should be of a scale, type, density and materials appropriate to the site and its setting.

- 7.33** Saved Local Plan Policies AGR 6 and 7 state that the scale, form and general design of the building must be in-keeping with their surroundings. MMTBP policy RES7 considers that where the proposal involves a traditional building, any new works are of a scale, form, type and materials sympathetic to the character and appearance of the original building.
- 7.34** The existing farmhouse would be restored with appropriate materials and a new single-story extension of appropriate scale and form added to replace the existing extension. The converted brick barns (number 1 and part of number 3) respect the character of the original building with its use of existing openings, materials of reclaimed matching bricks, render, slate tiles, timber doors and window frames. Building 2 is a more modern utilitarian pitch roof agricultural building with an attached mono pitched addition. The converted building would retain the modern agricultural character with the walls and roof clad with black corrugated metals sheeting and the large sections of glazing utilising the existing door openings.
- 7.35** The converted outbuildings would provide garages and for building 1a the materials would be reclaimed brick and a slate roof. Garages 2 and 3 would have black metal cladding.
- 7.36** The demolition of some derelict buildings, the proposed landscaping and reduced curtilage (amended plans to be submitted) would enhance the character of the site in the wider landscape.
- 7.37** The converted buildings would still be read as a historic farmstead, the buildings would retain their agricultural character with limited additional opens and the use of appropriate materials. The proposal would comply with the Council's rural building conversion policies and aims of the NPPF in this regard.
- 7.38** Policy DES 1 of the MMTBP considers that all new residential development meets nationally prescribe space standards and any departure from this fully justified. In addition, adequate amenity space must be provided.
- 7.39** The residential curtilage of the development is required to be reduced given the green belt location. However, each dwelling would have their own private amenity as well as shared spaces. The converted buildings would meet with national prescribed space standards and therefore the proposal is in accordance with policy DES1.

Residential amenity

- 7.40** JCS Policies SD4 and SD14 require development to enhance comfort, convenience and enjoyment through assessment of the opportunities for light, privacy and external space. Development should have no detrimental impact on the amenity of existing or new residents or occupants.
- 7.41** The converted building 3 would be directly on the boundary with nearest neighbouring dwelling. There would be no direct overlooking of windows, or to the main private amenity space to the rear. The views from the first-floor bedroom window would be oblique to the neighbouring amenity space and obscured in part by intervening outbuildings. Therefore, the impact to neighbouring properties in terms of overlooking and privacy would be acceptable.

Heritage assets

- 7.42** The farmhouse and historic brick outbuildings are considered to be non-designated heritage assets. The NPPF defines a heritage asset as a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest.
- 7.43** In this case it is considered the significance of these buildings as heritage assets includes their age, form, context and materials and their association with pre-mechanised agriculture. The farm also appears clearly on the 1884 Ordnance Survey.
- 7.44** JCS Policy SD8 considers that designated heritage and undesignated heritage assets and their setting will be conserved and enhanced as appropriate to their significance and for their contribution to local character, distinctiveness and sense of place. Development should aim to sustain and enhance the significance of heritage assets and put them to viable uses consistent with their conservation. Proposals that bring back vacant or derelict heritage assets into appropriate use will be encouraged.
- 7.45** Policy HER5 (MMTBP) considers that Non-Designated Heritage Assets will be conserved having regard to the significance of the asset and its contribution to the historic character of the area, the preservation and/or enhancement of these assets will be encouraged, and historically important groups of farm buildings will be protected from proposals for destructive development or demolition.
- 7.46** Our Conservation Officer has considered the proposal and the conversion of the more modern buildings would not harm the special interest of the heritage assets. The interventions and the materials proposed would preserve the agricultural character of the farmstead.

Drainage and flood risk

- 7.47** Policy INF2 of the JCS seeks to prevent development that would be at risk of flooding. Proposals must not increase the level of risk to the safety of occupiers of a site, the local community or the wider environment either on the site or elsewhere. Policy INF2 of the JCS requires new development to incorporate suitable Sustainable Drainage Systems where appropriate.
- 7.48** The application site is located within Flood Zone 1 (low risk) given the nature of the proposal with conversion of existing buildings and the reduction in hardstanding area, it is reasonable to conclude that the development is unlikely to be at risk of flooding or increase the risk of flooding to the local community or the wider environment.
- 7.49** Drainage details have been submitted which indicate the discharge of surface water to a watercourse approximately 240 metres north of the site and attenuated in accordance with Greenfield rates. A private treatment plant would be installed for foul sewage disposal. A full drainage scheme would be required to be submitted and agreed, and is subject to a planning condition.

Biodiversity

- 7.50** The NPPF sets out, inter alia, that planning decisions should minimise impact on and providing net gains for biodiversity. Policy SD9 of the JCS seeks to protect and enhance biodiversity in considering development proposals.
- 7.51** A Preliminary Ecological Appraisal (PEA) has been submitted and updated as requested by our Ecological Advisor with regard to clarification on the bat survey, consideration of Great Crested Newts and provisions for swallows. The PEA has been updated however, further clarification is sought regarding which buildings were assessed for the dusk survey and mitigation measures required for swallows. Subject to this additional information, conditions are recommended for external lighting and Ecological Mitigation and enhancement strategy.

Access and highway safety

- 7.52** Section 9 of the NPPF relates to the promotion of sustainable transport and specifies that in assessing specific applications for development, it should be ensured that safe and suitable access to the site can be achieved for all users. Policy INF 1 of the JSC reiterates this advice. Policy TRAC 9 of the MMTBP states that proposals need to 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.
- 7.53** The site has acceptable levels of parking, turning and manoeuvring space. Objections have been received with regard to impact of traffic on Chargrove Lane, a single track road which has no public footpath and is used for recreation purposes by walkers, runners and cyclists. The area is served by public footpaths to Up Hatherley and Shurdington which have a range of facilities. A transport technical note has been submitted which considers the highway safety and impact on the road network and has been assessed by the Highway Authority. The access is considered acceptable as it has been demonstrated that it is not a high-speed environment and has good levels of forward visibility to ensure two-way pedestrian/cycle and vehicle movements could safely be accommodated along the carriageway. Due to the limited scale of the development the new level of trips would not adversely affect the safety or capacity of the highway network. The transport note indicates that electric vehicle charging points would be provided and the Highway Authority have recommended a condition in this regard.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 7.54** The development is CIL liable because it creates new dwellings.

8.0 CONCLUSION AND RECOMMENDATION

Benefits

- 8.1** The proposal would reuse non designated heritage assets and existing buildings would provide three additional market dwellings which would provide a minor contribution to the shortfall in the housing supply. The additional soft landscaping proposed and demolition of derelict buildings would enhance the visual appearance of the site. The reduction in built form on the site would enhance openness of the Green Belt.

Harms

- 8.2 There would be a limited impact on openness of the Green Belt from domestic paraphernalia on this site.

Neutral

- 8.3 The site has safe access, and the level of additional vehicle trips would not adversely affect the capacity of the highway network. The proposal would not adversely impact neighbour amenity, ecology or be detrimental in terms of flood risk and drainage.

Overall conclusion

- 8.4 Taking account of all the material considerations and the weight to be attributed to each one, it is considered that the identified harm would not significantly or demonstrably outweigh the benefits in the overall planning balance.
- 8.5 In the absence of policies in the NPPF which would provide a clear reason for refusal, it is considered the harms of the development would not significantly and demonstrably outweigh the benefits set out above. It is therefore recommended that the decision is **DELEGATED** to the Technical Planning Manager to permit the application subject to plans showing plots with reduced residential curtilage and any additional/amended planning conditions.

CONDITIONS:

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

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

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

Location Plan Drawing Number 3167 P (0) 000 Rev A

Building1 - Proposed Elevations Drawing Number 3167P (0) 104
- Proposed Floor Plans Drawing Number 3167P (0) 103 A

Building 1 A -Proposed Elevations and Floor Plan Drawing Number 3167 P (0) 105

Building 2 - Proposed Elevations Drawing Number 3167 P (0) 203 Rev A received 29th March 2022
- Proposed Floor Plan Drawing Number 3167 P (0) 202 received 29th March 2022

Building 3 - Proposed Elevations Drawing Number 3167 P (0) 303
- Proposed Floor Plan Drawing Number 3167 P (0) 302 Rev B received 30th March 2022

Garages 2 and 3 - Proposed Elevations and Floor Plan Drawing Number 3167 P (0) 402

Farmhouse - Proposed Elevations Drawing Number 3167 P (0) 503 Rev A
- Proposed Floor Plans Drawing Number 3167 P (0) 502

Preliminary Ecological Assessment by Ros Wilder Ecology dated 15th November 2021 and update 28th February 2022

Structural report by David Partridge Ltd dated 21st June 2021 and updates of the 14th March 2022

BS5837 Tree Constraints, Tree Impacts and Tree Protection Method Statement for residential re-development by Hutchinson Arboriculture dated 1st June rev 14th Nov 2020 and 19th Oct 2021.

Drainage Strategy by Cotswold Transport Planning dated November 2021.

Transport Technical Note by Cotswold Transport Planning dated October 2021.

Except where these may be modified by any other conditions attached to this permission.

Reason: To ensure that the development is carried out in accordance with the approved plans.

3. Prior to the erection of external walls and creation of new window/door openings, samples of the external wall and roof materials proposed to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that materials are in keeping with the surrounding area and to provide for high quality design.

4. 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: In the interests of visual amenity.

5. 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.

6. Prior to occupation, each dwelling hereby approved shall be fitted with an Electrical Vehicle Charging Point (EVCP) that complies with a technical charging performance specification, as agreed in writing by the local planning authority. Each EVCP shall be installed and available for use in accordance with the agreed specification unless you placed or upgraded to an equal or higher specification.

Reason: To promote sustainable travel and healthy communities.

7. No building hereby permitted shall be occupied until the sustainable drainage/surface water drainage scheme and foul water drainage scheme as detailed in the Drainage Strategy by Cotswold Transport Planning dated November 2021 has been submitted to and agreed in writing with the local planning authority. The drainage schemes shall be managed and maintained thereafter in accordance with the approved details.

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

8. Prior to first occupation, details of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall clearly demonstrate that lighting will not cause excessive light pollution or disturb or prevent bat species using key corridors, forage habitat features or accessing roost sites. The details shall include, but not be limited to, the following:
 - i. A drawing showing sensitive areas and/or dark corridor safeguarding areas.
 - ii. Description, design or specification of external lighting to be installed including shields, cowls or blinds where appropriate.
 - iii. A description of the luminosity of lights and their light colour including a lux contour map.
 - iv. A drawing(s) showing the location and where appropriate the elevation of the light fixings.
 - v. Methods to control lighting control (e.g. timer operation, passive infrared sensor (PIR)).

All external lighting shall be installed in accordance with the specifications and locations set out in the approved details. These shall be maintained thereafter in accordance with these details.

Reason: To ensure proper provision is made to safeguard protected species and their habitats.

9. The recommendations and mitigation measures included with the Preliminary Ecological Appraisal & Assessment of The Buildings at South Park Farm (Wilder Ecology, November 2021) report should be strictly adhered to.

Reason: To ensure that the nature conservation interest of the site is protected.

10. Prior to the commencement of work on the site an Ecological Mitigation and Enhancement Strategy shall be submitted to and agreed with the Local Planning Authority. The strategy shall ensure that the future development of this site retains existing features and habitats of ecological value, minimises the impact upon protected species (e.g. bats, nesting birds, hedgehogs, reptiles, amphibians, badgers) and maximises the potential of retained habitats to enhance biodiversity. It should include:
- Detailed mitigation and enhancements for bats, nesting birds, hedgehogs, amphibians, reptiles, and badgers where applicable.
 - Retention and protection of mature trees within future development and landscaping proposals to retain connectivity within the wider landscape. It should also include a plan detailing all enhancements, locations, and specifications

Reason: To ensure proper provision is made to safeguard protected species and their habitats.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no fences/gates/walls/ garages/buildings/extensions/dormer windows/windows/rooflights/flues/solar panels/micro-generation equipment/ external alterations shall be erected or constructed other than those expressly authorised by this permission.

Reason: To protect the openness of the Green Belt and safeguard the non-designated heritage assets.

12. The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved details specified in the Tree Constraints, Tree Impacts and Tree Protection Method Statement for residential re-development by Hutchinson Arboriculture dated 1st June rev 14th Nov 2020 and 19th Oct 2021 before any development including demolition, site clearance, materials delivery or erection of site buildings, starts on the site. The approved tree protection measures shall remain in place until the completion of development or unless otherwise agreed in writing with the Local Planning Authority. Excavations of any kind, alterations in soil levels, storage of any materials, soil, equipment, fuel, machinery or plant, site compounds, latrines, vehicle parking and delivery areas, fires and any other activities liable to be harmful to trees and hedgerows are prohibited within any area fenced, unless agreed in writing with the Local Planning Authority.

Reason: To ensure adequate protection measures for existing trees/hedgerows to be retained, in the interests of visual amenity and the character and appearance 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.
2. Building demolition/renovation works should be undertaken outside the main nesting bird season (March to August inclusive) where possible, and if this is not possible, a suitably qualified ecologist should undertake a pre-commencement check prior to works being undertaken.