

Planning Committee

Date	21 November 2023
Case Officer	Jonny Martin
Application No.	23/00293/OUT
Site Location	Land At Church Lane, Church Lane, The Leigh
Proposal	Erection of two four-bedroom dwellings including details of access with all other matters reserved (appearance, scale, layout and landscaping as reserved matter).
Ward	Severn Vale North
Parish	Leigh
Appendices	Site Location Plan 22007-01-P1 Existing Block Plan 22007-02-P1 Proposed Site Plan 22007-03-P2
Reason for Referral to Committee	The application requires a Committee determination as the Parish Council has objected to the proposal.
Recommendation	Permit

Site Location



1. The Proposal

Full application details are available to view online at:

<https://publicaccess.tewkesbury.gov.uk/online-applications/simpleSearchResults.do?action=firStPage>

- 1.1 The application seeks outline planning permission for the erection of 2no. 4 bed dwellings including details of access with all other matters (appearance, scale, layout and landscaping as reserved matter) reserved.
- 1.2 An indicative layout has been provided which shows how two dwellings can be accommodated on site. The layout allows for each dwelling to have at least two car parking spaces, a garage, a private garden area and a separate access onto Church Lane. Each dwelling would be 1.5 storeys in height.
- 1.3 The development is designed to be accessed from two existing field entrance gates located on Church Lane. One access point will be provided for each dwelling. The site is located off the A38.

2. Site Description

- 2.1 The application site is a rectangular parcel of pasture land and is located off the A38 between Tewkesbury and Gloucester. There are a number of residential properties to the east of the site along Deenes Road, a field with Christmas trees planted to the north, allotments to the west and open fields to the south across Church Lane.
- 2.2 The site is located within Flood Zone 1 and is located within a Landscape Protection Zone. The application site benefits from two existing access points onto Church Lane.

3. Relevant Planning History

NONE.

4. Consultation Responses

Full copies of all the consultation responses are available online at

<https://publicaccess.tewkesbury.gov.uk/online-applications/>.

- 4.1 **Leigh Parish Council** – The Parish object as they do not consider the site to be infill development, contrary to the adopted The Leigh Parish Neighbourhood Development Plan (TLPNDP). The Parish also made comments about their dislike of outline planning applications.
- 4.2 **Building Control** – No objection – Building Regulations Approval required.
- 4.3 **County Highways** – No objection, subject to conditions.
- 4.4 **Flood Risk & Drainage Officer** –No comment received. Detailed drainage conditions will be applied to any permission.

4.5 Landscape Officer – Additional information requested and received, no objections, subject to conditions.

4.6 Ecology – No objection, subject to conditions.

4.7 Tree Officer - No objection subject to detailed conditions.

4.8 Severn Trent - No objection.

5. Third Party Comments/Observations

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 and the distribution of neighbour notification letters. Five letters of objection have been received raising the following concerns (summarised):

- Loss of privacy
- Increase in traffic
- No requirement for more housing
- Overbearing impact on properties along Deenes Road
- Conflict with RES4
- Not infill development
- Additional traffic

5.2 Three letters of support have been received raising the following (summarised):

- Close to A38
- Infill development

6. Relevant Planning Policies and Considerations

6.1 Statutory Duty

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise

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

6.2 National guidance

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

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

Policy SP1 (The Need for New Development)
Policy SP2 (The Distribution of New Development)
Policy SD4 (Design Requirements)
Policy SD6 (Landscape)
Policy SD9 (Biodiversity and Geodiversity)
Policy SD10 (Residential Development)
Policy SD14 (Health and Environmental Quality)
Policy INF1 (Transport Network)

6.4 Tewkesbury Borough Local Plan to 2011-2031 (TBLP) – Adopted 8 June 2022

Policy RES2 (Settlement Boundaries)
Policy RES3 (New Housing Outside Settlement Boundaries)
Policy RES5 (New Housing Development)
Policy LAN2 (Landscape Character)
Policy NAT1 (Biodiversity, Geodiversity and Important Natural Features)
Policy TRAC9 (Parking Provision)
Policy DES1 (Housing Space Standards)
Policy COM4 (Neighbourhood Development Plans)

6.5 Neighbourhood Plan

The Leigh Parish Neighbourhood Development Plan – 2020-2031

Policy H1: Design for New Residential Development
Policy H4: Parking in New Residential Development

7. Policy Context

- 7.1** 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.
- 7.2** The Development Plan currently comprises the Joint Core Strategy (JCS) (2017), saved policies of the Tewkesbury Borough Local Plan to 2011-2031 (June 2022) (TBLP), and a number of 'made' Neighbourhood Development Plans.
- 7.3** The relevant policies are set out in the appropriate sections of this report.
- 7.4** 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.

8. Evaluation

Principle of development

- 8.1** Policy SP2 of the JCS sets out the strategy for the distribution of new development across the JCS area, and JCS Policy SD10 ('Residential Development') specifies that, new housing will be planned in order to deliver the scale and distribution of housing development set out in Policies SP1 and SP2.
- 8.2** Criterion 4 (ii) of Policy SD10 'Residential Development' of the JCS sets out that on sites that are neither allocated or previously developed land, housing development will be permitted, except where otherwise restricted by policies within district plans, where it would represent infill within the existing built up areas of Tewkesbury Borough's towns and villages.
- 8.3** In relation to Policy SD10, the application proposal is not on a site allocated for housing through the development plan, nor is it on previously developed land within the existing built-up area of Tewkesbury town, rural service centres or service villages. The application does not comprise a rural exception site for affordable housing and does not involve infilling within the existing built-up area of the Borough's towns and villages. Although there is residential development to the east of the site along Deenes Road, the site is bound to the south by open fields, a Christmas tree orchard to the north and allotments to the west. For these reasons, the site is not considered to be infill development and would be contrary to Policy SD10 of the JCS.
- 8.4** In relation to the Tewkesbury Borough Plan 2011-2031, the site is not located within a defined settlement boundary as shown on the adopted policies map. Policy RES3 relates to residential development outside settlement boundaries and states that the principle of new residential development will be considered acceptable where it meets one of the seven criteria listed and accompanying policy. The only applicable policy to the site is Policy RES 4 and the site is assessed against this policy below.

- 8.5** Policy RES 4 of the TBP states:

"To support the vitality of rural communities and the continued availability of services and facilities in the rural areas, very small-scale residential development will be acceptable in principle within and adjacent to the built up area of other rural settlements (i.e. those not featured within the settlement hierarchy) providing:

- a) it is of a scale that is proportionate to the size and function of the settlement and maintains or enhances sustainable patterns of development;*
- b) it does not have an adverse cumulative impact on the settlement having regard to other developments permitted during the plan period; as a general indication no more than 5% growth will be allowed;*
- c) it complements the form of the settlement and is well related to existing buildings within the settlement;*
- d) the site of the proposed development is not of significant amenity value or makes a significant contribution to the character and setting of the settlement in its undeveloped state;*
- e) the proposal would not result in the coalescence of settlements*
- f) the site is not located in the Green Belt, unless the proposal would involve limited infilling in a village, limited affordable housing for local community needs (in accordance with Policy RES6) or any other exceptions explicitly stated within the National Planning Policy Framework.*

In all cases development must comply with the relevant criteria set out at Policy RES5. Particular attention will be given to the effect of the development on the form, character and landscape setting of the settlement.”

(Emphasis added)

- 8.6** In the first instance, it needs to be established if the site is located within and adjacent to the built-up area of The Leigh. The adopted policies map and the Neighbourhood Development Plan do not provide a settlement boundary for The Leigh. The Leigh itself is not a linear settlement. Within appeal decision 3267323, relating to Land at the Rea of The Lodge The Leigh, the inspector defined The Leigh as:

“The Leigh is a dispersed settlement with occasional pockets, clusters or rows of generally linear development separated by often large areas of undeveloped land and open fields.”

- 8.7** The supporting text for Policy RES4 specifies that for the purpose of that policy and for the application of Policy SD10, the Council will consider the built-up area of a settlement to be its continuous built form...excluding individual buildings or groups of dispersed buildings which are clearly detached from the continuous built-up area of the settlement. The supporting text to Policy SD10 sets out that infill development means the development of an under-developed plot, well related to existing built development.

- 8.8** The applicant considers the site to be compliant with the policy and refers to the Councils' own Assessment of land availability 2018-2019. Reference LEI008 relates to the application site and in relation to likely development of the site, the assessment considers this and to be available, suitable and achievable. Within designation LEI008 the following character of the area description is given:

“The site is situated to the south east of The Leigh, a small village south of Tewkesbury and east of Cheltenham. The site is divided into 4 parcels of land.”

- 8.9** The applicant considers that the combination of the site being suitable, achievable and available alongside the character description confirms that the site is within The Leigh and therefore compliant with Policy RES4.

- 8.10** However, Officers consider that the character of the area description confirms that the site is outside of the built of area of The Leigh. The description states that the site is situated to the south east of The Leigh and that it goes on to state that The Leigh is a small village south of Tewkesbury and east of Cheltenham. This character description confirms that the village of The Leigh would be located to the north west of the site.

- 8.11** The application site is separated from the main built up area of The Leigh by numerous fields which provides a clear and distinct break in built form. While not physically distant from other properties, the site is visually separate and is not viewed as adjacent or well related to the built-up area of the settlement.

- 8.12** Therefore, it is considered that the site is not within the existing built-up area of this rural settlement and would not be adjacent to it. The proposal would be contrary to Policy RES4 of the TBP as it would not be acceptable in principle due to the application site not being within and adjacent to the built-up area of The Leigh.

- 8.13** Part (b) of Policy RES4 seeks to ensure that new development does not have an adverse cumulative impact on the settlement having regard to other developments permitted during the plan period; as a general indication no more than 5% growth will be allowed. The applicant has provided evidence regarding the number of new dwellings since the plan period in 2011 and has provided evidence relating to an 8% growth figure.
- 8.14** Despite being higher than the 5% growth figure, the policy does state that 5% is only a general indication and not a fixed figure. In addition, the reasoned justification to the Policy at paragraph 3.29 states that some rural settlements have greater sustainability credentials than others and may have everyday facilities and/or good public transport access to neighbouring service/employment centres. The application site is circa 200m from bus stops on the A38 which provides bus routes to Tewkesbury, Cheltenham and Gloucester. Given the proposal is only for 2 dwellings and is located within 200m of bus stops, part (b) of Policy RES4 is not considered to be a refusal reason.

Five Year Housing Land Supply

- 8.15** The Council published an updated Five-Year Housing Land Supply Statement (October 2023) on 17th October 2023 which sets out the position on the five-year housing land supply for Tewkesbury Borough as of 31st March 2023 and covers the five-year period between 1st April 2023 and 31st March 2028. This demonstrates that, when set against local housing need plus a 5% buffer, Tewkesbury Borough Council can only demonstrate a 3.23 years' supply of housing land.
- 8.16** While the policies for the delivery of housing are out of date they nevertheless still remain part of the development plan albeit with reduced weight. Paragraph 11(d) of the NPPF therefore applies and 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.

Status of The Leigh Parish Neighbourhood Development Plan 2020-2031 (TLPNDP)

- 8.17** Paragraph 14 of the Framework states that in situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply:
- i. the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;
 - ii. the neighbourhood plan contains policies and allocations to meet its identified housing requirement;
 - iii. the local planning authority has at least a three-year supply of deliverable housing sites (against its five-year housing supply requirement, including the appropriate buffer as set out in paragraph 73); and
 - iv. the local planning authority's housing delivery was at least 45% of that required over the previous three years.

- 8.18** Whilst TLPNDP was adopted within two years (27 September 2022), the plan does not contain allocations to meet its identified housing requirement. Consequently, it does not benefit from the protection that would have been afforded by paragraph 14 of the Framework. However, TLPNDP remains an integral component of the adopted development plan and decision makers should continue to have full regard to it in determining planning applications.

Conclusion on Principle of Development

- 8.19** 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.
- 8.20** The application conflicts with Policy SD10 of the JCS, Policy RES4 of the TBP and Policy H1 of TLPNDP, therefore the starting point is that the proposal should be refused in accordance with the development plan unless other material planning considerations indicate otherwise.
- 8.21** 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 application 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.

Other Material Considerations

Design and Visual Amenity

- 8.22** 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.
- 8.23** 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.
- 8.24** Whilst all matters relating to design and layout are reserved for future consideration, the application is supported with an illustrative site layout plan. The layout plan shows that each dwelling would have a separate access via existing field gates. The layout plan shows that the dwellings will be located centrally within the overall site with front gardens, rear gardens, a garage and additional parking spaces provided to the side of each dwelling.

8.25 The applicant has provided a Design and Access Statement (DAS) which confirms that each dwelling would be 1.5 storey and would provide 4 bedrooms per dwelling. The proposed scale of these dwellings is considered acceptable in principle, but the applicant will need to provide detailed elevations at reserved matters stage to ensure that the building sizes are appropriate for the plots and would achieve a reasonable separation distance when viewed against the adjacent site.

8.26 The detailed plans would need to demonstrate how they are in keeping with Policy H1 of The Leigh Neighbourhood Plan which sets out a number of design criteria for new residential development.

Housing Standards & Mix

8.27 The proposed standard and mix of housing will be determined at reserved matters stage. However, it is clear that all units are capable of being designed in accordance with the Nationally Described Space Standards as per Policy DES1 of the TBLP.

Landscape and Trees

8.28 The NPPF sets out at paragraph 170 that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.

8.29 JCS Policy SD6 states that development will seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being. Proposals will have regard to local distinctiveness and historic character of different landscapes and proposals are required to demonstrate how the development will protect landscape character and avoid detrimental effects on types, patterns and features which make a significant contribution to the character, history and setting of a settlement area.

8.30 The existing landscape generally comprises open fields with boundary planting. The field behind the site currently has conifers growing in it. Whilst landscaping details will be assessed within a reserved matters application, an indicative landscape scheme has been shown which maintains the openness at the back of the site with a post and rail fence, whilst allowing for shrubs, fruit trees and meadow grassland to encourage wildlife within the development. A native hedge is shown on the west to give some privacy to the allotments to the west.

8.31 The indicative landscaping plan has been reviewed by the Council's Landscape and Tree Officers. They have provided comments as follows:

- a detailed landscape scheme should include a new native hedge around the full extent of the rear boundary, in addition to the post and rail fence shown. Currently native hedge planting is only proposed along the western boundary;
- The existing tree on the front boundary looks like an ash tree, so some additional frontage tree planting may be sought to provide succession tree cover, should the ash become affected by ash dieback disease in future;
- At the front of the site, limited meadow planting should be provided and more amenity grass should be provided.
- Details will need to be provided on what impact trees will have on the overhead line which runs through the site.

- 8.32** Given the proposed dwellings would be 1.5 storey in height, would be set back from the road frontage, the extensive front boundary treatment, and the proximity of nearby dwellings, it is considered that the character of the wider area would not be significantly altered and the redevelopment of the site would not significantly interrupt views of the open countryside beyond.
- 8.33** Therefore, it is considered that the visual impact of redeveloping the site would not be so significant as to warrant a refusal of planning permission in this particular case. However, it is recommended that a condition is attached to any approval of planning permission requiring the submission of details relating to landscaping.

Impact on Amenity of Existing and Future Occupiers

- 8.34** Paragraph 127 of the NPPF states that planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible which promote health and well-being, with a high standard of amenity for existing and future users. JCS policies SD4 and SD14 require development to enhance comfort, convenience and enjoyment through assessment of the opportunities for light, privacy and external space. Development should have no detrimental impact on the amenity of existing or new residents or occupants.
- 8.35** Policy RES5 states that proposals for new housing development should, inter alia, provide an acceptable level of amenity for the future occupiers of the proposed dwellings and cause no unacceptable harm to the amenity of existing dwellings.
- 8.36** The nearest residential dwellings are located to the east of the site along Deenes Road at Roseleigh and Hazeldene. It is considered that careful siting, design and orientation of the proposed dwellings and their fenestration would ensure that the development could be accommodated in an acceptable manner. These matters would be addressed through any subsequent reserved matters application. All side/rear facing windows on the new dwellings should ensure no loss of privacy to habitable rooms of neighbouring dwellings or to rear private amenity areas. Further details would also need to be provided to ensure that is no impact on amenity between the two proposed dwellings.

Access and Highway Safety

- 8.37** The NPPF sets out that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making. Further, development should only be prevented or refused on highways grounds where there would be an unacceptable impact on highway safety, or the residual cumulative impacts of development are severe.
- 8.38** JCS Policy INF1 states that developers should provide safe and accessible connections to the transport network to enable travel choice for residents and commuters. Emerging Policy RES5 states that proposals for new housing development should, inter alia, make provision for appropriate parking and access arrangements and not result in the loss or reduction of existing parking areas to the detriment of highway safety. Policy TRAC9 states that proposals need to make provision for appropriate parking and access arrangements.
- 8.39** The existing access points to the site will be retained and adjusted to suit the new use to minimise the impact on the existing hedge. The access to the east will also allow access to the field behind, and a new access will be created to the allotments adjacent to the existing access to the west. Each dwelling will have a double garage with two parking spaces and a turning area.

- 8.40** Although the site is located in a rural setting, there are two bus stops located at the end of Church Lane on the A38 (circa 200m from application site) which provide direct access to facilities and services including schools, places of employment and convenience stores. There are no footpaths from the application site to the bus stops and pedestrians would have to use the existing grass verges to and from the bus stops. The Highways Officer is of the opinion that occupiers could walk to the bus stop but that ideally there should be a pedestrian footway in place. The highways officer has also confirmed that Church Lane is lightly trafficked. As such the use of the grass verges for accessing the bus stops is considered to be acceptable in this instance.
- 8.41** The Council recently refused an application (23/00477/FUL) at planning committee for one dwelling at Land to South of Blacksmith Lane, East of Cyder Press Farmhouse, The Leigh. One of the refusal reasons related to the reliance on the private car and accessibility to services. However, the key difference from this site and the application site is that the single dwelling would measure circa 900m from the nearest bus stop and as such occupiers would need to travel along the often narrow lanes to reach them which would not make buses an attractive or probable option.
- 8.42** The proposal has been assessed by the Highway Authority and following a review of the submitted information, the proposal is considered to meet the Manual for Gloucestershire Streets guidance in relation to turning facility, emergency access, access for service and delivery vehicles, parking and cycling provision, visibility splays and accessibility by public transport.
- 8.43** The Highway Authority has undertaken a robust assessment of the planning application and based on the analysis of the information submitted the Highway Authority concludes that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion. There are therefore no justifiable grounds on which an objection could be maintained.

Drainage

- 8.44** JCS Policy INF2 advises that development proposals must avoid areas at risk of flooding and must not increase the level of risk to the safety of occupiers of a site and that the risk of flooding should be minimised by providing resilience and taking into account climate change. It also requires new development to incorporate Sustainable Urban Drainage Systems (SuDS) where appropriate to manage surface water drainage. This is reflected in Policy ENV2 of the TBP and the NPPF.
- 8.45** The site is located within Flood Zone 1 (low risk) as defined by the Environment Agency's most up-to-date flood risk maps. The development is therefore unlikely to be at risk of flooding or causing significant risk of flooding to third party property.
- 8.46** The application is at an outline stage and therefore full detailed drainage plans would be required with any reserved matters application. In relation to foul water, the applicant intends to use a treatment plant which has been indicatively shown on the proposed site plan.
- 8.47** It is therefore recommended that a condition is attached to any approval of planning permission requiring the submission of full drainage plans at the reserved matters stage, to ensure the most appropriate drainage solution be implemented.

Biodiversity

- 8.48** The NPPF sets out, inter alia, that when determining planning applications, Local Planning Authorities should aim to conserve and enhance biodiversity by encouraging opportunities to incorporate biodiversity in and around developments, especially where this can secure measurable gains for biodiversity. Policy SD9 of the JCS seeks to protect and, wherever possible enhance biodiversity, including wildlife and habitats. Policy NAT1 of the TBP states that development proposals that will conserve, and where possible restore and/or enhance, biodiversity will be permitted.
- 8.49** The application is accompanied by a PEA prepared by Betts Ecology dated September 2022. The ecological appraisal showed that the site is dominated with low value grassland and a conifer plantation. A native species poor hedgerow is present along the southern boundary, nonetheless this hedgerow is classified as a habitat of principle importance and should be retained where possible. Plans show that the existing access will be utilised as well as a small section of hedgerow to access the other proposed house. New native hedgerow planting is proposed along the western boundary and will compensate for the section of hedgerow removed. Enhancement of the hedgerow is welcomed.
- 8.50** The submitted PEA has been reviewed by the Council's Ecologist who have no objections subject to conditions. Conditions are proposed to ensure the development is carried out in accordance with the mitigation measures in the PEA, further details are provided in relation to bird/bat boxes and that no lighting should be installed unless a lighting scheme is submitted and approved by the Council.
- 8.51** Therefore, subject to the imposition of conditions the application is considered acceptable in regard to ecology.

9. Conclusion

- 9.1** 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.
- 9.2** The proposal would be contrary to Policy RES4 of the TBP as it would not be acceptable in principle due to the application site not being within and adjacent to the built-up area of The Leigh. The site is not previously developed land within the built up areas of a service village; is not a rural exception scheme; and does not represent 'infilling'. It has not been brought forward for development through a Community Right to Build Order and there are no policies in the existing TBP which allow for the type of development proposed here. The proposal therefore conflicts with the spatial strategy and Policies SP2 and SD10 of the JCS, Policy RES3 and RES4 and Policy H1 of TLPNDP.

- 9.3** However, 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.
- 9.4** As detailed throughout the analysis section of the report, 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

- 9.5** The development would contribute towards the supply of housing to help meet the housing need which attracts significant weight in favour of granting permission in light of the Council's housing land supply position.
- 9.6** The scale of development, its relationship with and proximity to a service village and the existing built-up area, is a benefit that, in light of the Council's housing land supply position, would attract fair weight in favour of granting permission.
- 9.7** Although the development is relatively modest in scale, in economic and social terms 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 local services and facilities, which is considered a moderate benefit.
- 9.8** As discussed in the highway section, the site is considered to be in a sustainable location given its proximity to the nearby bus services along the A38. Although the proposal would rely on the use of private vehicles, given its rural location, a viable sustainable alternative is feasible from this site.
- 9.9** As detailed within the ecology section, the application site is considered to be low value grassland with limited ecological value. There are no trees on site identified as having Potential Roosting Features (PRFs) and the proposed works do not include the removal of areas of vegetation that would potentially cause the loss or fragmentation of suitable foraging sites. New native hedgerow will be planted and a condition will be added for further ecological enhancements as per the PEA. In environmental terms the redevelopment of the site would allow the opportunity for new planting and biodiversity net gain which would be a significant benefit.

Harms

- 9.10** Harm arises from the conflict with development plan policies and the spatial strategy relating to housing, particularly Policies SP2 and SD10 of the JCS and Policy RES4 of the TBP, although it is accepted that the Council's housing policies must now be considered in light of the tilted balance.

Neutral

- 9.11** In design terms, notwithstanding the final materials details, the design and layout are considered to be acceptable given the constraints of the site. The proposal also does not raise any residential amenity issues in terms of a loss of light, outlook and privacy. The development would not be at an unacceptable risk of flooding and appropriate drainage infrastructure can be provided via a condition. The proposal is considered acceptable in regard to highway safety and accessibility. The proposal could achieve an acceptable housing standard and ecological mitigation.

Overall conclusion

- 9.12** 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.
- 9.13** Significant weight should be given to the provision of housing and this benefit would attract 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.
- 9.14** Taking account all the material considerations and the weight to be attributed to each one, it is considered that the identified harms would not significantly and demonstrably outweigh the benefits in the overall planning balance.

10. Recommendation

- 10.1** In the absence of policies in the NPPF which would provide a clear reason for refusal, and it is not considered that the harms of the development would significantly and demonstrably outweigh the benefits set out above. **It is therefore recommended the application be permitted subject to the conditions listed below.**

11. Conditions

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

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

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

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

3 The development hereby permitted shall be begun either before:

- i. the expiration of three years from the date of this permission; or
- ii. before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

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

4 The development hereby permitted shall be carried out within the parameters of proposed site plan 22007/03/P2.

Reason: In order to define the permission.

5 Prior to the occupation of the development hereby permitted, the vehicular access shall be laid out and constructed in accordance with the submitted plan drawing 22007/03/P2 with any gates situated at least 5.0m back from the carriageway edge of the public road and hung so as not to open outwards towards the public highway and with the area of driveway within at least 5.0m of the carriageway edge of the public road surfaced in bound material, and shall be maintained thereafter.

Reason: To reduce potential highway safety impact by ensuring that a safe and suitable access is laid out and constructed that minimises the conflict between pedestrians, cyclists and vehicles.

6 The details to be submitted as part of the Reserved Matters application pursuant to Condition 1 shall include a plan indicating the positions, design, materials and type of boundary treatments to be erected to the boundaries of the proposed dwellings. The boundary treatments shall be completed in accordance with the approved plan/details before the dwellings are occupied.

Reason: In the interests of the visual amenity of the area and the amenities of the occupiers of neighbouring properties.

7 The details to be submitted as part of the Reserved Matters application pursuant to Condition 1 shall include precise details and/or samples of all walling and roofing materials to be used externally, and all surface materials within their curtilages, proposed to be used. Development shall be carried out in accordance with the approved details/samples.

Reason: To ensure that the materials and exterior building components harmonise with their surroundings.

8 The details to be submitted for the approval of Reserved Matters pursuant to Condition 1 shall include existing and proposed site sections and full details of finished floor and site levels. All development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenity of the area and the amenities of the occupiers of neighbouring properties.

- 9** The details of landscaping to be submitted for the approval of Reserved Matters pursuant to Condition 1 shall include a landscape scheme for the whole site. The submitted design shall include the proposed new landscaping scheme on scaled drawings accompanied by a written specification clearly providing full details of proposed tree and hedgerow planting to include location, species, sizes, densities and planting numbers. Development shall be carried out in accordance with the approved details. The submitted drawings shall also include accurate details of all existing trees and hedgerows with their location, species, size, condition, any proposed tree surgery and which are to be removed and how those to be retained are to be protected (a tree protection plan to BS5837:2012 or subsequent revisions). Development shall be carried out in accordance with the approved details.

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

- 10** All planting, seeding or turfing in the approval of reserved matters for landscaping shall be carried out in the first planting and seeding season following the occupation of the building(s) or completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

- 11** Before the commencement of any building works precise details of the surfacing treatments to be used on all hard surfaced areas and the turning and parking areas shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and to ensure adequate off-street parking and access arrangements are provided.

- 12** The details to be submitted as part of the Reserved Matters application pursuant to Condition 1 shall include full drainage details relating to surface water drainage and foul water. Full details of the treatment plant shall be provided. The information submitted shall be in accordance with the principles set out in the approved drainage strategy. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in The SuDS Manual, CIRIA C753 (or any subsequent version), and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii. include a timetable for its implementation; and
 - iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

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

- 13** During the construction phase (including preparatory groundworks), no machinery shall be operated, no process shall be carried out and no deliveries shall be taken at or dispatched from the site outside the following times: Monday-Friday 8.00 am-6.00pm, Saturday 8.00 am-1.00 pm nor at any time on Sundays, Bank or Public Holidays.

Reason: To protect the noise climate and amenity of local residents.

- 14** Details to be submitted as part of the Reserved Matters application(s) in accordance with Condition 1 shall include maximum storey height of 1.5 storeys for each dwelling.

Reason: To define the terms of the permission.

- 15** Prior to the installation of external lighting full details 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 sen-sor (PIR)).

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

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

- 16** Prior to occupation of any of the dwellings, a detailed ecological enhancement plan shall be submitted to and approved in writing by the Local Planning Authority, expanding on the information submitted within the Preliminary Ecological Appraisal prepared by Betts Ecology and Estates dated September 2022. The enhancement plan shall be implemented in accordance with the approved details prior to the occupation of the dwellings.

Reason: To protect and enhance biodiversity.

12. 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.