

<b>Application Number:</b>	P/OUT/2022/00060
<b>Webpage:</b>	<a href="https://planning.dorsetcouncil.gov.uk/">https://planning.dorsetcouncil.gov.uk/</a>
<b>Site address:</b>	Voscombe Farm New Road Bourton SP8 5BX
<b>Proposal:</b>	Demolish existing barn and erect 8 No. dwellings, new vehicular access and ancillary works (outline application with all matters reserved)
<b>Applicant name:</b>	Greystoke Land Limited
<b>Case Officer:</b>	Simon Sharp
<b>Ward Member(s):</b>	Cllrs Potheary, Cllr Ridout and Cllr Walsh

## 1.0 Reason application is going to committee

- 1.1 Referred by the Development Management Manager following a request by Councillor Ridout.

## 2.0 Summary of recommendation:

- 2.1 Grant permission subject to conditions.

## 3.0 Reason for the recommendation:

- 3.1 The latest Housing Land Supply position statement sets out that the supply has risen to 5.17 years for 1st April 2021. However, the latest Housing Delivery Test for North Dorset, published January 2022, is 69%: The tilted balance is therefore still engaged, meaning that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 3.2 The Neighbourhood Plan became part of the development plan more than 2 years ago and so does not override the tilted balance..
- 3.3 There are no significant and demonstrable adverse impacts that outweigh the benefits arising from the supply of the 8 dwellings proposed.

## 4.0 Key planning issues

<b>Issue</b>	<b>Conclusion</b>
Principle of development	Acceptable when applying the tilted balance.
Scale, design, impact on character and appearance	The indicative plan satisfactorily demonstrates that 8 dwellings of an appropriate mix can be accommodated on the site with the required access, parking, soft landscaping and

	sustainable drainage, reflecting the prevailing character and resulting in change but no harm to the landscape.
Impact on amenity	The indicative layout demonstrates that reserved matters of scale, layout and appearance could be submitted demonstrating no significant residential amenity impacts.
Impact on landscape or heritage assets	No harm. The setting of the Church and other listed buildings will be preserved. The site is within the setting of the AONB, however, no landscape harm would result from the development.
Economic benefits	There will be benefits derived from the construction phase as well as the supply of homes and Council Tax receipts.
Access and Parking	No highway safety issues arising assuming that the point of access is as per the indicative plan and that the internal access road is amended to permit the safe turning of refuse vehicles.
Habitat Regulations	The site is within the River Stour catchment with no current issues in terms of nutrient levels. The site is not within the impact risk zones for this scale of development of a Natura 2000 designation.

## 5.0 Description of Site

- 5.1 The site sits beyond but abuts the western edge of the main built up area of Bourton. It is on the north side of New Road which was the A303 until the village was bypassed in 1992.
- 5.2 Approximately 35% of the site area, at its western end, is occupied by a late C20th farm building (profile sheeting with a cement fibre roof) and associated hardstanding. The remainder of the 0.5ha (1.2 acre) site is semi-improved grassland used as grazing pasture. The whole site is considered to be greenfield. The pasture is on higher ground than the road.
- 5.3 The northern boundary is marked by a field species hedge beyond which is open countryside rising up the hillside to the County boundary with Somerset and the Cranborne Chase and West Wiltshire AONB. The site is within the setting of the AONB, however, no landscape harm to this designation would result from the development. To the east and west are dwellings, that to the west being on lower ground and currently detached from the village. The southern boundary is marked by a field species hedge (hawthorn, elder etc.) for much of its length, beyond which is the pedestrian footway along New Road. The land south of this road is undeveloped and falls away to the bypass and Blackmore Vale beyond.

## **6.0 Description of Development**

- 6.1 This is an outline application to demolish the existing agricultural building and erect 8 dwellings with all matters reserved for subsequent approval.
- 6.2 An indicative plan has been submitted (revised during the consideration of the application) indicating a mix of dwelling types (detached, semi-detached and terraced) arranged in a linear configuration with all facades facing south across a new access road that would be aligned to the rear of the retained frontage hedge.

## **7.0 Relevant Planning History**

- 7.1 Application 2/201/0613/OUT - Demolish barn and develop land by the erection of 10 No. dwellings and form vehicular access. (Outline application to determine access, layout and scale) was refused by the Council on 25<sup>th</sup> November 2020 for the following 3 reasons:-
- i. The proposed development would be a consolidation of sporadic development in the open countryside outside the established limits of a settlement appearing as conspicuous and uncharacteristic of the rural fringe location which would lead to harm to the character and appearance of the area and an important view which outweighs any benefit to housing land supply, contrary to North Dorset Local Plan Part 1 (2011-2031) policies 1, 2, 7, 20 and 24, Neighbourhood Plan policies 1, 2 and 3 and the provisions of the National Planning Policy Framework.
  - ii. In the absence of a conceptual strategy for the management of surface water that is both viable and deliverable the proposal would not make provision for adequate drainage and potential flood risk to people and property contrary to North Dorset Local Plan Part 1 (2011-2031) policy 13 and the provisions of the National Planning Policy Framework.
  - iii. The proposal would not make provision for affordable housing provision where there is an identified need in the area contrary to North Dorset Local Plan Part 1 (2011-2031) policy 8 and the provisions of the National Planning Policy Framework.
- 7.2 An appeal was subsequently dismissed, the inspector concluding that the “harm to the character and appearance of the area results in a conflict with the development plan, read as a whole. For the reasons given, material considerations, including the substantial benefits that would result, do not indicate that a decision should be taken otherwise than in accordance with the development plan.”

## **8.0 List of Constraints**

- 8.1 The site is identified as being within the Environment Agency's 1 in 100 year Risk of Surface Water Flooding area.
- 8.2 The Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty (AONB) extends to within approximately 1km of the site.
- 8.3 The site is within the setting of St. George's Church tower. The Church is grade II listed as are Ingleside and the house immediately south of Ingleside, both of which, along with the site, are seen in the panorama viewed from the public rights of way to the north.

## **9.0 Consultations**

### **9.1 Bourton Parish Council**

- a) The application's title is misleading since it implies that the entire development site is confined to the land occupied by the present agricultural barn, whereas the bulk of it is actually a pristine green-field site.
- b) The application site is outside Bourton's defined settlement boundary. Any development on the 'green field' part of this site would constitute harm to the setting of the village, which would outweigh any benefit to housing land supply.
- c) Conflict with policies 6 and 20 of the Local Plan as there is no identified local and essential rural need. The 2021 Annual Monitoring Report records that, in the first 10 years of the Plan period, 36 homes have been developed in Bourton and this will have increased significantly by the end of 2022 as housing completions on the Bourton Mill site continue to progress.
- d) This development would be detrimental to the landscape quality of the area, particularly views from footpaths to the north of the site. Inward views of the surrounding landscape from viewpoints to the south of Bourton would also be harmed by this development, especially in view of the site's topography. The ridge height of the dwellings projected for the high ground at the eastern end of the application site would be an especially dominant feature of the proposed development, compromising inward views of the landscape setting.
- e) This development would compromise important views towards the grade II listed St George's Church contrary to Policy 1b of Bourton's Adopted Neighbourhood Plan.

### **9.2 DC - Highways**

No objection subject to conditions relating to:-

- a) Gradients of the highway within the site.

- b) Closure of the existing access.
- c) Access construction specification.

9.3 DC - Conservation Officers

The proposals will result in no harm to the significance of designated heritage assets and so neither paragraph 201 nor 202 are considered to be engaged.

9.4 DC Trees and Landscape

No objection to the proposal in respect of Tree Matters, subject to conditions.

9.5 DC - Dorset Waste Partnership

Need to see a detailed tracking plan to ensure refuse collection vehicle access is acceptable and any turning heads are suitable and sufficient. Current indicative layout does not comply.

9.6 Other Representations received

Total - Objections	Total - No Objections	Total - Comments
<b>11 addresses in Bourton</b>	<b>1</b>	<b>0</b>

Objections on the grounds of: -

- a) Misleading description – Most of the site is greenfield and not occupied by the barn to be demolished.
- b) Outside out of adopted settlement limits - conflict with policies 2, 6 and 20 of the Local Plan. The application is not of a type classified as being appropriate in the countryside.
- c) No need - The predisposition of the Neighbourhood Plan is to contribute to local housing need through infill housing and development within the settlement boundary and a number of homes have been completed to respond to the need (fulfilled).
- d) Coalescence - Development of the application site for open market housing will erode the separation of Chaffeymoor as a valued hamlet from the main village thus adversely affecting this important landscape characteristic.
- e) Landscape harm - The few buildings that exist outside the settlement boundary have not followed a linear pattern. They are widely dispersed, in open landscape settings with extensive open views around them. The

undeveloped application site affords open views to the south across Blackmore Vale as well as towards the limestone ridge and nearby Cranbourne Chase AONB to the north. Its proximity to the AONB should afford it a great weight of protection.

- f) Highway safety - The access onto the main road from, the proposed development isn't very easy, cars leaving the village get to the top of the hill and accelerate towards Wincanton. Visibility is very poor when pulling out onto the road.
- g) Infrastructure pressures - Currently the school only take 17 pupils into reception in each school year from within the catchment. With growing housing in the village, this could lead to parents not being able to get their children into the village school.
- h) Biodiversity – The site is grazed pasture land which provides a rich habitat for a variety of species, most notably, farmland birds. Such land is a vital corridor for birds, including starlings to transition between the nearby wooded areas and longer grassland habitats. Starlings are listed as critically red on the RSPB conservation list. Bullfinches are also regularly using the hedgerows bounding the area (listed as amber on the RSPB conservation list).
- i) Appeal history – The application is not materially different to that which was dismissed at appeal within the last 12 months.
- j) (one representation) Although very pleased to see the houses have been turned round, so that the back gardens are no longer adjacent to New Road, and more attention has been given to trees and hedges, we remain concerned that there are too many properties for the area of land.

Support on the grounds of:-

- a) The application would improve an untidy property and the west end of the village. The farm is redundant and will not be missed.
- b) Some social housing for rent would be welcome for local, young families.

## **10.0 Heritage duties**

10.1 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states the local planning authority or, as the case may be, the Secretary of State, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

## **11.0 Development Plan policies**

### North Dorset Local Plan Part 1 2011-2031

11.1 The site is in the countryside. The following policies are considered relevant:-

- 1 – Presumption in Favour of Sustainable Development
- 2 – Core Spatial Strategy
- 4 – The Natural Environment
- 5 – The Historic Environment
- 6 – Housing Distribution
- 7 – Delivering Homes
- 20 – The Countryside
- 23 – Parking
- 24 – Design Policy
- 25 – Amenity

### Bourton Dorset Neighbourhood Plan 2016-2031 (made 2018)

11.2 The site is outside of the settlement limit (as depicted in Map 3 of the Plan).

11.3 It is also affected by two “important views”, both of which are depicted on Map 2. These are derived from the Village Design Statement (VDS) which is a material consideration (see below). The first is from New Road looking north-westwards across the western extremities of the site towards Chaffey Moor Hill. The second is from receptors along public right of way N57/7. These receptors are to the northeast of the site on higher ground and the view is over the site and across the Blackmore Vale.

11.4 The following Neighbourhood Plan policies are considered relevant:-

- 1: Landscape Setting
- 2: Settlement Pattern and Character.
- 3: Building Design and Form.
- 4: Traffic and Parking
- 6: Biodiversity
- 8: Mitigating and Adapting to Climate Change.

## **12.0 Other material considerations**

### National Planning Policy Framework (2021)

12.1 Noting the following sections:-

1. Introduction
2. Achieving sustainable development
3. Plan-making
4. Decision-making

5. Delivering a sufficient supply of homes
8. Promoting healthy and safe communities
9. Promoting Sustainable transport
11. Making effective use of land
12. Achieving well-designed places
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment
16. Conserving and enhancing the historic environment

#### Appeal decision APP/D1265/W/21/3268810

- 12.2 The appeal decision following the Council's refusal of permission (our reference 2/2020/0613/OUT) is afforded weight as a material consideration given that it dates from less than 2 years ago when the development plan comprised of the same Local Plan and the Neighbourhood Plan (the latter already being more than 2 years old). The site context has also not changed.
- 12.3 The NPPF was published in July 2021 (see above), post-dating the appeal decision by 2 months. However, the relevance and application of the "tilted balance" remained the same. The Council's 5-year housing land supply and the published Housing Delivery Test have changed since the appeal decision but the presumption still applies.

#### 12.4 Housing Delivery Test

The latest Housing Delivery Test (HDT) for North Dorset, published January 2022, is 69%. The NPPF states that the tilted balance applies if the HDT is less than 75%.

#### Bourton Village Design Statement

- 12.5 The Bourton Village Design Statement was adopted by North Dorset District Council as a Supplementary Planning Document on 30 September 2011.
- 12.6 The Statement notes that:-
- a) "with the contrasting topography of steep slopes and flat Vale, it is not surprising that the parish enjoys varied and far-reaching views which are particularly treasured by the local community. These key views give the village its rural character" (para. 3.2);
  - b) "Entering the village from the west long views are afforded across the village and Vale with St George's Church tower prominent and important trees lining the road and fields" (para. 3.7);
  - c) "The village is very proud of the views which it affords both outwards, from the limestone ridge (Chaffey Moor to Kites Nest) across the Blackmoor Vale and inwards, looking north across the A303 and at the entry to the village at both ends of the main road. There is a strong feeling in the village that such views should be protected and/or enhanced." (para. 3.13).

## **13.0 Human Rights**

13.1 Article 6 - Right to a fair trial.

Article 8 - Right to respect for private and family life and home.

The first protocol of Article 1 Protection of property.

This recommendation is based on adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

## **14.0 Public Sector Equalities Duty**

14.1 As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to this duty. There are 3 main aims:-

- Removing or minimising disadvantages suffered by people due to their protected characteristics
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove or minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the Public Sector Equalities Duty.

14.2 Officers have not identified any specific impacts arising from the development on those persons with protected characteristics. There is a segregated footway on the site’s side of New Road that links to the centre of Bourton. Gradients of 1 in 12 or less can be achieved within the site.

## **15.0 Financial benefits**

What	Amount/Value
<b>Material considerations</b>	
Homes	8 open market dwellings
Employment during construction phase	Support construction sector
Spending in local economy	Residents of dwellings would support economic growth
<b>Non material considerations</b>	
Contributions to Council Tax	As per appropriate charging bands

## 16.0 Climate Implications

- 16.1 Policy 8 of the Neighbourhood Plan is stronger than most development plan policies in relation to its objectives, although no specific targets are set. To comply with the policy, one would expect that the layout and appearance reserved matters included high standards of embedded sustainability and a marked reduction in the reliance of fossil fuels.
- 16.2 The indicative layout demonstrates that ability for all dwellings to face within a few degrees of south, thereby maximising solar gain (heat) and solar to electricity energy conversion (via photo-voltaic cells). There is also clear potential for electric car charging points to be installed.
- 16.3 The buildings would need to comply with Building Regulations, specifically Part L. Details of renewables & other details (such as electric car charging points) would be expected at reserved matters
- 16.4 It is acknowledged that there is a certainty that some trips by cars and delivery vehicles resulting from the development will burn fossils fuels.
- 16.5 There is a loss of approximately 0.3 ha of productive farmland, albeit it is only grade 4.

## 17.0 Planning Assessment

### Principle

- 17.1 The proposal conflicts with Local Plan policies 2, 6 and 20 given its location outside of the defined settlement limit for Bourton and that it is for purely open market housing with no evidence submitted of a response to the circumstances of need outlined in these policies where support could be forthcoming.
- 17.2 Nevertheless, as detailed in section 11 of this report, the National Planning Policy Framework and the North Dorset Housing Delivery Test position are material considerations. They are afforded substantial weight in this instance.
- 17.3 The North Dorset Local Plan area has, until recently, been unable to demonstrate a 5- year deliverable housing land supply (DHLS). However, the latest Housing Land Supply position statement published by the Council sets out that the supply has risen to 5.17 years for 1st April 2021. The latest Housing Delivery Test (HDT) for North

Dorset, published January 2022, is 69%. A year before it was 59% so, while delivery is underperforming, there is evidence that it is improving as the deliverable supply improves.

- 17.4 Between 2011 (the beginning the LPP1 plan period) and 2021, 36 net additional dwellings were completed in Bourton. As representations indicate, development at Bourton Mill has resulted in the increases to the supply which is set to continue.
- 17.5 The NPPF's paragraph 7 states that the purpose of the planning system is "to contribute to the achievement of sustainable development. Paragraph 10 states that, at the heart of the NPPF, is a presumption in favour of sustainable development. This is set out in paragraph 11. Sub-sections (c) and (d) of paragraph 11 relate to decision-taking. Part (c) relates to development proposals that accords with the development plan.
- 17.6 As set out above, this development proposal conflicts with the development plan, and therefore part (c) does not apply and part (d) should be referred to instead. According to NPPF paragraph 11(d) footnote 8, a Housing Delivery Test (HDT) result less than 75% indicates that the policies which are most important for determining the application are out-of-date.
- 17.7 Paragraph 11 states that this means granting permission unless:
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Criterion i) refers to footnote 7 of the NPPF which states that the policies referred to are those in this Framework (rather than those in development plans) relating to habitats sites (and those sites listed in paragraph 181) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 68 in chapter 16); and areas at risk of flooding or coastal change.

- 17.8 Paragraph 14 of the NPPF states that, in situations where the presumption (at paragraph 11(d)) 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:
- a) the neighbourhood plan became part of the development plan 2 years or less before the date on which the decision is made;

- b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement;
- c) the local planning authority has at least a 3 year supply of deliverable housing sites (against its 5 year housing supply requirement, including the appropriate buffer as set out in paragraph 74); and
- d) the local planning authority's housing delivery was at least 45% of that required over the previous 3 years.

Whilst there is more than 3 years' supply of deliverable housing sites, housing delivery is above 45%, the neighbourhood plan is now more than two years old. This being the case, protection under NPPF paragraph 14 no longer applies.

17.9 Paragraph 60 of the NPPF states that it is the Government's objective to significantly boost the supply of homes and therefore "it is important that a sufficient amount and variety of land can come forward where it is needed..." As the most recent Housing Delivery Test Result is below 75%, this means that the 'presumption in favour of sustainable development' applies; under the 'presumption', permission should be granted unless policies in NPPF provide a clear reason for refusal or the adverse impacts would significantly and demonstrably outweigh the benefits. Officers consider that the benefits of providing 8 additional dwellings, would not be outweighed by any identified significant or demonstrable harm.

#### Sustainability of location

17.10 The site is on the edge of Bourton and connected by footway to the settlement's services and facilities. It is within an acceptable walking distance of these and considered to be in a sustainable location.

#### Design, heritage, landscape and visual impact

17.11 There is a need for all new development in Bourton to have regard to the spatial characteristics of the locality and secure adequate space and planting. Visually important open space between buildings and groups of buildings will be required to maintain an open aspect. This is a policy objective of the Neighbourhood Plan that is considered particularly important given the setting of this site. In terms of heritage, the site is located outside of any conservation area and the nearest listed buildings are a group listing under the name of Church View and Ingleside, and the dwelling adjacent to Ingleside, located approximately 80m east of the application site. Church View is a collection of cottages of varying ages, proportions and materials. The cottages are predominantly situated in a north-west/south-east arrangement with gardens to the front (south-east) and a cemetery to the rear. The Grade II listed Church is located further along the road, to the south of the main road through the village.

17.12 When viewed from west of the site, the site is prominent within the view as it is on higher ground near to the crest of the hill and largely not screened by any existing buildings or vegetation. There are trees that line New Road just to the east of the

Chaffey Moor Hill turn and a stone cottage adjoins the roadside on the south side. They focus the view along New Road towards the site. What is apparent is that the tower of St. George's Church is visible as is the application site's hedge frontage and the first 10m or so of the depth of the pasture (the rear being obscured from view by the existing barn).

- 17.13 The importance of the green frontage is reinforced as one arrives at the site. The gap between the barn on the site and the dwelling to the east is very evident. The hedge rises up above footway level but, because of the incline on the footway, there are views back over this hedge across the site towards Chaffey Moor Hill. One of these views is identified in the Neighbourhood Plan.
- 17.14 In this context, the undeveloped frontage and front part of the pasture area of the site are important in many respects:-
- a) They provide a clear rural setting to the Church (a setting that is important to the Church's significance as a landmark within the countryside). In this regard, having walked all of the public rights of way and public highways in the area, the case officer observed that the physical setting of the Church is so commonly defined by a mix of undeveloped pasture and the linear form of buildings clustered along the main thoroughfare (New Road).
  - b) The site frontage provides one of a handful of breaks in development that prevents the visual coalescence of Bourton and the hamlet of Chaffey Moor.
  - c) The site belongs to the countryside and hamlets character of the land west of the crest of the hill as opposed to the more built-up area of Bourton on the crest and to its east (albeit this area is pleasingly permeated by regular green fingers of undeveloped land as referred to in the Neighbourhood Plan).
  - d) The undeveloped land provides pedestrians, cyclists and motorists with views across the site to Chaffey Moor Hill and beyond into the AONB.

- 17.15 In their appeal decision, the inspector determined that the previous proposal did not respect the prevailing character and some of its important qualities. In paragraph 13 of their decision they stated;-

“While a shared surface access is shown, the dwellings would sit around a formal estate road with clearly defined parking bays and a turning head. Along with the formal garden arrangements, the plan shows a development more akin to a typical suburban cul-de-sac of housing accessed from a landscaped driveway than a farmstead. Furthermore, 4 of the dwellings would, uncharacteristically, firmly turn their back on New Road such that the domestic style access dominated the approach to the settlement.”

It is noted that scale and layout were both for determination for that application. It is also noted that the layout materially differed from the indicative plan now before the Council. Dwellings backed onto New Road and many were arranged in a “suburban” cluster. The Inspector determined that such a proposal:-

“rather than making a sensitive transition between Bourton and the countryside....would harm the soft landscape setting of the settlement to the detriment of its overall character and appearance. This would result in a conflict with those aims of Policy 24 of the North Dorset Local Plan Part 1 2011-2031 (LP) and NP Policies 1, 2 and 3 that seek to ensure that development should be designed to improve the character and quality of the area within which it is located, make a sensitive transition between village and countryside, have regard to the spatial characteristics of the locality, and reinforce the underlying vernacular or character of its context.”

17.16 The application is in outline and layout, landscape, scale and appearance are reserved for subsequent appearance, along with landscaping. However, it is considered that the indicative layout submitted, in its revised form, appropriately responds to the concerns of the Inspector. It demonstrates that, with the quantum of development proposed, a layout and scale can be developed to accord with the cited development plan policies.

17.17 Of specific note are:-

- a) The retention of the hedge and undeveloped, soft landscaped frontage to the rear of the hedge. It ensures that undeveloped, soft landscaped land is present in the approach from the west towards the village. This also preserves the setting of the Church tower from this direction.
- b) The dwellings face the road echoing the prevailing character and appearance of this part of the village.
- c) The linear arrangement of the dwellings echoes the character and appearance of this part of the village.
- d) The mix of dwelling types and spacing between them echoes the prevailing grain of development.

17.18 The Inspector appeared less concerned about views and wider landscape impact. They concluded that:-

“the development would not have a significant adverse effect on important views of the countryside, which is one of the aims of NP Policy 1. Accordingly, effects on the landscape would be principally limited to the loss of the existing undeveloped field and any harm associated with that would be very limited given the settlement edge location.”

The indicative layout does maintain views from the road towards Chaffey Moor Hill. Pleasingly, the arc of the linear row of planned buildings also ensures that the view opens up to the large oak tree that stands in the north-western corner of the site. The tree can be seen across the access to the west of the barn but is obscured by this barn when one walks eastwards along New Road and then looks back north-westwards. If the layout was developed as per the indicative plan, this would be a beneficial enhancement to the appearance of this area.

17.19 The setting of the nearby grade II listed buildings, namely Ingleside and the house immediately south of Ingleside, and Church View, all of which are seen in the panorama viewed from public footpath N57/7, will be preserved, and no harm would result. The site constitutes only a negligible fraction of the view when one's eyes sweep along New Road from these elevated vantage points. Modern development at Old Pound Court is more prominent within this particular setting. The same conclusions are reached in relation to the Church's setting.

### Biodiversity

17.20 Representations raise concerns about the loss of a wildlife corridor across the site with a particular concern relating to starlings and bullfinches. The comments in relation to the starlings note the value of the pasture as a route between other habitats.

17.21 A phase 1 survey was undertaken by a suitably qualified ecologist in 2019 and updated in 2021. It concluded that the impact on birds would be low, noting that any works which affect the trees and hedgerows on site could have an impact on nesting birds. It advised that, since all in-use bird's nests and their contents are protected from damage or destruction, any tree and shrub removal should be undertaken outside the period 1st March to 31st August.

17.22 The case officer witnessed birds crossing the site, including in winter, and acknowledges the importance of even semi-improved pasture as part of wildlife corridors. However, it is noted that the indicative plan shows the retention of the hedges to the front and rear boundaries as well as the oak tree in the northwest corner. The land to be developed would be the semi-improved pasture and the barn/hardstanding. The plan shows the creation of the soft landscaped communal open space between the shared access drive and the back of the frontage hedge. This has a minimum depth of c11m and extends, on this indicative layout, to 0.15ha. This is less than pasture to be lost (0.3ha) but has the potential to have a significantly more varied mix of plant species and biodiversity. In this regard, it is noted that the current pasture is species poor. Part of the new area of space is likely to accommodate part of a sustainable surface water drainage solution but that complements rather than detracts from the biodiversity value.

17.23 The barn is not a suitable habitat for owls or bats, this confirmed by the surveys. It has far too many openings that let significant light (and wind) into the interior. The oak tree and the hedges provide habitat and should be retained in the landscaping and layout reserved matters.

17.24 The surveys did reveal medium potential for reptiles but concluded that no further surveys were required owing to the site's fairly limited habitat value. The rubble/rock pile adjoining the barn was likely to be the habitat that could contain reptiles. A series of mitigation measures are recommended which can be secured by condition along with the site clearance period.

### Housing tenure and type mix

- 17.25 The lack of affordable housing was a previous reason for refusal specified by the Council although this was not upheld by the inspector at appeal. The revised proposal reduces the number of dwellings to 8 (this limit can be specified by condition) and this falls below the Local Plan and NPPF threshold.
- 17.26 The indicative layout plan shows an appropriate mix of dwelling types and sizes; 2 to 4 bedrooms, terraced, semi-detached and detached.

### Highway safety

- 17.27 The representations received include concerns about highway safety, specifically referring to the speeds of vehicles travelling along New Road and the site's location close to the crest of the hill.
- 17.28 Access is reserved for subsequent approval, but the indicative plan shows that the vehicular access can be accommodated at the western end of the site frontage which is the furthest point of the frontage from the crest. It also is where the existing barn's access is from the highway. It also negates the need for hedge removal.
- 17.29 The Highways Officer raises no objection subject to conditions (these conditions would be secured at the access reserved matters stage).
- 17.30 The case officer notes the comments in relation to the internal layout's failure to accommodate the manoeuvring of refuse vehicles, but this can be dealt with at the access and layout reserved matters stage. Such stages may also present an opportunity to accommodate a pedestrian link to the existing footway near to the south-eastern corner of the site to reflect a predicted desire line from the new homes to the centre of the village, its facilities and the public right of way network.

### Flooding and drainage

- 17.31 The site is in flood zone 1, land at the lowest probability of fluvial flooding and the preferred location for development.
- 17.32 One of the previous reasons for refusal was in relation to surface water flooding. The revised indicative plan for this application demonstrates that there will be sufficient undeveloped land to accommodate a sustainable surface water drainage scheme that includes, if required on-site attenuation, to prevent increases in surface water flooding on and off site, including an allowance for climate change.

### Residential amenity

- 17.33 The indicative layout demonstrates that separation distances of in excess of 15m can be achieved between blank gable ends and elevations with habitable windows and over 25m between main elevations. Therefore, reserved matters of scale, layout and appearance could be submitted demonstrating no significant residential amenity impacts arising from overlooking or overshadowing. The proposed density also

permits an appropriate level of private amenity space and protection from noise and disturbance from vehicles passing on New Road.

### Infrastructure pressures

- 17.34 One of the representations received raised concerns about school capacity, however, such a contribution is not considered by officers to be necessary to make the development acceptable in planning terms.

### Description of development

- 17.35 The description includes the demolition of the barn, in addition to the erection of the dwellings, as this demolition constitutes development. Inspection of the submitted particulars makes it clear that the pasture adjoining the barn to the east is included within the application site. It is clear from the comments received from interested parties and statutory consultees that it is understood that the pasture is included within the site. The case officer has assessed the loss of this pasture land to development and no party has been, it is considered, prejudiced by the description as publicised.

## **18.0 Balance**

- 18.1 The site is on the edge of Bourton and connected by footway to the settlement's services and facilities. It is within an acceptable walking distance of these and considered to be in a sustainable location. The development plan policies most important to the determination of the application should be considered out of date given the Housing Delivery Test position and the date that the Neighbourhood Plan was made. Their primacy is not affected but the weight afforded to them is reduced significantly. In contrast, the NPPF is afforded substantial weight as a material consideration and its presumption applies.
- 18.2 The tilted balance is therefore engaged unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. There are no specific policies in the NPPF that give a clear reason for refusal. The benefits of the scheme would be 8 market dwellings contributing to the housing supply, in a location on the edge of the defined settlement boundary. Related economic benefits would be from employment created during construction phase (supporting local jobs in the construction sector) and would bring about added value in the local area through associated spending and economic activity from the residents of the dwellings – this would support the local economy and long-term economic growth in the area, with new residents spending on goods and services. It is not considered that any harm caused by the proposal significantly and demonstrably outweighs the benefits assessed against the NPPF as a whole.
- 18.2 The application is made in outline but the submission particulars, including the indicative layout plan demonstrate that 8 dwellings can be accommodated on site with an appropriate mix of types, densities, a character and appearance that references that prevailing, safe access arrangements, appropriate parking,

sustainable drainage, ecological mitigation and biodiversity gain. Residential amenity can be maintained too.

## **19.0 Conclusions**

19.1 The benefits of the development are not considered to significantly or demonstrably be outweighed by adverse impacts.

## **20.0 Recommendation**

20.1 Grant permission subject to conditions.

1. No part of the development hereby approved shall commence until details of all reserved matters (layout, scale, appearance, access and landscaping) have been submitted to and approved in writing by the Local Planning Authority.
  - a) The layout and landscaping reserved matters shall include the retention of the existing hedges on the southern (front) and northern (rear) boundaries and the retention of the oak tree identified as T1 in the Ecological Appraisal by Quantock Ecology dated 05/08/2019, submitted with the application.
  - b) The layout and landscaping reserved matters shall include an area of soft landscaped open space that, with the exception of any accesses, shall extend from the west to east boundaries and to a depth of not less than 10m from the frontage hedge northwards.
  - c) The layout and appearance reserved matters shall include all dwellings with their principal elevations facing within 45 degrees of due south.

Reason: To ensure the satisfactory development of the site and response to the prominent location adjoining the existing settlement, to recognise the importance of the site's undeveloped frontage in the character of this approach to the settlement and to ensure that the prevailing character and appearance of the built form to the east is referenced in the development.

2. An application for approval of any reserved matter must be made not later than the expiration of three years beginning with the date of this permission.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act 1990.

3. The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act 1990 (as amended).

4. No more than 8 dwellings shall be built on the site.

Reason: Given the requirement for a mix of dwellings, a layout of dwellings that references the prevailing character, safe access arrangements, biodiversity gain and sustainable drainage, a maximum of 8 dwellings can be appropriately accommodated on the site.

5. No works or development (including demolition of the barn, removal of the rock pile, or vegetation clearance) shall commence until a Construction Ecological Management Plan (CEcMP) has been submitted to and approved in writing by the local planning authority. The

CEcMP shall include, but not be limited to the following :

i. Risk assessment of potentially damaging construction activities

ii. Identification of "biodiversity protection zones"

iii. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements)

iv. The locations and timing of sensitive works to avoid harm to biodiversity features (e.g. daylight working hours only starting one hour after sunrise and ceasing one hour after sunset)

v. The times during construction when ecological or environmental specialists need to be present on site to oversee works

vi. Responsible persons and lines of communication

vii. Use of protective fences, exclusion barriers and warning signs

viii. Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

The approved CEcMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: The Ecological Appraisal submitted with the application identified the need for measures to be undertaken and the Plan is necessary to secure their implementation.

