

**Permission in principle for the construction of 2 no. dwellings at Land South Of 1 - 3 Corner Houses Driffield Gloucestershire GL7 5QA**

<b>Permission in Principle 24/00055/PLP</b>	
Applicant:	Partridge Homes (Cotswolds) Ltd
Agent:	McLoughlin Planning
Case Officer:	Andrew Moody
Ward Member(s):	Councillor Lisa Spivey
Committee Date:	10th April 2024
<b>RECOMMENDATION:</b>	<b>PERMIT</b>

**1. Main Issues:**

- (a) Principle of Development
- (b) Impact upon the Character of the Area
- (c) Highways and Access
- (d) Flood Risk and Drainage
- (e) Ecology and North Meadow SAC

**2. Reasons for Referral:**

- 2.1 The application has been referred to the Planning and Licensing Committee at the request of the Ward Member, Cllr Lisa Spivey, for the following reasons:

*Following our emails last week, I would like to refer this to the planning panel for review.*

*I do not think that there has been sufficient assessment of whether this site is DS3 or DS4.*

*Driffield has no buses, no school, no shop and no other facilities so I am not satisfied that the criteria for DS3 sustainable development has been fully assessed and satisfied.*

*Furthermore, if it IS considered to be DS3, then I don't see that a full assessment on the siting of the property has been carried out as this application seeks to put 2 houses on what is essentially a garden, which I did not think was in line with our current Local Plan policies.*

*I feel strongly that this should go to planning committee for review.*

**3. Site Description:**

- 3.1 The site measures approximately 0.95 hectares in size and is located at the south end of the existing garden areas of numbers 1 to 3 Corner Houses, Driffield, that would appear to form part of their residential curtilage.

3.2 The site is level and consists of closely mown grass together with some domestic outbuildings. The boundaries are defined by a mixture of shrubs and hedging with some parts of the boundary being fairly open. Both along the boundaries of the site and also in proximity to it are some mature trees none of which are covered by a Tree Preservation Order. To the east of the site is the residential curtilage of The Grange and to the south of the site is agricultural land. Access to the site is via a tarmacked public highway.

3.3 The site is not within an area subject to any landscape designation, but it is within the Outer Zone of Influence for the North Meadow and Clattinger Farm Special Area of Conservation (SAC). It is also within Flood Zone 1.

#### **4. Relevant Planning History:**

4.1 17/02405/OUT: All matters reserved to erect two dwellings. Withdrawn

#### **5. Planning Policies:**

- TNPPF The National Planning Policy Framework
- DS3 Small-scale Res Dev non-Principal Settle
- DS4 Open Market Housing o/s Principal/non-Pr
- EN2 Design of Built & Natural Environment
- EN4 The Wider Natural & Historic Landscape
- EN8 Bio & Geo: Features Habitats & Species
- EN9 Bio & Geo: Designated Sites
- EN14 Managing Flood Risk
- EN15 Pollution & Contaminated Land
- INF3 Sustainable Transport
- INF4 Highway Safety
- INF5 Parking Provision
- INF7 Green Infrastructure
- H1 Housing Mix & Tenure to meet local needs

#### **6. Observations of Consultees:**

6.1 Highways Officer: Recommends refusal

6.2 Drainage Engineer: No objection, site within flood zone 1

6.3 Biodiversity Officer: No objection

6.4 Landscape Officer: No objection provided sensitively designed and positioned within an appropriate landscape framework

6.5 Natural England: No objection

## **7. View of Town/Parish Council:**

### **7.1 Driffield Parish Council:**

The Parish Council objects to this PIP based on the following factors

- (a) highway accessibility
- (b) size of plot/ proposed 2 properties
- (c) environmental /biodiversity concerns of the plot clearance prior to any application being submitted

## **8. Other Representations:**

### **8.1** 1 objection has been received raising the following matters:

- access and parking
- accessibility to facilities
- impact upon trees and hedgerows
- contamination from site clearance

### **8.2** 1 general comment has been received, raising the following issues:

- no objection in principle
- highway improvements would be required

## **9. Applicant's Supporting Information:**

- Planning Statement
- Rural Housing Proforma
- Location Plan

## **10. Officer's Assessment:**

### **Proposed Development**

10.1 The applicant is seeking Permission in Principle (PIP) to erect two dwellings on the application site, and has been submitted in accordance with the provisions of The Town and Country Planning (Permission in Principle) (Amendment) Order 2017.

10.2 The Government's Planning Practice Guidance (PPG) sets out the matters that can be covered by a PIP application. It states:

*"What matters are within the scope of a decision on whether to grant permission in principle?"*

*The scope of permission in principle is limited to location, land use and amount of development. Issues relevant to these 'in principle' matters should be considered at the permission in principle stage. Other matters should be considered at the technical details consent stage. In addition, local authorities cannot list the information they require for applications for permission in principle in the same way they can for applications for planning permission.*

*Paragraph: 012 Reference ID: 58-012-20180615."*

10.3 If PIP is granted, the applicant will then need to submit an application for Technical Details Consent (TDC). The TDC will include all the detailed aspects of the scheme such as design, layout, access, drainage, tree protection etc. The Council has 35 days in which to determine a PIP application.

10.4 With regard to the decision making process, the PPG states:

*"How must a decision on whether to grant permission in principle to a site be made?"*

*A decision on whether to grant permission in principle to a site following a valid application or by entering it on Part 2 of a brownfield land register must be made in accordance with relevant policies in the development plan unless there are material considerations, such as those in the National Planning Policy Framework and national guidance, which indicate otherwise.*

*Paragraph: 011 Reference ID: 58-011-20180615."*

**(a) Principle of Development**

10.5 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that 'If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.' The starting point for the determination of an application is therefore the current development plan for the District which is the Cotswold District Local Plan 2011-2031.

10.6 The development strategy for the District seeks to direct new build open market residential development to sites within Development Boundaries (Policy DS2), or within Non-Principal Settlements such as villages and hamlets in the case of small scale residential development (Policy DS3). The Council's housing needs for the Local Plan period can be addressed through the provision of housing within such locations. The Council can demonstrate a robust supply of deliverable housing land at the present time (7.2 years) and as such there is no overriding need to release further land for new build open market housing outside such areas. It is not therefore sustainable to release further land for such development when the Council's needs can be met within Development Boundaries or Non-Principal Settlements.

10.7 With regard to Policy HI, part 1 of this policy states:

*All housing developments will be expected to provide a suitable mix and range of housing in terms of size, type and tenure to reflect local housing need and demand in both the market and affordable housing sectors, subject to viability. Developers will be required to comply with the Nationally Described Space Standard.*

- 10.8 The settlement of Driffield is considered to be a Non-Principal Settlement for the purposes of Policy DS3 of the Local Plan. The site is located towards the southern edge of the village, with the settlement being predominantly linear in character along the lane leading through the village. The erection of two dwellings would, therefore, be considered to constitute small-scale development that would accord with Policy DS3 and relevant guidance within the NPPF.
- 10.9 In respect of Policy H1, the only plan provided with the application is a Location Plan, therefore there are no details provided with regard to the size of the dwellings proposed. In the event of the application being permitted, these details would be provided as part of a future Technical Details Consent application.

**(b) Impact on the Character of the Area**

- 10.10 Policy DS3 of the Local Plan, states that:

'1. In non-Principal Settlements, small-scale residential development will be permitted provided it:

- a. demonstrably supports or enhances the vitality of the local community and the continued availability of services and facilities locally;
- b. is of a proportionate scale and maintains and enhances sustainable patterns of development;
- c. complements the form and character of the settlement; and
- d. does not have an adverse cumulative impact on the settlement having regard to other developments permitted during the Local Plan period.

2. Applicants proposing two or more residential units on sites in non-Principal Settlements should complete a rural housing pro-forma and submit this with the planning application.'

- 10.11 Local Plan Policy EN4 states that development will be permitted where it does not have a significant detrimental impact on the natural and historic landscape, and requires that it takes account of landscape character, visual quality and local distinctiveness.
- 10.12 Local Plan Policy INF7 supports development that contributes to the protection and enhancement of existing Green Infrastructure and that links new GI provision to the wider GI network. It sets out that GI will be designed in accordance with the Cotswold Design Code, and the supporting text defines GI as green or blue space, including farmland, gardens, disused railways and canals.

- 10.13 When allowing for new residential development having regard to Policy DS3, the amount of development proposed would not be considered out of keeping with the character of the village, when also taking into account the nearby residential development. The land is within the curtilage of Nos. 1 to 3 Corner Cottages, and at present contains a number of outbuildings.
- 10.14 Given this, it is considered that the proposed location, land use and amount of development would be acceptable having regard to requirements of Local Plan Policies DS3, EN4 and INF7, in addition to Section 15 of the NPPF.

**(c) Highways and Access**

- 10.15 Local Plan Policy INF3 relates to sustainable transport and supports development that actively supports travel choice, active travel, and the use of public transport, does not have unacceptable detrimental environmental impacts, ensures links with green infrastructure, incorporates facilities for secure bicycle parking and charging ultra-low emission vehicles, and considers the needs of people with disabilities.
- 10.16 Local Plan Policy INF4 relates to Highway Safety and states that:

*"Development will be permitted that:*

*a. is well integrated with the existing transport network within and beyond the development itself, avoiding severance of communities as a result of measures to accommodate increased levels of traffic on the highway network;*

*b. creates safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoids street clutter and where appropriate establishes home zones;*

*c. provides safe and suitable access and includes designs, where appropriate, that incorporate low speeds;*

*d. avoids locations where the cumulative impact of congestion or other undesirable impact on the transport network is likely to remain severe following mitigation; and*

*e. has regard, where appropriate, to the Manual for Gloucestershire Streets or any guidance produced by the Local Highway Authority that may supersede it."*

- 10.17 NPPF Section 9 promotes sustainable transport, requires that development ensures safe and suitable access to the site can be achieved for all users, and seeks to minimise the scope for conflict between pedestrians, cyclists and vehicles.
- 10.18 The access would be taken from a lane leading out of the village to the south-east accessing Manor Farm. The supporting statement submitted with the application notes the facilities within nearby villages, for example Poulton and the four Ampney villages, including schools, shops and pubs.

- 10.19 The proposed entrance would be on the outside of a sharp bend in the road, with good visibility in both directions. The proposal is therefore considered to accord with Policy INF3 of the Local Plan, including having regard to paragraph 83 of the NPPF which states:

*To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.*

- 10.20 In addition the proposal accords with Policy INF4 of the Local Plan and Section 9 of the NPPF as a safe and suitable means of access is able to be provided without materially impacting upon highway safety.
- 10.21 The Highway Authority has raised an objection in respect of the location of the site not being considered sustainable having regard to the level of services and facilities in the village. These comments are noted, and they are consistent with other comments upon similar applications within non-principal settlements. However, having regard to Section 38(6) of The Act, the starting point for decision making is Policy DS3 of the Local Plan, which Officers consider the proposal to accord with as small-scale residential development within a non-principal settlement, which is expressly considered to be acceptable in principle provided that the 4 criterion listed above are met.

**(d) Flood Risk and Drainage**

- 10.22 Local Plan Policy EN14 requires that proposals should not increase the level of risk to the safety of occupiers of a site, the local community or the wider environment as a result of flooding, through the appropriate application of the sequential and exception tests, and the provision of site specific flood risk assessments where applicable. It requires the incorporation of flood risk management and mitigation measures in the design and layout of development proposals that provide adequate provision for the lifetime of the development, and that include a Sustainable Drainage System unless this is demonstrably inappropriate. This is in accordance with Section 14 of the NPPF.
- 10.23 The application site is located within Flood Zone 1, with low risk of surface water flooding. It is therefore considered that the proposed location, land use, and amount of development would not result in increased flood risk, and the principle of the development therefore accords with Local Plan Policy EN14 and Section 14 of the NPPF.

**(e) Ecology and North Meadow SAC**

- 10.24 Local Plan Policy EN8 seeks to protect features, habitats and species and as such supports proposals which would conserve and enhance biodiversity. This policy seeks to avoid fragmentation or loss of habitats, in accordance with Section 15 of the NPPF.

- 10.25 Local Plan Policy EN9 seeks to safeguard the integrity of designated biodiversity and geodiversity sites at international, national and local scales. This conforms with Section 15 of the NPPF.
- 10.26 The application site is within the identified Outer Zone of Influence for the North Meadow Special Area of Conservation (SAC). Where residential development results in a net increase in occupants within the Zone of Influence are proposed, the Local Planning Authority is required to undertake an Appropriate Assessment under the Habitats Regulations. As such, a net increase in occupants is considered to contribute to an impact on site integrity due to increased recreational pressure in combination with other development in the surrounding area.
- 10.27 The applicant has made the necessary financial contribution, such that the proposal accords with the requirements of relevant legislation and the requirements of Local Plan Policy EN9 and Section 15 of the NPPF. Confirmation has been received from Natural England that they have no objection to the proposal subject to the HRA process being completed.

## **11. Conclusion:**

- 11.1 Overall, it is considered that the proposal would accord with Policies DS3, EN4, EN14, INF3, INF4 and INF7 of the Local Plan.
- 11.2 Therefore, the location, land use and amount of development are considered acceptable in principle and as such, the permission in principle is recommended for approval.