

TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT CONTROL

Committee:	Planning
Date:	18 August 2020
Site Location:	9 Cowlsmead Shurdington Cheltenham Gloucestershire GL51 4TD
Application No:	20/00317/OUT
Ward:	Shurdington
Parish:	Shurdington
Proposal:	Outline application for the erection of a single dwelling with access off Marsh Terrace (appearance, landscaping, layout and scale to be reserved for future consideration).
Report by:	Mr Adam White
Appendices:	Site location plan and indicative plans
Recommendation:	Permit

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1. The application relates to a plot of land, which currently forms part of the rear garden of No. 9 Cowlsmead in Shurdington (**see attached site location plan**). The property itself is a semi-detached property, which sits at the end of a cul-de-sac comprised of similar style properties. The surrounding area is wholly residential in character and the site is surrounded on all sides by existing residential properties.
- 1.2. The application is in outline form and proposes a single dwelling. Appearance, landscaping, layout and scale are proposed to be reserved for future consideration. Access is proposed to be dealt with at outline stage and is proposed to be taken off Marsh Terrace, which is located immediately to the north of the site.

2.0 RELEVANT PLANNING HISTORY

- 2.1. There is no planning history that is considered to be relevant to this proposal.

3.0 RELEVANT POLICY

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

National guidance

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

Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) (December 2017)

- 3.3. Policies: SP1, SP2, SD4, SD10, SD11, SD14, INF1

Tewkesbury Borough Plan 2011-2031 – Pre-Submission Version (October 2019)

- 3.4. Policies: RES2, RES5, DES1, TRAC1, TRAC2, TRAC9
- 3.5. Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)
- 3.6. The First Protocol, Article 1 (Protection of Property)

4.0 CONSULTATIONS

- 4.1. Shurdington Parish Council – Object for the following reasons:

- The development is proposed in an area where parking is already fraught. The location of the proposed entrance is currently used as a turning point and would create problems for residents by removing existing spaces and may also cause access issues for emergency vehicles.
- It appears from the plans that 9 Cowlsmead would be in very close proximity to the new building with very little separation between the back gardens.

- 4.2. Highways Authority – No objections.

- 4.3. Environmental Health – No objections.

5.0 PUBLICITY AND REPRESENTATIONS

- 5.1. The application has been publicised through the posting of a site notice for a period of 21 days.

- 5.2. Two letters of objection have been received; their comments are summarised as follows:

- The building is close to the boundary with the neighbour and would result in a loss of light.
- The proposal would adversely affect the car parking situation in Marsh Terrace.

6.0 POLICY CONTEXT

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the Local Planning Authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.
- 6.2. The Development Plan currently comprises the Joint Core Strategy (JCS) (2017), saved policies of the Tewkesbury Borough Local Plan to 2011 (March 2006) (TBLP), and a number of 'made' Neighbourhood Development Plans. However, there are no Neighbourhood Development Plans that are currently relevant to this proposal.
- 6.3. The Pre-Submission Tewkesbury Borough Plan was submitted to the Secretary of State for Housing, Communities and Local Government on 18 May 2020 for examination. The weight to be attributed to individual policies will be subject to the extent to which there are unresolved

objections (the less significant the unresolved objections, the greater the weight that may be given) and their degree of consistency with the NPPF (the closer the policies to those in the NPPF the greater the weight that may be given).

- 6.4. The relevant policies are set out in the appropriate sections of this report.

7.0 ANALYSIS

Principle of development

- 7.1. Policy SD10 of the JCS supports housing development where it represents infilling within the existing built up areas of the City of Gloucester, the Principal Urban Area of Cheltenham or Tewkesbury Borough's towns and villages except where otherwise restricted by policies within District plans. In this instance, the site is located in Shurdington, which is designated as a Service Village, and is surrounded on all sides by existing residential development. It is therefore considered that this proposal would represent infilling in the context of policy SD10, and the principle of this development is acceptable.

Design and layout

- 7.2. 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. Criterion 6 of Policy SD10 of the JCS states that 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. In a similar vein, Policy RES5 of the emerging Borough Plan requires proposals to be of a design and layout that respects the character, appearance and amenity of the surrounding area and is capable of being well integrated within it. It follows that development should not cause the unacceptable reduction of any open space (including residential gardens) which is important to the character and amenity of the area.
- 7.3. Matters relating to layout, appearance and scale are proposed to be reserved for future consideration. However, the application is supported by illustrative plans that show how a single dwelling could be accommodated on the site. The plans show an 'L' shaped bungalow with low eaves and a shallow pitched roof. The plans show the dwelling set back into the plot with a private garden area to the front along with a driveway off Marsh Terrace (**see attached indicative plans**).
- 7.4. Whilst being a relatively constrained site in terms of its size, it is considered that the plans illustrate that a single dwelling could be accommodated on the site in an acceptable manner. The plan show that any future dwelling could be designed to have sufficient levels of privacy and outlook whilst also complying with the nationally described space standard for a 2-bedroom property. The plans also show that the dwelling could be provided with adequate private outdoor amenity space whilst also accommodating sufficient off-road parking provision. In terms of the character of the surrounding area, whilst this is predominantly characterised by 2 storey properties, the proposed dwelling would not be readily visible in the streetscene due to its backland location. In any event, the dwellings in Marsh Terrace are set back from the road frontage behind residential garage blocks and therefore a single storey dwelling on the site would not appear incongruous in this context.
- 7.5. In light of the above, it is considered that the illustrative plans demonstrate that a dwelling could be provided on the site in an acceptable manner with the detailed design dealt with at the reserved matters stage.

Residential amenity

- 7.6. JCS Policy SD14 sets out that development should protect and seek to improve environmental quality and should not cause unacceptable harm to local amenity including the amenity of neighbouring occupants. Similarly, Policy RES5 of the emerging Borough Plan requires new development to provide an acceptable level of amenity for the future occupiers of the proposed dwelling(s) and cause no unacceptable harm to the amenity of existing dwellings.
- 7.7. Concerns have been raised that the proposed development would result in a loss of light to neighbouring property. The Parish also comment that the existing property appears to be in very close proximity to the new building with very little separation between the back gardens. Whilst layout and scale are proposed to be reserved for future consideration, as set out previously, the illustrative plans show how a dwelling could be provided on the site. The plans show a flanking wall close to the garden boundary with No. 10 Cowlsmead, measuring 2.4m to the eaves, with a shallow pitched roof. Whilst this would be visible from the neighbouring garden, the impact would not be too dissimilar to an outbuilding that could be built in the garden to a height of 2.5m under permitted development rights. Moreover, whilst there is currently a somewhat open party boundary, a 2m fence could also be erected in this location. It is therefore considered that a building along the lines of what is illustrated in the submitted plans would have an acceptable impact on neighbouring property in terms of light, outlook and privacy.
- 7.8. In terms of the relationship with No. 9 Cowlsmead, the illustrative plans show that the rear elevation would span the width of the existing garden area. However, again, the height of the rear elevation and the shallow pitched roof would not result in any adverse impacts in terms of light, outlook and privacy. No. 9 would also retain a good-sized garden area around the property and a private garden area could also be provided for the proposed dwelling. It is therefore considered that a single dwelling could be accommodated on the site, whilst having an acceptable impact on the amenity of neighbouring properties.

Access and highway safety

- 7.9. The Framework sets out that 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. JCS Policy INF1 requires that developers should provide safe and accessible connections to the transport network to enable travel choice for residents and commuters. This is further reflected in Policy RES5 of the emerging Borough Plan, which requires development to make provision for appropriate parking and access arrangements and not result in the loss or reduction of existing parking areas to the detriment of highway safety.
- 7.10. Access is proposed to be dealt with at outline stage and is proposed to be taken off the end of Marsh Terrace, which is a quiet cul-de-sac serving 16 properties. Following consultation with the Highways Authority, it is advised that the proposed perpendicular parking arrangement for 2 cars would not normally be acceptable as it would require vehicles to exit the site in reverse gear. However, it is advised that the nature of Marsh Terrace is such that there would be no flowing traffic and vehicles using the terrace would be travelling at slow speeds. The Highways Authority therefore raise no objections to the proposals. Furthermore, given that 2 off-road parking spaces could be provided within the site, the proposal would be unlikely to compromise the existing parking and turning arrangements in Marsh Terrace.

Community Infrastructure Levy/Section 106 obligations

- 7.11. The development is CIL liable because it creates a new dwelling. For CIL purposes the application site falls within a 'Generic Site' and is subject to the levy for residential development currently at £207.46 per square metre on all the market elements of the proposed development.

8.0 CONCLUSION AND RECOMMENDATION

- 8.1. It is considered that the principle of this development is acceptable, and the illustrative plans show that a dwelling could be accommodated on the site in an acceptable manner. The proposal is therefore recommended for **permit**.

CONDITIONS:

1. The development for which permission is hereby granted shall not be begun before detailed plans thereof showing the layout, scale and external appearance of the buildings, and landscaping (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. Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three 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 five 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 dwelling hereby permitted shall be single storey only with no habitable living accommodation above first floor level.

Reason: In the interest of residential amenity and to ensure the height of the building is compatible with its location.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order), there shall be no additions or alterations to the roof without the prior express permission of the Local Planning Authority.

Reason: In the interests of residential amenity.

6. The reserved matters submitted pursuant to condition 1 shall include details of existing and proposed ground levels and finished floor levels of the buildings relative to Ordnance Datum Newlyn. The development shall be carried out in accordance with the approved details.

Reason: In the interests of amenity.

7. The reserved matters submitted pursuant to condition 1 shall include samples/details of the materials proposed to be used on the external surfaces of the development. The development shall be carried out using the approved materials unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development.

8. All planting, seeding or turfing in the approved details of 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: In the interests of visual amenity.

9. No building or use hereby permitted shall be occupied or use commenced until the means of access for vehicles, pedestrians and/or cyclists have been constructed and completed in accordance with the approved plans.

Reason: In the interest of highway safety.

10. The development hereby permitted shall not be first occupied until the proposed dwelling has been fitted with an electric vehicle charging point. The charging points shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851 and Manual for Gloucestershire Streets. The electric vehicle charging points shall be retained for the lifetime of the development unless they need to be replaced in which case the replacement charging point shall be of the same specification or a higher specification in terms of charging performance.

Reason: To promote sustainable travel and healthy communities.

11. The reserved matters submitted pursuant to condition 1 shall include details of cycle storage facilities. The development shall thereafter not be occupied until the approved cycle storage facilities have been made available and those facilities shall be maintained for the duration of the development.

Reason: To ensure the provision and availability of adequate cycle parking.

12. The reserved matters submitted pursuant to condition 1 shall include drainage arrangements for the disposal of surface water and foul sewage. The dwelling shall thereafter not be occupied until the drainage works have been completed in accordance with the approved details.

Reason: To ensure adequate disposal of foul and surface water drainage.

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 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.