

TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT CONTROL

Committee:	Planning
Date:	18 August 2020
Site Location:	Land At The Coach House Post Office Lane Cleeve Hill Cheltenham Gloucestershire GL52 3PS
Application No:	20/00376/FUL
Ward:	Cleeve Hill
Parish:	Woodmancote
Proposal:	Variation of condition 2 (drawing schedule) of planning permission 18/00563/FUL to allow for alterations to fenestration, building footprint and garden store (retention of works already carried out).
Report by:	Dawn Lloyd
Appendices:	Site location plan Block plan Elevations and floor plans Site layout and section
Recommendation:	Permit

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1. The application relates to land to the west of The Coach House on Post Office Lane. The site is located on Cleeve Hill and the site slopes downwards.
- 1.2. The site is located within the Cotswold Area of Outstanding Natural Beauty (AONB) and within the buffer zone of a Site of Special Scientific Interest (SSSI).
- 1.3. Construction of the building has commenced and the works undertaken are not in accordance with the approved plans. The application follows an enforcement investigation and an application was invited to regularise the works undertaken.
- 1.4. The variations to the approved scheme include a slight variation to the footprint in that the building is slightly reorientation from the approved south to north alignment. The front elevation faces more towards the north-north-west. Alterations to the fenestration include an additional small window to the front elevation for the study, two small windows to replace larger three sectioned windows on the ground and first floor and a study window on the side elevation has been reduced in size. A garden store with an external door to the side elevation has also been created to the void to under the drive.

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
17/00338/FUL	Construction of a new dwelling.	REF (Allowed on appeal)	28.06.2017
17/01110/FUL	Construction of a new dwelling.	REF	08.12.2017
18/00563/FUL	Variation of condition 2 of planning permission 17/00338/FUL - change to approved drawings to move garage and relocation of the front wall to allow increased parking.	PER	23.10.2018

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) - Adopted 11 December 2017

3.3. Policy SD4 (Design Requirements)

3.4. Policy SD 6 (Landscape)

3.5. Policy SD7 (The Cotswold Area of Outstanding Natural Beauty)

3.6. Policy SD14 (Health and Environmental Quality)

3.7. Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)

3.8. The First Protocol, Article 1 (Protection of Property)

4.0 CONSULTATIONS

4.1. **Woodmancote Parish Council** – Objection due to impact on the AONB. The landscape assessment related to the original application any increase in the volume will increase the prominence of the building in the landscape and setting of non-designated heritage assets of the nearby Arthur Yiend houses that define the built Character of Cleeve Hill. Recommend a condition for additional landscaping to offset the increase prominence of the building.

5.0 PUBLICITY AND REPRESENTATIONS

5.1. 4 Letters of objection have been received which are summarised as follows:

- the orientation of the building significantly impacts views from the Arthur Yiend houses of Inglecroft, The Manse, Ivydene and Glendale.
- The orientation increase prominence of the building in the AONB.
- Not comply with policy SD10 and not infill development within existing built up area of a town or village or represent sustainable development.
- There have been incremental changes to the approved plans of the Inspectors decision, the size and prominence of building causes more harm to the AONB.
- Concerns regarding access.

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

6.0 POLICY CONTEXT

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the Local Planning Authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.
- 6.2. The Development Plan currently comprises the Joint Core Strategy (JCS) (2017), saved policies of the Tewkesbury Borough Local Plan to 2011 (March 2006) (TBLP), and a number of 'made' Neighbourhood Development Plans.
- 6.3. The Pre-Submission Tewkesbury Borough Plan was submitted to the Secretary of State for Housing, Communities and Local Government on 18 May 2020 for examination. On the basis of the stage of preparation it has reached it is considered that the plan can be afforded at least moderate weight. However, 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 The principle of development on this site has been established with the Inspector's appeal decision and the extant permission on the site.
- 7.2 The main issues for consideration are considered to be: whether the revised design is acceptable in design terms; has an acceptable impact on the area of outstanding natural beauty; and has acceptable impact on the residential amenity of neighbouring properties.

Design and Visual Amenity

- 7.3 JCS Policy SD4 of the Joint Core Strategy sets out requirements for high quality design while Local Plan Policy HOU8 provides that development must respect the character, scale and proportion of the existing dwelling and the surrounding development
- 7.4 In allowing the appeal the Inspector was of the opinion that the contemporary design of the dwelling and use of natural materials would be sympathetic with the range of other buildings in the vicinity and would not appear out of place. The inspector concluded that there would be relatively limited or distant views from the public vantage points and it would not be an immediate presence in the streetscene.
- 7.5 A further application 18/00563/FUL was approved by the planning committee for a revised scheme. Therefore, the proposed alterations need to be considered with regard to the extant permission.
- 7.6 The orientation of the building has made the west side elevation slightly more visually prominent from views from neighbouring dwellings. However, the character and form of the building remains largely unchanged. The alterations to the fenestration are on the south elevation and are in keeping with the overall design. The garden store is located under the driveway and not visually prominent. Given the acknowledged limited views of the dwelling it is not considered the proposed changes would make the current proposal unacceptable in design terms.

Landscape impact

- 7.7 Paragraph 172 of the NPPF outlines that great weight should be given to conserving and enhancing landscape and scenic beauty in areas of outstanding natural beauty, which have the highest status of protection in relation to these issues. Policy SD7 of the JCS also seeks to conserve and, where appropriate, enhance the ANOB and says that proposals should be consistent with policies set out in the Cotswold AONB Management Plan 2018-2023 (CMP).
- 7.8 The Inspector, in the appeal decision APP/G1630/W/17/3184561, considered that the site's enclosed nature, sloping gradient and that it is partially encompassed by more dominant existing residential development. In his view, any visibility of the development from open public areas would be against a backdrop of existing built forms and there would be no significant perceptible change caused to the wider landscape and its character of appearance would conserve the landscape, scenic beauty and other special characteristics of the AONB.
- 7.9 The scale of the development was established by application 18/00563/FUL. The building is set back in the hillside and when viewed from the public realm the slight orientation of the building to the NNW and the proposed alterations are not perceptually more harmful to the landscape and scenic beauty to the AONB. Whilst the Parish Council have suggested that a landscape condition is applied to help screen the development, on the basis of the above analysis which concludes that there is minimal additional impact arising from the amended scheme it is not considered that such a condition would be reasonable or necessary in planning terms.

Effect on the Living Conditions of Neighbouring Dwellings

- 7.10 Policy SD14 of the JCS requires that new development must cause no harm to local amenity including the amenity of neighbouring occupants. Local Plan Policy HOU8 provides that extensions to existing dwellings should not have an unacceptable impact on adjacent property and residential amenity.
- 7.11 The alterations to the fenestration would not result in increased overlooking of neighbours. Overall, it is considered that there would not be a significant adverse effect on the amenity of this property and surrounding area.

7.12 At paragraph 47 of his appeal decision the Inspector agreed that permitted development rights (other than those preventing the addition of a porch) should be removed. As well as in interest of controlling development which could adversely affect the AONB, he also considered that this would ensure the retention of appropriate levels of outdoor living space. It is considered necessary to carry forward the inspector's condition removing permitted development rights to maintain this control.

8.0 CONCLUSION AND RECOMMENDATION

8.1 Whilst the application is a s73 application to amend the approved drawings, it remains the case that the application is for a new dwelling. On the basis that the Council cannot demonstrate a five year supply of deliverable housing sites, in accordance with paragraph 11 of the NPPF the presumption is that 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.

8.2 For the reasons set out in this report, there are no policies in the Framework which provide a clear reason for refusal and, given the extent of the changes to the plans, the impacts of granting permission for the amended scheme would not significantly and demonstrably outweigh the, albeit limited benefits.

8.3 Overall it is considered that the proposed changes to the design of the dwelling are acceptable and the recommendation is to **Permit**.

CONDITIONS:

1. The development shall be carried out in accordance with approved drawing no's and documents and any other conditions attached to this permission:

- Location plan Drawing number 7728/4A
- Block Plan Drawing number 7728/3A
- Section and Site Plan Drawing number 7728/1 B
- Proposed Elevations and Floor plan 7728/2B

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

Reason: To define the permission and to ensure satisfactory development of the site.

2. The window frames shall powder coated aluminium grey in colour to match those previously approved under application 18/00563/FUL unless agreed with the Local Planning Authority

Reason: To ensure that the external appearance of the development is satisfactory.

3. The foul and surface water drainage shall be completed in full before the development hereby permitted is first occupied.

Reason: To ensure satisfactory drainage of the site in accordance with the NPPF.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification), no development as specified in Part 1 Classes A, B, C and E other than those expressly authorised by this permission, shall be carried out without express planning permission first being obtained from the local planning authority.

Reason: To enable the Local Planning Authority to control the development and to safeguard the character and visual amenities of the area, and to ensure that adequate private open space is retained within the curtilage of the building.

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.