

## TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

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| <b>Committee:</b>      | Planning  |
| <b>Date:</b>           | 16 March 2021   |
| <b>Site Location:</b>  | Beech House<br>Toddington<br>Tewkesbury<br>Gloucestershire<br>GL54 5DT  |
| <b>Application No:</b> | 20/01233/FUL  |
| <b>Ward:</b>           | Isbourne  |
| <b>Parish:</b>         | Stanway   |
| <b>Proposal:</b>       | Erection of 2 No. carports in association with approved application 19/00595/APP (erection of 2 No. dwellings and associated access).   |
| <b>Report by:</b>      | Emma Dee  |
| <b>Appendices:</b>     | Location Plan<br>Proposed Site Plan approved under application reference 19/00595/APP (drawing no. 101 Revision 07)<br>Site Plan Carports<br>Carport 1 Proposals<br>Carport 2 Proposals |
| <b>Recommendation:</b> | Permit.   |

### 1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site is located on the southern side of the B4077, Toddington, immediately to the west of the dwelling known as Beech House and immediately to the east of a small cluster of buildings which are located on the corner plot at the roundabout junction of the B4077 and the B4632 (see Location Plan).
- 1.2 The application site is located within the Special Landscape Area (SLA), as defined by the Local Plan Proposals Map, and is in the immediate setting of the Cotswolds Area of Outstanding Natural Beauty (AONB). The land on the northern side of the B4077 directly opposite the application site is located within the AONB.
- 1.3 Outline planning permission was granted on 20 August 2018 for the erection of two dwellings on the application site, with all matters reserved for future consideration except for access (reference 18/00302/OUT). The approval of reserved matters (appearance, landscaping, layout and scale) pursuant to outline planning permission reference 18/00302/OUT, for the erection of 2 no. dwellings and associated access, was subsequently granted on 17 March 2020 under application reference 19/00595/APP (see Proposed Site Plan approved under application reference 19/00595/APP – drawing no. 101 Revision 07). The applicant's agent has confirmed that the dwelling towards the western side of the site (known as Oak Tree House) is nearing completion and the dwelling towards the eastern side of the site (known as Maple Tree House) is a little behind the other in build terms.

- 1.4 The current application relates to the northern part of the above outline and reserved matters site only, adjacent to the public highway, and proposes the erection of 2 No. carports in association with approved application reference 19/00595/APP. At the closest points the proposed car ports would be erected some 3.8 metres to the north (front) of its associated dwelling, and would be set back some 3.7 metres from the adjacent public highway (see Site Plan Carports). The northern elevation of the proposed car port towards the eastern side of the site would sit approximately 4.3 metres further north than the existing neighbouring garage. The submitted 'Elevation from Road' drawing shows that the land levels within the application site, at the location where the proposed car ports would be erected, are some 1.4 – 1.7 metres lower than the adjacent public highway. Each proposed car port would be oak framed measuring 5.2 metres in width by 5 metres in depth and would be designed with a sedum flat roof measuring 2.2 metres in height (see Carport Proposals).

## 2.0 RELEVANT PLANNING HISTORY

| Application Number | Proposal   | Decision | Decision Date |
|--------------------|--|----------|---------------|
| 18/00302/OUT       | Outline application for the erection of two dwellings, with all matters to be reserved for future consideration except for access  | PER      | 20.08.2018    |
| 19/00595/APP       | Approval of Reserved Matters (appearance, landscaping, layout and scale) pursuant to outline planning permission reference 18/00302/OUT, for the erection of 2 no. dwellings and associated access | APPROV   | 17.03.2020    |

## 3.0 RELEVANT POLICY

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

### 3.2 National guidance

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

### 3.3 Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) - Adopted 11 December 2017

Policies: SD4 (Design Requirements), SD6 (Landscape), SD7 (The Cotswolds Area of Outstanding Natural Beauty), SD14 (Health and Environmental Quality) and INF1 (Transport Network).

### 3.4 Tewkesbury Borough Local Plan to 2011 - March 2006 (TBLP)

Policies: HOU8 (Domestic Extensions) and LND2 (Special Landscape Area).

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

Policies: RES10 (Alteration and Extension of Existing Dwellings), LAN1 (Special Landscape Areas) and TRAC9 (Parking Provision).

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

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

## **4.0 CONSULTATIONS**

4.1 **Toddington Parish Council** – objects to this application on the following grounds:

- The proposed carports will be forward of the property's current curtilage and will encroach on the main road.
- The proposed application is not in keeping with other properties in the vicinity, or even Parish.
- The site lies within an area of Special Landscape Value and is overlooked by an Area of Outstanding Natural Beauty. This development therefore does not satisfy one of the key themes of the NPPF, i.e. the need to protect and enhance the natural built environment.

4.2 **Stanway Parish Council** – Has been consulted but has not provided comments within the 21 day statutory consultation period or since and has not requested further time for the submission of comments.

4.3 **County Highway Authority** – No objection.

4.4 **Urban Design Officer** – No objection.

4.5 **Tree Officer** – No objection subject to conditions.

4.6 **Health and Safety Executive** – Does not advise, on safety grounds, against the granting of planning permission.

4.7 **Environment Agency** – The site is in close proximity (approx. 80m) to a National Grid pipeline. Having reviewed the location of the proposed development, available information indicates there is a major accident hazard pipeline within close proximity to the development site. The developer may wish to check further with the pipeline operator where known or the local authority before proceeding.

4.8 **National Grid** – Has been consulted but has not provided comments within the 21 day statutory consultation period or since and has not requested further time for the submission of comments.

4.9 **Wales and West Utilities** – Has been consulted but has not provided comments within the 21 day statutory consultation period or since and has not requested further time for the submission of comments.

## **5.0 PUBLICITY AND REPRESENTATIONS**

5.1 The application has been publicised through the posting of 2 site notices for a period of 21 days. No letters of representation have been received.

## **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. Toddington does not currently have an adopted Neighbourhood Development Plan.
- 6.3 The Pre-Submission Tewkesbury Borough Plan (PSTBP) 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 Other material policy considerations include National Planning Guidance contained within the National Planning Policy Framework; 2019 (NPPF).
- 6.5 The relevant policies are set out in the appropriate sections of this report.

## **7.0 ANALYSIS**

### **Design and Visual Amenity**

- 7.1 The NPPF sets out that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Policy SD4 of the JCS advises 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.
- 7.2 Saved Policy HOU8 of the TBLP provides that development must respect the character, scale and proportion of the existing dwelling and the surrounding development. Emerging Policy RES10 of the PSTBP specifies that proposals for the extension of existing dwellings and the erection of domestic outbuildings will be permitted providing that, inter alia, the detailed design reflects or complements the design and materials of the existing dwelling, the scale of the proposal is appropriate to the character and appearance of the existing dwelling and its surrounding area, the domestic curtilage of the existing property is capable of comfortably accommodating the outbuilding without resulting in a cramped/overdeveloped site, and the proposal respects the character and appearance of surrounding development.
- 7.3 In terms of landscape impact, the NPPF sets out that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside. JCS Policy SD6 specifies that development will seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social wellbeing. It also states that all applications for development will consider the landscape and visual sensitivity of the area in which they are to be located or which they may affect.

- 7.4 As set out above, the application site is located within the SLA and is in the immediate setting of the Cotswolds AONB. Saved Policy LND2 of the TBLP specifies that, in the assessment of proposals for development special attention will be accorded to the protection and enhancement of the landscape character of the SLA which are of local significance. Within this area proposals must demonstrate that they do not adversely affect the quality of the natural and built environment, its visual attractiveness, wildlife and ecology, or detract from the quality of the countryside. In this respect, emerging Policy LAN1 of the PSTBP is also relevant.
- 7.5 JCS Policy SD7 sets out that all development proposals in or within the setting of the Cotswolds AONB will be required to conserve and, where appropriate, enhance its landscape, scenic beauty, wildlife, cultural heritage and other special qualities.
- 7.6 Under the approval of outline application reference 18/00302/OUT, for the erection of 2 no. dwellings on this site, the applicant was advised that any garage would need to be located to the side of the dwellings and behind the building line. Under application reference 19/00595/APP, the Urban Design Officer commented that the location of the originally proposed garages to the front of the proposed dwellings would be incongruous in the street scene and would be very close to the frontage of the dwellings, which would impact their outlook. These garages were subsequently omitted from the proposed scheme which was then approved.
- 7.7 The current application (reference 20/01233/FUL) now proposes 2 No. carports to the front of the approved dwellings within the parking area. There is an existing detached double garage to the front and side of the adjacent dwelling to the east and the proposed car ports would in part be constructed in line with this, although would project further northwards in closer proximity to the adjacent public highway. The parking area of the application site is set down below the main road (as shown on the submitted plans) and is partly screened by trees and hedge planting along the front boundary. A dry-stone wall along the northern (front) boundary of the application site is also approved under application reference 19/00595/APP and subsequent conditions application reference 20/00118/CONDIS. The proposed car ports would be light weight open structures with a green, sedum roof.
- 7.8 The Urban Design Officer has been consulted on the application and considers that the open nature of the proposed car port structures, along with the topography of the site and screening from planting, would mean that there is no detrimental impact on the street scene or character of the area. The Urban Design Officer considers that the proposed materials are of a good quality and in keeping with the new dwellings, and that the green roof would be a positive addition that would assist the structure in blending in with its surroundings especially when viewed from the road. For these reasons, the Urban Design Officer raises no objection to the current application.
- 7.9 The Tree Officer has been consulted on the application and comments that, from the details submitted, there would be no arboricultural impact implications to the existing trees from carport 1 as shown on the Elevation and Layout plan Drawing No 133 REV 01. The Drawing 102 REV 01 shows that the tree protection fencing will be retained. This fencing shall remain in place until all works are complete. The Tree Officer raises no objection to the application subject to condition that tree protection must be in place for the retained trees as shown on Drawing No 102 Rev 01, in accordance with BS 5837:2012, prior to the commencement of the proposed development (including all preparatory work). This is to safeguard trees during the construction phases and to ensure no storage of materials in proximity of the trees. The Tree Officer further recommends that any approval of planning permission be subject to a condition requiring any trees or plants that fail more than once should continue to be replaced on an annual basis until the end of a 5-year defects period.

- 7.10 Taking into account all of the above, it is considered that the design of the proposed car ports would be sympathetic in scale, form and materials to surrounding built development. In the context of the formerly approved parking area, it is considered that the proposal would not result in a cramped form of development. By virtue of the light weight open nature of the proposed structures, the proposed green roofs, the topography of the site and screening along the front site boundary, and in the context of the existing detached garage on the adjacent site to the east, it is considered that the proposed development would not appear overly prominent within the street scene and would respect the character and appearance of the area. It is judged that that this would protect the landscape character of the area including the visual attractiveness of the SLA and the landscape and scenic beauty of the Cotswolds AONB.
- 7.11 Toddington Parish Council has enquired if the applicant/development would be able to increase the size of the proposed development in the future, and the Urban Design Officer has suggested that a restrictive condition could be attached to any approval of planning permission to prevent the structures from being enclosed in the future. The applicant is advised that an application for planning permission would be required for any future proposal to maintain, improve or otherwise alter either of the currently proposed car ports, by virtue of the permitted development restrictions under Class E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and the location of the car ports on land forward of a wall forming the principal elevation of the original dwellinghouse. It is also acknowledged that a restrictive condition pertaining to the erection or construction of any private car garages, extensions, garden sheds, gates, fences, walls, other means of enclosure or structures of any kind on this site was attached to the approval of application reference 19/00595/APP, in order to preserve and enhance the visual amenity of the area, and to protect and enhance the landscape character of the SLA. As such, any future proposal to maintain, improve or otherwise alter the currently proposed car ports, and/or to erect or construct any private car garages, extensions, garden sheds, gates, fences, walls, other means of enclosure or structures of any kind within the wider site area (as approved under reference 19/00595/APP), would require the submission of an application for planning permission, under which the impact on the character and appearance of surrounding built development and the landscape character of the area would be fully assessed.

### **Effect on the Living Conditions of Neighbouring Dwellings**

- 7.12 JCS policies SD4 and SD14 require development to enhance comfort, convenience and enjoyment through assessment of the opportunities for light, privacy and external space. Development should have no detrimental impact on the amenity of existing or new residents or occupants. Saved Policy HOU8 of the TBLP provides that extensions to existing dwellings should not have an unacceptable impact on adjacent property and residential amenity, while emerging Policy RES10 of the PSTBP specifies that proposals for the extension of existing dwellings and the erection of domestic outbuildings will be permitted providing that, inter alia, the proposal does not have an unacceptable impact on the amenity of neighbouring properties.
- 7.13 By virtue of the scale and form of the proposed car ports, their light weight open structure, their proximity to adjacent dwellings (including the 2 no. dwellings approved under application reference 19/00595/APP and those on adjoining sites), and the extent of screening in the form of boundary treatments, it is considered that there would be no significant adverse effect on adjoining occupiers in terms of overshadowing, overbearing impact or loss of privacy. Further, by virtue of the location of the proposed car ports, their distance from the front elevations of the associated dwellings and their lightweight open structure, it is considered that these would not unreasonably impact the outlook from the proposed dwellings.

## Highways Impact

- 7.14 JCS Policy INF1 'Transport Network' states that developers should provide safe and accessible connections to the transport network to enable travel choice for residents and commuters. Emerging Policy RES10 of the PSTBP specifies that proposals for the extension of existing dwellings and the erection of domestic outbuildings will be permitted providing that, inter alia, the domestic curtilage of the existing property is capable of comfortably accommodating the outbuilding without creating a lack of suitable parking or manoeuvring space, while emerging Policy TRAC9 of the PSTBP states that proposals need to make provision for appropriate parking and access arrangements. The NPPF states 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.
- 7.15 The Highway Authority has undertaken a robust assessment of the planning application and comments that the proposed car ports are acceptable and would not impinge on the available turning areas to any great extent. Based on the analysis of the information submitted the Highway Authority concludes that there would not be an unacceptable impact on highway safety or a severe impact on congestion, and that there are no justifiable grounds on which an objection could be maintained. The Highway Authority therefore submits a response of no objection.
- 7.16 As this application is added to the original proposals for the 2 dwellings as approved under application reference 19/00595/APP, the Highway Authority advises that the relevant conditions and informatives should still be imposed on any approval of the current planning application. The approval of application reference 19/00595/APP was subject to condition that the permitted buildings should not be occupied until the vehicular parking and turning facilities had been provided in accordance with approved drawing no. "19-5647 101 rev 07" (site plan proposed), received by the local planning authority on 24th January 2020, and that those facilities should be maintained available for those purposes thereafter. It is recommended that any approval of the current application be subject to this condition, but amended to refer to the requisite drawing number.
- 7.17 The approval of application reference 19/00595/APP was also subject to condition that the vehicular access should be laid out and constructed in accordance with approved drawing no. "19-5647 101 rev 07" (site plan proposed), received by the Local Planning Authority on 24th January 2020, prior to the occupation of the approved development, with any gates situated at least 2.0m back from the carriageway edge of the public road and hung so as not to open outwards towards the public highway and with the area of driveway within at least 5.0m of the carriageway edge of the public road surfaced in bound material, and for this to be maintained thereafter. The current application proposes no amendments to the approved vehicular access and it is therefore not deemed necessary to again add this condition, as this would be secured via the approval of application reference 19/00595/APP, as would all other conditions.

## 8.0 CONCLUSION AND RECOMMENDATION

- 8.1 It is considered that the proposal would not be harmful to the appearance of existing dwellings nor the surrounding area (including the SLA and AONB), and that it would not result in an unacceptable loss of residential amenity to neighbouring dwellings. The proposal would be of an acceptable size and design and would provide appropriate parking and access arrangements. As such it would accord with the relevant policies as outlined above. It is therefore recommended that **planning permission be granted, subject to the conditions below.**

## CONDITIONS:

1. The works hereby permitted shall be begun before the expiration of five years from the date of this consent.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with approved drawing nos. 19-5647 100 Rev 05 (Location Plan), 19-5647 102 Rev 01 (Site Plan Carports), 19-5647 133 Rev 01 (Carport 1 Proposals) and 19-5647 134 01 (Carport 2 Proposals) and details within the application form received by the Local Planning Authority on 14<sup>th</sup> December 2020, except where these may be modified by any other conditions attached to this permission.

Reason: To ensure that the development is carried out in accordance with the approved plans.

3. Prior to the commencement of the development hereby approved (including all preparatory work), tree protection must be in place for the retained trees as shown on Drawing No. 19-5647 102 Rev 01 (Site Plan Carports), received by the Local Planning Authority on 14<sup>th</sup> December 2020, in accordance with BS 5837:2012.

Reason: To safeguard trees during the construction phases and to ensure no storage of materials is in proximity of the trees, in order to preserve and enhance the quality of the environment and to protect and enhance the landscape character of the Special Landscape Area.

4. Any trees which within a period of 5 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. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year defects period.

Reason: To ensure the protection of trees, to preserve and enhance the quality of the environment, and to protect and enhance the landscape character of the Special Landscape Area.

5. Prior to the occupation of the 2 no. dwellings approved under application reference 19/00595/APP, the vehicular parking and turning facilities shall be provided in accordance with approved drawing no. 19-5647 102 Rev 01 (Site Plan Carports), received by the Local Planning Authority on 14<sup>th</sup> December 2020, and those facilities shall be maintained available for those purposes thereafter.

Reason: To ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians is provided in accordance with the paragraphs 108 and 110 of the National Planning Policy Framework.

## 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.

2. Safe digging practices, in accordance with HS(G)47, must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all persons (either direct labour or contractors) working for you on or near gas apparatus.
3. The proposed development will require the provision of a footway/verge crossing and the Applicant/Developer is required to obtain the permission of the County Council before commencing any works on the highway.
4. This planning permission does not give any authority to the Applicant to carry out any hedge cutting works on the public highway. The hedge cutting must be carried out by either the owner of the hedge or the Local Highway Authority under sc 154 of The Highway Act 1980. Sc154 requires the Local Highway Authority to serve Notice on the owner of the hedge and the owner has the right to appeal the Notice to the Magistrates Court.