

# TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

<b>Committee:</b>	Planning
<b>Date:</b>	20 April 2021
<b>Site Location:</b>	Garage Site 4 Bishops Drive Bishops Cleeve Cheltenham Gloucestershire
<b>Application No:</b>	20/01119/FUL
<b>Ward:</b>	Cleeve West
<b>Parish:</b>	Bishops Cleeve
<b>Proposal:</b>	Demolition of existing garages and erection of 11 dwellings, car parking, access road and landscaping.
<b>Report by:</b>	Adam White
<b>Appendices:</b>	Site location plan. Site layout plan. Elevation visuals. Site sections.
<b>Recommendation:</b>	Delegated Permit

## 1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1. The application relates to a garage site located to the end of Bishops Drive in Bishops Cleeve (**see attached site location plan**). The site is bounded to the north east by the Bishops Cleeve Primary School playing field and existing residential development on all other sides. The site is located within a recognised settlement boundary and is not subject to any formal or informal landscape designation.
- 1.2. There are currently 5 garage blocks comprised of 92 individual garages. The garages are of a simple block construction painted in white with a shallow sloped asphalt roof. It is stated that the many of the garages are in a poor state and beyond financial repair. Of the 92 garages, only 20 are still rented out. Of these 20, 3 are currently rented to Rooftop tenants who live in Bishops Cleeve. Only one of those tenants lives in Bishops Drive. In total, 10 of the garages are rented to people who live in Bishops Cleeve with the rest rented to people who live in the wider District. It is stated that all of the remaining garages are used for storage rather than the parking of cars. The majority of the site was also fenced off a few years ago to prevent fly tipping and other anti-social behaviour.
- 1.3. The proposal is to demolish the garages and erect 11 dwellings comprised of 7 houses and 4 apartments, with associated parking and landscaping (**see attached plans**). It is proposed that all of the dwellings would be affordable.

## 2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
51/00176/FUL	Alternative proposal for development of centre in Bishop's Cleeve housing estate. 19 Shops (detailed building plans) 32 Lock up garages 4 pairs dwellings (siting only) licensed premises	PER	22.06.1951
52/00123/FUL	Erection of 32 garages and construction of connecting roads, housing estate, Two Hedges Road, Bishops Cleeve.	APPROV	20.05.1952
55/00065/FUL	Erection of garages and stores.	PER	19.07.1955
55/00066/FUL	Erection of 95 lock-up garages.	PER	20.09.1955
58/00049/FUL	Change of use of existing garage to provide toilet and wash room for Housing Association staff.	PER	22.08.1958
58/00112/FUL	Change of use of existing garage to provide toilet and wash room for Housing Association staff	PER	22.08.1958
99/00030/FUL	Redevelopment of maintenance depot to provide 4 no. flats (social housing).	PER	02.03.1999

## 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. Policies: SP1, SP2, SD3, SD4, SD6, SD9, SD10, SD11, SD12, SD14, INF1, INF2, INF3, INF5, INF7.

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

3.4. Policies: TPT3, TPT6.

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

3.5. Policies: RES2, RES5, RES12, RES13, DES1, NAT1, ENV2, COM2, TRAC1, TRAC2, TRAC9.

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**

**Full copies of all the consultation responses are available online at <https://publicaccess.tewkesbury.gov.uk/online-applications/>**

- 4.1. Bishops Cleeve Parish Council – The Parish is in in general support but would like to see additional information on sustainability, including rainwater harvesting and charging points for electric vehicles. The Parish also request a Construction Method Statement.
- 4.2. Highways Authority – No objections subject to conditions.
- 4.3. Highways England – No objections.
- 4.4. Tree Officer – No objections subject to conditions.
- 4.5. Environmental Health Consultant (Noise) – No objections.
- 4.6. Environmental Health Consultant (Air Quality) – A condition is recommended for electric vehicle charging points and cycle parking.
- 4.7. Environmental Health Consultant (contamination) – A condition is recommended for a site investigation in respect of contamination prior to commencement of development.
- 4.8. Lead Local Flood Authority – Further details are required to demonstrate that the proposed drainage strategy is acceptable.

#### **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. 7 letters of representation have been received. Their comments are summarised as follows:
  - The road leading into the garages is not wide enough for the amount of traffic coming and going as it is with emergency services and delivery vehicles etc. going up onto the curb to pass resident's vehicles as it is.
  - Measures should be put in place to control the construction phase of the project to ensure that construction activities do not adversely impact amenity, traffic or the environment in the surrounding area.
  - Concerns raised regarding the buildability and future maintenance of plots 1 and 7 due to the proximity to the site boundaries and the proposed site levels.
  - The additional dwellings would significantly increase the daily volume of through traffic on what is already a narrow road with parking issues.
  - There is not enough room for 11 properties with parking.
  - We would not like housing overlooking the school playground.
  - The proposal would result in overlooking.

## **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 site.
- 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 and hearing sessions commenced on the 16<sup>th</sup> February 2021. Whilst not currently forming part of the development plan, policies contained in the emerging Borough Plan can be given weight in determining applications. 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 on previously developed land in the existing built up areas of Tewkesbury's rural service centres. The principle of this development is therefore acceptable.

### **Landscape impact**

- 7.2. JCS Policy SD6 states that development will seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being. The site is located in a built-up residential area, which is not subject to any formal or informal landscape designation. Given the context of the surrounding area, there would be no adverse impact in this regard.

### **Design and layout**

- 7.3. 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.

- 7.4. The proposal is for 11 dwellings comprised of 7 houses and a block of 4 apartments. The houses, comprised of 3 pairs of semi-detached units and a single detached unit, would be located to the western part of the site and would face out towards the school playing field with parking opposite. The block of 4 apartments would be located to the eastern part of the site close to the site access with parking to the front and individual private gardens to the rear. The houses and apartment block would all be 2 storey in height. All of the properties would be served off a single access road, which in turn would be served off the existing access from Bishops Drive.
- 7.5. The proposal adopts a contemporary architectural approach that is described as being based on modern industrialism to reflect the former character of the area. The same design language is utilised throughout the scheme, which would provide for a cohesive development. The units would be faced in either red or grey brick to provide a degree of variation. The roofs would be finished with a zinc standing seam metal roof, which would be complimented by grey windows, doors and guttering.
- 7.6. Whilst a contemporary design approach has been adopted, it is considered that the simple unfussy form of the proposed dwellings and limited palette of materials would sit comfortably with the character and appearance of the surrounding area. The scale of the dwellings would also be commensurate with surrounding built form. Furthermore, the back-land nature of the proposed development also lends itself to a more contemporary approach as it would not be readily viewed in the context of any existing streetscenes.
- 7.7. In light of the above, it is considered that the proposal is of an acceptable size, scale and design and would have an acceptable impact on the character and appearance of the surrounding area. The Council's Urban Design Officer is also of the view that the proposals represent good design and positive regeneration for the area.
- 7.8. It should also be noted that the scheme has been amended slightly to take into account concerns regarding the proximity of plots 1 and 7 to the site boundaries. The revised plans now show these plots moved away from the site boundaries, which would allow them to be built and maintained without impacting on third party land.

#### **Residential amenity and environmental quality**

- 7.9. 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. The proposed dwellings to the west of the site would back onto the rear gardens of existing property in Woodman's Way. The back-to-back distance between the existing and proposed dwellings in this location would measure between 21 and 23. It is therefore considered that the proposal would not result in any unacceptable overlooking or loss of light or outlook to these properties.
- 7.10. To the north of the site is an existing nursing home where Plot 1 would present its flank elevation. There are no windows in the flank elevation of Plot 1 and the distance to the façade of the nursing home would measure approximately 11.5 metres. It is therefore considered that the relationship with the nursing home would be acceptable in terms of privacy, light and outlook. Plot 7 would present its flank elevation to the rear gardens of existing property in Bishops Drive. However, due to the length of these gardens, the proposal would not have any undue impact on residential amenity. There are also no windows to the flank elevation of Plot 7.

- 7.11. The proposed block of apartments to the east of the site would back onto an existing block of apartments in Tobyfield Road that adjoins the eastern boundary. The back-to-back distance between the existing and proposed apartment blocks would exceed 21 metres and would not lead to any undue loss of privacy, light or outlook. Again, no windows are proposed to the flank elevations of the proposed apartment block and therefore there would be no overlooking of the garden area to the south.
- 7.12. With regard to environmental quality, following consultation with the Environmental Health Officer, it is advised that there is a risk of contamination on site due to the nature of the existing buildings and the historic use of the site. A condition is therefore recommended for a site investigation to be undertaken prior to the commencement of development and to secure any necessary remediation measures if required.

### **Affordable housing**

- 7.13. JCS Policy SD12 sets out that on sites outside of strategic allocations, a minimum of 40% affordable housing will be sought. It follows that they should be provided on site and should be seamlessly integrated and distributed throughout the development scheme.
- 7.14. The application is made by Rooftop Housing Association who are a Registered Provider of affordable housing. The application proposes 100% of the proposed dwellings would be affordable and would comprise the following tenure mix:
- 1-bed 2-person flat/maisonette (Affordable Rent) x 4
  - 2-bed 4-person house (Shared Ownership) x 4
  - 3-bed 5-person house (Shared Ownership) x 3
- 7.15. It is stated that the housing mix has been set in conjunction with the Housing Team at the Council, who have confirmed housing need on Homeseeker Plus, the Council's housing waiting list. Following consultation with the Council's Housing Strategy and Enabling Officer it is advised that the proposed mix is acceptable. The applicant has also confirmed that they would be willing for all of the affordable houses to be secured through a Section 106 Agreement. The provision of affordable housing is therefore a significant benefit of the scheme in this instance.

### **Arboricultural implications**

- 7.16. The application is supported by a Tree Survey and an Arboricultural Impact Assessment (AIA). A total of 6 trees and 5 groups of trees have been recorded on and immediately adjacent to the site. The most notable trees are two Common Lime trees within the school grounds and a Deodar Cedar in the grounds of the Orchard House care home. These are all Category B trees (trees of moderate quality). The application proposes the removal of two groups of Category C trees (trees of low quality) although no third-party trees are proposed to be removed.
- 7.17. The AIA provides details of tree protection measures during construction works and methods for working within the identified Root Protection Areas. These works mainly involve the removal of the existing buildings and hardstanding and the provision of new hardstanding. Following consultation with the Council's Tree Officer, no objections are raised subject to a condition to ensure that all works are undertaken in accordance with the submitted AIA.

### **Drainage and flood risk**

- 7.18. JCS Policy INF2 advises that development proposals must avoid areas at risk of flooding and must not increase the level of risk to the safety of occupiers of a site and that the risk of flooding should be minimised by providing resilience and taking into account climate change. It also requires new development to incorporate Sustainable Urban Drainage Systems (SUDS) where appropriate to manage surface water drainage.
- 7.19. The submitted Water Management Statement states that infiltration would not be an appropriate discharge strategy given the ground conditions. Instead, the applicant proposes to discharge surface water into a surface water sewer located in Bishops Drive. However, the Lead Local Flood Authority (LLFA) advise that this is a private sewer and therefore the applicant will require approval from the owner to carry out any work on this sewer. The LLFA advise that this must be provided to demonstrate that this is a suitable strategy. If this cannot be demonstrated, an alternative strategy would be required.
- 7.20. At this stage, the applicant has not fully established the ownership of the private sewer or whether approval would be granted for connection. Furthermore, an alternative drainage strategy has not been identified. Given the uncertainty as to whether an appropriate drainage strategy can be achieved, it is considered that it would not be appropriate to condition drainage details in this instance. In light of this, if Members are minded to approve this application, delegated authority is sought to secure suitable drainage details prior to issuing a decision notice.

### **Access and highway safety**

- 7.21. JCS Policy INF1 requires that developers should provide safe and accessible connections to the transport network to enable travel choice for residents and commuters.
- 7.22. Existing access to the site is taken off Bishops Drive, which in turn forms a priority junction with Bishops Drive to the south of the site. The existing access arrangements would be retained by the proposed development. The submitted Transport Statement demonstrates that suitable visibility splays can be provided within the publicly maintained highway and the junction is safe and suitable to accommodate the traffic that would be generated as a result of the development.
- 7.23. In terms of the internal layout, the existing footways on either side of Bishops Drive would be extended into the site. These routes would also be suitable for visually impaired or disabled road users. The internal street has been designed to maintain a 10mph design speed and the Transport Statement demonstrates that the internal carriageway is sufficient in width to accommodate two-way car flows. A swept path analysis also demonstrates that refuse vehicles and a fire tender can access and manoeuvre within the site. Bin stores close to the junction with Bishops Drive would also ensure that the refuse vehicle would not need to fully access the site. A total of 19 car parking spaces would be provided along with two motorcycle spaces, which exceeds the County Council's parking standards. Cycle parking would also be provided to the rear of the properties.

- 7.24. Concerns have been raised regarding the narrow nature of Bishops Drive and the existing on-street parking arrangements. The Transport Statement acknowledged this but points out that this is an existing situation and contends that it would not be exacerbated by the proposed development. It also points out that the remaining occupied garages are used for storage only and would not displace parking onto the surrounding local highway network. Following consultation with the Highways Authority, it is stated that based on the analysis of the information submitted, there would not be an unacceptable impact on highway safety or a severe impact on congestion. They go on to state that there are no justifiable grounds on which an objection could be maintained. The proposal is therefore considered to be acceptable in this regard.

### **Community Infrastructure Levy/Section 106 obligations**

- 8.0 For CIL purposes the application site falls within a 'Generic Site' and would be subject to the levy for residential development at £207.46 per square metre. However, the CIL Regulations provide for certain types of development to be exempt from CIL, which includes those parts of a development which are to be used as affordable housing.
- 9.0 Infrastructure requirements specifically related to the impact of the development will continue to be secured via a Section 106 legal agreement. However, no additional infrastructure requirements have been identified in this case.

### **10.0 CONCLUSION AND RECOMMENDATION**

- 10.1. Section 38(6) of the Town and Country Planning Act 1990 provides that, if regard is to be had to the development plan, the determination must be made in accordance with the development plan unless other material circumstances indicate otherwise. Section 70 (2) of the Act 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.
- 10.2. Policy SD10 of the JCS supports housing development on previously developed land in the existing built up areas of Tewkesbury's rural service centres. The principle of this development is therefore acceptable subject to there being no other overriding harms.

#### **Benefits**

- 10.3. The proposal would provide much needed affordable housing, which would provide a considerable social benefit, especially in the context of a housing land supply shortfall. The proposal would also assist in the regeneration of the area through the comprehensive redevelopment of an underused and unsightly brownfield site. The development would also deliver economic benefits throughout the construction stage and following occupation due to increased spending power in the local area.

#### **Harms**

- 10.4. No harms have been identified in this case.

#### **Neutral**

- 10.5. The proposal would be served by a safe and suitable access and the residual cumulative impact on the highway would not be severe. The proposal would have an acceptable impact on the character and appearance of the surrounding area and would be acceptable in terms of residential amenity. The proposal would also have an acceptable impact on existing trees to be retained.

## Conclusion

- 10.6. For the reasons set out in this report, it is considered that the proposal accords with the development and is recommended for **Delegated Permit subject to the completion of a Section 106 Agreement to secure the affordable housing in perpetuity and to secure suitable drainage details.**

## 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 the following approved documents except where these may be modified by any other conditions attached to this permission:

- Site Plan - 2019-894-55H
- Site Section – 2019-894-70B
- Street Elevations – 2019-894-71C
- House types 2a Elevations – 2019-894-04
- House types 2a Plans – 2019-894-66
- House types – 2019-894-65
- House types 2b Plans – 2019-894-64
- House types 3 Elevations – 2019-894-69
- House types 3 Plans – 2019-894-68
- House types 7b Elevations – 2019-894-63
- House types 7b Plans – 2019-894-62
- House types 7c Elevations – 2019-894-61
- House types 7c Plans – 2019-894-60
- Bin Storage Details – 2019-894-56
- Landscape Masterplan – LP2231-FIR-00-ZZ-DR-L-1002 Rev P02
- Tree Constraints Plan – 1291-D-001
- Tree Removal & Protection Plan – 1291-D-002
- Arboricultural Impact Assessment – TWC-1291-R-001 (November 2020)
- **Drainage Strategy Plan – TBC**

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

3. No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any significant contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The site shall be remediated in accordance with the approved measures before development begins.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

4. No development shall take place, including any demolition works, until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The approved CMP shall be adhered to throughout the demolition/construction period. The CMP shall provide for:
- 24-hour emergency contact number.
  - Hours of operation.
  - Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction).
  - Routes for construction traffic.
  - Locations for loading/unloading and storage of plant, waste and construction materials.
  - Method of preventing mud being carried onto the highway.
  - Measures to protect vulnerable road users (cyclists and pedestrians).
  - Any necessary temporary traffic management measures.
  - Arrangements for turning vehicles.
  - Arrangements to receive abnormal loads or unusually large vehicles.
  - Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

Reason: In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development.

5. No building or use hereby permitted shall be occupied or use commenced until details of arrangements for the future management and maintenance of proposed highway not put forward for adoption within the site has been submitted to and approved in writing by the Local Planning Authority. Following occupation of the first dwelling on the site, the streets shall be maintained in accordance with the approved management and maintenance details.

Reason: To ensure that all private streets and landscaped areas are appropriately managed and maintained to ensure the safety of all users.

6. No building or use hereby permitted shall be occupied or use commenced until the car/vehicle/motorcycle parking spaces (and turning space) shown on the approved plans drawing number 2019-894-55H, has been completed and thereafter the area shall be kept free of obstruction and available for the parking of vehicles associated with the development. Driveways/vehicle parking areas accessed from the adopted highway must be properly consolidated and surfaced, (not loose stone, gravel or grasscrete) and subsequently maintained in good working order at all times thereafter for the lifetime of the development.

Reason: To ensure that there are adequate parking facilities to serve the development constructed to an acceptable standard.

7. No building or use hereby permitted shall be occupied or use commenced until the means of vehicular access has been constructed and completed in accordance with the approved plans and the said means of vehicular access shall thereafter be retained for access purposes only for the lifetime of the development.

Reason: To ensure that the vehicular access point is safe.

8. The development hereby permitted shall not be occupied until the cycle storage facilities have been made available for use in accordance with the submitted plan drawing number 2019-894-55H and those facilities shall be maintained for the duration of the development.

Reason: To give priority to cycle movements by ensuring that adequate cycle parking is provided, to promote cycle use and to ensure that the appropriate opportunities for sustainable transport modes have been taken up.

9. Notwithstanding that submitted, no dwelling hereby permitted shall be occupied until a Travel Plan containing a target to make available an Electric Vehicle (EV) charging point within 3 months of each request by a resident of the development has been prepared, submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall be implemented, monitored and reviewed in accordance with the agreed target to the satisfaction of the council.

The Travel Plan shall include the following:

- Monitoring reviews to be presented annually for up to 10 years to ensure EV bollards are provided in the future for occupiers, where demand dictates.
- Once a Travel Plan Co-ordinator has been appointed/employed to liaise with GCC Thinktravel Team.

Reason: To ensure that the appropriate opportunities to promote sustainable transport modes are taken up.

10. 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: To ensure that the new development will be visually attractive in the interests of amenity.

11. The development hereby permitted shall be constructed in accordance with the tree protection measures and recommendations detailed in the approved Arboricultural Impact Assessment (TWC-1291-R-001 dated November 2020) and shown on drawing number 1291-D-002 (Tree Removal & Protection Plan).

Reason: To protect the trees to be retained.