

# TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

<b>Committee:</b>	Planning
<b>Date:</b>	17 August 2021
<b>Site Location:</b>	Land To The Rear Of 34 Priory Lane Bishops Cleeve Cheltenham
<b>Application No:</b>	21/00534/FUL
<b>Ward:</b>	Cleeve St Michaels
<b>Parish:</b>	Bishops Cleeve
<b>Proposal:</b>	Erection of a detached dwelling, garage and new access.
<b>Report by:</b>	Dawn Lloyd
<b>Appendices:</b>	Site location plan Site layout plan Proposed elevations Site survey
<b>Recommendation:</b>	Permit

## 1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site is forms part of the rear garden of Number 34 Priory Lane which lies within the service village of Bishops Cleeve. The site is located to the east of Priory Lane towards the junction with Longlands Road. The site has existing dwellings to the east, west and south with number 34 to the north.
- 1.2 The proposal is for the erection of a one and half storey three bedroomed detached dwelling with attached garage.

## 2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
T.3959	Outline application for the erection of a pair of semi-detached bungalows. (Garden at rear)	REFUSE	18.09.1962
T.3959/A	Outline application for the erection of a detached bungalow. Construction of a new vehicular access. (Garden at rear)	REFUSE	22.03.1972
T.3959/C	Outline application for the erection of two bungalows with detached private car garage. Alteration of existing vehicular and pedestrian access.	REFUSE	22.12.1983
T.3959/B	Outline application for the erection of two bungalows. Construction of a new vehicular and pedestrian access.	REFUSE	14.06.1983
T.1384	Proposed dwelling house.	PERMIT	16.12.1952
T.1384/AP	Proposed erection of dwelling house.	PERMIT	17.02.1953
T.1384/A	Extension to existing dwelling to form extra room and hall.	PERMIT	20.01.1959
21/00533/FUL	Erection of a two-story, gable-fronted extension to the front of the property and a single-story extension to the rear.	Permit	20.07.2021

## 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 SP1, SP2, SD4, SD9, SD10, SD14, INF1, INF2

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

3.4 Policy Policies: RES2, RES5, RES13, DES1, NAT1, ENV2, TRAC1, 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 **Bishops Cleve Parish Council** – Objection. Regard the design to be poor quality and overbearing on the neighbouring properties. Concerns regarding the provision for water drainage in an area that has had previous and historical incidences of flooding.

4.2 **Land Drainage Advisor** – No objection subject to a condition.

4.3 **Highway Authority** – No objection to the proposed dwelling and new access, it would not be detrimental to the safety and operation of the adjacent highway network. The proposal would not be an unacceptable impact on highway safety or a severe impact on congestion.

Recommend a condition for the installation of electric vehicle charging point.

4.4 **Environmental Health Advisor**- No objection with regard to noise, nuisance and air quality.

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

#### 5.0 PUBLICITY AND REPRESENTATIONS

5.1 Two representations received comments in summary:

- No objection to the principle of a dwelling in this site provided it does not set a precedent for Developer Creep.

- Amendments are required with regard to the siting, recommend 1m further to the east away from western boundary to assist maintenance and influence of the 40ft tree in the hedgerow not shown on the plans.

- Clarification required with regard to the boundary with number 32. Require the garage to be set back from this boundary to enable access for maintenance.

- The design shows Velux type windows to the west, which overlook the garden of No 30A. When No 30A was constructed, the planning authority did not permit any window facing east or west to protect the privacy of adjoining properties. I would expect the authority to apply the same restrictions in this case.

- Concerns about the width of access for site vehicles, fire trucks, etc without removal of the bay window of No 34, and there is little opportunity for turning at the site.

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

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

#### 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 Tewkesbury Borough Plan (TBP) has reached an advanced stage. The Examination in Public was held in February/March 2021 and the Inspector's post hearings Main Modifications letter was received on 16th June 2021. In this letter the Inspector provided his current view as to what modifications are required to make the Plan 'sound'. Those policies in the Pre-submission version of the TBP which are not listed as requiring main modifications may now attract more weight in the consideration of applications, with those policies which do in the Inspector's view require main modifications attracting less weight depending on the extent of the changes required. The TBP remains an emerging plan and the weight that may be attributed to individual policies will still 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 the 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 the development**

- 7.1 Criterion 4 (ii) of Policy SD10 'Residential Development' of the JCS sets out that on sites that are neither allocated or previously developed land, housing development will be permitted, except where otherwise restricted by policies within district plans, where it would represent infill within the existing built-up areas of Tewkesbury Borough's towns and villages.
- 7.2 As the site is surrounded by residential properties on all sides, the development would represent infill and as such the principle of housing in this location would be acceptable.
- However, whilst the principle of a new dwelling in this location may be acceptable there are other material planning considerations to be taken into account as set out below.

### **Councils 5 Year Housing Land Supply**

- 7.3 It is the Council's current position that a 4.35 year supply of housing can be demonstrated. In this scenario, paragraph 11 of the NPPF states that where policies which are most important for determining the application are out of date, 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.
- 7.4 The Framework clarifies that planning policies for housing will be judged out of date where, inter alia, the local planning authority cannot demonstrate a 5-year supply of deliverable housing sites. Footnote 6 to paragraph 11 also clarifies which policies in the Framework provide a clear reason for refusing.

### **Design and Visual Amenity**

- 7.5 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. Policy SD10 of the JCS states the 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. This is similarly echoed in emerging Policy RES5 of the PSTBP.

- 7.6. The site is not visible from the public highway and would form part of the rear garden of 34 Priory Lane. There are properties varied in age, type and design along Priory Lane to the north, an infill dwelling to the west and more dense properties of more uniform design on Longlands Road to the east. The design is contemporary, and approval has recently been granted for alterations to number 34 Priory Lane with a similar design approach and pallet of materials. To ensure high quality design, samples and details of the materials would be subject to condition. The design has been amended in order to address the concerns of neighbouring residents siting it further from the western boundary and adding obscure glazing to bathrooms for privacy. The layout would be in accordance with National Space Standards. The design of the proposed dwelling would reflect that of the host dwelling and would be appropriate in character of the area.

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

- 7.7 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.
- 7.8 The site forms part of the rear garden of 34 Prior Lane and there are properties to all sides of the proposed development. There are first floor windows to habitable rooms to the front and rear elevations with a separation distance of 32m to facing windows of number 34 Priory Lane. The amended plans have increased the height for the roof lights to habitable rooms on the side elevations, the roof lights to west roof elevation would be obscurely glazed and a condition applied to set cil of roof lights no lower than 1.7 m above floor level. The side boundaries have substantial planting, objections have been received from properties to the west. The roof light to the west elevation would be directed to the less private part of the rear amenity space of number 30a and screened in part by a tall tree. It is considered that overlooking of neighbouring rear amenity would not be significantly harmful.
- 7.9 The application would also give rise to the loss of outdoor amenity space which serves 34 Priory Lane however the dwelling would still have outdoor amenity space to the rear of a similar size to adjacent properties.
- 7.10 In terms of any future occupiers of the proposed dwelling and existing dwelling, it is considered that the development would be afforded acceptable levels of amenity in terms of outdoor space, outlook and privacy.

### **Highways Impact**

- 7.11 JCS Policy INF1 states that developers should provide safe and accessible connections to the transport network to enable travel choice for residents and commuters.
- 7.12 The submitted plans indicate the proposed dwelling have a new drive width of 2.7 m to the west side of 34 Priory Lane, the access was approved under application 21/00533/FUL. The property would benefit from two parking spaces and with two electrical charging points. The submitted plans indicate that there is sufficient space for the turning and maneuvering of vehicles. The County Highway authority have no objection to the proposal subject to in terms of highway safety and recommended a condition for electrical vehicle charging points which is indicated on the amended plans.

## **Flooding and Drainage**

- 7.13 JCS Policy INF2 sets out that development proposals must avoid areas at risk of flooding. Proposals must not increase the level of risk to the safety or occupiers of a site, the local community or the wider environment either on the site or elsewhere.
- 7.14 The site falls within Flood Zone 1 as shown on the Environment Agency's indicative flood map indicating that it has a low probability of river or sea flooding. The EA's updated Flood Map for Surface Water identifies part of the site as having either a very low or low risk of surface water flooding.
- 7.15 The foul drainage is to be connect to the foul sewer and surface water discharge to soakaways. The Council's Land Drainage Officer has assessed the application details and comments that insufficient information has been provided with regard to the suitability of the ground to accommodate soakaways. It is therefore recommended that a condition be imposed requiring drainage works to be agreed and implemented prior to the commencement of development.

## **Community Infrastructure Levy**

- 7.16 The proposed development is liable for a Community Infrastructure Levy (CIL) contribution

## **8.0 CONCLUSION AND RECOMMENDATION**

- 8.1 It is considered that the proposal would accord with relevant policies as outlined above. Therefore, recommendation is for **Permit** subject to conditions.

### **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:
  - Proposed Block Plan Drawing Number 2036 AL(0) 105 E received 21<sup>st</sup> July 2021
  - Propose Floor Plans and Elevations Drawing Number 2036 AL(0) 105 F received 21<sup>st</sup> July 2021
  - Location Plan Drawing Number 2036 AL(0) 102 A

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. No work above floor plate level shall be carried out until samples and details of external wall, roof ad fenestration proposed to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that materials are in keeping with the surrounding area and to provide for high quality design.

4. The construction work on the buildings hereby approved shall not be commenced until the precise floor slab levels of each new building, relative to the existing development on the boundary of the application site have been submitted to and approved in writing by the local planning authority. Thereafter the new buildings shall be constructed at the approved floor slab levels.

Reason: To ensure the proposed development does not have an adverse effect on the character and appearance of the area.

5. No dwelling shall be occupied boundary fences/walls have been installed in accordance with details that have first been approved in writing by the Local Planning Authority. The details shall include a plan indicating the positions, design, materials and type of boundary treatment to be erected.

Reason: To ensure adequate provision for privacy and in the interests of visual amenity.

6. No building works hereby permitted shall be commenced until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. The information submitted shall be in accordance with the principles set out in the approved drainage strategy. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in The SuDS Manual, CIRIA C753 (or any subsequent version), and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution for the lifetime of the development.

7. Roof lights to the side elevations shall be set with CIL height set no lower than 1.7 metres above floor level.

Reason: To ensure adequate provision for privacy to neighbouring properties.

8. The parking area and electrical vehicle charging points shall be implement in accordance with the approved plans prior to occupation and maintained in accordance with the plans thereafter.

Reason: To minimise the likelihood of indiscriminate parking in the interests of highway safety.

#### **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.