

## TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

<b>Committee:</b>	Planning
<b>Date:</b>	19 October 2021
<b>Site Location:</b>	15 Swallow Crescent Innsworth
<b>Application No:</b>	20/01024/FUL
<b>Ward:</b>	Innsworth
<b>Parish:</b>	Innsworth
<b>Proposal:</b>	New attached 2 bedroom dwelling to the side of 15 Swallow Crescent
<b>Report by:</b>	Dawn Lloyd
<b>Appendices:</b>	Plan 1 - Site Plan Plan 2 - Site location plan, Proposed Elevations, Floor plan and Block Plan, Streetscene
<b>Recommendation:</b>	Permit

### 1.0 SITE DESCRIPTION AND PROPOSAL

The application site relates to the garden land to the side of 15 Swallow Crescent, Innsworth, which is a two storey semi-detached dwelling. The immediate area is characterised by semi-detached properties, although there are examples of bungalows, detached and terraced properties in the wider area.

The proposal seeks full planning permission for the erection of a dwelling that would be attached to No.15 Swallow Crescent. Amended plans were submitted on 17th August 2021 to amend the design to a two bedroomed property. The development would create a row of 3 terraced properties. There is a similar form of development at 22 Swallow Crescent. The property would occupy the driveway for number 15 and the parking provision for number 15 and the proposed dwelling would be provided in the front amenity space and on the road.

## 2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
20/00025/CLP	Erection of a single storey rear extension and new facade to existing walls.	NOTPRO	04.09.2020
20/00811/FUL	Erection of a single storey rear extension and re-cladding of main house.	PER	06.11.2020

## 3.0 RELEVANT POLICY

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

### National guidance

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

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

Policy SP2 (Distribution of New Development)

SD4 (Design Requirements)

SD10 (Residential Development)

SD14 (Health and Environmental Quality)

INF1 (Transport Network)

INF2 (Flood Risk Management)

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

RES2 (Settlement Boundaries)

RES5 (New Housing Development)

DES1 (Housing Space Standards)

ENV2 (Flood Risk and Water Management)

TRAC9 (Parking Provision)

### Neighbourhood Plan

Churchdown and Innsworth Neighbourhood Development Plan 2011-2031  
Policy CHIN2

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

The First Protocol, Article 1 (Protection of Property)

## 4.0 CONSULTATIONS

**Innsworth Parish Council** - Supports the application so long as 4.6 of the Neighbourhood Development plan adhered to. This ensures that off road parking is properly applied for, for example the dropped kerbs to ensure the legality of off road parking and stops un necessary street parking.

**Innsworth Parish Council** comments on the amended plans of 25<sup>th</sup> May 2021 – objection not in keeping with the rest of the street. Give a cluttered look to the area.

- CHIN 1 parking for two spaces cannot be accessed and therefore on street parking would ensue, therefore 2 spaces per unit would not be available.

-CHIN 3 no green features and does not contribute to enhancing the environmental setting.

-CHIN 12 no consideration given to flood mitigation.

**Highway Authority** – No objection subject to conditions regarding installation of vehicle crossover as approved plans, development not occupied prior to implementation of parking provision, cycle storage, visibility splays, 5m of drive to be in a bound material and electric vehicle charging points.

**Severn Trent Water Ltd** – There is a public 100mm surface water sewer and public 100mm foul sewer located within the site. Public sewers have statutory protection and may not be built close to, over or diverted without consent. Severn Trent will seek to assist in obtaining a solution which protects the public sewer and the building. Under the provisions of Building Regulations 2000 Part H4 Severn Trent can direct the Building Control Officer to refuse building regulation approval.

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

## 5.0 PUBLICITY AND REPRESENTATIONS

The application has been publicised through the posting of a site notice for a period of 21 days and 4 representations of objection.

- Parking for 4 vehicles contrary to CHIN 1 of Churchdown and Innsworth Neighbour Development Plan. Parking access is impeded by lamp post. Contrary to Gloucestershire manual for Streets. Street is already congested.

- Impact on streetscene

- The development would be built over an existing main sewer causing access problems

- Devaluing neighbouring property

- Internal arrangement of kitchen and downstairs wc contrary to building regulations

- Lack of parking provision, street already congested, lamp post on boundary restricts parking.

Full copies of all the representations responses are available online at [Insert text https://publicaccess.tewkesbury.gov.uk/online-applications/](https://publicaccess.tewkesbury.gov.uk/online-applications/)

## **6.0 POLICY CONTEXT**

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.

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.

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).

Churchdown and Innsworth Neighbourhood. At its Full Council meeting on the 30 June 2020, Tewkesbury Borough Council brought the Neighbourhood Plan into legal force, under Section 38A(4) of the Planning and Compulsory Purchase Act 2004. Plan

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

## **7.0 ANALYSIS**

### **Principle of the Development**

- 7.1 In order to further sustainability objectives and in the interests of protecting the countryside, the housing policies of the JCS set out a development strategy for the borough.
- 7.2 The application site has not been allocated for housing in the JCS and therefore the criterion of Policy SD10 of the JCS applies. This policy advises that housing on sites which are not allocated for housing in district and neighbourhood plans will be permitted if it meets certain limited exceptions.
- 7.3 Of relevance is criterion 4 (ii). This criterion states that development will only be permitted where it is 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. For the purposes of criterion 4(ii), the supporting text defines 'infill development' as "the development of an under-developed plot well related to existing built development."
- 7.4 The application site lies within the existing built-up area of Innsworth and it is bound by residential development to the north, east and west. as such the proposal is therefore considered to constitute infill development in accordance with JCS Policy SD10

- 7.5 In terms of the Emerging TBP the application site lies within the defined residential development boundary for Innsworth as shown on the proposals map. Policy RES2 of the Emerging TBP supports the principle of new residential development in this location subject to the application of all other policies in the local plan. In all cases development must comply with the relevant criteria set out in policy RES 5.
- 7.6 In light of the above, the introduction of a new dwelling in this location would comply with the strategic housing policies in the development plan. However, there are other material planning considerations to be taken into account.

### **Five Year Housing Land Supply**

- 7.7 As set out in the latest Tewkesbury Borough Five Year Housing Land Supply Statement published in December 2020, the council can demonstrate a 4.35 year supply of deliverable housing sites. On the basis therefore that the Council cannot at this time demonstrate a five year supply of deliverable housing land, the Council's policies for the provision of housing should not be considered up-to-date in accordance with footnote 7 of the NPPF and in accordance with paragraph 11 of the NPPF the presumption in favour of sustainable development (the 'tilted balance') applies. The presumption is therefore that permission should be granted unless policies for protecting assets of particular importance provides a clear reason for refusing the development or any adverse impacts of permitting the development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole.
- 7.8 It is noted that a recent appeal decision at Ashmead Drive an Inspector concluded that the Council can demonstrate a 1.82 year supply. This is principally because the Inspector did not agree that 'previous oversupply', or 'advanced delivery' should be taken into account when calculating the five year supply. The Council's firm view remains that, in the context of the plan-led system, it is wrong not to take into account houses that have already been delivered during the plan period, essentially ahead of schedule, and which meet the needs being planned for in the area. On that basis, the Council have come to the view that there are robust grounds for a successful challenge and proceedings have now been issued in the High Court. As such the Council contend that a 4.35 year supply can be demonstrated at this time.
- 7.9 Nevertheless, as set out above, as the council cannot demonstrate a five year supply of deliverable housing sites therefore the presumption in favour of sustainable development is engaged in this case.

### **CHARACTER AND APPEARANCE**

- 7.10 Section 12 of the NPPF sets out that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. It continues by stating that good design is a key aspect of sustainable development, creating better places in which to live and work and helps make development acceptable to communities. Planning decisions should, amongst other things, ensure that developments will function well and add to the overall quality of the area and should be sympathetic to the local character, including the surrounding built environment.
- 7.11 The National Design Guide (NDG) addresses the question of how we recognise well-designed places, by outlining and illustrating the government priorities for well-design places in the form of ten characteristics which includes context, identity and built form. The NDG provides that well-designed development should respond positively to the features of the site itself and the surrounding context beyond the site boundary.

- 7.12 JCS policy SD4 is consistent with this approach and states 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.
- 7.13 Policy RES5 of the Pre-submission Tewkesbury Borough Plan (2019) states proposals for new housing development should, inter alia, 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 and be of an appropriate scale having regard to the size, function and accessibility of the settlement and its character and amenity, unless otherwise directed by policies within the Development Plan.
- 7.14 Further, Policy CHIN2 of the adopted Churchdown and Innsworth Neighbourhood Plan states that proposals for new development should contribute towards the local distinctiveness of Churchdown and Innsworth. They should demonstrate high quality, sustainable and inclusive design and architecture that respects and responds positively to the best examples of the Neighbourhood Area's character.
- 7.15 The proposal would add a dwelling to the existing pair of semi-detached properties, introducing a terrace form into the street scene. Although the built form is predominantly semi-detached dwellings, there are small section of terraced properties on Swallow Crescent and in the wider area.
- 7.16 In terms of design, the proposal would be broadly consistent with neighbouring two storey semi-detached properties. In particular, the hipped roof design would be similar to that of existing dwellings along Swallow Crescent. The external walls of the existing dwelling are concrete panels however permission was granted under application 20/00811/FUL for its recladding with facing bricks . The proposed materials for the new dwelling materials (facing brick and interlocking tiles) would be in keeping with the existing dwelling, character of the area and deemed appropriate to the site's surroundings. The width of the plot would be slightly reduced in comparison to other dwellings in the area but the proposal is considered to make best use of an under-developed plot by providing a 2-bed unit and the separation from neighbouring properties, particularly to the north and east would not result in a cramped form of development when viewed in the wider context. The proposal is therefore considered to present an acceptable design which responds positively to the character of the site and its surroundings in accordance with the requirements of JCS Policy SD4, Emerging TBP policy RES 5 and CHIN2 of Churchdown and /Innsworth NDP.
- 7.17 The dwelling has been amended to a two bedroomed property. The room sizes accord with the National Described Spaces standards in accordance with emerging Borough Plan Policy DES1.
- 7.18 There are many other examples of similar terraces in the area and given the mix of building materials and house types in the area the proposal is considered to respect the street scene and the character of the area, in accordance with SD4, emerging TBP policy RES 5 and CHIN2 of Churchdown and /Innsworth NDP.

## **Residential Amenity**

- 7.19 In respect of the impact of the development upon residential amenity, paragraph 127 of the NPPF specifies that planning decisions should ensure development creates places with a high standard of amenity for existing and future users. This advice is reflected in JCS policies SD4 and SD14 which 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.
- 7.20 The dwelling would extend beyond the rear elevation of number 15 at ground and first floor level. The first floor would not breach the 45 degree rule to adjacent dwellings. Number 15 has recent had a ground floor extension permitted application 20/00811/FUL therefore, the proposal would not be harmful in terms of impact of light. There is no direct overlooking of windows. There would be overlooking of rear gardens from the first floor. However, the adjacent dwellings are semi-detached and it is considered the harm of overlooking from the proposed dwelling is not significantly different from that already experienced. Therefore, the impact on the amenity of neighbouring properties is considered acceptable.

## **Access and Highway Safety**

- 7.21 The NPPF 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. Policy TRAC9 of the emerging TBP states that proposals need to make provision for appropriate parking and access arrangements.
- 7.22 Policy CHIN1 of the Churchdown and Innsworth Neighbourhood Plan sets out parking standards for the provision of off-road parking for new residential development, where possible; 1-bed dwellings should provide 1 off-road car parking space; 2 and 3-bed dwellings should provide 2 off-road car parking spaces and 4-bed dwellings should provide 3 off-road car parking spaces.
- 7.23 The existing dwelling would be provided with one onsite parking space and one on the road. The proposed dwelling would benefit from two parking spaces in the front amenity space.
- 7.24 The Highway Authority have considered the application and considered the proposed parking as demonstrated by revised parking plan as acceptable subject to recommended conditions in terms of highway safety. In addition the parking plan indicates cycle storage and an electric vehicle charging point would be provided.

## **Drainage and Flooding**

- 7.25 Policy INF2 of the JCS seeks to prevent development that would be at risk of flooding. Proposals must not increase the level of risk to the safety of occupiers of a site, the local community or the wider environment either on the site or elsewhere. This advice is echoed in Policy ENV2 of the emerging TBP.

7.26 The site is located within Flood Zone 1, an area identified by the Environment Agency at a low risk of flooding from rivers and the sea. The Water Management Statement (WMS) submitted in support of the application confirms surface water from the site would be discharge to soakaway. Objections have been raised with regard to the proximity of a public surface water and foul sewer on the site. Building in proximity to, over or diverting of public sewers are subject to the consent of the Severn Trent Ltd and would be controlled through the building regulation process.

## **Conclusions**

- 8.0 On the basis the Council cannot at this time demonstrate a five year supply of deliverable housing land, the Council's policies for the supply of housing are out of date. In accordance with paragraph 11 of the NPPF, the presumption in favour of sustainable development indicates that permission should be granted unless policies for protecting areas of assets of particular importance in the NPPF provide a clear reason for refusing the development proposed, or any adverse impacts of permitting the development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.
- 8.1 There are no NPPF policies for the protection of areas or assets of particular importance which apply in this case and therefore, it is clear that the decision-making process for the determination of this application is to assess whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits.

## **Benefits**

- 8.2 The development would make a limited contribution towards the supply of housing to help meet the objectively assessed need for housing in the Borough in an area where the principle of housing development is considered acceptable.
- 8.3 In addition, the development would give rise to small social and economic benefits as a result of its construction and future use.

## **Harms**

- 8.4 The introduction of a terraced dwelling at this site would be distinct from the prevailing character of the immediate surrounding area. However, there are short rows of terraced properties along Swallow Crescent and in the wider area. In this context, it is considered that, the impact on the character and appearance of the area would be limited, the harm does weigh against the proposal in the overall planning balance.

## **Neutral**

- 8.5 Having regard to the policies of the development plan and the responses of technical consultees, subject to the imposition of suitable planning conditions, there are no objections in respect of design, highway safety and drainage.

## **Conclusion**

- 9.0 Taking into account all of the above, it is considered that any adverse impacts of permitting this application would not significantly or demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole. Overall it is recommended that planning permission be granted subject to the conditions as set out 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 the following approved documents:

- Proposed Location Plan, Block Plan, Proposed Elevations, Proposed Floor Plan, Roof Plan Drawing Number 003 received 17<sup>th</sup> August 2021.
- Parking Plan Drawing received 10<sup>th</sup> May 2021

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. Building operations shall not be commenced until samples of the brick proposed to be used have been submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the sample(s) so approved.

Reason: It is important to protect and maintain the character and appearance of the area in which this development is located.

- 4 The development hereby permitted shall not be occupied until the car/vehicle parking area (and turning space) shown on the approved plans Drawing Number PW003 received 11th May 2021 has been completed and thereafter the area shall be kept free of obstruction and available for the parking of vehicles associated with the development.

Reason: To ensure that there are adequate parking facilities to serve the development.

5. The development hereby permitted shall not be occupied until the vehicle crossover has been installed at the carriageway edge and constructed across the footway fronting the site. The dropped kerb shall extend from the parking spaces of 15a to the east edge of the parking kerb space of number 15 before connecting to existing kerb heights.

Reason: In the interests of safety and accessibility.

6. The cycle storage facilities shall be implemented in accordance with the submitted plans and retained for thereafter.

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

7. Prior to the occupation of the development hereby permitted, the vehicular access shall be laid out and constructed in accordance with the submitted plans with the area of driveway within at least 5.0m of the carriageway edge of the public road surfaced in bound material with drainage preventing run-off onto the highway/footway, and shall be maintained thereafter.

Reason: In the interest of highway and pedestrian safety.

8. The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays in accordance with the submitted plans PW003 received 11th May 2021 and thereafter maintained so as to provide clear visibility at a height of 600mm above the adjacent footway level.

Reason: To ensure motorists have clear and unrestricted views of approaching pedestrians when pulling out onto the adopted highway, in the interest of highway safety

9. The electric vehicle charging point shall be implemented in accordance with the submitted plans and 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.

#### **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. Severn Trent Water advise that there is a public 100mm surface water sewer and a public 100mm foul sewer located within this site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. You are advised to contact Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building. Please note, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 meters of a public sewer. Under the provisions of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval. Please note that there is no guarantee that you will be able to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that you will be able to undertake those works on a self-lay basis. Every approach to build near to or divert our assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider catchment it serves. It is vital therefore that you contact us at the earliest opportunity to discuss the implications of our assets crossing your site. Failure to do so could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent.