

TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

Committee:	Planning
Date:	21 December 2021
Site Location:	Rockaway Ridge Lye Lane Cleeve Hill
Application No:	21/00632/FUL
Ward:	Cleeve Hill
Parish:	Southam
Proposal:	Erection of a carport and gym
Report by:	Sarah Barnes
Appendices:	Original block plan Site plan and original proposed elevations Revised block plan Revised proposed elevations
Recommendation:	Permit

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site relates to Rockaway Ridge a detached dwelling located along Lye Lane in Cleeve Hill (site plan attached). The site falls within the AONB.
- 1.2 The proposal is for the erection of a carport and gym outbuilding. Revised plans were submitted on the 30th September 2021 omitting the proposed store.
- 1.3 **A committee decision is required as the Parish Council are objecting to the revised plans on the grounds that the proposal would lead to overdevelopment of the site situated within the AONB.**

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
11/00815/FUL	Erection of a replacement dwelling	PER	12.01.2012
15/00872/FUL	Erection of replacement dwelling (retention of works as carried out).	PER	16.10.2015

3.0 RELEVANT POLICY

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

3.1 National guidance

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

3.2 Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) – Adopted 11 December 2017

- Policy SD4 (Design Requirements)
- Policy SD7 (AONB)
- Policy SD14 (Health and Environment Quality)

3.3 Tewkesbury Borough Local Plan to 2011 – March 2006 (TBPL)

- Policy HOU8 (Domestic Extensions)

3.4 Tewkesbury Borough Plan 2011-2031 Pre-submission Version (October 2019)

- Policy RES10 (Alteration and Extension of Existing Dwellings)

3.5 Neighbourhood Plan

None

3.6 Other relevant policies/legislation

- 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

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

4.1 Parish Council – original plans – objects. The site was developed relatively recently and the existing property is already substantial and provides a garage annex and adequate parking. They cannot see the justification for further development of the site within the AONB. The creation of an additional access onto the narrow lane is considered to be hazardous for vehicles and pedestrians. The provisions of the additional access might provide the opportunity for the proposed building to be used as a separate in the future and the parish council would object strongly to this.

4.2 Parish Council – revised plans – does not consider that the revised plans address the objections previously raised. They re-iterate their previous comments and consider that this proposal would lead to overdevelopment of the site situated within the AONB.

4.3 Gloucestershire Highways Officer – No objections.

5.0 PUBLICITY AND REPRESENTATIONS

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

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

5.2 Two letters of objection have been received from local residents and one letter making general comments / observations. The planning reasons for objection are summarised as follows:

- The plot is largely overdeveloped already
- The site already has a garage and a gym etc
- A planting scheme along the western boundary should be incorporated
- More trees / hedges will be removed. A landscaping plan should be one of the conditions
- The position of the access would be a hazard to other users of Lye Lane
- Concerns about the method of construction

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 Pre-Submission TBP was submitted for examination in May 2020. Examination in Public (EiP) took place over five weeks during February and March 2021. The examining 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'.

- 6.4** A schedule of Main Modifications to the Pre-submission TBP were approved at the meeting of the Council on 20th October 2021 and is now published for consultation as the Main Modifications Tewkesbury Borough Plan (MMTBP).
- 6.5** Those policies in the MMTBP which were not listed as requiring main modifications may now attract more weight in the consideration of applications, with those policies which are subject to 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 (including as with modifications as published for consultation) 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).
- 6.6** The relevant policies are set out in the appropriate sections of this report.
- 6.7** Other material policy considerations include national planning guidance contained within the National Planning Policy Framework 2021 and its associated Planning Practice Guidance (PPG), the National Design Guide (NDG) and National Model Design Code.

7.0 ANALYSIS

Design and Visual Amenity

- 7.1** JCS Policy SD4 of the Joint Core Strategy sets out requirements for high quality design while Local Plan Policy HOU8 provides that development must respect the character, scale and proportion of the existing dwelling and the surrounding development.
- 7.2** The Parish Council have objected to the revised plans on the grounds of overdevelopment of the site situated within an AONB. The Parish Council's concerns have been noted, however, this is a good sized plot and the proposed outbuilding (as revised) would be about 30 metres away from the main dwelling. There would be a lot of garden area left free from extensions / additions. Local residents have commented that there is already a gym at the site and the future use of the proposed building has been queried. When this replacement dwelling was originally designed the lower ground floor was labelled as a gym but in reality it's used as a second sitting room so there is currently not a gym at the site. The proposed gym and the car port would be used for 'ancillary purposes' only and a suitable condition would be attached to ensure this.
- 7.3** In terms of the need for an additional garage / car port, the applicant points out that the existing garage has proved very difficult to access in larger cars, especially during the winter months as the gradient of the land becomes quite steep between the parking area outside the house and the garage which is currently at the top end of the site. The proposed new outbuilding would be set at a lower level than the main house so it would be much easier to access and park in the proposed car port area especially during the winter months. The proposal also includes a new parking / turning area which would also help to make the site much safer for vehicles to manoeuvre and park. The ground would need to be excavated / levelled to accommodate the new parking / manoeuvring area but this would not have an adverse impact on the landscape / surrounding area given that the site will be well screened particularly once the proposed landscaping has been completed.

- 7.4 The proposed outbuilding as revised would have a flat roof and would only be modest in height (about 2.8 metres to the ridge). It would be set against the northern boundary where new hedging is being proposed. A suitable landscaping condition would be attached to the decision.
- 7.5 Overall, it is considered that the proposal would be of an acceptable size and design in keeping with the character and appearance of the property. Therefore, the proposal would have an acceptable impact on the character of the surrounding AONB and complies with the requirements of Policy HOU8 of the Local Plan and Policies SD4 and SD7 of the JCS.

Effect on the Living Conditions of Neighbouring Dwellings

- 7.6 Policy SD14 of the JCS requires that new development must cause no harm to local amenity including the amenity of neighbouring occupants. Local Plan Policy HOU8 provides that extensions to existing dwellings should not have an unacceptable impact on adjacent property and residential amenity.
- 7.7 The impact of the proposal upon neighbouring properties has carefully been assessed and it is considered that there would not be an undue impact upon their amenity in accordance with Policy HOU8 of the Local Plan and Policy SD14 of the JCS.

Highways

- 7.8 Concerns have been raised by the Parish Council and local residents regarding the new access at this site. There would be a new access created into the site as part of the proposal (as shown on the proposed block plan). Gloucestershire Highways have been consulted. Whilst the Highway Authority has some reservations in respect of the proposed access which provides for substandard visibility splays, Lye Lane has several vehicular accesses that do not conform with the local access visibility standards. There are no recorded personal injury collisions (PIC's) along Lye Lane over the most recent 5 years. The proposed access would be ancillary to Rockaway Ridge, and no additional trips would be generated on the network. The proposal is therefore not perceived likely to arise a severe impact on the operation and safety of the adjacent network. The Highway Authority has undertaken a robust assessment of the planning application. 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. There are no justifiable grounds on which an objection could be maintained. Overall, the Highway Authority therefore submits a response of no objections.

8.0 CONCLUSION AND RECOMMENDATION

- 8.1 It is considered that the proposal would not be unduly harmful to the appearance of the existing dwelling nor the surrounding AONB and it would not result in an unacceptable loss of residential amenity to neighbouring dwellings. The proposal would also be of an acceptable size and design. It would therefore accord with relevant policies as outlined above. Therefore it is recommended the application be **permitted**.

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 documents:

- Revised plans 2021.12.101A and 2021.12.102A dated 30th September 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. The development hereby permitted shall only be used in conjunction with and as ancillary to the residential enjoyment of the adjoining dwelling house known as Rockaway Ridge.

Reason: To define the terms of the permission.

4. No development shall take place until there has been submitted to and approved by the Local Planning Authority in writing, a comprehensive scheme of landscaping, which shall include indications of all existing trees (including spread and species) and hedgerows on the land and details of any to be retained together with measures for their protection during the course of development.

Reason: In the interests of visual amenity.

5. All planting shall be carried out in accordance with the approved details in the first planting season following the completion or first occupation/use of the development, whichever is the sooner. The planting shall be maintained in accordance with the approved schedule of maintenance. Any trees or plants which, within a period of five years from the completion of the planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure adequate provision for trees/hedgerows, in the interests of visual amenity and the character and appearance of the area.

INFORMATIVE:

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 the 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.