

# TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

<b>Committee:</b>	Planning
<b>Date:</b>	15 March 2022
<b>Site Location:</b>	Cherry Trees Station Lane Tewkesbury
<b>Application No:</b>	21/01486/FUL
<b>Ward:</b>	Tewkesbury Town South
<b>Parish:</b>	Tewkesbury
<b>Proposal:</b>	Erection of a front porch and rear conservatory.
<b>Report by:</b>	James Stanley
<b>Appendices:</b>	Location Plan & Block plan Existing Elevations Proposed Elevations Existing & Proposed Ground Floor Plan
<b>Recommendation:</b>	Permit

## 1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1** This application relates to ‘Cherry Trees’ Station Lane. It is a detached, single storey dwelling constructed out of facing brickwork and is sited within a large plot on the outskirts of Tewkesbury. The site is located within Flood Zone 2 and would be within Flood Zone 3 when accounting for Climate Change projections.
- 1.2** This application seeks to demolish the existing front porch and then erect a larger front porch and a rear conservatory.

## 2.0 RELEVANT PLANNING HISTORY

- 2.1** No relevant planning history.

## 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 SD14 (Health and Environment Quality)
- Policy INF2 (Flood Risk Management)

**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)
- Policy ENV2 (Flood Risk and Water Management)

**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** Tewkesbury Town Council – no objection.

**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** 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.
- 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 and MMTBP Policy RES10 provides that development must respect the character, scale and proportion of the existing dwelling and the surrounding development.
- 7.2** The proposal would be of an appropriate 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 area and complies with the requirements of Policy HOU8 of the Local Plan, Policy RES10 of the MMTBP and Policy SD4 of the JCS.

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

- 7.3** 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 and Policy RES10 of the MMTBP provides that extensions to existing dwellings should not have an unacceptable impact on adjacent property and residential amenity.
- 7.4** 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, Policy RES10 of the MMTBP and Policy SD14 of the JCS.

### ***Effect on the Flood Zone***

- 7.5** Policy INF2 of the JCS and Policy ENV2 of the MMTBP requires that the development proposals must avoid areas at risk of flooding and minimise the risk of flooding by providing resilience to flooding, taking into account climate change. Proposals also must not increase the level of risk to the safety of the occupiers, local community or the wider environment.
- 7.6** The impact of the proposal upon the flood zone has carefully been assessed and it is considered that there would not be an undue impact upon the likelihood of flooding in accordance with Policy INF2 of the JCS and Policy ENV2 of the MMTBP.

## **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 area 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:
  - Drawing Numbers 9964/04 (Location Plan & Block Plan), 9964/02 (Existing and Proposed Floor Plans) and 9964/03 (Proposed Elevations) received by the Local Planning Authority on 07.12.2021

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 materials to be used in the construction of the external surfaces of the proposed development shall match those used in the existing dwelling unless otherwise stated on the hereby approved documents.

Reason: To ensure that the proposed development is in keeping with the exiting dwelling.

**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 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.