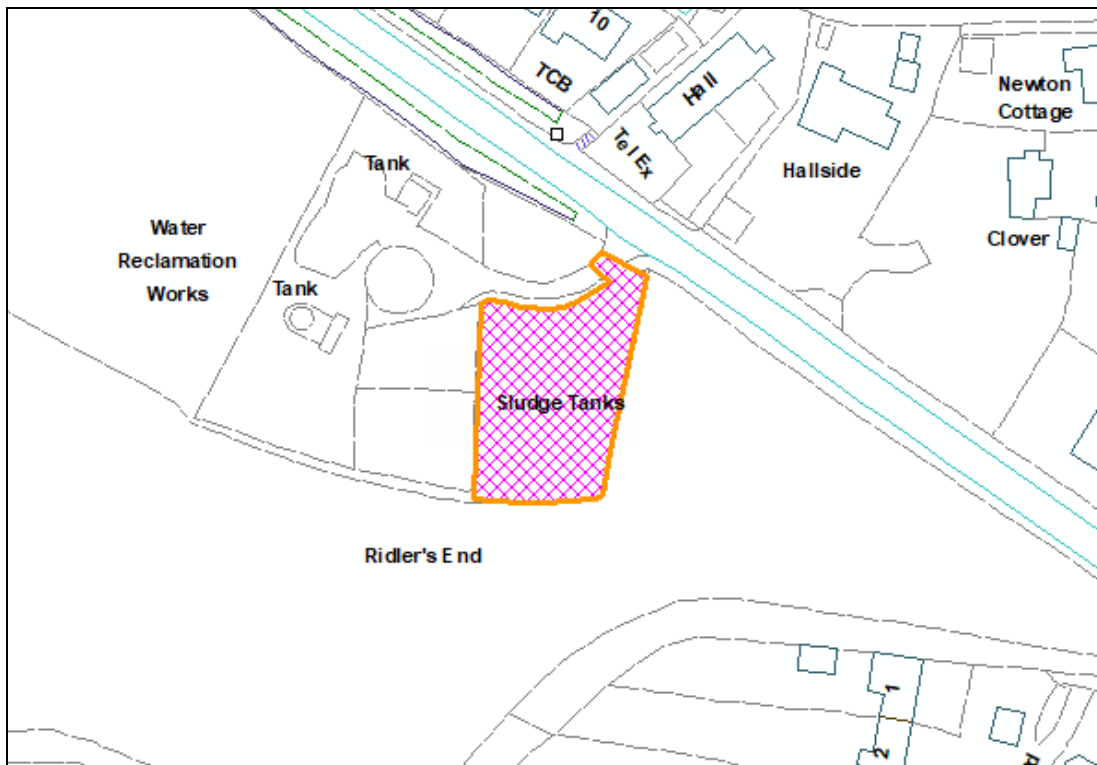


Planning Committee

Date	18 April 2023
Case Officer	Sarah Barnes
Application No.	22/00986/FUL
Site Location	Land Opposite Village Hall, Main Road, Tirley.
Proposal	Erection of a single storey self-build dwelling and associated works.
Ward	Highnam With Haw Bridge
Parish	Tirley
Appendices	Revised site location plan Block Plan Proposed Elevations / Proposed floor plan Access plan
Reason for Referral to Committee	Called in for a Committee determination by Councillor Mclain to fully assess the impact of the proposal on the area, vehicular access, impact on the main road and design.
Recommendation	Refuse

Site Location



1. The Proposal

Full application details are available to view online at:

<http://publicaccess.tewkesbury.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RHSN4RQDLL000>

- 1.1 The current application is for a single storey self build detached dwelling. It would create three bedrooms plus an ensuite, a bathroom, lounge, dining room, kitchen, utility and an integral twin bay garage (**See plans**).
- 1.2 The proposal would also entail the formation/alterations of an access to the B4213 and the laying of a driveway and turning facilities.

2. Site Description

- 2.1 This application relates to 'Land opposite the village hall', a somewhat rectangular shaped parcel of land about 0.09ha in total area which is set to the south of the main B4213 road in Tirley. The site would be accessed from the north via an existing access.
- 2.2 The area itself is an existing paddock bound by mature vegetation/trees along the front (north) and has an existing field access at its northern corner.
- 2.3 The site is located within Flood Zone 1 as defined by the Environment Agency, indicating the lowest probability of risk for surface water flooding.
- 2.4 The site is located outside of any defined settlement boundary and outside of the built-up area of Tirley. The core of the built-up part of the village lies to the northern side of the B4213, whereas this site is located on the south side where development is sparse.
- 2.5 The application site comprises an un-developed parcel of land which contributes to the semi-rural character and setting of Tirley.
- 2.6 The site is not affected by any constraints or landscape designations however it is located adjacent to a sewage works.

3. Relevant Planning History

Application Number	Proposal	Decision	Decision Date
19/01195/FUL	Erection of a single storey front extension, 2no. single storey side extension and raising the existing pitched roof ridge height	PER	06.02.2020
04/01224/OUT	Outline application for the erection of a detached bungalow, double garage and means of access.	REF	08.11.2004
06/00524/OUT	Outline application for the erection of a detached bungalow with attached double garage - Revised Scheme.	REF	28.07.2006

4. Consultation Responses

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

- 4.1 Tirley Parish Council – agreed to support this application as it was felt that it would enhance the village.
- 4.2 Gloucestershire Highways Officer – objects to the proposal
- 4.3 Gloucestershire Highways Officer – initially objected to the proposal, however following the submission of further information, no objections are raised in relation to visibility subject to the appropriate conditions being attached. However, still objects on sustainability grounds.
- 4.4 Drainage Officer – insufficient information has been provided.
- 4.5 Environmental Health Officer – Observations awaited.

5. Third Party Comments/Observations

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 and neighbour notification letters.
- 5.2 One letter of support and one letter of general comment has been received from local residents. The general comments are summarised as follows:
 - Concerns raised about the proposed access.
 - Traffic calming measure would need to be addressed.

6. Relevant Planning Policies and Considerations

6.1 Statutory Duty

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise

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

6.2 National guidance

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

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

- Policy SD3
- Policy SD4
- Policy SD6
- Policy SD9
- Policy SD10
- Policy SD11
- Policy SD14
- Policy INF1
- Policy INF2

6.4 Tewkesbury Borough Local Plan to 2011-2031 (TBLP) – Adopted 8 June 2022

- Policy RES4
- Policy RES5

6.5 Neighbourhood Plan

None

7. Policy Context

7.1 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.

7.2 The Development Plan currently comprises the Joint Core Strategy (JCS) (2017), saved policies of the Tewkesbury Borough Local Plan to 2011-2031 (June 2022) (TBLP), and a number of 'made' Neighbourhood Development Plans.

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

7.4 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.

8. Evaluation

Principle of development

8.1 Policy SP2 of the JCS sets out the strategy for the distribution of new development across the JCS area. Policy SD10 of the JCS specifies that, within the JCS area, new housing will be planned in order to deliver the scale and distribution of housing development set out in Policies SP1 and SP2. It states that, on sites that are not allocated (including the site the subject of this application), housing development and conversions to dwellings will be permitted on previously-developed land in the existing built-up areas of Gloucester City, the Principal Urban Area of Cheltenham and Tewkesbury town, rural service centres and service villages except where otherwise restricted by policies within district plans.

- 8.2** Tirley is not identified as a “Service Village” within table SP2c “Settlement Hierarchy” of the JCS. Criterion (vi) of Policy SP2 confirm that on sites that are not allocated within the plan for development, Policy SD10 will apply to proposals for residential development. 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 where it is infilling within the existing built up areas of Tewkesbury Borough’s towns and villages, except where otherwise restricted by policies within District plans. The JCS defines “infill development” as the development of an under-developed plot well related to existing built development.
- 8.3** Policy RES4 of the Local Plan states that very small-scale residential development within and adjacent to the built-up area of other rural settlements will be acceptable in principle, providing the proposal meets a number of exceptions including that the proposal is of an appropriate scale relative to the size and function of the settlement, it does not have an adverse cumulative impact on the settlement, it complements the form of the settlement, and does not result in coalescence of the settlements.
- 8.4** The application site is not allocated in the local plan and lies outside of the built-up area of Tirley. Criteria 4(ii) of JCS Policy SD10 sets out that housing development on other sites (those not allocated within the plan or comprising previously developed land) will be permitted where 'It is infilling within the existing built-up areas' of, (and amongst other areas), Tewkesbury Borough's villages (except where otherwise restricted by policies within district plans). The supporting commentary states that 'For the purposes of this policy (4 ii), infill development means the development of an under-developed plot well related to existing built development.'
- 8.5** For the purpose of Policy RES4 and the application of Policy SD10 of the JCS, the Council considers the built-up area of the settlement to be its continuous built form as it existed at the start of the plan period and excluding:
- a) individual buildings or groups of dispersed buildings which are clearly detached from the continuous built-up area of the settlement;
 - b) gardens, paddocks and other undeveloped land within the curtilage of buildings on the edge of the settlement where land relates more to the surrounding countryside than to the built-up area of the settlement.
- 8.6** The application site is un-developed and contributes to the semi-rural character and setting of Tirley. The site is located outside of any defined settlement boundary and outside of the built-up area of Tirley which lies to the northern side of the B4213 and to the north of the site.
- 8.7** The core of the built-up part of the village lies to the northern side of the road, with very sparse development on the southern side of the road which is in contrast to the northern side of the road is rural in character.
- 8.8** In view of the separation from any other nearby residential development, it’s considered that the proposal would not constitute ‘infill’ development, the nearest dwelling on this side of the road being some 70 metres to the north-east or any other form of appropriate development within the open countryside and would therefore fail to comply with Policy SD10 of the JCS and Policies RES3 and RES4 of the Tewkesbury Borough Local Plan.

Design and Visual amenity

- 8.9** Paragraph 126 of the NPPF set out that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 8.10** 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.
- 8.11** Criterion 6 of Policy SD10 'Residential Development' 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. Policy RES4 of the TBP sets out that new development should complement the form of the settlement and is well related to existing buildings within the settlement.
- 8.12** While there is a mix of housing sizes and types in the locality there is no one prevailing architectural type. However it is considered that the proposed single storey bungalow would be utilitarian in its design and would lack character and design quality. The appearance and fenestration on the front elevation in-particular, would be poor with an elongated a-symmetrical design, with no real focal point / entrance and, proportions and orientation which would flank onto the street, which would not reflect the grain of the settlement.
- 8.13** The site is currently screened by dense vegetation along the northern boundary which the applicant intends to retain. The proposals would lead to harm to the character of the area through the formation of a new driveway, parking area. Furthermore, in order to achieve required access and visibility splays to the site access, some of the vegetation would need to be reduced in height which would give rise to views of the site and the proposed dwelling and associated domestic paraphernalia.
- 8.14** As set out above, development on the southern side of the B4213 is very sparse so adding a new dwelling to an area that is currently un-developed would impact on and be harmful to the existing character of Tirley. Areas of land such as this contribute to the semi-rural character and setting of Tirley and it is considered important to safeguard such areas. The proposal would therefore conflict with the NPPF which seeks to achieve high quality design and beautiful places, JCS Policies SD4 and SD10 and TBP Policy RES4.

Residential amenity

- 8.15** 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.
- 8.16** The nearest dwelling on this side of the road is about 70 metres away to the southeast. Similarly, there are dwellings on the opposite side of the road but given the distance of about 35 metres there would be no undue harm to the living conditions enjoyed by the occupiers of those nearby residential properties.

8.17 The application site is located adjacent to a sewage works, which given the nature of the operation has potential to impact living conditions of the future occupiers of any dwelling on this site. The advice of the Council's Environmental Health Officer has been sought and **an update will be provided at committee.**

Highway Matters

- 8.18** Policy INF1 'Transport Network' states that developers should provide safe and accessible connections to the transport network to enable travel choice for residents and commuters.
- 8.19** The Local Highways Authority have been consulted and they have advised that the site is in a rural community and there would be limitations to the choice of transport modes available for future occupiers. Besides the bus stops, and the village hall on the immediate opposite side of the road fronting the site, there are no additional services or facilities within reasonable walking distances to the site.
- 8.20** In terms of safe and suitable vehicular access to this site, the B4213 is subject to a design speed of 40mph at the vicinity of the site. This would result in a desirable minimum visibility splay of 101 metres. A desktop assessment confirms this is not achievable to the east from the site access without resorting to land outside the public highway and the applicant's control.
- 8.21** The highway officer considers that the site would be car dominated and would fail to address or be accessible via sustainable transport. These matters cannot be mitigated. Tools such as a travel plan cannot address the harm due to the lack of transport choices available to support it.
- 8.22** In response to the concerns raised from highways, the applicant submitted a transport statement. The report covers the issues of visibility and sustainability. It is inferred from the highways officer comments that an acceptable visibility splay specification for the site is a 101metre y-distance by a 2.4 metre x-distance. The Highways Officer has indicated that the acceptable visibility splay would encroach on the neighbour's property.
- 8.23** The applicant has discussed this issue with the neighbouring landowner, and it has been advised that an easement agreement would be entered into, permitting the applicant to take a view across the neighbour's land in perpetuity of the proposed development. It is proposed that a Grampian-style condition could be used to require the applicant to demonstrate the necessary control over the area hatched green on the submitted access plans prior to commencing the building works. The remaining obstruction to the visibility splay result from vegetation overgrowing the highway verge. This vegetation could be reduced and cut back so as to achieve acceptable visibility from this existing access.
- 8.24** The Highways Officer was reconsulted and has reviewed the submitted transport statement, and whilst he would not object in principle to the suggested Grampian style condition, the Highway Authority however maintain their objection on sustainability grounds given the limited facilities in Tirley and reliance on car borne transport.
- 8.25** It is therefore considered that highways visibility concerns could be adequately addressed by way of a condition. The highway objections with regards to sustainability of the sites location would need to be balanced against TBP policies RES3 and RES4 which support development in other rural settlements subject to specific requirements.

Drainage

- 8.26** 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.
- 8.27** 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.
- 8.28** The Drainage Officer has assessed the proposal and has advised that whilst he does not object to the proposals in principle, the applicant has not submitted enough information for him to fully assess the proposal. Further information has therefore been requested from the applicant.
- 8.29** At the time of writing the information is awaited and **an update will be provided at committee.**

Landscape

- 8.30** The Framework states that planning decisions should contribute to and enhance the natural environment by recognising the intrinsic character and beauty of the countryside. Policy SD6 of the JCS echoes these requirements.
- 8.31** As set out above, the application site is on undeveloped land located outside of the built-up area to Tirley. The application site is in a prominent and conspicuous location on the southern side of the B4213 and it is considered that the site presently contributes to the openness setting and rural character of the locality.
- 8.32** It is considered that the development of this site would result in an unacceptable encroachment into the rural landscape which would harm the character of the area by virtue of the urbanising effects of a new dwelling, enlarged access, driveway and hardstanding and associated domestic paraphernalia.

Five Year Housing Supply

- 8.33** The NPPF states that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 8.34** Under Paragraph 74 of the National Planning Policy Framework (NPPF) Local Planning Authorities are required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies.
- 8.35** The adopted JCS became five years old on 11th December 2022, therefore as required by paragraph 74 of the NPPF the Council's 5-year housing land supply position was reconsidered, based on the standard method of calculation.
- 8.36** As a result of the move to the standard method TBC moved to a single district approach. This has resulted in the addition of the JCS allocations within the boundary of Tewkesbury Borough, where deemed deliverable, which had previously been attributed to meet the housing needs of Gloucester City Council under Policy SP2 of the JCS.

8.37 On 7th March 2023, the Council's Interim Five Year Housing Land Supply Statement was published which sets out the position on the five-year housing land supply for Tewkesbury Borough as of 11th December 2022 (five years since the adoption of the JCS) and covers the five-year period between 1 April 2022 and 31 March 2027. The Interim Statement confirms that, when set against local housing need for Tewkesbury Borough calculated by the standard method, plus a 5% buffer, the Council can demonstrate a five-year housing land supply of 6.68 years. It is therefore advised that, as the Council can demonstrate a five-year supply of deliverable housing sites, the presumption in favour of sustainable development (or "tilted balance") is not engaged in this case

Self Build

8.38 The applicant has stated that this would be a self-build dwelling. NPPF, Paragraph 62 states that 'the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes.'

8.39 Under section 1 of the Self Build and Custom Housebuilding Act 2015, local authorities are required to keep a register of those seeking to acquire serviced plots in the area for their own self-build and custom house building. They are also subject to duties under sections 2 and 2A of the Act to have regard to this and to give enough suitable development permissions to meet the identified demand. Self and custom-build properties could provide market or affordable housing.

8.40 Whilst the proposal is promoted as a self-build dwelling, and is a benefit of the scheme, this would not however outweigh the conflict with the relevant planning policies identified above.

9. Conclusion

9.1 Overall, it is considered that the application site is not an appropriate location for new residential development and would conflict with Policies SP2 and SD10 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (2017) and Policies RES3 and RES4 of the Tewkesbury Borough Plan 2011-2031 (2022).

10. Recommendation

10.1 Given the above, the application is recommended for **refusal**.

11. Recommended Reasons for Refusal

1 The proposed development conflicts with policies SP1, SP2, SD6 and SD10 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 - 2031 (December 2017) and Policies of RES3 and RES4 of the Tewkesbury Borough Plan 2011 - 2031 (June 2022) and the National Planning Policy Framework in that the proposed development does not meet the strategy for the distribution of new development in Tewkesbury Borough. Furthermore, the application site is not an appropriate location for new residential development and the proposal would result in a poor-quality development which would result in a significant intrusion into the rural landscape which would harm the intrinsic character and appearance of the locality.

12. 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.