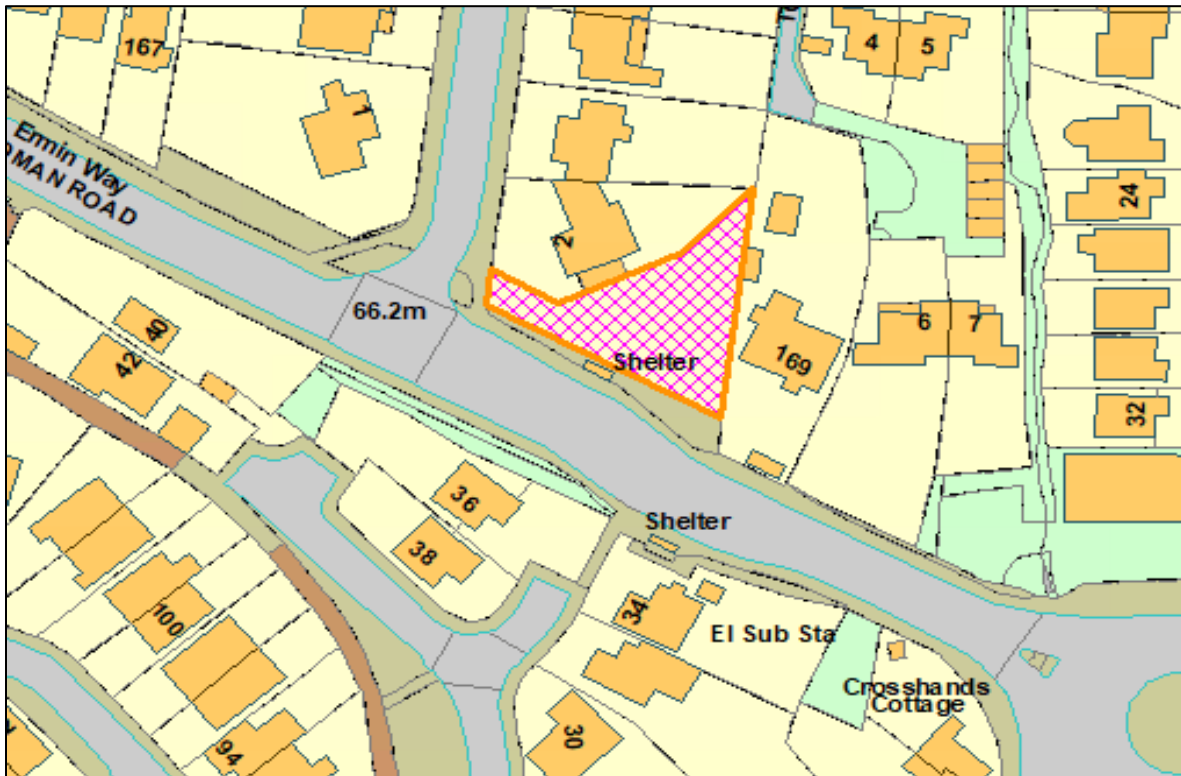


Planning Committee

Date	20 June 2023
Case Officer	Chloe Buckingham
Application No.	22/00916/FUL
Site Location	2 Moorfield Road, Brockworth
Proposal	Erection of dwelling and new access drive
Ward	Brockworth East
Parish	Brockworth
Appendices	Site Location Plan Block Plan Proposed Elevations Proposed Floorplans Swept Path Analysis Visibility Splay Plan
Reason for Referral to Committee	Parish Objection
Recommendation	Permit

Site Location



1. The Proposal

Full application details are available to view online at:
<https://publicaccess.tewkesbury.gov.uk/online-applications>

- 1.1 The proposal is for the erection of a detached two-storey, 4-bedroom dwelling that has a hipped roof and is constructed from white render on a red brick plinth and grey roof tiles. The new access drive shall be shared with the host dwelling and will come along to the front and side of the host property to provide a parking and turning area for the new dwelling.

This application was deferred for a site visit at the May Planning Committee meeting.

2. Site Description

- 2.1 The site currently forms part of the residential curtilage of 2 Moorfield Road, which is a detached property on a corner plot in a built-up residential area of Brockworth. The site is located within the designated development boundary of Brockworth, as defined within the Tewkesbury Borough Local plan.

3. Relevant Planning History

Application Number	Proposal	Decision	Decision Date
78/00292/OUT	Outline application for the erection of a detached dwelling house and car port. Construction of a new vehicular and pedestrian access.	REFUSE	07.11.1978
75/00292/FUL	Extension to existing dwelling house to provide enlarged lounge, kitchen and private car garage. Construction of a hardstanding.	PERMIT	29.01.1975
49/00031/FUL	Residential housing estate.	PERMIT	23.05.1949

4. Consultation Responses

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

- 4.1 **Brockworth Parish Council** – Objection, on the following grounds:

- Unacceptable access into the site
- Cramped form of development – not enough space within the plot to house an additional detached dwelling of this size and scale.
- The reduction in garden amenity space is not acceptable for either property.
- It is councils' policy to discourage garden grabbing and this one is a large development.

- The loss of green space and the environmental impacts of trees, landscape and the character of the area is also a real concern.

4.2

Highways – No objection subject to conditions.

4.3

Drainage Engineer – No objection or concerns.

4.4

Tree Officer – No objection subject to conditions.

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

Neighbour notifications were posted, and a consultation period of 21 days was carried out and 1 general comment was received. The main points being:

- Concern that the new access drive comes out onto Moorfield Road at the junction with Ermin Street. Both roads are very busy, and this could be dangerous.

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

SP2 (Distribution of New Development)
SD3 (Sustainable Design and Construction)
SD4 (Design Requirements)
SD9 (Biodiversity and Geodiversity)
SD10 (Residential Development)
SD11 (Housing mix and Standards)
SD14 (Health and Environmental Quality)
INF1 (Transport Network)
INF2 (Flood Risk Management)
INF3 (Green Infrastructure)

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

RES2 (Settlement Boundaries)
RES5 (New Housing Development)
ENV2 (Flood Risk and Water Management)
NAT1 (Biodiversity, Geodiversity and Important Natural Features)
TRAC9 (Parking Provision)
DES1 (Space Standards)

6.5 Neighbourhood Development 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), 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 and policy RES2 of the TBLP identify Brockworth as an urban fringe settlement. Policy RES2 states that in addition to the settlement hierarchy there are a number of settlements within the Borough that are closely associated with Gloucester or Cheltenham. These settlements do not fit into the Borough's settlement hierarchy as in strategic planning terms they are considered to form part of the urban fringe of Gloucester and Cheltenham. They do however represent sustainable settlements possessing a good range of services and good accessibility to Gloucester and Cheltenham.

8.2 Therefore, as the site is located within the defined settlement boundary of Brockworth, the proposal is acceptable in principle subject to compliance with all other policies.

Design and Visual Amenity

- 8.3** 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.
- 8.4** 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.
- 8.5** Policy RES5 states that in considering proposals for new housing development regard will be had to the following principles. Proposals should (amongst other criteria):
- 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;
 - 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;
 - where an edge of settlement site is proposed, respect the form of the settlement and its landscape setting, not appear as an unacceptable intrusion into the countryside and retain a sense of transition between the settlement and open countryside;
 - not cause the unacceptable reduction of any open space (including residential gardens) which is important to the character and amenity of the area;
 - incorporate into the development any natural or built features on the site that are worthy of retention;
- 8.6** The street is characterised by large, hipped roof, detached properties constructed from white render on a brick plinth and grey roof tiles. There are a mixture of designs and materials in the wider area.
- 8.7** The site is in relation to the side garden for no.2 Moorfield Road which is on a corner plot. The proposal sought permission for a single dwelling which officers deemed to be overly large for the size of plot, there was also concerns regarding the proposed window in the first-floor side elevation overlooking the neighbouring property. Given this, officers sought to negotiate with the applicant, this has resulted in a reduction in the size of the dwelling, and the side window has now been removed. The applicant has also now confirmed that the proposed dwelling will be the same height as the existing adjacent dwellings within the street.
- 8.8** The design of the proposed dwelling mirrors that of the immediate neighbouring property to the west and continuing along Moorefield Road. The height and scale of the new dwelling would follow that of the adjacent properties and the material palette used would complement that of the existing properties in the area.

8.9 Given the above, the scheme is considered to be in-keeping with the local context and subject to a condition regarding materials samples, the proposal is compliant with policies SD4 and SD10 of the JCS as well as policy RES5 of the TBLP.

Residential amenity

8.10 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.

8.11 Policy RES5 states that in considering proposals for new housing development regard will be had to the following principles. Proposals should (amongst other criteria):

- provide an acceptable level of amenity for the future occupiers of the proposed dwelling(s) and cause no unacceptable harm to the amenity of existing dwellings;

8.12 Policy DES1 explains that Tewkesbury Borough Council adopts the Government's nationally described space standards. All new residential development will be expected to meet these standards as a minimum. Any departure from the standards, whether for viability of physical achievability reasons, will need to be fully justified at planning application stage. New residential development will be expected to make adequate provision for private outdoor amenity space appropriate to the size and potential occupancy of the dwellings proposed.

8.13 During the course of the application the window on the first-floor side elevation was removed and this is considered to overcome any issues regarding over-looking and loss of privacy.

8.14 The Parish Council have raised concerns regarding the outdoor amenity space for the host and proposed properties, judging that it is insufficient. The proposal would result in a large portion of the existing garden being used to accommodate the new dwelling. This would naturally decrease the amount of outside space for No. 2 Moorfield Road. However, the existing dwelling is located within a generously sized plot, especially when viewed against comparably sized detached dwellings along Moorfield Road. The size of the proposed dwelling has been reduced through negotiations with officers. Whilst the main amenity space would be located to the front and eastern side of the dwelling, it would still retain a reasonable amount of outside amenity space which mirrors that of neighbouring dwellings. The amenity space left over for the existing dwelling would also provide a similar amount to existing priorities in the road. Given this it is considered that whilst a reduction would occur, it would bring the amenity space of both properties in line with neighbouring dwellings.

8.15 Officers have assessed the internal spaces of the proposed dwelling and can confirm that the rooms sizes would comply with the nationally designated space standards.

8.16 In terms of landscaping, it is judged that there is sufficient boundary treatment in the form of hedging to the east side and front and a 1.8m close boarded fence shall be installed along the west side and to the rear of the dwelling.

8.17 Given the above it is considered that the compliant with policies SD4 and SD14 of the JCS and policy RES5 of the TBLP.

Highways

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 Policy TRAC9 of the TBLP states that proposals for new development that generate a demand for car parking space should be accompanied by appropriate evidence which demonstrates that the level of parking provided will be sufficient. The appropriate level of parking required should be considered on the basis of the following:

- 1) the accessibility of the development;
- 2) the type, mix and use of development;
- 3) the availability of and opportunities for public transport;
- 4) local car ownership levels;
- 5) an overall need to reduce the use of high emission vehicles; and
- 6) a comparison of the forecast trip generation and resultant accumulation with the proposed parking provision.

8.20 The Parish Council and immediate neighbour have raised objections regarding highway safety and the traffic movements in and out of the site. The objections focused on the width of the proposed driveway being too narrow. The applicant has subsequently provided additional tracking information to demonstrate the width of the driveway, and that the vehicles for both properties could manoeuvre and turn within the sites and vacate in a forward-facing gear.

8.21 The Highways Authority has been consulted and following the assessment of the additional information they raise no objections to the proposals, subject to conditions.

Impact upon existing trees

8.22 Policy INF3 of with JCS provides that existing green infrastructure, including trees should be protected. Developments that impact woodlands, hedges and trees should be justified and include acceptable measures to mitigate any loss and should incorporate measures acceptable to the Local Planning Authority to mitigate the loss.

8.23 Policy NAT1 relates to biodiversity, geodiversity and important natural features and provides that development likely to result in the loss, deterioration or harm to features of environmental quality will not be permitted unless the need/benefits for development outweigh the impact.

- 8.24** The application has been submitted with a tree protection statement, which is considered acceptable. A condition shall be attached to ensure the erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved details specified in the Tree Protection Statement submitted 25th January 2023 before any development including demolition, site clearance, materials delivery or erection of site buildings, starts on the site. This condition is considered necessary to ensure adequate protection measures for existing trees/hedgerows to be retained, in the interests of visual amenity and character/appearance of the area.

Drainage

- 8.25** JCS Policy INF2 advises that development proposals must avoid areas at risk of flooding and must not increase the level of risk to the safety of occupiers of a site and that the risk of flooding should be minimised by providing resilience and taking into account climate change. It also requires new development to incorporate Sustainable Urban Drainage Systems (SUDS) where appropriate to manage surface water drainage. This advice is reflected within the council's Flood Risk and Water Management SPD.
- 8.26** The site is in flood zone 1 where there is a lower risk of flooding, and the scheme proposes to deal with surface water runoff and foul water via mains sewers. The applicant has submitted drainage drawings demonstrating how the discharge of water would be dealt with, the Councils Flood Risk Management & Drainage Officer has assessed these details and raises no objections. Therefore, the scheme is considered acceptable and is compliant with policy INF2 of the JCS.

Community Infrastructure Levy (CIL)

- 8.27** The development is CIL liable because it creates new dwelling(s), however, it is noted that the applicant is claiming self-build exemption. The relevant CIL forms have been submitted.

9. Conclusion

- 9.1** For the reasons set out above it is recommended that planning permission is granted.

10. Recommendation

- 10.1** Subject to the conditions as mentioned within the report, the scheme is considered acceptable and should be **permitted**.

11. Conditions

- 1** The works hereby permitted shall be begun before the expiration of three 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 plan references:

- Proposed Block Plan (01-2 Rev D) received 11th May 2023.
- Site Location Plan (01 Rev F 11/05/2023) received 11th May 2023.
- Proposed Floor Plans (02 Rev C 240123) received 25th January 2023.
- Proposed Elevations (03) received 25th January 2023.
- Proposed Drainage Layout (A1/001) received 27th October 2022.
- Drainage Construction Layout (A1/002) received 27th October 2022.
- Block Plan with swept path analysis (01 Rev D 080223) received 11th May 2023.
- Block Plan with visibility splays (01 Rev F) received 11th May 2023.

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 of the roof and wall materials 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 Development hereby approved shall not be occupied or brought into use until the access, parking and turning facilities have been provided as shown on drawing Site Plans 01 Rev F 11/05/2023.

Reason: To ensure conformity with submitted details.

5 The Development hereby approved shall not be occupied/brought into use until pedestrian visibility splays of 2m x 2m measured perpendicularly back from the back of footway shall be provided on both sides of the access with hedge south of access reduced to 0.6m high. These splays shall thereafter be permanently kept free of all obstructions to visibility over 0.6m in height above the adjoining ground 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.

6 Prior to first use/occupation of the development hereby permitted, the bicycle and bin storage as shown in the Proposed Block Plan (01-2 Rev D) received 11th May 2023 shall be installed.

Reason: To promote sustainable travel and healthy communities.

The erection of fencing for the protection of any retained tree shall be undertaken in

- 7 accordance with the approved details specified in the Tree Protection Statement submitted 25th January 2023 before any development including demolition, site clearance, materials delivery or erection of site buildings, starts on the site. The approved tree protection measures shall remain in place until the completion of development or unless otherwise agreed in writing with the local planning authority. Excavations of any kind, alterations in soil levels, storage of any materials, soil, equipment, fuel, machinery or plant, site compounds, latrines, vehicle parking and delivery areas, fires and any other activities liable to be harmful to trees and hedgerows are prohibited within any area fenced, unless agreed in writing with the local planning authority.

Reason: To ensure adequate protection measures for existing trees/hedgerows to be retained, in the interests of visual amenity and the character and appearance of the area.

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 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 The application will require Building Regulations approval. Please contact Cheltenham and Tewkesbury Building Control on 01242 264321 for further information.
- 3 The Local Highway Authority has no objection to the above subject to the applicant obtaining a section 184 licence. The construction of a new access will require the extension of a verge and/or footway crossing from the carriageway under the Highways Act 1980 - Section 184 and the Applicant is required to obtain the permission of Gloucestershire Highways on 08000 514 514 or highways@gloucestershire.gov.uk before commencing any works on the highway. Full Details can be found at www.gloucestershire.gov.uk .
- 4 Construction Management Statement (CMS)

It is expected that contractors are registered with the Considerate Constructors scheme and comply with the code of conduct in full, but particularly reference is made to "respecting the community" this says:

Constructors should give utmost consideration to their impact on neighbours and the public

- Informing, respecting and showing courtesy to those affected by the work;
- Minimising the impact of deliveries, parking and work on the public highway;
- Contributing to and supporting the local community and economy; and
- Working to create a positive and enduring impression, and promoting the Code.

Contractors should also confirm how they will manage any local concerns and complaints and provide an agreed Service Level Agreement for responding to said issues.

Contractors should ensure information shared with the local community relating to the timing of operations and contact details for the site coordinator in the event of any difficulties. This does not offer any relief to obligations under existing Legislation.

- 5** No removal of trees/scrub/hedgerows shall be carried out on site between 1st March and 31st August inclusive in any year.