

Item No 07:-

16/02944/FUL (CT.4316/F)

**54 West Street
Tetbury
Gloucestershire
GL8 8DR**

Item No 07:-**Erection of a detached dwelling house at 54 West Street Tetbury Gloucestershire GL8 8DR**

Full Application 16/02944/FUL (CT.4316/F)	
Applicant:	Mrs E J Stone
Agent:	Bradbeer Planning Limited
Case Officer:	Claire Baker
Ward Member(s):	Councillor Tina Stevenson
Committee Date:	9th November 2016
RECOMMENDATION:	PERMIT

Main Issues:

- (a) The principle of the development
- (b) Impact on the character and appearance of the conservation area and area of outstanding natural beauty.
- (c) Highway matters

Reasons for Referral:

The application has been referred to the Planning and Licensing Committee by Councillor Stevenson who has concerns about the impact on the character and appearance of the conservation area and on highway safety.

1. Site Description:

The applications site is within the development boundary for Tetbury. It is also within the Tetbury Conservation Area and the Cotswolds Area of Outstanding Natural Beauty.

2. Relevant Planning History:

CT. 4316/D Construction of a 3-storey dwelling onland adjoining existing house (currently occupied by garages). Permitted 17 September 1999.

3. Planning Policies:

NPPF National Planning Policy Framework
 LPR09 Biodiversity, Geology and Geomorphology
 LPR15 Conservation Areas
 LPR18 Develop within Development Boundaries
 LPR42 Cotswold Design Code
 LPR46 Privacy & Gardens in Residential Deve

4. Observations of Consultees:

Conservation Officer: Comments incorporated into the Officer report.

Biodiversity Officer: No objection subject to condition

County Highway Officer: No objection subject to condition

County Archaeologist: No objection

5. View of Town/Parish Council:

Objects for the following reasons: loss of views of Cutwell valley; loss of an historic wall, small amenity space for new dwelling and no onsite parking

6. Other Representations:

11 representations objecting for the following reasons:

- (i) the proposed dwelling is not suitable for the conservation area;
- (ii) it would fill the only gap in the street that allows residents and visitors to view the Cutwell valley;
- (ii) it would block light to West Street and remove a sense of space;
- (iv) access and parking is difficult and this would exacerbate this;
- (v) the detriment to the conservation area is not outweighed by any public benefit;
- (vi) an additional dwelling and associated vehicles would have an adverse impact on highway safety;
- (vii) it contravenes Local Plan Policies 15 and 18;
- (Viii) the rear of the building would be clearly prominent across the Cutwell Valley;
- (vix) it is contrary to the design code;
- (x) it represents overdevelopment of the street;
- (xi) the construction of the development would result in additional cars making parking in the street difficult;
- (xii) it would affect the setting of a nearby listed stone wall;
- (xiii) the proposed development has a disproportionately tiny garden;
- (xiv) the stone wall to be demolished is an important feature in the street;
- (xv) the garden of the application site is important to its setting;
- (xvi) there would be a potential loss of daylight to 89 West Street;
- (xvii) gaps between houses are part of the character of the road;
- (xviii) the Tetbury Neighbourhood Plan refers to the importance of retaining important views.

Tetbury Civic Society: Objects: the infill development would detract from the quality of the conservation area and the street scene. Although there are similar developments, this is the last site where the public can gain glimpses of the valley beyond; the development would result in more parking in a very narrow strip of road.

1 representation is support of the application but raises concerns about highway disruption during the construction period.

7. Applicant's Supporting Information:

Design and access and Planning Statement
Ecology report

8. Officer's Assessment:

The Proposal

The proposal is for a detached two bedroomed dwelling. The proposed dwelling would be single storey on the West Street elevation and two storeys at the rear where there is a drop in the ground level. The walls would be natural Cotswold Stone with natural Cotswold stone tiles on the roof of the element facing West Street and blue slate tiles to rear two storey element at the rear.

(a) The Principle of Development

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise. The development plan is therefore the starting point. In this case the development plan is the adopted Cotswold District Local Plan 2001 - 2011 and is referred to herein as the 'Local Plan'.

The application site is located within the development boundary for Tetbury where Local Plan Policy 18 (Development within Development Boundaries) applies. Local Plan Policy 18 states that within the development boundaries applications for development will be permitted provided that it meets the criteria set out. In accordance with Local Plan Policy 18 there is no objection in principle to the erection of a dwelling and garage.

The NPPF is a material consideration in the determination of planning applications. The NPPF requires local planning authorities to 'boost significantly the supply of housing' (NPPF, paragraph 47) and requires planning decisions for housing to be considered in the context of the 'presumption in favour of sustainable development' (NPPF, paragraph 14 and 49).

Paragraph 14 of the NPPF states that in decision taking the presumption in favour of sustainable development means:

approving development proposals that accord with the development plan without delay; and

where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework, taken as a whole, or
- specific policies in this Framework indicate development should be restricted. (Guidance in this respect is provided by footnote 9.)

With regard to footnote 9 (page 4 of the NPPF), the site is within the Tetbury Conservation Area and the Cotswolds Area of Natural Beauty. There are therefore specific policies in the NPPF that indicate that development should be restricted. A recent High Court Decision in March this year between Forest of Dean District Council, the Secretary of State for Communities and Local Government and Gladman Development Ltd confirmed that the first consideration should be given to the impact on heritage assets and the Area of Outstanding Natural Beauty and if it is considered that there is harm, planning permission should be refused unless public benefits outweigh that harm.

The proposals are considered to accord with the provisions of Local Plan Policy 18 and as will be shown in following sections the provisions of the National Planning Policy Framework (NPPF).

(b) Impact on the character and appearance of the conservation area and area of outstanding natural beauty

The proposed development site is between two historic but unlisted buildings within the Tetbury Conservation Area. As such the Local Planning Authority is statutorily obliged to pay special attention to the desirability of preserving or enhancing the character or appearance of the locality in accordance with Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990. There are no listed buildings within close proximity.

Section 12 of the National Planning Policy Framework asks that Local Planning Authorities should take account of the desirability of sustaining or enhancing the significance of heritage assets. Paragraph 132 states that when considering the impact of the proposed works on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It also

states that significance can be harmed through alteration or development within the setting. Paragraph 134 states that where proposals will cause harm to the significance of a designated heritage asset that is less than substantial harm, that harm is weighed against the public benefits of those works.

Policy 15 of the Cotswold District Local Plan states that development must preserve or enhance the character or appearance of the Conservation Area as a whole, or any part of that area. It states that development will be permitted unless: new or altered buildings are out-of-keeping with the special character or appearance of the area in general or in a particular location in siting, scale, form, proportions, design or materials.

Policy 42 of the Local Plan requires that development should be environmentally sustainable and designed in a manner that respects the character, appearance and local distinctiveness of the Cotswold District with regard to style, setting, harmony, street scene, proportion, simplicity, materials and craftsmanship.

The character of the street scene in this part of the conservation area is a narrow urban street characterised by a mixture of traditional stone houses forming a terrace on the north side of the street. On the south side the houses are generally traditional stone construction closely located and often turn their back on the street scene leaving relatively blank elevations. The land falls away to the south forming the Cutwell valley. The proposed development site represents a gap between two houses fronted by a tall dry stone wall. Due to the existence of the wall there are generally no available views across the valley other than from the upper floors of the house on the north side of the street. In the opinion of Officers, the gap between the buildings does not frame a special or significant view, vista or focal point in regards to the historic environment. The valley contains pockets of tree cover on the north side within domestic gardens leading down to the valley base which forms open fields. The valley then rises with aesthetically unremarkable post war housing development on the far side of the valley. It is not considered that the current gap between two storey houses represents a special feature of the character of the conservation area. The partial infill of the gap, with narrow gaps remaining either side, would accord with the prevailing character of the conservation area and would not be detrimental to the preservation of its character or appearance. As such it is considered that the principle of development on this site would be acceptable.

Following the submission of amended plans, submitted at the request of Officers, the design and materials proposed for the new dwelling are considered to be sensitive to its surroundings. The building as viewed from West Street would represent a traditional single storey structure. The scale and orientation of this element of the building is in character with the street scene. The simple plain door and modest window also accord with the surrounding vernacular. The rear of the building reflects the existing pattern of rear gabled wings on the adjacent buildings. The rear projection of the first floor has been reduced in depth which has reduced the overall mass and imposition of the building of the building in this narrow plot in harmony with adjacent buildings. At the request of Officer's the rear garden area has also been increased in size.

In summary, it is considered the works proposed would preserve the character and appearance of the conservation area in accordance with Sections 7 and 12 of the NPPF and Cotswold District Local Plan Policies 15 and 42.

The site is also located within the Cotswolds Area of Outstanding Natural Beauty (AONB). Section 85 of the Countryside and Rights of Way (CROW) Act 2000 states that relevant authorities have a statutory duty to conserve and enhance the natural beauty of the AONB. Section 11 of the National Planning Policy Framework encourages the conservation and enhancement of the natural environment. Paragraph 109 states that the planning system should protect and enhance valued landscapes. Paragraph 115 states that great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty. Officers are of the view that the proposals would not have an adverse impact on the character and appearance of this part of the AONB and would be compliant with Section 11 of the NPPF.

(c) Highway Matters

On the advice of Officers the applicant sought pre-application advice from County Highways to ascertain whether any objections on highway grounds would be likely to be raised. The proposal considered by the County Highway Officer was for a two bedroomed property similar to the 2 bedroomed property that is the subject of this application. As you will see from the advice of the Highway Officer, attached to this report, no highway objections are raised subject to the provision of cycle storage facilities within the site. The proposal incorporates a cycle store within the dwelling.

A Ministerial Statement of March 2015 supplements paragraph 29 of the NPPF in respect of setting local parking standards. Taken together national policy now says:

If setting local parking standards for residential and non-residential development, local planning authorities should take into account:

the accessibility of the development,
 the type, mix and use of development;
 the availability of and opportunities for public transport
 local car ownership levels; and
 an overall need to reduce the use of high-emission vehicles

The evidence base supporting the emerging local plan suggests that for a two bedroomed dwelling, located within a town centre, the on-site parking provision should be 1.1 parking spaces.

However, Officers have assessed the need for on-site parking associated with this development in accordance with the criteria in the ministerial statement. It is acknowledged that West Street is a narrow road which is subject to a great deal of on-street parking as few dwellings have on-site parking provision. However, this is a 2 bedroomed dwelling located in a town centre where it is possible to access facilities on foot or by bicycle and where there are good transport links. There is also a public car park located in West Street. It should also be noted that Section 4, paragraph 32 of the NPPF states:

'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.'

Officers consider therefore that, on balance, a single dwelling in this town centre location, close to a public car park, would not give rise significant impacts on highway safety

9. Conclusion:

Officers are of the view that, following the receipt of amended plans, the proposed dwelling would be of an acceptable scale and design and use of materials that would not detract from the character or appearance of the Tetbury Conservation Area nor the Cotswolds Area of Outstanding Natural Beauty. In addition the Highway Officer raises no objection to the proposal on Highway safety grounds. The proposal is therefore considered to comply with Sections 4, 7, 11 and 12 of the NPPF and Cotswold District Local Plan Policies 9, 15, 18 and 42.

10. Proposed conditions:

The development shall be started by 3 years from the date of this decision notice.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

The development hereby approved shall be implemented in accordance with the following drawing number(s): 2511 03 Rev C and O4 Rev A.

Reason: For purposes of clarity and for the avoidance of doubt, in accordance with paragraphs 203 and 206 of the National Planning Policy Framework.

Prior to the construction of any external wall of the development hereby approved, samples of the proposed walling and roofing materials shall be approved in writing by the Local Planning Authority and only the approved materials shall be used.

Reason: To ensure that, in accordance with Cotswold District Local Plan Policies 15 and 42, the development will be constructed of materials of a type, colour, texture and quality that will be appropriate to the site and its surroundings.

Prior to the construction of any external wall of the development hereby approved, a sample panel of walling of at least one metre square in size showing the proposed stone colour, coursing, bonding, treatment of corners, method of pointing and mix and colour of mortar shall be erected on the site and subsequently approved in writing by the Local Planning Authority and the walls shall be constructed only in the same way as the approved panel. The panel shall be retained on site until the completion of the development.

Reason: To ensure that in accordance with Cotswold District Local Plan Policies 15 and 42, the development will be constructed of materials of a type, colour, texture and quality and in a manner appropriate to the site and its surroundings. Retention of the sample panel on site during the work will help to ensure consistency.

All windows and doors shall be of timber construction and shall be permanently retained as such thereafter.

Reason: To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policies 15 and 42.

All door and window frames shall be recessed a minimum of 75mm into the external walls of the building.

Reason: To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policies 15 and 42.

No bargeboards or eaves fascias shall be used in the proposed development.

Reason: To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policies 15 and 42.

New rainwater goods shall be of cast iron construction or a substitute which has been approved in writing by the Local Planning Authority.

Reason: To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policies 15 and 42.

The bin lift, windows, doors and rooflights shall not be installed/inserted/constructed in the development hereby approved, until their design and details have been submitted to and approved in writing by the Local Planning Authority.

The design and details shall be accompanied by drawings to a minimum scale of 1:5 with full size moulding cross section profiles, elevations and sections. The development shall only be carried out in accordance with the approved details and retained as such at all times.

Reason: To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policies 15 and 42.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any other statutory instrument amending or replacing it, no extensions, sheds, or outbuildings shall be erected, constructed or sited in the application site other than those permitted by this Decision Notice.

Reason: It is in the interests of visual amenity in accordance with Cotswold District Local Plan Policies 15 and 42.

The development hereby approved shall be carried out in accordance with the recommendations made in Section 6.3 of the bat surveys report dated June 206 prepared by Just Ecology Ltd.

Reason: To ensure that the bats and nesting birds are protected in accordance with the Wildlife and Countryside Act 1981 as amended and The Conservation of Habitats & Species Regulation 2010, Circular 06/2005, the National Planning Policy Framework, Section 11 and Policy 9 of the Cotswold District Local Plan 2011 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

Prior to the first use/occupation of the development hereby approved, secure cycle parking shall be provided within the application site fully in accordance with details agreed in writing by the Local Planning Authority and the secure cycle parking shall be permanently retained in accordance with the agreed details thereafter.

Reason: To ensure adequate cycle facilities are provided to meet the requirement for sustainable development, in accordance with Cotswold District Local Plan Policy 39 and PPS1 and the National Planning Policy Framework.

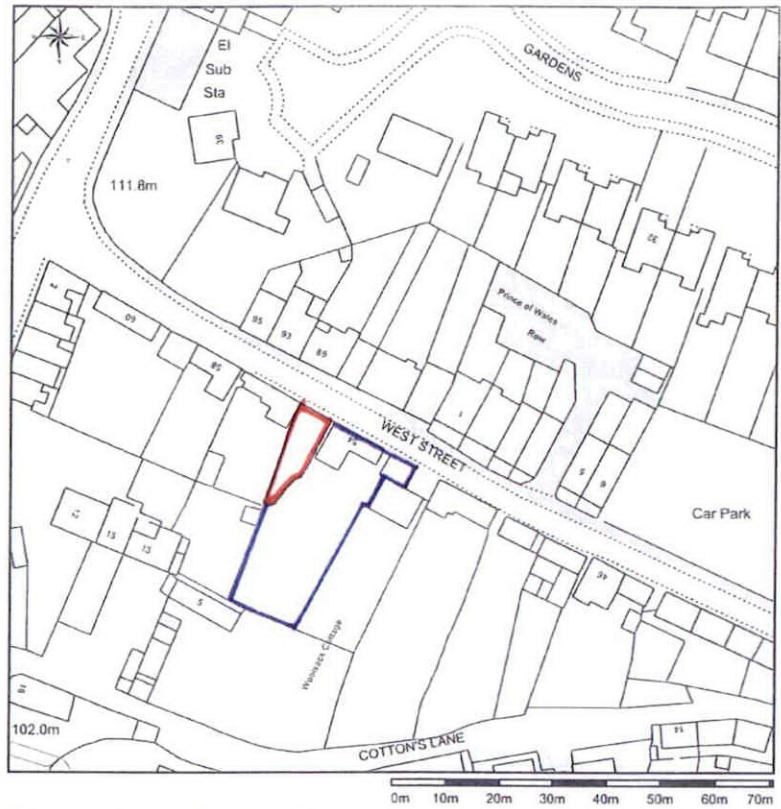
SITE : 54 West Street
 Tetbury
 GL8 8DR

PROPOSAL: Erection of dwellinghouse

SCALE 1:1250

DRG NO. 880/16/1

DATE July2016

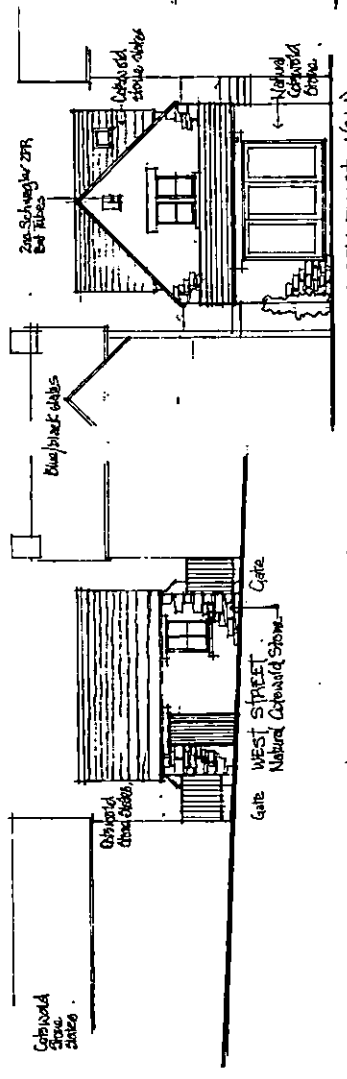


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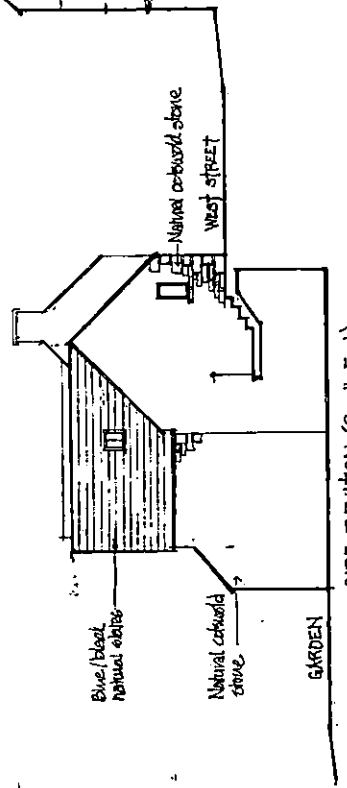
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54 West Street
 Tetbury
 GL8 8DR

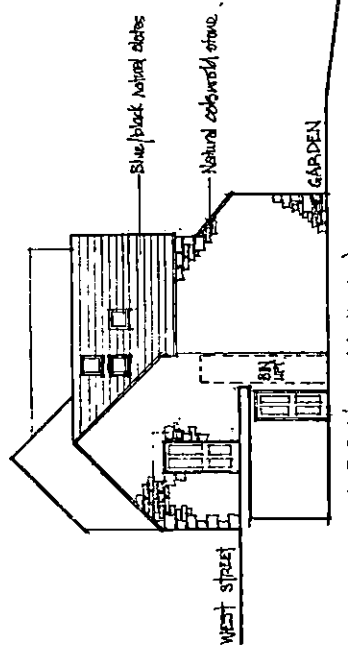
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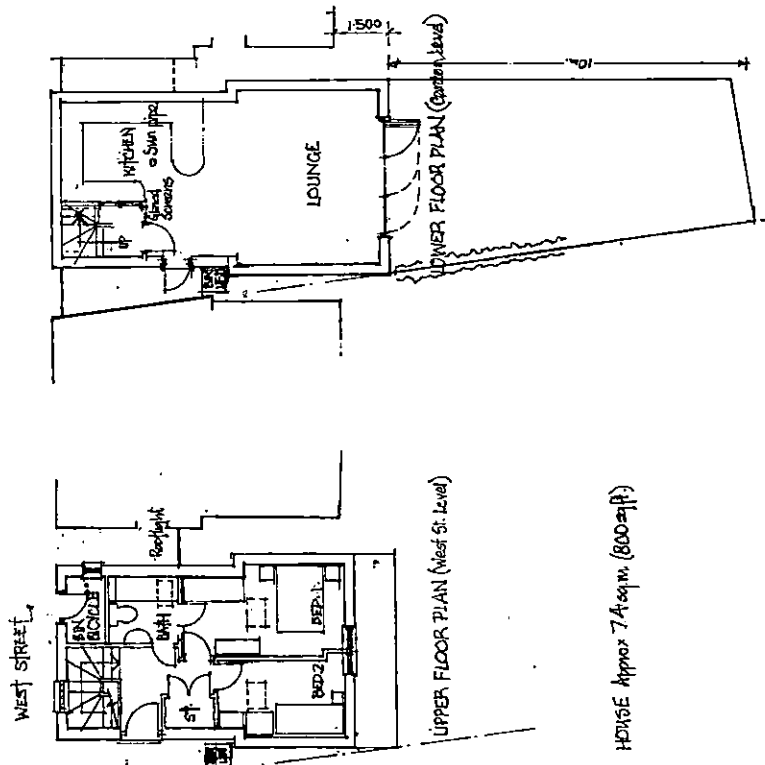
FRONT ELEVATION (North-East)



SIDE ELEVATION (South East)



SIDE ELEVATION (North West)



UPPER FLOOR PLAN (West St. Level)

LOWER FLOOR PLAN (Garden Level)

BARRIE PIERCE BUILDING DESIGN
 THE RETREAT, 85 WESTWARD ROAD, STROUD, GLOUCESTERSHIRE GL5 4JA
 TELEPHONE 01453 750977 MOBILE 07930 028980 Email barrie@barrie.co.uk

PROPOSED COTTAGE,

WEST STREET, TETBURY, GLOUCESTERSHIRE

PROPOSED PLANS AND ELEVATIONS

Project	Drawing	Amendment	Scale	Date
2511	03	A, B, C, D	1:100	March 2016

Notes

Dimensions from this drawing. Use figured dimensions only. All dimensions to be checked on site. If in doubt contact BPD
 All components to be fixed in accordance with the manufacturer's recommendations and/or instructions. COPYRIGHT RESERVED
 Amendment A: Bay window repositioned East window/WC. as mandated May 2016
 B: Windows noted. Bay window amended. Bay window added. Bay window added. June 2016
 C: First floor amended. Windows noted. Windows to be added. Windows to be added. Sept 2016

HOUSE Approx 7 Areas (800sqft)

164

Highways Development Management

Shire Hall
Gloucester
GL1 2TH

Cotswold District Council
Trinity Road
Cirencester
Gloucestershire
GL7 1PX

email: -

Please ask for: Lucas Arinze

Our Ref: C/2016/035471

Your Ref:
C/2016/035471/PRE

Date: 11 February 2016

Dear Robin Bradbeer,

TOWN AND COUNTRY PLANNING ACT 1990 HIGHWAY RECOMMENDATION

LOCATION: 54 West Street Tetbury Glos GL8 8DR

PROPOSED: Erection of a Two Storey Dwelling following Pre-app advice from Cotswold DC (Ref 15/04414/PAYPRE)

I refer to the above pre-application received on 14th January 2016, submitted with enquiry, Cotswold District Councils response, site photos and drawing ref: 880/15/11.

Proposal

The proposed pre-application at 54 West Street, Tetbury is for the potential erection of an infill detached dwelling which would appear as single storey from the street and two stories from the rear. This is situated within the curtilage of 54 West Street, Tetbury.

This pre-application follows the submission of a recent pre-application to Cotswold District Council. The response informed the applicant that they should seek the views of the County Highways prior to any submission.

Pedestrian access should also be maintained with current access connections to existing footways onto West Street by extending footways from dwelling frontage.

Although West Street is a class 4 highway subject to a 20mph speed limit, speeds are low; there is high demand for on-street parking due to the lack of available off-street parking provision due to the nature of the existing dwellings and highway layout. The proposed development would be situated in an

accessible location and is unlikely to generate a significant parking demand; however, any parking demand generated would need to be justified at full application stage so as to demonstrate that any associated vehicles can be adequately accommodated by the existing unrestricted parking provision in the surrounding streets.

Due to limited size of the site it is not feasible to provide any off street parking, therefore sufficient cycle parking should be provided in accordance with paragraph 35 of the NPPF. Adequate cycle parking should be included in any plans submitted to allow sustainable methods of transport to the nearby towns and villages. The erection of secured and covered cycle storage facilities for a minimum of 2 bicycles should be provided within the curtilage of the site and such provision permanently retained at all times thereafter. This falls in line with the Governments declared aims towards sustainable modes of travel.

The dwelling is unlikely to create a significant amount of vehicular trips; as such it would result in no detrimental residual cumulative impact upon the highway network.

Summary

The above pre-application is not considered to have any detrimental impacts on the highway. As a result I would advise that, in principle, the development is considered acceptable. This would be subject to the above details being achieved and provided.

Having reviewed the submitted information, I would be minded to raise no highway objection at full application stage.

NOTES:

NOTE 1:- This advice is issued without prejudice to any recommendations given to the planning authority at the planning application stage.

NOTE 2:- The above will all need to be assessed on their merits at full application stage. This advice is based on the information submitted to me, if there are any material changes/new information provided at full application stage this advice may change.

NOTE 3:- The advice given to this pre-application submission is given at Officer level only and does not necessarily represent the position of the County Council.

Statement of Due Regard

Consideration has been given as to whether any inequality and community impact will be created by the transport and highway impacts of the proposed development. It is considered that no inequality is caused to those people who had previously utilised those sections of the existing transport network that are likely to be impacted on by the proposed development.

It is considered that the following protected groups will not be affected by the transport impacts of the proposed development: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race,

religion or belief, sex, sexual orientation, other groups (such as long term unemployed), social-economically deprived groups, community cohesion, and human rights.

Yours sincerely,

Lucas Arinze

Technician