

**Item No 01-**

**18/03670/FUL**

**4 Chavenage Lane  
Tetbury  
Gloucestershire  
GL8 8JW**

## Item No 01:-

**Erection of a detached dwelling, formation of access and associated works at 4 Chavenage Lane Tetbury Gloucestershire GL8 8JW**

<b>Full Application 18/03670/FUL</b>	
Applicant:	Mr G Cazenove
Agent:	RCC Town Planning Consultancy
Case Officer:	Andrew Moody
Ward Member(s):	Councillor Tina Stevenson
Committee Date:	13th February 2019
<b>RECOMMENDATION:</b>	<b>PERMIT</b>

**Main Issues:**

- (a) Principle of Residential Development
- (b) Design of the Dwelling/ Impact on the Setting of Listed Building
- (c) Impact on the Character and Appearance of the Cotswolds Area of Outstanding Natural Beauty
- (d) Highway Safety
- (e) Impact on Neighbours

**Reasons for Referral:**

The application has been referred to Committee at the request of the Ward Member, Cllr Tina Stevenson, for the following reasons: -

"I am though concerned with this development not only due to over development but also due to pedestrian, general public and vehicle safety. There are rising issues with the parking of vehicles, the passing of vehicles and the vehicular access to the potential new build.

Just over the road on the Williams Textiles site 2 more houses will shortly be under construction whereby increasing traffic once completed and the final of the 3 cottages here is soon to be completed again increasing/adding to residential traffic.

The joining of Chavenage Lane with Hampton Street at the point of the potential new development is at its narrowest here and I'm just not sure that another garden grabbing development is appropriate or safe at this location."

**1. Site Description:**

The application site forms part of the garden to 4 Chavenage Lane, Tetbury, and is located on the south-western side of the lane a short distance from the junction with Hampton Street.

The site is within the Tetbury Conservation Area, as well as the Cotswolds Area of Outstanding Natural Beauty (AONB).

**2. Relevant Planning History:**

None

### 3. Planning Policies:

EN11 HE: DHA - Conservation Areas  
 NPPF National Planning Policy Framework  
 DS2 Dev within Development Boundaries  
 EN1 Built, Natural & Historic Environment  
 EN2 Design of Built & Natural Environment  
 EN4 The Wider Natural & Historic Landscape  
 EN5 Cotswold AONB  
 EN10 HE: Designated Heritage Assets  
 INF4 Highway Safety  
 INF5 Parking Provision

### 4. Observations of Consultees:

Conservation Officer: No objection, recommend conditions

Highway Authority: No objection, recommend conditions

### 5. View of Parish Council:

Tetbury Town Council has safety concerns regarding vehicular access on and off the site as there seems to be an insufficient area to exit the site in forward gear.

### 6. Other Representations:

5 letters of objection have been received from local residents raising concerns with the following issues:

- site is narrow
- new entrance would be dangerous
- pavement is heavily used and the new entrance would cause a danger to pedestrians and those using Motability scooters
- double yellow lines should be provided to stop parking on the road

### 7. Applicant's Supporting Information:

Planning Statement  
 Plans and drawings

### 8. Officer's Assessment:

#### (a) Principle of Residential Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that 'If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.' The starting point for the determination of an application would therefore be the current development plan for the District which is the Cotswold District Local Plan 2011-2031.

Local Plan Policy DS2 (Development Within Development Boundaries), states that "Within the Development Boundaries indicated on the Policies Maps, applications for development will be permissible in principle." The application site is within the boundary defined for Tetbury in the Local Plan, which runs along the rear boundary of the property. In principle, therefore, the erection of a dwelling upon the application site would be in accordance with the policies within the Local Plan.

**(b) Design of the Dwelling/ Impact on the Setting of Listed Building**

The site is located in the Tetbury Conservation Area wherein 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. This duty is required in relation to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Section 16 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 193 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 notes that significance can be harmed through alteration or development within the setting. Paragraph 194 states that any harm to or loss of the significance of a heritage asset should require clear and convincing justification. Paragraph 195 states that where a proposed development will lead to substantial harm applications should be refused unless it is demonstrated that that harm is necessary to achieve substantial public benefits, whilst Paragraph 196 states that where a development proposal 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.

Paragraph 130 within Section 12 of the National Planning Policy Framework states permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

Policies EN2 (Design of The Built and Natural Environment) and EN11 (Designated Heritage Assets - Conservation Areas) of the recently adopted Local Plan are also relevant.

The submitted application proposes the erection of a detached dwelling within the curtilage of 4 Chavenage Lane, Tetbury. The site is located in the Tetbury Conservation Area between the Recreation Ground to the west and Chavenage Lane to the east. Due to the Conservation Area designation 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.

With regards to design any new development should comply with Policy EN2 (Design of The Built and Natural Environment) which states "Development will be permitted which accords with the Cotswold Design Code (Appendix D). Proposals should be of design quality that respects the character and distinctive appearance of the locality" and within the NPPF that any new development "...makes a positive contribution to the local character and distinctiveness..."

The character of the area is predominantly of stone construction with Cotswold Stone roof tiles and a limited contribution of rough cast render. The properties are residential and a mix of historic and new development modest in scale of 2-storey appearance and some modern bungalows. The character of the plot sizes is mixed and dwellings are enclosed with stone walling.

The principle of the scheme is considered acceptable, the garden area for the existing and new properties is adequate and the new location of the development will not be out of character with Chavenage Lane being located fronting the road thus continuing the singular linear form of development which presently exists. The scheme proposes to retain the stone boundary wall and create an opening for car parking which will maintain the character of the conservation area.

With regards to the design form the scheme is modest and uncomplicated; the proposed materials include stone and lime mortar, cast iron rainwater goods and timber windows and doors which respond to the character and appearance of Chavenage Lane and the designated Tetbury Conservation Area. The scheme has been amended from that originally submitted to include the chimney stack as being integral and to have a flush gable wall elevation, as well as the use of a natural stone tile to conform to the Council's adopted Cotswold Design Code.

### **(c) Impact on the Character and Appearance of the Cotswolds Area of Outstanding Natural Beauty**

The site is 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.

Paragraph 170 of the National Planning Policy Framework requires the planning system to recognise the intrinsic character and beauty of the countryside.

Paragraph 172 of the National Planning Policy Framework states that great weight should be given to conserving landscape and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty.

Policy EN2 of the Local Plan states that development will be permitted which accords with the Design Code (Appendix D). Proposals should be of design quality that respects the character and distinctive appearance of the locality.

Policy EN4 of the Local Plan states that development will be permitted where it does not have a significant detrimental impact on the natural and historic landscape (including the tranquillity of the countryside) of Cotswold District or neighbouring areas. This policy requires that proposals will take account of landscape and historic landscape character, visual quality and local distinctiveness. They will be expected to enhance, restore and better manage the natural and historic landscape, and any significant landscape features and elements, including key views, settlement patterns and heritage assets.

Policy EN5 of the Local Plan states that in determining development proposals within the AONB or its setting, the conservation and enhancement of the natural beauty of the landscape, its character and special qualities will be given great weight.

The site forms part of the existing residential curtilage to 4 Chavenage Lane, with residential development on both sides of the highway, albeit that the site is located on the edge of the development boundary. The character of the area, when viewed from Chavenage Lane and the nearby Hampton Street, has the appearance of being part of a built up area within the town, and as such it is considered that the erection of a dwelling upon the site would not impact upon the landscape and scenic beauty within this part of the AONB, pursuant to the guidance contained within NPPF paragraphs 170 and 172, and Policies EN2, EN4 and EN5 of the Local Plan.

### **(d) Highway Safety**

A number of objections have raised the matter of the new entrance onto Chavenage Lane, which would be formed by creating a new entrance by removing a section of the existing stone boundary wall to provide two car parking spaces. Whilst the road in this area is subject to a 30 mph speed limit, a speed survey has been carried out to ascertain the speed of vehicles using the highway, also bearing in mind the proximity to the junction with Hampton Street.

This survey ascertained that the 85th percentile speeds for vehicles were 19.9mph in a north-westbound direction (heading away from the junction) and 21.0mph (south-eastbound heading towards the junction with Hampton Street). These speeds result in splays being required of 26.5 metres and 24.7 metres respectively, which can be achieved. Within the splay areas, the height of the boundary wall would be a maximum of 600mm so as to provide adequate visibility for motorists.

NPPF paragraph 109 states that 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.' It is considered that the proposed development of one dwelling and the formation of a new entrance would not result in a severe impact on the local highway network, and no objection has been raised by the Highway Authority subject to the

conditions recommended. The proposal is also considered to be compliant with Cotswold District Local Plan Policy INF4 in this regard.

**(e) Impact on Neighbours**

The proposed new dwelling would be located in an area where the pattern of development is linear, with both the host property and that at Nos. 2 and Chavenage Lane being sited tight against the rear boundary, with their amenity area being located to the side. In terms of the garden area allocated to each property, excluding the parking area, the existing dwelling would be provided with a garden that is a minimum 12.6m in length, whereas the new property would have a garden area a minimum of 11.5m in length.

In terms of overlooking, the relationship from the windows on the south-east elevation of the property towards No. 4 Chavenage Lane is considered acceptable, whereas the elevation facing towards No. 6 Chavenage Lane is blank. There is a property on the opposite side of Chavenage Lane, known as Five Trees, however any impact upon this property would be mitigated by the fact that this is on the opposite side of the highway with a tall stone boundary wall running along its boundary.

Therefore, it is considered that each dwelling would be able to retain its own privacy and it is considered that a high standard of amenity can be maintained for existing and future occupants of both the existing and proposed dwellings, which is in accordance with the guidance outlined in NPPF paragraph 127(f) and Cotswold District Local Plan Appendix D.

**9. Conclusion:**

The proposed development is considered to accord with the policies in the Development Plan and the NPPF, which are not outweighed by other material planning considerations.

The recommendation is for planning permission to be granted.

**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: 1843/1 Rev. J.

**Reason:** For purposes of clarity and for the avoidance of doubt, in accordance with 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 EN2 and EN11, 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 and shall be permanently retained as such thereafter. 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 EN2 and EN11, 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.

No windows, external doors, cill and head treatments, eaves and verges, vents, flues, gates or external boundary treatments shall 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 EN2 and EN11.

Prior to the first occupation of the development hereby permitted, the windows and doors shall be finished in a colour to be first submitted to and approved in writing by the Local Planning Authority and shall thereafter be permanently retained in the approved colour unless otherwise agreed 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 EN2 and EN11.

New rainwater goods shall be of cast iron construction or a substitute which has been approved in writing by the Local Planning Authority 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 Policy EN2.

The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 2.4m back along the centre of the access measured from the public road carriageway edge (the X point) to a point on the nearer carriageway edge of the public road 26.5m to the left and 24.7m distant to the right of the access (the Y points). The area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between 1.05m and 2.0m at the X point and between 0.26m and 2.0m at the Y points above the adjacent carriageway level.

**Reason:** To avoid an unacceptable impact on highway safety by ensuring that adequate visibility is provided and maintained to ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians is provided in accordance with paragraphs 108 and 110 of the National Planning Policy Framework and Policy INF4 of the Cotswold District Local Plan.

The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide pedestrian visibility splays extending from a point 4.5m back along each edge of the access, measured from the carriageway edge, extending at an angle of 45 degrees to the footway, and the area between those splays and the footway shall be reduced in level and thereafter maintained so as to provide clear visibility at a height of 600mm above the adjacent footway level.

**Reason:** To avoid an unacceptable impact on highway safety by ensuring that adequate pedestrian visibility is provided and maintained and to ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians is provided in accordance with paragraphs 108 and 110 the National Planning Policy Framework and Policy INF4 of the Cotswold District Local Plan.

The development hereby permitted shall not be occupied until details of secure and covered cycle storage facilities has been made available in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

**Reason:** To give priority to cycle movements by ensuring that adequate cycle parking is provided, to promote cycle use and to ensure that the appropriate opportunities for sustainable transport modes have been taken up in accordance with paragraph 108 of the National Planning Policy Framework.

The dwelling shall not be occupied until the access onto the existing highway has been laid out in accordance with the submitted plans.

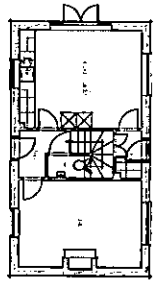
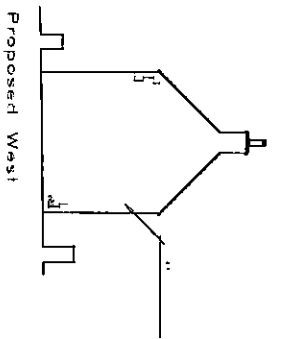
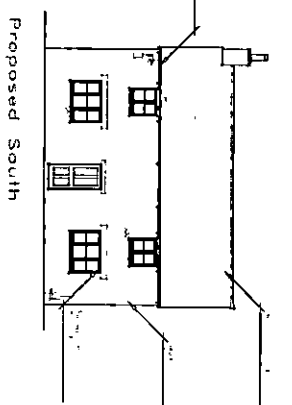
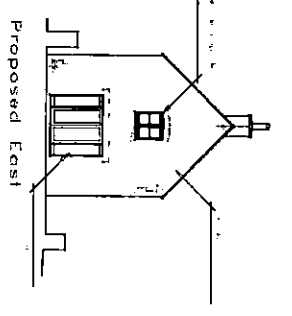
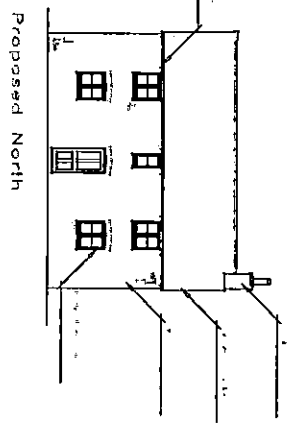
**Reason:** To ensure that the access road is completed to a standard suitable for occupants of the dwelling, in the interests of highway and public safety in accordance with Cotswold District Local Plan Policy INF4.

The development shall not be occupied or brought into use until vehicle parking has been provided in accordance with the approved plans and that area shall not thereafter be used for any purpose other than the parking of vehicles.

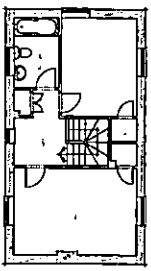
**Reason:** To ensure that adequate off-road parking is provided, in accordance with Cotswold District Local Plan Policy INF4.



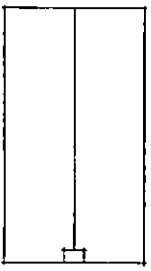




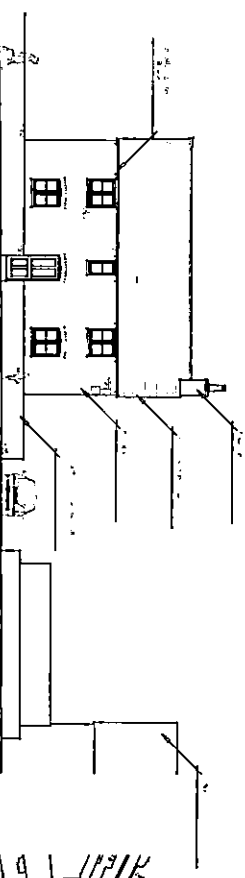
Proposed Ground Floor



Proposed First Floor



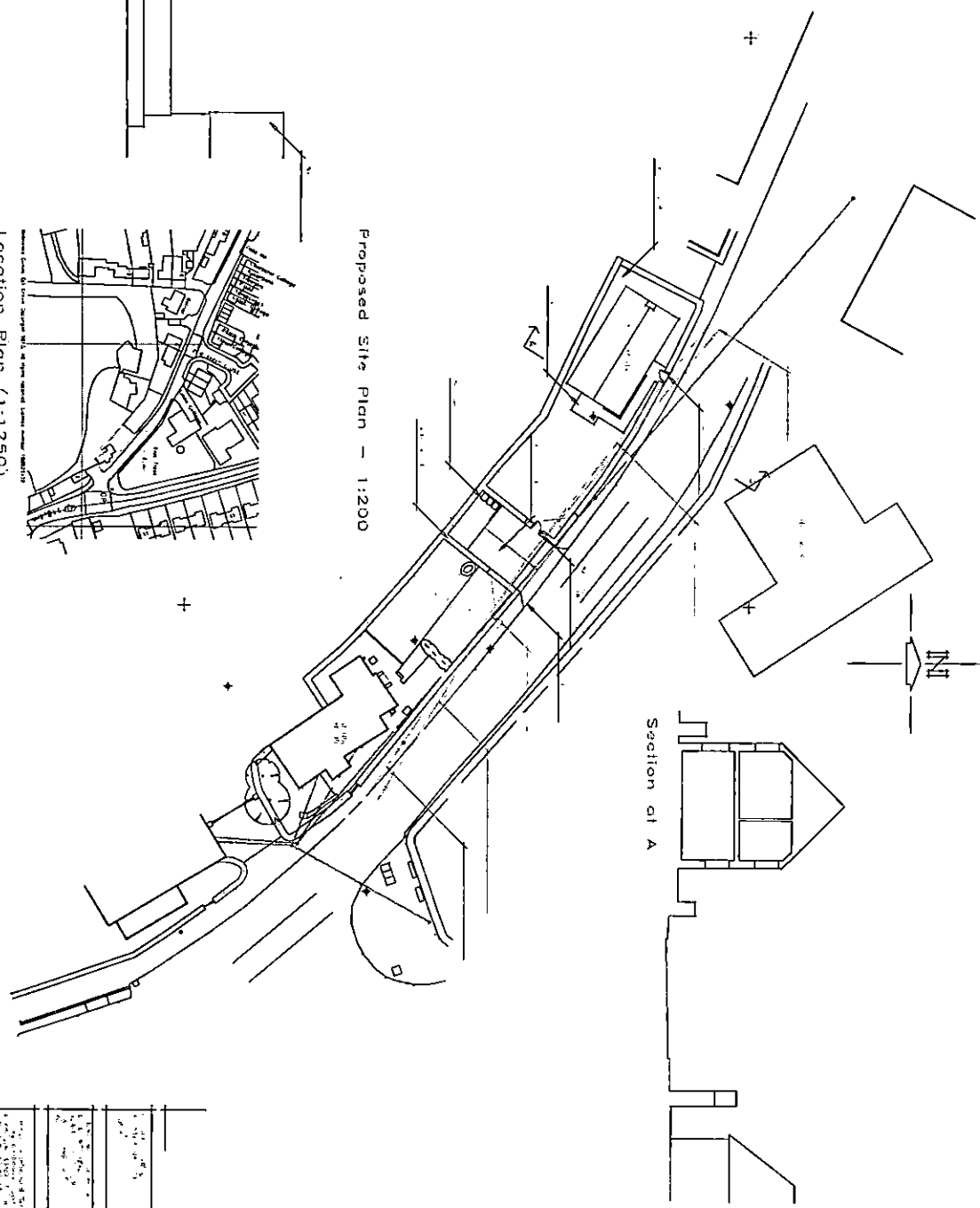
Proposed Roof Plan



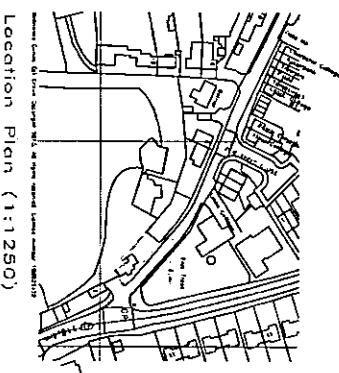
Proposed Street Scene

1:200  
1:100

Proposed Site Plan — 1:200



Section at A



Location Plan (1:1250)

1843/1 - Plans as Proposed