

TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

Committee:	Planning
Date:	19 October 2021
Site Location:	Croft Amber Green Street Brockworth
Application No:	21/00601/FUL
Ward:	Brockworth West
Parish:	Brockworth
Proposal:	Change of use from granny annex to separate dwelling.
Report by:	Gemma Smith
Appendices:	K2105-01 Rev B Location Plan K2105-01 Rev B Block Plan K2105-04 Existing Survey K2105-04 Proposed Plans
Recommendation:	Permit

1.0 SITE DESCRIPTION AND PROPOSAL

Application Site

1.1 The Application Site relates to Croft Amber, a detached rendered dwelling located along Green Street in Brockworth. The granny annex was granted permission to convert from a garage/workshop under planning reference 09/01238/FUL used incidental to the main house.

1.2 The site is located w

ithin the Cotswolds Area of Outstanding Natural Beauty (AONB). A PROW (Brockworth 49) runs in the distance to the east of the site.

The Proposal

1.3 Planning permission is sought for the change of use from a granny annex to a separate dwelling. There would be no building or external alterations required.

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
09/01238/FUL	Alterations to existing garage/workshop to form ancillary granny annexe.	PER	09.03.2010
11/00085/FUL	Single storey extension.	PER	18.03.2011
14/00548/FUL	Erection of single storey extension to rear of dwelling; erection of stable block and tack room.	PER	24.07.2014
15/00017/MINOR	Erection of single storey extension to rear of dwelling; erection of stable block and tack room.	GRANT	03.03.2015

3.0 RELEVANT POLICY

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

3.1 National guidance

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

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

- Policy SD4 (Design Requirements)
- Policy SD7 (The Cotswolds Area of Outstanding Natural Beauty)
- Policy SD10 (Residential Development)
- Policy SD14 (Health and Environment Quality)
- Policy INF1 (Transport Network)

3.3 Tewkesbury Borough Local Plan to 2011 – March 2006 (TBPL)

- Policy HOU9 (Conversion/ Subdivision)
- Policy TPT1 (Access for Development)
- Policy LND4 (Landscape – countryside protection)

3.4 Tewkesbury Borough Plan 2011-2031 Pre-submission Version (October 2019)

- Policy RES3 (New Housing Outside Settlement Boundaries)
- Policy RES8 (Subdivision of Existing Dwellings)
- Policy DES1 (Housing Space Standards)
- Policy LAN1 (Special Landscape Area)
- Policy TRAC9 (Parking Provision)

3.5 Other relevant policy

- Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)
- The First Protocol - Article 1 (Protection of Property)

4.0 CONSULTATIONS

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

4.1 Brockworth Parish Council – Objection on the grounds that this sets a precedent for development additional properties in the AONB.

4.2 Gloucestershire County Council (Highways Officer) – No objection.

4.3 Sustainable Drainage Engineer – No objection.

4.4 Building Control – No comments received.

5.0 PUBLICITY AND REPRESENTATIONS

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

5.1 The application has been publicised through the posting of a site notice for a period of 21 days. There has been no responses received.

6.0 POLICY CONTEXT

- 6.1** Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the Local Planning Authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.
- 6.2** The Development Plan currently comprises the Joint Core Strategy (JCS) (2017), saved policies of the Tewkesbury Borough Local Plan to 2011 (March 2006) (TBLP), and a number of 'made' Neighbourhood Development Plans.
- 6.3** The Tewkesbury Borough Plan (TBP) has reached an advanced stage. The Examination in Public was held in February/March 2021 and the Inspector's post hearings Main Modifications letter was received on 16 June 2021. In this letter the Inspector provided his current view as to what modifications are required to make the Plan 'sound'. Those policies in the Pre-submission version of the TBP which are not listed as requiring main modifications may now attract more weight in the consideration of applications, with those policies which do in the Inspector's view require main modifications attracting less weight depending on the extent of the changes required. The TBP remains an emerging plan and the weight that may be attributed to individual policies will still be subject to the extent to which there are unresolved objections (the less significant the unresolved objections, the greater the weight that may be given) and the degree of consistency with the NPPF (the closer the policies to those in the NPPF the greater the weight that may be given).
- 6.4** The relevant policies are set out in the appropriate sections of this report.
- 6.5** Other material policy considerations include national planning guidance contained within the National Planning Policy Framework 2019 and the Tewkesbury Borough Plan 2011-2031 Pre-Submission Version (October 2019).

7.0 ANALYSIS

- 7.1** The application is brought before the Planning Committee for determination as an objection has been received by Brockworth Parish Council.

Principle of Development

- 7.2** Criterion 3 of Policy SD10 of the JCS sets out that on sites that are not allocated, housing development and conversions to dwelling will be permitted on previously developed land in the existing built-up areas of Gloucester City, the Principle Urban Areas of Cheltenham and Tewkesbury town, rural service centres and service villages except where otherwise restricted by policies within District plans.
- 7.3** The site in question is located within Brockworth, which is not identified within the settlement hierarchy within table SP2c of the JCS however it does offer a wider range of services and facilities and is deemed sustainable location for new development.

7.4 Saved Policy HOU9 of the TBLP states that the conversion or subdivision of existing dwellings to provide an increased number of residential units will be permitted subject to a list of criterion as follows:

- i) The residential amenity of nearby properties is not adversely affected;*
- ii) Appropriate standards of amenity, privacy, parking, pedestrian, cycle and vehicle access are provided;*
- iii) the character and appearance of the existing building is respected, and adequate provision made for sound insulation between proposed dwellings and existing and adjacent property;*
- iv) the character and appearance of listed buildings are not adversely affected, alterations to such buildings are kept to the minimum necessary, with architectural features retained;*
- v) any extensions are of high design standard, and do not involve the loss of the architectural integrity of an individual building or group of buildings or their settings;*
- vi) the proposal does not result in an unacceptable level of vehicular movements which would adversely affect the safety or the satisfactory operation of the highway network.*

7.5 The existing annex already has established amenities in relation to privacy, garden amenity, parking and existing vehicular access. There would be no external alterations to the existing building. The Highways Authority have no objection to the scheme and conclude that the number of vehicular trips would be on par with the existing use. As such, it is considered that the proposal would accord with Saved Policy HOU9 of the TBLP.

7.6 Point 2 within emerging Policy RES3 of the PSTBLP concerns the subdivision of an existing dwelling into two or more self-contained residential units acceptable subject to Policy RES8. Emerging Policy RES8 states:

- 1. Adequate internal accommodation is provided in accordance with the Council's adopted housing space standards (Policy DES1)*
- 2. Where proposals relate to Listed Buildings, the character, appearance and significance of the designated heritage asset is sustained or enhanced in accordance with policy HER2*
- 3. Where proposals are located outside defined settlement boundaries, the proposal does not involve significant new extensions. Minor extensions may be permitted only where essential in order for the new units to achieve the required internal space standards*
- 4. Any proposed extensions or alterations are acceptable in accordance with Policy RES10*
- 5. The number of new residential units resulting from the proposal is commensurate with the sustainability of the site location having regard to its relationship with the Plan's settlement hierarchy and its accessibility to shops, services and facilities, unless outweighed by wider sustainability objectives.*

- 7.7** The conversion would result in a two-bedroom dwelling measuring 132sq.m across two floors. This would meet the minimum NDSS of 79 sq.m. The proposal would not result in any external alterations.
- 7.8** With regards to sustainability, the Supporting Statement identifies that the single-detached dwelling at Green Lea, just south west on the opposite side of the road, granted permission under planning reference 16/00036/FUL was established in a 'reasonably accessible location for limited development' due to the range of services including shops, a school, a public house and access wider transport network with close bus connections along the A46.

Five Year Supply

- 7.9** Notwithstanding the above it is currently the case that the Council cannot currently demonstrate a five-year supply of deliverable housing sites. Consequently, in accordance with paragraph 11 of the NPPF, the tilted balance applies and the presumption is that permission should be granted unless there are significant and demonstrable harms which outweigh the benefits.

Impact on the Landscape and Cotswolds AONB

- 7.10** The application site is located within the Cotswolds AONB. The Framework at paragraph 170 states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and, at paragraph 172, it emphasises that great weight should be given to conserving landscape and scenic beauty in AONBs. Additionally, it points out that AONBs have the highest status of protection in relation to landscape and scenic beauty.
- 7.11** Policy SD6 considers development will consider the landscape and visual sensitivity of the area in which they are located or affect.
- 7.12** This is reflected in Policy SD7 of the JCS which sets out that developments are required to conserve and, where appropriate, enhance the landscape, scenic beauty, cultural heritage and other special qualities in an AONB.
- 7.13** Policy CE1 of the Cotswolds AONB Management Plan provides further guidance setting out, amongst other things, that proposals that are likely to impact on, or create change in, the landscape of the Cotswolds AONB should have regard to the scenic quality of the location and its setting and ensure that views – including those into and out of the AONB - and visual amenity are conserved and enhanced.
- 7.14** This proposal relates solely to the subdivision to of the existing planning unit to establish the existing annex as a separate dwellinghouse and does not involve any external alterations to the property.
- 7.15** The existing boundary treatments include a wooden fence between the host dwelling and the rear of the annex with an access gate and a gated entrance to the driveway at the front of the property. The only alteration will be to block up the existing gate between the host dwelling and the annex so that the only access to the site is via the main driveway.

- 7.16** Given the extent of development that can be achieved under The Town and Country Planning (General Permitted Development) (England) Order 2015, any recommendation for approval would seek to control future extensions, alterations, works to the roof and fencing/enclosures which can be achieved through the removal of permitted development rights for development falling within the provisions of Classes A to E of Part 1 of Schedule 2 together with Class A Schedule 2 Part 2 of the General Permitted Development Order (GPDO). This would ensure that any future development would respect the rural landscape character and avoid overdevelopment of the site.
- 7.17** Overall, subject to conditions, the proposal would not give rise to a detrimental impact on the character of the Cotswolds AONB in this part.

Effect on the Living Conditions of Neighbouring Dwellings

- 7.18** Paragraph 130 of the NPPF states that planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible which promote health and well-being, with a high standard of amenity for existing and future users.
- 7.19** Policy SD4 part iii) Amenity and Space, considers new development should enhance comfort, convenience and enjoyment through assessment of opportunities for light, privacy and external space. Policy SD14 considers new development to cause no unacceptable harm to neighbouring occupants and result in no unacceptable levels of air, noise, water, light, soil pollution or odour.
- 7.20** Emerging Policy RES5 of the PSTBLP states that proposals for new housing development should provide an acceptable level of amenity for future occupiers of the proposed dwellings and cause no unacceptable harm to the amenity of existing dwellings.
- 7.21** The resultant dwelling would not have any detrimental impact on the amenity of the main dwelling. The existing annex is set in considerable grounds and as such would have ample garden amenity to serve future occupants of the resultant dwelling.

Highways and Parking Implications

- 7.22** The NPPF sets out development should only be prevented or refused on highways grounds where there would be an unacceptable impact on highway safety or the residual cumulative impacts of development are severe. Policy INF1 of the JCS considers that developers provide safe and efficient access to the highway network and permission be granted only where the impact of the development is considered not to be severe. It further states that safe and efficient access to the highway network should be provided for all transport means.
- 7.23** Emerging Policy RES5 of the PSTBP states that proposals for new housing development should make provision for appropriate parking and access arrangements and not result in the loss or reduction of existing parking areas to the detriment of highway safety. Emerging Policy TRAC9 of the PSTBP states that proposals need to make provision for appropriate parking and access arrangements.
- 7.24** The annex already benefits from existing parking and two vehicle access points. It is proposed to block up the existing gate between the host dwelling and the annex so that the only access to the site is via the existing driveway and gate to the north of the annex.

- 7.25 The Local Highways Authority have been consulted on the proposal and has no objection. It is noted that the site already generates a number of vehicular trips and benefits from existing access. As such the conversion would not result in a detrimental impact on highway safety.

Community Infrastructure Levy (CIL)

- 7.26 The development is CIL liable because it creates a new dwelling. The relevant CIL forms have been submitted.

8.0 CONCLUSION AND RECOMMENDATION

- 8.1 In light of the above observations, it is considered that the proposal would be acceptable on policy grounds and as such should be **permitted**.

CONDITIONS:

1. The works hereby permitted shall be begun before the expiration of five years from the date of this consent.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following documents:
 - K2105-01 Rev B entitled 'Location Plan' received 2.08.2021
 - K2105-01 Rev B entitled 'Block Plan' received 2.08.2021
 - K2105-04 entitled 'Existing Survey' 21.07.2021
 - K2105-04 entitled 'Proposed Plans' 21.07.2021

Except where these may be modified by any other conditions attached to this permission.

Reason: To ensure that the development is carried out in accordance with the approved plans.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any other subsequent equivalent order, no development within the following classes of development shall be carried out to the new dwellings hereby approved, without the prior approval of the Local Planning Authority:
 - a. Schedule 2, Part 1, Class A - enlargement, improvement or other alterations
 - b. Schedule 2 Class AA - enlargement of a dwellinghouse by construction of additional storeys
 - c. Schedule 2, Part 20, Class AD - new dwellinghouses on detached buildings in use as dwellinghouses.
 - d. Schedule 2, Part 1, Class B - addition or alteration to the roof
 - e. Schedule 2, Part 1, Class C - any other alteration to the roof
 - f. Schedule 2, Part 1, Class E - garden buildings, enclosures, pool, oil or gas storage container.
 - g. Schedule 2, Part 2, Class A - gate, wall, fence or other means of enclosure
 - h. Schedule 2, Part 2, Class B - means of access

Reason: To enable the Local Planning Authority to safeguard the visual amenity of the immediate area and Cotswolds AONB.

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.