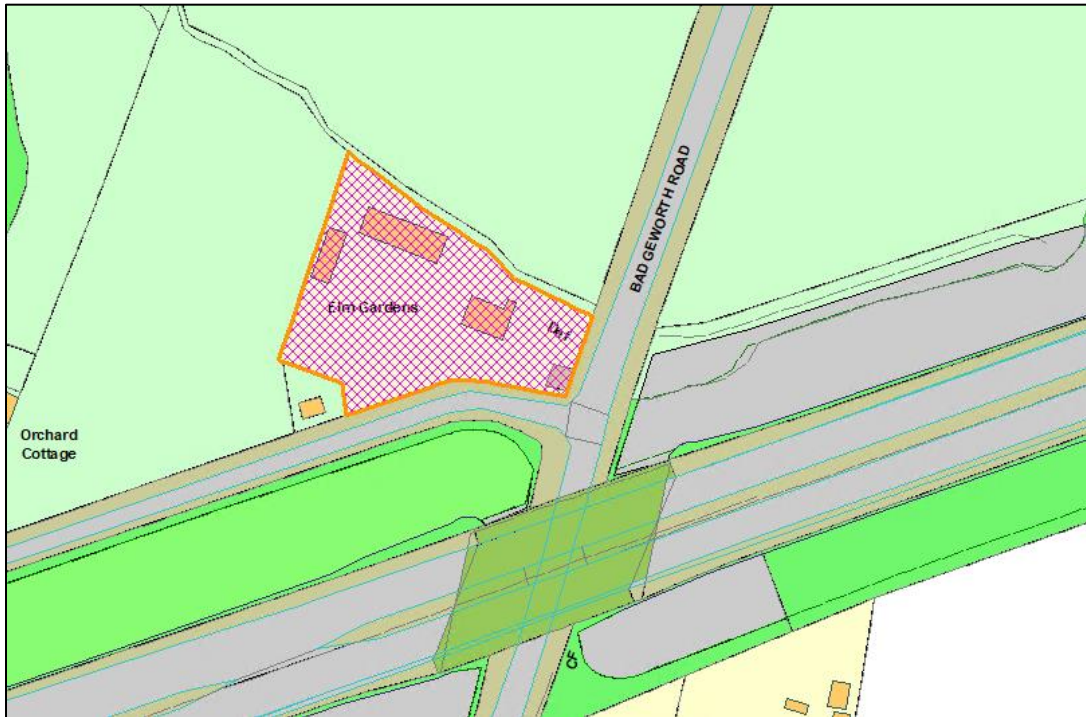


Planning Committee

Date	25 May 2023
Case Officer	Chloe Buckingham
Application No.	22/01306/FUL
Site Location	Elm Gardens, Badgeworth Road, Badgeworth
Proposal	Proposed single storey detached residential annex and garden storage used ancillary to the host dwelling (Elm Gardens) following demolition of existing residential outbuilding.
Ward	Badgeworth
Parish	Badgeworth
Appendices	Location Plan Existing Block Plan (100) Existing Outbuildings (100 Rev A) Proposed Floor Plan (200 Rev A) Proposed Elevations (210 Rev A) Proposed Block Plan (220 Rev A) received 2 nd December 2022.
Reason for Referral to Committee	Called in for Committee determination by Councillor Vines, to assess the appropriateness of the development in Green Belt policy terms.
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 Proposed single storey detached residential annex and garden storage used ancillary to the host dwelling (Elm Gardens) following demolition of existing residential outbuilding.

2. Site Description

- 2.1 The site is located on the West side of Badgeworth Road, close to the junction with Elm Garden Drive. The site lies within designated Green Belt land and there is a public right of way situated to the northern boundary of the site.
- 2.2 Elm Gardens is a detached two-storey dwelling set in a large curtilage extending mainly to the rear of the house, which is enclosed on its boundaries with dense mature hedgerows of trees and bushes which screen the site. Within this curtilage are two existing outbuildings positioned behind the main house and close up against the Northern boundary. To the immediate North and West of the property lies open countryside.

3. Relevant Planning History

Application Number	Proposal	Decision	Decision Date
T.5349	Outline application for an agricultural bungalow.	PERMIT	19.06.1968
T.5349/AP	Erection of agricultural dwelling to be attached to 2 acre market garden.	PERMIT	20.11.1968
93/00735/FUL	Erection of glasshouse	PERMIT	21.09.1993
18/00981/CLE	Continued residential use of the dwelling in breach of agricultural occupancy condition (condition c of planning permission T.5349).	CLECER	12.04.2019
21/00282/FUL	Erection of a two storey side extension, first floor extension, front porch extension and remodelling of bungalow (amended).	PERMIT	18.08.2021
21/00400/PDE	A stepped single storey extension which extends from 5 metres up to 8 metres at the rear.	CEGPD	04.05.2021
21/00428/PDEAS	Proposed first floor extension not exceeding 3.5m in height.	AAPR	07.06.2021

22/00352/FUL	Variation of condition 2 (approved plans) and condition 3 (external material samples) of planning application 21/00282/FUL to allow for the change in materials.	PERMIT	15.06.2022
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4. Consultation Responses

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

- 4.1 Staverton Parish Council - Objection on the grounds of inappropriate development in the Green Belt and on a property that has already had extensive alterations.
- 4.2 Badgeworth Parish Council - Objection on the grounds of inappropriate development in the Green Belt and appears to be more of an application for change of use to a dwelling. The existing building is a greenhouse with some cladding added recently. This building does not have the appearance of being an 'existing residential outbuilding'.
- 4.3 Cllr Vines - I would like application to be determined by the planning committee in order to assess the appropriateness of the development in Green Belt policy terms.
- 4.4 Building Control- No objections.
- 4.5 Tree Officer- No objection subject to conditions.
- 4.6 Drainage Engineer – No objections subject to conditions.
- 4.7 Public Rights of Way Officer – No objections subject to an informative.

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 no public representations were received.

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)
SD5 (Green Belt)
SD9 (Biodiversity and Geodiversity)
SD10 (Residential Development)
SD14 (Health and Environmental Quality)
INF1 (Transport Network)
INF3 (Green Infrastructure)

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

Policy RES2 (Settlement Boundaries)
Policy RES10 Alteration and Extension of Existing Dwelling
Policy DES1 (Housing Space Standards)
Policy NAT1 (Biodiversity, Geodiversity and Important Natural Features)
Policy ENV2 (Flood Risk and Water Management)
Policy TRAC9 (Parking Provision)
Policy GRB4 (Cheltenham-Gloucester Green Belt)

7. Policy Context

- 7.1** Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the Development Plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the Local Planning Authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.
- 7.2** The Development Plan currently comprises the Joint Core Strategy (JCS) (2017), saved policies of the Tewkesbury Borough Local Plan to 2011-2031 (June 2022) (TBLP), and a number of 'made' Neighbourhood Development Plans.
- 7.3** The relevant policies are set out in the appropriate sections of this report.
- 7.4** Other material policy considerations include national planning guidance contained within the National Planning Policy Framework 2021 and its associated Planning Practice Guidance (PPG), the National Design Guide (NDG) and National Model Design Code.

8. Evaluation

Principle of development

- 8.1** TBP Policy RES10 sets out that proposals for extensions and alterations of existing dwellings and the erection of domestic outbuildings and annexes will be permitted subject to design, scale, available space, does not adversely impact neighbouring amenity of the character of the area.
- 8.2** The application seeks planning permission for the construction of an annexe to accommodate a disabled relative. The annexe would replace an existing outbuilding and would be set to the rear of the existing dwelling. The extent of accommodation proposed is retrained and there would be a reliance on the main household.
- 8.3** The principle of development is therefore considered acceptable subject to consideration of other matters and policies set out below.

Green Belt

- 8.4** Paragraph 137 of the Nation Planning Policy Framework (NPPF) states that the government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 8.5** Paragraph 138 of the NPPF states that the Green Belt serves 5 purposes:
- (a) to check the unrestricted sprawl of large built-up areas;
 - (b) to prevent neighbouring towns merging into one another;
 - (c) to assist in safeguarding the countryside from encroachment;
 - (d) to preserve the setting and special character of historic towns; and
 - (e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 8.6** Paragraph 147 of the NPPF, Policy SD5 of the JCS and Policy GRB4 of the TBLP states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 8.7** Paragraph 148, Policy SD5 of the JCS and Policy GRB4 of the TBLP states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

- 8.8** Paragraph 150 of the NPPF states that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are (amongst others)
- (c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- (d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- 8.9** The applicants have explained that the existing building is presently used for ancillary residential storage. Whilst it is agreed that the structure in question has the appearance of an agricultural building which was possibly used in association with the previous use of the property as an agricultural worker's dwelling, it is apparent that the structure has been in situ for more than 10 years and as the structure is positioned in close proximity to the dwelling and past applications have also confirmed the unrestricted residential use of the dwelling and its residential curtilage, it is agreed that the structure is currently within (ancillary) residential use.
- 8.10** The scheme complies with criterion (d) of paragraph 150 of the NPPF, in that the proposal is for the replacement of a building which will be in the same (residential) use as the building to be replaced. The proposed new building has a smaller footprint and height than the existing structure, would not be materially larger and would have no greater impact on openness of the Green Belt. Accordingly it is considered that the proposal would not be inappropriate development within the Green Belt and would be acceptable subject to other considerations set out below.

Design and Visual Amenity

- 8.11** Policy SD4 of the JCS relates to design requirements and requires proposals to demonstrate how the following principles have been incorporated; context, character and sense of place, legibility and identity, amenity and space, public realm and landscape, safety and security, inclusiveness and adaptability and movement and connectivity.
- 8.12** Policy RES10 of the TBLP states that proposals for the extension and alteration of existing dwellings, and the erection of domestic outbuildings and annexes, will be permitted providing that (amongst other criteria):
1. The detailed design reflects or complements the design and materials of the existing dwelling
 2. The scale of the proposal is appropriate to the character and appearance of the existing dwelling and its surrounding area
 5. The proposal respects the character and appearance of surrounding development
- 8.13** To the rear of the host dwelling there are two existing structures positioned adjacent to the Northern boundary. The larger structure is 20 metres in length x 6.2 metres wide x 3.8 metres to the apex of its pitched roof. The applicants have explained that the structure is used for domestic storage related to occupation of the main house.

- 8.14** This structure has a metal frame construction enclosed with solid metal-cladding walls and a glazed roof. It has a footprint of 123 sqm and volume of 2,268.12 cubic metres. A second much smaller corrugated metal flat-roof structure is adjacent to this, and the applicants have also explained that this structure is used for ancillary residential storage. This structure has a footprint of 7.8 sqm and volume of 16.38 cubic metres. The dimensions of the smaller structure are 3 metres length x 2.6 metres width x 2.1 metres height.
- 8.15** The scheme proposes to remove the existing larger structure and retain the smaller structure for residential storage. The larger structure would be replaced with a smaller pitched roof annex and garden store. The proposed structure would be 14.65m in length, 6.35m in width, 2.15m to the eaves and 3.5m to the apex. The building would be finished in render with a slate roof and 7 rooflights to the rear and windows on both side elevations and a window, bi-fold doors and a door to the storage area on the front elevation.
- 8.16** The proposed annexe building would provide accessible 1 bedroom, bathroom and a living room, as well as a domestic storage area and would have a simple linear pitched roof design.
- 8.17** The removal of the existing structure and replacement with the proposed annexe would represent a visual improvement to the area the proposed annexe would be of an acceptable appearance and scale which and subject to compliance with conditions in respect of materials would result in an appropriate appearance which would be in-keeping with the character and appearance of the host dwelling and wider area.

Effect on the Living Conditions of Neighbouring Dwellings

- 8.18** JCS policies SD4 and SD14 require development to enhance comfort, convenience and enjoyment through assessment of the opportunities for light, privacy and external space and that development should have no detrimental impact on the amenity of existing or new residents or occupants.
- 8.20** Policy RES10 of the TBLP states that proposals for the extension and alteration of existing dwellings, and the erection of domestic outbuildings and annexes, will be permitted providing that (amongst other criteria):
4. The proposal does not have an unacceptable impact on the amenity of neighbouring properties
- 8.21** Due to the considerable distances between the proposed annex and neighbouring properties, there would not be any impacts upon the living conditions of the occupiers of these properties in terms of loss of privacy, loss of light or any overbearing impacts.
- 8.22** While it is noted that the proposed annexe does not contain a kitchen and as such there would be a functional reliance on the host property, it is however considered necessary to include a condition on any permission to ensure that the annexe remains ancillary to Elm Gardens as the use of the building as an independent dwelling would be unacceptable in this location.
- 8.23** Therefore, subject to this condition, the proposal complies with the nationally described space standards and policies SD4 and SD14 of the JCS and policies DES1 and RES10 of the TBLP.

Highways

- 8.24** Policy INF1 of the JCS sets out that permission shall only be granted where the impact of development is not considered to be severe. It further states that safe and efficient access to the highway network should be provided for all transport means.
- 8.25** 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. Furthermore, Policy RES10 states that proposals for the extension and alteration of existing dwellings, and the erection of domestic outbuildings and annexes, will be permitted providing that (amongst other criteria):
3. The domestic curtilage of the existing property is capable of comfortably accommodating the extension or outbuilding without resulting in a cramped/overdeveloped site or creating a lack of suitable parking or manoeuvring space.
- 8.26** The access and parking provision would remain unchanged through this proposal. It is considered that there is adequate space within the site to accommodate any additional vehicles and the proposal would not result in an unacceptable intensification of the site or adverse impact upon the highway network.

Drainage and Flood Risk

- 8.27** 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.
- 8.28** TBP Policy ENV2 of the TBLP states that in order to avoid and manage the risk of flooding to and from new development in the Borough, in addition to the requirements of the National Planning Policy Framework and the Joint Core Strategy the Council will apply the following principles including opportunities to reduce the risk of flooding from all sources.
- 8.29** While the application site lies within Flood Zone 1 (lowest risk of flooding) the application site is however at high risk of flooding from surface water. A drainage strategy statement was requested and has been submitted and has been reviewed by the Council's Drainage Engineer.
- 8.30** The Officer is broadly satisfied with the assessment and the impacts of the development and has raised no objections to the proposal subject to a condition to secure a surface drainage strategy and its future maintenance.

Trees

- 8.31** Policy INF3 of the JCS states that development proposals should consider and contribute positively towards green infrastructure, including the wider landscape context and strategic corridors between major assets and populations. Existing green infrastructure will be protected in a manner that reflects its contribution to ecosystem services (including biodiversity, landscape / townscape quality, the historic environment, public access, recreation and play) and the connectivity of the green infrastructure network. Development proposals that will have an impact on woodlands, hedges and trees will need to include a justification for why this impact cannot be avoided and should incorporate measures acceptable to the Local Planning Authority to mitigate the loss. Mitigation should be provided on-site or, where this is not possible, in the immediate environs of the site. Where assets are created, retained or replaced within a scheme, they should be properly integrated into the design and contribute to local character and distinctiveness. Proposals should also make provisions for future maintenance of green infrastructure.
- 8.32** Policy NAT1 of the TBP 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. Policy NAT3 states that development must contribute, where appropriate to do so and at a scale commensurate to the proposal, towards the provision, protection and enhancement of the wider green infrastructure network.
- 8.33** There are four mature willow trees that run along the boundary adjacent to the proposed new annex. The root protection area (RPA) of these willow trees could be impacted by the proposal. The application has been accompanied by an Arboricultural impact assessment which sets out measures to protect the trees during construction and recommends the use of a pile foundation which would minimise the impact upon the tree roots. The details have been assessed by the Council's Tree officer who is satisfied with the proposal which subject to compliance with conditions would prevent and adverse impacts upon trees.

Community Infrastructure Levy (CIL)

- 8.34** The development is CIL liable because it creates a residential annex. The relevant CIL forms have been submitted claiming exemption for a residential annex.

9. Conclusion

- 9.1** The proposal annexe would constitute appropriate development within the Green Belt, would have an acceptable impact upon openness, the character of the area, amenity and trees. The application is considered to be acceptable.

10. Recommendation

- 10.1** Subject to no objections being raised by the Council's Drainage Officer, it is recommended that the application is **permitted** subject to the following conditions:

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:

Location Plan, Existing Block Plan (100), Existing Outbuildings (100 Rev A), Proposed Floor Plan (200 Rev A), Proposed Elevations (210 Rev A) and Proposed Block Plan (220 Rev A) received 2nd December 2022.

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** The development hereby permitted shall only be used in conjunction with and as ancillary to the residential enjoyment of the adjoining dwellinghouse known as Elm Gardens.

Reason: The site is unsuitable for an independent dwelling in addition to the main dwelling and would provide for an inadequate level of amenity for two self-contained dwellings.

- 4** Notwithstanding the submitted details, the materials to be used in the construction of the external walls of the proposed extension shall match those used in the existing dwelling.

Reason: To ensure a high-quality finish to the development in the interest of the visual amenities of the area.

- 5** The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved details specified in Drawing No 204-ELM-DRW-TPP-PH1 – Tree Protection Plan (Demolition) and Drawing No 204-ELM-DRW-TPP-PH2 – Tree Protection Plan (Construction) 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.

- 6 The Arboricultural Impact Assessment and Preliminary Arboricultural Method Statement in Document Ref 204-ELM-RPT-AIA and Drawings 204-ELM-DRW-TTP-PH1, 204-ELM-DRW-TTP-PH2 submitted in support of the application shall be adhered to in full, subject to the pre-arranged tree protection monitoring and site supervision, detailed in Section 13 of the report, by a suitably qualified tree specialist.

Reason: Required to safeguard and enhance the character and amenity of the site and locality and to avoid any irreversible damage to retained trees.

- 7 If any trees/hedgerows are damaged or removed through the construction phase, these shall be replaced during the first planting season following removal by trees/hedgerows of a species, size and in locations that have first been submitted to and approved in writing by the Local Planning Authority. Any replacement trees/hedgerows which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year period.

Reason: In the interests of visual amenity and the character and appearance of the area.

- 8 No development shall start until a detailed design, maintenance and management strategy and timetable of implementation for the surface water drainage strategy presented in the Flood Risk Assessment/Drainage Strategy submitted 13th April 2023 has been submitted to and approved in writing by the Local Planning Authority. The submitted details must demonstrate the technical feasibility and viability of the proposed drainage system through the use of SuDS to manage the flood risk to the site and elsewhere and the measures taken to manage the water quality for the lifetime of the development. The scheme for the surface water drainage shall be implemented in accordance with the approved details and timetable and shall be fully operational by the time the development is first put into occupied and shall be maintained for the duration of the use.

Reason: To ensure the development is provided with a satisfactory means of drainage and thereby reducing the risk of flooding. It is important that these details are agreed prior to commencement as any works on site could have implications for drainage, flood risk and water quality in the locality.

12. Informatives

- 1 In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing 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** No change to the surface of the public right of way can be approved without consultation with the County Council and there must be no interference with the public right of way, either during development or once it has been completed, unless: -

a) The development will temporarily affect the public right of way; then the developer must apply and pay for a temporary closure of the route to us in Public Rights of Way (preferably providing a suitable alternative route);

if any utilities are going to cross or run along a PROW then a section 50 license needs be sought and granted - via GCC Streetworks department. Information regarding section 50 Licenses and an application form can be found at: <https://www.gloucestershire.gov.uk/highways/highways-licences-permits-and-permissions/>

b) Important: if the development will permanently affect any public right of way, then the developer must apply for a diversion of the route through the Planning Authority, under the Town and Country Planning Act 1990, as part of the planning application process. No development should take place affecting the route of the path prior to the confirmation of a TCPA path diversion order. The area Public Right of Way Officer should be consulted as part of this process.

- 4.**
- a) There must be no encroachment on the width of the public right of way.
 - b) No building materials may be stored on the public right of way.
 - c) Vehicle movements during construction should not unreasonably interfere with the use of the public right of way by walkers, etc., and the developer or applicant is responsible for safeguarding the public use of the way at all times.
 - d) No additional temporary or permanent barriers (e.g. gates, stiles, wildlife fencing) may be placed across the public right of way and no additional gradients or structures (e.g. steps or bridges) are to be introduced on any existing or proposed public rights of way without the consent of the county council.

It is important to note the Definitive Map is a minimum record of public rights of way and does not preclude the possibility that public rights exist which have not been recorded or that higher rights exist on routes shown as public footpaths and bridleways.