

APPLICATION NO: 13/01461/OUT	OFFICER: Miss Chloe Smart
DATE REGISTERED: 23rd August 2013	DATE OF EXPIRY: 18th October 2013
WARD: Prestbury	PARISH: Prestbury
APPLICANT:	Mr Andrew Sullivan
AGENT:	Mr Ron Harrison
LOCATION:	Ramblers Rest, 81 New Barn Lane, Cheltenham
PROPOSAL:	Outline application for the erection of a new dwelling

RECOMMENDATION: Grant



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The proposed site relates to a parcel of land which lies between nos. 81 and 81a New Barn Lane, and is situated in a residential area within the Prestbury ward.
- 1.2 Outline planning permission is sought for the erection of a dwelling at the rear of no.81 New Barn Lane, with all matters apart from means of access (appearance, landscaping, layout and scale) reserved.
- 1.3 The application is a re-submission following the refusal of a similar outline application (planning reference 13/00679/OUT) which was considered by members at Planning Committee in July 2013. The application was recommended for approval but refused for the following reason:

The proposed erection of a dwelling constitutes a crowded and harmful overdevelopment of this backland location, and in doing so fails to complement and respect neighbouring properties and the character of the locality. The proposal conflicts with the Council's Supplementary Planning Document: Development on Garden Land and Infill Sites in Cheltenham, in terms of the layout and access arrangements. As such, the proposal is contrary to both the Supplementary Planning Document and Local Plan Policy CP7.

- 1.4 The applicant has lodged an appeal to the Planning Inspectorate in respect of application 13/00679/OUT; this is currently under consideration.
- 1.5 Around the same time as lodging an appeal against 13/00679/OUT, the applicant re-submitted the scheme in the same form as the refusal. In response to this, officers advised that the re-submission was not materially different to be considered again by the Planning Committee and that such a submission would proceed to refusal under delegated authority. The applicant was also strongly advised that a full planning application would be a more suitable submission following the refused outline application.
- 1.6 As a result of these discussions, additional information has been submitted for consideration and an amendment made to the site boundary, enlarging the site. The application is now materially different to the refused scheme and the applicant has sought to respond to the concerns raised by the Planning Committee. In light of this, officers consider it appropriate to report the matter back to the committee. Members will also note that objections have been received from the Parish Council and Architects' Panel.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

N/A

Relevant Planning History:

13/00679/OUT 22nd July 2013 REF

Erection of a detached dwelling at the rear of 81 New Barn Lane

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 4 Safe and sustainable living

CP 7 Design

RC 6 Play space in residential development

TP1 Development and highway safety

Supplementary Planning Guidance/Documents
Development on garden land and infill sites in Cheltenham (2009)
Play space in residential development (2003)

National Guidance
National Planning Policy Framework

4. CONSULTATIONS

Cheltenham Civic Society

12th September 2013

We are concerned about the shared access arrangements

GCC Highways Planning Liaison Officer

17th December 2013

I refer to drawing number 1461:02B. Layout is a reserved matter therefore the car parking can technically be dealt with at the reserved matters stage; however I do have a couple of concerns over the location of the proposed car parking space.

Due to the width of the proposed access road, if car parking were to be provided at the location and in the manner shown on 1461:02B then it is unlikely a vehicle would be able to manoeuvre, however this could be possibly be dealt with by making the space much wider, this would be dealt with at reserved matters stage.

It also appears that the car parking space would be hidden away behind the boundary treatment for 81 New Barn Lane, this could lead to vehicles emerging blind, however given the low usage of this access road I do not see this as a reason to recommend refusal, more of something which would help aid the design and usability.

Notwithstanding the above, I have no further comments to make from the previous Highway Authority response dated 30th September 2013 made in relation to access.

Parish Council

10th September 2013

Objection on the grounds that the proposed dwelling represents over-development of the land. Vehicular access is also very restricted.

10th December 2013

The Parish Council object to this application on the grounds that the resubmitted plans do not change the original views of the Parish Council when they first objected.

HMO Division

4th September 2013

Subject to:

1. Full compliance with building control requirements for means of escape in case of fire, and
2. The bedrooms having floor areas no less than 7sqm for a single bedroom and 10.5sqm for a double bedroom,

I have no fundamental objection to this proposal.

1st October 2013

I have no fundamental objection to this proposal.

GCC Highways Planning Liaison Officer

2nd September 2013

I refer to the above planning application received here on 27th August 2013, with Plan No: 1461.02

A similar application (ref no: 13/00679/OUT) was refused by the LPA on 19th July 2013, the Highway Authority didn't raise any concerns on that proposal and I see no reason to alter that recommendation. Car parking and access facilities were considered appropriate, and given the existing usage of this access, the proposed development would be unlikely to create severe or significant highway safety hazards.

Thus, it is for these reasons that I recommend no Highway objection is raised.

NOTE:-

If the applicant lodges an appeal for any reason in respect of this application (or proposal), I would be grateful if you would notify me immediately of the appeal and details of any public inquiry. Similarly if there is a call-in or other government action would you please advise me immediately. Without this information there is a significant risk of the County Council not being able to meet the timescales and deadlines imposed for submission of statements of case and other representations.

30th September 2013

I refer to revised plan number 1461.02 Rev A received here on 26/09/2013. The parking space has been moved to the opposite side of the dwelling, this does not alter the Highway Authority's previous recommendation dated 02/09/2013 and therefore I do not wish to make any further comments.

Architects Panel

8th October 2013

2. Is the information sufficient to understand the application?

The application is only in outline with all design matters reserved so theoretically the information is sufficient. However as this is an infill site we fail to see how the principal of a new dwelling can be assessed with no information on the surrounding buildings and a better idea of a proposed design. We would suggest this should be a full application.

3. Context

None provided.

4. Massing and Scale

The indicative design of the proposed house is poor but its impact cannot be judged without some understanding of the context.

5. External Appearance.

The design is poor and if this is a development site we would expect a higher quality contemporary design or something drawn from its local context.

6. Detailing and Materials

Poor.

7. Environmental Design

No comments.

8. Summary

It is impossible to judge the impact of the proposed development without some information on the adjacent buildings and context. However as this is an outline application this is not

required, we would therefore suggest the scheme is withdrawn and resubmitted as a full application.

9. Recommendation

Refuse or withdraw the outline application and resubmit a full application.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	8
Total comments received	1
Number of objections	1
Number of supporting	0
General comment	0

- 5.1 Eight letters have been sent out to neighbouring properties and the owner of one property has responded raising an objection to the proposal.
- 5.2 The occupier of this property has commented a number of times during the application process, as nearby properties were re-consulted when amendments were made to the scheme.

Summary of concerns:

- The proposal is contrary to the Supplementary Planning Document: Development on Garden Land and Infill Sites in Cheltenham
- Crowded and harmful overdevelopment
- Overlooking and loss of sunlight
- Access proposed hazardous
- Revised plan does nothing to reduce the overcrowded and harmful aspect of the development.

6. OFFICER COMMENTS

7. Main considerations

- 7.1 Due to the submission being for outline permission, the main considerations at this stage relate to the principle of a dwelling in this location, the suitability of the proposed access and the impact of the proposal on neighbouring amenity. It is also important to consider how this proposal responds to the reason previously given for refusal.
- 7.2 To provide more context, the applicant has submitted indicative elevations, however these are to give an idea of how the proposal could sit within the plot and the potential design of a new dwelling, but would not necessarily be the final design if outline permission is granted.

8. Principle of development

- 8.1 Members will be aware that the NPPF has removed private residential gardens from the definition of previously developed land. Members will also be aware that local plan policy HS1 (Housing development) advises that;

Housing development will be permitted on:

- Land allocated for residential development; and
- Previously-developed land, subject to policies BE2, BE9, GE2 and HS3.

In all cases, development should make the most efficient and effective use of the site

- 8.2** It is important to stress that policy HS1 is a permissive policy; the absence of the word 'only' ensures that the policy does not rule out other types of housing development. In this respect, development of the application site for an additional dwelling would not be contrary to policy HS1 and members should note that this argument has been thoroughly tested at appeal; they will also be aware that since the introduction of the NPPF, numerous examples of development within garden land have been approved by this Authority.
- 8.3** At the heart of the NPPF is a '*presumption in favour of sustainable development*' and paragraph 49 of this document advises that housing applications should be considered in this context. Paragraph 53 of the NPPF advises that;
Local Planning Authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.
- 8.4** In adopting the SPD relating to Garden Land and Infill Development, this Authority have already carried out the above and the SPD clearly and usefully sets out the Council's approach to determining applications of this nature.
- 8.5** In light of the guidance set out within the NPPF, officers are satisfied that development of this site will constitute a sustainable form of development subject to the merits of the development proposed, and it is this the report will now focus on.
- 8.6** Members may also recall that reference was made to the Green Belt at the July committee meeting. To clarify this issue, there was a drafting error in 1997 which meant that an area of land which was previously in the green belt was not included. This has since been corrected but it is important to stress that neither iteration of the green belt (i.e the correct and incorrect versions) included the parcel of land that is before members today.

9. Design and layout

- 9.1** Local Plan policy CP7 requires development to be of a high standard of design and to complement and respect neighbouring development. Given the previous refusal reason, how the proposal responds to neighbouring development is perhaps the key consideration.
- 9.2** The existing properties within the area are set within a mixed urban grain which has evolved over time and therefore there are a variety of house types surrounding the application site. Some are set within larger plots and others on smaller plots, with the building line differing along New Barn Lane. This context is well illustrated on the site plan on the front page of this report.
- 9.3** The applicant has responded to concerns set out within the previous refusal reason. To prevent the development from appearing cramped and overcrowded, the red line has been amended and the site area is now larger (the site area was originally 0.02ha, it is now 0.034ha). There is now more space about the proposed site for a dwelling not to appear cramped in this location. This amendment will also allow for a level of amenity space commensurate with the immediately surrounding neighbours.
- 9.4** In terms of the detailed design, siting and scale of the dwelling, these aspects would be fully considered at reserved matters stage but it should be noted that the design shown in the indicative drawings is of concern to officers. Notwithstanding this, these drawings are not actually required at this stage and are purely indicative; the committee would not be committed to this design should Members resolve to grant outline planning permission.

- 9.5** At this stage, the relevant consideration is the sites suitability for a dwelling, which Officers consider acceptable when assessed against the character and context of the local area, particularly in light of the amendments to the scheme.
- 9.6** The Architects' Panel has commented on this application, but did not comment on the previous application. They have stated in their response that the information is sufficient due to the application being outline, but that a full submission would be more appropriate. This is a view officers are in agreement with, but it is important to stress that the applicant is entitled to submit an outline application and this must be considered on its individual merits. Other concerns raised by Architects' Panel relate to the external appearance and design of the proposal and the lack of context.
- 9.7** On these issues, both members and officers have the benefit of a site visit when considering this application which allows the proposal to be assessed against the context of the area. In addition, the design concerns raised are also shared by officers, but as stated earlier in the report, these would need to be addressed through the reserved matters process.
- 9.8** Finally, the Parish Council has objected to the proposal as the re-submission does not change the views expressed with the previous application. These related to overdevelopment and concerns regarding access arrangements. Officers consider the site is of a sufficient size to accommodate a small dwelling and does not represent overdevelopment.
- 9.9** Based on the above, the proposal is considered to be in accordance with Local Plan Policy CP7 and is also consistent with the aspirations of the Council's adopted Supplementary Planning Document: Development on garden land and infill sites in Cheltenham.
- 9.10 Impact on neighbouring amenity**
- 9.11** Local Plan Policy CP4 requires development to protect the existing amenity of neighbouring land users and the locality.
- 9.12** As stated earlier in the report, letters of objection have been received from the occupier of the neighbouring property at 83b New Barn Lane. The concerns raised relate primarily to amenity issues (overlooking, loss of sunlight, noise and disturbance), but also relate to the proposed access.
- 9.13** The proposed siting of the dwelling has been amended through the application process. The applicant has increased the size of the site with the result that the proposed property has been moved north, towards number 81a New Barn Lane.
- 9.14** Whilst the drawings are only indicative, a light test has been carried out on the basis of these drawings and has demonstrated there would be no unacceptable loss of light as a result of the proposal as submitted. Notwithstanding this, officers consider the siting of the gable on the boundary closest to no. 83b New Barn Lane to be inappropriate and if outline consent is granted, would advise the applicant to reconsider this aspect of the proposal at reserved matters stage.
- 9.15** In relation to concerns regarding privacy, should a reserved matters application be forthcoming, conditions have been included to ensure there are no windows in the south facing roof slope and also to remove permitted development rights.

Access and highway issues

- 9.16** Local Plan Policy TP1 advises that development will not be permitted where it would endanger highway safety. The proposed dwelling would utilise the existing access onto New Barn Lane and the County Council have raised no objection to this.
- 9.17** Comments have been provided based on the layout within the most recent amendments to the scheme. These comments acknowledge that this is an outline application and that concerns regarding the proposed parking position and manoeuvring can be addressed at reserved matters stage.
- 9.18** Officers acknowledge that the proposal constitutes 'tandem development' as referred to in the Supplementary Planning Document: Development on garden land and infill sites in Cheltenham. Notwithstanding this, the guidance does allow for this sort of arrangement in some circumstances and when assessed against other criteria, this is considered acceptable in this instance. The access is already in situ and currently serves one dwelling; officers do not consider that an additional dwelling accessed from this driveway would be unacceptable. Where tandem development is concerned, the principal issue is one of context and this has fully discussed elsewhere within this report.
- 9.19** Officers consider the proposal would not endanger highway safety and is therefore in accordance with Policy TP1.

10. CONCLUSION AND RECOMMENDATION

- 10.1** To conclude, officers consider the concerns raised in relation to the previous application have been addressed by the amendments to this proposal.
- 10.2** Members are advised that this represents a balanced conclusion; officers accept that the proposal is flawed in some respects, as highlighted by the Architects Panel but issues relating to the design and layout of the site could be addressed through the reserved matters process should members choose to grant outline consent. When considering the issues relevant to this outline consent, however, the principle of the dwelling and the access are considered acceptable.
- 10.3** The proposal is in accordance with the relevant Local Plan policies and with the suggested conditions, meets the criteria set out in the Council's adopted Supplementary Planning Document: Development on garden land and infill sites in Cheltenham.
- 10.4** The recommendation is to grant outline planning permission, subject to the conditions set out below. An informative is also suggested to help guide the applicant develop a successful reserved matters submission.

11. CONDITIONS / INFORMATIVES

- 1 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of five years from the date of this permission. The development hereby permitted shall be begun not later than whenever is the later of the following dates:-
 - (a) the expiration of 5 years from the date of this permission;
 - (b) the expiration of 2 years from the final approval of reserved matters;
 - (c) in the case of approval on different dates the final approval of the last such matters to be approved.

Reason: As required by Section 92 of the Town and Country Planning Act 1990.

- 2 Approval of the details of the (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
Reason: This is an outline permission only and these matters have been reserved for the subsequent approval of the Local Planning Authority.
- 3 Prior to the commencement of development, an annotated elevation with a detailed specification of all external materials and finishes (including all windows and external doors) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented strictly in accordance with the details so approved and maintained as such thereafter.
Reason: To ensure a satisfactory form of development in accordance with Local Plan Policy CP7 relating to design.
- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and/or re-enacting that order with or without modification), no extensions, garages, walls, fences or other structures of any kind (other than those forming part of the development hereby permitted) shall be erected without planning permission.
Reason: Any further extension or alteration requires detailed consideration to safeguard the amenities of the locality in accordance with Local Plan Policies CP4 and CP7 relating to safe and sustainable living and design.
- 5 There shall be no windows in the south facing roof slope of the proposed dwelling.
Reason: To safeguard the amenities of the locality in accordance with Local Plan Policy CP4 relating to safe and sustainable living.
- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and/or re-enacting that order with or without modification), no additional openings shall be formed in the development without planning permission.
Reason: Any further openings require detailed consideration to safeguard the amenities of the locality in accordance with Local Plan Policies CP4 and CP7 relating to safe and sustainable living and design.
- 7 Prior to the commencement of development, a scheme for the provision or improvement of recreational facilities to serve the proposed dwelling(s) shall be submitted to and approved in writing by the Local Planning Authority. The dwelling(s) shall not be occupied until the approved scheme has been implemented.
Reason: To avoid any increase in the Borough's imbalance between population and the provision of outdoor play space and related facilities in accordance with Local Plan Policy RC6 relating to play space in residential development.

INFORMATIVES

- 1 This decision relates to an outline permission with all matters reserved except access. Whilst indicative drawings have been submitted to give an indication of the potential design and layout, the Local Planning Authority consider that these matters should be given more thought before the submission of the reserved matters application. The indicative elevations suggest an ill-conceived and poorly fenestrated building that fails to achieve the standards of design expected by Local Plan policy CP7. Furthermore, the suggested footprint, with its projecting gable located adjacent to the eastern boundary, creates an unnecessarily awkward relationship with the adjacent property, 83b New Barn Lane.

- 2 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 and the provisions of the NPPF, the Local Planning Authority adopts a positive and proactive approach to dealing with planning applications and where possible, will seek solutions to any problems that arise when dealing with a planning application with the aim of fostering the delivery of sustainable development.

At the heart of this positive and proactive approach is the authority's pre-application advice service for all types of development. Further to this however, the authority publishes guidance on the Council's website on how to submit planning applications and provides full and up-to-date information in relation to planning applications to enable the applicant, and other interested parties, to track progress.

In this instance, having had regard to all material considerations, the application constitutes sustainable development and has therefore been approved in a timely manner.