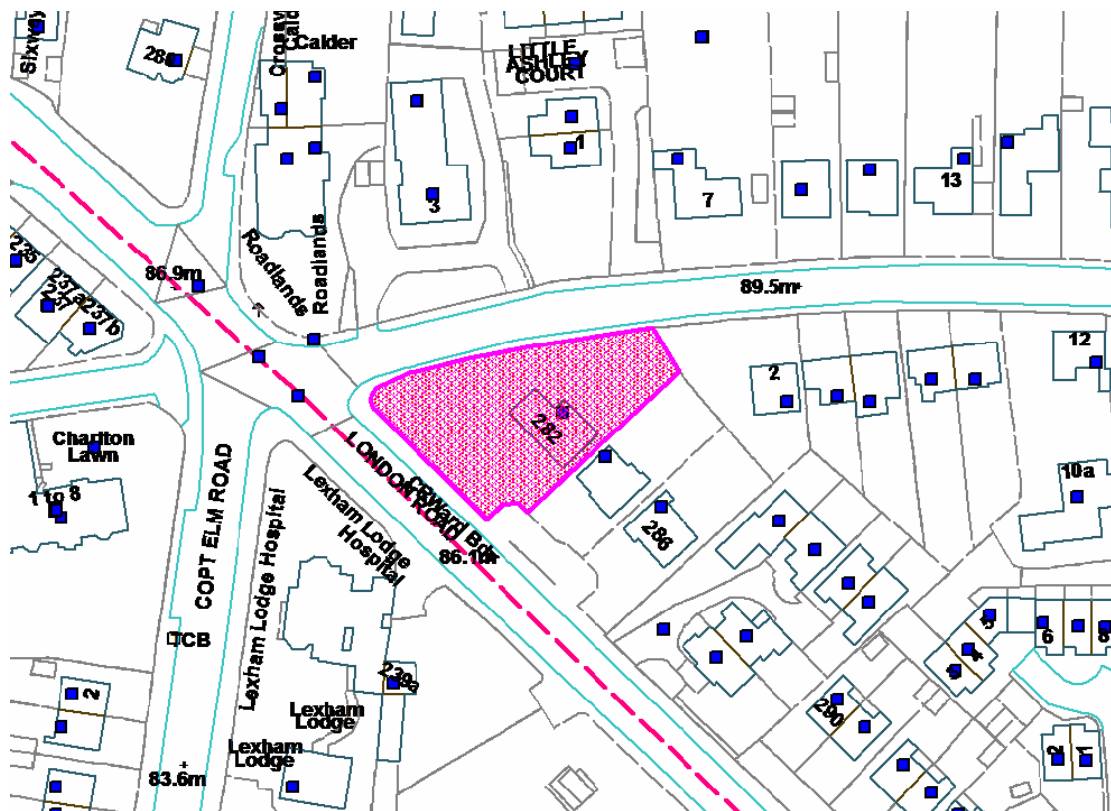


APPLICATION NO: 13/02143/FUL		OFFICER: Mrs Emma Pickernell	
DATE REGISTERED: 18th December 2013		DATE OF EXPIRY: 12th February 2014	
WARD: Battledown		PARISH: Charlton Kings	
APPLICANT:	Mr Krish Pillai		
AGENT:	Ralph Guilor Architects		
LOCATION:	282 London Road, Charlton Kings, Cheltenham		
PROPOSAL:	Demolition of existing dwelling and erection of two new dwellings		

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is a roughly triangular plot currently accommodating a two storey pitched roof brick and tile dwelling with a large flat roof side extension. It is located at the 'Sixways' junction in Charlton Kings and is bound to the south east by London Road and to the north by Ryeworth Road. The site is within the Cudnall Street (Charlton Kings) conservation area.
- 1.2 This application proposes the demolition of the existing dwelling and it's replacement with two new, detached dwellings. The dwellings are of a contemporary design with flat roofs. The materials comprise a mixture of render, brickwork and areas of cladding within the rendered sections.
- 1.3 The accommodation provided by the scheme comprises 2 no. 4 bed dwellings each with living/dining/kitchen/utility and study rooms on the ground floor. Access would be via the existing access point and two parking spaces per dwelling and vehicular manoeuvring space would be available to the front.
- 1.4 The site is 0.2ha in area and as such the density of the proposal is 10dph.
- 1.5 The land levels rise by approximately 2m between the site and Ryeworth Road and the land banks up along the northern boundary of the site. House two is set into this bank and an area would be excavated to provide a level patio.
- 1.6 The site is well landscaped with a strong hedge along the Ryeworth Road frontage which would be retained. 5 trees would be removed; 3 lawson cypress, a Scots Pine and a cherry. The drawings indicate that new tree planting would take place along this boundary.
- 1.7 This application comes to committee as a result of the objection received by the Parish Council.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Conservation Area

Relevant Planning History:

13/01367/FUL 3rd October 2013 WDN

Demolition of existing dwelling and erection of two new dwellings

13/01367/CAC 3rd October 2013 WDN

Demolition of existing dwelling

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 1 Sustainable development

CP 3 Sustainable environment

CP 4 Safe and sustainable living

CP 7 Design

BE 3 Demolition in conservation areas

BE 4 Timing of demolition in conservation areas

GE 5 Protection and replacement of trees

GE 6 Trees and development

HS 1 Housing development

RC 2 Youth and adult outdoor playing facilities

TP 1 Development and highway safety

TP 6 Parking provision in development

Supplementary Planning Guidance/Documents

Development on garden land and infill sites in Cheltenham (2009)

Landscaping in new development (2004)

Play space in residential development (2003)

Cudnall Street conservation area character appraisals and management plan (June 2009)

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

Glos Centre For Environmental Records

13th January 2014

Report available to view.

Tree Officer

8th January 2014

This current scheme is preferable to the Tree Section in relation to tree retention as more category B trees (as per the Arboricultural Report) to the front of the site have been given additional space compared with the previous scheme. Also the poorer specimens (with exception of T15) to the rear of the site will be removed and replaced, therefore the Tree Section has no objections to this application. Prior to a decision being issued a Tree Protection Plan needs to be submitted and agreed.

Notwithstanding the above information being submitted, please attach the following conditions:

- TRE02B Tree protection plan
- TRE03B Protective fencing
- TRE04B No fires within RPA
- TRE05B No service runs within RPA
- TRE06B No-dig construction methods with RPA
- Detailed Landscaping

The landscaping proposal shall be carried out no later than the first planting season following the date when the development is ready for occupation or in accordance with a programme agreed in writing with the Local Planning Authority. The scheme shall specify species, density, planting size, layout, protection, aftercare and maintenance. The size of the trees shall be at least a Selected Standard as per BS 3936-1:1992. The trees shall be maintained for 5 years after planting and should they be removed, die, be severely damaged or become seriously diseased within this period they shall be replaced with another tree as originally required to be planted.

Reason: To preserve the visual amenities of the locality in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.

Parish Council
28th January 2014

Object as previous

Comments on previous application were made on 28/8/13 and were as follows:

OBJECTION:

- *Plans submitted have insufficient information to make a reasoned judgement*
- *Out of keeping with Cudnall Street conservation area*
- *No information on materials C.K.P.C*
- *Opposed to garden grabbing.*
- *Car exit provision by Sixways lights*
- *Significant house at Sixways should be in keeping*

Environmental Health
3rd January 2014

In relation to application 13/02143/FUL for 282 London Road, Charlton Kings, Cheltenham, GL52 6YF please can I add the following:

Condition:

This proposal includes an amount of demolition of existing buildings, this will inevitably lead to some emissions of noise and dust which have a potential to affect nearby properties, including residential property. I must therefore recommend that if permission is granted a condition is attached along the following lines:

The developer shall provide a plan for the control of noise and dust from works of construction and demolition at the site. The plan should also include controls on these nuisances from vehicles operating at and accessing the site from the highway. Such a plan is to be submitted to and approved by the Local Planning Authority before work commences on site.

Reason: to protect local residents

Advisory: One point the developers should consider is to keep to the recommended times of work for construction on sites (Monday - Friday 07:30 - 18:00, Saturday 08:00 - 13:00) to reduce the noise impact upon other local residents

GCC Highways Planning Liaison Officer
10th January 2014

I refer to the above planning application received on 19th December 2013 with drawing no: 1321/10.

I note the comments made by the Highway Authority on the previous withdrawn proposal for 2 dwellings (ref no: 13/01367/FUL). In highway terms this current scheme is almost identical, with appropriate levels of car parking being provided; therefore I see no reason to make a different recommendation to that made to the LPA on 29th August 2013.

Therefore, I recommend that no highway objection be raised subject to the following condition being attached to any permission granted:-

The car parking (including garages and car ports where proposed) and manoeuvring facilities serving each dwelling shall be completed in all respects in accordance with the

submitted details shown on drawing No. 1321/10 prior to the occupation of that dwelling and shall be similarly maintained thereafter for that purpose.

Reason: To ensure an acceptable level of car parking and appropriate manoeuvring facilities are provided and maintained, in the interests of highway safety.

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.

Architects Panel

5th February 2014

2. Is the Information sufficient to understand the application?

Yes.

3. Comments on the Application

The scheme is a redesign of an earlier submission which has been substantially reduced and is now sits far better on the site and next to its neighbours. The dwellings are set on the building line of the adjacent houses and the massing, although contemporary in its form, sits comfortably next to the existing neighbours. We would support the contemporary styling, aesthetics and materials although there was a question as to whether the local brickwork should be red rather than buff?

4. Summary

We believe the design is good and would support the scheme.

Cheltenham Civic Society

10th February 2014

We think this shows little respect for the context, and the design is not appropriate here

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	13
Total comments received	3
Number of objections	3
Number of supporting	0
General comment	0

5.1 The application was advertised by way of a notice and the site and in the Echo and letters sent to 13 neighbouring properties. Three objections were received.

5.2 Amendments have been made to the proposal and a further consultation period is being carried out. This ends on 14th March 2014 after the date on which this report is published and as such any further comments received will be reported to members in update(s). To date one further objection has been in response to the re-consultation.

5.3 The comments received to date can be summarised as follows:

- Contemporary architecture inappropriate for the location
- Poor design
- Impact on the street scene
- Out of keeping
- Restrictive covenants
- Highway danger
- Neighbour amenity

6. OFFICER COMMENTS

The key considerations in determining this application are considered to be (i) principle, (ii) design, layout and impact on conservation area, (iii) Neighbour amenity, (iv) trees and landscaping, (v) highway safety.

6.1 Site and Context

6.1.1 The site is the eastern-most building within the Cudnall Street conservation area and is identified within the Character Appraisal as a 'significant neutral' building. The appraisal goes on to say: *"No. 282 London Road forms part of the mid 20th century planned residential development along this section of London Road. It is constructed from brick and has a tile roof. The house is set away from historic buildings and public space but its inclusion within the Conservation Area is questionable."*

6.1.2 The house as existing does not make a positive contribution to the conservation area and its demolition is considered to be acceptable in principle. Further there is no objection to an increased number of dwellings on the site provided they can be successfully accommodated. The site however is in a prominent location and is in relatively close proximity to a number of listed buildings and as such a careful consideration of the proposed scheme is necessary.

6.2 Design, layout and impact on conservation area

6.2.1 The scheme is the result of negotiations with officers; earlier iterations of the scheme involved a third floor, the stepping forward of one of the houses into the corner, a narrower gap between the buildings and more expansive front elevations.

6.2.2 The design is contemporary, however modern designs are not ruled out in a conservation area; the NPPF states that Local Authorities should not seek to impose architectural styles or particular tastes. However there is a requirement that development in such areas must preserve or enhance the character and appearance.

6.2.3 The scheme as now presented is considered to be an acceptable design. Although contrasting with its neighbours, it follows the established building line and picks up on the proportions of the more traditional properties in the locality. The vertical emphasis and articulation which has been added helps to break up the mass of the buildings so that they do not appear overly wide and the space between the two dwellings is similar to that which exists between neighbouring properties thereby picking up on the general rhythm and grain of development in the area. The materials proposed are considered appropriate to the area and conditions are recommended which would allow further consideration of the final finish of the buildings. The approach followed here is that advocated by the Development on garden land and infill sites in Cheltenham SPD in that it responds to the existing character of the area.

- 6.2.4 The layout is considered to be acceptable; as mentioned above the spacing between the buildings is appropriate and the parking and turning area has been well designed. However the plot adjacent to Ryeworth Road comes within relatively close proximity to the northern boundary. The plans indicate that the hedge along this boundary is to be retained but it is not clear whether this is achievable given the excavation works which would be required. If it is not possible to retain the hedge, it is considered that a new mature hedge must be planted in its place as this has a softening effect and the green approach down Ryeworth Road to the Sixways junction is a positive feature of the conservation area. As such details of this will be required in order to satisfy the landscaping condition. Subject to the presence of a hedge in this location approximately 2m of the building would be visible above the hedge.
- 6.2.5 Whilst more space between the boundary and the building in this area would be preferable officers consider that, on balance the scheme as proposed is acceptable as it secures the replacement of an unattractive building in the conservation area with two well designed properties which are acceptable in all other respects. Furthermore the potential harm can be mitigated through a comprehensive landscaping scheme.
- 6.2.6 For these reasons the proposal is considered to be in line with the aims of the NPPF including replacing poor design with better design (para 9), responding to local character whilst not preventing or discouraging appropriate innovation (para 58) and not resulting in significant harm to the conservation area (para 132). The proposal is also in line with local plan policies CP3 (sustainable environment) in that it would conserve the best of built environments and CP7 (Design) in that it would be of a high standard of architectural design. It also follows advice contained in the Development on garden land and infill sites in Cheltenham SPD.

6.3 Neighbour amenity

- 6.3.1 The relationship between the proposed properties and the immediate neighbour is largely unchanged. The buildings follow the building line, not projecting significantly beyond the front or rear of this building. No windows are proposed in the side elevation and the recessed balcony would only achieve oblique views of the front garden.
- 6.3.2 Other surrounding properties may be able to see the proposed dwellings, however the distances between these buildings are such that there would be no adverse impact by way of overlooking or loss of light.
- 6.3.3 For these reasons the proposal is considered to be in line with policy CP4 of the Adopted Local Plan in that it would not cause unacceptable harm to the amenity of adjoining land owners.

6.4 Trees and Landscaping

- 6.4.1 In addition to the hedge it is also important to consider the impact on the trees. The tree officer has confirmed that the scheme would result in the protection of the most important trees towards the frontage of the site. The trees which are proposed to be removed are relatively poor specimens and it is proposed that these would be replaced with new trees. As such there is no objection to the proposal on tree grounds.
- 6.4.2 As mentioned above the detailed landscaping scheme will be integral to the success of the scheme and appropriate conditions are recommended with regards to the protection of existing trees and the planting of new.
- 6.4.3 As such the application is considered to be in accordance with the NPPF which refers to good landscaping as an intrinsic element of good design in chapter 7. and policy GE5 (Protection and Replacement of Trees) which requires the replacement of felled trees

6.5 Highway Safety

6.5.1 London Road is a classified road and as such Highways have provided a comment on the proposal. They have confirmed that they raise no objection to the proposal subject to the implementation of the parking and turning provision indicated on the plans. As such this aspect of the scheme is considered to be acceptable and as such is in accordance with policy TP1 (Development and Highway Safety) of the Local Plan.

6.6 Other matters

6.6.1 The proposal results in the net increase of 1 dwelling on the plot as such the proposal would be required to contribute towards playspace provision in the locality. In this instance a contribution towards youth/adult provision is appropriate and the required amount is £368.

6.6.2 Reference has been made within the representations to a restrictive covenant attached to the land however this is not relevant to the consideration of this planning application.

7. CONCLUSION AND RECOMMENDATION

7.1 The proposal is a well designed scheme which when considered in the round, represents an enhancement to the conservation area and is acceptable in all other respects. As such the application is recommended for approval subject to the following conditions.

8. CONDITIONS / INFORMATIVES

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
Reason: To accord with the provisions of 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 drawing numbers 1321 11 B received 28/02/14.
Reason: To ensure the development is carried out in strict accordance with the approved drawings.
- 3 Prior to the first occupation of the development, the car parking area and manoeuvring shall be completed and marked out in accordance with the approved plan(s). The car parking area shall thereafter be retained in accordance with the approved plans and kept available for use as car parking.
Reason: To ensure adequate car parking within the curtilage of the site in accordance with Local Plan Policy TP1 relating to development and highway safety.
- 4 Prior to the commencement of the works hereby approved a plan for the control of noise and dust from works of construction and demolition at the site shall be submitted to and approved in writing by the Local Planning Authority. The plan should also include controls on these nuisances from vehicles operating at and accessing the site from the highway. The development shall be carried out in strict accordance with the approved plan.

Reason: In the interests of amenity of neighbouring properties in accordance with policy CP4 of the adopted local plan.

- 5 Prior to the commencement of any works on site (including demolition and site clearance) a Tree Protection Plan (TPP) to BS5837:2012 shall be submitted to and approved in writing by the Local Planning Authority. The TPP shall detail the methods of tree/hedge protection and clearly detail the positioning and specifications for the erection of tree protective fencing. The development shall be implemented strictly in accordance with the details so approved.
Reason: In the interests of local amenity in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.
- 6 Tree protective fencing shall be installed in accordance with the specifications set out within BS 5837:2012. The fencing shall be erected, inspected and approved in writing by the Local Planning Authority prior to the commencement of any works on site (including demolition and site clearance) and shall remain in place until the completion of the construction process.
Reason: In the interests of local amenity, in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.
- 7 No fires shall be lit within 5m of the Root Protection Area(s) and materials that will contaminate the soil such as cement or diesel must not be discharged within 10m of the tree stem. Existing ground levels shall remain the same within the Root Protection Area(s) and no building materials or surplus soil shall be stored therein. No trenches for services or drains shall be sited within the crown spread of any trees to be retained.
Reason: In the interests of local amenity in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.
- 8 All service runs shall fall outside the Root Protection Area(s) unless otherwise agreed in writing by the Local Planning Authority. Any such works shall be in accordance The National Joint Utilities Group; Volume 4 (2007).
Reason: In the interests of local amenity in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.
- 9 All paths, parking areas and other forms of hard landscaping that fall within the Root Protection Area(s) shall be constructed using a no-dig method. Prior to the commencement of development, full details of the proposed no-dig method shall be submitted to and approved in writing by the Local Planning Authority and the development shall be implemented strictly in accordance with the details so approved.
Reason: In the interests of local amenity in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.
- 10 The landscaping proposal shall be carried out no later than the first planting season following the date when the development is ready for occupation or in accordance with a programme agreed in writing with the Local Planning Authority. The scheme shall specify species, density, planting size, layout, protection, aftercare and maintenance. The size of the trees shall be at least a Selected Standard as per BS 3936-1:1992. The trees shall be maintained for 5 years after planting and should they be removed, die, be severely damaged or become seriously diseased within this period they shall be replaced with another tree as originally required to be planted.
Reason: To preserve the visual amenities of the locality in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.
- 11 Prior to the commencement of development, the design and details including materials and finishes of the following shall be submitted to and approved in writing by the Local Planning Authority:

 - windows
 - doors
 - rainwater goods
 - eaves

The design and details shall be accompanied by elevations and section drawings to a minimum scale of 1:5 together with full size cross section profiles. The works shall thereafter be implemented strictly in accordance with the agreed details.

Reason: To ensure a satisfactory form of development in accordance with Local Plan Policies CP3 and CP7 relating to sustainable environment and design, and national guidance set out within the National Planning Policy Framework and the Historic Environment Planning Practice Guide. These are important details which need to be constructed in the traditional local manner to ensure that the development is compatible with its surroundings.

- 12 Prior to the construction of any part of the approved dwellings, samples of the proposed facing materials and roofing materials shall be submitted to and approved in writing by the Local Planning Authority, and the materials used in the development shall be in accordance with the samples so approved.

Reason: To ensure a satisfactory form of development in accordance with Local Plan Policy CP7 relating to design.

INFORMATIVE:

1. 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, the authority sought amendments to the design of the proposed dwellings.

Following these negotiations, the application now constitutes sustainable development and has therefore been approved in a timely manner.