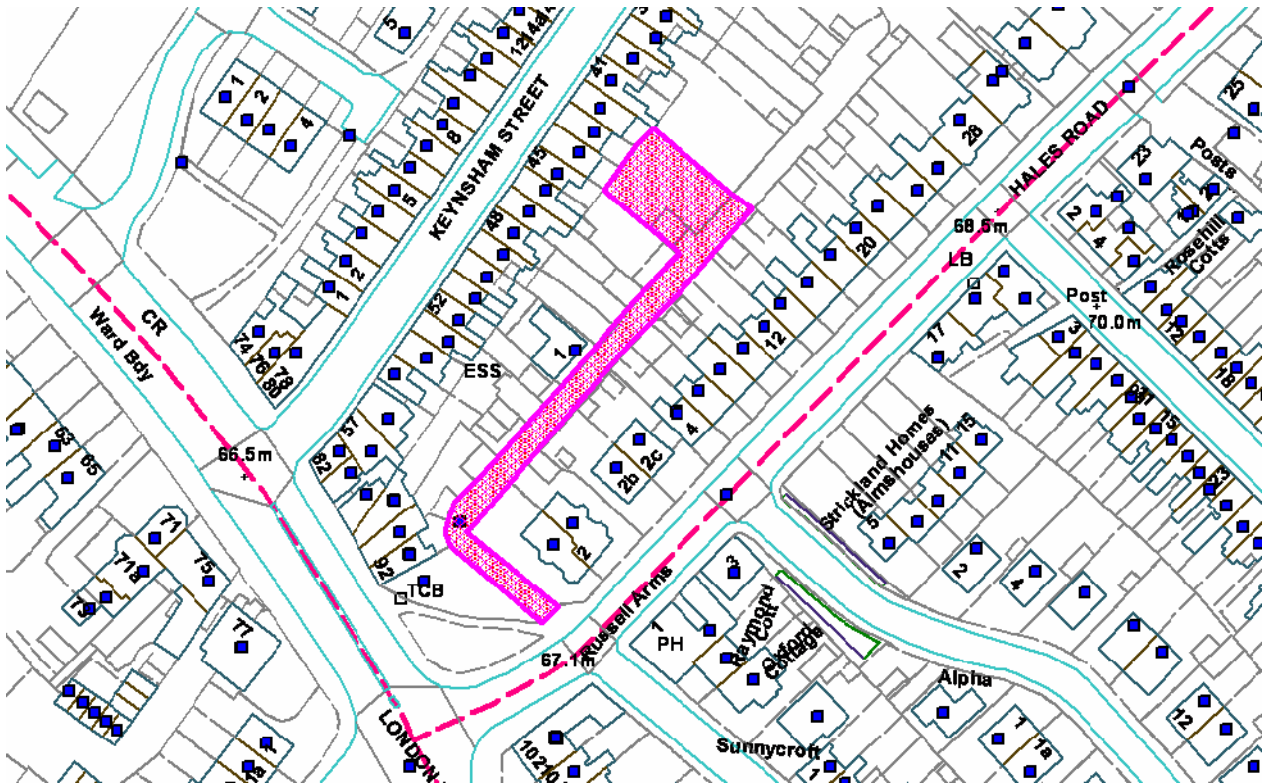


APPLICATION NO: 14/00395/FUL		OFFICER: Mrs Emma Pickernell	
DATE REGISTERED: 6th March 2014		DATE OF EXPIRY: 1st May 2014	
WARD: All Saints		PARISH:	
APPLICANT:	Mr D Iles		
AGENT:	VJM Design House Ltd		
LOCATION:	39 Keynsham Street Cheltenham Gloucestershire		
PROPOSAL:	Proposed erection of single storey 2 bedroomed dwelling to rear of 39 Keynsham Street		

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site comprises a parcel of garden land at the rear of 39 – 41 Keynsham Street. This fronts the rear lane which runs between Keynsham Street and Hales Road and is accessed via Hales Road. The site is approximately 90m along this lane.
- 1.2 This application proposes the erection of a single storey dwelling which is configured in an 'L' shape. It has a pitched roof with a maximum of 4.6m high. It is set back 2m from the back edge of the lane at the nearest point with the remainder of the building set back 5.6m to provide parking space.
- 1.3 Outline planning permission for 2 dwellings on this site was submitted in December 2013 which was later withdrawn.
- 1.4 The application comes before planning committee at the request of Cllr Jordan due to concerns about the private nature of the road and refuse collection arrangements.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Conservation Area
Landfill Sites region

Relevant Planning History:

13/01719/OUT 12th December 2013 WDN

Outline application for the construction of 2 x detached 1 bedroom single storey dwellings

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 6 Back lanes in conservation areas
TP 1 Development and Highway Safety

Supplementary Planning Guidance/Documents

Development on garden land and infill sites in Cheltenham (2009)
Play space in residential development (2003)

Central conservation area: Sydenham Character Area and Management Plan (July 2008)

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

Heritage and Conservation

30th April 2014

Comments:

1. From considering the history of the site it appears that this land and the adjacent land have never been developed for more than a few adhoc garages.

2. The nearby houses in both Keynsham Street and Hales Road are artisan type housing and would never have been the type of properties which would have had a coach house or stable associated with them, so there is no historic architectural precedent in the immediate area.
3. The access road is not adopted, it is very narrow and there is extremely poor overlooking with very little opportunity to provide any secure by design.
4. However this is a site in a sustainable location and the principle of its development is acceptable subject to the detailed design being acceptable.
5. Notwithstanding the principle I am concerned about some aspects of the detailed design, as follows
 - a. Because of the very narrow width and poor condition of the access road, will refuse bin lorries and fire engines be able to access the site? I suggest that the refuse department and fire/building control department are consulted at this stage to confirm what their requirements might be for their large vehicles.
 - b. Because of the very narrow width of the road, it would appear to be extremely difficult to access this site at right angle with a vehicle.
 - c. Because of the lack of passive surveillance from other properties, the proposed location of this property along side the back edge of the narrow road, could make the property especially the principal bedroom vulnerable to security and privacy issues.
 - d. The very shallow pitched roof in combination with wide gables is a poor design detail.
6. I suggest that the footprint of the building is moved into the site thus allow easier access along the narrow road, and enabling privacy and defensible space to the bedroom window.

CONCLUSION: please ask for revisions to address the above comments.

N.B. the conservation officer has been verbally consulted on the revised plan and has confirmed that the scheme is now acceptable as the pitch has been steepened which improves the proportions of the building and overcomes the design objections. The set back of part of the building also helps to resolve issues of ease of movement and privacy issues.

GCC Highways Planning Liaison Officer

10th March 2014

With regards to the above site; under our Highway's Standing advice criteria we do not need to be consulted on this application and this can be dealt with by yourselves with the aid of our guidance.

Comments made in response to earlier application for two dwellings:

This outline application, with all matters reserved, will see the construction of 2no. residential dwellings on land to the rear of 39 Keynsham Street. It would appear from the submitted DAS that access is proposed to be taken off a narrow unadopted lane which meets with the public highway on Hales Road. There have been no recorded Personal

Injury Collisions recorded in the nearby vicinity of the access occurring within the data set spanning the last 5 years.

From my initial desktop assessment I am of the opinion that the lane is used by many of the residents on both Hales Road and Keynsham road for the purpose of accessing their rear garages and parking areas, therefore I do not perceive the increased vehicle movements which will be created as a result of the proposal to be significant. The building of the two dwellings will result in a loss of rear vehicular access for 39 Keynsham Street which means that in effect the assessment of vehicles using the lane will only relate to the addition of one dwelling i.e. the loss of one dwelling's access and the introduction of another single dwelling will result in a neutral impact.

Although the lane is narrow, there are opportunities for two cars to pass each other. The ability to turn a vehicle, although not ideal, will be possible once the areas of land shown on plan for the purposes of parking has been provided. One parking space per dwelling has been shown on plan and although this may be considered deficient in terms of national car parking research, the location of the site means that any extra vehicles which may be associated with the development will park elsewhere on the local road network. The local road network is currently controlled by way of Traffic Regulation Orders and permit parking controls therefore vehicles will not park indiscriminately on the highway. It would be preferable to see two parking spaces provided for each dwelling at the Reserved Matters stage.

The submission does not indicate the method of refuse collection however it is likely that the residents will leave their bins at the entrance on Hales Road. Although the distance the residents will be required to walk will be over the recommended distance guidelines this would not be considered a reason to object to the proposal.

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

Contaminated Land Officer

10th March 2014

No comment.

Architects Panel

1st April 2014

This application has been previously commented on by the panel. The revised proposals still represent a poor quality design with windows from the bedroom and bathroom opening directly onto the lane. We would therefore suggest that the property is either set back into the plot or turned to make this unnecessary. Given the width of the lane we also do not think that the parking/turning arrangements shown will work. We believe this is a viable site but object to the scheme in its current form.

8th May 2014

REVISED COMMENTS: 8/5/14

The panel has reviewed this application previously. Revised drawings show the floor plan mirrored and set back to create better parking space at the front. The roof pitch has also been increased.

These changes result in a better solution and, although we would still question some elements of the design, we would not object to it.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	68
Total comments received	8
Number of objections	8
Number of supporting	0
General comment	0

5.1 The application was publicised by way of letters sent to 68 neighbouring properties, a notice posted at the site and a notice in the local paper. The application was the subject of re-consultation upon receipt of revised plans. 8 letters of objection have been received. The comments received can be summarised as follows:

- Concern about access to the site by emergency services
- Concern about the condition of the lane – queries about responsibility for upkeep
- Lack of utilities and lighting
- Highway danger
- Privacy of neighbouring properties
- Noise pollution
- Visual intrusion and impact on conservation area
- Impact on wildlife
- Concerns about refuse collection arrangements

6. OFFICER COMMENTS

6.1 Determining Issues

The key issues in determining this application are considered to be (i) principle, (ii) design and appearance, (iii) highways and parking, (iv) impact on neighbouring properties.

6.2 The site and its context

The application site comprises former garden land to the rear of 39 – 41 Keynsham Street which is in the same ownership as 39 Keynsham Street. This is accessed via a lane which leads between Keynsham Street and Hales Road which is accessed via Hales Road. The lane provides direct access to one dwelling which was approved in 2006 (06/01127/FUL) and to the rear of properties on both streets, a number of which have parking areas and garages accessed off the lane. The principle of development in this location is considered to be acceptable. It is in a sustainable location within close proximity to the town centre, with good access to transport links and local facilities. As such, provided the detailed aspects are acceptable it is not considered that the principle can be resisted. The acceptability of the principle is reinforced by the previous permission as mentioned above.

The site is within the Sydenham Character area of the central conservation area. The character appraisal for this area identifies the properties of Keynsham Street and the majority of those in Hales Road as positive buildings, however no reference is made to this lane within the appraisal.

6.3 Design and layout

The application has been the subject of negotiations in relation to the design of the building following concerns being raised by the conservation officer and architects panel.

Concerns were raised in response to the initial design as the building was hard-up against the back edge of the pavement with a shallow pitch and a very constrained parking arrangement. It was considered to be a poor form of development. The plans have been amended through the introduction of a steeper pitch which improves the proportions of the building. The footprint of the building has also been amended so that there is a forward facing gable on the back edge of the pavement with the remainder of the building set back. This has the effect of allowing the building to address the lane whilst creating some defensible space to the frontage of the building, setting the bedroom away from the lane. This also frees up the parking space which makes it easier to use and safer.

The design is still relatively bland however the objections by the architects panel and the conservation officer have now been withdrawn. The scheme is now not considered to be visually harmful. It is subservient in scale to the frontage properties and is not widely visible from vantage points within the conservation area. As such for these reasons the proposal is considered to be acceptable in terms of design and layout and therefore in accordance with policy CP7.

6.4 Access and highway issues

As mentioned above access to the site is via a back lane which is unadopted. The lane is unmade and according to neighbours potholes sometimes appear and are often filled by a local resident, although this arrangement is an informal one. The lane is well used however by the existing dwelling, located towards the southern end of the lane and numerous properties which have garages and parking spaces at the rear.

As detailed above Highways have not provided specific comments in response to this proposal, however they provided detailed comments in relation to the previous proposal which was for two dwellings on the site. They did not object to that proposal and as such it follows that there is no objection to a single dwelling achieving access via this lane. The proposal provides for one off street parking space, however this space is generous and would allow for ease of manoeuvring in and out so as not to cause an obstruction for other users of the lane.

A number of objections have raised concerns about the condition and up-keep of the lane, however this is a private lane and as such this is a private matter to be resolved between all parties with an interest in the land.

There is also a concern about the cumulative impact which future proposals to develop this rear land may result in. This proposal in its own right will not have a sufficiently harmful impact upon highway safety or the adjacent road network to warrant its refusal. It may be that in the future this threshold of acceptability may be crossed and the situation may become such that further properties are not acceptable. However this is not the case here and as such it is not considered that permission can be withheld on highway grounds.

Refuse collection is also a cause for concern for residents. The proposal provides adequate space for bin storage within the site boundary. Advice from Ubico is that their operatives will not drag bins more than 10m to the collection vehicle as such it is likely that future residents will have to present their bins near the Hales Road entrance on bin collection day. Highways advise that although this is further than would be advised for a collection point this is not sufficient reason to recommend the application for refusal.

As such although the concerns in relation to access issues is understood no actual harm has been identified on highway grounds which is sufficient to warrant the refusal of the application. As such the proposal is considered to be in accordance with policy TP1 and the NPPF which states that *“Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe”*.

6.5 Impact on neighbouring property

The proposal is single storey in nature and as such any potential for overlooking is restricted by normal residential boundaries. No roof space accommodation is proposed and it is recommended that permitted development rights be removed to ensure that any proposals for extensions and additions can be fully assessed to ensure no adverse impact on neighbour amenity. A number of objections have made reference to noise and disturbance however there is no reason to assume that a dwelling in this location would result in disturbance. The garden is 8m long which falls slightly below the guidelines included in the SPD, however given that the dwelling is single storey with no rooms in the roof, this is considered adequate to avoid adverse overlooking of neighbouring amenity areas.

As such the impact on neighbouring properties is considered to be acceptable and as such the proposal is in accordance with policy CP4 of the local plan.

6.6 Sustainability

Members are aware that the NPPF includes a ‘presumption in favour of sustainable development’. This proposal is considered to represent a sustainable form of development as it is in relatively close proximity to the town centre and local public transport links. The concerns about the proposal are understood however it is not considered that the refusal of the application is reasonable.

7. CONCLUSION AND RECOMMENDATION

For the reasons outlined above the application is considered to be acceptable and is therefore recommended for approval.

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 013.069.Planning02 Rev A received 30/4/14
Reason: To ensure the development is carried out in strict accordance with the approved drawings.
- 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 Prior to the first occupation of the development, the car parking area 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.

- 5 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.

- 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 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.

- 7 Prior to the commencement of development, a detailed scheme for boundary walls, fences or other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority and the boundary walls, fences or other means of enclosure shall be erected before the development hereby permitted is first occupied. This shall include the proposed gates as shown on the approved plans.

Reason: To ensure that the development is completed in a manner that is sympathetic to the site and its surroundings in accordance with Local Plan Policy CP7 relating to design.

INFORMATIVES

- 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 make the scheme acceptable.

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