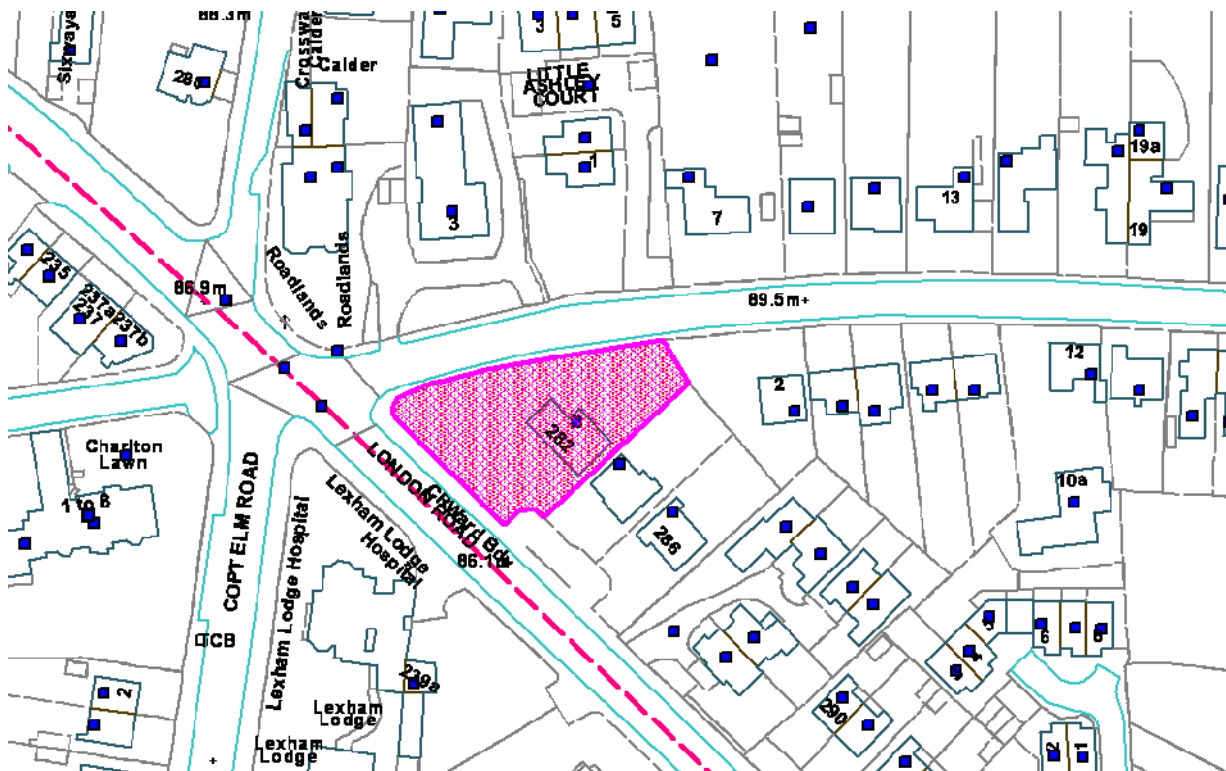


APPLICATION NO: 14/00530/FUL		OFFICER: Mrs Emma Pickernell
DATE REGISTERED: 3rd April 2014		DATE OF EXPIRY: 29th May 2014
WARD: Battledown		PARISH: Charlton Kings
APPLICANT:	Mr Krish Pillai	
AGENT:	Ralph Guilor Architects	
LOCATION:	282 London Road, Charlton Kings, Cheltenham	
PROPOSAL:	Demolition of 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 2m apart. The dwellings are of a contemporary design with dual pitched 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

13/02143/FUL 21st March 2014 REF

Demolition of existing dwelling and erection of two new 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 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

Heritage and Conservation

1st May 2014

Comments:

1. There is an error on the drawing as proposed (drawing number 1321/11/rev C). This error shows the distance between the two houses on the ground floor plan, first floor plan and front elevation as 2m, but between the two houses on the rear elevation as 1m. This error also appears to make the building (plot 2) on the rear elevation, be further away from the Ryeworth Road boundary and in addition the retaining wall on the rear elevation appears to be incorrectly positioned. This error and inconsistency needs to be corrected now. What is proposed as the distance between these two houses, is it 2m or 1m and what is the proposed distance from the Ryeworth Road boundary?
2. The conservation area character appraisal document for Cudnall Street has identified the existing building as a neutral building.
3. It is intended that the existing 2.5m boundary hedging along the Ryeworth Road boundary will be retained and this is welcomed.
4. The principle of demolishing the existing building is acceptable, subject to the form, mass, size, height, detailed design and location on the site of any replacement building(s).
5. The proposals are for two new large detached houses, with each property having four bedrooms, one dressing room and three bathrooms.
6. The proposed architectural style is a pitched roofed contemporary style, with two mono-pitched roofs on each house. Whilst the principle of contemporary architectural style in a conservation area is not an issue, I do have concerns about the detailed design of these two particular buildings especially the visually dominant mono-pitched roofs.
7. I am very concerned about the visual impact of both of the proposed houses due to their location (particularly plot 2), which is proposed to be very close to the Ryeworth Road boundary and also the height of their pitched roofs and form of the roofs.

8. It is proposed that the height of the roofs will be some 3m above the height of the existing hedge, which is shown as 2.8m on the rear elevation drawing. However the Tree Consultant has noted this hedge is 2.5m high which makes the highest point of the proposed roof line 3.3m above the existing hedge.
9. In addition this northern most house (ie plot 2) has a large footprint, resulting in a large form and mass, which in combination with its location on the site, it's very close proximity (ie 1.8m) to the Ryeworth Road boundary and its large high mono-pitch roof form, will result in its visual impact being quite significant on this part of the conservation area.
10. The visual impact of these houses on this part of the conservation area is inevitable due to the proposed site layout, the large proposed footprint of the buildings and the proposed high dominant roof form.
11. Obviously seeing buildings in conservation areas is not necessarily harmful. However this side of the Ryeworth Road has a spacious leafy semi-rural character with the existing buildings (ie 282, 284, 286 London Road) being mostly hidden from Ryeworth Road, and this leafy spacious character of the immediate area also enhances the setting of the listed building on the opposite side of Ryeworth Road. However in my opinion the proposed houses because of their visual impact will harm the character and appearance of the conservation area and also harm the setting of the adjacent listed building.

CONCLUSION: Refuse.

Refusal reason:

The proposed new development by virtue of the height, mass, form, location and general design of the proposed buildings would harm the character and appearance of the conservation area and harm the setting of the adjacent listed building. Accordingly, the proposals are contrary to sections 66(1) and 72(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990, national policy set out in the NPPF and PPS5 (Planning for the Historic Environment) and policies CP7 and GE2 of the Adopted Cheltenham Borough Local plan.

Parish Council

15th April 2014

OBJECTION. Not in keeping refer to conservation officer

Gloucestershire Centre for Environmental Records

10th April 2014

Report available to view online.

Tree Officer

24th April 2014

Comments as per the previous scheme 13/02143/FUL and the Tree Section has no objections to this application. Prior to a decision being issues a Tree Protection Plan needs to be submitted and agreed.

Notwithstanding the above information being submitted, please can the following conditions please be attached:

- 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.

Environmental Health

14th April 2014

In relation to application 14/00530/FUL for 282 London Road, Charlton Kings, Cheltenham, Gloucestershire, GL52 6YF please can I add the following conditions and advisory comments:

Condition:

The demolition of the existing property at this site and construction of the proposed development is likely to give rise to noise, dust and vibration affecting nearby residential properties.

A scheme for controlling the effects of noise, dust, vibration and other nuisances must be provided to the Local Planning Authority and approved before the demolition and site construction work commences, including the types of equipment planned to be used and the detail for any work which may need to be subject to a Control of Pollution Act notice from the Local Authority.

Reason: To protect residents of local property from loss of amenity due to noise and other nuisances from construction works.

Advisory: For the construction phase to be kept within the times of work as follows: 7:30am - 6:00pm Monday - Friday and 8:00am - 1:00pm Saturdays with no noisy work on a Sunday or Bank Holiday and to be mindful of noise when deliveries arrive at the site.

Architects Panel

8th May 2014

This application has been previously supported by the panel, however, the roofline has been changed from flat to pitched following comments from committee. We do not consider these changes to be an improvement and wonder whether the houses should face the same way rather than being mirrored; however we would not object the scheme in its current form

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 publicised by way of letters to 13 neighbours, a site notice and a notice in the local paper. 3 letters of objection have been received which raise the following issues:

- There are restrictive covenants in place [this is not a planning issue]
- Design is out of keeping with the conservation area. Design is ugly and does not overcome the previous concerns which have been raised.
- The proposal would resulting increased highway danger for other road users
- Additional vehicles would have an impact on neighbours

6. OFFICER COMMENTS

6.1 Background

6.1.1 A previous application for two dwellings on this site was considered by members in March 2014 (13/02143/FUL). This was recommended for approval by officers but was refused by members for the following reason:

“The site is within the Cudnall Street Conservation Area. The area is generally characterised by traditional dwellings with pitched roofs and the existing building contributes towards this general character which makes a positive contribution to the Cudnall Street conservation area. The proposed houses by reason of their design and in particular the form of the roofs would be an incongruous addition to the conservation area which would fail to preserve or enhance the character and appearance of the conservation area. As such the proposal does not justify the demolition of the existing building and is contrary to policies BE3 (Demolition in conservation areas) and CP7 (Design) of the Adopted Local Plan.”

This revised scheme has been submitted in an attempt to overcome this reason for refusal.

The plans for the refused scheme will be displayed at the committee meeting.

6.2 Determining Issues

6.2.1 The key issues 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.

6.3 The site and its context

6.3.1 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.”*

6.3.2 It is Officer's view that the house as existing does not make a particularly positive contribution to the conservation area and its demolition is considered to be acceptable. At the previous committee meeting some members expressed a contrary view; that the existing building does add to the character of the area, however the house is in very poor condition structurally and has been poorly extended. In any event it is considered that if the replacement buildings are acceptable the principle of demolition could not be resisted.

6.4 Design and layout

6.4.1 At the time of the previous application the design of the dwellings arose as the most contentious issue. Officers were of the opinion that the previous design was acceptable, however members took the contrary view. This scheme seeks to overcome this refusal through the introduction of a pitched roof form. This comprises two mono-pitched roofs in an asymmetrical formation. The roofs are handed so that the larger elements of roof face internally to the site. The remainder of the scheme is unchanged from the previous submission.

6.4.3 The design is still contemporary in style, 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.

6.4.4 Officers consider that the previous scheme was of a better quality than that currently proposed as it had an honesty to it and picked up on the grain and rhythm of development in the area whilst not attempting to be a reproduction of a traditional building. The proposed dual pitched roofs are adjacent to a more traditional pitched roof form and in officers opinion this does jar more than the flat roof form would have. However Officers also consider this scheme to be acceptable. The previous committee report made the following comments in relation to the design and layout which are considered to be equally applicable to this scheme:

6.4.5 *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.*

6.4.6 *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.*

6.4.7 *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.

- 6.4.8 As outlined above the Conservation Officer objects to the proposal on the grounds of the visual impact of the mono-pitched roofs (the previous scheme was supported). However members have expressed a preference for pitched roofs, and a more symmetrical roof form would be likely to be higher overall and present a larger roof slope to the outer facing edges of the site. Similarly if the suggestion of the architects panel were followed this would result in a larger roof slope being visible either from Ryeworth Road or London Road. The buildings are set well below street level as approached from Ryeworth Road and are lower in height than their immediate neighbours. As such it is not considered that the refusal of the application could be justified on these grounds. There was an error on the submitted plans and a revised plan has been received. This confirms that the relationship with the Ryeworth Road boundary is as was negotiated through the previous scheme (i.e. 2m of the boundary) and it has been established that it will be possible to maintain a hedge along this boundary which will soften the appearance. It is not considered necessary for it to be fully screened as it is not unacceptable for new buildings in the conservation area to be visible.
- 6.4.9 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.

6.5 Impact on neighbouring property

- 6.5.1 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.
- 6.5.2 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.
- 6.5.3 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.

6.6 Access and highway issues

- 6.6.1 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.

6.7 Trees and Landscaping

- 6.7.1 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.

6.7.2 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.

6.7.3 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

6.8 Other matters

6.8.1 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.

6.8.2 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 previous scheme was refused because it's design was considered to result in an unacceptable impact upon the conservation area. Although reservations have been expressed in relation to this revised design, officers consider it to be acceptable and do not consider that the refusal of the application is warranted as it results in no harm to the conservation area, or in any other aspect. As such the proposal is 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 1321 11 Rev C received 26/3/14.
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.

13 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.

14 The existing hedge to the northern boundary of the site shall be retained and the development shall be carried out strictly in accordance with the approved scheme. In the event of this landscaping or any landscaping to replace it being removed or destroyed or dying at any time, it shall be replaced within the next planting season in the same location by semi-mature landscaping of the same species or a species to be approved in writing by the Local Planning Authority.

Reason: To preserve the visual and residential amenities of the locality in accordance with Local Plan Policies CP1 and CP7 relating to sustainable development and 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, having had regard to all material considerations, the application constitutes sustainable development and has therefore been approved in a timely manner.