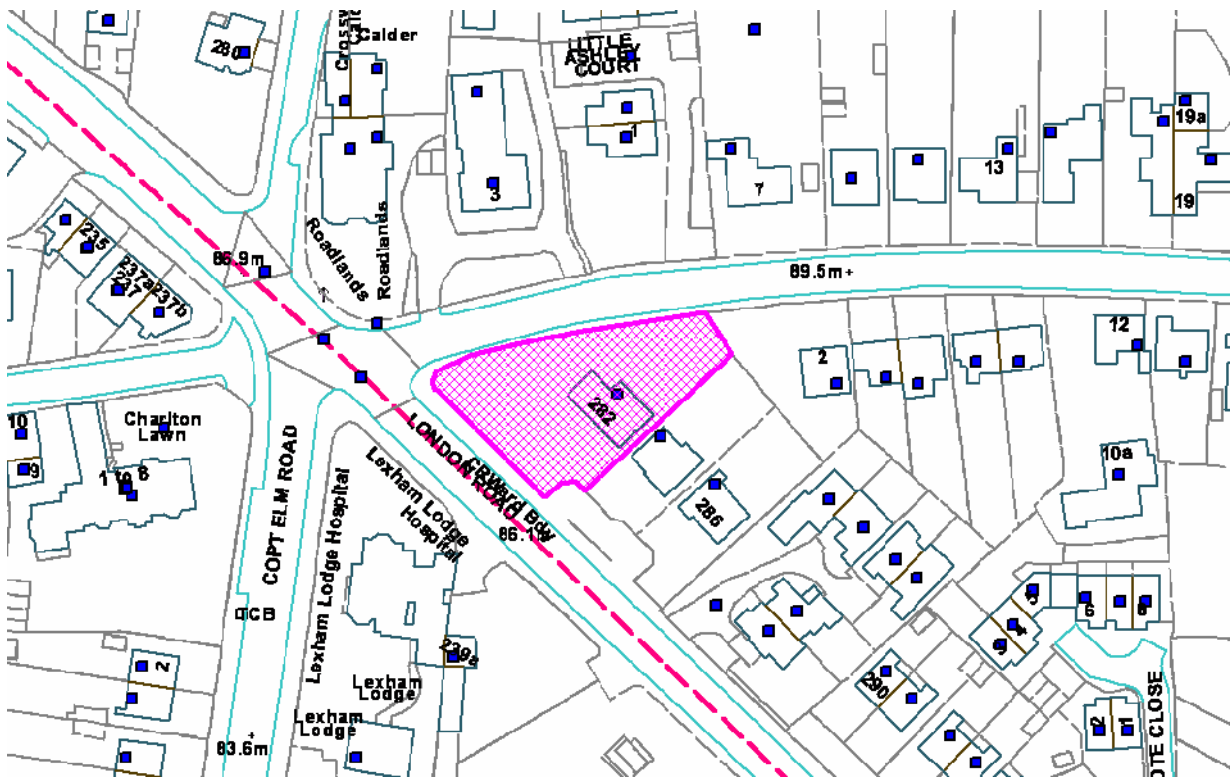


APPLICATION NO: 14/01398/FUL	OFFICER: Mrs Emma Pickernell
DATE REGISTERED: 5th August 2014	DATE OF EXPIRY: 30th September 2014
WARD: Battledown	PARISH: Charlton Kings
APPLICANT:	The Trustees of the Estate of Mrs K Pillai
AGENT:	Ralph Guilor Architects
LOCATION:	282 London Road, Charlton Kings, Cheltenham
PROPOSAL:	Demolition of existing dwelling and erection of 2 no. new dwellings

RECOMMENDATION: Permit



This site map is for reference purposes only. OS Crown Copyright. All rights reserved Cheltenham Borough Council 100024384 2007

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 its replacement with two new detached dwellings 1.8m apart. The dwellings have hipped roofs with projecting front and rear wings and flat roof porch detail. The proposed materials comprise brick and render.
- 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 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.
- 1.5 The site is well landscaped with a strong hedge along the Ryeworth Road frontage which would be retained. Five trees would be removed; three Lawson cypress, a Scots Pine and a Cherry.
- 1.6 The plans have been amended since their original submission. The changes involve alterations to the treatment of the front elevation in order to add more interest to the buildings.
- 1.7 This application comes to committee as a result of the objection received by the Architects Panel.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Conservation Area
Smoke Control Order

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 APPEAL RECEIVED
Demolition of existing dwelling and erection of two new dwellings

14/00530/FUL 26th June 2014 REF APPEAL RECEIVED
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

Architects Panel

23rd September 2014

The panel has reviewed this scheme twice before, and whereas the previous schemes were modern, the current proposal is traditional in form. In terms of the material presented, the alternative elevations were considered a slight improvement over those submitted. However, the panel felt that this was a step backwards and that the first scheme was still the best. Therefore the proposal could not be supported.

Gloucestershire Centre for Environmental Records

15th August 2014

Biodiversity report is available to view on line.

GCC Highways Planning Liaison Officer

6th August 2014

I refer to the above application received on 5th August 2014 for the Demolition of existing dwelling and erection of 2 no. new dwellings. There was an application 13/01367/FUL in August 2013 (which was withdrawn) to which the Highway Authority raised no highway objections. Application 13/02143/FUL in January 2014 which was refused but the highway authority raised no highway objection. A planning application in April 2014 14/00530/FUL which was refused but the highway authority raised no highway objections.

The proposal is adjacent to the classified A40 London Road and at this point is subject to a 30 MPH speed limit. The existing access is set back from the carriageway and there is a private access to the A40, which would minimize the likelihood of vehicles reversing onto

the A40. As the proposal is for use of the existing access, and there are no recorded incidents at the site of the proposed development and even though there will be a 50% increase in vehicular movements from the existing access. I have noted the comments made by the highway authority on the previous applications, I see no reason to make a different recommendation to those made on 29/08/13 09/01/2014 and 07/05/2014. Therefore I raise no highway objections to this application.

Parish Council

12th August 2014

NO OBJECTION

Tree Officer

11th August 2014

The Tree Section has two queries regarding this application.

1. The Design, Access and Sustainability statement states that all trees will be retained but drawing no 21 shows excavations right up to the trunk of several trees and their crown spread is hatched (whilst other Crown spreads are indicated as solid) thus intimating that such trees are to be removed. Clarification is required.

2. T15 Scots Pine is classed by the Arb consultant as a B2 tree and therefore should be retained (as per BS5837 (2012)) however the boundary wall is shown located against the trunk. As this part of the site is on a slope, a high proportion of the rooting area will therefore be removed. Thus the tree would have also to be removed. Whilst this tree was also earmarked for removal on planning application 14/00530/FUL several replacement trees were marked on drawing no 11. No such trees are marked for planting on this plan. This tree (T15) is arguably the best tree on the site and as such it is a shame to remove it. If the footprint of the more westerly dwelling was reduced or moved further away, this tree could be retained. However, as there was no previous Tree Section objection, it is not reasonable to object now. However replacement trees are required. I suggest replacement evergreen trees are also planted to replace this and other trees due for removal. Evergreen species tolerant of the sandy soil-eg Scots Pine are planted. Please could species, size, root type, location and tree pit details be submitted and agreed prior to determination.

Please could the following conditions be used following any permission granted:

TRE01B-Existing Trees to be retained

TRE02B-Tree Protection Plan

TRE03B-Protective Fencing

TRE04B-No Fires

TRE05B-No Service Runs within RPA

TRE07B-Retention of existing screen

TRE09B-Submission of Leaf guard details

Environmental Health

11th August 2014

In relation to application 14/01398/FUL for 282 London Road, Charlton Kings, Cheltenham, Gloucestershire, GL52 6YF please can I add the following condition and advisory point:

Condition: This proposal includes an amount of demolition of an existing building, 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. 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: 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.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	13
Total comments received	2
Number of objections	1
Number of supporting	1
General comment	0

The application was publicised by way of letters to 13 neighbouring properties, a site notice and a notice in The Echo. One response supports the proposal and one response objects to the proposal. The objection relates to the following issues:

- Restrictive covenants [members will be aware that covenants are not relevant to planning decisions]
- Increased highway danger

6. OFFICER COMMENTS

6.1 Background

6.1.1 Previous applications for two dwellings have been considered by members in March and June 2014. Both of these were recommended for approval by officers but refused by members for the following reasons:

6.1.2 13/02143/FUL – Flat roof scheme

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.

6.1.3 14/00530/FUL – Dual Pitched Roof Scheme

The proposed development by virtue of it's height, mass, form and design, in combination with it's location on this corner plot would be harmful to the character and appearance of the conservation area and to the setting of the adjacent listed building. Accordingly the

proposals are contrary to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national policy set out in the NPPF and PPS5 (Planning for the Historic Environment) Practice Guide and policy CP7 of the Adopted Cheltenham Borough Local Plan.

- 6.1.4 Members will recall that these two applications both attracted objections from the Parish Council but no objection from the Architect's Panel. The current application has attracted an objection from the Architects Panel, however the Parish Council have confirmed that they have no objections.
- 6.1.5 This revised scheme has been submitted in an attempt to overcome member's previous concerns. The refused plans will be displayed at the committee meeting.
- 6.1.6 Appeals have been submitted against these two refusals and they are currently going through the appeals process with the Planning Inspectorate.

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 Officers consider that the current house does not make a positive contribution to the conservation area and its demolition is considered to be acceptable. It is in very poor condition structurally and has been poorly extended. Therefore it is considered that if the replacement buildings are acceptable that the principle of demolition is acceptable.

6.4 Design and layout

- 6.4.1 As mentioned above, two previous schemes for two dwellings have been refused on this site. Both reasons for refusal centred around the appropriateness of the modern design and the proposed roof forms within this conservation area.
- 6.4.2 The current proposal represents a more conventional building form with hipped roofs and an eaves and ridge line consistent with the neighbouring properties. There are projecting wings to the front and rear which pick up on the bay details of the neighbouring properties.
- 6.4.3 The scheme as originally submitted was considered by officers to be overly bland and as such the architect has sought to add some interest to the front elevation. Officers now consider the proposal to be an acceptable compromise; adding some interest to the street scene in a way which conforms to the prevailing conventional building form in the locality.
- 6.4.4 The footprints of the two buildings have changed and this allows plot 2, which is adjacent to Ryeworth Road, to be moved away from this boundary, reducing the prominence of the buildings when viewed from Ryeworth Road. The placement of the buildings on the site follows the grain and layout of the area.
- 6.4.5 As such it is considered that this revised scheme will sit relatively unobtrusively on the site and has an acceptable impact on the conservation area.

- 6.4.6 The proposal has been discussed with the conservation officer who is supportive of the current scheme, as amended.
- 6.4.7 The Architects Panel object to the proposal as they feel it is a backward step from the previous schemes, which they supported. Whilst officers have some sympathy with this view, each scheme has to be assessed on its own merits and in this instance no harm has been identified by the current proposal. As such, whilst the panel may have their preferred solution, it is not considered that a refusal could be sustained on design grounds.
- 6.4.8 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 (para 58) and not resulting in significant harm to the conservation area (para132). 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 building follows the front building line. There are two storey projections at the rear of the buildings beyond the rear of the neighbouring property however the distances involved are such that there would be no overbearing impact or loss of light. There are no sideways facing first floor windows.
- 6.5.2 Other surrounding properties may be able to see the proposed dwellings, but 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 as 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 The application drawings indicate that a number of trees are to be removed. This is as per the previous proposals. Revised plans have been received in response to the Tree Officers comments confirming which trees are to be removed and the planting of two new Scots Pines in their place.
- 6.7.2 Conditions are suggested which will ensure the trees which are to be retained are protected and new ones planted. They also require the retention of the hedge which forms the Ryeworth Road boundary of the site. These measures will assist in softening the appearance of the site and assimilating the development into its surroundings.
- 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 considerations

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

7. CONCLUSION AND RECOMMENDATION

- 7.1 The previous schemes were refused because they were considered to result in an unacceptable impact upon the conservation area. Officers consider the current design to be acceptable, resulting in no harm to the conservation area and being acceptable in all other respects. 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 20 received 4/8/14 and 21 B received 09/10/14.
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 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.