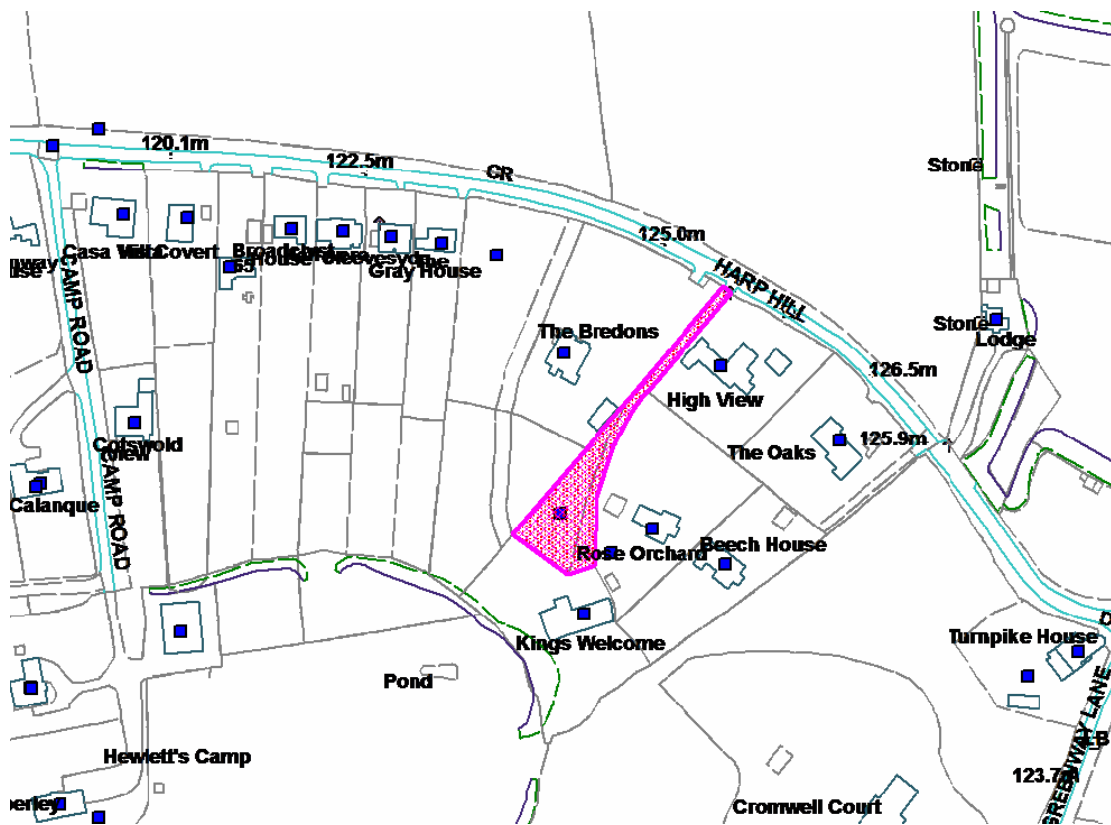


APPLICATION NO: 14/01612/OUT		OFFICER: Mrs Emma Pickernell
DATE REGISTERED: 16th September 2014		DATE OF EXPIRY: 11th November 2014
WARD: Battledown		PARISH: Charlton Kings
APPLICANT:	Mr R. J. Ashton	
AGENT:	SF Planning Limited	
LOCATION:	Land off Harp Hill, Charlton Kings	
PROPOSAL:	Outline application for the erection of 1 dwelling	

RECOMMENDATION: Refuse



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site comprises a triangular plot which narrows to a point and at its widest is 24m wide. It is accessed via a track which leads off Harp Hill; this currently provides primary access to Rose Orchard and also provides a secondary access to Kings Welcome, whose main access is further to the west. The site is bound by hedging and trees and is currently empty.
- 1.2 This application is made in outline with all matters reserved except for access, which would be provided via the existing track. The proposal is for one dwelling.
- 1.3 The application pack includes an indicative scheme which suggests how the site might be developed. This shows a two storey, flat roofed dwelling formed in an L shape with detached garage to the front.
- 1.4 The application is before planning committee at the request of Cllr Babbage.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Area of Outstanding Natural Beauty

Relevant Planning History:

96/00206/PF 23rd May 1996 PER
Erection of Two Replacement Dwellings

98/00441/PF 25th June 1998 PER
Erection of Dwelling - Change of House Type On Plot 1 Of Consent Cb21544/00 (In Accordance With Revised Plan Received 19 June 1998 And Additional Plan Received

98/00599/PF 30th July 1998 PER
Erection of Dwelling - Change of House Type on Plot 2 of Permission CB21544/00

87/01378/PF 19th January 1988 REF
Erection of Two Houses

97/00948/PF 11th December 1997 PER
Outline Planning Permission for the Erection of a Dwelling House

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 4 Safe and sustainable living
CP 7 Design
GE 5 Protection and replacement of trees
GE 6 Trees and development
CO 2 Development within or affecting the AONB
RC 2 Youth and adult outdoor playing facilities
TP 1 Development and highway safety
TP 2 Highway Standards
TP 6 Parking provision in development

Supplementary Planning Guidance/Documents
Development on garden land and infill sites in Cheltenham (2009)

National Guidance
National Planning Policy Framework

4. CONSULTATIONS

Tree Officer
8th October 2014

The Tree Section does not oppose to this proposal in principle however more tree related detail is necessary if this is to become a full application.

Currently there is no tree related information and a full BS5837 (2012) survey showing all trees on and adjacent to the site must be submitted as well as proposals for all tree removals, pruning etc. If trees are to be retained near to the entrance to the site itself (ie behind the proposed garage), then I would anticipate a no dig method of construction being employed so as not to damage adjacent tree roots.

Parish Council
30th September 2014

No objection

Cheltenham Civic Society
25th September 2014

We think that this site provides the opportunity for an exciting scheme. We hope something bold will be put forward at the next stage

Gloucestershire Centre For Environmental Records
24th September 2014

Report available to view in documents tab

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	20
Total comments received	3
Number of objections	1
Number of supporting	0
General comment	2

5.1 The application was publicised by way of letters to 20 neighbouring properties. Three representations have been received. The comments raised relate to the following issues:

- Balconies would be intrusive given proximity to boundaries

- Houses in this area are normally on plots of minimum of half an acre
- Potential development in surrounding area
- Previous applications in area have been dismissed at appeal (03/01494/OUT)
- Contrary to AONB policy

6. OFFICER COMMENTS

6.1 Determining Issues

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

6.2 The site and its context

The application site comprises a triangular parcel of land which is surrounded by other residential plots. Whilst there is a relatively irregular pattern of plots in this area they do share common themes in that they are sizeable buildings set in good sized plots with plenty of space around and between the buildings.

The site itself is backland in nature, being set back from the frontage development, three neighbouring properties; Kings Welcome, Rose Orchard and Beech House are also in a set back position, albeit within significantly larger plots.

6.3 Principle of development

The application site is within the AONB. The relevant local plan policy is CO2 which states:

Development which would harm the natural beauty of the landscape within the AONB will not be permitted. Major developments will not be permitted within the AONB except in exceptional circumstances.

The policy does not rule out small scale development within the AONB, however the overriding objective is to preserve the natural beauty of the area.

The NPPF at para 115 states that *great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.*

As such there is no policy which precludes small scale development within the AONB, although it is clear that the landscape considerations are crucial in determining individual applications.

6.4 Design and layout

This is an outline application with all matters reserved except for access. As such the material which has been submitted by way of proposed plans is purely indicative albeit the purpose of which is to demonstrate that the site can be satisfactorily developed with one dwelling as proposed by the application.

The Development on Garden Land and Infill Sites in Cheltenham SPD contains helpful guidance in assessing the appropriateness of proposals within back land and infill locations. It makes it clear that the layout of developments should respond to the layout of

development in the vicinity. This includes a consideration of grain, type of building, location of buildings on plots, plot widths, building lines and the amount of frontage which is built on.

Officers consider that the plot proposed to be formed here is distinctly at odds with the established character of the area. It is significantly smaller than the plots around it and is irregular in shape. The nature of the site means that the design solution which has been suggested is the siting of a building on the extremities of the site in very close proximity to the rear boundary. This is at odds with the spacious character of the area and would result in a development that is out of keeping with the prevailing character and which would fail to conserve the natural beauty of the AONB. The indicative scheme represents a very cramped form of development and this is further highlighted by the lack of amenity space which would be available for occupants and the contrived parking and access arrangements.

Photomontages have been submitted by the applicant which seek to demonstrate that the proposal would not be visible from public vantage points within the AONB. It is acknowledged that the site is not widely visible, due to its backland location, however it would be equally, if not more, visible from Harp Hill as Kings Welcome is at present and this property can be clearly seen from the main road.

In any event the townscape contribution of a site need not necessarily depend solely on how visible it is from the street. A recent appeal decision in relation to a proposal for a back garden site off Cold Pool Lane stated:

The SPD seeks to provide an objective means of assessing proposals such as this appeal scheme. Even so, it clearly states “there are few, if any, absolutes in the assessment process”³ and, through a series of questions, it addresses the need to take account of a wide range of different factors. These begin with matters relating to local character and distinctiveness “within the street, block or neighbourhood, including its spacious character”⁴. Thus, even though rear gardens are unlikely to have townscape significance if they are not particularly prominent or visible in the street scene, their spaciousness and mature planting may be of ‘environmental significance’⁵, thereby contributing to the area’s character. (emphasis added)

In this case, the existing dwelling at 1 Manor View is within a suburban residential area on the outskirts of Cheltenham. It is part of a row of frontage dwellings which have long rear gardens with established trees, hedges and other planting. The relatively green, open and spacious nature of this combined rear garden space contributes positively to the area’s character, and acts as a relatively tranquil counterpoint to the built development. That contribution is all the more significant given the enclosing effect of a new and relatively high density housing development that has recently been completed to the north, beyond the appeal site, its immediate neighbours and a green strip alongside their rear garden boundaries. I find this to be an important consideration in assessing the appeal proposal.

In this instance the undeveloped nature of the site at present contributes to the character of the area which is loose knit development with plenty of space around buildings (including this site). This character is appropriate for this semi-rural location.

In summary Officers do not consider that this outline application has adequately demonstrated that the site is capable of successfully accommodating a dwelling which would respect the pattern of development in the area and which would conserve the natural beauty of the AONB. For these reasons, it is considered that the proposal is contrary to policy CO2, as discussed above and it is also considered to be contrary to policy CP7 which requires development to be of a high standard of design and to complement and

respect neighbouring development and the character of the locality and/or landscape. It is also contrary to the SPD and guidance set out within the NPPF, as detailed above.

6.5 Impact on neighbouring property

The building comes to within relatively close proximity of Kings Welcome to the south west. The building which is shown on the indicative plans would not result in direct overlooking of windows, however there are windows to the first floor living room and kitchen on the rear elevation which would be within 3m of the boundary of the site and would therefore result in overlooking of the curtilage of Kings Welcome. It might be possible to design an internal layout which would not necessitate windows on the rear elevation, however this is likely to result in a contrived form of development and adds weight to the conclusion of Officers that the site is not appropriate for an independent dwelling.

6.6 Access and highway issues

County Highways have considered the proposal and advised that, at present, it does not appear that the proposal complies with their standing advice for developments of this nature. There are two main issues; the first is the width of the access which is too narrow to allow two cars to pass one another which could result in vehicles reversing out onto Harp Hill resulting in highway danger.

The second issue is the visibility onto Harp Hill. Speed surveys have been carried out and these indicate that a visibility splay of 51m in each direction would be required in order to provide adequate visibility. This cannot be achieved. It is understood that the agent has been looking into ways of resolving this matter, however no further information has been received at the time of writing.

As such it has not been demonstrated that the proposal can ensure safe and suitable means of access.

Para. 32 of the NPPF states that:

Plans and decisions should take account of whether:

- *the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;*
- *safe and suitable access to the site can be achieved for all people; and*
- *improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.*

The agent argues that the impact should not be considered to be 'severe' and therefore the application should not be refused on these grounds. However, Officers consider that the scheme would result in specific highway danger and therefore fails against the second bullet point detailed above. This is opposed to a general 'impact' caused by the development. Furthermore the failure of the scheme to comply with the standing advice adds weight to the conclusion that the site is unsuitable for development.

6.7 Other considerations

- 6.7.1** The Gloucestershire Centre for Environmental Records have advised that a badger was spotted 185m from the site in 2006. However having visited the site it seems unlikely that it could host significant habitats and as such, bearing in mind that this sighting was not at the

actual site, and was 8 years ago it is not considered necessary to require an ecological survey.

7. CONCLUSION AND RECOMMENDATION

- 7.1** The proposal is in outline with only access to be considered at this stage. The regulations require sufficient information to be submitted to demonstrate that a site can adequately accommodate that amount of development being proposed. Officers consider that this development would be out of keeping with that around it, therefore failing to respect the prevailing character of the area. The indicative scheme does not allay these concerns and lead officers to conclude that the development of this site is likely to lead to a cramped form of development. Furthermore, the one matter which is not reserved is access and this has been found to be inadequate in terms of both the dimensions of the access itself and the visibility from it. As such the application is recommended for refusal.
- 7.2** Any recommendation for refusal must be balanced against any positive benefits arising from the scheme. In this instance the proposal would add one dwelling to the supply of housing but this limited contribution is not considered sufficient to outweigh the concerns which have been raised.

8. INFORMATIVES / REFUSAL REASONS

- 1 The application site is within the AONB and contributes to the spacious semi-rural character of the area. The development of the site would be detrimental to this character and would result in a cramped form of development which would fail to respond to the prevailing character and layout of the surrounding area. As such the application is contrary to policies CP7 and CO2 of the Adopted Local Plan, the Development on Garden Land and Infill Sites in Cheltenham SPD and advice contained in the NPPF.
- 2 The application fails to demonstrate that the proposal can ensure safe and suitable means of access. The existing access and visibility from it are inadequate to accommodate the vehicular movements associated with the proposal and as such the proposal would result in highway danger. Therefore the application is contrary to policy TP1 and advice contained in the NPPF.

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 authority cannot provide a solution that will overcome the harm which has been identified.

As a consequence, the proposal cannot be considered to be sustainable development and therefore the authority had no option but to refuse planning permission.

