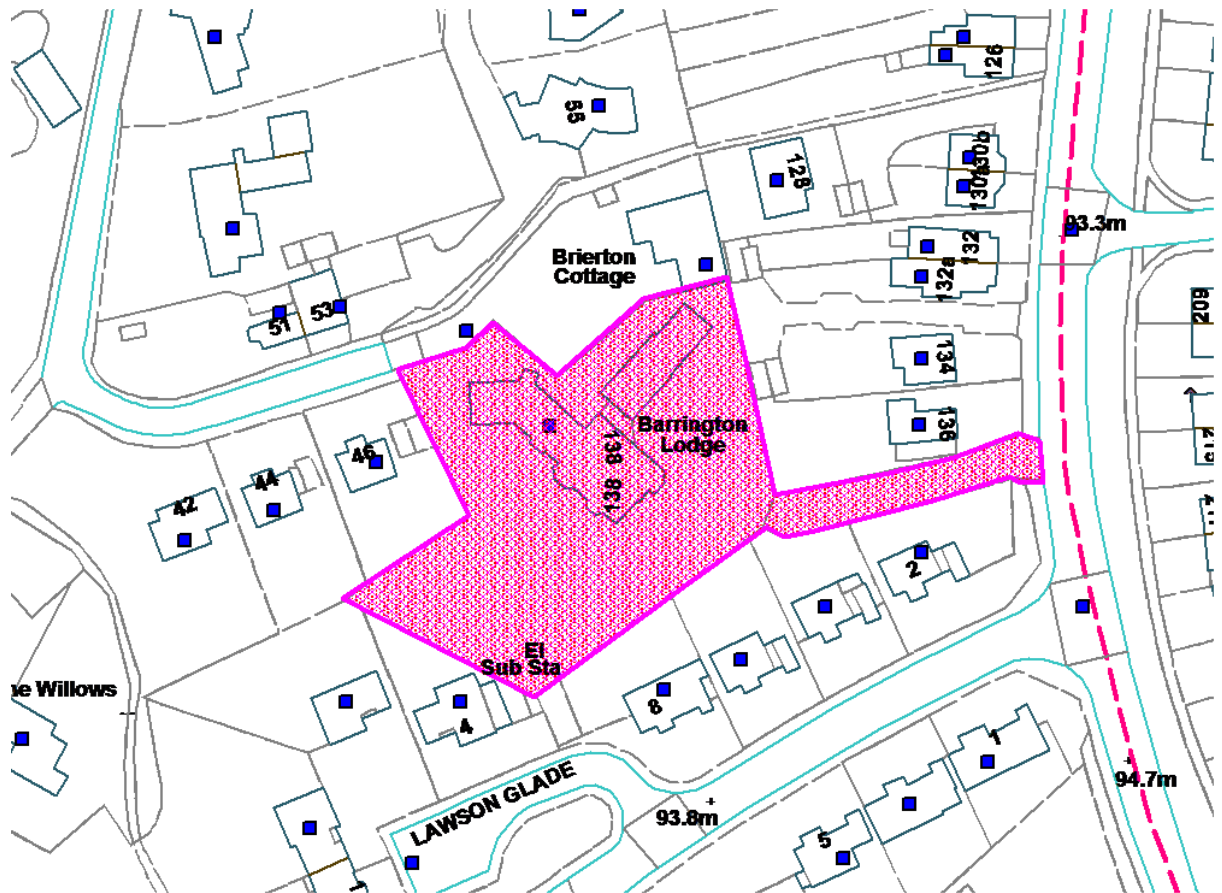


APPLICATION NO: 15/00326/CONDIT	OFFICER: Mr Martin Chandler
DATE REGISTERED: 10th March 2015	DATE OF EXPIRY: 5th May 2015
WARD: Charlton Park	PARISH: Charlton Kings
APPLICANT:	Rob Deacon Construction Ltd
AGENT:	Smith Hotchen Partnership
LOCATION:	Barrington Lodge Nursing Home, 138 Cirencester Road, Charlton Kings
PROPOSAL:	Variation of condition 2 on planning permission 14/02133/FUL alteration to design

RECOMMENDATION: Recommendation at Committee



1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application proposes amendments to a recently granted planning permission for the erection four detached dwellings on the site previously occupied by Barrington Lodge Nursing Home. The nursing home has now been demolished and development has commenced for the redevelopment.
- 1.2 The proposed amendments relate to additional accommodation at basement level and first floor level. Architecturally, the approach remains the same; two storey, flat roof dwellings faced with render and cladding, with projecting window 'boxes' to add interest.
- 1.3 The application is before committee at the request of Cllr Baker to enable members to consider the impact on neighbouring amenity.
- 1.4 During the consideration of the application, revised drawings were requested to reduce the first floor bulk of the buildings and these formed the basis of an additional consultation exercise. The application is to be considered on the basis of the revised drawings.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Landfill Sites boundary
Smoke Control Order

Relevant Planning History:

14/00884/PREAPP 3rd June 2014 CLO

Proposed demolition of existing building and construction of 6 dwellings

14/01395/FUL 6th August 2014 WDN

5No. New Dwellings on former Barrington Lodge

14/01451/FUL 19th November 2014 REF

Erection of 5No detached dwellings on site of former nursing home

14/01452/DEMCON 9th September 2014 NPRIOR

Prior notification for demolition of former care home

14/02133/FUL 26th January 2015 PER

Erection four dwellings on site of former nursing home

14/02150/FUL 13th January 2015 WDN

Erection of 5 detached dwellings on site of former nursing home

15/00191/DISCON PCO

Discharge of conditions (3) (annotated elevations), (4) (detailed landscaping scheme), (5) (water drainage system), (6) (site investigation), (7) (scheme for recreational facilities) on planning permission 14/02133/FUL

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 4 Safe and sustainable living
CP 7 Design
HS 1 Housing development
UI 3 Sustainable Drainage Systems
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)

National Guidance

Planning Policy Framework

4. CONSULTATIONS

Contaminated Land Officer

7th April 2015

The decision notice relating to the previous application 14/02133/FUL required that: -

6 No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any significant contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development begins.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Local Plan Policy NE4 relating to development on contaminated land.

A 'public comment' relating to this current application seems to suggest that the proposal is part retrospective, with the construction of a basement section.

I don't seem to find any details submitted on the CBC Planning pages which would suggest compliance with the above condition. Without searching our own records could you please advise whether the above Condition 6 of the previous consent has been complied with?

Notwithstanding your response to the above, I have no further comments with regard to 15/00326/CONDIT, save that the previous contaminated land condition remains in effect/is applied.

Tree Officer
30th March 2015

The Tree Section has no objection to this application

Parish Council
15th April 2015

Comment: We share the concerns raised by the owner of 46 Bafford Lane who has highlighted a possible change to the roof line of Plot 2 and also suggested that the dwelling will now be nearer the boundary than in the original plans. We are unable to validate these claims ourselves as access to the site is not possible. We therefore propose that the planning officer investigate these two issues. If this check/site visit confirms these changes our position will be Objection.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	20
Total comments received	4
Number of objections	3
Number of supporting	0
General comment	1

- 5.1 Letters were sent to 20 neighbouring properties to publicise the application and in response, three objections have been received. The one 'general comment' referred to in the table above was received before the application had been submitted and makes reference to the commencement of development.
- 5.2 The objections raised relate to the following considerations: concern over the levels of the buildings, the development having an overbearing impact, loss of privacy, and the future implications for the important trees on the site.
- 5.3 Members will also note reference to the applicant's company details. This has been queried with the applicant and officers and the different company name was a mistake, the applicant is Robert Deacon Builders Ltd, not Robert Deacon Construction Ltd.

6. OFFICER COMMENTS

6.1 Determining Issues

- 6.1.1 The key consideration relating to this application is the acceptability of the proposed alterations which impact upon the design of the houses proposed and neighbouring amenity. The principle of development has been established through the consented scheme.

6.2 Design and layout

- 6.2.1 Members will note from the site history set out above that this site has been subject to a number of applications recently for redevelopment. This includes a refused scheme for five dwellings, as well as a withdrawn scheme for the same number of units. These proposals were found to be unacceptable; given the size and scale of the units proposed, the schemes represented an overdevelopment of the site. Planning permission was subsequently granted for four, large, detached dwellings; the consented scheme represented an appropriate level of development for the site with the large buildings set in

the necessary space so as to not feel cramped and to not compromise neighbouring amenity.

- 6.2.2** This application seeks to enlarge the properties by providing accommodation at basement level but also by increasing floor space at first floor level. When originally submitted, officers had concerns relating to this approach; as advised above, proposals for this site had previously been assessed as constituting an overdevelopment of the site and the proposed revisions were leading officers to a similar conclusion. Following discussions with the applicant, the bulk of the buildings have been reduced; they remain larger than the consented scheme but represent an appropriate compromise. This report will now look at the specifics of the changes, plot by plot, other than plot 1 which is not affected by this application. (For convenience, both sets of drawings will be displayed for members at the committee meeting).
- 6.2.3** Members will note that much of the objection to the application relates to the changes proposed to plot 2. For clarity, the following is proposed: enlarged basement with three additional light wells, increased bedroom size closest to the south west boundary, and internal rationalisation to prevent the need for a split landing with a resultant increase in height to the central section of the building (increased to height of the rest of the building).
- 6.2.4** There has been some confusion to proposed site levels due to a drawing error which has now been corrected. The site levels are an important consideration because, as members will note when they visit the site, there is a noticeable drop in levels between plot 2 and 46 Bafford Lane. It is a consideration which relates primarily to neighbouring amenity though and will therefore be considered in the next section of this report.
- 6.2.5** The changes to plot 2, from a design perspective are considered to be entirely acceptable. It was important that first floor bulk of the building was reduced adjacent to the south west boundary as this retained important articulation within the building, ensuring the building is not an overly large, poorly considered mass. The submission of revised plans has resulted in an appropriate dwelling for this sensitive corner of the site.
- 6.2.6** In relation to plot 3, it is again proposed to install a basement and increase the first floor bulk of the building. Following discussions with the applicant, revised drawings have been submitted that reduce this bulk. The key driver for the requested change was to ensure that appropriate levels of space were maintained around these large buildings. Gaps at first floor level are important as they can prevent developments feeling oppressive and overbearing so officers are pleased with this amendment; it also helps with the modelling of the building, reducing its bulk and mass.
- 6.2.7** Finally, in relation to plot 4, a basement is proposed and an increased level of floor space at first floor level (an enlarged bedroom and bathroom). At the request of officers, again the first floor bulk has been reduced from that originally submitted for the same reasons as set out above.
- 6.2.8** To summarise, whilst there are a series alterations being proposed to the consented scheme, the revisions are acceptable. The development will be of a suitably high standard and is fully compliant with the aims and aspirations of local plan policy CP7.

6.3 Impact on neighbouring property

- 6.3.1** In relation to neighbouring amenity, it is the alterations to plots 2 and 4 that need consideration. As previously advised, plot 1 is not being affected by the application and the increased mass of plot 3 will not materially affect the amenity currently enjoyed by the property known as Brierton Cottage given the relationship between the two buildings.
- 6.3.2** In relation to plot 2, the reduction to the bulk of the building is considered to create a building that has an appropriate relationship with its neighbour. Officers consider that in its

revised form, plot 2 will not constitute an overbearing form of development and reducing the first floor bulk returns the proposal to a similar level to the consented scheme.

- 6.3.3** Members will note that a letter of representation queries the levels that the development has been set at, suggesting a difference in levels between the consented scheme and this proposal of 375mm. Having discussed this matter with the applicant, they are content that the proposal is set at the correct level. Members will also note that the author of the letter states that to mitigate the impact of this perceived discrepancy, the roof height should be reduced so that the overall height remains as consented. Notwithstanding the applicant's position in relation to the levels, the applicant is giving consideration to reducing the height of the buildings across the site by two blocks (due to generous floor to ceiling heights) – some 450mm. Officers consider this to be commendable, but ultimately unnecessary. Having assessed this scheme on its merits, the proposal has not been found to be unacceptably overbearing and has an acceptable relationship with its immediate neighbour. Had the original application proposed this relationship, it would have been supported by officers.
- 6.3.4** Moving to plot 4, the consideration is one of loss of privacy and the revised location of a first floor bedroom window. As originally submitted, this application shifted this window too close to the southern boundary of the site but it has since been moved a further 2 metres into the site, in line with the consented scheme.
- 6.3.5** Having been fully assessed, and following the submission of necessary revised drawings, the proposal complies with the requirements of local plan policy CP4 and will not compromise neighbouring amenity to an unacceptable degree.

6.4 Other considerations

- 6.4.1** Members will note that the Environmental Health team have suggested that the development is in breach of a condition relating to contaminated land. The condition requires a site investigation, the findings of which should be submitted to and approved in writing by the Local Planning Authority. The site investigation work has been carried out and the full details were submitted with the original planning application; this condition was therefore attached erroneously. At the time of writing this report, discussions were ongoing with the Environmental Health team to ensure that their concerns were no longer founded. Members will be updated on this point.

7. CONCLUSION AND RECOMMENDATION

- 7.1** Officers accept that it is always a difficult exercise to consider amendments to an already consented scheme, particularly one that has commenced. It is all too easy to compare the proposals with the approval, and even in this report, this has not been avoided. Nevertheless, the ultimate test is whether or not this proposal is acceptable on its own merits and having been fully assessed against local plan policy, the development is considered to be entirely appropriate for the site.
- 7.2** Clearly the principle of development of this nature has been established through the approved scheme and the design of the buildings (in their revised form) will ensure a quality development that will result in an interesting enclave of houses. The proposal will not compromise neighbouring amenity.
- 7.3** Members will be updated in relation to the contaminated land considerations, but subject to this, it is recommended that planning permission is granted. A list of suggested conditions will follow as an update.

8. CONDITIONS / INFORMATIVES – to follow.