

APPLICATION NO: 15/00202/FUL	OFFICER: Miss Michelle Payne
DATE REGISTERED: 4th February 2015	DATE OF EXPIRY: 1st April 2015
WARD: Pittville	PARISH: None
APPLICANT:	William Morrison Estates
AGENT:	Mr David Jones
LOCATION:	3 Cleevelands Drive, Cheltenham
PROPOSAL:	Demolition of existing dwelling and construction of single block containing 9 apartments, alteration to site access and associated hard and soft landscaping

Update to Officer Report

6. OFFICER COMMENTS

6.1. Determining Issues

6.1.1. The main considerations when determining this application are the principle of the proposed development, design and layout, impact on the amenity of neighbouring properties, and parking and highway safety.

6.2. Principle of redevelopment

6.2.1. Paragraph 14 of the NPPF states that “At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision taking”. For decision-taking this means (unless material considerations indicate otherwise) approving development proposals that accord with the development plan without delay. The second bullet point says that where the development plan is absent, silent or relevant policies are out of date then the presumption in favour of sustainable development means that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF policies as a whole or specific NPPF policies indicate that development should be restricted.

6.2.2. In this instance, the application site is located within the built up area of Cheltenham in a sustainable location. The principle of considering a residential redevelopment in this location is therefore acceptable and NPPF compliant but is subject to other considerations as set out below.

6.3. Design and layout

6.3.1. Local plan policy CP7 sets out the requirement for all new development to be of a high standard of architectural design and to complement and respect neighbouring development and the character of the locality. Additionally, the Council's adopted SPD relating to development on garden land and infill sites provides more detailed advice for new residential developments.

6.3.2. Furthermore, paragraph 56 of the NPPF sets out that “Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”.

- 6.3.3. The fundamental principle of the Council's SPD relating to garden land development is that proposals should be based on and successfully respond to, a sound understanding of the context in which it will sit. In this instance, whilst housing within the wider Cleavelands development varies quite considerably, the immediate locality (and the context in which this development will be read) is characterised by low density housing, with detached buildings of one or two storeys set within good sized plots, with individual accesses and mature landscaping; the buildings are generally recessive and sit within the predominant mature landscape.
- 6.3.4. In contrast to this established grain, the application proposes a large three storey building over basement that would be at odds with the surrounding development. It would provide for an overwhelming mass and bulk that would be an alien and incongruous addition to the locality, a matter that would be particularly apparent when viewed from the south between the gap of numbers 1 and 3a Cleavelands Drive. Members will note on planning view that whilst the existing house has a presence in the street scene, there are clear views between buildings which gives the passer-by an obvious appreciation of the spacious qualities of the locality. As proposed, the development would dominate this characteristic to an unacceptable degree, presenting a 30 metre long, part two, part three storey elevation with little articulation to relieve the mass of the building.
- 6.3.5. Officers do consider that the site could well be developed in a more intensive way than the existing dwelling, and that this could be in the form of a contemporary apartment building. Indeed, members are advised that in isolation, the composition of the elevation facing Evesham Road is now considered to be successful and if this scale was replicated across the whole development, officers maybe presenting a different recommendation. Nevertheless, whilst attempts have been made to address concerns relating to the overdevelopment of the site, the scale, mass, bulk and footprint of the development proposed remains unacceptable for the reasons identified above. The proposal therefore fails to comply with the advice set out within the Council's SPD in relation to garden land and infill development and the provisions of local plan policy CP7.

6.4. Impact on neighbouring property

- 6.4.1. Local plan policy CP4 sets out that development will only be permitted where it would not cause unacceptable harm to the amenity of adjoining land users and the locality.
- 6.4.2. It is acknowledged that the proposed development would undoubtedly have an impact on the amenity of the neighbouring properties immediately adjacent to the site however officers do not consider that any such impact on daylight, privacy or outlook would be so significant as to warrant a refusal of planning permission on these grounds which could be successfully defended at an appeal.
- 6.4.3. All upper floor windows and external terraces are in excess of the 10.5m minimum accepted distance to the site boundaries; and the positioning of the building within the site would not constitute an overbearing and oppressive form of development.
- 6.4.4. The proposal is therefore in accordance with the aims and objectives of policy CP4.

6.5. Access and highway issues

- 6.5.1. Local plan policy TP1 (development and highway safety) states that development will not be permitted where it would endanger highway safety, directly or indirectly, by creating a new access or generating high turnover on-street parking.

6.5.2. The application proposes the continued use of the existing point of access from Cleavelands Drive, which is considered to provide acceptable levels of intervisibility. The Highways Planning Liaison Officer at GCC advises that the junction of Cleavelands Drive and Evesham Road also offers acceptable vision splays and records indicate a low level of personal injury collisions over the previous 5 years and has therefore raised no Highway objection to the scheme subject to conditions being imposed on any planning permission should permission be granted.

6.5.3. The application also proposes 14no. unallocated car parking spaces within the site together with an adequately sized secure cycle parking store and this level of on-site parking provision is considered to be sufficient in this location.

6.5.4. Therefore, although raised as a concern by many local residents, the development accords with the requirements of policy TP1 and guidance set out within the NPPF, and there are no grounds to refuse the application on highway matters which could be successfully defended at an appeal.

6.5.5. It should be noted that the previous scheme for 14no. apartments was not refused on highway grounds.

6.6. Other issues

6.6.1. The Tree Officer considers this application to be more sympathetic to the existing trees than the previous application and acknowledges that the previous tree related concerns have been addressed. The Tree Section therefore raises no object to this application subject to conditions being imposed on any planning permission should permission be granted.

7. CONCLUSION AND RECOMMENDATION

7.1. With all of the above in mind, the recommendation is to refuse planning permission for the following reason:

8. REFUSAL REASON

- 1 The proposal represents an unacceptable overdevelopment that fails to adequately respond to its context.

Whilst a contemporary design approach may be acceptable in this location, as proposed, the scale, mass, bulk and footprint of the building would appear at odds with the surrounding development and would provide for an overwhelming mass and bulk that would be an alien and incongruous addition to the locality.

Accordingly, the proposal is contrary to policy CP7 of the Cheltenham Borough Local Plan (Adopted 2006), advice contained within the Council's adopted SPD on 'Development on garden land and infill sites in Cheltenham' (2009) and guidance set out within the NPPF, particularly in Section 7 - Requiring good design.

INFORMATIVE

- 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 identified above.

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