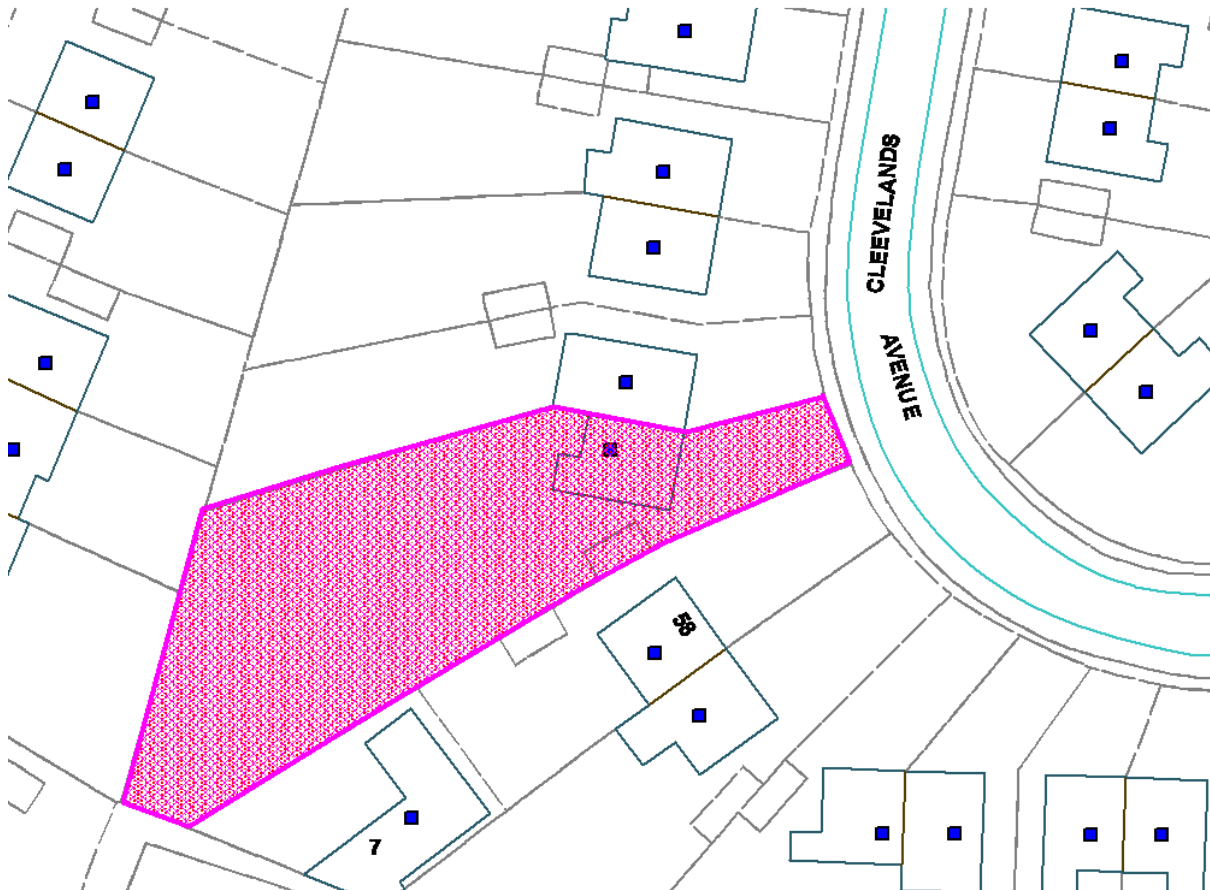


<b>APPLICATION NO:</b> 15/00676/FUL	<b>OFFICER:</b> Mrs Victoria Harris
<b>DATE REGISTERED:</b> 21st April 2015	<b>DATE OF EXPIRY:</b> 16th June 2015
<b>WARD:</b> Pittville	<b>PARISH:</b>
<b>APPLICANT:</b> Mr Philip Clarke	
<b>AGENT:</b> Steve Mitchell Building Design	
<b>LOCATION:</b> 60 Cleevelands Avenue, Cheltenham	
<b>PROPOSAL:</b> Construction of new detached dwelling	

**RECOMMENDATION:** Permit



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is a semi-detached property with a large garden to the rear. To the rear of the site are houses which front onto Albemarle Gate, with rear pedestrian and vehicular access onto the existing turning area on Tilney Road.
- 1.2 This application seeks to gain planning permission for the approval of one single storey dwelling on land to the rear of 60 Cleavelands Avenue. Access to the dwelling will be served from Tilney Road and two off road parking spaces are proposed.
- 1.3 The application is brought to Planning Committee because the Architects Panel cannot support the revised proposal.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### Constraints:

Landfill Sites boundary  
Residents Associations

### Relevant Planning History:

**85/00925/PO 26th September 1985 PER**  
Renewal Of Outline Permission For Erection Of Detached Bungalow

**93/00690/PF 26th August 1993 PER**  
Erection Of Two Storey Extension

**82/00742/PF 28th October 1982 PER**  
Outline application to erect 1 detached bungalow with access from Tilney Road

**14/01889/FUL 26th November 2014 WDN**  
Construction of new detached dwelling

## 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  
GE 2 Private green space  
GE 5 Protection and replacement of trees  
GE 6 Trees and development  
RC 6 Play space in residential development  
TP 1 Development and highway safety

### Supplementary Planning Guidance/Documents

Amenity space (2003)  
Development on garden land and infill sites in Cheltenham (2009)

### National Guidance

National Planning Policy Framework

## 4. CONSULTATIONS

### **GCC Highways Planning Liaison Officer**

*30th April 2015*

I refer to the above planning application received on 23rd April 2015.

This application seeks consent for a single dwelling accessed from an unclassified highway. Therefore; under our Highway's Standing advice criteria we do not need to be consulted on this application and this can be dealt with by yourselves with the aid of our guidance.

If you have any queries please do not hesitate to contact me.

### Further Comments

*23rd September 2015*

I have the following comments on the application for a new dwelling:

The proposed dwelling is located within a residential area of north Cheltenham to the rear of 60 Cleavelands Avenue with vehicular access from Tilney Road, a class 4 cul-de-sac road subject to a 30mph speed limit. The application illustrates two parking spaces served by the proposed access.

The site is within walking distance of regular bus services into Cheltenham town centre as well as several local amenities providing sustainable transport options to and from the site and reducing reliance on private vehicle use.

There have been no recorded personal injury collisions on the Tilney Road in the vicinity of the site in the past 5 years according to the police collision database. There have been a number of local objections raised regarding the impact of the proposed dwelling and site access in terms of traffic, loss of on-street parking which have been considered below.

It noted there may be existing congestion on local roads and on-street parking pressure. However the traffic generation of an additional single dwelling is not considered to be significant increase on existing traffic currently in the area. The off-street parking is sufficient to cater for the proposed two-bedroom dwelling with alternative sustainable travel options available therefore will not significantly exacerbate existing on-street parking pressure.

The site access only results in the loss of on-street parking space for approximately two vehicles which is not significant given existing off-street parking available for many of the surrounding dwellings, the site location with sustainable alternative travel options available and surrounding unrestricted roads providing further on-street parking. Emerging visibility from the proposed site access is sufficient across a wide verge onto a cul-de-sac turning area where vehicle speeds will be low to the rear of many of the surrounding properties and pedestrian movements will be limited.

Therefore on this basis I recommend no Highway objection is raised subject to the following condition.

1. The building hereby permitted shall not be occupied until the vehicular parking facilities have been provided in accordance with the submitted plan 909/3.02 and those facilities shall be maintained available for those purposes thereafter.

Reason:- To ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework paragraph 35.

Note: The proposed development will require the provision of a footway/verge crossing and the Applicant/Developer is required to obtain the permission of the County Council before commencing any works on the highway.

**Tree Officer**

*14th May 2015*

The Tree Section has no objections with this application. If permission is granted please use the following condition:

Tree Protection

Tree protection (fencing and no-dig construction) shall be installed in accordance with the specifications set out within the Arboricultural Report reference RevA DMC-3 and the Tree Protection Plan Drawing Number DMC-3/2 dated March 2015. The tree protection shall be erected/installed, 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.

**Contaminated Land Officer**

*7th May 2015*

With regard to this application I have the following comment to make:

Noise - From Construction

Construction works on the development shall not take place other than during the following times:

1. Monday to Friday 0800 to 1800 hours
2. Saturday 0800 to 1300 hours

Nor at any time on Sundays, Bank or Public holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to protect existing residents who are in close proximity to this site.

**Building Control**

*27th April 2015*

No comment

**Architects Panel**

*11th May 2015*

The principle behind this proposal was acceptable (although the panel did note that the existing neighbouring property was not shown on the site plan). The layout and elevational treatment were however uninspiring and we wondered whether it would create more usable space on site if the building was pushed to the boundary and windows moved to the south-

west and north-west elevations. We were also concerned about encroachment on root protection areas. We would therefore encourage further development before supporting this application.

*9th September 2015*

The panel had reviewed this previously and revised plans had been submitted. The layout is awkward with rooms not seeming to relate to the best orientation and an unsatisfactory proximity between the front door and the glazing to living area. The front door is also not obvious from the entrance to the site. We felt that a rectangular footprint might be better and create a better garden/ dwelling relationship. We also question whether the eaves thickness as shown is buildable given the relationship to the window heads. We could not therefore support this proposal

### **Cheltenham Civic Society**

*5th May 2015*

This is an appropriate site for development. We accept that the new dwelling needs to be subordinate, but we consider that there is scope for a more interesting design and layout.

## **5. PUBLICITY AND REPRESENTATIONS**

Number of letters sent	<b>17</b>
Total comments received	<b>7</b>
Number of objections	<b>6</b>
Number of supporting	<b>0</b>
General comment	<b>1</b>

**5.1** 17 letters were originally sent out to notify neighbouring properties of this application and subsequently the neighbouring properties were notified a further time following revised plans.

**5.2** In response to this publicity, 6 objection letters has been received; the objections relate to:

- Loss of vegetation and impact on existing trees,
- Out of character,
- Overdevelopment,
- Loss of privacy,
- Noise,
- Loss of parking,
- Highway safety.

## **6. OFFICER COMMENTS**

### **6.1 Determining Issues**

**6.2** The key considerations in relation to this application are the principle of development, design, neighbouring amenity, highway safety and car parking and trees

### **6.3 The site and its context**

**6.4** The site comprises of an area of land to the rear of no.60 Cleevelands Avenue and adjacent to Tilney Road which serves as an access point for a number of properties. Currently no access is available from Tilney Road and the rear boundary is enclosed by vegetation fronting Tilney Road.

**6.5** The properties surrounding the site are primarily two storeys but the adjacent site No.7 Tilney Road is a modern single storey dwelling and Hadley, opposite the site, is a pitched roof bungalow.

**6.6** In 1982, (ref: CB16226) outline permission was granted to the rear of 60 Cleevelands Avenue for a detached bungalow with access from Tilney Road, this was renewed in 1985 CB16226. The site is very similar to the proposed site however it was slightly larger.

#### **6.7 Principle of development**

**6.8** The site is located within the Principal Urban Area, where residential development is normally acceptable in principle subject to all other relevant considerations.

**6.9** In order to consider the principle of development, it is necessary to assess the existing character and context of the area surrounding the application site. Paragraph 53 of the National Planning Policy Framework advises local planning authorities to consider the case for setting out policies to resist inappropriate development of residential gardens and in adopting our SPD in relation to infill development, this is exactly what the Council has done.

**6.10** The Supplementary Planning Document: Development on Garden Land and Infill Sites in Cheltenham (Adopted June 2009) provides advice in understanding and responding to local character and aims to ensure only developments which respond successfully to the character and quality of the area are permitted. This document was adopted pre-NPPF but provides a means of assessing the specific characteristics of an area.

**6.11** A number of dwellings have been built along Tilney Road, including No.7, which has, as a result, changed the character of the street. Tilney Road is characterised by a traditional urban layout, with a mix of single storey or two storey detached dwellings. The plot widths, building lines, and amount of plot frontage which is built upon, is very similar. 60 Cleevelands Avenue has a garden which is of a suitable size to be divided whilst providing a suitable amount of amenity space to each plot. The proposed plot size is slightly bigger than No.7 but respects the character of the existing street in terms of its size and layout to the buildings along Tilney Road.

**6.12** It is for the above reasons that officers consider the principle of development is acceptable. The proposal would respect the established linear pattern of development fronting onto Tilney Road. As such, the proposal fully accords with the adopted Supplementary Planning Document and the NPPF.

#### **6.13 Design**

**6.14** Local Plan Policy CP7 requires development to be of a high standard of architectural design and to complement and respect neighbouring development.

**6.15** The proposal has been revised following the original Architects Panel, Civic Society and officers concerns. The original scheme proposed a hipped roof bungalow which was considered uninspiring and lacked a high standard of design and layout.

**6.16** The plot has been increased in size so that the rear boundary is in line with No.7. The dwelling has been revised to a low pitch modern bungalow; it will have a zinc roof and be finished in render with coloured aluminium windows and doors.

- 6.17** The Architects Panel has reviewed the revised plans and do not support the proposal. They state that the internal layout is awkward, that a rectangular footprint might be better and question the thickness of the eaves.
- 6.18** The internal layout is disappointing in parts with the front door and glazing to the living area creating an uncomfortable relationship. However it is unlikely that you would use the front door if the by-folding doors were fully open. The orientation could be better designed to utilise natural lighting but the dwelling does benefit from ample glazing that will provide an acceptable level of lighting. The agent has submitted eaves details which show that the eaves thickness is buildable.
- 6.19** The design is a contemporary bungalow which is similar in parts to the recently built dwelling at No.7. It is still uninspiring in parts and perhaps fails to fully embrace the opportunity of this back land site. However it sits discreetly within the site and given its height and positioning, it will have little visual impact on the street scene. The dwelling does have a good size footprint that fills a large proportion of the site, but off road parking and amenity space is provided to the side and front of the dwelling.
- 6.20** The design is simple and the footprint is large but on balance the scale, height, layout and footprint respects the character of the street and area.
- 6.21** Overall, despite the concerns raised by the Architects Panel, the proposal represents a dwelling of good design, which responds successfully to the characteristics of the area and the requirements of Local Plan Policy CP7 and the guidance within the NPPF.

#### **6.22 Impact on neighbouring property**

- 6.23** Local Plan Policy CP4 requires development to protect the existing amenity of neighbouring land users and the locality.
- 6.24** The proposal is not considered to have any unacceptable impact on neighbouring land users. The nearest property to the proposed dwelling is no. 7 Tilney Road. The single storey dwelling would not have any adverse impact on this property in terms of a loss of light or privacy.
- 6.25** The bungalow has been designed to present an almost blank face to the immediate boundaries to the North East and South East. The main rooms to the house are focused towards the front garden and farthest distance from neighbouring properties.
- 6.26** Overall, the dwelling is not considered to have any unacceptable adverse impact on neighbouring land users and is in accordance with the requirements of Local Plan Policy CP4.

#### **6.27 Access and highway issues**

- 6.28** Local Plan Policy CP7 requires development to not endanger highway safety, directly or indirectly.
- 6.29** The application proposes a new vehicular access from the site onto the existing turning head on Tilney Road. There will be two car parking spaces for off road parking. Car parking is one of the main concerns from local residents.
- 6.30** The Highway Officer is satisfied with the location of the proposed vehicular access and the amount of off road car parking spaces which have been provided. He states "It noted there may be existing congestion on local roads and on-street parking pressure. However the traffic generation of an additional single dwelling is not considered to be significant increase on existing traffic currently in the area. The off-street parking is sufficient to cater

for the proposed two-bedroom dwelling with alternative sustainable travel options available therefore will not significantly exacerbate existing on-street parking pressure.”

**6.31** The proposal may also help highway safety with the Highway Officer stating “As the road outside the proposed site access provides a turning area at the end of the cul-de-sac it should be kept clear for vehicle manoeuvring. The proposed access reduces the risk of on-street parking hampering turning movements.”

**6.32** It should also been noted that the vehicle access could be created without the prior consent of planning permission in connection with development permitted by any Class in the General Permitted Development Order 2015.

### **6.33 Trees**

**6.34** The Council’s Tree Section has been consulted to assess the impact of the proposal on any surrounding trees. No objection has been raised to the development but conditions have been suggested to ensure the safe retention of trees of high value within the adjacent property and the site. A landscaping condition is proposed to mitigate any loss of vegetation inside the site. These conditions have been included as part of this recommendation.

## **7. CONCLUSION AND RECOMMENDATION**

**7.1** Overall, officers consider the proposal represents a sustainable form of development. The principle of the proposed dwelling is acceptable and the scale, height, layout and footprint respects the character of the street and area. The proposal fully accords with the adopted Supplementary Planning Document and the NPPF.

**7.2** The design approach is acceptable and successfully responds to the characteristics of the area, the requirements of Local Plan Policy CP7 and the guidance within the NPPF.

**7.3** Finally, there would be no unacceptable impact on neighbouring amenity and trees within and adjacent to the application site.

**7.4** In light of all of the above, the recommendation is to grant planning permission subject to the conditions below.

## **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 909/3.02 received 28/08/15.  
Reason: To ensure the development is carried out in strict accordance with the approved drawings.

3 Tree protection (fencing and no-dig construction) shall be installed in accordance with the specifications set out within the Arboricultural Report reference RevA DMC-3 and the Tree Protection Plan Drawing Number DMC-3/2 dated March 2015. The tree



protection shall be erected/installed, 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.

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and/or re-enacting that order with or without modification), no extensions shall be erected without planning permission.

Reason: Any further extension requires detailed consideration to safeguard the amenities of the locality in accordance with Local Plan Policies CP4 and CP7 relating to safe and sustainable living and design.

- 5 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.

- 6 Prior to the first occupation of the 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.

- 7 No development shall be carried out unless details of a surface water drainage scheme, which shall incorporate Sustainable Urban Drainage System (SUDS) principles, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include proposals for maintenance and management as well as a programme for implementation. The development shall not be carried out unless in accordance with the approved surface water drainage scheme.

Reason: To ensure sustainable drainage of the development, having regard to Policy UI3 of the Cheltenham Borough Local Plan (2006). Approval is required upfront because the design of the drainage is an integral part of the development and its acceptability.

- 8 Prior to the first occupation of the development, adequate provision shall be made for the storage of refuse and recycling within the site (including appropriate containers in accordance with adopted Supplementary Planning Document - Waste Minimisation in Development Projects).

Reason: To achieve sustainable waste management and to facilitate recycling in accordance with Gloucestershire Waste Local Plan Policy W36 relating to waste minimisation.

- 9 No development (other than site clearance, site preparation and the formation of foundations and trenches) shall be carried out unless a hard and soft landscaping scheme has been submitted to and approved in writing by the Planning Authority. Such a scheme shall include details of all walls, fences, trees, hedgerows and other planting which are to be retained; details of all new walls, fences and other boundary treatment and finished ground levels; a planting specification to include [numbers, density, size, species and positions of all new trees and shrubs]; the location of grassed areas details

of the hard surface treatment of the open parts of the site and a programme of implementation.

Reason: In the interests of the character and appearance of the area, having regard to Policies CP1 and CP7 of the Cheltenham Borough Local Plan (adopted 2006). Approval is required upfront because the landscaping is an integral part of the development and its acceptability.

## **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.

- 2 The applicant is reminded of the need to also obtain approval for the vehicle crossing from Amey Gloucestershire before any works commence; you can contact them on 08000 514 514 or alternatively email: [GCCHighways@Amey.co.uk](mailto:GCCHighways@Amey.co.uk).
- 3 It is recommended that a permeable driveway surface is used to reduce runoff and pollution. Concrete paver blocks and grids, pervious asphalt or concrete, plastic grid structures with grass or crushed stone, and plain crushed stone or gravel are all viable options. When installing one of these alternatives, make sure that the contractor is aware of the design and installation differences, and has experience installing alternative materials.  
Where permeable driveway surfaces are used, ensure that a proper sub-base is installed that is capable of infiltrating and cleansing stormwater.
- 4 The applicant's/developer's attention is drawn to the Council's 'Code of Good Practice - Building and Demolition Site Operators' leaflet which sets out reasonable working hours for noisy activities which would be audible beyond the site boundary. The hours are 7:30am - 6:00pm Monday to Friday, and 8:00am - 1:00pm on Saturdays.