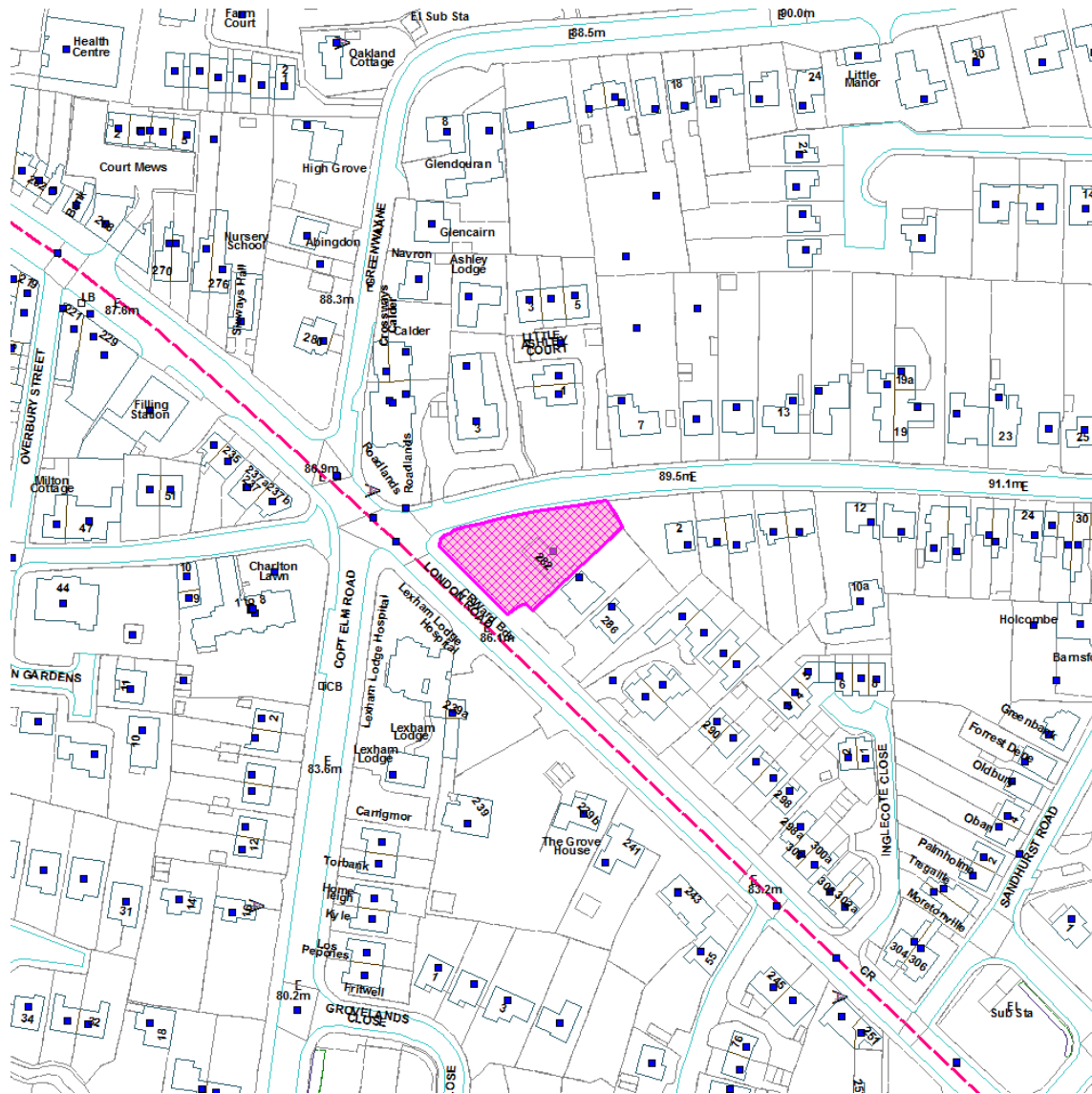


APPLICATION NO: 15/01450/FUL	OFFICER: Mr Ed Baker
DATE REGISTERED: 18th August 2015	DATE OF EXPIRY: 13th October 2015
WARD: Battledown	PARISH: Charlton Kings
APPLICANT:	Miss Alexia Buckwell
AGENT:	Daniel Hurd Associates
LOCATION:	282 London Road, Charlton Kings, Cheltenham
PROPOSAL:	Demolition of existing vacant dwelling house. Landscaping works to remove existing trees/hedges, plant new trees and erect new retaining wall. Erection of 2 no. 5 bedroom detached dwelling houses and separate garage block with parking courtyard and private rear gardens.

RECOMMENDATION: Refuse



1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application relates to land at No. 282 London Road. The site is located in a prominent position in the Conservation Area, next to the 'Six Ways' traffic interchange. The site is situated on the corner of the junction of London Road with Ryeworth Road.
- 1.2 The site is currently occupied by a two storey detached dwelling of circa mid-20th Century period. The dwelling is one of a row three similar dwellings alongside Nos. 284 and 286 London Road to the immediate south east. There are further residential neighbours to the other side of Ryeworth Road to the north.
- 1.3 The existing dwelling is set back from the road behind a hedge and trees. Vehicular access is from London Road. There are further trees on the north boundary of the site next to Ryeworth Road.
- 1.4 There are three Listed Buildings close to the site. Lexham Lodge Hospital is situated to the opposite side of London Road to the south. Roadlands is located to the opposite side of Ryeworth Road to the north west. Charlton Lawn is situated to the west side of Copt Elm Road to the west. All three buildings are Grade II Listed.
- 1.5 The site is located within the Cudnall Conservation Area.
- 1.6 The application seeks planning permission to demolish the existing dwelling and erect a pair of detached dwellings. The dwellings would have an identical design but would be handed. They would have five bedrooms across three floors including rooms in the roof. The proposal also includes the erection of a detached double garage building with study accommodation above, in front of the new houses next to London Road.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Conservation Area

Relevant Planning History:

15/00502/DISCON 23rd June 2015 NOT

Discharge of conditions (11) (design for windows, doors, rainwater goods and eaves), (12) (external materials) on planning permission 14/00530/FUL

15/00341/DISCON 18th March 2015 DISCHA

Discharge of conditions (4) (controls for noise and dust), (5) (tree protection strategy), and (9) (paths, parking area and hard landscaping) on planning permission 14/00530/FUL

14/00530/FUL 26th June 2014 APROVED AT APPEAL

Demolition of existing dwelling and erection of two new dwellings

13/02143/FUL 21st March 2014 APROVED AT APPEAL

Demolition of existing dwelling and erection of two new dwellings

14/01398/FUL 24th October 2014 PER

Demolition of existing dwelling and erection of 2 no. new dwellings

13/01367/FUL 3rd October 2013 WDN

Demolition of existing dwelling and erection of two new dwellings

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 1 Sustainable development
CP 4 Safe and sustainable living
CP 7 Design
BE 3 Demolition in conservation areas
BE 4 Timing of demolition in conservation areas
BE 5 Boundary enclosures in conservation areas
BE 7 Parking on forecourts or front gardens in conservation areas
GE 5 Protection and replacement of trees
GE 6 Trees and development
HS 1 Housing development
HS 2 Housing Density
RC 6 Play space in residential development
RC 7 Amenity space in housing developments
TP 1 Development and highway safety
TP 2 Highway Standards

Supplementary Planning Guidance/Documents

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

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

Heritage and Conservation

18th September 2015

Further to: Application and site visit

Analysis of Site

Corner site largely concealed from the public realm at present due to overgrown hedges and trees. The current building is a two storey mid-20th C brick built detached dwelling, over extended and of no particular architectural merit. However, it does form a group with the other two similar adjacent dwellings with a single access from the main road forming a small enclave. No.282 is a larger plot.

Comments:

1. There is a protracted planning history for this site but a recent application for two detached two storey dwellings was given consent in 2014 (14/01398/FUL). The proposal was for a pair of detached dwellings of a similar scale and mass to existing with traditional features but contemporary detailing.
2. The current proposal is for a two and a half storey pair of semi-detached dwellings of pastiche design with an additional separate garage block.
3. A true representation of the height of the two houses has not been shown alongside the existing two storey buildings on the neighbouring site: there are concerns that the new development will over-shadow and dominate this residential enclave to an unacceptable degree. The very large pitched roof accommodating the half storey appears over-scaled with roof lights close to the ridge suggesting a further storey.

4. Whilst there are large residential buildings, referred to in the Design & Access Statement, mostly historic, in the immediate vicinity of the proposed development these are set in a different built context and are sited on generous, self-contained plots and are not grouped with two houses of similar appearance, materials and proportions, as is the case here.
5. The increased height, mass and scale of this proposal combined with the enlarged footprint and a large detached garage block with an unnecessarily high pitched roof and roof lights is too much for the physical constraints of the site.
6. This proposal represents cramped and dense over-development and will harm the conservation area by creating an oppressive presence that dominates to an unacceptable degree existing development.
7. Sixways Hall which, according to the Design & Access Statement, inspired some of the features on this proposal is an unusual choice for emulation on a domestic building. The former Charlton Kings Council Office is Edwardian Baroque used historically almost exclusively on public buildings usually on a much bigger scale than used here. Sixways has been converted to residential use but its civic character remains true.
8. The proposed dwellings are a contrived and uncomfortable composition of 'historic' residential features like the single storey canted bay: an anomaly within this grouping; incongruous block-like rustication and material palette: characteristics of Edwardian civic buildings; and a large 'timber-effect' clad single storey kitchen across the entire width of the rear of the building.
9. The material specification for this development is very poor with 'Wood effect composite [garage] doors' and 'wood-effect GRP fascias' and 'aluminium' doors. There are related concerns regarding the visual impact of integral blinds on all openings. If these fail do the windows have to be replaced? This development is not of a high standard of architectural design or materials and neither complements or respects neighbouring development.
10. Taken as a whole this proposal will adversely impact the Cudnall Street Conservation Area and cannot be supported. Despite the pressing need to improve the site this proposal will neither preserve nor enhance the conservation area and will need significant revisions before it is acceptable.

Suggested refusal reasons relating to Conservation and Heritage matters:

The proposed development by virtue of the height, materials, mass, scale and proportions fails to respect existing development and would harm the character and appearance of the conservation area. Accordingly, the proposals are contrary to section 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990, national policy set out in the NPPF and Historic Environment Good Practice Advice In Planning and policy CP7 of the Adopted Cheltenham Borough Local plan.

Tree Officer

14th September 2015

The Tree Section has no objections with this application. It is disappointing to see the removal of T15 Scots Pine however there was no previous Tree Section objection to its removal in previous applications, it is not reasonable to object now. If permission is granted please use the following conditions and informative:

Tree Protection

Tree protection shall be installed in accordance with the specifications set out within the Arboricultural Report reference 34.84A and the Tree Protection Plan Drawing Number 34.84.02 Dated August 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.

Detailed Landscaping

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 current Landscape Planning Proposals must be modified to also specify species, planting size, root type (it is anticipated that container grown trees will be planted) and protection so as to ensure quick successful establishment. 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.

- TRE01B Existing trees to be retained
- TRE04B No fires within RPA
- TRE05B No Service Runs within RPA

Suggested Gutter Cover Informative

INFTR no XXX-It is strongly recommended that suitable leaf guards to cover guttering and down pipes are installed onto external rain drainage pipework so as to reduce the incidence of such blocked pipework as a result of tree related litter-fallen leaves, twigs, fruit etc

Environmental Health

9th September 2015

I have been consulted on the above application and my comment would a standard paragraph on the legal requirements with regard to Asbestos, Duty to Manage Requirements, as the building is being demolished. I hope this can be used as an 'informative'.

MANAGEMENT OF ASBESTOS (The Control of Asbestos Regulations 2006 Regulation 5)

WHEN REFURBISHMENT OR OTHER WORK WHICH DISTURBS THE FABRIC OF THE BUILDING ARE PLANNED THEN IT WILL BE NECESSARY TO COMPLETE A REFURBISHMENT AND DEMOLITION SURVEY, IN AREAS WHERE THE MANAGEMENT SURVEY HAS NOT BEEN INTRUSIVE, BEFORE THE WORK IS CARRIED OUT.

This type of survey is used to locate and describe, as far as reasonably practicable, all asbestos contain materials in the area where the refurbishment work will take place or in the whole building if demolition is planned. The survey will be fully intrusive and involve destructive inspection, as necessary, to gain access to all areas, including those that may be difficult to reach.

A refurbishment and demolition survey may also be required in other circumstances, e.g. when more intrusive maintenance and repair work will be carried out.

The full guidance document (HSG 264) is available on line at:
<http://www.hse.gov.uk/PUBNS/books/hsg264.htm>

GCC Highways Planning Liaison Officer

14th September 2015

The application seeks to demolish an existing dwelling and erect two new dwellings on the site. The site fronts the London Road which at this locality is subject to a 30mph speed limit.

Access

It is proposed to retain the existing access and widen, the access point, however, will be widened to 4.1m, which is an improvement and will allow two vehicles to pass, thus removing the need for cars to be waiting on the shared access from London Road.

Visibility

The deemed to satisfy visibility requirements for a road subject to a 30mph speed limit is 2.4m x 54m in both directions; I consider that the existing access which is proposed as a shared access is able to satisfy the necessary visibility requirement.

Turning Facilities & Parking

Drawing no 10 Rev B is able to demonstrate that there is sufficient area in which to provide parking and turning facilities so as to allow at least two vehicles to be parked on the site of the proposed dwelling(s) and that vehicles are able to enter and exit the site in forward gear. In addition there is sufficient area on both sites to allow for safe and secure cycle parking.

Refuse Storage & Collection

The proposed site has sufficient area to allow for refuse storage bins and the footway fronting the site is of sufficient width so to allow refuse bins to be placed to allow for kerb side refuse collection without obstruction to pedestrians.

I recommend that no highway objection be raised subject to the following condition(s);

- (1) The dwelling(s) hereby permitted shall not be occupied until the car parking facilities associated with each dwelling (including garages and car ports where proposed) has been provided in accordance with the submitted drawing no 10 Rev B, and shall be maintained available for that purpose thereafter.

Reason: To ensure an acceptable level of car parking provision has been supplied in accordance with paragraph 39 of the NPPF and to ensure appropriate parking and manoeuvring facilities are provided so that vehicles do not have to park on the highway in accordance with Paragraph 35 of the NPPF and TP5 & TP6 of the CBC Local Plan.

- (2) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall:

- i. specify the type and number of vehicles;
- ii. provide for the parking of vehicles of site operatives and visitors;
- iii. provide for the loading and unloading of plant and materials;
- iv. provide for the storage of plant and materials used in constructing the development;
- v. provide for wheel washing facilities;
- vi. specify the intended hours of construction operations;

- vii. measures to control the emission of dust and dirt during construction;
- viii specify the access points to be used and maintained during the construction phase(s).

Reason: To reduce the potential impact on the public highway and in accordance with paragraph 35 of the NPPF and CBC LP Policy TP1.

Gloucestershire Centre for Environmental Records

7th September 2015

Available to view online

Wales and West Utilities

10th September 2015

Wales & West Utilities acknowledge receipt of your notice received on 28.08.2015, advising us of the planning application and proposals at:

282, London Road, Charlton Kings, Cheltenham, Gloucestershire, GL52 6YF

We enclose an extract from our mains records of the area covered by your proposals together with a comprehensive list of General Conditions for your guidance. This plan shows only those pipes owned by Wales & West Utilities in its role as a Licensed Gas Transporter (GT). Gas pipes owned by other GTs and also privately owned pipes may be present in this area. Information with regard to such pipes should be obtained from the owners. The information shown on this plan is given without obligation, or warranty and the accuracy thereof cannot be guaranteed. Service pipes, valves, syphons, stub connections, etc., are not shown but their presence should be anticipated. No liability of any kind whatsoever is accepted by Wales & West Utilities, its agents or servants for any error or omission.

Wales & West Utilities has pipes in the area. Our apparatus may be affected and at risk during construction works.

Should the planning application be approved then we require the promoter of these works to contact us directly to discuss our requirements in detail before any works commence on site. Should diversion works be required these will be fully chargeable.

You must not build over any of our plant or enclose our apparatus.

Please note that the plans are only valid for 28 days from the date of issue and updated plans must be requested before any work commences on site if this period has expired.

Building Control

26th August 2015

No comment

Parish Council

15th September 2015

No objection

Architects Panel

23rd September 2015

The panel had previously reviewed two contemporary schemes for this site; however the current proposal takes a more traditional approach. The panel was not averse to the traditional approach (although did not necessarily see this as an improvement) but felt that the proportion and detail of the treatment was not successful. The gap between properties would result in an unpleasant and wasted space and should either be widened or removed. If the former approach is taken, the roof design may need to change as the properties will read more like individual units rather than a pair.

The porch element is weak and seems to be at odds with the overall aesthetic; and the fact that the front gable doesn't project, despite being expressed with quoins, is very odd. The front bay and the windows above are proportionally awkward and we wondered whether the bay should be taller, perhaps two or even three storeys. The stone surround detail on the garage gives the elevation a cluttered feel, and its relationship with the brick plinth would be very strange. Given the above we would not support the proposal in its current form and would suggest that more detailed analysis and application of historic precedent would help address the design issues.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	14
Total comments received	4
Number of objections	0
Number of supporting	4
General comment	0

5.1 Comments Received

Representations are attached to this report.

6. OFFICER COMMENTS

6.1 Determining Issues

6.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning decisions are made in accordance with the Development Plan, unless materials considerations indicate otherwise.

6.3 The Development Plan for the area is the Cheltenham Borough Local Plan (adopted 2006).

6.4 The National Planning Policy Framework ("NPPF") is the Government's national planning policy. The NPPF sets the weight to be attached to existing Local Plan policies. Paragraphs 214 and 215 state that where a Local Plan has not been adopted in accordance with the Planning and Compulsory Act 2004 – as is the case for the Cheltenham Borough Local Plan – weight should be afforded to Local Plan policies in proportion to their degree of consistency with the NPPF.

6.5 The Cheltenham Local Plan was adopted in accordance with pre-2004 legislation and therefore only policies which accord with the NPPF carry weight. Where the Local Plan is not in accordance or is silent then the NPPF prevails.

6.6 The main issues relevant to the consideration of the planning application are:

- (i) Planning history
- (ii) Sustainability
- (iii) Impact on the character and appearance of the Conservation Area
- (iv) Trees
- (v) Impact on neighbour amenity
- (vi) Access and highway issues

6.7 Planning history

6.8 The site's planning history is an important material consideration.

6.9 There are three extant planning permissions for the demolition of the existing house and erection of two dwellings.

6.10 Planning permission was granted by the Local Planning Authority in October 2014 (14/01398/FUL). Planning permission was then granted at appeal in December 2014 for two alternative schemes of two dwellings (14/00530/FUL and 13/02143/FUL).

6.11 In March 2015, the Local Planning Authority approved details submitted pursuant to conditions 4, 5 and 9 of planning permission 14/00530/FUL.

6.12 Sustainability

6.13 The Council cannot currently demonstrate a five year housing supply (plus 20% buffer). The five year housing supply position at 31 March 2015 is that taking account of shortfall and the application of a 5% buffer, the Council has a 3.6 year housing supply. This means that the housing supply policies in the Local Plan are not considered up to date, and the policies in the NPPF should prevail (par. 49).

6.14 Paragraph 14 of the NPPF says that where Local Plan policies are out-of-date, planning permission should be granted unless '*any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.*'

6.15 The site is located within the Principal Urban Area as identified by the Local Plan.

6.16 The site is a sustainable location for two new dwellings with good access to shops, services, jobs and public transport.

6.17 The proposal would make effective use of previously developed land in a predominantly residential part of the town.

6.18 The site already benefits from extant planning permissions for the erection of two dwellings.

6.19 This is a sustainable location for two new dwellings and the principle of development has already been established.

6.20 Impact on the character and appearance of the Conservation Area

6.21 The site is located at the eastern edge of the Cudnall Conservation Area. The south east boundary of the site defines the boundary of the Conservation Area (No. 286 London Road next door is therefore outside the Conservation Area).

6.22 When the appeal was heard against the Council's decision to refuse two previous applications for two dwellings on the site, the principal issue was the effect of the proposal on the character and appearance of the Conservation Area.

- 6.23** The site is somewhat screened at present by trees and vegetation at the front of the site next to London Road. There is a tall hedge on Ryeworth Road at the rear/side. The Inspector discussed the contribution that the site currently makes to the wider Conservation Area. The Cudnall Street Conservation Area Character Appraisal and Management Plan (2009) states that: *'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 tiled roof. The house is set away from historic buildings and public space but its inclusion within the Conservation Area is questionable.'* The Inspector went on to conclude that *'It is my opinion it is the vegetation to the front of No. 282, rather than the dwelling itself, that makes a positive contribution to the Conservation Area by providing visual relief to the surrounding built environment.'*
- 6.24** The proposal would see the replacement of the existing two storey detached house with a pair of three storey detached dwellings with rooms in the roof. The dwellings would have a traditional appearance with a front projecting ground floor bay window, stone lintels above windows, stone quoins and hipped roof. The exterior would be faced in brick with artificial slate for the roof.
- 6.25** The dwellings are in isolation of a reasonable design. However, there is real concern about how they would fit into their immediate context. Nos. 282, 284 and 286 are of similar scale and appearance. However, the proposed dwellings would be a much larger scale. The height of the proposed dwelling is over 9 metres which is substantial. In comparison, the adjacent dwellings are about 7.6 metres tall. Taking account the slight change in levels between the properties, the new dwellings would have an eaves level 0.4 metres above No. 286, and ridge height over two metres higher.
- 6.26** The street scene drawing helpfully provided with the application shows the comparative relationship of the proposed dwellings with Nos. 284 and 286 next door. The rooves of the new dwellings would be substantially higher and would have a much greater mass and bulk. There would be a big step-up in scale between No. 284 and the new dwellings in immediate proximity to one another (there would be less than 2 metres between No. 284 and Plot 1). This relationship would appear jarring and the new dwellings would over dominate the existing neighbouring dwellings.
- 6.27** In contrast the three existing permissions are for new dwellings of similar scale to the existing house, Nos. 284 and 286. On the issue of height, the Inspector commented that: *'The height of the dwellings would be similar to that of the neighbouring properties and the mass would be abbreviated by either the dual roof or flat roof designs. As a result the dwellings' bulk would be reduced to an appropriate level, with a mix of render, cladding and brick work providing additional visual relief.'*
- 6.28** It is clear that the height and bulk of the dwellings was an important issue when the appeals were determined. It is considered that the height and bulk of the proposed dwellings and their rooves far exceeds an "appropriate level", ultimately to the detriment of the street scene and the character and appearance of the Conservation Area.
- 6.29** A further concern is the proposed choice of materials. The applicant intends to use blue/black artificial slate. Given the large scale of the rooves and the position of the site in the Conservation Area, the use of artificial materials is considered very inappropriate and not of a quality commensurate with the location of the site.
- 6.30** The application also proposes a large double detached garage building with accommodation above at the front of the site. This would be gable end onto the road and would present an unattractive blank elevation to the road. The garage building would also be intrusive in the street scene, again to the detriment of the character and appearance of the Conservation Area.

6.31 The applicant argues that the site should not be considered as part of the Conservation Area, referencing the Conservation Area Character Appraisal which questions the site's inclusion. However, the site remains part of the Conservation Area and the impact of the proposal upon the character and appearance of the Conservation Area would be clear, definite and harmful. Even if the site were outside the Conservation Area, there would still be fundamental design concerns about the height and massing of the rooves and the application would still be recommended for refusal.

6.32 The proposal would fail to preserve the character and appearance of the Conservation Area. The design of the dwellings would be of insufficient quality and for these reasons the proposal is unacceptable.

6.33 Trees

6.34 The Tree Officer offers no objection to the proposal. The trees at the front of the site next to London Road that provide screening of the plot and contribute to the Conservation Area would be retained. Elsewhere, a number of trees are proposed to be felled next to Ryeworth as per the existing permissions. No adverse impact on trees is identified.

6.35 Impact on neighbouring property

6.36 The neighbour most affected by the proposal would be No. 284 London Road immediately next to the site to the south east. The proposed dwellings would follow the existing building line. The new dwellings would be positioned slightly further forward of No. 284 but only by 1 metre and this would have a limited impact on the amenity of No. 284.

6.37 At the rear the differential is more pronounced but at ground floor level only with the rear of the proposed dwellings extending about 4 metres further rearwards than No. 284. However, this is not considered significant given the projection is single storey.

6.38 There are no habitable rooms on the end gable facing No. 284.

6.39 The proposal would not result in any harmful overlooking, loss of outlook, loss of light or overbearing of No. 284. The living conditions of neighbouring residents would not be unduly harmed.

6.40 Access and highway issues

6.41 The Highway Authority offers no objection to the application. The proposed means of access would be acceptable. Sufficient room would be provided within the site for at least two vehicles to park and turn. No severe highway impacts are identified.

7. CONCLUSION AND RECOMMENDATION

7.1 It is recommended that planning permission is refused because the proposed dwellings and garage building would be detrimental to the character and appearance of the Conservation Area. Their design would not be of sufficient quality.

8. REFUSAL REASONS

- 1** The proposed development, by reason of the height of the dwellings and the massing and bulk of their rooves, would over dominate the immediate adjacent houses, Nos. 284 and 286 London Road, and would appear over strident and jarring in the street scene. Moreover, the proposed use of artificial slate, especially given the large size and

prominence of the rooves, would be incommensurate with the quality of the Conservation Area. The proposed garage block would of a significant size, positioned gable end onto London Road and would be visually intrusive and discordant in the street scene. For these reasons, the proposals would fail to preserve or enhance the character or appearance of the Conservation Area. The proposed development fails to take the opportunities for improving the character and quality of the area. It fails to accord with Policy CP7 of the Cheltenham Borough Local Plan (adopted 2006), paragraphs 56, 57, 64, 131, 132 and 133 of the National Planning Policy Framework, and is unacceptable.

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 agree a solution with the applicant that will overcome the design concerns.

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