

APPLICATION NO: 15/01441/OUT		OFFICER: Mr Ed Baker	
DATE REGISTERED: 15th August 2015		DATE OF EXPIRY: 10th October 2015	
WARD: Battledown		PARISH: Charlton Kings	
APPLICANT:	Mr R.J. Ashton		
AGENT:	Mrs Becky Brown		
LOCATION:	Land off Harp Hill, Charlton Kings		
PROPOSAL:	Outline application for the erection of dwelling (revised submission following refusal of 14/01612/OUT)		

Update to Officer Report

1. OFFICER COMMENTS

1.1. Determining Issues

1.2. 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.

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

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

- (i) Planning history
- (ii) Housing supply
- (iii) Impact on the Area of Outstanding Natural Beauty and character and appearance of the area
- (iv) Access and highway issues
- (v) Impact on neighbouring property

1.5. Planning history

1.6. Outline planning permission was refused for the erection of a dwelling on the site in November 2014 (14/01612/OUT). The grounds for refusal were:

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.

- 1.7. The current application is almost identical to the previous refused scheme save for the submission of a transport report on the means of access and the provision of a passing bay on the access track (some 65 metres from the access junction onto Harp Hill). There have also been adjustments to the indicative design including the removal of the detached garage and minor changes to the design of the dwelling.
- 1.8. **Housing supply**
- 1.9. 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).
- 1.10. 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.'*
- 1.11. The lack of a five year housing supply is an important material consideration.
- 1.12. The site is located within the Principal Urban Area as identified by the Local Plan. It is a reasonably sustainable location for one new dwelling with access to shops, services, jobs and public transport. The application proposal would make use of undeveloped land in a residential part of the town. The Council has recently accepted the principle of development of land to the west of the site for two new dwellings (land adjacent the Gray House, 15/01165/FUL). Moreover, the Council did not refuse the previous application for a dwelling on the site on grounds of sustainability.
- 1.13. For these reasons, development of the site for a single dwelling is considered acceptable in principle.
- 1.14. **Impact on the scenic beauty of the AONB and character and appearance of the area**
- 1.15. The previous application was refused on two grounds, the first relating to the impact of the dwelling on the AONB. The refusal reason is reproduced below:

'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.'
- 1.16. As mentioned, the site forms part of an area of transition at the east edge of the town. It is located within the edge of the AONB, although it is not rural countryside, but within an area of loose-knit housing. The Council's Landscape Architect notes that to the east side of the Gray House located to the west (whose boundary forms

the edge of the AONB), the built form becomes less ordered, more loose-knit, with dwellings set back from the road within large plots. There is a spacious, semi-rural character to the area.

1.17. The proposal is for a single dwelling on a small triangular parcel of land. The site is substantially smaller than the plots surrounding it, including The Bredons to the north west, High View to the north, Rose Orchard to the north east and Kings Welcome to the south. It is considered that the new dwelling would appear cramped and out of character with the surrounding larger dwellings, which are set in more spacious plots. In this regard, nothing substantive has changed since the previous application and the proposal would remain harmful to the character and appearance of the area.

1.18. The applicant seeks to argue that the new dwelling would be set behind existing houses and would not be particularly visible from public vantage points. In the committee report to the previous application 14/01612/OUT), the planning officer quoted a then recent appeal decision relating to proposed back-land development at Cold Pool Lane (13/02161/FUL):

'The SPD [on development on garden land and infill sites in Cheltenham] 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).

1.19. It is considered that these findings support the case for refusal of the application even where the impact of the development on the public realm may not be significant.

1.20. It is of relevance that the planning committee recently resolved to grant planning permission for the erection of two large dwellings on land to the west, between The Gray House and The Bredons (15/01165/FUL, 22 October 2015). However, that proposal is for two much larger dwellings in bigger plots, not out of character with the existing houses in the immediate locality. In comparison, the proposed dwelling would over intensify the level of development in the area and would thus be visually harmful. Plot 1 of the adjacent development would significantly screen the application site from Harp Hill. Nevertheless, as previously mentioned, that the proposal may not be significantly visible from public vantage points does not make it acceptable.

1.21. It is considered that the grounds for refusal of the previous application relating to impact on the AONB have not been overcome.

1.22. Access and highway issues

1.23. The application has been resubmitted following pre-application discussions with the Highway Authority. The second ground for refusal related to the access to the site being substandard in that the required levels of visibility to make the development safe were not available and that the access was too narrow to allow two vehicles to pass each other.

- 1.24. The Highway Authority is satisfied that the applicant has now demonstrated that sufficient visibility can be achieved in both a westerly and easterly direction. The normal standard of visibility expected in this location is 2.4 metres by 54 metres in either direction. This can be achieved in a westerly direction with slightly less visibility in an easterly direction at 50 metres. Nevertheless, the Highway Authority considers this to be adequate and the access to be suitably safe.
- 1.25. The level of visibility has been challenged by objectors. The neighbour at Kings Welcome to the rear of the site (and who also shares the same access drive as the proposed dwelling as a secondary access) has commissioned their own highway report which disputes the findings of the applicant and Highway Authority. That report has been sent to the Highway Authority for their consideration. However, having reviewed that objection, the Highway Authority maintains its position that adequate visibility can be achieved. No severe impacts on the highway are identified.
- 1.26. The application also now proposes a passing place on the access track to enable two vehicles to pass. Whilst this passing place is some distance from the access onto the highway and not ideal, given the low level of traffic which is likely to use the access and track, this is considered acceptable.
- 1.27. In view of the Highway Authority's advice, it is considered that the applicant has satisfactorily demonstrated that suitable levels of visibility can be achieved and that the means of access is safe. The second refusal reason has therefore been overcome.
- 1.28. Impact on neighbouring property**
- 1.29. The site is surrounded by neighbouring houses to the north (The Bredons), east (Rose Orchard and High View) and south (Kings Welcome).
- 1.30. There would be more than sufficient separation between the new dwelling and The Bredons, Rose Orchard and High View to the north and east so as not to harm their living conditions. Moreover, this is an outline application and the dwelling could be designed to further minimise the impact on those properties.
- 1.31. Kings Welcome at the rear is the neighbour most likely to be affected by the new dwelling. Kings Welcome is on higher ground to the immediate south. It enjoys excellent medium and long distant views of the countryside to the north. The proposed dwelling, just in front of Kings Welcome, has the potential to significantly reduce its outlook. The indicative design shows the proposed dwelling dug into the ground but it is not clear what the relationship or impact on Kings Welcome and its outlook would be. The indicative plans show a two storey dwelling with flat roof and a single storey dwelling might significantly improve the relationship with Kings Welcome, although it cannot be certain.
- 1.32. The previous application was not refused on grounds loss of outlook or harm to the living conditions of Kings Welcome (or any other neighbours). It would be unreasonable to introduce this issue as a refusal reason now. It would be more appropriate to deal with this issue at the reserved matters stage were outline planning permission to be granted, paying particular attention to the size, scale and floor levels of the new dwelling and its impact on Kings Welcome.
- 1.33. Concerns have been expressed by Kings Welcome about noise from additional traffic. However, given the relationship of the two properties, it is extremely unlikely

that traffic noise would unacceptably harm the living conditions of Kings Welcome. Moreover, this was not raised as a reason for refusal of the previous application.

2. CONCLUSION AND RECOMMENDATION

- 2.1. It is recommended that planning permission is refused on grounds that the proposal does not overcome the reason for refusal of the previous application relating to harm to the AONB, and character and appearance of the area.
- 2.2. Whilst the Council cannot currently demonstrate a five year land supply, it is considered that the harm caused by the proposed dwelling would outweigh the marginal contribution that it would make towards meeting the local housing supply.

3. REFUSAL REASONS

- 1 The application site is within the Cotswolds Area of Outstanding Natural Beauty 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 Cheltenham Borough Local Plan (adopted 2006), the Development on Garden Land and Infill Sites in Cheltenham SPD and advice contained in the National Planning Policy Framework.