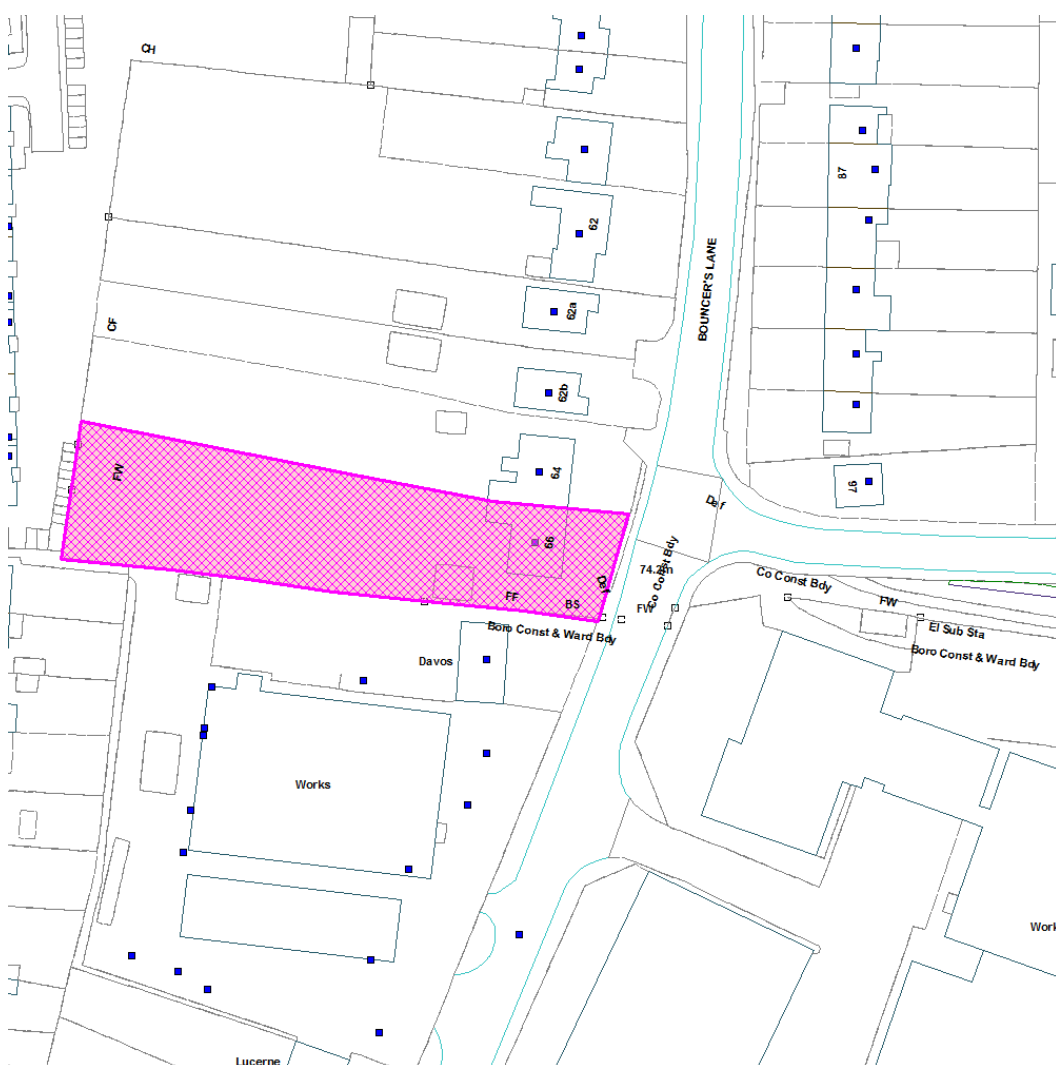


APPLICATION NO: 16/00389/FUL		OFFICER: Mrs Emma Pickernell
DATE REGISTERED: 9th March 2016		DATE OF EXPIRY: 4th May 2016
WARD: Prestbury		PARISH: Prestbury
APPLICANT:	Mr Philip Cottam	
AGENT:	Evans Jones Ltd	
LOCATION:	66 Bouncers Lane, Cheltenham, Gloucestershire	
PROPOSAL:	Erection of two detached dwellings.	

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is a semi-detached dwelling positioned in a large garden on the west side of Bouncers Lane. The site is flanked to the south by the relatively recently constructed detached properties of Newland Court which was formerly occupied by factory buildings. Opposite the site is the Premier Products site and to the rear is a block of flats forming part of Bush Court.
- 1.2 Planning permission is sought for the erection of two detached dwellings within the rear garden of 66 Bouncers Lane. These would be 2 storeys and comprise brick elevations under a slate roof. The existing garage and outbuildings associated with 66 Bouncers Lane would be demolished and an access drive would be formed along the southern boundary of the site. A new parking area would be formed within the front garden for 66 Bouncers Lane and parking for the new dwellings would be provided within their frontages and within new garages which are proposed.
- 1.3 The application is to be determined by planning committee due to the objection of the Parish Council.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

None

Relevant Planning History:

None

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 4 Safe and sustainable living

CP 7 Design

GE 5 Protection and replacement of trees

GE 6 Trees and development

HS 1 Housing development

RC 2 Youth and adult outdoor playing facilities

RC 6 Play space in residential development

TP 1 Development and highway safety

TP 2 Highway Standards

TP 6 Parking provision in development

Supplementary Planning Guidance/Documents

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

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

Cheltenham Civic Society

21st March 2016

This is an uninspired design.

Parish Council

22nd March 2016

The Parish Council would like this application to be considered by Full Planning Committee.

7th April 2016

Prestbury Parish Council object to this proposal as it is over development in a rear garden, also the access for the three houses is off one driveway.

GCC Highways Planning Liaison Officer

16th March 2016

I refer to the above planning application received on 10th March 2016.

With regards to the above site; 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.

Statement of Due Regard

Consideration has been given as to whether any inequality and community impact will be created by the transport and highway impacts of the proposed development. It is considered that no inequality is caused to those people who had previously utilised those sections of the existing transport network that are likely to be impacted on by the proposed development.

It is considered that the following protected groups will not be affected by the transport impacts of the proposed development: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation, other groups (such as long term unemployed), social-economically deprived groups, community cohesion, and human rights.

Tree Officer

12th April 2016

In principle the Tree Section has no objections to the erection of two detached dwellings at the rear of 66 Bouncers Lane however additional information is required to make an informed comment. Unit 02 is potentially too close to the neighbouring trees, to make an informed comment the Tree Section would like a Tree Survey to BS 5837:2012 to be submitted and agreed prior to the determination of this application. The tree survey needs to include an Arboricultural impact assessment and a tree protection plan.

12th May 2016

The Tree Section has no objections with this application, if permission is granted please use the following conditions:

Tree Protection

Tree protection shall be installed in accordance with the specifications set out within the Arboricultural Report reference 66 Bouncers Lane and the Tree Protection Plan Drawing Number 66BLTRP-MAY16 dated May 2016. 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.

TRE04B No fires within RPA

No fires shall be lit within 5m of the Root Protection Area(s) and materials that will contaminate the soil such as cement or diesel must not be discharged within 10m of the tree stem. Existing ground levels shall remain the same within the Root Protection Area(s) and no building materials or surplus soil shall be stored therein. No trenches for services or drains shall be sited within the crown spread of any trees to be retained.

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.

TRE05B No Services run within RPA

All service runs shall fall outside the Root Protection Area(s) unless otherwise agreed in writing by the Local Planning Authority. Any such works shall be in accordance The National Joint Utilities Group; Volume 4 (2007).

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.

Architects Panel

7th April 2016

Design Concept: The panel had no objection to the development in principle.

Design Detail: The scheme in detail was considered acceptable in this location.

Recommendation: Support

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	12
Total comments received	1
Number of objections	1
Number of supporting	0
General comment	0

5.1 The application was publicised by way of letters to 12 neighbouring properties. 1 objection was received which relates to the following issues:

- Would set a precedent for similar developments in other rear gardens
- Impact on trees and wildlife
- Newland Court was not built on garden land but on site of disused factory
- Overdevelopment
- Poor design
- Overlooking and loss of privacy
- Noise

6. OFFICER COMMENTS

6.1 Determining Issues

The key issues in determining this application are considered to be (i) principle, (ii) design and layout, (iii) impact on neighbour amenity, (iv) access and highways issues, (v) trees and wildlife.

6.2 The site and its context

The site is within a largely residential context, being surrounded by other dwellings. There is a commercial use on the opposite side of Bouncers Lane, however this site is quite separate. The use would therefore be compatible with the prevailing character of the area and is acceptable in principle.

The site is the back garden of an existing residential property and as such it is appropriate to consider the proposal under the Development on garden land and infill sites in Cheltenham (2009) Supplementary Planning Guidance.

The document acknowledges that a balance must be struck between competing demands when considering such applications. Development on garden land can make an important contribution to housing supply in the borough however when poorly considered, it can be to the detriment of the character of existing neighbourhoods and detract from the amenities enjoyed by residents. To this end the guidance provides assistance in assessing such schemes in order to come to a view on their acceptability. Subject to all the remaining considerations being adequately dealt with the proposal is considered to be acceptable in principle.

6.3 Design and layout

The existing character of the area is of good sized family dwellings in spacious plots. The site is adjacent to Newland Court which comprises modern detached properties which have smaller gardens than are prevalent to the north of the site. The layout of the proposed site follows the line of the buildings of Newland Court and they would have slightly larger gardens. Therefore the proposal is considered to respond to the character of the area.

The site is clearly a back garden and would not be prominent, although it would be visible from Newland Court and from Bouncers Lane, up the driveway. This would not be visually jarring in this instance due to the presence of Newland Court.

The spacious nature of the plot means that it is possible to provide a layout which is in keeping with its surroundings and have sufficient space about it to provide amenity space and parking.

The layout has been well thought through and as such is considered to fit well in the locality.

The design of the individual houses has been described as uninspiring by the Civic Society although the Architects Panel considered it to be acceptable. Discussions have taken place with the architect with a view to elevating the design and revised plans are awaited. It is anticipated that any amendments will involve a reorientation of the roof to a forward facing gable, a rethink of the fenestration and a redesign of the rear wing.

6.4 Impact on neighbouring property

The site is spacious and the proposed layout is generally considered to be acceptable in terms of neighbour amenity. Each neighbour will be considered below:

64 Bouncers Lane

The proposed dwellings would be in excess of 30m from this dwelling and as such would have no impact on residential amenity. There is a concern that the side facing gable of unit 2 could feel oppressive from within the garden and as such the architect is looking at changing the orientation of the roof such that it would slope away from the boundary. This would create a relationship similar to that between the current garden of 66 Bouncers Lane and 8 Newland Court.

66 Bouncers Lane

The proposal involves a new driveway to the side of this property. There is the potential for disturbance through its use however there do not appear to be main windows to habitable rooms on this side elevation and sufficient space has been retained to provide landscaping and or boundary treatment to create a feeling of separation. The houses themselves would be over 37m from the rear of this dwelling and a garden of 14m length would be retained. As such it is considered that the impact on this host dwelling is acceptable.

8 Newland Court

The proposal is positioned alongside this dwelling on a similar building line. The proposal complies with the light test and there are no overlooking issues. Almost 4m would be retained between the two buildings which is considered to be acceptable.

9 Newland Court

The proposed driveway would be along the bottom of this property's garden, however it would be over 10m from the rear of this property. It would be relatively lightly used, serving two dwellings and it is not considered that this would result in undue disturbance. There is a distance of approximately 20m between the two properties and they are at an oblique angle to one another and as such unacceptable loss of privacy would be avoided. It is also not considered that the impact on the garden would be unacceptable given the distance involved, the fact that 8 Newland Road is close and the presence of a garage between the two.

Davos

This dwelling is sufficiently far away from the proposed dwellings not to be impacted upon by the buildings themselves, however the driveway would run up the side of this property. It would be 4m from the dwelling itself which is considered to be an adequate buffer given that the driveway would be relatively lightly used.

Bush Court

The flats at the rear are approximately 27m away from the proposed dwellings and as such would not have an unacceptable impact.

For the reasons outlined above the proposal is considered to have an acceptable impact upon all neighbours.

6.5 Access and highway issues

The Highways Authority has advised that the proposal should be determined in accordance with standing advice. The plans indicate that at least two parking spaces per dwelling would be provided. The width of the access is acceptable. The width of the drive leading to the rear of the site is such that it can only accommodate one way traffic, however there is sufficient space at both ends of this section to facilitate any manoeuvring required to make this work. The drive is straight and therefore clear views would be available of cars coming down the drive. The visibility splays have not been indicated on the plan and whilst they appear to be achievable, an additional drawing has been requested to demonstrate this.

6.6 Trees and Wildlife

Additional tree information has been submitted in response to the Tree Officer's request. This indicates that a number of trees would be removed from the centre of the site and a dead plum from the rear of the site.

None of the trees which are indicated for removal are considered to be significant and conditions are suggested to protect the retained trees. Subject to these the tree officer has no objection.

Mentioned has been made of wildlife in the locality. Whilst trees would be removed, plenty would be retained. There is no suggestion of protected species on the site and in any event protection is afforded in terms of nesting birds etc, through separate legislation.

7. CONCLUSION AND RECOMMENDATION

- 7.1** The principle of the proposal and the layout is considered to be acceptable, as is the impact on neighbours and trees. Revised plans are awaited demonstrating revisions to the design and the visibility splay. Subject to the receipt of satisfactory revised plans the proposal is recommended for approval.

8. CONDITIONS / INFORMATIVES

To follow as an update.