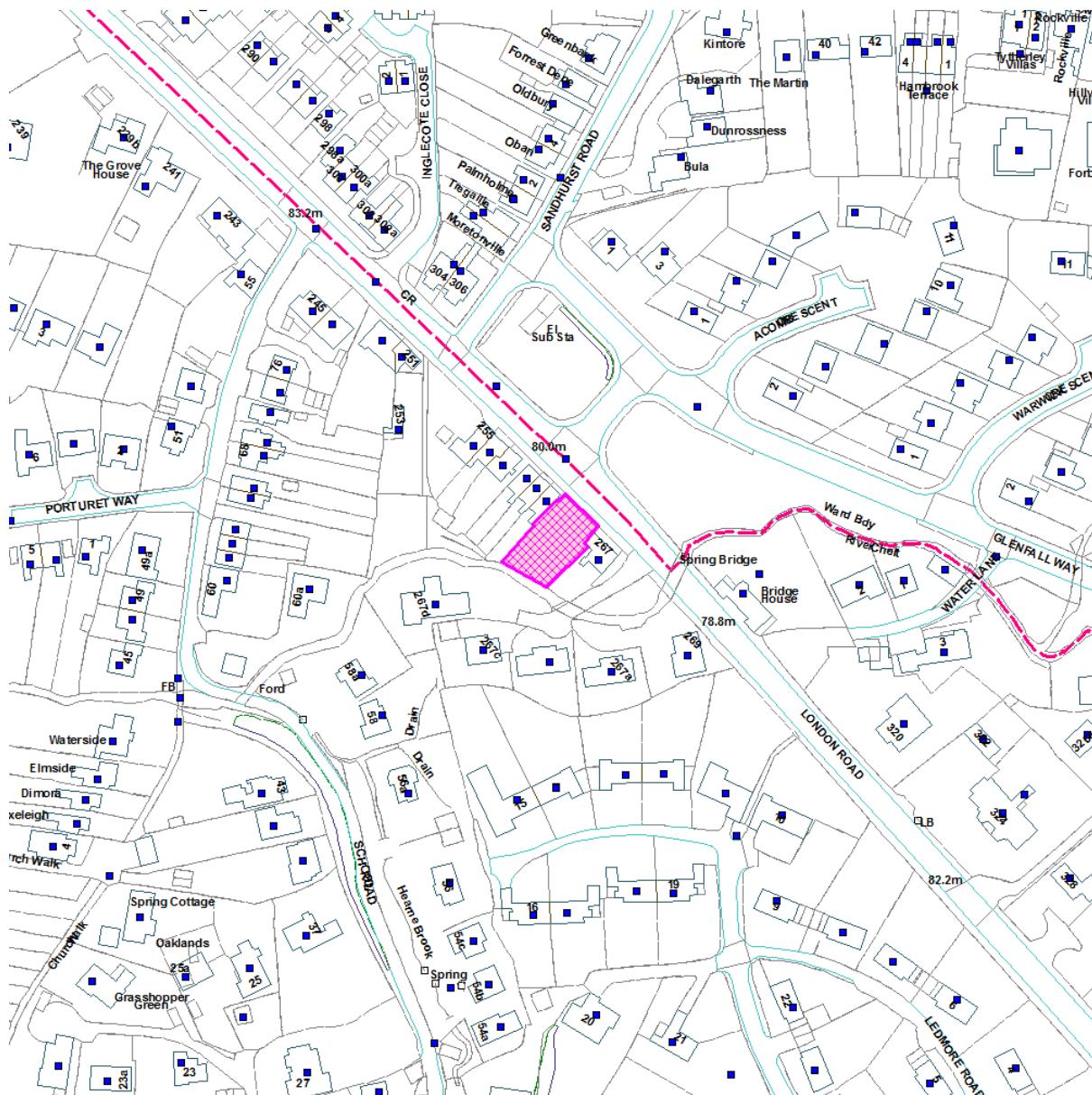


<b>APPLICATION NO:</b> 16/00849/FUL		<b>OFFICER:</b> Mrs Emma Pickernell
<b>DATE REGISTERED:</b> 11th May 2016		<b>DATE OF EXPIRY:</b> 6th July 2016
<b>WARD:</b> Charlton Kings		<b>PARISH:</b> Charlton Kings
<b>APPLICANT:</b>	Mr Lee Bales	
<b>AGENT:</b>	Coombes Everitt Architects Limited	
<b>LOCATION:</b>	267 London Road, Charlton Kings, Cheltenham	
<b>PROPOSAL:</b>	Development of a new dwelling	

**RECOMMENDATION:** Permit



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site was formerly part of the garden of No. 267 London Road. The site slopes downwards from the road side in a south westerly direction towards the River Chelt at the back. The front boundary onto London Road is defined by an attractive brick wall.
- 1.2 To the south east side is 267 London Road, a detached traditional dwelling and to the north west is the end property of a row of three terraced houses, no 265, at the back of the site to the south west is the river and beyond that a group of three houses and a bungalow accessed of a private drive leading between 267 and 269 London Road.
- 1.3 Full planning permission was granted in November 2014 for a contemporary designed split level two storey dwelling (14/01623/FUL). Subsequently a revised application was granted in June 2015 (15/00711/FUL). The revisions involved a slight enlargement of the red line and adjustments to the steps and retaining wall between 267 and the proposed dwelling.
- 1.4 The very bottom of the site, next to the river is designated Flood Zone 2 and 3.
- 1.5 Planning permission is sought for a three storey dwelling with the lower level being at lower ground floor level and projecting further into the garden with a flat roof projection. The ground floor is angled into the site with an oversailing first floor due to the easement that exists to a drain within the northern corner of the site. The first floor is square with the road and has a projecting box window. The dwelling would have a flat roof sitting below the eaves of the adjacent properties. The proposed materials are render and red brick.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### Constraints:

Flood Zone 2  
Flood Zone 3  
Smoke Control Order

### Relevant Planning History:

**12/01000/PREAPP      CLO**

Erection of detached dwelling between 265 & 267 London Road

**13/01922/PREAPP      4th December 2013      CLO**

New dwelling - Construction of new dwelling

**01/00182/FUL      22nd March 2001      PER**

Construction of 3 storey rear extension

**14/01623/FUL      6th November 2014      PER**

Construction of new dwelling to side of existing property.

**15/00711/FUL      19th June 2015      PER**

Erection of dwelling to side of existing property (re-submission of approval 14/01623/FUL with adjusted red line boundary)

### 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  
RC 6 Play space in residential development  
UI 1 Development in flood zones  
UI 2 Development and flooding  
UI 3 Sustainable Drainage Systems  
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)  
Play space in residential development (2003)

#### National Guidance

National Planning Policy Framework

### 4. CONSULTATIONS

#### **Cheltenham Civic Society**

*27th June 2016*

We like this scheme, which we think this is an attractive way of filling the gap between the two existing houses here

#### **Architects Panel**

*2nd June 2016*

#### Design Concept

The panel had no objection to the principle of building a new dwelling on this site and had previously supported an earlier appointed scheme.

The introduction of a further storey so the building is visible from London Road was acceptable but the panel had reservations over certain matters of details.

#### Design Detail

Concerns were raised over the relationship of the new building with adjoining properties. A less wide footprint could be more appropriate although it was acknowledged the position of the Severn Trent sewer could influence the design. The panel did not like the fenestration details but felt a contemporary design approach was appropriate.

#### Recommendation

Submit revised drawings.

*6<sup>th</sup> July 2016*

#### Design Concept

This application was reviewed at the 25<sup>th</sup> May 2016 panel meeting when the principle of development was accepted but design modifications were recommended.

### Design Detail

The panel did not like the way the new revised scheme broke down the London Road elevation with varying parapet heights and unsatisfactory window proportions. (Not showing the view from the street hindered the presentation).

A simpler contemporary design solution would be more successful.

### Recommendation

Submit revised design

[Please note the scheme was subsequently amended before the second round of consultation took place]

### **Parish Council**

*1st August 2016*

Objection: We note the changes to the window design, but our view continues to be that the proposed dwelling does not fit in with the street scene and lacks complementarity with houses either side. Its contemporary style would also jar when viewed from Glenfall Way opposite.

*7th June 2016*

Objection: (1) In our view the design of this dwelling fails to respect its neighbours and the street scene. Its contemporary design is ill at ease with houses either side and would particularly jar when viewed from Glenfall Way opposite. (2) We are concerned that the flying first floor will severely limit the plant required to access the Severn Trent sewer for any future maintenance or other work. There appears to be insufficient space for mechanical plant.

### **Environment Agency**

*26th July 2016*

We welcome that the Flood Risk Assessment (FRA) has been submitted in support of the application (undertaken by Katherine Colby Consultants, dated 30 June 2016). We also welcome that it has included an assessment of climate change in line with the new climate change guidance. We would advise that the recommendations within the FRA are carried out by the applicant, and in particular note the recommendation in section 3.1.15 re setting finished floor levels above 75.63 metres Above Ordnance Datum. You may wish to attach a 'compliance' type condition to any permission granted to ensure this.

To conclude, we have no objections to the proposed development.

*19th May 2016*

Thank you for referring the above application, which we received on 18 May 2016.

We commented on planning approval 14/01623/FUL at the above site on 9 October 2014 (our letter reference SV/2014/108010/01-L01, copy enclosed). We also commented on the resubmission application reference 15/00711/FUL (our letter reference SV/2015/108451/01-L01, dated 06 May 2015), where we reiterated the same advice as that given for the 2014 application.

Based on the nature of the proposed development and the information submitted we have no objections in principle to the current application. We would re-iterate the comments made within our 9 October 2014 response. However we note the original Flood Risk Assessment (FRA) from the 14/01623/FUL application has not been submitted with this application. The FRA should be submitted as part of the application documents.

Furthermore, since the FRA was undertaken climate change guidance has been revised. (The National Planning Practice Guidance - NPPG - was changed on 19 February 2016 - follow link in the FRA Checklist, section 4 on climate change, available at: <http://planningguidance.communities.gov.uk/blog/guidance/flood-risk-and-coastal-change/site-specific-flood-risk-assessment-checklist/> )

The previous FRA used a 20% figure for climate change allowance, as per the previous guidance. The new guidance now has a range of figures that may be applicable for climate change allowance. In our Area we have produced a local guidance note for climate change allowances and I have enclosed it here. We would advise that the 35% climate change figure be reviewed as well as assessing the impacts of the 70% figure. Ideally the applicant/FRA Consultant should review this new guidance and update the FRA accordingly. This is so that the development is in accordance with the latest planning guidance and to ensure that the development is appropriate taking climate change into account.

Having said the above, we recognise that the site is fairly steeply sloping down to the River Chelt. As such it might be reasonable to assume the additional flows (i.e. 35% or 70% instead of 20%) would not materially impact the development. We would nevertheless expect the developer to revise the FRA to acknowledge the revised design flow for the watercourse and as a minimum should highlight the changes. It may well be that there are no material impacts on the development, but this should ideally be made clear.

Informative: Permit for flood risk activity:

The proposed works within 8 metres of the top of the bank of the designated main river (River Chelt) will require a permit from us under the Environmental Permitting (England and Wales) Regulations 2010. This would have formerly been called a Flood Defence Consent. For more advice please ring 03708 506506 and ask for the local Partnerships and Strategic Overview Team. Also go to: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>

## **GCC Highways Planning Liaison Officer**

*18th July 2016*

I refer to the above planning application received on the 2nd June 2016, submitted with application form, design and access statement and drawing refs.

PL001, PL002, PL003, PL004, PL005, PL006, PL007, PL008, PL009, PL010 and PL011.

### Proposal

The proposal for the erection of a new dwelling is located at 267 London Road, Charlton Kings, Cheltenham.

### History

In 2014 planning ref. 15/00711/FUL for the construction of a new dwelling to the side of an existing property at this site was submitted and granted permission.

In 2015 planning ref. 14/01623/FUL for the erection of a dwelling to side of an existing property (re-submission of approval 14/01623/FUL with adjusted red line boundary) at this site was submitted and granted permission. The highways authority raised no objection subject to conditions for both of the above.

### Access & Visibility

The proposal outlines a singular gated access point. The gated access slides parallel with the boundary wall so will cause no safety concerns to pedestrians or the highway. As London Road is subject to a 40mph speed limit the requirements deemed to satisfy visibility standards require emerging splays of 120m both to the right for south-easterly traffic and to the left for north-westerly traffic at a 2.4m set back from the centre line. The required 120m minimum visibility splays can comfortably be achieved in both directions. Therefore the proposed development has adequate levels of visibility and will not cause any detrimental effects to highway safety.

### Parking & Turning

The applicant proposes the creation of two parking spaces within the development. Two parking spaces are adequate for the type of dwelling in question and its locality. Turning provisions should be available to allow for vehicles to enter and exit through the access in forward gear, this is recommended due to the nature of the adjacent highway and the volume of traffic using it.

### Vehicular Trip Generation

The additional residential dwelling would generate approximately 5 vehicle trips within a 24hour period, 2 of which occurring at peak hours. Therefore the trip generations from the proposed dwelling would not generate a significant or material increase in trips.

### Highway Safety

There have been no personal injury collisions recorded in association with the access within the past 3 years.

### Summary

The Highway Authority recommend that no highway objection be raised subject to the following conditions being satisfied:

#### Condition #1 Access

Prior to the occupation of the development hereby permitted, details of the vehicular access shall be submitted too and approved in writing by the LPA; those details once approved shall be completed in all respects and maintained as such thereafter.

Reason: - To reduce potential highway impact by ensuring the access is suitably laid out and constructed in accordance with paragraph 35 of the NPPF.

#### Condition #2 Visibility

The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 2.4m back along the centre of the access measured from the public road carriageway edge (the X point) to a point on the nearer carriageway edge of the public road 120m distant in both directions (the Y points). The area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between 1.05m and 2.0m at the X point and between 0.26m and 2.0m at the Y point above the adjacent carriageway level.

Reason:- To reduce potential highway impact by ensuring that adequate visibility is provided and maintained and 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.

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.

Note: A BT telegraph pole may require relocation in order to construct the vehicle access.

### 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.

## 5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	18
Total comments received	4
Number of objections	4
Number of supporting	0
General comment	0

The application was publicised by way of letters to 18 neighbouring properties. Further consultation letters were sent on receipt of revised plans. Objections were received from 4 properties.

### 5.1 Comments Received

The main issues raised were as follows:

- Poor Design
- Out of keeping with street scene
- Addition of third storey unacceptable/imposing
- Overlooking/loss of privacy especially in winter
- Too much glazing on rear
- Concerns about visibility and highway safety
- Contrary to policy

## 6. OFFICER COMMENTS

### 6.1 Determining Issues

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

### 6.2 Principle

As mentioned above there have been two approved planning applications at this site for a single dwelling. The site is within the Principal Urban Area and comprises an infill site between two existing dwellings. As such the principle of a dwelling in this location is supported.

### 6.3 Design and layout

There is a drain which runs across the northern corner of the site and there is an easement on either side of this. The approved scheme responded to this by keeping the building to one storey on the street side and angling the front elevation to respect the easement. The majority of the accommodation was at ground floor level. This proposal is very similar at ground and first floor level, however a first floor has been added which is square with the road frontage of the site.

In terms of mass a two storey building is more in keeping with the streetscene than the approved scheme. Objections have been raised to the flat roof and modern nature of the building from neighbours, although the civic society and architects panel are supportive of the approach. Officers have sought amendments in order to reduce the width of the building at first floor and it is now considered that the design has an acceptable impact on the street scene. It is set back from its neighbours and gaps of 3 – 4m have been retained on either side. As such the proposal does not appear cramped on its plot or to jar awkwardly with the neighbouring properties. Whilst the roof form and fenestration are contrasting, the eaves line is respected and the materials proposed are in keeping with surrounding properties.

The site is not within a conservation area, there is no prevailing character to the area and as such it is considered that there is scope for a more imaginative approach. The design is considered to be a good quality and appropriate response to the constraints of the site.

For these reasons the proposal is considered to comply with policy CP7, advice contained within the Development on garden land and infill sites in Cheltenham SPD and the NPPF.

#### **6.4 Impact on neighbouring property**

The lower ground floor projects back into the site leaving approximately 6m of garden to the rear. Beyond this is the River Chelt. The rear elevation of the lower ground floor is glazed and this is the same as the approved scheme. The ground floor element has a similar footprint to the approved scheme. It has more glazing on the rear elevation however this serves a lobby and stairwell. The new first floor is also glazed to the rear with windows serving a bedroom and a stairwell. The site is in an elevated position compared to the buildings to the south and as such it is important to consider the impact on these properties. The windows in question are 11.4m from the back of the plot and 14m from the nearest curtilage which is that of 267d London Road. The front section of this property comprises a large driveway and front garden with the more private amenity areas being located to the west. This property is at an oblique angle to the site and there are no directly facing windows. As such the impact on this property is considered to be acceptable. The remainder of the properties in this group (267a, b and c) are all over 30m from the first floor window. As such it is not considered that any adverse overlooking would occur.

The proposed dwelling is set back on the site and as such the impact on the adjacent neighbours must be carefully considered. The lower ground and ground floor accommodation are largely as proposed and as such is acceptable. The main change at this level is the provision of a side facing window. It is recommended that this be obscure glazed. As originally submitted the first floor resulted in a loss of light to the rear windows of 265 London Road, however the amended scheme complies with the light test and has an acceptable impact upon both neighbouring properties.

For these reasons the proposal is considered to comply with policy CP4 of the Local Plan and advice contained within the Development on garden land and infill sites in Cheltenham SPD.



## **6.5 Access and highway issues**

The access point is as agreed through previous schemes and highways have no objections to this. The proposal provides for sufficient parking and turning within the site. A condition has been requested requiring the boundary wall to be set back to achieve the visibility splays. However during the previous applications a compromise was agreed that the wall could be lowered to 600mm (perhaps with railings on top), which would provide the required visibility splay whilst maintaining an attractive boundary wall.

As such the proposal complies with policies TP1, TP2 and TP6 of the Local Plan and the NPPF.

## **6.6 Flooding**

The very bottom of the site is in flood zones 2 and 3 where it adjoins the river Chelt. An updated flood risk assessment has been prepared and the Environment Agency raise no objections subject to the implementation of the recommendations contained within the Flood Risk Assessment and conditions are recommended accordingly. As such the proposal is considered to comply with policies UI1 and UI2 of the Local Plan and advice contained in the NPPF.

## **6.7 Trees and Landscaping**

The site was previously in use as a garden to 267 London Road and as such accommodates a variety of trees and shrubs. However none of these are significant and as such no objection is raised to the clearing of the site, however a condition is recommended to ensure that the site is appropriately landscaped upon completion.

# **7. CONCLUSION AND RECOMMENDATION**

- 7.1** Planning permission exists for the development of this site. The main change is the provision of a first floor. Officers consider this to be acceptable for the reasons outlined above and consider the proposal to be acceptable in all other respects. As such the application is recommended for approval.

# **8. CONDITIONS / INFORMATIVES**

- 1 The development hereby permitted shall be begun before the expiration of three 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 the approved plans listed in Schedule 1 of this decision notice.  
Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 The dwelling hereby approved shall not be occupied until the means of vehicular access and parking and turning area have been provided in accordance with the approved plans (as amended by condition 4). The means of vehicular access shall and parking and turning area shall be retained for such purposes at all times.

Reason: To ensure adequate vehicular access and parking provision in accordance with Local Plan Policies TP1, TP2 and TP6 and paragraph 35 of the NPPF relating to development and highway safety.

- 4 Notwithstanding the submitted details, prior to the first occupation of the dwelling hereby approved, details of the front boundary of the site, which shall provide for pedestrian visibility by way of a reduction in the height of the wall to 600mm above the adjacent footway level, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to occupation of the dwelling and shall be retained as such at all times.

Reason: To reduce the potential highway impact by ensuring adequate pedestrian visibility is provided and maintained in accordance with paragraph 35 of the NPPF and Policy TP1 of the Adopted Local Plan.

- 5 Prior to the first occupation of the dwelling hereby approved, a Flood Evacuation Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall incorporate the recommendations of the Flood Risk Assessment by Katherine Colby dated 30/6/2016.

Reason: To ensure that adequate measures are in place should the site flood, in accordance with policy UI2 of the Adopted Local Plan and advice contained in the NPPF.

- 6 Prior to commencement of the development hereby approved the following information shall be submitted to and approved in writing by the Local Planning Authority:

- a) the proposed finished floor level of the building
- b) cross section drawings showing the proposed finished floor and eaves levels of all the building

This shall demonstrate that the finished floor levels will be set above 75.63, as recommended in the Flood Risk Assessment by Katherine Colby dated 30/06/2016.

The development shall be implemented in strict accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the accommodation is safe in the event of a flood, in accordance with policy UI2 of the Adopted Local Plan and advice contained in the NPPF.

- 7 No development shall commence on site 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 a programme for implementation of the works; and proposals for maintenance and management. 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 commencement of development, a detailed scheme for landscaping, tree and/or shrub planting and associated hard surfacing (which should be permeable or drain to a permeable area) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall specify species, density, planting size and layout. The scheme approved shall be carried out in the first planting season following the occupation of the building or completion of the development, whichever is the sooner.

Reason: To ensure that the development is completed in a manner that is sympathetic to the site and its surroundings in accordance with Local Plan Policies CP1 and CP7 relating to sustainable development and design.

- 9 Prior to the commencement of development, a schedule of materials and samples of the proposed brick, cladding facing materials, render, gates, shall be submitted to and approved in writing by the Local Planning Authority and the materials used in the development shall be in accordance with the samples so approved.  
Reason: To ensure a satisfactory form of development in accordance with Local Plan Policy CP7 relating to design.
- 10 The roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area without express planning permission.  
Reason: To safeguard the amenities of the adjoining properties in accordance with Local Plan Policy CP4 relating to safe and sustainable living.
- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and/or re-enacting that order with or without modification), no buildings, structures, fences, gates, or walls shall be erected within 8 metres of the bank of the River Chelt without planning permission.  
Reason: To minimise the impact of the development on flood risk, in accordance with policy UI2 of the Adopted Local Plan and advice contained in the NPPF.
- 12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and/or re-enacting that order) the window shown as serving a staircase/lobby on the approved plans in the south east elevation shall be non-opening and glazed with obscure glass and shall be maintained as such thereafter.  
Reason: To safeguard the amenities of the adjoining properties in accordance with Local Plan Policy CP4 relating to safe and sustainable living.
- 13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and/or re-enacting that order with or without modification), no additional openings shall be formed in the north west or south east elevations of the dwelling hereby approved without express planning permission.  
Reason: Any further openings require 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.

## 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, the authority sought amendments in order to make the scheme acceptable.

Following these negotiations, the application now constitutes sustainable development and has therefore been approved in a timely manner.