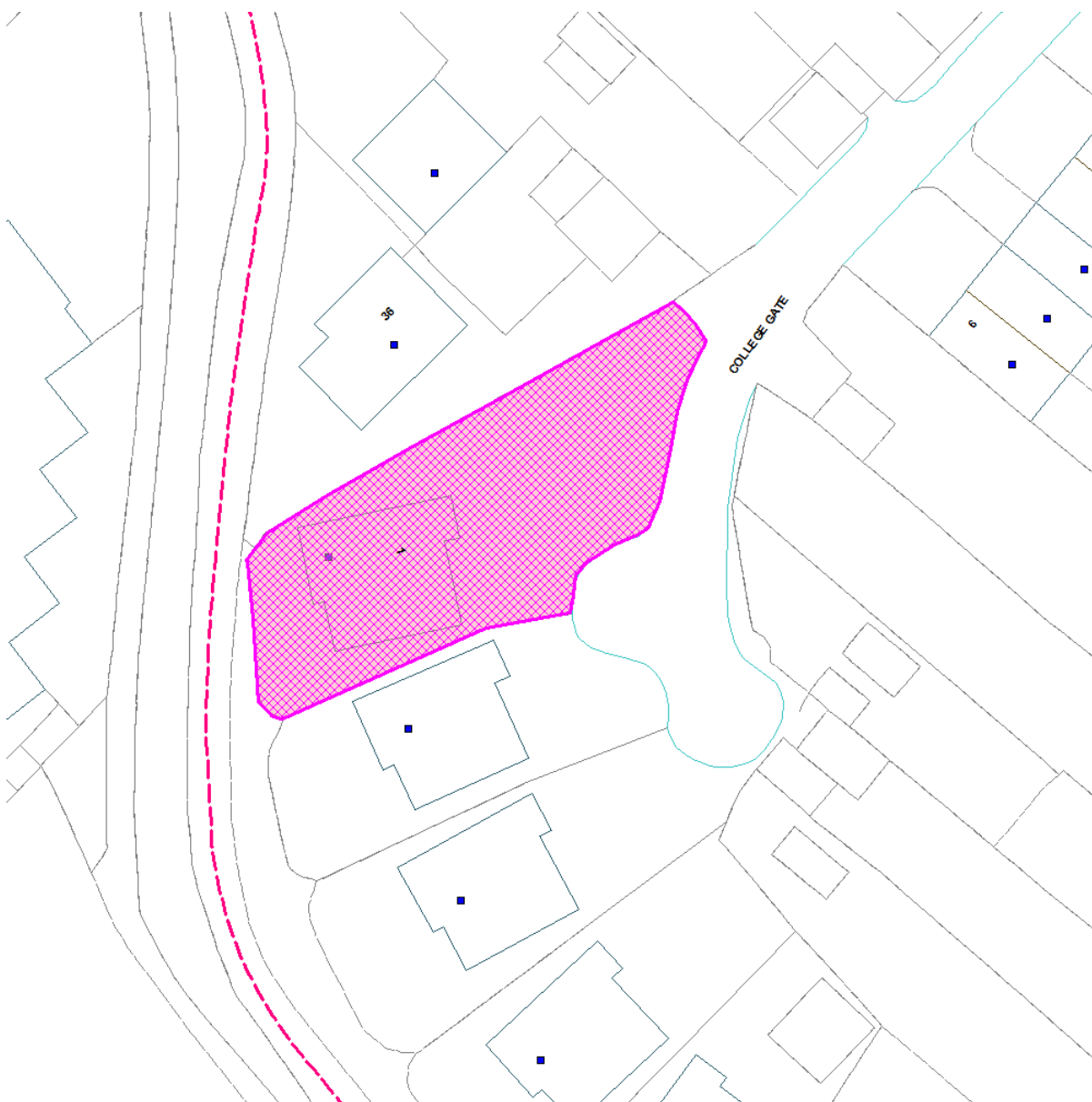


APPLICATION NO: 16/01337/FUL		OFFICER: Mr Ben Hawkes
DATE REGISTERED: 27th July 2016		DATE OF EXPIRY: 21st September 2016
WARD: Charlton Park		PARISH:
APPLICANT:	Mr Andrew Yapp	
AGENT:	SF Planning Limited	
LOCATION:	1 College Gate, Cheltenham	
PROPOSAL:	Erection of double garage (resubmission of application 13/00127/FUL)	

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site relates to a detached property which forms one of 5 dwellings in the development known as College Gate. The site is located off Argyll Road and is within Cheltenham's central conservation area.
- 1.2 The applicant is seeking planning permission for the erection of a detached garage at the front of the property; this application is a re-submission of a recently withdrawn application - 13/00127/FUL.
- 1.3 The application was called to planning committee by Councillor Baker to allow members to discuss issues around flooding.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Conservation Area
Flood Zone 2
Flood Zone 3
Smoke Control Order

Relevant Planning History:

88/01570/PF 15th December 1988 PER

Construction Of 5no. Residential Units

89/01302/CD 18th January 1990 PER

Total Demolition Of Garages (Retrospective Application)

89/01515/PF 18th January 1990 REF

Erection Of Five Detached Houses And Garages (Revised Proposals) In Accordance With The Revised Layout Plan Received On 30 Nov 89 And The Exclusion Of The Garage On Plot 1 In Accordance With

90/00711/PF 26th July 1990 REF

Erection Of Five Detached Houses and Garages In Accordance With The Revised and Additional Plans Received On 24 Apr 90 And 22 Jun 90 and The Revised Block Layout Plan Received On 26 Jul 90

90/00856/PO 10th September 1990 WDN

Outline Planning Application For The Erection Of Twenty One-Bedroomed Flats

90/00974/PF 25th October 1990 PER

Erection Of Four Detached Dwellings With Ancillary Works (Deleting Plot 1 Of Previous Scheme)

90/01203/PO 21st February 1991 REF

Outline Planning Application For The Erection Of Twenty, One Bed Flats

91/01299/PF 19th December 1991 REF

Erection Of Detached Double Garage And Conversion Of Integral Garage To Habitable Room (In Accordance With Revised Plans Received On 18 December 1991)

92/00099/PF 26th March 1992 REF

Detached Double Garage With Flat Roof To Plot 1 Integral Garage Converted To Habitable Room In Accordance With The Revised Block Layout Plan Received On 11.2.92

92/00907/CD 19th November 1992 REF
Demolition Of Brick Boundary Wall

12/01631/CLPUD 2nd November 2012 CERTPU
Rear extension to create dining room

13/00127/FUL 4th August 2016 WDN
Erection of detached double garage

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
UI 1 Development in flood zones
UI 2 Development and flooding
TP 1 Development and highway safety

Supplementary Planning Guidance/Documents

Residential Alterations and Extensions (2008)
Central conservation area: St. Luke's Character Area and Management Plan (July 2008)

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

GCC Highways Planning Liaison Officer
August 2016

I refer to the above planning application received on 1st August 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 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.

I am satisfied that the applicant has demonstrated a material change to the circumstances that pertained at the time of the 1992 planning inspector's report. I am further satisfied that the construction of a double garage for which consent is sought via this application (16/01337/FUL), will not increase the flood risk to this or adjacent properties.

5. PUBLICITY AND REPRESENTATIONS

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

- 5.1** 4 letters have been sent to neighbouring properties, a site notice has been displayed and an advert has been published in the Gloucestershire Echo on two separate consultations for this application; 4 letters of objection have been received, the main area of concern relates to flooding.

6. OFFICER COMMENTS

6.1 Determining Issues

- 6.2** The main considerations of this application are the design, any impact on neighbouring amenity and any implications on flooding,

6.3 History

- 6.4** An application for a detached garage in the same location was refused at appeal in 1992 (reference CB18876/07). In this appeal the inspector was considering two main points; any overbearing impact on surrounding properties and flood risk. The inspector did not consider that the proposal resulted in any overbearing impact but considered that the issues around flood risk were not satisfactorily addressed. These issues related to the siting of the proposed garage and the effect it would have on the flow of overland storm water and the potential for the backing up of water beyond the site entrance.
- 6.5** The consulting engineer for the appellant stated in a letter dated 19 March 1992 that the garage should be positioned a minimum of 2 metres from the boundary wall and 8 metres from the site entrance in order to allow for sufficient clearance of any overland storm water flow to bypass the proposed garage and to prevent any backing up of the water beyond the site entrance. The proposal did not meet these criteria and the inspector found that the proposed garage would not serve to facilitate the efficient movement of the overland storm water flow; the appeal was therefore dismissed.
- 6.6** A new application was submitted in 2013 (application number 13/00127/FUL), this application unfortunately lay dormant for a number of months as officers were awaiting further information and justification from the applicant. Upon receipt of this information from the agent, due to the length of time that had passed both officers and the agent/applicant agreed that a fresh application would be the most appropriate way to proceed. This allowed for a new consultation with neighbours and in house consultees. The 2013 application was therefore withdrawn and this current application submitted.

6.7 Flooding

6.8 Officers fully acknowledge that the most contentious issue surrounding this application is the potential flood implications. This is a concern that has been raised by a number of local resident's consistently throughout the previous and current planning application.

6.9 The concluding comment from the inspector in the 1992 appeal decision reads as follows:

'The consulting engineers for the appellant company stated in a letter dated 19 March 1992, that the garage should be positioned a minimum of 2.0 metres from the boundary wall and 8.0 metres from the site entrance. This is in order to provide sufficient clearance for the overland storm water flow to bypass the garage and to prevent any backing up of water beyond the site entrance. As the proposal before me does not meet these criteria, I am drawn to the view that the erection of a garage in this position would not serve to facilitate the efficient movement of the overland storm water flow.'

6.10 The main objective of this application has been for the applicant to provide justification as to why the previous advice regarding the siting of the garage is no longer necessary to produce a successful scheme that will not result in an increased risk of flooding. The applicant has sought to identify the circumstances that have changed since the application in 1992. This includes the details of any flood prevention schemes that have been developed that reduce flood risk at the application site and detailing any mitigation measures that can be put in place to further support the application.

6.11 Since 1992 a number of Flood alleviation measures have taken place in the locality and these are identified the applicants Flood statement received on 10th October 2016. These measures include:

- The lowering of the access road for College Gate in 2000. It was identified that the access road was built higher than the approved plans and was therefore increasing the possibility of overland water backing up beyond the site entrance to the College Gate development. The access road has subsequently been lowered. The result of this being that any overland water flow is less likely to back up beyond the site entrance and is more likely to be directed to the collection chambers of College Gate.
- Following the floods of 2007 the Cox's Meadow defence was redeveloped. A combination of the severity of the flood in 2007 and a hydraulic malfunction at the outlet meant that the Cox's Meadow defence did not function correctly. Since then the trash screens have been redesigned to produce a more robust maintenance regime and therefore reducing the chance of any similar failure in the future.

6.12 The proposed plan 2012/03 16 Rev G received on 10th October 2016 identifies a number of works that the applicant is proposing to carry out in order to mitigate the risk of water finding its way to the Keynsham Road side of the existing wall. These include:

- Raising the kerb stones at the entrance to the site. This is intended to reduce the chance of over land water entering the site and will direct any water to its correct path down the access road of College Gate to the collection Chambers.
- Installation of a surface water drain within the bin/recycling area. This is intended to provide an outlet for any surface water flow that does enter the site at this northern point.
- Upgrading of the existing boundary wall. This work is intended to improve the durability of the existing wall.

6.13 The Environment Agency was consulted on the withdrawn application 13/00127/FUL. Their response concluded that they did not need to be consulted on the application due to it being a householder residential /curtilage extension. The Council's land drainage engineer has reviewed the application, provided formal comments and given advice throughout the application.

6.14 The land drainage engineer's formal comment concludes the measures referred to above are appropriate and that the applicant/agent has demonstrated a material change to the circumstances that pertained at the time of the inspectors appeal decision in 1992.

6.15 Officers have no reason to doubt the land drainage engineer's analysis of the application and therefore do not consider that the proposed development will increase the flood risk to this property or any other adjacent properties. Officers recommend a condition for the mitigation measures to have taken place within 3 months of the start of the development.

6.16 Design

6.17 The position of the garage is in a prominent location when viewed from the entrance of the 'College Gate' development; the garage is a single storey pitched roof addition that officers consider will sit comfortably within the amenity space at the front of the property and will read as a subservient addition to the existing building.

6.18 The proposal is considered to be an appropriate design with materials to match the existing property and will reflect the character of the existing building and its surroundings. The garage will be set behind new gates, piers and existing high hedge planting which will reduce any impact of the development on the character of the area; it is considered to read as a sympathetic addition to the street scene.

6.19 In terms of impact on the conservation area, the presence of the garage is only likely to be acknowledged at the approach to the site from Argyll Road therefore any harm to the character of the conservation area is limited. It is therefore considered that the proposal will have a neutral impact on the conservation area.

6.20 The proposal is considered to be an acceptable design and is compliant with local plan policy CP7 and Cheltenham's supplementary planning document – residential alterations and extensions(adopted 2008)

6.21 Impact on neighbouring property

6.22 The position of the proposed garage in the plot does not significantly differ from that of the application in 1992, therefore its relationship with the neighbouring properties is very similar. The proposal is not considered to result in any loss of light or loss of privacy to any neighbouring land user.

6.23 The previous appeal decision concluded that the garage would not have an overbearing impact on the surrounding neighbours. The proposal has not changed in terms of its footprint or location but the overall height of the garage has increased. The proposal is still a single storey addition; the increase in height is in the overall ridge height of the garage but given the location of the garage and its distance from the nearest neighbouring property, officers do not consider the proposal to result in any overbearing impact.

6.24 The proposal is therefore considered to be compliant with local plan policy CP4 which seeks to protect neighbouring amenity.

7. CONCLUSION AND RECOMMENDATION

- 7.1 With the above in mind officer recommendation is that planning permission be granted, subject to the conditions set out below;

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 All external facing and roofing materials shall match those of the existing building unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the area, having regard to Policies CP3 and CP7 of the Cheltenham Borough Local Plan (adopted 2006).

- 4 The proposed flood mitigation measures identified on drawing number 2012/03 16 REV G and detailed in SF Planning's Flood statement received on 10th October 2016, shall be carried out within 3 months of starting this development and shall be maintained as such thereafter, these works shall include the following:

- a) Addition of raised kerb stones (bin area)
- b) Installation of surface water drain
- c) Upgrade of existing boundary wall

Reason: To produce a satisfactory form of development that will mitigate any potential flood risk issues.

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 revisions to reduce any potential implications of flooding;

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