

1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application relates to 1 Sandford Court. The site is a ground floor flat located in a recently completed residential development in the central conservation area.
- 1.2 The application is for the retention of two trellis fence panels located adjacent to a patio area.
- 1.3 The application is before the planning committee at the request of Cllr Klara Sudbury on behalf of local residents. Members will visit the site on planning view.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Conservation Area
Smoke Control Order

Relevant Planning History:

11/01909/PREAPP CLO

Change of use from B1 to a mixed use including C2 and C3.

13/00092/PREAPP CLO

Conversion of existing building to residential accommodation

13/00735/PREAPP 10th May 2013 CLO

Advice regarding listed wall

11/00480/CACN 9th May 2011 NOOBJ

1) Monterey cypress on boundary with Old Bath Rd - fell. 2) Twin stemmed cypress to right of Thirlestaine Rd entrance - fell. 3) Acacia along North West boundary - remove primary branch over car park

2)

12/00870/FUL 12th November 2012 OBL106

Demolition of former office buildings and redevelopment to create a mixed residential and care redevelopment of the site for a total of 147 units including the conversion of Thirlestaine Hall, Villas and Cottage

12/00870/LBC 12th November 2012 GRANT

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12/00870/CAC 12th November 2012 GRANT

Demolition of existing former office buildings associated with the Chelsea Building Society

12/01889/FUL 20th June 2013 OBL106

Proposed amendments to assisted living block (building C) to include 4 additional assisted living units (24 to 28 units); revision to fenestration at ground level and internal layout; revisions to boundary wall at Thirlestaine Hall Cottage and relocation of cycle storage for the assisted living building

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13/00175/DISCON 3rd June 2014 DISCHA

Discharge of conditions 3, 7, 9, 11, 15, 18, 19 and 40 of planning permission ref: 12/00870/FUL

13/00280/ADV 8th May 2013 GRANT

Erection of three strings of illustrated hoarding, seven free standing sign boards and six flag poles and flags

13/00380/DISCON 5th August 2013 DISCHA

Discharge of conditions 3, 6, 7, 21, 22, 24, 33, 40 and 41 in respect of building D (also identified as building 6) only on planning permissions 12/00870/FUL and 12/01889FUL.

13/00733/DISCON 3rd June 2014 DISCHA

Discharge of conditions on planning approval 12/00870/FUL. Nos 4 (schedule of works) , 6 (design and details of finishes) , 8 (method statements , 11 (sample panel of new render) , 13 (external lighting plan) , 26 (pedestrian improvements) , 27 (Sandford Road Access Works) , 36 (installation of fire hydrants), 38 (measures re seagulls) and 41 (landscaping

13/00734/DISCON 3rd June 2014 DISCHA

Discharge of conditions on planning approval 12/00870/LBC. Nos 3 (detail and finishes) , 4 (method statements) and 5 (render sample)

13/01379/AMEND 4th November 2013 PAMEND

Non-material amendments to planning approval 12/00870/FUL- 1. Building drawn to brick dimensions vertically and horizontally, 2. roof feature above main entrance added, 3. false window to side of central door to 2nd floor terrace changed, 4. window sizes amended to brick dimensions vertically and horizontally, 5. external door next to sun lounge beneath balcony removed, 6. WG36, WF31, WS42 moved 440mm to accommodate shower in corner of ass. bath, 7. roof lights increased in size and 8. replacement of ground floor windows - WG61, 58, 57, 54, 53, 50, 49, 45, 44, 41, 39, and 37 with door to garden area

14/01711/DISCON 29th January 2015 DISCHA

Discharge of condition 37 (Management plan - observatory) on planning permission ref: 12/00870/FUL

C12/00029/DEMO 4th October 2012 REC

Demolition of Thirlestaine Hall.

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 1 Sustainable development
CP 4 Safe and sustainable living
CP 7 Design

Supplementary Planning Guidance/Documents

Residential Alterations and Extensions (2008)

Central conservation area: College Character Area and Management Plan (July 2008)

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

None.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	53
Total comments received	31
Number of objections	30
Number of supporting	1
General comment	0

5.1 The application was publicised by way of letters to 53 neighbouring properties, a site notice and an advert placed in the Gloucestershire Echo. Thirty-one responses were received of which thirty objected and one supported.

5.2 All representations have been circulated in full to Members but, in brief, the main objections relate to:

- The loss of and 'closure' of the communal gardens to which residents have a right of way
- The development being on communal land and not in the ownership of the applicant
- The development being against the Estate Regulations which prohibit the erection of any structure or otherwise

6. OFFICER COMMENTS

6.1 Determining Issues

6.2 The main issues in considering this application are the design of the proposal and the impact it will have on the wider development, specifically the communal gardens, and the impact on the neighbouring amenity.

6.3 The site and its context

6.4 The application site is part of a development which was granted approval by Planning Committee in 2012 and is within the curtilage of the grade II listed Thirlestaine Hall. The Officer's report for the development (ref: 12/01870/FUL) notes how the applicant was encouraged to retain the openness of the site.

6.5 Sandford Court lies to the west edge of the development, approximately 11m from the boundary. A communal garden area is located between Sandford Court and the boundary wall. Patio areas are located adjacent to the ground floor apartments and can be accessed via the French doors of these apartments. It is understood that the ground floor apartments do not own but have exclusive use of these patios.

6.6 Number 1 Sandford Court is a ground floor apartment which faces onto the communal gardens and is the end property of the block, located at the Sandford Road end. As a ground floor apartment the property benefits from use of the adjacent patio area. The patio area and the communal gardens are contained by a boundary wall and fencing which incorporates a gate in order to access the communal gardens. Beyond the fencing are the refuse and cycle stores which lie opposite number 1 Sandford Court.

6.7 Design and layout

- 6.8** Local Plan Policy CP7 requires development to be of a high standard of architectural design to complement and respect neighbouring development and the character of the locality. In addition, alterations should avoid the unacceptable erosion of open space around the existing building.
- 6.9** The trellis fence panels measure 1.8m in width and 1.8m in height, and are supported by 2m high wooden fence posts. The size, design and material are typical for this form of development and are considered suitable.
- 6.10** Careful consideration was given to the impact the two trellis fence panels will have on the open space, particularly in light of points noted in 6.4 and 6.8 above. The fence panels are positioned at the end of the communal gardens and are in close proximity to the boundary wall and boundary fence. The fence panels will have the effect of closing the space of this particular area of the communal gardens, therefore the question for Officers is whether this is to an unacceptable level.
- 6.11** The fence panels are located approximately 9m to the boundary wall (the width of the patio area) and a small, gate sized opening will be present between the fence panels and the boundary fencing. This is a relatively small section of the communal gardens and is already closed in on two sides by existing boundary treatments. Due to the location of the fence panels, it is not considered that the erosion of open space is to an unacceptable level which would warrant refusal.
- 6.12** Planning permission is required on this occasion as the property is within the curtilage of a listed building. Had this not been the case then the proposal would likely have been classed as permitted development.
- 6.13** In light of the above, officers consider that the two fence panels are acceptable and appropriate to the locality and therefore comply with the provisions of policy CP7.

6.14 Impact on neighbouring property

- 6.15** Local Plan Policy CP4 requires development to not cause harm to the amenity of adjoining land users and the locality. Note 1 in paragraph 4.9 advises that *“the Council will have regard to matters including loss of sunlight and/or diffuse daylight, loss of outlook, loss of privacy....”*.
- 6.16** Thirty objections have been received from neighbouring residents and careful consideration was made to the potential impact of the fence panels. These objections primarily relate to the following:
- The loss of and ‘closure’ of part of the communal gardens to which residents have a right of way;
 - The development being against the Estate Regulations;
 - The land not being in the ownership of the applicant.

6.17 Impact on the communal gardens

- 6.18** The impact on the communal gardens has been discussed in points 6.10 and 6.11 above. As acknowledged, this section will in effect be closed off from the larger communal area barring an open, gate sized access way to the patio area. Therefore the question for Officers is whether the fence panels will cause harm to the neighbouring residents, and in particular, impact on their use of and movement within the communal gardens.
- 6.19** With regards to the movement of residents within the area, the two trellis fence panels are situated slightly beyond the access gate to the communal gardens. As you enter the

gardens through this gate you are therefore not impeded or restricted by the fence panels. An open access remains between the boundary fencing and the trellis fence panels. It is Officer opinion therefore that the movement of residents in this section will not be significantly affected. It would also appear that had the fence panels not been erected and the landscaping / planting left in place, the access to this area would have been impeded regardless.

- 6.20** In terms of the loss of part of the communal gardens and use of this space by neighbouring residents, this is to be considered against the space being predominantly a patio area to which the applicant has exclusive use of. With this in mind, it is difficult to articulate a level of loss which would cause significant harm to neighbouring residents.

6.21 *Development against Estate Regulations*

- 6.22** Based on the comments received it would appear that the fence panels are in contrary to the Estate Regulations which are signed upon the purchase of properties within this development. A planning application is assessed against local and national policy, legislation and guidelines, and Estate Regulations are not a planning consideration. The Local Authority would therefore view any disputes between residents and the Estate as a civil matter and not as a basis to permit or withhold planning permission.

6.23 *Ownership of the land*

- 6.24** The Local Authority regularly receives planning applications for sites which are not in the ownership of an applicant. In these circumstances notification is to be served on the owner(s), via the applicant / agent, informing them of the application and the appropriate certificate of ownership is signed within the application form. The agent, on behalf of the applicant, has certified within the application that they have notified Berkeley Homes (as the owner of the site) and the appropriate certificate has been signed within the application form.
- 6.25** When assessed against policy CP4 of the Local Plan, the application is not considered to compromise neighbouring amenity. There are no concerns with regards to loss of privacy and overlooking, and the proposal will not affect light levels to neighbouring properties. As such, the proposal is considered to be in accordance with policy CP4 of the Local Plan.

7. CONCLUSION AND RECOMMENDATION

- 7.1** To conclude, the application is considered to be in accordance with the requirements of Local Plan Policy CP4 and CP7, and the NPPF, and the recommendation therefore is to permit.

8. CONDITIONS

No conditions as the application is retrospective.

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 application constitutes sustainable development and has therefore been approved in a timely manner.