

APPLICATION NO: 17/00165/FUL		OFFICER: Miss Michelle Payne
DATE REGISTERED: 26th January 2017		DATE OF EXPIRY: 23rd March 2017
WARD: St Marks		PARISH: N/A
APPLICANT:	Homeward Properties Ltd	
AGENT:	Coombes Everitt Architects Ltd	
LOCATION:	259 Gloucester Road, Cheltenham, Gloucestershire	
PROPOSAL:	Erection of 6no. one bedroom units within an apartment block and a pair of semi-detached two bed houses on land adjacent to 259 Gloucester Road	

Update to Officer Report

1. OFFICER COMMENTS

1.1 Determining Issues

1.1.1 The main considerations when determining this application relate to the principle of development, design and layout, impact on neighbouring amenity, and parking and highway safety.

1.2 Principle of development

1.2.1 Paragraph 49 of the NPPF advises that when determining applications for housing they “*should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites*”, as it stands, the Council is currently unable to demonstrate such a five year supply.

1.2.2 Where housing policies are not considered to be up-to-date, the NPPF is quite clear that development proposals should be approved without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF policies as a whole, or specific NPPF policies indicate that development should be restricted.

1.2.3 In this instance, the principle of developing the site for housing has been previously established by the recent grant of planning permission ref. 16/00243/FUL (see paragraph 1.2). The application site is located within the built up area of Cheltenham in a highly sustainable location and therefore the principle of developing this site for housing must remain acceptable, subject to a number of material considerations set out below.

1.3 Design and layout

1.3.1 Local plan policy CP7 (design) requires all new development to be of a high standard of architectural design and to complement and respect neighbouring development and the character of the locality.

1.3.2 Further guidance is set out within the NPPF at paragraph 56 which advises that “*Good design is a key aspect of sustainable development, is indivisible from good*

planning, and should contribute positively to making places better for people". It goes on to say at paragraphs 59 and 60 that design policies "*should concentrate on guiding the overall scale, density, massing, height*" etc. and "*should not attempt to impose architectural styles or particular tastes*".

1.3.3 As the Civic Society suggests, this is a particularly difficult site to develop given the widely disparate buildings on either side, fronting Gloucester Road. Indeed, the officer report to committee in August 2016, whilst recommending that the previous scheme be permitted, advised that officers felt that there may be a better way to develop the site; this scheme is considered to be an improvement to that previously approved.

1.3.4 It is noted that local residents do not like the design approach that has been taken in this revised scheme; however, design is subjective, and following revisions to the external design details, most notably the omission of the mono-pitch roof to the apartment building, officers consider the design to be of an acceptable quality.

1.3.5 The layout provides for private amenity land for the houses to the rear, together with cycle and car parking, access and turning facilities, and refuse storage. The layout makes for an efficient use of the land and would not be at odds with the surrounding established pattern of development.

1.3.6 The proposed development is therefore considered to be in accordance with policy CP7 and the general design advice set out within the NPPF.

1.4 Impact on neighbouring amenity

1.4.1 Local plan policy CP4 advises that development which would cause unacceptable harm to the amenity of adjoining land users and the locality will not be permitted. Similarly, paragraph 17 of the NPPF states that planning decisions should always seek "*a good standard of amenity for all existing and future occupants of land and buildings.*"

1.4.2 It is acknowledged that a development of this nature would undoubtedly impact on surrounding residential properties; however, it is not considered that any impact on neighbouring amenity resulting from this proposal would be so harmful as to warrant a refusal of planning permission.

1.4.3 The scale and mass of the proposed dwellings to the rear of the site has been reduced from that previously approved. Previously, the approved dwellings had an eaves height of 5m and an overall ridge height of 7.8m; the flat roofed dwellings now proposed have a maximum height of 6.3m. The dwellings have also been designed so as to ensure that the first floor bedrooms look out over the site itself, with only obscure glazed bathroom windows and landing windows to the rear elevation, and high level windows to the side elevations.

1.4.4 Conversely, the apartment building to the front of the site has increased in size, adopting a larger footprint and incorporating an additional floor of accommodation. Despite, this increase in size it is not considered that the building would result in any significant, unacceptable impact on neighbouring amenity. The property immediately adjacent to the site, no.17 Libertus Court, has no windows in its side elevation, and the proposed building marginally passes the 45° degree daylight test. Additionally, given the orientation of the building, neighbouring properties would not be significantly affected in terms of sunlight.

1.4.5 All upper floor windows in the side elevation of the apartment building are obscurely glazed, and the rear windows look back into the site, resulting in only limited, oblique views into any neighbouring rear gardens.

1.4.6 The proposals are therefore in accordance with policy CP4 and national guidance set out within the NPPF.

1.5 Parking and highway safety

1.5.1 Local plan policy TP1 seeks to resist development which would endanger highway safety; however, paragraph 32 of the NPPF identifies that *“development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe”*.

1.5.2 Paragraph 35 of the NPPF goes on to say that developments should be located and designed to *“give priority to pedestrian and cycle movements, and have access to high quality public transport facilities”* and *“create safe and secure layout which minimise conflicts between traffic and cyclists or pedestrians”*.

1.5.3 It is noted that local residents continue to have concerns in relation to parking and highway safety, and that this proposal may result in future occupants adding to existing problems in surrounding streets. Neighbour comments suggest that these streets are already nearing capacity and are heavily parked due to the close proximity of the train station.

1.5.4 The recently approved application was accompanied by a parking survey and included 4no. off-street parking spaces to serve the 4no. two bed units, which equates to 1 space per unit or 0.5 space per bedroom; no visitors spaces were proposed. Such parking provision was considered acceptable and GCC Highways Development Management Team raised no objection, acknowledging that the site is in a highly sustainable location.

1.5.5 Additionally, UBICO confirmed that the site would be serviced by refuse vehicles which would reverse into the site. Access to the site would continue to be provided from Roman Road.

1.5.6 This application is now proposing 6no. off-street car parking spaces to serve 2no. two bed units, and 6no. one bed units, which equates to 0.75 space per unit or 0.6 space per bedroom.

1.5.7 Given the recent grant of planning permission for a scheme which proposed a very similar albeit slightly higher level of car parking, and the comments previously provided by the GCC Highways Development Management Team, this revised proposal is considered to be acceptable in terms of parking and highway safety, and accords with policy TP1 and advice contained in the NPPF. Members will be aware that currently there are not any local car parking standards for Gloucestershire.

2. CONCLUSION AND RECOMMENDATION

- 2.1 Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

- 2.2 The proposal would provide for 8no. additional dwellings within a highly sustainable location, and would make a positive, if limited, contribution to the supply of housing in the Borough. Additionally, the proposal would also bring about economic benefits through the construction process and from the occupation of the proposed dwellings.
- 2.3 Officers are mindful of the need to consider the NPPF advice on the presumption in favour of sustainable development and the implications of not being able to demonstrate a 5 year supply of housing as set out at paragraphs 1.2.1 and 1.2.2 above.
- 2.4 In considering the planning balance with regard to economic, social and environmental matters, officers are of the view that the planning balance is firmly in favour of the proposal and the application is therefore recommended for permission, subject to the conditions set out below:

3. CONDITIONS

- 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 No development shall commence on site unless a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority.

The Management Plan shall:

- a) specify the type of vehicles used during construction
- b) provide for the parking of vehicles of site operatives and visitors
- c) provide for the loading and unloading of plant and materials
- d) provide for the storage of plant and materials used in constructing the development
- e) provide for wheel washing facilities; and
- f) specify the access points to be used and maintained during the construction phase.

The development shall not be carried out unless in accordance with the details so approved.

Reason: In the interests of highway safety and visual amenity and having regard to Policies TP1 and CP4 of the Cheltenham Borough Local Plan (adopted 2006). This information is required up front because highway safety could otherwise be compromised at the beginning of construction.

- 4 No external facing or roofing materials shall be applied unless in accordance with:
a) a written specification of the materials; and
b) physical sample/s of the materials.

The details of which shall have been submitted to and approved in writing by the Local Planning Authority.

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

- 5 Prior to the implementation of any landscaping, full details of a hard and soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all walls, fences, trees, hedgerows and other planting which are to be retained; details of all new walls, fences, other boundary treatment and finished ground levels; details of the hard surface treatment of open parts of the site which shall be permeable or drained to a permeable area; a planting specification to include [species, size, position and method of planting of all new trees and shrubs]; and a programme of implementation.

All hard and/or soft landscaping works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority.

Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size to be first approved in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the area, having regard to Policies CP1 and CP7 of the Cheltenham Borough Local Plan (adopted 2006).

- 6 The development hereby permitted shall not be occupied until the parking and turning areas have been provided in accordance with the approved plans. Such areas shall not be used for any purpose other than the parking and turning of vehicles and shall remain free of obstruction for such use at all times.

Reason: To ensure adequate provision and availability of car parking within the site, having regard to Policy TP1 of the Cheltenham Borough Local Plan (adopted 2006).

- 7 The development hereby permitted shall not be occupied unless secure, covered cycle storage has been constructed in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority. The cycle storage shall at all times be retained in accordance with the approved details.

Reason: To ensure adequate provision and availability of cycle parking facilities, having regard to Policy TP6 of the Cheltenham Borough Local Plan (adopted 2006).

- 8 The development hereby permitted shall not be occupied until refuse and recycling storage facilities have been provided in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority. Such areas shall not be used for any purpose other than the storage of refuse and recycling and shall remain free of obstruction for such use at all times.

Reason: To ensure adequate provision of refuse storage, having regard to Policy W36 of the Gloucestershire Waste Local Plan.

- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and/or re-enacting that order), all windows annotated on the approved plans as being obscured shall at all times be glazed with obscure glass to at least Pilkington Level 3 (or equivalent).

Reason: To safeguard the privacy of adjacent properties, having regard to Policy CP4 of the Cheltenham Borough Local Plan (adopted 2006).

- 10 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 extensions, garages, sheds, outbuildings, walls, fences or other built structures of any kind (other than those forming part of the development hereby permitted) shall be erected without express planning permission.

Reason: Any further extension or alteration requires further consideration to safeguard the amenities of the area, having regard to Policies CP4 and CP7 of the Cheltenham Borough Local Plan (adopted 2006).

- 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 additional windows, doors and openings shall be formed in the development without express planning permission.

Reason: Any further openings require detailed consideration to safeguard the privacy of adjacent properties, having regard to Policy CP4 of the Cheltenham Borough Local Plan (adopted 2006).

INFORMATIVE

- 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 the external design to secure a more satisfactory form of development.

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