

<b>APPLICATION NO:</b> 17/01220/FUL		<b>OFFICER:</b> Mrs Emma Pickernell
<b>DATE REGISTERED:</b> 4th July 2017		<b>DATE OF EXPIRY:</b> 29th August 2017
<b>WARD:</b> Benhall/The Reddings		<b>PARISH:</b>
<b>APPLICANT:</b>	Mr M Le Grand	
<b>AGENT:</b>	Mark Le Grand & Co	
<b>LOCATION:</b>	Cotswold View ,The Reddings, Cheltenham	
<b>PROPOSAL:</b>	Demolition of existing dwelling and erection of 3no. dwellings	

**RECOMMENDATION:** Permit



## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is a two storey detached dwelling located on the north side of The Reddings, just to the west of the junction with North Road East.
- 1.2 Planning permission is sought for the demolition of the existing dwelling and its replacement with three dwellings; a detached dwelling and a pair of semi-detached dwellings. The dwellings would be rendered with slate roofs and each would be provided with its own driveway and amenity space.
- 1.3 The application has been called to committee by Cllr Britter who has concerns regarding; overbearing impact, visual impact, loss of character, highway safety and precedent.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### Constraints:

Airport safeguarding over 15m

## 3. POLICIES AND GUIDANCE

### Adopted Local Plan Policies

CP 4 Safe and sustainable living

CP 7 Design

HS 1 Housing development

HS 2 Housing Density

TP 1 Development and highway safety

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

### Ward Councillors

*1st August 2017*

I am writing to you as Borough Councillor for Benhall & The Reddings Ward in which the above application has been made.

This planning application is strongly opposed on the grounds of; overbearing visual impact, the effect on the character of the neighbourhood and Highway Safety. Having reviewed the plans submitted and receiving much feedback from local residents I strongly support their objections and believe the development would have profound detrimental and devastating effects for the local community.

### Strong public opposition

There is extremely strong public opposition to this proposal. Many residents who live adjacent to the proposed site have expressed very real and personal reasons why this development should not be permitted. I have encouraged residents to confirm their objections to you directly but list what I see are the reasons for recommending refusal to this application.

### Overbearing

I believe that this proposal is equivalent to a back garden development in the sense that it looks to build three houses on a plot where there is currently only one. Local Policies confirms that we will resist back garden development when it is inappropriate and impacts adversely on the overall environment

It appears that the drawings provided do not match the proximity of the neighbouring properties which are in fact much closer than shown. The buildings completely fill the widthways plot, are tightly spaced not only to each other but also with adjacent properties. This makes for an over-bearing development that looks out of place with the surroundings and impacts the privacy of neighbours and denies them light. The proposal does not indicate a pavement adjacent to the road which is contrary to the precedents set for other development in the area since the 1970's. The introduction of a pavement, which I believe is needed, may result in the need to push the properties back further from the road to create a drive of sufficient length & this may prejudice the light and privacy of neighbouring properties.

### Visual Impact / Loss of Character

The Reddings has many original houses, dating back to the 19th century. These have been interspersed with houses from the 1950's to the 1980's which gives The Reddings a 'village feel' a unique character in Cheltenham and the houses that exist are of high quality and aesthetically pleasing. This proposal aims to demolish and break up this mix which does nothing to enhance or blend with the character of the area or contribute positively to improving the area for people living in the locality.

### Road Safety

I am very concerned by the impact this will have on the road traffic and safety in this area. It site is located on a main bus route and with the traffic congestion that is already experienced in The Reddings would be compounded. Even more it would also be dangerous for residents without a turning facility to reverse off their drives as they don't have a clear view of the road. This location with its proximity to a roundabout will add a further element of danger.

### Creating a precedent

I fear that approval of the application will raise the potential precedent for further "garden grab" applications.

### Conclusion

For the reasons set out I believe that Cheltenham Borough Council has no choice other than to recommend refusal of this application.

### **GCC Highways Planning Liaison Officer**

*22nd August 2017*

The site is in a primarily residential area, adjacent to a Class 4 highway, there are street lights and limited footways. The Reddings is on a bus route which connects users to a wide range of amenities. There are no parking restrictions.

Concerns have been raised by The Reddings Residents Association, I have given consideration to their comments.

Revised plans numbered 17-230-07 Plot 1, 17-230-07 Plot 2 and 17-230-09 Plot 3 received on 10th August 2017, show that the required visibility splays of 54m from each driveway can be achieved. Parking is provided at 2 spaces per dwelling, at this location turning is not required for single driveways. While the RRA have submitted photos showing that vehicles

park on the opposite footway, the indiscriminate parking is an existing situation and the addition of 3 dwellings with parking within the site curtilage is unlikely to increase this. It is a drivers responsibility to ensure they park legally and safely.

I refer to the Amended Plan(s) numbered 17-230-07 Plot 1, 17-230-07 Plot 2 and 17-230-09 Plot 3 in respect of the above planning application received on 10<sup>th</sup> August 2017 to which no Highway objection is raised subject to conditions:-

1. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall:
  - i. specify the type and number of vehicles;
  - ii. provide for the parking of vehicles of site operatives and visitors;
  - iii. provide for the loading and unloading of plant and materials;
  - iv. provide for the storage of plant and materials used in constructing the development;
  - v. provide for wheel washing facilities;
  - vi. specify the intended hours of construction operations;
  - vii. measures to control the emission of dust and dirt during construction

Reason: To reduce the potential impact on the public highway and accommodate the efficient delivery of goods and supplies in accordance paragraph 35 of the National Planning Policy Framework.

2. The vehicular accesses 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 54m 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.

3. The building(s) hereby permitted shall not be occupied until the vehicular parking [and turning] [and loading/unloading] facilities have been provided in accordance with the submitted plan 17-230-07 Plot 1, 17-230-07 Plot 2 and 17-230-09 Plot 3, and those facilities shall be maintained available for those purposes thereafter.

Reason:- 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.

The proposed development will involve works to be carried out on the public highway and the Applicant/Developer is required to enter into a legally binding Highway Works Agreement (including an appropriate bond) with the County Council before commencing those works.

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.

**Tree Officer**

18th July 2017

The Tree Section has no objection to this application subject to the remaining corkscrew and 2 birch trees to the rear as well as the small rowan to the front being protected during the course of demolition and construction by fencing as per BS 5837 (2012).

Similarly, several small trees to the front and rear have recently been removed/destroyed . Please could a landscape plan be submitted and agreed showing species, size, location etc on each plot to mitigate for the loss of these trees.

**Architects Panel**

8th August 2017

Design Concept:

The panel had no objection to the principle of the proposed development on this site. The site layout, building density and scale of the buildings are in keeping with other plots in the area.

Design Detail:

The architecture is not particularly inspiring but will be satisfactory in context with other residential developments in the area.

Recommendation:

Support.

**5. PUBLICITY AND REPRESENTATIONS**

Number of letters sent	<b>24</b>
Total comments received	<b>48</b>
Number of objections	<b>48</b>
Number of supporting	<b>0</b>
General comment	<b>0</b>

5.1 The application was publicised by way of letters to 24 neighbouring properties. 48 objections have been received which relate to the following matters:

- Existing building is historic and should be retained
- Proposed dwellings are out of character with local area
- Loss of light and privacy to neighbours
- Density is too high
- Proposal will result in highway danger
- Construction will result in danger and nuisance
- Loss of hedge and impact on habitats
- Impact on drainage

**6. OFFICER COMMENTS**

**6.1 Determining Issues**

6.1.1 The key issues in determining this application are considered to be (i) principle of development, (ii) demolition, (iii) design and layout, (iv) impact on neighbouring property, (v) access and highways issues, (vi) Trees and landscaping.

## **6.2 The site and its context**

- 6.2.1** The application site is within the Principal Urban Area of Cheltenham and is currently occupied by a dwelling. Therefore the principle of development in this location is acceptable.
- 6.2.2** 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
- 6.2.3** 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.
- 6.2.4** In this instance the site is within the Principal Urban Area of Cheltenham and is surrounded by residential development. As such the key issue here is whether there are significant adverse impacts of approving this development which would outweigh the benefits.
- 6.2.5** At Paragraph 53 the NPPF states *“Local Planning Authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.”* Cheltenham Borough Council has adopted a Supplementary Planning Document: Development on Garden Land and Infill Sites in Cheltenham. This document provides detailed advice on how to assess such schemes and this will be discussed further below.

## **6.3 Demolition**

- 6.3.1** The proposal involves the demolition of an existing building. There are no statutory protections for this building as it is not listed and is not in a conservation area. As such express consent would not be required for its demolition.
- 6.3.2** The building does appear to be of some age, with a house in this location appearing on the historic maps from the early 1800s. The Reddings Residents Association have asked the Council’s Conservation Officer to consider issuing a Building Preservation Notice with a view to asking for the building to be listed. He has discussed the matter with Historic England’s Listing Department and has advised that he will not be recommending that a Building Preservation Notice is issued. For a building to be listed it needs to be of national importance in terms of architectural or historic interest. The building itself has gone through a large number of alterations over the years which has included the loss of original features such as windows and doors, including large extensions to the rear. From examination of the recent sales particulars it is also clear that there is little original historic fabric surviving internally. Whilst there is still a degree of historic interest in the fact that it is a former market garden with associated outbuildings, owing to the subdivision of plot in the 1970s much of the historic character of this has been eroded. As a result of this, and following consultation with Historic England the building is not considered to have sufficient architectural or historic interest to warrant a BPN as the chances of listing are negligible.
- 6.3.3** As such whilst Officers understand the desire amongst the community to retain the building it is not considered that there are grounds to resist its demolition, given that express consent would not be required and there is no appetite amongst the Council’s conservation officer or Historic England to list it. There have also been requests to add the property to the

Local List. Again the Conservation Officer does not consider it worthy, however in any event this would not afford the building any statutory protection.

#### **6.4 Design and layout**

- 6.4.1** Para 56 of the NPPF states that good design is a key aspect of sustainable development and is indivisible from good planning. Para 60 states that decisions should not attempt to impose architectural styles or particular tastes, it is however proper to seek to promote or reinforce local distinctiveness.
- 6.4.2** Policy CP7 of the Local Plan states that development will only be permitted where it is of a high standard of design, reflects the principles of urban design and complements and respects neighbouring development and the character of the locality.
- 6.4.3** The Development on Garden Land and Infill Sites in Cheltenham Supplementary Planning Document states that proposals for development on garden land should be based upon a thorough understanding of the character of the neighbourhood, and in particular the street and block within which the site is located.
- 6.4.4** The Reddings is primarily made up of detached and semi-detached houses of two storeys in height. There is a mixture of brick and render in the locality. As such the general form of development is in keeping with the surrounding development. The proposed block plan reveals that the footprints of the proposed dwellings are similar to those of surrounding properties. The spacing between the buildings and boundaries of the site is also very similar to those of surrounding dwellings.
- 6.4.5** The proposed dwellings as originally submitted were higher than the neighbouring houses, however the heights have been reduced and are now similar to the ridge line of the adjoining properties. The eaves line is also similar.
- 6.4.6** There is variety in the exact design of buildings in the locality with a mixture of hipped and gabled roofs, some dwellings with bays and a variety of porch designs. The pitched roofs with projecting gables proposed in this scheme is considered to fit comfortably within the streetscene.
- 6.4.7** For these reasons it is considered that the proposal takes on board the advice of the SPD and shows an appreciation of the character and layout of the neighbourhood. The proposed layout and design is therefore considered to be acceptable. This conclusion is endorsed by the Architects Panel.

#### **6.5 Impact on neighbouring property**

- 6.5.1** Policy CP4 of the Local Plan states that development should only be permitted where it would not cause unacceptable harm to the amenity of adjoining land users and the locality.
- 6.5.2** The impact on neighbouring properties is considered as follows:

##### Columb

This property is to the west of the application site. There would be 4m between the side elevation of the plot 1 and Columb. There are no windows proposed in the side elevation of plot 1. There are windows in the side elevation of Columb, however none of these are the sole window to a habitable room and as such the impact upon light entering these rooms is acceptable. Plot 1 projects beyond the rear of Columb however it passes the light test. As such the impact upon this property is considered to be acceptable.

##### Thurlea

This property is to the east of the application site. There would be 3.2m between the side elevation of plot 3 and Thurlea. This property has a secondary kitchen window at ground floor and a utility room door. It also has one upstairs window which serves a landing. There are windows proposed in the side elevation of plot 3; two of these serve bathrooms and would therefore be obscured. The third is a secondary kitchen window. There is a boundary fence between the properties which should prevent overlooking, however it is considered appropriate to attach a condition which requires all side facing windows to be obscure glazed.

#### Springfields and 1 – 3 Springfield Close

The proposed dwellings have been positioned to ensure that 21m is retained between first floor windows and that there is 10.5m from first floor windows to rear boundaries. There is a projection at ground floor which means that they come slightly closer at that point, however this is a common arrangement. The proposal is therefore considered to have an acceptable impact upon these properties and is in line with advice contained within the SPD.

- 6.5.3** It is acknowledged that the proposal will result in more of an impact upon neighbouring properties than the existing dwelling, however the proposal has been designed to fit within the amenity criteria used by the Local Authority and as such any impact is considered to be acceptable.

### **6.6 Access and highway issues**

- 6.6.1** The application proposes the formation of three access points from The Reddings with private parking for 2 dwellings per property. A small area of landscaping would be provided along the frontage along with dwarf walls of no higher than 600mm.
- 6.6.2** During the course of the application the applicant was requested by the County Council to provide further information regarding visibility splays from each of the driveways. The Highways Officer has now confirmed that the proposal is acceptable from a parking, access and highway safety perspective, subject to a number of conditions.
- 6.6.3** A number of concerns have been raised on highway safety grounds and the Highways Officer has had sight of these. It is appreciated that there are existing concerns about highway safety in the locality, however this proposal has been designed to provide adequate parking for each dwelling and has demonstrated that the driveways will comply with the design criteria used by highways to ensure that they can be used safely. As such the proposal should not exacerbate the issues and may help to resolve them by limiting the on-street parking along this stretch of road.
- 6.6.4** As such the proposal complies with policies TP1 and TP6 of the Local Plan and there are no sound highway reasons to withhold consent.

### **6.7 Trees and Landscaping**

- 6.7.1** There are no significant trees on the site. A condition is attached requiring the protection of those trees which are to remain and the provision of suitable landscaping for the remainder of the site. Subject to these controls the tree and landscaping implications are considered to have been adequately addressed.

## **7. CONCLUSION AND RECOMMENDATION**

- 7.1** As discussed above the principle of the development is supported and the application has clearly been designed to address all of the relevant design, amenity and highways criteria which are applicable.

- 7.2 The concerns of the residents have been duly noted however based on a thorough analysis of the site, its surroundings and the proposals it is apparent that there are no sound planning reasons to withhold planning permission in this instance.
- 7.3 As such it is recommended that planning permission be granted subject to the conditions outlined 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 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).

- 4 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall:

- i. specify the type and number of vehicles;
- ii. provide for the parking of vehicles of site operatives and visitors;
- iii. provide for the loading and unloading of plant and materials;
- iv. provide for the storage of plant and materials used in constructing the development;
- v. provide for wheel washing facilities;
- vi. specify the intended hours of construction operations;
- vii. measures to control the emission of dust and dirt during construction

Reason: To reduce the potential impact on the public highway and accommodate the efficient delivery of goods and supplies in accordance paragraph 35 of the National Planning Policy Framework.

- 5 The vehicular accesses 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 54m 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.

- 6 The building(s) hereby permitted shall not be occupied until the vehicular parking [and turning] [and loading/unloading] facilities have been provided in accordance with the submitted plan 17-230-07 Plot 1, 17-230-07 Plot 2 and 17-230-09 Plot 3, and those facilities shall be maintained available for those purposes thereafter.

Reason:- 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.

- 7 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. All hard landscape works shall be permanently retained in accordance with the approved details [delete if not appropriate].

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). Approval is required upfront because the landscaping is an integral part of the development and its acceptability.

- 8 No works shall commence on site (including demolition and site clearance) unless a Tree Protection Plan ("TPP") to BS5837:2012 (or any standard that reproduces or replaces this standard) has been submitted to and approved in writing by the Local Planning Authority. The TPP shall detail the methods of tree/hedge protection and clearly detail the position and specifications for the erection of tree protective fencing and a programme for its implementation. The works shall not be carried out unless in accordance with the approved details and the measures specified by the TPP shall remain in place until the completion of the construction.

Reason: To safeguard existing tree(s) in the interests of visual amenity, having regard to Policies GE5 and GE6 of the Cheltenham Borough Local Plan (2006). Approval is required upfront to ensure that important trees are not permanently damaged or lost.

## **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.

- 2 The proposed development will involve works to be carried out on the public highway and the Applicant/Developer is required to enter into a legally binding Highway Works Agreement (including an appropriate bond) with the County Council before commencing those works.
- 3 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.