

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

## Update to Officer Report

### 1. OFFICER COMMENTS

- 1.1. Members will recall that this application was deferred from the October committee in order to respond to issues raised in relation to highway safety and to provide further commentary on the merits of the building as a heritage asset.

### 2. CONSULTATIONS

#### **Conservation Officer**

*6<sup>th</sup> November 2017*

Cotswold View is a former market garden building located to the south west of Cheltenham. It is one of the earliest buildings within the Redding which was once an isolated hamlet of Badgeworth.

Cotswold View dates from the early 19<sup>th</sup> century and constructed of brick, with a low pitched slate roof. Originally the house would have featured two small downstairs rooms; a kitchen/pantry and living area, with two bedrooms to the first floor. To the right hand side of the house was once through to be a hayloft added in the mid-19<sup>th</sup> century, but converted into additional living accommodation in the early 20<sup>th</sup> century.

In addition to the main house there is a small brick-built barn and wash house with a flag stone floor. This outbuilding served as the Reddings' very first post office in the 1860's before the post office was moved to Rosedene, down the road, some years later.

Today, Cotswold View has been considerably extended to the rear, where once the property would have had a pitched roof, this now transitions to a flat roof two storey extension, a single storey flat roof and a upvc conservatory. There has been a loss of many of the original external features, including windows and doors, in addition to new features, such as the porch that appears incongruous to the building. Internally, from examination of the recent sales particulars it is clear that there are little original historic features surviving internally. Furthermore, as a result of the later extensions the planform has been considerably compromised.

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 setting of this has been eroded and to a large part the original context of the building is lost.

A request was made that the local planning authority served a Listed Building Preservation Notice. These can only be served where the LPA believes that the building appears to be of special architectural or historic interest, with potential to be eligible for listing by the Secretary of State following a recommendation by Historic England.

However, the building itself has gone through a large number of alterations over the years which have had a detrimental impact on the significance of the building, and thus its special architectural or historic interest. Following informal discussions with Historic England it was felt that the building had been significantly compromised and not of sufficient special architectural or historic interest to warrant listing. However, it is possible for members of the public to recommend the building for listing by Historic England, and if it is under threat of demolition it would be treated with expedience.

**County Highways Officer**

*25<sup>th</sup> October 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 on the adjacent highway.

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

Revised plans were submitted on 11th October 2017, with the addition of a footway, which is 1.2m in accordance with the minimum width in Manual for Streets. While it was decided at planning committee that a speed survey was to be undertaken before determination of the application, this was not requested by the Highway Authority. The speed survey confirmed that the 85th percentile speed travelling to the SW was 31mph, this requires visibility splays in accordance with Manual for Streets of 48m and NE an 85th percentile speed of 19.9mph this will require a splay of 25m. This is less than the required 54m which was achieved. Concerns have been raised regarding vehicles reversing onto the carriageway, at this location a single driveway is not required to provide turning within the site curtilage.

The revised plan shows there is enough space for 2 vehicles to park with one space at 2.4m in width and the other at 3.2m to provide pedestrian access to the dwellings, and with a depth of 5.5m. Concerns were raised regarding reversing vehicles, however the Highway Code states you should not reverse onto a Highway. Revised plans numbered 17-230-07 Plot 1, 17-230-07 Plot 2 and 17-230-09 Plot 3 received on 10th August 2017, and 17-230/03 Rev C show that the required visibility splays 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, and 17-230/03 in respect of the above planning application received on 10th August 2017 to which no Highway objection is raised subject to conditions:-

Highways Condition 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.

Highways Condition 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 48m 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.

Highways Condition 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 17-230-03 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.

### **3. OFFICER COMMENTS**

- 3.1 As mentioned above the application was considered by committee at the October meeting. The rom that agenda is attached. The deferral was to allow for further information in two areas (i) Highway safety and (ii) Heritage
- 3.2 The Highways Officer did not object to the proposals however concerns were expressed with respect of the visibility splays and whether they were appropriate for the vehicle speeds along The Reddings, the lack of pavement and the suitability of the driveways.
- 3.3 Further to the deferral the applicant has carried out a speed survey. The location of the sensor tubes was amended following complaints from neighbours that it was in the wrong

location. The survey showed that the 85th percentile speed travelling to the SW was 31mph, and NE an 85th percentile speed of 19.9mph. The highways officer confirms that the visibility splays which are achieved exceed the dimensions required by the Manual for Streets as outlined above.

- 3.4 The applicant has made amendments to the plans comprising the introduction of a 1.2m wide pavement along the frontage of the site and the removal of the dwarf walls. The plans have been updated to indicate how 2 no. 5.5m long parking spaces can be accommodated on each of the driveways. The highways standing advice states that the minimum length for a usable parking space is 4.8m long. The Highways Officer confirms that this layout is acceptable. The plans indicate areas for planting, however no boundary treatment is indicated on the plans. This will be important to ensure that the frontage of the site is adequately resolved and defined and sits appropriately within the street scene. A condition to this effect is therefore recommended. The amendments have also resulted in the reduction of the frontage landscaped area. This has come about due to the shortening of the frontages to accommodate the pavement. Officers consider that there is adequate space available to provide planting which will soften the development. The proposal has been discussed with the tree officer who has advised that if it is not possible to retain the existing trees there is room for a suitably sized tree within each of the grassed areas which would not impede visibility. The landscaping condition provides the opportunity for a fully worked up planting plan to be provided.
- 3.5 Concerns have been expressed regarding the lack of turning space within the site, however the highways officer has confirmed that this is not necessary on a road of this nature. This is a common driveway arrangement within The Reddings and similar streets.
- 3.6 Whilst officers considered that the highways aspects of the scheme were acceptable previously, the work which has been carried out in the interim adds weight to this conclusion. The applicant has offered an enhancement to the area by joining together two fragmented sections of footpath and has responded to the concerns about visibility by carrying out an independent speed survey. As such it is considered that the scheme is acceptable in this regard.
- 3.7 With regards to the heritage aspect of the proposal, Officers have explained previously that whilst there is some sympathy for the view that the building should be retained that it is not of sufficient quality or interest to warrant being put forward for listing. In any event the building could be demolished without the need for express consent. Members requested further commentary on this matter and to this end the Conservation Officer has provided written comments which are reproduced above. Whilst Historic England have been approached by officers for their views, in the absence of a formal request to list the building they will not issue a written opinion. They have informally advised that the building is not worthy of listing however this does not constitute their formal opinion.
- 3.8 As such Officers conclusion on this matter, that the demolition of the building cannot be resisted, remains.

#### **4. CONCLUSION AND RECOMMENDATION**

- 4.1. As mentioned above the two issues upon which the application was deferred were highways and heritage. Improvements have been made in respect of highway safety and further clarification has been received with regards to the merits of the building. As such the application is recommended for approval. An updated list of conditions is attached below.

## 5. CONDITIONS/REFUSAL REASONS

- 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 17-230-03 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.

- 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), the side elevation of plot 3 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 Policies CP4 of the Cheltenham Borough Local Plan (adopted 2006).

## 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.