

<b>APPLICATION NO:</b> 17/02447/FUL	<b>OFFICER:</b> Mr Ben Hawkes
<b>DATE REGISTERED:</b> 16th December 2017	<b>DATE OF EXPIRY:</b> 10th February 2018
<b>WARD:</b> Prestbury	<b>PARTY:</b> Prestbury
<b>APPLICANT:</b> Mr & Mrs Minihane	
<b>AGENT:</b> Mark Le Grand & Co	
<b>LOCATION:</b> St Francis, Park Lane, Prestbury	
<b>PROPOSAL:</b> Demolish existing and construct a new detached dwelling	

**RECOMMENDATION:** Permit



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## **1. DESCRIPTION OF SITE AND PROPOSAL**

- 1.1** The application site relates to a detached 'arts and crafts' style property located within a residential area on Park Lane in Prestbury.
- 1.2** The applicant is seeking planning permission for the demolition of the existing building and its replacement with a new dwelling.
- 1.3** The site is located within the Green Belt and forms part of a suggested new Conservation Area that will be consulted upon in the coming months.
- 1.4** The application is at planning committee at the request of Councillor Payne due to the level of local concern.

## **2. CONSTRAINTS AND RELEVANT PLANNING HISTORY**

### **Constraints:**

Airport safeguarding over 90m  
Greenbelt

### **Relevant Planning History:**

**16/01150/FUL 22nd August 2016 PER**

Demolition of existing attached garage and erection of a new detached garage, erection of a two storey extension and a single storey extension to the dwelling.

**16/02244/FUL 8th February 2017 PER**

Demolition of existing garage and rear wing; and erection of extension to rear and side of existing dwelling with new garage

**17/01520/FUL 23rd August 2017 WDN**

Demolish existing and construct a new detached dwelling and garage

**17/01656/PREAPP 30th August 2017 CLO**

Demolish existing and erect a new dwelling

**18/00121/PRIOR PCO**

Demolition of existing dwelling at St. Francis, Park Lane

## **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  
GE 5 Protection and replacement of trees  
GE 6 Trees and development  
CO 7 Rebuilding or replacement of dwellings in the green belt

### Supplementary Planning Guidance/Documents

Development on garden land and infill sites in Cheltenham (2009)

### National Guidance

National Planning Policy Framework

Joint Core Strategy  
SD4 Design Requirements  
SD5 Green Belt

#### **4. CONSULTATIONS**

**Parish Council**  
*2nd January 2018*

No Objection

**Gloucestershire Centre For Environmental Records**  
*5th January 2018*

Report available to view online.

**Tree Officer**  
*24th January 2018*

The Tree Section does not object to this application pending more information being submitted. The closest point of the proposed building is closer to the silver birch than that of the existing property by approximately 1m. This means the proposed building would encroach onto the RPA of the silver birch and given the nature of the surrounding landscaping the birch would have more roots within the soft landscaping of the existing garden than under the road. As such please could a method statement for the construction of any part of the development which encroaches into the RPA along with a Tree Protection plan be submitted by a suitably qualified and insured arboriculturalist. Please could the following condition be added with any permissions given:

No roots over 25mm to be severed

Any works taking place in the root protection area shall be carried out by hand and no roots over 25mm to be severed without the advice of a qualified arboriculturalist or without written permission from the Local Planning Authority's Tree Officer.

Reason: To safeguard the retained/protected tree(s) in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.

**County Archaeology**  
*18th December 2017*

Thank you for consulting me regarding the above planning application. I wish to make the following observations regarding the archaeological implications of this scheme.

I advise that the application site is located on the southern portion of a medieval moated settlement, the better preserved parts of which are designated a Scheduled Monument in recognition of the national archaeological importance of the remains.

The application site is located outside the Scheduled Monument, and previous archaeological investigations undertaken at surrounding properties (at 'Kennan', 'The Little Monk' and 'Green Willows' have found no evidence for any significant archaeological remains.

It therefore seems likely that the application site will also have low potential to contain any significant archaeological remains associated with the moated settlement, and for that

reason I recommend that no archaeological investigation or recording need be undertaken in connection with this scheme.

However, the large scale of this development proposal means that it may have an adverse impact on the setting of the Scheduled Monument, since this is located to the immediate north of the application site. Therefore, I recommend that in advance of the determination of this planning application you should consult Historic England for their views on that setting issue.

I have no further observations.

### **Historic England**

*5th January 2018*

Thank you for your letter of 18 December 2017 regarding the above application for planning permission. On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.

#### Historic England Advice

St Francis, Park Lane, Prestbury, lies next to and partially over the scheduled monument known as Moated Site 570m west of Laxton Meadow Farm, more commonly called Prestbury Moat (National Heritage List for England No. 1018448). The monument is unusual as it is a rare form of moated site consisting of two moated enclosures immediately next to each other. The western enclosure contains the remains of a large medieval house and the eastern is thought to contain the remains of associated farm and other domestic buildings. The site was occupied between the 13th century and 18th century and was owned by the Bishops of Hereford. The eastern and southern areas of the site were built over in the first half of the 20th century.

St Francis lies over part of the in-filled southern and central moats where the two enclosures meet. When the site was designated as a nationally important monument the 20th century properties were excluded as no earthwork remains, recorded before the site was developed, were visible. However the buried remains of the southern moat are still present under the property. A small area of the garden, of St Francis, in the north east corner is included within the scheduled area.

The monument lies on the edge of Cheltenham with open farm land to the north and open land of the racecourse to the west. The southern and eastern edges of the monument are developed with detached properties within their own gardens. The open land to the north and west contributes to the monuments significance as it evokes the open farmland it was originally surrounded with and supported it. The 20th century housing does not contribute to the monuments significance. The open land (gardens) around the houses does contribute a small amount to the monuments significance.

Scheduled Monuments are protected under the Ancient Monuments and Archaeological Areas Act 1979. Under Section 2 of that Act it is an offence to undertake works in a scheduled area without the consent of the Secretary of State (SoS) for the Department of Culture Media and Sport. The application for scheduled monument consent is separate to the planning consent process. Historic England act as advisors to the SoS and also provide advice to applicants to help with the application process. Further information about this can be found at <<https://www.historicengland.org.uk/advice/hpg/consent/smc/>>

The proposed demolition and construction of a new building has the potential to impact on buried archaeology associated with the moated site. However investigations close to this location have never recovered any archaeological material. This is probably due to the development in the early 20th century removing any remains. It is therefore unlikely that

this work will impact on any buried archaeology and we agree with the County Archaeological Advisor that no archaeological mitigation is required.

The proposal also has the potential to impact on the significance of the monument through a change in its setting. We have assessed this and have concluded that this proposal will not impact on the significance of the monument. The existing house does not contribute to the monuments significance. The open space of the garden does contribute a small amount. The new build is slightly larger than the existing but the open area closest to the monument is retained and the change is not sufficient to cause any harm to the significance.

The demolition and building work will not impact directly on the scheduled area but the proposed landscaping works will. From the drawing submitted it is possible that the works would constitute a requirement for scheduled monument consent. I advise that the applicant contacts me to discuss the proposals and to establish if Consent is required or not.

The application does not include any mention that the site lies adjacent to a National Significant Heritage Asset. There is also no assessment on the archaeological impacts of the proposal. This is contrary to National Planning Policy Framework paragraph 128.

However as the construction works will not impact on significant archaeology it is not necessary for this assessment to be provided.

#### Recommendation

Historic England has no objection to the application on heritage grounds.

We consider that the application meets the requirements of the NPPF, in particular paragraphs 129 and 132.

Your authority should take these representations into account in determining the application. If there are any material changes to the proposals, or you would like further advice, please contact us. Please advise us of the decision in due course.

#### **Conservation Policy Officer**

*5<sup>th</sup> January 2018*

As requested, some informal comments on the status and adoption process/approximate timeline for the Park Lane Conservation Area.

The proposed boundary of the conservation area is part of the Local Plan as approved by Council. It is hoped that consultation on the Local Plan will commence in Jan 2018 with submission to PINs in approximately April 2018. Examination of the Local Plan, hopefully in 2018.

When the Local Plan is adopted the understanding is that the conservation areas will be designated at this point.

As a separate ongoing process the conservation area character appraisals and management plans will be drafted and put out to formal SPD consultation with the aim of being adopted as SPDs by Council.

I have drafted the character appraisal for Park Lane and am currently aiming to consult, though not as part of the formal SPD consultation, in Jan/Feb 2018. This consultation is to gain input from interested parties to inform the appraisal and subsequent management plan.

As discussed in my opinion little weight can be given to our intent to have the area designated given the stage in the adoption process of the Local Plan and as there is no evidence which has been consulted upon/tested at this stage supporting our intention.

## **Heritage And Conservation**

*2nd February 2018*

The proposal is for demolition of the existing dwelling and construction of a new dwelling.

The existing dwelling, St. Francis is one of a pair with Kennan, which are a mirror pair of arts and crafts houses with very similar design detailing. The pair were constructed in 1926, designed by architect Walter Rosser of Newport. Both have an 'L' shaped plan form, constructed of Cotswolds limestone in a random rubble arrangement with handmade brown clay tiles to roof. Their roof type varies but both have heavy, timber brackets and eaves with stone corbels to ends. A central two storey step forward sits between the two wings on both dwellings, Cotswold stone to ground floor and a 'black and white' timber gable to the first floor. Windows are non-original but are likely to reflect the opening mechanism and leaded light pattern of the originals. The openings themselves remain unaltered, having an informal arrangement with a Cotswold stone sills and lintels. A low wall, coursed, rusticated Cotswolds limestone in blocks with 1 metre high timber fence, piers and copings, is located along the boundary of both properties. Kennan is slightly set back from the building line and sits behind St. Francis so is discreet within the streetscene, its outlook is of Cheltenham Racecourse. This contrasts with St. Francis which sits prominently and faces east down Park Lane, notably it is located on a junction.

Park Lane and the properties on it were largely developed earlier than St. Francis and Kennan, in 1909. These Edwardian dwellings are in the 'black and white' style, rendered with applied half timbering to the first floor, prominent gables, tiled roofs, heavy eaves and slightly varying details between the semi-detached and detached dwellings, which have small front gardens and a strong building line. The dwellings along Park Lane form a cohesive whole with a distinct character and appearance.

Notably there is a draft Park Lane Conservation Area Appraisal and the proposed conservation area boundary is identified within the emerging Local Plan. Notably the boundary of the proposed Park Lane Conservation Area includes St. Francis and Kennan. However while public consultation regarding the proposed conservation area is currently taking place it has not been adopted so, in planning terms, little weight should be given to it, although it should be used as a material consideration in the determination of this application.

While little weight can be given to the proposed Park Lane Conservation Area, St. Francis and neighbouring dwelling Kennan, can be considered 'non-designated heritage assets', a status recognised in Paragraph 135 National Planning Policy Framework (NPPF). Concerning non-designated heritage assets the NPPF states, "The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."

The significance of St. Francis and Kennan are they both have historic and architectural interest as good examples of modest local domestic arts and crafts houses by a regional architect known for working in this style. Together the dwellings have a group value with a distinct character and appearance within the street scene, although importantly both retain substantial elements design continuity through their use of scale, massing, roof forms, materials and detailing with the other dwellings Park Lane. Notably the significance of St. Francis also lies in its wider contribution Park Lane which, when viewed from the east, it

faces prominently onto by projecting forward of the general building line, giving it something of a landmark like quality.

The demolition of the existing dwelling would cause material harm to the non-designated heritage asset, which would be lost as a result of the proposal. Harm would also be caused to the setting of its neighbour Kennan, which would no longer be read as a pair, and to the wider historic streetscene, of which St. Francis is one of the most important individual buildings. If allowed to be demolished the proposed Park Lane Conservation Area would have a notably poorer character and appearance.

It is considered the scale of harm is unacceptable given the significance of St. Francis and its wider setting. It is recommended the application be refused for this reason.

Notwithstanding the significant concern over the proposed demolition of a non-designated heritage asset, there are concerns over the proposed replacement dwelling. This introduces several design features that would appear incongruous within the existing streetscene including: a front elevation that is orientated so it faces away from Park Lane where the character of the area is defined by front elevations facing the street; the proposed symmetry on the front elevation where the existing detached dwellings are defined by asymmetry; the gothic and Cotswolds vernacular detailing which is not characteristic of Park Lane; the lack of a continuation of the landmark like quality the existing dwelling has; and finally, the poor use of materials which, when viewed from the east end of Park Lane, would not relate it well to its context. Through the blanket use of stone, the proposal lacks a strong enough reference to the streetscene. It is noted both St. Francis and Kennan are constructed of stone but they reference the materials in the immediate context through the use of 'black and white' timber framing. While Kennan will remain it is largely obscured by the proposal within the lane so would not lend its use of a similar stone to allow the new dwelling to be tied to its context.

Should the principle of demolition be accepted, it is considered there are significant design concerns over the proposed dwelling which would result in it appearing out of keeping with its context. For this reason it is recommended the application be refused.

## 5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	<b>16</b>
Total comments received	<b>22</b>
Number of objections	<b>22</b>
Number of supporting	<b>0</b>
General comment	<b>0</b>

**5.1** 16 letters were sent to neighbouring properties, 18 letters of objection have been received.

**5.2** Many of the objections raise similar points and whilst not limited to, these have been highlighted below:

- Size and scale of new dwelling
- Loss of existing building
- Design and materials
- Loss of privacy
- Impact on character of existing street scene

- Flooding
- Potential adoption of Park Lane as a Conservation Area
- Impact on Green Belt
- Impact on Trees

## **6. OFFICER COMMENTS**

### **6.1 Determining Issues**

**6.1.1** The main considerations of this application are the principle of the demolition, the design and layout of the replacement building, including its impact on the Green Belt, impact on neighbouring amenity and impact on existing trees.

### **6.2 Site history**

**6.2.1** The application site has been subject to a number of recent applications. In 2016 two permissions were granted for the ‘demolition of the existing attached garage and erection of a new detached garage, erection of a two storey extension and a single storey extension to the dwelling’ (16/01150/FUL & 16/02244/FUL).

**6.2.2** In August 2017 an application was submitted for the demolition of the existing property and the erection of a new property (17/01520/FUL). This scheme was deemed to be wholly unacceptable for a number of reasons relating to its scale, form, design and use of materials and was later withdrawn. Following the withdrawal of this application a formal pre-application (17/01656/PREAPP) was submitted to establish officer thoughts on the acceptability of demolishing the existing building and its replacement with new.

### **6.3 Policy context**

**6.3.1** The JCS has recently been formally adopted and therefore is used for the consideration of current applications.

**6.3.2** The Council are currently in a process of reviewing Cheltenham Borough Council’s Local Plan; however this is in its early stages of consultation and is unlikely to be formally adopted until later in the year. This application has therefore been considered in line with the Council’s current and saved local plan policies – Adopted July 2006.

**6.3.3** The emerging local plan has identified new sites to be considered for conservation area designation, Park Lane is one of these sites. The potential adoption of Park Lane as a conservation area is acknowledged by officers however, the Council is in the very early stages in this process, with the emerging local plan not yet out for public consultation. Having discussed this with our Conservation Officer within the Planning Policy Team, it is considered that very little weight can be given to the potential adoption of this area as a conservation area when deciding this current application.

### **6.4 The site and its context**

**6.4.1** The application site is approximately 0.07 hectares in size and is accessed via Park Lane which is a residential street within the Prestbury area of Cheltenham. The site consists of a two storey detached dwelling in a corner plot position. The site shares boundaries with two other residential properties within Park Lane and is located within the Green Belt

**6.4.2** Park Lane consists of a range of properties, differing in style, size of building and plot sizes. Generally, on the approach to the site when travelling west on Park Lane, the properties are

typically modest semi-detached and detached properties of similar scales and plot sizes. The properties in the immediate vicinity of the application site are generally larger detached buildings set in more generous plots.

- 6.4.3** In terms of the design and style of the surrounding properties, the approach to the site appears to be generally characterised by rough render and mock Tudor timber detailing. Whereas the application site and immediate neighbour of 'Kennan' have a typical 'arts and crafts' style with a stone external finish.

## **6.5 Principle of demolition**

- 6.5.1** The existing building is not listed and not currently located within a conservation area. It is therefore not protected in any way.
- 6.5.2** Members will be aware through this report that Park Lane is being suggested as a new conservation area, and that this would, if adopted, provide the building with protection from demolition, but this has not happened yet.
- 6.5.3** The comments from the Conservation and Heritage Officer in relation to the value of the existing building are entirely understood. The existing house without doubt is an interesting building that has historic value and it would certainly be regrettable to see it demolished; nobody is advocating that this is the best course of action. But, the application has to be assessed against the current planning framework and, as acknowledged in the consultation responses above, the suggested conservation area holds very little weight at this point in time.
- 6.5.4** Officers have some difficulty in relation to pursuing a line of argument around the "non-designated heritage asset" approach as suggested by the Conservation Officer. The building is not on this authority's 'local list' which would be the natural place to find a non-designated heritage asset and whilst it is perhaps a building that has simply been overlooked, to stifle development on this basis would not have the positive thrust of the NPPF at its heart.
- 6.5.5** It is important to bring to the attention of members the fact that since the formal submission of this application, the applicant has submitted a prior notification application for the demolition of this building. This process only allows for consideration from an environmental health and building control perspective relating to the safety aspects of the works required to demolish the building and any impact on neighbouring amenity. There is no reasonable ground to withhold this consent and this has to represent a material consideration of significant weight.
- 6.5.6** It is the view of officers that the principle of demolition has to be unfortunately acceptable and that the focus should be on replacing it with a building of quality.

## **6.6 Design and layout**

- 6.6.1** Local plan policy CP7 relating to 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.
- 6.6.2** As set out above, the context around the application site is generally characterised by large detached properties set within reasonable sized plots providing an element of space between buildings. In terms of a site layout, officers are satisfied that the proposal is contextually appropriate.
- 6.6.3** With regard to the external appearance, the proposed dwelling is relatively traditional in form. It has a pitched roof, projecting gables, and stone work but seeks to inject a contemporary feel by combining this with aluminium windows and doors and first floor

French doors with window guards. In this respect, it is a relatively “safe” proposal but officers are of the view that if materials, detailing, and workmanship are of a high quality, then the resultant building would be a suitable replacement. If members are minded to grant consent, officers would suggest conditions ensure some control over these points; certainly the facing materials are critical to the success of the scheme.

- 6.6.4** In stating the above, the concerns of the Conservation Officer have been fully considered but do not raise sufficient substance to warrant the refusal of planning permission. The orientation of the house mirrors ‘Crossways’ opposite the site and whilst there is variety of architecture, symmetry is found in the semi-detached houses in close proximity to the site.
- 6.6.5** Likewise the concerns of the Architects’ Panel are understood. It is view of officers that the tests for the replacement dwelling are being set artificially high due to the desire to see the building retained. This is completely understandable and officers have an awful lot of sympathy with this approach, but ultimately, the application needs to be determined against the existing policy context and this is a context that regrettably gives no protection to the existing building and this is a material consideration of significant weight.
- 6.6.6** A large amount of local concern relates to the increased scale of the proposed new dwelling. It is clear from the existing and proposed plans that the property will be significantly bigger in overall footprint. However when compared to the scale of dwelling that could be developed through the previously granted additions to the property it would be difficult to appreciate any significant increase in its footprint. The applicant has submitted a drawing to show a comparison between the existing, the approved scheme and the proposed scheme.
- 6.6.7** Officers consider the proposed development to be successful in responding to the local character and it is compliant with Cheltenham’s adopted ‘Garden Land and infill sites SPD’. The key reasons include the position of the dwelling within the plot, and the space around the property. The proposal is sympathetic to neighbouring developments allowing the proposal to sit comfortably with the existing pattern of development.
- 6.6.8** It is acknowledged that this development will undoubtedly be visible from the surrounding residential properties and will clearly read as a contemporary addition in the street scene. It is not however considered that any such impact would warrant a refusal of planning permission.
- 6.6.9** The proposed development is considered to be compliant with local plan policy CP7, guidance set out within the NPPF and within the ‘Development on garden land and infill sites in Cheltenham’ Supplementary Planning Document.

## **6.7 Impact on the Green Belt**

- 6.8** Local plan policy CO7 relates to the replacement of dwellings in the Green Belt. It advises that replacement dwellings will only be permitted where (a) the number of replacement dwellings is no greater than the number to be demolished; and (b) the volume of the original building is not exceeded by more than 15% or 70 cubic metres (whichever is the greater); and (c) there is no harm to the openness and visual amenity of, or encroachment upon, the Green Belt.
- 6.9** It is important to note that the volume allowances set out within the policy were based on the limitations set by the Town and County Planning (General Permitted Development) Order 1995 which at the time allowed existing dwelling houses to be extended by up to 15% or 70 cubic metres whichever was the greatest.
- 6.10** Since this time, permitted development rights have been significantly amended by the Town and Country Planning (General Permitted Development) Order 2015, which came

into force following a review of the planning system, and are now far more relaxed in terms of what can and cannot be achieved without planning permission.

- 6.11 It is therefore felt that to consider the scheme purely on volume calculation would be an overly simplistic way of interpreting the aims and objective of the policy; what is of most importance is safeguarding the openness of the Green Belt. This is highlighted within both the NPPF and the emerging Cheltenham Plan; the current local plan policy is dated and not consistent with national policy.
- 6.12 Paragraph 89 of the NPPF considers '*the construction of new buildings as inappropriate*' with an exception to this as: '*the replacement of a building*' providing '*the new building is in the same use and not materially larger than the one it replaces*'.
- 6.13 The main consideration in respect of the Green Belt is therefore to consider whether the replacement building is 'materially larger' and whether the proposed development would have a harmful impact on the openness of the Green Belt.
- 6.14 Officers fully acknowledge that the proposed new dwelling is larger than that of the existing dwelling but it is important to consider the sites potential in terms of the size of the dwelling that could be achieved should the extensions that have already been approved be implemented. It is therefore the approved scheme, as a very plausible fall-back position that officers are assessing the replacement against.
- 6.15 Whilst officers acknowledge that the proposal will be larger than the extended existing building, in terms of the openness to the green belt, which is what policy is seeking to protect, it would be very difficult to argue that the proposal would be materially larger than the previously approved scheme. Importantly, there is no definition of what constitutes 'materially larger', it is an exercise of judgement and officers are satisfied that the openness of the green belt would not be compromised as a result of this development.

#### **6.16 Impact on neighbouring amenity**

- 6.17 Local plan policy CP4 relating to neighbouring amenity seeks for new development to protect the amenity of adjoining land users and the locality, with specific reference to loss of light, loss of outlook and loss of privacy.
- 6.18 In terms of loss of light, it is the immediate land user of 'Kennan' that will be most affected by the development. The scale of the proposed west elevation as viewed from this neighbour is not significantly larger than that of the scheme recently approved to extend the property. The position of the new dwelling and its relationship with the neighbouring site will not change significantly. In the letter of representation from the occupiers of 'Kennan' no specific concerns have been raised regarding loss of light or overbearing impact. It is not considered that the proposed development will result in any unacceptable loss of light or overbearing impact on this or any other neighbouring land user.
- 6.19 In terms of a loss of privacy, concerns have been raised by a number of neighbouring land users. Officers considered the large roof terrace to the rear of the site to be unacceptable and inappropriate for its position within the site, especially due to its close proximity to the shared boundaries. Officers also raised concerns regarding first floor windows proposed in the west elevation which would result in an increased loss of privacy. Revisions have been requested and received, the rear roof terrace has been removed from the plans and a condition is suggested restricting its future use. In addition, a condition has been suggested for two of the first floor windows in the west elevation to be obscurely glazed.
- 6.20 Officers acknowledge the proposal includes a balcony on the west elevation of the property, whilst this is not ideal due to its proximity to the boundary; a balcony of similar scale already exists in this position and is therefore considered to be acceptable. With the

submitted revisions and the addition of conditions officers do not consider the proposal to result in any unacceptable loss of privacy to any neighbouring land user.

#### **6.21 Trees**

- 6.22** The large tree to the front of the site is protected and therefore careful consideration is given to the protection and retention of this tree through any future development.
- 6.23** The tree officer has provided a detailed response to this application. Whilst no objection has been raised, conditions have been suggested for the protection of existing trees. These are considered to be necessary and reasonable.

#### **6.24 Other considerations**

- 6.25** Concerns have been raised regarding potential flooding implications as a result of the proposed new build.
- 6.26** This application has been discussed with the Council's Land Drainage Engineer who does not consider there to be any major concerns. The concerns of local residents regarding potential flood implications have been brought to the attention of the applicant who has acknowledged that a surface water drainage plan will be required under building regulations and will be designed in accordance with Severn Trent guidelines as well as a ground investigation and soil analysis report.
- 6.27** A condition has been suggested for an appropriate SuDS scheme to be incorporated within the sites development. Officers consider that the information provided by the applicant and the addition of this condition is sufficient to ensure that the proposed development will not result in any unacceptable flooding implications.

## **7. CONCLUSION AND RECOMMENDATION**

- 7.1.1** Officers acknowledge the volume and level of concerns raised by the local residents in Park Lane and that the loss of the existing building is regrettable. That said, officers are required to consider the merits of this application based on the current policy context. The first part of this process was to establish whether or not the existing building is currently protected in anyway and therefore if its retention as a whole could be defended. Having concluded for the reasons set out above that the building is not currently protected in any way the principle of its demolition is regrettably considered to be acceptable.
- 7.1.2** On balance, officers consider the design, scale and form of the replacement dwelling to be acceptable for its location and will not result in any unacceptable harm to the character of the area or result in unacceptable harm to the openness of the Green Belt, particularly when assessed against the legitimate fall-back position.
- 7.1.3** The application is considered to be compliant with adopted local plan policies and guidance set out within the NPPF and our 'Development on garden land and infill sites in Cheltenham' Supplementary Planning Document.
- 7.1.4** Having taken in to account all of the above, 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 The development hereby permitted shall incorporate a Sustainable Drainage System (SuDS) for the maintenance and management of surface water run-off. The SuDS system shall be fully installed and operational prior to first occupation of the development.

Reason: To ensure sustainable drainage of the development, having regard to Policies UI2 and UI3 of the Cheltenham Borough Local Plan (adopted 2006).

- 4 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 first floor west elevation windows to serve the dressing room and en-suite; 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).

- 5 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.

- 6 Prior to the commencement of any works, a construction method statement relating to any works which encroach in the RPA of the protected tree shall be submitted to and approved in writing by the local planning authority. The measures set out in this document 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).

- 7 Any works taking place in the root protection area shall be carried out by hand and no roots over 25mm to be severed without the advice of a qualified arboriculturalist or without written permission from the Local Planning Authority's Tree Officer.

Reason: To safeguard the retained/protected tree(s) in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.

- 8 The flat roof area above the kitchen of the development hereby permitted shall not be used as a balcony, roof garden or amenity area.

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

- 9 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).

- 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 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.

## **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 impact on neighbouring amenity in terms of privacy;

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