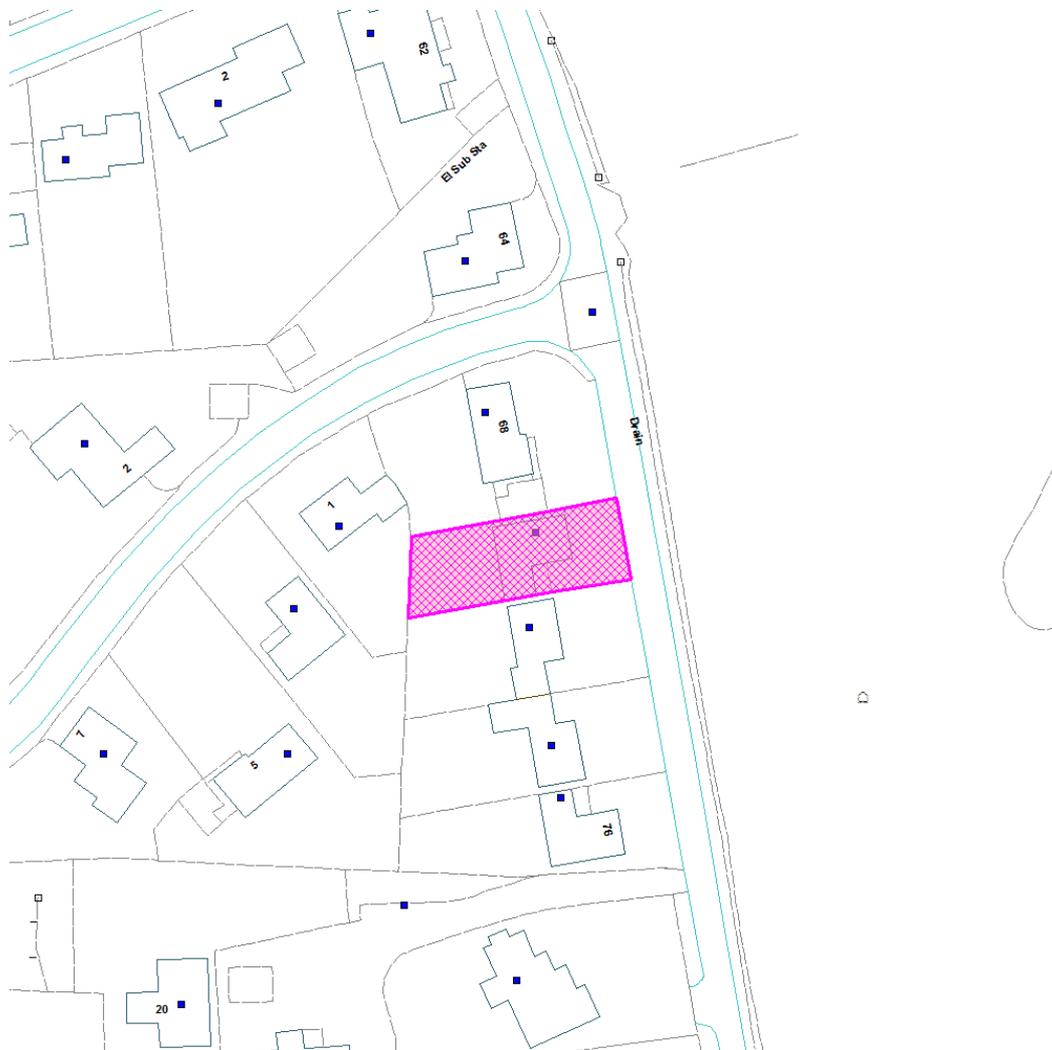


APPLICATION NO: 18/01142/CONDIT	OFFICER: Michelle Payne
DATE REGISTERED: 7th June 2018	DATE OF EXPIRY: 2nd August 2018
WARD: Charlton Park	PARISH: Charlton Kings
APPLICANT:	Mr And Mrs Atkins
AGENT:	EdgeDesignWorkshop Ltd
LOCATION:	70 Sandy Lane, Charlton Kings, Cheltenham
PROPOSAL:	Variation of condition 2 (approved documents) on planning permission ref. 17/00691/FUL to infill the rear terrace at first floor and make minor adjustments to the fenestration

RECOMMENDATION: Permit



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4. CONSULTATION RESPONSES

None

5. PUBLICITY AND REPRESENTATIONS

- 5.1 Letters of notification were sent out to the occupiers of the three adjoining properties. One representation has been received which seeks to ensure condition 4 of the original consent, to limit the use of the flat roof, is repeated.

6. OFFICER COMMENTS

- 6.1 Guidance set out within planning practice guidance (PPG) acknowledges that “*new issues may arise after planning permission has been granted, which requires modification of the approved proposals*” and that where less substantial changes are proposed, an application seeking a minor material amendment may be submitted under Section 73 of the Town and Country Planning Act 1990, which allows for conditions imposed on planning permission to be varied or removed.
- 6.2 As such, the only consideration when determining this application is the acceptability of the proposed changes as an amendment to the approved scheme. The acceptability should be judged on the basis of any increased impact on neighbouring amenity and whether the changes are acceptable from a design perspective. Members are advised that the principle of development has been firmly established through the original grant of planning permission.
- 6.3 With regards to neighbouring amenity, the proposed amendments could be seen as an improvement to the approved scheme. Whilst the approved scheme was wholly acceptable in terms of amenity, the infilling of the recessed balcony to provide the en-suite and the installation of an additional window, which can be reasonably assumed to be obscure glazed, would remove any potential for overlooking or loss of privacy to adjoining properties. Additionally, the revised proposals are considered to be acceptable on design grounds.
- 6.4 Ultimately, the amended scheme is one which is not substantially different from that originally approved and does not result in any additional impact on neighbouring amenity. Therefore, with the above in mind, the recommendation is to grant planning permission subject to the following conditions which reflect those imposed on the original decision:

7. CONDITIONS

- 1 The planning permission hereby granted shall be begun not later than the expiration of three years from the date of this decision.

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 planning permission hereby granted 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 facing brickwork used in the development hereby permitted shall be Wienerberger Terca Hectic Black, Wienerberger Terca Forum Smoked Branco and Ibstock Staffordshire Slate Blue Smooth.

Reason: In the interests of the character and appearance of the area, having regard to saved policy CP7 of the Cheltenham Borough Local Plan (2006) and adopted policy SD4 of the Joint Core Strategy (2017).

- 4 The flat sedum roof of the rear single storey extension, shown on Drawing No. 1381_05_A, shall not be used as a balcony, roof garden or other external amenity area. Access to the flat roof shall be for maintenance purposes only.

Reason: To safeguard the amenities of the adjacent properties, having regard to saved policy CP4 of the Cheltenham Borough Local Plan (2006) and adopted policy SD14 of the Joint Core Strategy (2017).

INFORMATIVE

- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) Order 2015 and the provisions of the NPPF, the Local Planning Authority adopts a positive and proactive approach to dealing with planning applications and where possible, will seek solutions to any problems that arise when dealing with a planning application with the aim of fostering the delivery of sustainable development.

At the heart of this positive and proactive approach is the authority's pre-application advice service for all types of development. Further to this however, the authority publishes guidance on the Council's website on how to submit planning applications and provides full and up-to-date information in relation to planning applications to enable the applicant, and other interested parties, to track progress.

In this instance, having had regard to all material considerations, the application constitutes sustainable development and has therefore been approved in a timely manner.