



## 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 was granted in November 2017 for the demolition of 'Cotswold View, a detached dwelling, and its replacement with 3 no. dwellings, a pair of semi-detached dwellings and a detached dwelling.
- 1.3 Planning permission is now sought to vary condition 2 (approved plans). The variation proposed is to add one roof light to the front and rear elevation of each dwelling to facilitate the provision of an attic bedroom within each property. The work has already been carried out.
- 1.4 Applications to vary conditions are known as s.73 applications and are commonly used to vary proposals. The consultation process is the same as a planning application and a new decision, along with relevant conditions is issued at the end of the process.
- 1.5 The application is at committee at the request of Cllr Collins due to the level of interest locally and an objection from The Reddings Residents Association.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### **Constraints:**

Airport safeguarding over 15m

### **Relevant Planning History:**

**17/01220/FUL 21st November 2017 PER**

Demolition of existing dwelling and erection of 3no. dwellings

**17/02298/DISCON 19th December 2017 DISCHA**

Discharge of conditions 3 (facing materials), 4 (Construction Method Statement), on planning permission ref. 17/01220/FUL

**17/02483/DISCON 22nd December 2017 DISCHA**

Discharge of conditions 7 and 8 of Planning Permission 17/01220/FUL, please refer to the documents appended to this application

## 3. POLICIES AND GUIDANCE

### Saved Local Plan Policies

CP 4 Safe and sustainable living

CP 7 Design

### Adopted Joint Core Strategy Policies

SD4 Design Requirements

SD10 Residential Development

SD14 Health and Environmental Quality

INF1 Transport Network

### Supplementary Planning Guidance/Documents

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

Residential Alterations and Extensions (2008)

## 4. CONSULTATIONS

### GCC Highways Planning Liaison Officer

12th June 2018

I refer to the above application for variation of Condition 2 received on 6th June 2018, with Plan(s) Nos 17-230/04 to which no Highway objection is raised.

## 5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	69
Total comments received	20
Number of objections	20
Number of supporting	0
General comment	0

5.1 The application was publicised by way of letters to 69 properties, including those in close proximity and those from whom representations were received in response to the original application. This includes an objection from The Reddings Residents Association. The main issues raised were as follows:

- Concern that work on the roof lights has already started – due process has not been followed
- Concern that extra bedroom will increase demand for parking/inadequate parking for four bedroom houses. Highway safety.
- Impact on privacy
- Overdevelopment
- Additional noise
- Concern over the format of the application i.e. s.73 application.

## 6. OFFICER COMMENTS

### 6.1 Determining Issues

The key issues in determining this application are considered to be (i) fall-back position, (ii) design and visual impact, (iii) neighbour amenity, (iv) highways issues.

### 6.2 The site and its context

6.2.1 The application site is within the Principle Urban Area of Cheltenham and the principle of development for three houses has been accepted through the granting of planning permission last year (17/01220/FUL).

6.2.2 This application proposes roof lights to the front and rear elevations. Therefore the consideration of this application relates purely to the issues arising from this proposal and it is not possible to revisit any other issue in relation to these houses.

### 6.3 Fall-Back Position

- 6.3.1** Members will be aware that sometimes a 'fall-back' position is established for sites which relates to what would be possible on the site in the absence of the current application.
- 6.3.2** In this instance it is important to inform members that were the houses completed, permitted development rights would exist which would allow the proposed roof lights to be inserted without the need for planning permission. This is a significant material consideration in the determination of the application.
- 6.3.3** Because the houses are still under construction, planning permission is required to insert them at this time, hence the current application.
- 6.3.4** It is also important to note that planning permission is not specifically required to alter the number of bedrooms within a dwelling. For example, a large bedroom can be subdivided, to create two bedrooms, or a dining room or study, could be used as a bedroom without the need for planning permission.

## **6.4 Design and layout**

- 6.4.1** Local plan policy CP7 (design) requires all new development to complement and respect neighbouring development and the character of the locality. Additional design principles are set out within adopted JCS policy SD4.
- 6.4.2** The roof lights are modest in scale and set well within the roof slope. It is not considered that they would impact negatively upon the dwellings themselves or the character or appearance of the wider area.
- 6.4.3** As such it is considered that the proposal accords with the aims of policy CP7 of the Local Plan and policy SD4 of the JCS.

## **6.5 Impact on neighbouring property**

- 6.5.1** Saved local plan policy CP4 (safe and sustainable living) advises that development will only be permitted where it would not cause unacceptable harm to the amenity of adjoining land users or the locality. The policy is consistent with advice set out within adopted JCS policy SD14.
- 6.5.2** The roof lights on the front elevations serve WCs and those on the rear serve bedrooms.
- 6.5.3** The roof lights on the rear roof slope would be over 23m from the properties at the rear and would not result in undue overlooking of any neighbouring properties.
- 6.5.4** The roof lights to the front serve bathrooms and are therefore likely to be obscure-glazed, however they are across the road from neighbouring properties and as such would not result in unacceptable overlooking of neighbouring properties.
- 6.5.5** As such it is considered that the proposal accords with the aims of policy CP4 of the Local Plan and policy SD14 of the JCS.

## **6.6 Access and highway issues**

- 6.6.1** Adopted JCS policy INF1 advises that all development proposals should provide for safe and efficient access to the highway network for all transport needs. The policy identifies that planning permission will be granted where the impact of the development will not be severe.
- 6.6.2** A number of objections have raised concerns that due to the increase in accommodation within the properties from 3 to 4 bedrooms, the 2 parking spaces per dwelling proposed is no longer sufficient and therefore the proposal would result in additional cars parking on the highway, causing safety and congestion concerns.

- 6.6.3** These concerns are not shared by the Highway Authority or the Local Planning Authority. There are no formal parking standards, with parking provision being based on average car ownership in the locality. The Highway Authority advise that 2 parking spaces is sufficient for a 4 bedroom house in this locality and would not result in a severe impact on the highway network, which is the test outlined in JCS policy INF1 and the NPPF.
- 6.6.4** In any event, it must be remembered that, as outlined in section 6.3, these works would be capable of being carried out under permitted development, were the houses complete.
- 6.6.5** Therefore it is not considered that the proposal results in an unacceptable impact on the highway network.

## **7. CONCLUSION AND RECOMMENDATION**

- 7.1** For the reasons outlined above the proposal is considered to be acceptable and is therefore recommended for approval. The list of conditions has been updated to reflect the current stage of construction.

## **8. CONDITIONS / INFORMATIVES**

- 1 The approved Construction Method Statement shall be adhered to throughout the construction period.  
Reason: To reduce the potential impact on the public highway and accommodate the efficient delivery of goods and supplies in accordance with 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.
- 4 All hard and/or soft landscaping works shall be carried out in accordance with the previously 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.

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.

- 5 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) 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.

- 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.