

APPLICATION NO: 18/01940/FUL		OFFICER: Michelle Payne
DATE REGISTERED: 26th September 2018		DATE OF EXPIRY: 21st November 2018 (extended until 23rd November by agreement with the applicant)
DATE VALIDATED: 26th September 2018		DATE OF SITE VISIT: 10th October 2018
WARD: Park		PARISH: n/a
APPLICANT:	Marcus Homes	
AGENT:	Stanley Partnership Architects	
LOCATION:	Garages Rear Of Mercian Court Park Place Cheltenham	
PROPOSAL:	Demolition of 12no. lock-up garages and erection of 3no. 2 bed Mews Houses	

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site comprises a row of 12 garages located to the rear of Mercian Court; a grade II listed building which has been significantly extended. The garages are accessed via an un-adopted lane leading from Ashford Road; the access running between 11 Ashford Road and the rear of 45 Painswick Road. The lane also provides access to a number of additional garages, and to the rear of properties on Painswick Road and Grafton Road.
- 1.2 The site is bounded by residential properties on Park Place, Ashford Road, Painswick Road and Grafton Road. The houses to the south on Grafton Road are locally indexed, as are some on Painswick to the northeast. Additionally, the houses to the west of the access on Ashford Road are grade II listed.
- 1.3 The site is located within the Principal Urban Area (PUA), and also within The Park Character Area, one of 19 character areas that together form Cheltenham's Central Conservation Area.
- 1.4 The application proposes the demolition of the garages and the erection of 3no. 2 bed Mews Houses; it is at committee at the request of Councillor Harman due to concerns raised by local residents.
- 1.5 Members will visit the site on planning view.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m
Conservation Area
Non-Contact Residents Association

Relevant Planning History:

15/00907/OUT

REFUSE

2nd September 2015

Demolition of lock-up garages and erection of two x 2 bedroom dwellings

17/01813/FUL

PERMIT

15th December 2017

Demolition of 12no. lock-up garages and erection of 2no. 2 bedroom dwellings with private gardens and 2no. parking spaces (one per dwelling)

18/01522/CONDIT

PERMIT

31st August 2018

Variation of condition 2 (approved plans) on planning permission ref. 17/01813/FUL (demolition of 12no. lock-up garages and erection of 2no. 2 bedroom dwellings with private gardens and parking) to allow for the retention of a covenanted right of access across the front portion of the site for access to the garages opposite

3. POLICIES AND GUIDANCE

Saved Local Plan Policies

CP 3 Sustainable environment
CP 4 Safe and sustainable living
CP 7 Design
BE 4 Timing of demolition in conservation areas
BE 6 Back lanes in conservation areas

Adopted Joint Core Strategy (JCS) Policies

SD4 Design Requirements

SD8 Historic Environment

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)

The Park Character Area and Management Plan (2008)

National Guidance

National Planning Policy Framework (NPPF)

4. CONSULTATION RESPONSES

Architects Panel

6th November 2018

Design Concept

The panel had no objection to the principle of building 3 no Mews houses to replace an unattractive row of garages on this site.

Design Detail

The panel generally like the architectural detailing of the buildings, the scale and rhythm of the modelled elevations, although the projecting balconies would be better omitted.

There is no outside amenity space provided but on balance considered not essential in this location.

Concerns were raised about the size and access to the garages and the actual site boundary line – the projecting balconies may be over Highway land – another good reason to remove them.

Recommendation

Support subject to amendments and submission of larger scale details.

GCC Highways Planning Liaison Officer

19th October 2018

Thank you for your pre-application enquiry dated 1st October 2018. This pre-application falls under our criteria for Gloucestershire County Council's Highway Standing Advice. To help you with your application I will refer you to our guidance on our website:-

<http://www.gloucestershire.gov.uk/CHttpHandler.ashx?id=44314&p=0>.

If you have any queries please do not hesitate to contact me.

Statement of Due Regard

Consideration has been given as to whether any inequality and community impact will be created by the transport and highway impacts of the proposed development. It is considered that no inequality is caused to those people who had previously utilised those sections of the existing transport network that are likely to be impacted on by the proposed development.

It is considered that the following protected groups will not be affected by the transport impacts of the proposed development: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation, other groups (such as long term unemployed), social-economically deprived groups, community cohesion, and human rights.

Severn Trent Water Ltd

22nd October 2018

Thank you for the opportunity to comment on this planning application. Please find our response noted below:

With Reference to the above planning application the company's observations regarding sewerage are as follows.

As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

Severn Trent Water advise that there may be a public sewer located within the application site. Although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under the Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building.

Please note it you wish to respond to this email please send it to Planning.apwest@severntrent.co.uk where we will look to respond within 10 working days. Alternately you can call the office on 01902 793851.

Environmental Health

26th October 2018

After viewing the documents submitted in support of this application and what was permitted under Planning Ref: 17/01813/FUL I would recommend approval to this application subject to the following conditions being attached to any approved permission.

1) During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday-Friday 08:00hrs -18:00hrs, Saturday 08.00hrs ' 13:00hrs nor at any time on Sundays, Bank or Public Holidays.

2) No development shall take place including any works of demolition until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:

- Parking of vehicles for site operatives
- Method of prevention of mud being carried onto highway
- Dust Suppression
- Waste Storage

3) Prior to the commencement of development a scheme for the provision of refuse recycling and storage shall be submitted to and approved in writing by the local planning

authority. The approved scheme shall be implemented prior to the first occupation of the development hereby permitted and thereafter maintained for the life of the development.

5. PUBLICITY AND REPRESENTATIONS

5.1 On receipt of the application, letters of notification were sent to 65 neighbouring properties. In addition, a site notice was posted and an advert published in the Gloucestershire Echo. Eight representations have been received in response to the publicity, raising the following concerns:

- increase in height of rear boundary wall not supported;
- visual appearance/design/not-in-keeping
- a reduction in light
- traffic/parking/access
- amenity
- loss of privacy
- refuse and recycling provision

6. OFFICER COMMENTS

6.1 Determining issues

6.1.1 The main considerations when determining this application for planning permission are the principle of development, design and the historic environment, neighbouring amenity, and access and highway safety.

6.2 Principle of development

6.2.1 The principle of demolishing the existing row of garages, and redeveloping the site for residential purposes, has been firmly established by the previous grant of planning permission in December 2017 for the demolition of the garages and the erection of 2no. 2 bedroom dwellings. The subsequent changes to the NPPF do not suggest that a different conclusion in terms of the principle of development should now be reached.

6.2.2 Additionally, prior to this, an officer report relating to an earlier proposal concluded that the site was considered to be *“an acceptable location, in principle, for new housing”*; and this view was shared by an appeal inspector who did not suggest that the site, in itself, was unsuitable for housing.

6.2.3 Moreover, the proposed use of the site is consistent with adopted JCS policy SD10 which advises that housing development *“will be permitted on previously-developed land in...the Principal Urban Area of Cheltenham”*.

6.2.4 NPPF paragraph 68 acknowledges that small sites can make an important contribution to the housing requirements of an area, and requires local planning authorities to *“support the development of windfall sites, giving great weight to the benefits of using suitable sites within existing settlements for homes”*.

6.2.5 It is also important to acknowledge that the local authority cannot currently demonstrate a five year supply of housing, and therefore in accordance with paragraph 11 of the NPPF the presumption in favour of granting permission is triggered, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

6.3 Design and historic environment

6.3.1 Paragraph 127 of the NPPF requires decisions to ensure that new developments *“will function well and add to the overall quality of the area...; are visually attractive...; are sympathetic to...the surrounding built environment...whilst not preventing or discouraging appropriate innovation or change (such as increased densities); establish or maintain a strong sense of place...; optimise the potential of the site...; and create places that are safe, inclusive and accessible”*.

6.3.2 Adopted JCS policy SD4 sets out the local design requirements for development proposals and highlights the need for new development to *“respond positively to, and respect the character of, the site and its surroundings”*; the policy reflects the aims and objectives of saved local plan policy CP7.

6.3.3 With particular regard to development within the historic environment, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

6.3.4 The contemporary Mews house style of development proposed, in terms of scale and height, is considered to be appropriate to this back lane location. It is acknowledged that the building now extends the full width of the site, and no longer provides for private outdoor amenity spaces, but this is not unusual on back lane sites such as this. Additionally, there is no external space standard to which the development must respond. Throughout the NPPF, and within JCS policy SD10, emphasis is given to new development optimising the potential of the site.

6.3.5 The Architects Panel generally support the scheme, despite suggesting that the projecting balconies would be better omitted, and querying whether they were within the site boundary. Officers have considered the removal of the balconies but do not consider it necessary to secure their removal in order to grant planning permission. A revised site plan has been submitted to show that these balconies would not project beyond the site boundary.

6.3.6 The dwellings will be faced in brick at ground floor with the upper floor largely clad in standing seam zinc, with elements of vertical timber cladding. Overall, it is considered that the contemporary design approach and the palette of external materials proposed would sit comfortably in its surroundings and would significantly enhance this part of the conservation area. The scheme has been amended slightly during the course of the application to incorporate wheelie bin storage; cycles and recycling boxes can be accommodated within the garage.

6.3.7 The Conservation Officer, whilst not having formally commented on the proposals, supports the development.

6.3.8 It is acknowledged that the building to the east, Mercian Court, is grade II listed and therefore the impact on the setting of this designated heritage asset must also be considered. In this instance, the level of harm to the setting of the listed building is considered to be negligible and therefore ‘less than substantial’. As such, NPPF paragraph 196 requires this harm to be weighed against the public benefits of the scheme.

6.3.9 Paragraph 020 of the NPPG highlights that public benefits can be economic, social or environmental benefits, and may include heritage benefits such as sustaining or enhancing the significance of a heritage asset and the contribution of its setting or reducing or removing risks to a heritage asset. In this case, the public benefits of the development are considered to be:

- the small but important contribution to the supply of housing within the borough;

- the provision of jobs within the construction industry albeit for a limited time; and
- the significant enhancement to this part of the conservation area.

6.3.10 Officers are therefore of the view that the public benefits would outweigh the negligible harm that would occur to the setting of this nearby listed building; the setting of which has already been significantly compromised by the large modern extension to the rear of the building.

6.4 Neighbouring amenity

6.4.1 Saved local plan policy CP4 advises that development will only be permitted where it will not cause unacceptable harm to the amenity of adjoining land owners or the locality; and in assessing impact on amenity, the Council will take account of matters including, but not limited to, loss of privacy, daylight and outlook. The policy is consistent with adopted JCS policy SD14.

6.4.2 As with the previously approved scheme, the current scheme does not propose any increase in the height of the rear boundary wall, and only a nominal increase in the overall height of the building. Additionally, there are no windows proposed to the rear facing elevation. The proposed development is therefore considered to be wholly acceptable with regard to its impact on Mercian Court.

6.4.3 It is acknowledged that the building would now extend the full width of the site and sit adjacent to the rear boundary with no. 10 Grafton Road; however, this property benefits from a good sized garden some 25 metres in length, and there are no windows proposed to the side elevation of the building.

6.4.4 Additionally, clear glazed windows to the front elevation of the building at first floor have been previously accepted; the extant scheme has clear glazed windows in its front elevation. The windows would look towards the garages on the opposite side of the lane, and would be some 13 metres from the rear gardens of the houses in Painswick Road beyond those garages.

6.5 Access, parking and highway safety

6.5.1 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.

6.5.2 Concerns have again been raised by local residents that the dwellings would make access to the garages opposite the site difficult; however, as previously noted, the principle of developing the site has already been established. The concerns were first addressed in the officer report which accompanied the refused scheme, which stated:

7.27 Concerns have been expressed by local residents that the dwellings would make access to the garages opposite difficult or impossible. The existing garages at the site have a depth of about 5.4 metres. The depth of the illustrative dwellings is 5.6 metres; however, there is a pavement apron in front of this at a depth of 6.6 metres. The planning system is intended to protect the public interest and the wider site is a private garage courtyard. It is considered that any impact on accessibility to the remaining garages is more a civil issue.

7.28 The plans show that 12 existing garages would be removed. Given the existing use of the site for garaging, the proposal would potentially result in much less traffic to and from the site when compared to the existing lawful situation, were the garages to be used for parking which they legitimately could be. The plans show

that space could be provided for a single car to park for each dwelling, which is sufficient for a development of this type in this location. There would be sufficient space for turning within the site.

7.29 No severe highway impacts are identified.

6.5.3 It is noted that the internal dimensions of the proposed garages are smaller than those recommended within the County Council's Highways Standing Advice; however, there are currently no parking standards throughout Gloucestershire. As such, in this highly sustainable location, on-site car parking could not be insisted on.

6.6 Conclusion and recommendation

6.6.1 The proposed development would make an effective use of this brownfield site, and provide for three new dwellings sustainably located within the built-up area of the borough, in close proximity to the town centre and public transport links.

6.6.2 The contemporary design approach, together with the palette of external materials proposed, would significantly enhance this part of the conservation area and would not result in any substantial harm to the significance of any designated heritage asset; any less than substantial harm that might be caused by the development would be outweighed by the public benefits arising from the proposal.

6.6.3 Additionally, the dwellings would not result in any significant or unacceptable impact on the amenity of adjoining land users, or the local highway network.

6.6.4 The officer recommendation therefore is to grant planning permission subject to the following conditions:

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 Prior to the commencement of development, including any works of demolition or site clearance, a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority.

The approved method statement shall be adhered to throughout the development process and shall, where necessary:

- i) specify the type and number of vehicles expected during the construction of the development;
- ii) allocate space for the parking of vehicles for site operatives and visitors;
- iii) allocate space for the loading and unloading of plant and materials;
- iv) allocate space for the storage of plant and materials used in constructing the development;
- v) specify the intended hours of construction;

- vi) specify measures to control the emission of noise, dust and dirt during construction;
- vii) provide for wheel washing facilities; and
- viii) specify the access points to be used and maintained during the construction phase.

Reason: To minimise disruption on the public highway and to adjacent land users, and accommodate the efficient delivery of goods and supplies during the course of the construction works, having regard to adopted policy INF1 of the Joint Core Strategy (2017). Approval is required upfront because without proper mitigation the works could have an unacceptable impact during construction.

- 4 The following elements of the scheme shall not be installed, implemented or carried out unless in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority:

- a) All windows and external doors;
- b) Rooflights; and
- c) Glazed balustrades.

Reason: In the interests of the character and appearance of the area, having regard to saved policies CP3 and CP7 of the Cheltenham Borough Local Plan (2006) and adopted policy SD4 of the Joint Core Strategy (2017).

- 5 No external facing or roofing materials shall be applied unless in accordance with physical samples of the materials which shall have first 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 saved policies CP3 and CP7 of the Cheltenham Borough Local Plan (2006) and adopted policy SD4 of the Joint Core Strategy (2017).

- 6 The external facing brickwork shall not be carried out unless in accordance with a sample panel which shall have first been constructed on site and approved in writing by the Local Planning Authority.

The sample panel shall show the type, size, colour, bond, pointing, coursing, jointing, profile and texture of the facing brickwork including coping bricks/stones (if applicable).

The approved sample panel shall be retained on site and made available for inspection by the Local Planning Authority for the duration of the construction works.

Reason: In the interests of the character and appearance of the area, having regard to saved policies CP3 and CP7 of the Cheltenham Borough Local Plan (2006) and adopted policy SD4 of the Joint Core Strategy (2017).

- 7 Prior to first occupation of the development, refuse and recycling storage facilities shall be provided in accordance with the approved plans and shall be retained as such thereafter.

Reason: In the interests of sustainable waste management and recycling, having regard to Policy W36 of the Gloucestershire Waste Local Plan.

- 8 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting that order with or without modification), no additional windows, doors or openings shall be formed in the development without express planning permission.

Reason: Any further openings require detailed consideration to safeguard the privacy of 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).

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 applicant/developer is advised that there may be a public sewer located within the application site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building.
- 3 The applicant/developer is advised that the reasonable working hours for noisy activities which would be audible beyond the site boundary are 8:00am - 6:00pm Monday to Friday, and 8:00am - 1:00pm on Saturdays, with no working on Sundays, Bank or Public Holidays.