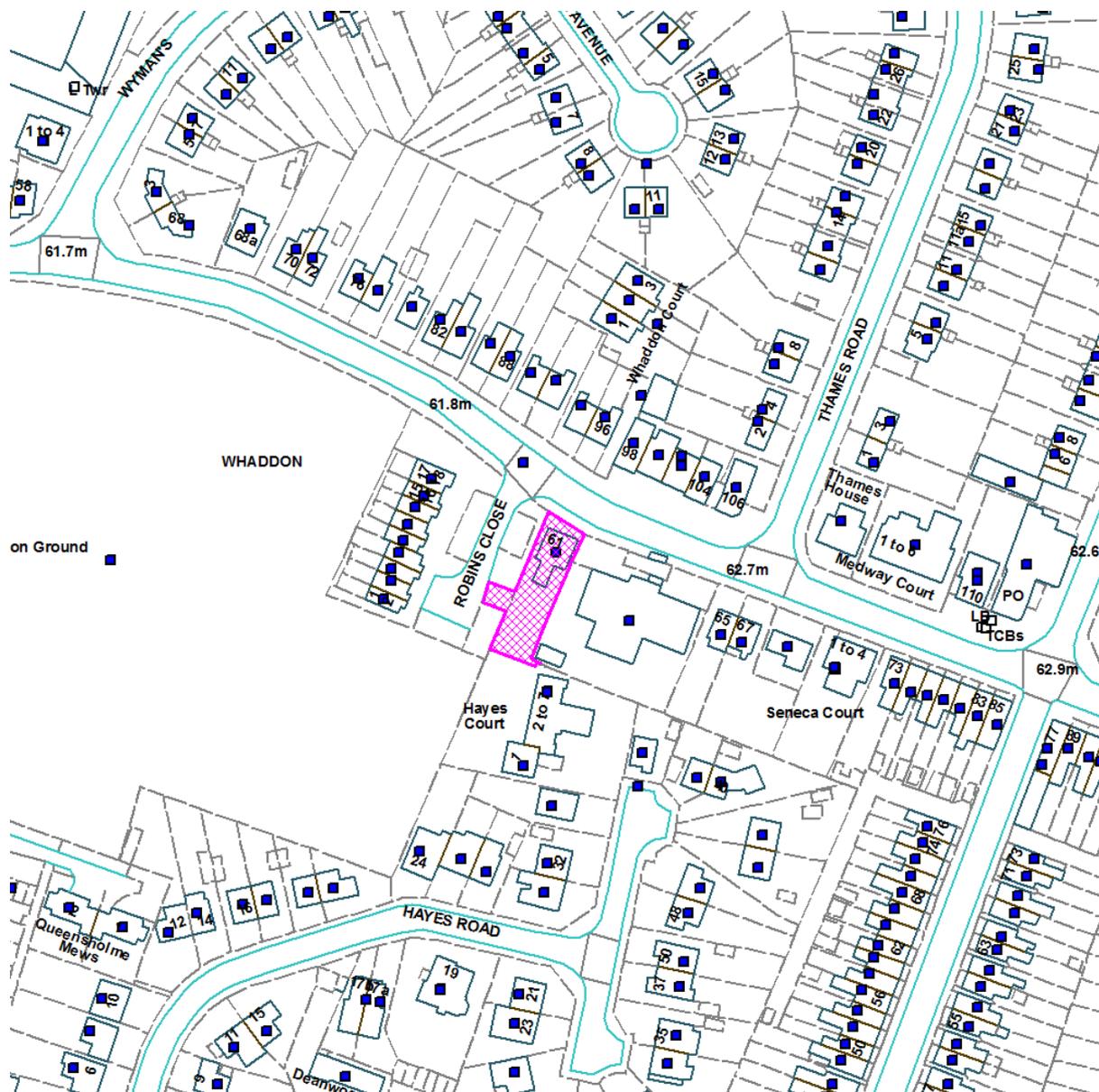


<b>APPLICATION NO:</b> 18/01796/FUL		<b>OFFICER:</b> Mr Joe Seymour	
<b>DATE REGISTERED:</b> 7th September 2018		<b>DATE OF EXPIRY:</b> 2nd November 2018	
<b>DATE VALIDATED:</b> 7th September 2018		<b>DATE OF SITE VISIT:</b> 14th September 2018	
<b>WARD:</b> Oakley Ward		<b>PARISH:</b>	
<b>APPLICANT:</b>	Matthews City and Country Estates		
<b>AGENT:</b>			
<b>LOCATION:</b>	61 Whaddon Road, Cheltenham		
<b>PROPOSAL:</b>	Demolition of existing bungalow and erection of 6 no. apartments		

**RECOMMENDATION:** Permit



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 61 Whaddon Road is a bungalow in the Oakley ward of Cheltenham. Whaddon Road is predominantly a residential area although some small commercial units are located on the opposite side of the road to the site and Cheltenham Town Football Club is located nearby.
- 1.2 The site is roughly rectangular in shape with the existing bungalow situated close to Whaddon Road at the front and it benefits from a long rear garden. The site is approximately 36 metres in length and 10 metres in width.
- 1.3 The proposed development would involve the demolition of the bungalow and the construction of a three-storey building containing six flats. The development would also include the provision of six parking spaces, a bin store and a bicycle store.
- 1.4 Cllr Rowena Hay has requested that this application is determined by the Planning Committee for the following reasons:

*"Whilst welcoming more housing and an improvement of the street scene, I do have concerns over accessibility to the bin store for UBICO, as I believe there is a maximum distance they will walk to collect bins.*

*Access through Robins Close which belongs to a housing association, (I don't believe it is an adopted road) is just a car park for the residents of the close, the two parking spaces in the application will mean them driving through the close and I am not clear that they have permission for this or who's responsibility for road maintenance it is.*

*There are some significant trees there the canopies of which will overhang the proposed build.*

*The proposal for a three story building on this site is out of keeping with houses on Whaddon road, you only have to look to the 3 story block on the corner of Thames Road to see what I am saying it stands out as a large mass. Four flats as opposed to six in a two story block is much more in keeping."*

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### **Constraints:**

N/A

### **Relevant Planning History:**

**06/00244/OUT 22nd September 2006 REFUSED**

Erection of 4 no. one bedroom flats and one two bedroom bungalow (Revised application)

**06/01805/OUT 27th March 2007 REFUSED**

Erection of 4no one bedroom flats to front and a one bedroom detached bungalow to the rear (revised scheme to 06/00244/OUT) - Dismissed on appeal 12th December 2007

## 3. POLICIES AND GUIDANCE

### **Saved Local Plan Policies**

CP 4 Safe and sustainable living

CP 7 Design

GE 5 Protection and replacement of trees

GE 6 Trees and development

### **Adopted Joint Core Strategy Policies**

SD4 Design Requirements  
SD10 Residential Development  
SD14 Health and Environmental Quality  
INF1 Transport Network

### **Supplementary Planning Document (SPD)**

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

### **National Guidance**

National Planning Policy Framework (NPPF)

## **4. CONSULTATIONS**

### **GCC Highways Planning Liaison Officer**

*12th October 2018*

The proposal comprises the demolition of existing bungalow and erection of 6no. apartments at 61 Whaddon Road Cheltenham. The development is located adjacent to Whaddon Road, a class 4 highway subject to a sign posted limit of 30mph. Access to high quality public means of transport connections is secured within a few meters from the site, and it's location also comprises approximately 1km distances to Cheltenham town centre.

The proposed is subject to the creation of 6no. car parking spaces (subject to 2.4m x 4.8m in dimensions) and the provision of cycle storage units intended to accommodate the predicted needs of future users of this development. In order to address the needs of disabled highway users and further improve the turning space provision, the applicant has reconfigured the layout of the proposal, placing proposed defensive planting back in order to allow space 6 to be widened subject to future requirements.

Due to existent uncertainty of the needs of future users of this development when subject to the allocation of each individual dwelling, the highway authority recommends no parking bays to be numerically allocated to each individual dwelling. This will guarantee the opportunity to reconfigure the bays should the necessity be raised in the future and reduce the scope of conflict between users.

Furthermore, in order to secure safe means of pedestrian access from the carriageway to the dwelling, the highway authority recommends the provision of a delineated pedestrian route through the car park. This will ensure the needs of users are addressed in relation to all modes of transport and the minimization of conflict between pedestrians, cyclists and vehicles.

In conclusion, the proposed lowering of kerbs and associated works to enable off road parking under application ref 18/01796/FUL requires the extension of a verge and/or footway crossing from the carriageway under the Highways Act 1980 - Section 184 and the Applicant is required to obtain the permission of Amey Gloucestershire on 08000 514 514 or [gcchighway@amey.co.uk](mailto:gcchighway@amey.co.uk) before commencing any works on the highway.

Recommendation:

The highway authority recommends no highway objection to be raised subject to the conditions 5-9 outlined in section 8 of this report below.

### **Trees Officer**

*5th October 2018*

The Tree Section has reservations regarding the proposal. Even if the dwelling can be built using pile foundations the proximity of the apartments to the canopy of the trees will cause

concern and a sense of an over-bearing nature of the trees to future residents. This is likely to create pressure to prune or remove these trees in the future.

The layout of the design places the kitchen and living space adjacent to the trees, the trees will cast dense shade again leading to pressure to prune these trees. The characteristics of the trees as well as their size need to be taken into account, lime trees produce honey-dew a sticky excretion from the aphids which ingest the sap of the tree. This honeydew would affect any adjacent windows making them continually appear dirty and can cause damage to car paintwork.

The Arboricultural report is missing the RPA and categorisation drawing, there are no plans submitted with the document. There is also a lack of detail within the document, with the author assuming Tree Protection Plans and Method Statements will be conditioned as part of any permission. Given the constraints the lime trees pose to this development this information should be an integral part of the design of the development.

Whilst it may be possible to build a unit on this plot the current proposal is not acceptable. The constraints the off-site trees pose need to be taken in to consideration in the design of any development utilising Arboricultural information such as RPAs, shade analysis and an understanding of the species characteristics.

With any revised development the Tree Section would require:

- Tree constraints plan
- Shade analysis
- Tree Protection Plan
- Method statement for any development within the RPA of the off-site trees

**Trees Officer**

*14th December 2018*

I have had a look through the attached documentation, I am content that the proposed scheme has taken account of the constraints posed by these trees and that the proposed tree protection and future management plan will minimise any impact to these trees during demolition/construction and later habitation of the site. I am happy to meet on site if there are any particular points you wished to discuss in more detail.

**Cheltenham Civic Society**

*15th October 2018*

The Planning Forum was disappointed with the proposed design. Although they have taken some visual cues from the neighbouring houses, the architects have failed to come up with a workable design solution. We note the neighbours comments which seem to raise valid issues.

**Gloucestershire Centre For Environmental Records**

*5th October 2018*

Biodiversity report received.

**5. PUBLICITY AND REPRESENTATIONS**

Number of letters sent	<b>56</b>
Total comments received	<b>3</b>
Number of objections	<b>3</b>
Number of supporting	<b>0</b>

## 5.1 Comments Received

5.2 Three letters of objection have been received which raise concerns about the following issues:

- Parking
- Street scene
- Overdevelopment
- Noise and impact on neighbouring residents
- Impact on trees

## 6. OFFICER COMMENTS

### Principle of Development

- 6.1 The housing policies in the extant Cheltenham Borough Local Plan (1991-2011) are part of a time-expired development plan which has since been superseded by the adoption of the Joint Core Strategy (JCS) in December 2017. JCS policy SD10 determines the areas within the borough of Cheltenham which are deemed appropriate for residential development.
- 6.2 There is one criterion in SD10 (number 3) which is considered relevant for the proposed development:
- 3. On sites that are not allocated, housing development and conversions to dwellings will be permitted on previously-developed land in the existing built-up areas of Gloucester City, the Principal Urban Area of Cheltenham and Tewkesbury Town, rural service centres and service villages except where otherwise restricted by policies within district plans.*
- 6.3 The site is located within the Principal Urban Area (PUA) of Cheltenham. The site is located within an existing built-up residential area with services and amenities that are within walking or cycling distance including shops, schools and employment opportunities. The 'A' bus picks up immediately in front of the site on Whaddon Road which provides regular and reliable public transport into Cheltenham's town centre and other neighbourhood centres.
- 6.4 It is also important to highlight that at the current time the Council is unable to demonstrate a five-year supply of housing land. The Council published a statement in August 2018 which confirms the current figure is 4.6 years. In such circumstances, NPPF paragraph 11 d) states proposals that accord with an up-to-date development plan (in this case the JCS) should be approved without delay.
- 6.5 For these reasons the principle of residential development at the site is considered to be acceptable according to JCS policy SD10. Moreover, the site is considered to be in a sustainable location where future occupiers of the dwellings could perform many day-to-day activities without having to rely on private car journeys.
- 6.6 The principle of residential development on this site has been deemed acceptable. However, the issues relating to the site specifically in terms of the impact of the development on its surroundings needs to be assessed before a decision is reached. This assessment will be carried out in the following sections of this report below.

## Design and layout

- 6.7** The proposed development would consist of a three-storey building containing six one-bed flats (two on each storey). The site would be principally accessed via Whaddon Road although two of the six parking spaces would be accessed from Robins Close, a small cul-de-sac containing 18 dwellings which adjoins the site. A bin store and cycle store would be located at the rear of the site behind the three-storey building.
- 6.8** The building has been designed to replicate the design approach of the redevelopment of the Cat and Fiddle pub at 63 Whaddon Road which adjoins the site on the opposite side to Robins Close. The pub was demolished and a three-storey building containing 16 flats has been constructed in its place. The design consists of using a combination of red brick and painted render which, in turn, echoes the materials used in many of the original dwellings constructed on Whaddon Road in the inter-war and post-war eras.
- 6.9** Concerns have been raised with regard to overdevelopment of the site. This is understandable considering the proposal would involve redeveloping a single dwelling into six. The site area is approximately 350m<sup>2</sup> which means a ratio of one dwelling per 58.3m<sup>2</sup> (350 divided by 6). However, the density of the housing at Robins Close is even higher; it is approximately 850m<sup>2</sup> in area (including rear gardens) and when this is divided by the number of units, in this case 18, the ratio is 47m<sup>2</sup> per dwelling.
- 6.10** When this is taken into consideration, the proposal is not deemed to be overdeveloped per se compared to surrounding residential development. An increase in housing density is not automatically overdevelopment. Each of the six flats would be 45m<sup>2</sup> which exceeds the government's<sup>1</sup> minimum recommended floor area of a one person dwelling by 8m<sup>2</sup>. Residual space would also remain for one parking space per dwelling and cycle and bin storage, which is often not the case for overdeveloped sites.
- 6.11** The height of the building has also drawn concern from members of the public as Whaddon Road is predominantly comprised of two-storey semi-detached and terraced housing. In this particular case, the inclusion of a third storey does not necessarily constitute overdevelopment as it would be located alongside an existing three-storey building containing 16 flats at 63 Whaddon Road. The nearby Thames House is another example of a modern three-storey flatted development. This has been cited as an example of poor design by the ward member that should not be repeated because it is three storeys high compared to the surrounding two storey dwellings.
- 6.12** It is important to highlight at this point that both Thames House and the proposed development for this application include the provision of the third storey through the construction of a flat mansard-style roof. The benefit of this modern design technique is that it makes full use of the roof structure to create additional space for residential accommodation without increasing its scale and height by a significant amount. This can be seen at Medway Court which is a two-storey building containing six flats next to Thames House, yet the ridge height of its hipped roof structure is roughly level with Thames House despite the fact it contains one storey less.
- 6.13** The proposed building would be set back from Whaddon Road by approximately 12 metres to accommodate residents parking which is an important difference when drawing comparisons with Thames House and the majority of the dwellings in Whaddon Road, which have all been built much closer to the road. The 12-metre set back is a mitigating factor in terms of the scale of the proposed building and its visual impact on the street scene.
- 6.14** The 12-metre set back is also an important factor when drawing comparisons with application ref: 06/01805/OUT which was refused and dismissed at appeal in 2007. This

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<sup>1</sup> [Technical housing standards – nationally described space standard](#)

proposal involved demolishing the existing bungalow and building a replacement bungalow at the rear of the site with a two-storey building containing four flats adjacent to the road at the front of the site. The Inspector noted that this would have been overdevelopment of the site as the majority of the site would be covered with buildings, which would not be the case for the proposal in question.

- 6.15** Having regard to the site context and other examples of similar buildings in the locality, a three-storey building in this location is considered to be acceptable in this case. It is acknowledged that the development is not responding to the design of the historic housing stock of Whaddon Road, rather it is responding to the design of 21st century developments which have followed. In a street with a variety of house designs, this is considered to be an acceptable approach according to the Council's Development on Garden Land and Infill Sites in Cheltenham SPD, JCS policy SD4 and the design guidance contained within the NPPF.

### **Access and highway issues**

- 6.16** Gloucestershire County Council is the Local Highway Authority for this application; they have been consulted and raised no highway objection to the proposal (subject to conditions).
- 6.17** Concerns have been raised with regard to the parking provision at the site. One parking space per dwelling is considered to be sufficient especially considering the six dwellings are all one-bed flats. It is conceivable that some of these flats are occupied by a couple sharing and that both occupants own a car, however in this example it would be a *caveat emptor* (let the buyer be beware) situation. A couple sharing a one-bed flat would have full knowledge that any additional cars they own would have to be parked on the public highway, which is always subject to availability. Many of the houses on Whaddon Road only benefit from a single driveway space despite the fact these properties are larger than the proposed six one-bed flats.
- 6.18** There are no parking standards within the Gloucestershire local planning authorities at the present time. This means that there does not have to be a set number of parking spaces for each new dwelling that is created, each case must be assessed on its individual merits. Prescriptive parking standards can unnecessarily prevent residential development where it is not practical, or necessary, to provide a certain number of parking spaces per dwelling, particularly in town centre locations where residents can live without a car.
- 6.19** In this case, one space per one-bed dwelling is considered to be adequate, especially when factoring in the relatively close proximity to Cheltenham's town centre and the site address is on a bus route. Moreover, there are small commercial units in Whaddon Road that can be used for top-up shopping. Future residents of the proposed flats would not be reliant on private car use to go carry out daily activities.
- 6.20** NPPF paragraph 109 states that "*development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*" The parking situation has been deemed adequate and the volume of vehicle movements to and from the site is considered not to be materially high in relation to those that already occur on Whaddon Road.
- 6.21** Finally, concerns have also been raised regarding the ownership of the land that would be used for the parking of cars for plots 1 and 2, which would be accessed via Robins Close. It is noted that the applicant has correctly served notice on the owner of this part of the site (Bromford) by completing certificate B of the application form. Bromford has confirmed to the case officer that the applicant is in discussion with them about purchasing this part of the site, which is dependent on whether planning permission is granted.

- 6.22** Land ownership is a separate issue from the issues that are regulated by the planning system. In terms of land use, there is no planning reason why two additional parking spaces cannot be created to be accessed via a neighbouring cul-de-sac, as is proposed.

#### **Impact on Protected Trees**

- 6.23** The applicant has produced additional arboricultural information to the satisfaction of the Tree Officer demonstrating that the foundations of the proposed building would not harm the root system of the three protected trees that are located along the western boundary of the site.
- 6.24** The Cheltenham Tree Group raised concerns about the health of these trees. The three trees in question are now protected by a Tree Protection Order (TPO) which was created during the course of this application (November 2018) in order to ensure the wellbeing of the trees in perpetuity, even in the event that planning permission was refused.
- 6.25** Despite the TPO, the Cheltenham Tree Group is still concerned about the health of the trees going forward. However, the proposed development now has the support of the Tree Officer, which carries significant weight in the decision-making process. The trees would be further protected by a condition ensuring the works are carried out in accordance with the arboricultural report, which the Tree Officer has endorsed.
- 6.26** Having regard to these matters, it is considered that the proposal would be compliant with the guidance contained within Local Plan policies GE5 and GE6.

#### **Impact on neighbouring properties**

- 6.27** The site is bordered by residential properties to the east, south-east and west. The recently constructed flats at 63 Whaddon Road are located to the east, Hayes Court is located to the south-east and Robins Close is situated to the west.
- 6.28** The size and positioning of the windows on the proposed building have been designed to maximise the amount of light the habitable rooms receive while maintaining mutual privacy with neighbouring buildings. The rear (east) elevation facing 63 Whaddon Road would only contain small en suite windows or secondary bedroom windows, which would be conditioned (condition no.4) to be obscure-glazed to prevent overlooking/privacy loss vis-à-vis occupants of 63 Whaddon Road.
- 6.29** The north gable end of Hayes Court does not have any windows so the proposed building would not pose an issue with regard to privacy loss or light restriction.
- 6.30** 26 metres would separate the west (front) elevation of the proposed building with the principal elevation of the dwellings on Robins Close. This is considered to be a sufficient distance to ensure that the proposed building would not restrict light into the habitable rooms of these properties or result in unacceptable overlooking. The now protected trees would also offer natural screening between the proposed flats and Robins Close.
- 6.31** It is considered that the living conditions of neighbouring residents would not be harmed by the proposed development when assessed against JCS policy SD14 and NPPF paragraph 127 f).
- 6.32** Concerns have been raised with regard to development potentially giving rise to noise and anti-social behaviour. These are societal issues that cannot be prevented or controlled by the planning system. The hypothetical prospect of anti-social person(s) living in the proposed flats is considered not to be a reason to prevent increasing the supply of housing.

## 7. CONCLUSION AND RECOMMENDATION

- 7.1 For these reasons stated in this report, the proposed development is considered to be in accordance with the relevant local and national planning policies.
- 7.2 The recommendation is therefore to permit the application, subject to the following conditions which the agent has agreed to.

## 8. 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 No external facing or roofing materials shall be applied unless in accordance with:

- a) a written specification of the materials; and/or
- b) physical sample(s) of the materials.

The details of 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 policy CP7 of the Cheltenham Borough Local Plan (2006) and adopted policy SD4 of the Joint Core Strategy (2017).

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and/or re-enacting that order) the windows on the rear (east) elevation shall be glazed with obscure glass and shall be maintained as such thereafter.

Reason: To safeguard the amenities of the adjoining properties in accordance with Local Plan Policy CP4 relating to safe and sustainable living.

- 5 Notwithstanding the submitted details, the development hereby permitted shall not be occupied until a delineated at grade pedestrian corridor with a minimum width of 1.2m from the proposed parking bays linking to the main pedestrian entrance has been provided and made available for use and shall be maintained for the duration of the development thereafter.

Reason: To ensure safe and suitable access to the site can be achieved for all users; to give priority to pedestrians and to address the needs of people with disabilities in accordance with paragraphs 108 and 110 of the National Planning Policy Framework.

- 6 Prior to the occupation of the development hereby permitted, the vehicular access shall be laid out and constructed in accordance with the submitted plan drawing ref zeb1135-010 rev D with any gates situated at least 5.0m back from the carriageway edge of the

public road and hung so as not to open outwards towards the public highway and with the area of driveway within at least 5.0m of the carriageway edge of the public road surfaced in bound material, and shall be maintained thereafter.

Reason: To reduce potential highway safety impact by ensuring that a safe and suitable access is laid out and constructed that minimises the conflict between pedestrians, cyclists and vehicles in accordance with paragraphs 108 and 110 of the National Planning Policy Framework.

- 7 The dwellings hereby permitted shall not be occupied until the vehicular parking and turning facilities have been provided in accordance with the submitted plan ref zeb1135-010 rev D, 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 scope for conflict between traffic and cyclists and pedestrians is provided in accordance with the paragraphs 108 and 110 of the National Planning Policy Framework.

- 8 The development hereby permitted shall not be occupied until the cycle storage facilities for a minimum of 1 no. per apartment have been made available for use in accordance with the submitted plan and those facilities shall be maintained for the duration of the development.

Reason: To give priority to cycle movements by ensuring that adequate cycle parking is provided, to promote cycle use and to ensure that the appropriate opportunities for sustainable transport modes have been taken up in accordance with paragraph 108 of the National Planning Policy Framework.

- 9 Throughout the construction and demolition period of the development hereby permitted provision shall be within the site that is sufficient to accommodate the likely demand generated for the following:

- i. parking of vehicles of site operatives and visitors;
- ii. loading and unloading of plant and materials;
- iii. storage of plant and materials used in constructing the development;
- iv. provide for wheel washing facilities

Reason: To reduce the potential impact on the public highway and accommodate the efficient delivery of goods in accordance with paragraph 110 of the National Planning Policy Framework.

- 10 The development shall be carried out in accordance with the revised Arboricultural report written by Heritage Environmental Consultants which was received by the local planning authority on 14 December 2018.

Reason: To safeguard the existing tree(s) in the interests of visual amenity, having regard to saved policies GE5 and GE6 of the Cheltenham Borough Local Plan (2006).