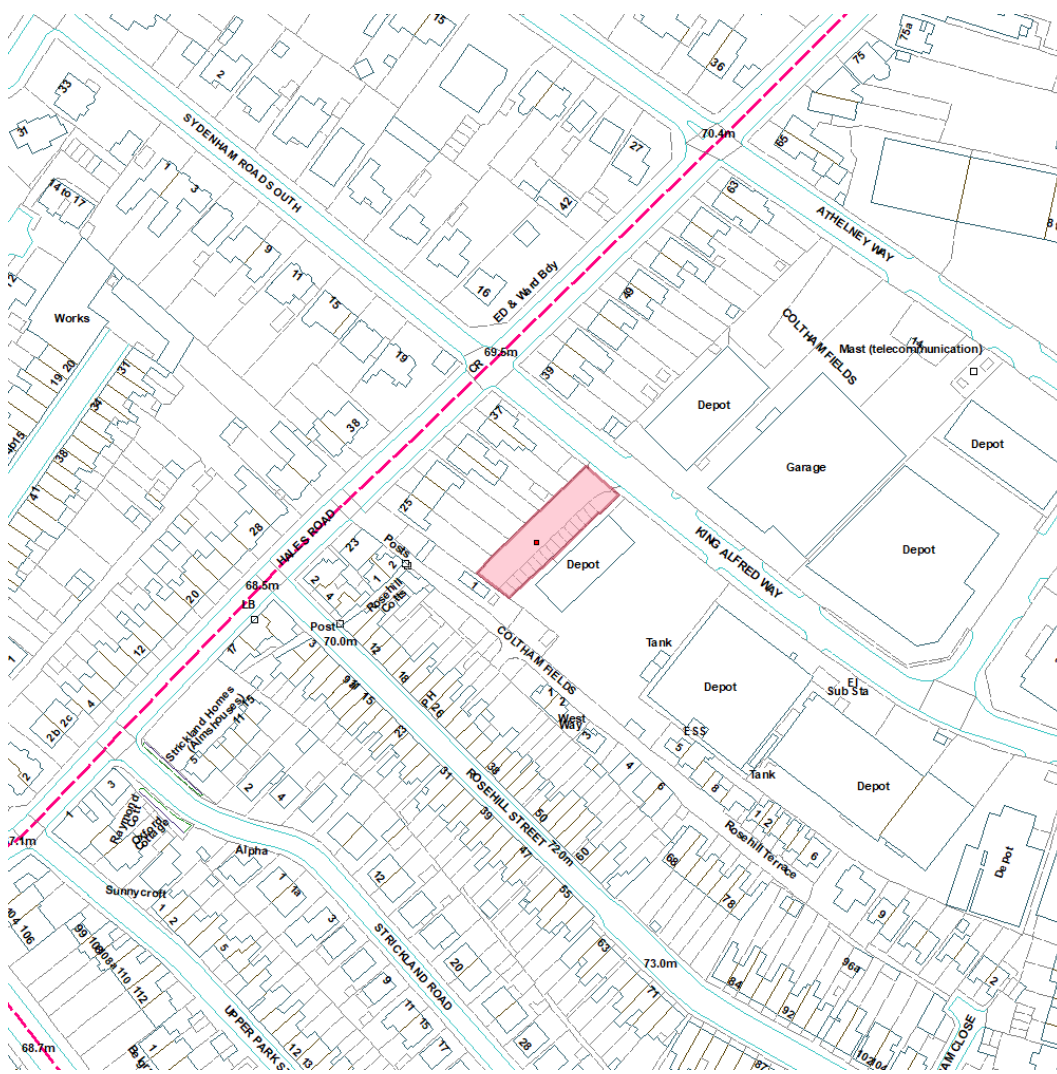


<b>APPLICATION NO:</b> 19/00423/FUL		<b>OFFICER:</b> Michelle Payne
<b>DATE REGISTERED:</b> 16th March 2019		<b>DATE OF EXPIRY:</b> 8 <sup>th</sup> July 2019
<b>DATE VALIDATED:</b> 16th March 2019		<b>DATE OF SITE VISIT:</b> 16th April 2019
<b>WARD:</b> Battledown		<b>PARISH:</b> n/a
<b>APPLICANT:</b>	Mr Dominic Richardson	
<b>AGENT:</b>	Steve Mitchell Building Design	
<b>LOCATION:</b>	Land And Garages At King Alfred Way Cheltenham	
<b>PROPOSAL:</b>	Demolition of garages and construction of 4no. three bed dwellings with associated external works (revised scheme following previous grant of planning permission ref. 17/02110/FUL and 18/02621/FUL to include additional floor to plots 1 & 2)	

**RECOMMENDATION:** Permit



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is located on the southwest side of King Alfred Way, close to the junction with Hales Road. The site is some 0.06ha, rectangular in shape, and until recently accommodated a row of 14no. lock-up units/garages.
- 1.2 The site is bounded by residential properties in Hales Road to the northwest, a residential property in Coltham Field to the southwest, and a car storage facility to the southeast.
- 1.3 Planning permission was granted by the Planning Committee in April 2018 for the erection of 4no. two bedroom dwellings with associated car parking and landscaping; the housing comprises 2no. pairs of semi-detached houses. This permission has been implemented and construction is well underway on site.
- 1.4 Subsequently planning permission was granted in February 2019 for a revised scheme to include the provision of a second floor of accommodation on plots 3 and 4 to the rear of the site; the permission has been implemented and provides both dwellings with an additional bedroom with en-suite.
- 1.5 This application is now seeking planning permission for the provision of a second floor to plots 1 and 2 at the front of the site.
- 1.6 The application is before planning committee at the request of Councillor Babbage due to the concerns raised by local residents.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### Constraints:

Airport Safeguarding over 45m  
Landfill Sites boundary

### Relevant Planning History:

**17/02110/FUL**

**PERMIT**

**20th April 2018**

Demolition of 14no. lock-up units and erection of 4no. two bedroom dwelling houses with associated car parking

**18/02090/CONDIT**

**PERMIT**

**13th December 2018**

Variation of condition 2 (approved documents) on planning permission ref. 17/02110/FUL to allow for amendments to approved house types

**18/02621/FUL**

**PERMIT**

**14th February 2019**

Demolition of garages and construction of 2no. two bed and 2no. three bed dwellings with associated external works (revised scheme following grant of planning permission ref. 17/02110/FUL)

**19/00220/AMEND**

**PERMIT**

**8th February 2019**

Non-material amendment to planning permission ref. 18/02090/CONDIT to allow for alterations to fenestration and external finishes

## 3. POLICIES AND GUIDANCE

### National Planning Policy Framework

Section 2 Achieving sustainable development

Section 12 Achieving well-designed places

### **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. CONSULTATION RESPONSES**

### **Gloucestershire Centre for Environmental Records**

*3rd April 2019*

Report in documents tab

### **Ubico Ltd**

*22nd March 2019*

#### **1. Loading Area**

Due to the location of where the houses are being developed ideally there needs to be an area safe for the crew to stop for collection. The area in question is a very busy industrial estate with many large goods vehicles driving through as well as an access to the Ewens Farm. This poses a risk due to heavily parked cars causing issues for the waste crews stopping safely.

#### **2. Collection Point**

Bins shed appears to be at the front but due to this being private dwellings the ownership would be for them to present on the kerbside of the nearest adopted highway for 7am on the morning of collection. Collections would not be made from the bin shed.

#### **3. Bin shed**

The bin shed needs to be adequate for 4 x 190 ltr bins one for each property.

## **5. PUBLICITY AND REPRESENTATIONS**

- 5.1 Letters of notification were sent out to 16 neighbouring properties. In response to the publicity, 10 representations have been received in objection to the proposal albeit many of the concerns relate to the already approved development. The main concerns are summarised below:

- Negative visual impact
- Loss of distant view
- Loss of privacy
- Loss of light

## **6. OFFICER COMMENTS**

- 6.1 The principle of developing this site to provide four houses has been previously established by the original grant of planning permission ref. 17/02110/FUL in April 2018, and subsequent revisions approved by 18/02090/CONDIT, 18/02621/FUL and 19/00220/AMEND. As such, the only matter for consideration when determining this application is the acceptability of the additional floor to plots 1 & 2 in terms of design and neighbouring amenity.

- 6.2 With regard to design, the proposed second floor would be identical to that recently approved on plots 3 & 4, and therefore must be deemed acceptable. The additional floor is simple in form, set back from the principal elevation, and would be faced in grey render to pick up on the slate roofs of surrounding residential properties.
- 6.3 Additionally, the proposed additional floor is considered to be acceptable on amenity grounds. The windows to the rear of the additional floor will serve a bathroom and landing and are detailed to be obscurely glazed; this can be controlled by way of a condition. Additionally, a condition is suggested which restricts access to the area of flat roof at second floor, allowing access for maintenance purposes only. The additional windows in the front of the properties would look out across King Alfred Way and be well in excess of 10.5 metres from the rear gardens of properties in Hales Road to the north of King Alfred Way. Moreover, the set back from the front elevation would further restrict views into these gardens.
- 6.4 There are no additional concerns in terms of outlook or daylight; the relationship of the additional floor with properties in Hales Road to west, which benefit from long rear gardens, is similar to that of the approved scheme on plots 3 & 4. Members will be aware that the loss of a view is not a material consideration in the determination of a planning application.
- 6.5 It is also noteworthy that no objections were received in response to the application for the additional floor to plots 3 & 4; this is despite two rounds of letters being sent to local residents.
- 6.6 The comments made by Ubico in relation to waste collection have been duly noted; however this aspect of the development has not changed. The bin collection point was introduced into the scheme in response to comments from the Joint Waste Team on the original application.

## **7. CONCLUSION AND RECOMMENDATION**

- 7.1 In conclusion, the proposal is considered to be acceptable. The additional floor will not result in any unacceptable harm in terms of design or neighbouring amenity. Decisions on applications must be consistent and made in accordance with the development plan.
- 7.2 The recommendation therefore is to grant planning permission subject to the following conditions which reflect those previously imposed.

## **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 The development hereby permitted shall be carried out in strict accordance with the previously approved Construction Method Statement (Document Reference: SBCL/CMS101018) for the duration of the works.

Reason: To minimise disruption on the public highway and 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) and paragraph 110 of the National Planning Policy Framework.

- 4 Tree protective fencing to BS5837:2012 shall be retained in place until the completion of the construction process.

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).

- 5 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), the first floor bathroom windows and the side windows to the projecting bays shall at all times be glazed with obscure glass to at least Pilkington Level 3 (or equivalent) and shall incorporate a restricted opening mechanism.

Reason: To safeguard the amenities 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).

- 6 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), the second floor windows to the rear elevation shall at all times be glazed with obscure glass to at least Pilkington Level 3 (or equivalent) and shall incorporate a restricted opening mechanism.

Reason: To safeguard the amenities 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).

- 7 All hard and/or soft landscaping works shall be carried out in accordance with the details shown on approved Drawing No. 1140.04. The works shall be carried out prior to first occupation of the development hereby permitted 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 saved policies CP7, GE5 and GE6 of the Cheltenham Borough Local Plan (2006), and adopted policies SD4 and INF3 of the Joint Core Strategy (2017).

- 8 Prior to first occupation of the development hereby permitted, vehicular parking and turning facilities shall be provided in accordance with approved Drawing No. 1140.01 H, and those facilities shall be maintained available for those purposes thereafter.

Reason: To ensure that adequate car parking is provided within the site, 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, having regard to adopted policy INF1 of the Joint Core Strategy (2017) and paragraph 108 of the National Planning Policy Framework.

- 9 Prior to first occupation of the development hereby permitted, cycle storage facilities shall be provided in accordance with approved Drawing No. 1140.01 H, and those facilities shall be maintained available for those purposes thereafter.

Reason: To ensure that adequate cycle parking is provided, to promote cycle use and to ensure that the opportunities for sustainable transport modes have been taken up, having regard to policy INF1 Joint Core Strategy (2017) and paragraph 108 of the National Planning Policy Framework.

- 10 Prior to first occupation of the development hereby permitted, details of the proposed arrangements for future management and maintenance of the highway within the development shall be submitted to and approved in writing by the Local Planning Authority. The highway shall thereafter be maintained in accordance with the approved management and maintenance details until such time that either a dedication agreement has been entered into, or a private management and maintenance company has been established.

Reason: To ensure that safe, suitable and secure access is achieved and maintained for all people that minimises the conflict between traffic and cyclists and pedestrians is provided, and to establish and maintain a strong sense of place to create attractive and comfortable places to live, work and visit, having regard to adopted policy INF1 of the Joint Core Strategy (2017) and paragraphs 108 and 110 of the National Planning Policy Framework.

- 11 Prior to first occupation of the development hereby permitted, a pedestrian tactile crossing across the site entrance shall be installed in accordance with approved Drawing No. 1140.01 H.

Reason: To reduce potential highway impact by ensuring that adequate pedestrian facilities are 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, having regard to adopted policy INF1 of the Joint Core Strategy (2017) and paragraph 108 of the National Planning Policy Framework.

- 12 The flat roof area at second floor level shall not be used as a balcony, roof garden or other external amenity area at any time. Access to the flat roof shall be for maintenance purposes only.

Reason: To safeguard the amenities 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).

## **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.