

APPLICATION NO: 19/01141/FUL		OFFICER: Mr Ben Hawkes
DATE REGISTERED: 21st June 2019		DATE OF EXPIRY: 16th August 2019
DATE VALIDATED: 21st June 2019		DATE OF SITE VISIT:
WARD: Park		PARISH:
APPLICANT:	Mr Neil Otter	
AGENT:		
LOCATION:	2 Bethesda Street, Cheltenham	
PROPOSAL:	Erection of a new dwelling to the rear of 2 Bethesda Street	

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site relates to land at the rear of 2 Bethesda Street. The site is located within Cheltenham's Central Conservation Area and within the Suffolk's Character Area.
- 1.2 The applicant is seeking planning permission for the erection of a new dwelling to the rear of the existing building.
- 1.3 The application is at planning committee at the request of Councillor Harman who has called the application to committee on behalf of concerned local residents.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Conservation Area
Principal Urban Area

Relevant Planning History:

18/00738/PREAPP 18th April 2018 CLO
New dwelling

19/00494/PREAPP 27th March 2019 CLO
Proposed new dwelling

17/02482/FUL 2nd February 2018 PER
Construction of single storey rear extension to kitchen with lantern roof and bi-fold doors

18/00214/FUL 26th March 2018 PER
Installation of two rear dormer windows

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 2 Achieving sustainable development
Section 4 Decision-making
Section 5 Delivering a sufficient supply of homes
Section 8 Promoting healthy and safe communities
Section 11 Making effective use of land
Section 12 Achieving well-designed places
Section 16 Conserving and enhancing the historic environment

Saved Local Plan Policies

CP 3 Sustainable environment
CP 4 Safe and sustainable living
CP 7 Design
BE 2 Residential character in conservation areas
BE 6 Back lanes in conservation areas

Adopted Joint Core Strategy Policies

SP1 The Need for New Development
SP2 Distribution of New Development
SD3 Sustainable Design and Construction
SD4 Design Requirements
SD8 Historic Environment

SD9 Biodiversity and Geodiversity
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)

Central conservation area: The Suffolks Character Area and Management Plan (July 2008)

4. CONSULTATIONS

Gloucestershire Centre For Environmental Records

3rd July 2019

Report available to view.

Cheltenham Civic Society

26th June 2019

This is a full planning application, so why has the applicant submitted conceptual drawings? The Forum has no objection to the infill development on Chapel Lane. (The applicant's inclusion of the existing street scene on their application is much appreciated, this being frequently omitted from other similar applications).

The third storey is unacceptable in a street scene of 2-storey cottages and in relation to 2 Bethesda Street. The street elevation with 3 "front doors" and a window extending to ground level is very odd and not in keeping with the area.

Building Control

13th June 2019

The proposed works require Building Regulations approval.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	25
Total comments received	13
Number of objections	11
Number of supporting	0
General comment	2

5.1 25 letters were sent to neighbours on 2 separate occasions, in addition, a site notice was displayed and an advert was published in the Gloucestershire Echo. 11 representations were received.

5.2 The objections have been summarised but are not limited to the following:

- Principle
- Over development
- Parking
- Loss of garden/amenity space
- Loss of light

- Loss of privacy
- Access issues
- Construction issues
- Impact on adjacent church hall

6. OFFICER COMMENTS

6.1 Determining Issues

6.2 The main considerations of this application are principle, design, impact on neighbouring amenity and impact on the Conservation Area.

6.3 The site and its context

6.4 The application site currently consists of an existing mid-terraced property that has a frontage on to Bethesda Street, the property has recently been extended with a single storey rear extension and has a private rear garden beyond. In addition, there is an area of hard standing beyond the boundary fence which still forms the curtilage of the existing building but is open to Chapel Lane, this area of land is the subject of this planning application.

6.5 The proposed development site sits between two existing two storey dwellings which are of a traditional design and have frontages onto Chapel Lane, these existing properties sit at the back edge of the carriageway edge. Directly opposite the site on the other side of Chapel Lane is the Bethesda Methodist Church Hall. Further east on Chapel Lane, there are a further 3 dwellings on the south side of Chapel Lane, one traditional in style and form and two modern flat roof dwellings, these were recently constructed in the rear gardens of number 4 and 5 Bethesda Street following the granting of planning permission. (Application numbers 12/01450/FUL and 12/00515/FUL).

6.6 Pre-application advice

6.7 This application follows the submission of two formal pre-application submissions where officers provided a response on the acceptability of a new dwelling on this site. Officer's response concluded that whilst the principle of a new dwelling was likely to be acceptable, the proposed scale, design and form that was seen at pre-application stage was unlikely to be acceptable and revisions would be necessary.

6.8 Following on from officer's advice, changes have been made to the proposed scheme and a revised proposal is being considered within this application.

6.9 Principle

6.10 The application site is located within a built up area of Cheltenham, surrounded predominantly by residential dwellings, the proposal to erect a new dwelling on this site would therefore accord with JCS policy SD10.

6.11 Paragraph 11 of the NPPF sets out a presumption in favour of sustainable development. In this instance, as Cheltenham cannot currently demonstrate a 5 year housing land supply, paragraph 11 d) of the NPPF is applicable to this application, this reads 'where there are no relevant development plans, or the policies which are most important for determining the application are out of date, permission should be granted unless: i) the application of policies in this Framework that protect areas or assets of particular

importance provides a clear reason for refusing the development proposed; or ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.'

6.12 In this instance the protected area is a designated heritage asset which is the surrounding conservation area; therefore whilst the principle of a new dwelling on this site is considered to be acceptable, the main considerations are whether any identified harm will significantly and demonstrably outweigh the benefits.

6.13 **Design, layout and impact on surroundings**

6.14 The proposed development is to erect a two storey dwelling with living accommodation within the roof. Officers acknowledge that the site is extremely limited in size and the proposed dwelling will not benefit from any private amenity space. The dwelling has a modest footprint measuring approximately 6 metres wide by 6 metres deep and has a similar design, form and appearance to that of the adjacent dwelling (1 Chapel Lane). The eaves and ridge height of the building match that of the adjacent property, as do the front elevation design details such as the windows and doors. The proposed materials are to match that of 1 Chapel Lane which is considered to be wholly appropriate and acceptable. As proposed, the new dwelling and adjacent property will read as a pair of semi-detached properties rather than standalone dwellings.

6.15 The addition of a dormers to this property will provide further living accommodation within the roof space, whilst this is not a common feature in the local area planning permission was granted for two rear dormers on the existing property of 2 Bethesda Street (18/00214/FUL). The front elevation dormer is considered to be of an appropriate scale, form and design and is considered to be acceptable.

6.16 The design of the rear elevation is very different to the front, due to the close proximity of neighbouring development windows to the rear are high level and do not reflect the traditional design of the front elevation windows. In addition, a further dormer is provided on the rear roof slope. Officers consider that the rear elevation is much less sensitive than the front elevation and the more modern approach is considered to be appropriate.

6.17 The site is within a sensitive location within Cheltenham's Central Conservation Area and is in close proximity of the Grade II listed Church, careful consideration has been given to the impact of the proposed development on the design and character of the surrounding conservation area and the setting of the listed building. The proposal has been discussed with the council's conservation officers, no objection has been raised, it is not considered that the development would result in any unacceptable harm to the setting of the listed church, nor would it result in a negative impact on the character of the area. The conservation team are supportive of infill development on this site and consider that development which will result in the loss of the poor quality hard surfaced area will improve the aesthetics of the area.

6.18 The Civic Society has commented on the application, points regarding the front elevation detailing has been addressed through the submission of revised plans. A third storey is still included within the plans however the position of the front dormer has been amended and the roof light has been reduced in size.

6.19 Officers consider that the proposed dwelling is of an appropriate scale and form, reflecting that of the immediate property and is not considered to result in any unacceptable harm to the design or character of the surroundings. The proposal is therefore considered to be compliant with local plan policy CP7, and adopted JCS policies SD4 and SD8.

6.20 The proposed dwelling will reflect the layout and development patterns of the immediate locality, is considered to be of an appropriate built form that is in keeping with its surroundings and is a design that is of an appropriate style to sit comfortably in its

surroundings. This accords with the advice and guidance set out within Cheltenham's Development on garden land and infill sites SPD.

6.21 Impact on neighbouring amenity

6.22 Concerns have been raised by local residents regarding the impact of the proposed development; these concerns include a loss of light and a loss of privacy to the surrounding properties and the church hall.

6.23 The proposed new dwelling is not as deep as the dwellings located either side of it, therefore in terms of light these properties will not be affected. Officers note a small window located in the side elevation of number 3 Chapel Lane, however this is confirmed by the owner as being a bathroom window and is therefore not afforded protection in terms of light. In terms of impact on the properties of 1 and 3 Bethesda Street, officers acknowledge that these properties currently appreciate a gap to the rear of the application site towards Chapel Lane, the infilling of this gap will therefore have an impact in terms of outlook. The development is however considered to be a sufficient distance away from these properties and would not result in any overbearing impact or unacceptable loss of light. In addition the relationship between the proposed new dwelling and the existing properties on Bethesda Street is no different to that of the neighbouring sites.

6.24 In terms of privacy, the rear elevation windows of the new dwelling are all detailed as being high level and obscurely glazed which appropriately protects the privacy of the neighbouring land users; a condition has been suggested to ensure the rear windows are maintained as such.

6.25 The gable end of the church hall which faces the development site includes 3 vertical windows, concerns have been raised by local residents and users of the hall about a potential loss of light to these windows and a potential loss of privacy. When considering loss of light to neighbouring buildings, officers apply the tests set out in the guide 'Site layout: Planning for daylight and sunlight' by Paul Littlefair. The light test is usually applied to residential uses, however at paragraph 2.2.2 (pg7) it states other uses that can be protected, these are listed as schools, hospitals, hotels/hostels, small workshops and some offices. In this instance the adjacent church hall does not fall within those specified and therefore is not afforded the same level of protection as a residential property. Officers acknowledge that the proposal will impact light to the church hall, however, given that these are the only windows serving the large space, it is unlikely that activities currently take place without the use of artificial lighting.

6.26 With regards to a loss of privacy to the church hall, policy CP4 seeks to protect residents of habitable spaces, the church hall is a social space used by groups for short periods of times, is not considered to be a residential or habitable space and therefore is not afforded the same protection as a residential property.

6.27 Whilst officers duly note all the concerns raised, it is not considered in this instance that the proposal will result in any unacceptable loss of light, loss of privacy or overbearing impact on any neighbouring residential land user and is therefore considered to be compliant with local plan policy CP4 and JCS policy SD14.

6.28 Access and highway issues

6.29 Chapel Lane is an un-adopted Highway, it is narrow in width measuring approximately 3 metres, the lane currently provides vehicle access to other residential properties located on Chapel Lane. Local residents have raised concerns regarding use of the lane for a new dwelling, parking issues and construction management issues if the development is to go ahead.

- 6.30 The proposal does not include the provision of off street parking, however the site is located within a highly sustainable location, with various local amenities and the nearby shopping area of Bath Road within a short walking distance from the site.
- 6.31 As no parking is being proposed, there will be no intensified use of Chapel Lane or the junctions onto Great Norwood Street and Commercial Street; therefore there will be no highway safety implications.
- 6.32 The proposed new dwelling does not have any private amenity space; however provision has been made for a bike store which is considered to be acceptable.
- 6.33 The proposal of a new dwelling on this site is not considered to result in any highway safety implications and given its sustainable location is considered to be acceptable on access, parking and highway safety grounds.
- 6.34 Officers duly note the concerns raised by local residents regarding access to the site for the construction of the proposed new dwelling. As noted above, the lane to the rear is narrow and therefore access by construction vehicles could be difficult, officers have therefore suggested a condition for a 'construction management plan' to be submitted prior to the commencement of the development.
- 6.35 **Other considerations**
- 6.36 Whilst records show that important species or habitats have been sighted on or near the application site in the past, it is not considered that the proposed development will have any impact on these species.

7. CONCLUSION AND RECOMMENDATION

- 7.1 Whilst officers appreciate the constraints of this small site and the sensitivity of its location, having considered the conclusions for each of the topic areas above which include principle, design, layout, impact on surroundings, impact on neighbouring amenity, highway safety and access, the harm is not considered to significantly and demonstrably outweigh the benefits of providing a further dwelling.
- 7.2 Officer recommendation is therefore to permit the application, subject to the conditions set out below:

8. CONDITIONS / INFORMATIVES

- 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 All windows in the front elevation of the approved development shall comprise sliding sash windows and set in minimum reveals of 100mm and maintained as such thereafter.

Reason: In the interests of the character and appearance of the area, having regard to Policy CP7 of the Cheltenham Borough Local Plan (adopted 2006).

- 4 Prior to first occupation of the development, refuse, recycling and bicycle 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.

- 5 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 highway impact during construction.

- 6 Notwithstanding the approved plans, the entrance door shall at all times be hung so that it only opens inwards into the building.

Reason: To ensure that the highway is not obstructed in the interests of highway safety, having regard to adopted policy INF1 of the Joint Core Strategy (2017).

- 7 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 rear elevation windows shall at all times be glazed with obscure glass to at least Pilkington Level 3 (or equivalent) and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above floor level of the room that the window serves.

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).

- 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 extensions, garages, sheds, outbuildings, walls,

fences or other built structures of any kind (other than those forming part of the development hereby permitted) shall be erected without express planning permission.

Reason: Any further extension or alteration requires further consideration to safeguard the amenities of the area, having regard to saved policies CP4 and CP7 of the Cheltenham Borough Local Plan (2006) and adopted policies SD4 and 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, the authority sought revisions to address design concerns; following these negotiations, the application now constitutes sustainable development and has therefore been approved in a timely manner.

- 2 Please be advised that Chapel Lane, to the rear of the site should be kept clear of delivery and construction vehicles and that materials should be stored off the highway.