

APPLICATION NO: 19/01237/FUL		OFFICER: Michelle Payne
DATE REGISTERED: 25th June 2019		DATE OF EXPIRY: 20th August 2019
DATE VALIDATED: 25th June 2019		DATE OF SITE VISIT:
WARD: Charlton Kings		PARISH: Charlton Kings
APPLICANT:	Mr Putman	
AGENT:	Stanley Partnership Architects	
LOCATION:	1 Hamilton Street, Charlton Kings, Cheltenham	
PROPOSAL:	Single storey, one bed dwelling (revised scheme ref: 19/00756/FUL)	

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is located on the corner of Hamilton Street and Cudnall Street, and currently forms part of the curtilage to no. 1 Hamilton Street; a 1960's semi-detached, two storey dwelling. The site is rectangular in shape and at present accommodates a detached car port. Land in the vicinity slopes away to the south.
- 1.2 The site is located within Charlton Kings parish, the Principal Urban Area (PUA), and is immediately adjacent to, but outside of, the Cudnall Street Conservation Area. The property immediately opposite the site on Cudnall Street, Elborough Cottage, is grade II listed; additionally, the properties to either side of this listed building are locally indexed.
- 1.3 The application proposes the demolition of the existing car port, subdivision of the plot, and the erection of a single storey, one bed dwelling. The scheme has been revised during the course of the application.
- 1.4 The application is at committee following an objection from the parish council.
- 1.5 Members will visit the site on planning view.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m
Principal Urban Area
Smoke Control Order

Relevant Planning History:

19/00576/FUL

WITHDRAWN

3rd May 2019

Erection of a three storey, two and a half bed dwelling

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 12 Achieving well-designed places
Section 16 Conserving and enhancing the historic environment

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
SD8 Historic Environment
SD14 Health and Environmental Quality
INF1 Transport Network

Supplementary Planning Guidance/Documents

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

4. CONSULTEE RESPONSES

Wales and West Utilities

2nd July 2019

Letter and plan available to view.

Cheltenham Civic Society

24th July 2019 #

The Civic Society's Planning Forum could possibly support an application for a smaller single storey development, but not a two-storey building. Despite the Hamilton Street address, this location is part of the Cudnall Street scene and the proposed two storey building would unsatisfactorily impinge visually on the Cudnall Street Conservation Area.

Building Control

28th June 2019

The application will require Building Regulations approval. Please contact Cheltenham and Tewkesbury Building Control on 01242 264321 for further information.

Parish Council

18th July 2019

Objection:

The Committee objects to the application on the following grounds:

With reference to our objection to Application 19/00576/FUL, this application does substantially address our concern that the original proposal would be overbearing to the street and in particular to No.36.

However, it does not address our concerns about building forward of the building line of Cudnall Street, breaking up the view along the street, as detailed below.

It similarly does not address our concern about the loss of off-road parking spaces and an increased number of cars to be parked, exacerbating the already difficult situation of illegal / inconsiderate parking, again as detailed below.

The drawings indicate a mature tree in the small remaining garden area. However, the mature tree on site is not in this location and would need to be removed for the development to take place. The loss of this existing tree would be detrimental to the street scene.

The high boundary wall the length of the development would be a very stark large area of brickwork and as such be detrimental to the street scene. The planters detailed on the wall would help break up the large expanse of brickwork but the Committee do not believe that maintaining such plant growth could be a made a condition of planning that would be enforced and therefore the planters cannot be relied upon to soften the expanse of brickwork.

Parish Council – revised comments

8th August 2019

The Committee objects to this application on the following grounds.

It does not address our concerns about building forward of the Building line of Cudnall Street breaking up the view along the street.

It does not address our concerns about the loss of off road parking spaces and increases the number of cars to be parked in the street exacerbating the already difficult situation of illegal / inconsiderate parking.

The Committee was pleased to note the Objection to the application by the Trees Officer on the importance of the tree in the garden to the street scene.

It does not address our concerns about the high boundary wall running the length of the plot which is detrimental to the street scene.

Finally the Committee was dismayed by the quality of the proposals detailed in the revised plans and elevations.

The dwelling was described by a local resident attending our meeting as resembling a shipping container and we would agree, neither the design or the proposed materials are worthy of a dwelling in a conservation area.

Tree Officer

24th July 2019

The Tree Section Objects to this application. This tree is one of the few trees along Cudnall Street and is important to the street scene. There is limited space for any replacement planting should this tree be removed to enable the development.

Heritage and Conservation

9th August 2019

Significance

The proposal site abuts the Cudnall Street Conservation Area, which was designated by Cheltenham Borough Council on 2 October 1989 and was subsequently re-designated with minor boundary changes on 15 November 2001. For clarity only part of Hamilton Street, a section of the eastern side, is in the conservation area.

Immediately to the south of the site is a Grade II listed building; 36 Cudnall Street (Elborough Cottage), list entry number: 1386609.

Legislation and policy

Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority when considering whether to grant planning permission, to "have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Paragraph 184 of the National Planning Policy Framework 2019 (NPPF) states that "Heritage assets...are an irreplaceable resource, and should be conserved in a manner appropriate to their significance".

Policy SD8 (Historic Environment) of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2013 (adopted December 2017) (JCS) states that "Designated...heritage assets and their settings will be conserved and enhanced as appropriate to their significance."

Comment

The NPPF defines the setting of a heritage asset as “The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.”

The proposal site is within the setting of the two designated heritage assets as above; the conservation area and a listed building.

The proposed development is to the north of the listed building (No. 36) and it will not hinder views from Cudnall Street of the front elevation of No. 36; views being the principal, though not exclusive way, in which heritage assets are experienced. From Hamilton Street it is not apparent that views of No. 36 will be disrupted given the elevation and as the development is set back behind the building line of the front of No. 1 Hamilton Street. The proposal is of a contemporary design that though in clear contrast to the architecture of No. 36 it does present an honest and distinct single storey subservient form that allows the listed building to be clearly legible and appreciated as a historic building. How No. 36 is experienced in its surroundings will be maintained and therefore there is no detriment to its significance.

The Cudnall Street Conservation Area Character Appraisal and Management Plan, adopted by Cheltenham Borough Council on 29 June 2009 as a Supplementary Planning Document (SPD) states (un-numbered page immediately before p.1) that the area derives its special interest from a number of key characteristics including,

“The Conservation Area has a diverse mix of building type, style, age and function. The different size blocks, varied roof lines and mix of architectural features adds to the special interest...through the visual variety of buildings, their varied details and materials, and their varied relationships to each other.”

Though the proposal site is not in the conservation area its form does reflect the key characteristic of the SPD, the publication being a material consideration in decision making.

The setting of the conservation area in the vicinity of the site (the western side of Hamilton Street) is comprised of buildings of the latter half of the twentieth century that are typical of their date and type, and lack notable quality and architectural style. This is in contrast with the obvious historic and architectural interest of buildings in the conservation area. Whatever the perceived architectural quality of the proposal it will not detract from the setting of the conservation area given its evident existing character and therefore the significance of the conservation area will be maintained.

The proposal will be forward of the building line of buildings within the conservation area, including but not limited to Nos. 35, 37, 39 and 45 Cudnall Street, however that shared line is not consistent given that of No. 43. This aspect can be seen to be in keeping with the key characteristic as given above.

Conclusion

The proposal will not detract from the settings of the designated heritage assets and therefore the significance of the assets will not be harmed; given this the scheme is acceptable.

Architects Panel

13th August 2019

The panel was not convinced this was a site for a new single storey dwelling due to the limited area of the site and the buildings impact on surrounding properties.

Although technically not in the Conservation Area, the site is nevertheless adjacent to buildings of heritage value. At the very least, the scheme needs to be seen in context with adjacent buildings to assess its impact. The panel felt the “container” like aesthetic of the dwelling was not appropriate in this location.

A two storey building that takes up less footprint and is in keeping with the Conservation Area vernacular might prove a more successful design approach. The panel felt the submitted scheme was a wasted opportunity.

Not supported.

5. PUBLICITY AND REPRESENTATIONS

5.1 On receipt of the original proposals, letters of notification were sent to 19 neighbouring properties; in addition, a site notice was posted adjacent to the application site. Additional letters were sent on receipt of the revised plans. In response to the publicity, objections have been received from the owner/occupiers of 10 neighbouring properties. All of the comments have been circulated in full to Members but the main concerns relate to:

- Impact on adjacent conservation area
- Impact on adjacent listed building
- Parking and highway safety
- Design out-of-keeping
- Loss of tree
- Impact on amenity

6. OFFICER COMMENTS

6.1 Determining issues

6.1.1 The main considerations when determining this application relate to the principle of development; design and impact on the historic environment; impact on neighbouring amenity; and highway safety.

6.2 Principle of development

6.2.1 Paragraph 11 of the NPPF sets out a “*presumption in favour of sustainable development*” which for decision-taking means approving development proposals that accord with an up-to-date development plan without delay.

6.2.2 Where housing policies are out-of-date (including situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites), the NPPF is clear that development proposals should be approved without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF policies as a whole, or specific NPPF policies provide clear reason for refusal; as it stands, the Council is currently unable to demonstrate such a five year supply.

6.2.3 Notwithstanding the above, adopted JCS policy SD10 supports new housing development in Cheltenham where it is infilling within the existing built-up area of the PUA.

6.2.4 As such, there is no fundamental reason to suggest that the general principle of developing the site for housing is unacceptable; subject to the material policy considerations set out below.

6.3 Design and impact on the historic environment

6.3.1 Saved local plan policy CP7 and adopted JCS policy SD4 require new development to respond positively to, and respect the character of, the area in which it is located; addressing the surrounding urban grain in terms of layout, mass and form. The scale, type, materials and density should also be appropriate to the site and its setting. The policies are consistent with the general advice set out within Section 12 of the NPPF.

6.3.2 Additional advice is set out in the Council's adopted SPD relating to development on garden land and infill sites, which sets out that various elements combine to create the character of an area and that *"Responding to character is not simply about copying or replicating what already exists in an area. It is not merely about preservation of what is important about a place but must also allow a place to evolve in a manner which is appropriate to the context of the place"*.

6.3.3 In addition, JCS plan SD8 requires both designated and undesignated heritage assets and their settings to be conserved and enhanced as appropriate to their significance, and is consistent with paragraph 192 of the NPPF that advises that in determining planning applications, local planning authorities should take into account:

- *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- *the desirability of new development making a positive contribution to local character and distinctiveness.*

6.3.4 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 also requires the Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

6.3.5 Members will note from the consultee responses at Section 4 above, that there is clearly a difference of opinion between the Architects Panel and the Civic Society as to how to develop this site if it is accepted as a plot. The Civic Society (commenting on the original scheme) suggest that they *"could possibly support an application for a smaller single storey development, but not a two-storey building"*, whilst the Architects Panel (commenting on the revised proposal) suggest that *"A two storey building that takes up less footprint and is in keeping with the Conservation Area vernacular might prove a more successful design approach"*.

6.3.6 Officers share the opinion of the Civic Society that a single storey building is more suitable in this location and consider that, as originally submitted, the proposed dwelling would have appeared as an obtrusive and incongruous addition within the street scene, breaching the established building line along this part of Cudnall Street. Officers think that the revised scheme which omits the first floor element would be a far more discreet addition within the street scene; albeit views of the dwelling would undoubtedly be available from the public realm.

6.3.7 It should be noted that a single storey outbuilding or annexe (potentially with a larger footprint up to 50% of the total curtilage) with an eaves height of 2.5 metres could be constructed in this location under permitted development rights, and as such, it would be difficult to resist the principle of a detached single storey building in this location.

6.3.8 The concerns raised in relation to the design have been duly noted but, whilst the design might not be to everyone's taste, the Conservation Officer considers that the contemporary design approach in contrast to the architecture of the adjacent Elborough Cottage "*presents an honest and distinct single storey subservient form that allows the listed building to be clearly legible and appreciated as a historic building*" and that how the listed building "*is experienced in its surroundings will be maintained and therefore there is no detriment to its significance*". Overall, they conclude that "*The proposal will not detract from the settings of the designated heritage assets and therefore the significance of the assets will not be harmed; given this the scheme is acceptable*".

6.4 Impact on neighbouring amenity

6.4.1 Saved local plan policy CP4 advises that development should avoid causing unacceptable harm to the amenity of adjoining land users and the locality. The policy is consistent with advice set out within adopted JCS policy SD14 and paragraph 127 of the NPPF.

6.4.2 Given the single storey nature of the dwelling now proposed, the development would not result in any amenity concerns with regard to privacy, outlook or daylight.

6.5 Parking and highway safety

6.5.1 Adopted JCS policy INF1 seeks to ensure that all new development proposals provide a safe and efficient access to the highway network for all transport modes, and to encourage the use of sustainable modes of transport. Planning permission will only be refused on highway grounds granted where the impact of the development is considered to be severe. The policy reflects the advice set out within Section 9 of the NPPF.

6.5.2 The concerns raised by local residents in relation to parking and highway safety have been duly noted; however, the application does not propose any changes to the existing vehicular access points. Both the existing and proposed dwelling would have one on-site car parking space available. This level of parking provision given the highly sustainable nature of the site, in close proximity to a wide range of services and facilities, and public transport links, is considered to be acceptable. There are currently no minimum parking standards to which the development must adhere.

6.6 Other considerations

6.6.1 It is noted that the Tree Section objects to the removal of the tree within the site, and that there is limited space for any replacement planting; however, the tree is not protected and could therefore be removed at any time by the applicant. The Tree Officer has confirmed that whilst the tree has some amenity value it would not be worthy of a Tree Preservation Order.

6.6.2 Whilst records show that important species (various birds and a hedgehog) have been sighted near the application site in recent years, the proposals are unlikely to have any impact on these species given the scale of the development.

6.6.3 Following subdivision of the plot, adequate private amenity space for both the existing and proposed dwelling can be achieved within the site; there are no minimum space standards to adhere to.

6.7 Recommendation

6.7.1 With all of the above in mind the recommendation is to grant planning permission subject to the following conditions:

7. SUGGESTED 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:

- i) specify the type and number of vehicles expected during the demolition and 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 work;
- vi) specify measures to control the emission of noise, dust and dirt during demolition and construction; and
- vii) provide for wheel washing facilities, where necessary.

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 policies SD14 and 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 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).

- 5 Prior to first occupation of the development, secure covered cycle storage shall be provided on site in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority. The cycle storage shall thereafter be retained available for such use in accordance with the approved details at all times.

Reason: To ensure the adequate provision and availability of cycle parking, so as to ensure that opportunities for sustainable transport modes have been taken up, having regard adopted policy INF1 of the Joint Core Strategy (2017).

- 6 Prior to first occupation of the development, refuse and recycling storage facilities shall be provided on site in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority. The refuse and recycling storage shall thereafter be retained available for such use in accordance with the approved details at all times.

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

- 7 Notwithstanding the approved plans, prior to the implementation of any new boundary treatments, including boundary walls, fences or other means of enclosure, details shall have first been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall thereafter be implemented in accordance with the approved details prior to first occupation of the development.

Reason: In the interests of the character and appearance of the area and residential amenity, 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).

- 8 Prior to the implementation of any landscaping, full details of a hard and/or soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all new hard surfacing of open parts of the site which shall be permeable or drained to a permeable area; a planting specification to include [species, size, position and method of planting of all new trees and shrubs]; and a programme of implementation.

All hard and/or soft landscaping works shall be carried out in accordance with the approved details prior to first 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 which shall be first agreed 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).

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, the authority sought revisions to the scale and massing of the dwelling to secure a more appropriate form of development in this location.

Following these negotiations, the application now constitutes sustainable development and has therefore been approved in a timely manner.