

APPLICATION NO: 19/01591/FUL		OFFICER: Miss Claire Donnelly
DATE REGISTERED: 9th August 2019		DATE OF EXPIRY: 4th October 2019
DATE VALIDATED: 9th August 2019		DATE OF SITE VISIT: Carried out on previous application; April 2019
WARD: Benhall/The Reddings		PARISH: n/a
APPLICANT:	Mr And Mrs Smith	
AGENT:	Urban Aspects Ltd	
LOCATION:	29 Unwin Road, Cheltenham, Gloucestershire	
PROPOSAL:	Proposed detached bungalow and associated parking	

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is located within the existing curtilage of no. 29 Unwin Close; a single storey, residential, 'pre-fab' dwelling dating to approximately the 1950s. The application site currently forms part of the rear private amenity space of 29 Unwin Road.
- 1.2 The site is located within the ward of Benhall/The Reddings and the Principle Urban Area (PUA) of Cheltenham. The site is not located in a conservation area.
- 1.3 The application proposes the erection of a detached bungalow and associated parking within the rear garden of no. 29 Unwin Road and accessed from Unwin Close. As part of the application the site would be subdivided to provide for the new detached dwelling.
- 1.4 This application is a revised application, following the approval of a detached bungalow and associated parking, ref. 19/00597/FUL, in May 2019. The main change as part of this revised application is the re-siting of the dwelling; moving the building back 2 metres into the site to address land ownership and ensure that the development and associated parking can be wholly contained within the application site.
- 1.5 The application is at planning committee at the request of Councillor Britter due to the level of interest from neighbouring residents.
- 1.6 Members will visit the site on planning view.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport safeguarding over 15m
Principal Urban Area
Residents Associations

Relevant Planning History:

19/00597/FUL 21st May 2019 PER
Proposed detached bungalow and associated parking

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 11 Making effective use of land
Section 12 Achieving well-designed places

Adopted Joint Core Strategy Policies

SP1 The Need for New Development
SD4 Design Requirements
SD10 Residential Development
SD14 Health and Environmental Quality
INF1 Transport Network

Saved Local Plan Policies

CP 3 Sustainable environment
CP 4 Safe and sustainable living

4. CONSULTATIONS

Gloucestershire Centre For Environmental Records

19th August 2019

Report in documents tab

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	17
Total comments received	3
Number of objections	3
Number of supporting	0
General comment	0

- 5.1 Letters have been sent to 17 neighbouring properties; three responses have been received during the statutory consultation phase of this revised application.
- 5.2 A summary of the main points raised include but are not limited to the following;
- Strip of land to rear of site not owned by applicant,
 - Visual impact,
 - Noise,
 - Business run from property,
 - Impact on local environment.
- 5.3 As mentioned in the introduction to this report, a similar proposal has recently received planning permission on this site. During the processing of that application, 7 objections were received raising concerns (as set out below). For the avoidance of doubt, those comments have been considered as part of this application.
- Noise from increase vehicle movements,
 - Parking of commercial vehicles within Unwin Close,
 - Design and materials not in-keeping with the surroundings,
 - Out of character,
 - Loss of privacy/increased overlooking,
 - Noise associated with applicants business,
 - Traffic increase associated with applicants business,
 - More traffic and parked cars on Unwin Close,
 - Commercial business impact on Unwin Close,
 - No provision for storage of business equipment,
 - Loss of garden land,
 - Visual impact,

- Loss of a view/impact on existing views,
- Highway safety.

6. OFFICER COMMENTS

6.1 Determining Issues

6.2 The main considerations in relation to this application are the principle of a new dwelling, the design and layout, any impact on neighbouring amenity and any highway safety concerns.

6.3 Site and context

6.4 As mentioned above, this is a revised application to a previously approved scheme. The design and scale of the proposed dwelling is unchanged. The only change proposed is to move the dwelling back 2 metres further into the site to address issues which have arisen relating to land owned by highways. A strip of land adjacent to Unwin Close is owned by County Highways and not the applicant; as such to address this issue, this revised application has been submitted.

6.5 Principle of development

6.6 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.

6.7 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.

6.8 Policy SD10 of the JCS supports new housing development in Cheltenham where it is infilling within the existing built-up area of the PUA.

6.9 As such, based on the above, it is considered that the principle of developing the site for housing is acceptable; subject to the material policy considerations set out below.

6.10 Design and layout

6.11 Paragraph 124, Section 12 of the NPPF requires development to be well-designed; a key aspect to achieving sustainable development and creates better places in which to live. Paragraph 127 of the NPPF sets out that planning decisions should ensure development will add to the quality of the area, is visually attractive and is sympathetic to local character. Drawing from this guidance; policy SD4 of the JCS and saved Local Plan policy CP7 require development to be of a high standard of architectural design that responds positively to and respects the character of the site and its surroundings.

6.12 Additional design advice for new dwellings is set out within the Council's adopted SPD relating to development on garden land and infill sites, the document sets out that various elements combine to create the character of an area including; layout, context, grain and design.

- 6.13 The existing plot would be subdivided to provide a plot for the new dwelling. The new dwelling would be accessed from Unwin Close; to the rear of Unwin Road. The aforementioned SPD sets out guidance for new development which states should respond to the layout and grain of a site's surroundings. When looking at the site location plan it is considered that the addition of the new dwelling would not result in harm to the character, layout or grain of the area given the siting of neighbouring properties. As such, the proposal would comply with the aforementioned SPD.
- 6.14 The proposed dwelling is considered to be an appropriate size and design for its location. There is a mix of house types in the vicinity; single storey, two storey and flats. In addition to this, the dwelling would sit comfortably within the plot; providing a good sized private amenity space and 3no. off street parking spaces.
- 6.15 The proposed dwelling would have a rendered finish. It is noted by officers that these materials would not match the materials used in the vicinity. The existing materials which are present include red brick, buff brick, cream coloured prefabs; demonstrating an existing mix. As such, it is considered that the proposed dwelling would be a modern addition to the area and given the existing mix of materials, the design of the proposed dwelling is considered to be acceptable and would not result in harm to the street scene or wider character of the area.
- 6.16 Impact on neighbouring property**
- 6.17 Policy SD14 of the JCS and saved Local Plan policy CP4 require development not to cause unacceptable harm to the amenity of adjoining land users and the locality. This draws from the guidance set out within Section 12 of the NPPF.
- 6.18 Letters have been sent to neighbouring properties, three responses have been received as part of this application, however the concerns raised as part of the previous application will also be taken into consideration.
- 6.19 Concern has been raised in regards to an increase in noise, specifically from traffic as a result of the proposal. Whilst there will be an increase in the number of vehicles accessing Unwin Close, the number is not going to increase significantly which would result in an unacceptable harm to the amenity of the neighbouring residents. Unwin close is small, and traffic will be moving at slow speeds, as such it is unlikely there would be a noticeable increase in noise from traffic.
- 6.20 The proposed dwelling would not result in an unacceptable harm to the amenity of adjoining land users in terms of a loss of light or loss of privacy; and therefore comply with the relevant policies.
- 6.21 Parking and highway safety**
- 6.22 Policy INF1 of the JCS emphasise the need to encourage the use of sustainable modes of transport, and to ensure a safe and suitable access can be achieved for all users; development should only be refused on highway grounds where the impacts of the development result in an unacceptable impact on highway safety. The policy reflects the advice set out within Section 9; paragraphs 108-110 of the NPPF.
- 6.23 A number of residents have raised traffic and parking as concerns within their representations. These concerns relate to increased traffic and parking concerns. The application proposes 3no. parking spaces; as such this will provide off street parking ensuring less vehicles are parked on Unwin Close causing the road to be more narrow.
- 6.24 The highways officer initially raised concerns with the number of spaces provided for a 3 bed bungalow, however given the existing situation on Unwin Close and the concerns that

there would be further on street parking; it is considered that this level of parking is acceptable. As such, the highways officer no longer raises an objection.

6.25 Other considerations

6.26 Many residents have raised concerns relating to a business being run from the application property, or that the proposed dwelling will be used for business purposes. This application is for a single storey dwelling and is not seeking permission for any business use; as such this is not a consideration of the application.

6.27 However, given the level of objections received during the previous application and this application, this matter has been investigated by Council officers. The applicant has confirmed that he runs a Bouncy Castle business, predominately at weekends. The bouncy castles are not stored at the subject site and bouncy castle events are not held at the subject site. There are two vans associated with the Bouncy Castle business that are parked on the site/surrounding area. As such, this business is considered to be ancillary to the main residential use of the site and does not require planning permission. If in future the business were to be 'run' from the site (i.e. bouncy castles stored and bouncy castles events held on a regular basis from the site) it may be the case that planning permission would be required. As it stands, this is not a matter that needs to be considered in arriving at a decision on this application.

7. CONCLUSION AND RECOMMENDATION

7.1 For the reasons set out above, the proposed new dwelling is considered to be appropriate in terms of its design, would protect neighbouring amenity and would make a positive contribution to Cheltenham's housing supply. With this in mind, when weighing up the proposal, the recommendation is to grant planning permission subject to the following conditions.

8. SUGGESTED 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 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 to the building hereby permitted shall be constructed 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).

- 4 All landscaping works shall be carried out in accordance with the approved details. The works shall be carried out 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.

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).

INFORMATIVES

- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) Order 2015 and the provisions of the NPPF, the Local Planning Authority adopts a positive and proactive approach to dealing with planning applications and where possible, will seek solutions to any problems that arise when dealing with a planning application with the aim of fostering the delivery of sustainable development.

At the heart of this positive and proactive approach is the authority's pre-application advice service for all types of development. Further to this however, the authority publishes guidance on the Council's website on how to submit planning applications and provides full and up-to-date information in relation to planning applications to enable the applicant, and other interested parties, to track progress.

In this instance, having had regard to all material considerations, the application constitutes sustainable development and has therefore been approved in a timely manner.