

APPLICATION NO: 19/01956/FUL	OFFICER: Michelle Payne
DATE REGISTERED: 28th September 2019	DATE OF EXPIRY: 23rd November 2019
DATE VALIDATED: 28th September 2019	DATE OF SITE VISIT:
WARD: Benhall/The Reddings	PARISH: n/a
APPLICANT:	Clark Holdings (UK) Ltd
AGENT:	BHB Clive Petch Limited
LOCATION:	18 Hatherley Lane, Cheltenham
PROPOSAL:	Sub-division of/alterations to existing pair of semi-detached houses to create 3no. terraced dwellings, and extension to create additional dwelling at 18/20 Hatherley Lane

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is located on the south side of Hatherley Lane within the Principal Urban Area (PUA).
- 1.2 The site comprises a pair of chalet-style bungalows, nos. 18 & 20 Hatherley Lane, within an irregular shaped plot which backs onto the railway line in close proximity to Hatherley Bridge, and is otherwise surrounded by residential properties.
- 1.3 The application proposes the subdivision and extension of the existing buildings to create 4no. dwellings.
- 1.4 The scheme has been revised during the course of the application at the request of officers.
- 1.5 The application is before planning committee at the request of Cllr Britter due to the concerns of local residents.

2. CONSTRAINTS AND PLANNING HISTORY

Constraints:

Airport safeguarding over 15m
Principal Urban Area

Planning History:

CB13092/00	PERMIT	29th June 1976
Single storey rear extension to 20 Hatherley Road		
CB13092/01	PERMIT	28th September 1979
Erection of rear dormer and new front lobby for residential use to 20 Hatherley Road		
CB21247/00	PERMIT	27th April 1995
Erection of two storey side extension to 18 Hatherley Road		
00/01580/FUL	REFUSE	29th December 2000
Two storey side extension and single storey rear and side extension. Widening of vehicle access to 20 Hatherley Road		
01/00036/FUL	REFUSE	19th February 2001
Single storey side and rear extension to 20 Hatherley Road		

Note: Although the above planning history has been included for completeness, given the significant period of time that has since passed, the decisions are not relevant to the determination of this application which must be determined in accordance with the current development plan and national policies.

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 9 Promoting sustainable transport
Section 11 Making effective use of land

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

SD11 Housing Mix and Standards

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

Network Rail Infrastructure Ltd

15th October 2019

I am currently in the process of undertaking internal consultations on the above application. Our drainage engineer is unable to assess the application and request the applicant submit further information.

No drainage information has been submitted with the application. Full details of the drainage plans are to be submitted for approval to the Network Rail Asset Protection Engineer. No works are to commence on site on any drainage plans without the approval of the Network Rail Asset Protection Engineer.

The following information should be adhered to when designing drainage:-

DRAINAGE

1. NR Drainage Assets / systems are not to be compromised by any proposed works
2. Potential exists for unknown assets to be in the area
3. Drainage does not show up on Buried Service checks
4. No soakaways, attenuation tanks etc. are to be within 5m of NR boundary
5. Land Drainage Act 1991 is to be complied with
7. Surface / foul water is to be discharged into public sewer
8. Ground levels - If altered, to be such that surface water flows away from the railway
9. NR Drainage system / assets are not to be used for the discharge of surface water

Once these details have been received and reviewed, Network Rail will then be in a position to submit our final comments, until then, please put a holding objection on this application.

GCC Highways Development Management

15th October 2019

In regards to the above planning application, GCC have no in principle objection, however solely from a highway safety perspective GCC would request that the parking provision be proposed at 90 degree to the highway via vehicle crossover as existing. Can a revised plan be submitted to demonstrate please.

GCC Highways Development Management – revised comments

22nd October 2019

No objection (subject to conditions).

Building Control

2nd October 2019

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

Land Drainage Officer

30th October 2019

No known significant flood risk.

5. PUBLICITY AND REPRESENTATIONS

5.1 Letters of notification were sent out to 10 neighbouring properties. In response to the publicity, objections have been received from nine local residents. The comments have been circulated in full to Members but the main concerns relate to:

- Noise, disturbance and anti-social behaviour from the existing use
- Parking and highway safety
- Design
- Loss of privacy / overlooking
- Flood risk

6. OFFICER COMMENTS

6.1 Determining issues

6.1.1 The main considerations in determining this application relate to the principle of development; design; neighbouring amenity; and parking and highway safety.

6.2 Principle of development

6.2.1 Much concern has been raised by local residents in relation to the existing use, suggesting that the information given on the application form is incorrect. Officers are aware that individual rooms within the properties have been available to book on a nightly basis for some time; however, this use has subsisted in excess of 10 years without concealment and, as such, the existing use is now immune from enforcement.

6.2.2 It should be noted however that these circumstances would change if planning permission were to be granted for the proposed development and subsequently implemented, even in part, and the existing unauthorised use were to be continued.

6.2.3 Notwithstanding the above, the authorised (permitted) use of the property remains as two dwellings, as noted on the application form and shown on the existing plans.

6.2.4 Nonetheless, with regard to the proposed development, the subdivision of the existing buildings to create three dwellings together with the extension to create an additional dwelling is generally supported by adopted JCS policy SD10 which supports

new residential development within the Principal Urban Area of Cheltenham; there is certainly no policy which would preclude such a development. Additionally, policy SD10 and Section 11 of the NPPF require developments to make an efficient use of land. As such, officers consider the principle of the proposed development to be acceptable subject to the material considerations below.

6.3 Design

6.3.1 Saved local plan policy CP7 (design) requires extensions and alterations to existing buildings to avoid causing harm to the architectural integrity of the building, and the unacceptable of erosion of open space around the building; all new development is required to complement and respect neighbouring development and the character of the locality. The policy is generally consistent with adopted JCS policy SD4 and advice set out within Section 12 of the NPPF.

6.3.2 As originally submitted, the application proposed a wide, single storey, flat roofed, side extension which, notwithstanding its contrived footprint, would have been at odds with the character of the existing building and the locality. Revised plans have therefore been submitted which propose a more conventional form of extension, as a simple continuation of the existing chalet bungalow, incorporating dormers to the front and rear roof slopes; there are numerous examples of similar extensions to chalet-style dwellings such as this across the borough. Additionally, the footprint of the extension will no longer extend beyond that of the existing garage. Given the constraints of the site, a condition is suggested which removes permitted development rights for any further extensions to the properties.

6.3.3 Following subdivision of the plot, each property would be provided with adequate private amenity space; there are no minimum space standards to adhere to. In addition, each property would benefit from two on-site car parking spaces.

6.3.4 The soft landscaping proposals would serve to improve the appearance of the site within the street scene.

6.4 Neighbouring amenity

6.4.1 Saved LP 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 The proposed extension is 3.7 metres wide and would, at its closest point, be 3 metres from the rear boundary to no.14 Faringdon Road, and some 10 metres from the rear of the property itself. As such, given the form of the extension and its relationship with neighbouring properties, officers do not consider that it would appear overbearing or result in any significant impact on outlook.

6.4.3 With regard to privacy and overlooking, the proposed extension, in its revised form, would result in a significant improvement over the existing situation. Currently the property has clear glazed windows in its side elevation which allow views into the rear gardens of properties in Faringdon Road; and these windows would be obscured by the extension, which has a blank flank wall. Moreover, revisions to the internal layout at first floor have been secured so that the en-suite is located to the rear of the property which reasonably enables the window to be obscurely glazed with only an opening top light (as annotated on the drawing); and this can be secured by condition. An additional condition is suggested which removes permitted development rights to insert any additional windows, doors and/or openings at first floor.

6.5 Parking and highway safety

6.5.1 Adopted JCS policy INF1 advises that planning permission will be granted only where the impacts of the development are not severe. The policy also seeks to ensure that all new development proposals provide safe and efficient access to the highway network; and provide connections to existing walking, cycling and passenger transport networks, where appropriate. The policy reflects the advice set out within Section 9 of the NPPF.

6.5.2 At present, the entire frontage of the site is hard surfaced and used for parking with two vehicular access points.

6.5.3 As previously noted, the application proposes the provision of two on-site car parking spaces per dwelling, which have been reconfigured to be at 90 degrees to the highway in response to advice from the Highways Development Management Team (HDM); the parking spaces would be accessed using the existing dropped kerbs. Following changes to the parking layout, HDM raise no objection subject to a number of conditions; some of which are attached below.

6.5.4 Officers however do not agree that all of the conditions meet the 6 tests set out at paragraph 55 of the NPPF, in that they are not considered necessary or reasonable given the nature of the proposals; particularly those conditions requiring the provision of fire hydrants, and the creation of a 'Residents Liaison Group' in relation to highway works.

6.6 Other considerations

6.6.1 Given the proximity to the railway line, Network Rail was consulted on the application and initially lodged a holding objection requesting additional drainage information. However, following the submission of the revised plans and confirmation that there will be no change to the building's footprint, and consequently no change to the existing drainage arrangements or ground levels, Network Rail have now lifted their holding objection.

6.6.2 Concerns have been raised in relation to flooding; however, the site is located within Flood Zone 1 and the Council's Land Drainage Officer has advised that there is no known significant flood risk in the area. Moreover, the footprint of the building would not be increased and the introduction of soft landscaping would result in betterment in terms of surface water.

6.7 Conclusion and recommendation

6.7.1 In its revised form, with all of the above in mind, the proposed development is considered to be in accordance with all relevant national and local planning policy; and as such, the officer recommendation is to grant planning permission subject to the following conditions:

7. 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 Throughout the construction (and demolition) period of the development hereby granted, sufficient provision shall be made within the site 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; and
 - iv) shall provide for wheel washing facilities.

Reason: To reduce the potential impact on the public highway and accommodate the efficient delivery of goods, having regard to policy INF1 of the Joint Core Strategy (2017) and paragraph 110 of the National Planning Policy Framework.

- 4 Prior to first occupation of the development hereby permitted, vehicular parking facilities shall be provided in accordance with approved Drawing No. 01535/05C, and those facilities shall be kept available for the parking of vehicles 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, having regard to policy INF1 of the Joint Core Strategy (2017) and paragraphs 108 and 110 of the National Planning Policy Framework.

- 5 Prior to first occupation of the development hereby permitted, secure and covered cycle parking facilities for a minimum of 1 cycle per dwelling shall be provided in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority, and those facilities shall be kept available for the parking of cycles 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, having regard to policy INF1 of the Joint Core Strategy (2017) and paragraphs 108 and 110 of the National Planning Policy Framework.

- 6 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 identify all walls, fences, trees, hedgerows and other planting which are to be retained, and provide details of all new walls, fences, or other boundary treatments; finished ground levels; 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).

- 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 first floor window serving the en-suite within no. 20A 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 additional windows, doors and/or openings shall be formed in the first floor of the development hereby permitted without express planning permission.

Reason: Any further openings at first floor level require detailed consideration to safeguard the privacy 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).

- 9 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 development 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).

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

- 2 Any extension/alteration of a verge and/or footway crossing from the carriageway will require the permission of Gloucestershire Highways under the Highways Act 1980 -

Section 184; and the applicant should therefore contact them on 08000 514 514 or highways@gloucestershire.gov.uk before commencing any works on the highway.