

APPLICATION NO: 20/00487/FUL		OFFICER: Michelle Payne
DATE REGISTERED: 18th March 2020		DATE OF EXPIRY: 13th May 2020 (extension of time agreed until 19th June 2020)
DATE VALIDATED: 18th March 2020		DATE OF SITE VISIT:
WARD: Benhall/The Reddings		PARISH:
APPLICANT:	Mr G Daldry	
AGENT:	Michael Lumley & Associates	
LOCATION:	390 Gloucester Road, Cheltenham	
PROPOSAL:	Erection of a dwelling on land rear of 390 Gloucester Road	

RECOMMENDATION: Permit



This site map is for reference purposes only. OS Crown Copyright. All rights reserved Cheltenham Borough Council 100024384 2007

1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 390 Gloucester Road is a three storey semi-detached property with additional rooms within the roof; the property is in use as a House in Multiple Occupation (HMO). The site is located on the southern side of Gloucester Road at the junction with Granley Close. There is an existing two storey rear wing and single storey outbuildings to the rear, and 7no. car parking spaces alongside the building.
- 1.2 Planning permission (15/00218/FUL) was granted in March 2015 for the erection of a detached three bedroom dwelling to the rear of the site, accessed from Granley Close; however, this permission has recently expired.
- 1.3 This application is now seeking planning permission for a dwelling of an alternative design.
- 1.4 The application is at committee due to an objection from the Architects Panel.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding All Developments
Principal Urban Area

Relevant Planning History:

13/02078/FUL	REFUSE	30th January 2014
Demolition of existing rear wing and outbuildings; and construction of two semi-detached dwellings		
14/01107/COU	PERMIT	15th August 2014
Change of use of HMO to single dwelling involving demolition of rear wing to existing building		
14/01108/FUL	REFUSE	18th August 2014
Demolition of existing rear wing and outbuildings; and construction of two semi-detached dwellings		
15/00218/FUL	PERMIT	23rd March 2015
Construction of detached dwelling to rear (with associated minor alterations to the rear wing and elevation of 390 Gloucester Road)		

3. POLICIES AND GUIDANCE

National Planning Policy Framework (NPPF)

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 (LP) Policies

CP 4 Safe and sustainable living
CP 7 Design

Adopted Joint Core Strategy (JCS) 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)

4. CONSULTATION RESPONSES

Building Control

31st March 2020

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

GCC Highways Development Management

18th March 2020

No objection (Subject to conditions)

1. Throughout the construction period of the development hereby permitted provision shall be within the site that is sufficient 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;
- iv. provide for wheel washing facilities

Reason: To reduce the potential impact on the public highway and accommodate the efficient delivery of goods in accordance with paragraph 110 of the National Planning Policy Framework.

2. The building hereby permitted shall not be occupied until the vehicular parking and turning facilities have been provided in accordance with the submitted plan drawing no.2175:00, and those facilities shall be maintained available for those purposes 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 in accordance with the paragraphs 108 and 110 of the National Planning Policy Framework.

3. The development hereby permitted shall not be occupied until the cycle storage facilities have been made available for use in accordance with the submitted plan drawing no. 175:00 and those facilities shall be maintained for the duration of the development.

Reason:-To give priority to cycle movements by ensuring that adequate cycle parking is provided, to promote cycle use and to ensure that the appropriate opportunities for sustainable transport modes have been taken up in accordance with paragraph 108 of the National Planning Policy Framework.

4. Prior to the occupation of the building hereby permitted, the proposed car parking spaces shall be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Reason: To ensure that the development incorporates facilitates for charging plug-in and other ultra-low emission vehicles in accordance with paragraph 110 of the National Planning Policy Framework.

NOTE: The construction of a new access will require the extension of a verge and/or footway crossing from the carriageway under the Highways Act 1980 - Section 184 and the Applicant is required to obtain the permission of Gloucestershire Highways on 08000 514 514 or highways@gloucestershire.gov.uk before commencing any works on the highway.

Gloucestershire Centre for Environmental Records

26th March 2020

Report available to view on line.

Architects Panel

6th April 2020

Design Concept

The panel recognised that permission had been granted for a new dwelling on this site in 2015 (ref 15/00218/FUL) so the principle was accepted.

This application is for a similar two storey detached house but different in layout, design and character.

Design Detail

Whilst not particularly enamoured with the approved house design, the panel felt it had certain advantages over the proposed scheme: firstly it relates better to neighbouring properties along Granley Close by replicating their style and character; secondly it provides more space for vehicles to park on site, and most importantly, for them to turn in Granley Close which is a particularly narrow drive.

The applicant's case for the revised scheme is primarily to provide additional and adequate parking for two cars on the site. As there is insufficient turning space, the new scheme is flawed.

The panel on balance considered the increased footprint of the proposed house amounted to over development of a very constrained site.

Recommendation

Not supported.

5. PUBLICITY AND REPRESENTATIONS

- 5.1 Letters of notification were sent to 13 neighbouring properties. Additional letters were sent on receipt of the revised plans.
- 5.2 In response the publicity, three representations have been received in response to the publicity. The comments have been circulated to members in full but can be summarised as follows:
 - Previous permission has expired but accept principle has been established
 - Support development of the site
 - Prefer original scheme – more visually in keeping
 - Would like a tighter time limit to be imposed
 - Site currently being used as dumping ground and is an eyesore
 - Would like to see development go ahead
 - Any front boundary treatment should be low level
 - Access for residents should not be hindered during construction

- Would like to see the road made good

6. OFFICER COMMENTS

6.1 Determining issues

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

6.2 Principle

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 permission should be granted without delay unless “*any adverse impacts of doing so would significantly and demonstrably outweigh the benefits*”.

6.2.3 As it stands, a Five Year Housing Land Supply Position Statement published by the Council in December 2019 confirms that the Council is currently unable to demonstrate a five year housing land supply; the current five year housing land supply for Cheltenham is calculated at 3.7 years. As such, the housing supply policies in the development plan are out-of-date and the ‘tilted balance’ in favour of granting planning permission is triggered, subject to the material considerations below.

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 Principal Urban Area (PUA).

6.2.4 Moreover, the principle of developing the site for residential purposes has been established by the previous grant of planning permission.

6.3 The site and its context

6.3.1 The application site forms part of the residential curtilage to 390 Gloucester Road, which is in use as a HMO; significant improvements to the existing building been carried out by the applicant since taking over the site. The application site itself however is unattractive, as a result of fly-tipping, and comprises hardstanding and single storey outbuildings; and is currently secured by heras fencing.

6.3.2 The site is surrounded by residential development, which varies in character and design, with traditional properties to include the existing three storey building fronting Gloucester Road; two pairs of semi-detached chalet style bungalows within Granley Close to the south; and, directly opposite the site, a modern, two storey brick built dwelling built within the former curtilage to 392 Gloucester Road.

6.4 Design and layout

6.4.1 Saved LP 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.

6.4.2 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"*.

6.4.3 Officers acknowledge that the dwelling previously approved on this site, whilst contemporary in its appearance, made reference to the adjacent chalet bungalows, nos. 1-4 Granley Close, with its first floor accommodation provided within a steeply pitched roof; however, the parent building and the modern brick built dwelling opposite also contribute to the character of the area.

6.4.4 Therefore whilst the Architects Panel and a local resident have a preference for the previously approved scheme, this is simply not sufficient reason to withhold planning permission for this alternative scheme which must be determined on its own merits.

6.4.5 The dwelling now proposed seeks to reflect the scale of the dwelling opposite the site (similarly built to the rear of 392 Gloucester Road) but in a more contemporary form, with a render finish to match the adjacent properties; and would provide more functional accommodation at first floor.

6.4.6 The property would be provided with a small private rear amenity space, and two on-site car parking spaces.

6.4.7 Given the lack of a five year housing land supply, the variety of buildings within the locality, and the presumption in favour of development, officers are satisfied that the benefits of the scheme far outweigh any harm that might be perceived from the development.

6.5 Neighbouring amenity

6.5.1 Saved LP policy CP4 advises that development should avoid causing unacceptable harm to the amenity of adjoining land users and the locality; the footnote to the policy sets out that in assessing amenity, regard will be given to a range of matters including loss of light, privacy and outlook. The policy is consistent with advice set out within adopted JCS policy SD14 and paragraph 127 of the NPPF.

6.5.2 The proposed dwelling will not result in any unacceptable impact on neighbouring amenity in terms of loss of daylight, privacy or outlook. There are no upper floor windows proposed to the side elevations, other than a small en-suite window that can reasonably be expected to be obscurely glazed. In addition, the two windows in the rear elevation at first floor will serve the landing and bathroom and are annotated to be obscurely glazed with only high-level opening lights; and this can be secured by way of a condition.

6.5.3 No objection has been raised by local residents on amenity grounds.

6.6 Parking and highway safety

6.6.1 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 should only be refused on highway grounds where the impact of the development would be severe. The policy reflects the advice set out within Section 9 of the NPPF.

6.6.2 The Architects Panel in their response suggest there is insufficient turning space and that, as such, this scheme is flawed; however, GCC Highways Development Management raises no objection to the proposals subject to conditions. The parking for

the existing building is similarly arranged, and the single parking space proposed in the previously approved scheme was similarly at a right angle to Granley Close. It is therefore difficult to argue that that the development would now have a severe impact on the highway network that would warrant a refusal on these grounds.

6.6.3 The removal of the existing outbuilding which sits immediately adjacent to the road would help provide for improved visibility within the close.

6.7 Other considerations

6.7.1 The two local residents in their representations have expressed a desire for permission to be granted subject to a shorter time period for implementation due to concerns over the present state of the site. However, whilst it is acknowledged that the site is untidy as a result of fly-tipping, the standard time limit for planning permission is 3 years (it was previously 5 years); and officers do not consider that there is any good reason or justification to impose a shorter time period in this instance.

6.7.2 One resident has said that they would like to see the road made good; however, it is not appropriate to impose such a requirement on the applicant. A condition cannot be imposed in order to put right a pre-existing problem or issue that is not created by the proposal itself.

6.7.5 Whilst records show that a number of 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.

6.8 Conclusion and recommendation

6.8.1 The application site is sustainably located within the Principal Urban Area wherein new residential development is supported. The proposed new dwelling would make a small but valuable contribution to the borough's housing stock.

6.8.2 The design is considered to be acceptable; there are no amenity concerns arising from the proposal; and no Highway objection has been raised by the Local Highway Authority.

6.8.3 The recommendation therefore 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 Throughout the construction period of the development hereby permitted, 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. wheel washing facilities.

Reason: To reduce the potential impact on the public highway and accommodate the efficient delivery of goods, having regard to adopted 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, vehicular parking and turning facilities shall be provided in accordance with approved Drawing No. 2175: 00 G, and those facilities shall thereafter be retained available for such use at all times.

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 adopted policy INF1 of the Joint Core Strategy (2017), and paragraphs 108 and 110 of the National Planning Policy Framework.

5 The proposed car parking spaces shall be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Reason: To ensure that the development incorporates facilitates for charging plug-in and other ultra-low emission vehicles, having regard to adopted policy SD4 of the Joint Core Strategy (2017) and paragraph 110 of the National Planning Policy Framework.

6 Prior to first occupation of the development, secure cycle storage facilities shall be provided in accordance with approved Drawing No. 2175: 00 G, and those facilities shall thereafter be retained available for such use at all times.

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

7 Prior to first occupation of the development, adequate refuse and recycling storage facilities shall be provided in accordance with approved Drawing No. 2175: 00 G, and those facilities shall thereafter be retained available for such use at all times.

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

8 Prior to the implementation of any new boundary treatments, including boundary walls, fences or other means of enclosure, details shall be 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 hereby permitted.

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).

- 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), the first floor windows to the side (north) elevation and rear (east) elevation 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).

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.

- 2 NOTE: The construction of a new access may require the extension of a verge and/or footway crossing from the carriageway under Section 184 of the Highways Act 1980 and the applicant/developer is required to obtain the permission of Gloucestershire Highways on 08000 514 514 or highways@gloucestershire.gov.uk before commencing any works on the highway.