

APPLICATION NO: 20/00698/FUL		OFFICER: Mrs Emma Pickernell	
DATE REGISTERED: 1st May 2020		DATE OF EXPIRY: 26th June 2020	
DATE VALIDATED: 1st May 2020		DATE OF SITE VISIT:	
WARD: Park		PARISH:	
APPLICANT:	Mr Mark Edwards		
AGENT:	Zesta Planning Ltd		
LOCATION:	Ranmoor 35 St Stephens Road Cheltenham		
PROPOSAL:	Proposed erection of no. 1 single storey dwelling and associated parking.		

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site comprises part of the garden of 35 St Stephens Road. This is located to the rear of 33 St Stephens Road and would have originally been associated with this property.
- 1.2 The site is within the Principal Urban Area of Cheltenham and is also within the Tivoli Character Area of the Central Conservation Area.
- 1.3 Planning permission is sought for a 3 bedroom single storey dwelling within garden area to the rear of 33 St Stephens Road. The building would be formed around a courtyard garden with parking and turning to the southern part of the site. The part of the building adjacent to the common boundary with 33 St Stephens Road would be monopitched sloping down towards the boundary with the remainder being flat roofed. A green roof is proposed, comprising a combination of sedum and wildflower meadow. The building is set in from the existing wall, for a section along the northern edge where a small courtyard is provided to serve the bedrooms and bathrooms. The southern section of the building has a curved outer wall and would provide the entrance into the dwelling as well as a garden store and utility room.
- 1.4 Access to the site would be via an existing access point off St Stephens Road, and via the driveway to the side of 33 where there is an existing gate into the application site. The only proposed change to the access arrangements are to push the gate a car-length back into the site.
- 1.5 Due to the COVID 19 outbreak the site has not been visited during the course of the application however it was visited in February as part of a pre-application enquiry.
- 1.6 The application is at committee at the request of Cllr Harman who has concerns about the access arrangements.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m
Conservation Area
Principal Urban Area
Residents Associations

Relevant Planning History:

01/00723/FUL 29th June 2001 PER

Single storey extension to front to increase garage and provide a covered entrance area

03/00511/CACN 30th April 2003 NOOBJ

Yew tree in rear garden: 1. Crown reduce by 20%. 2. Crown thin by 10%.

12/01195/CACN 6th September 2012 NOOBJ

Yew in rear garden - crown reduce all round by 60% and removal of shoots from trunk

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 5 Delivering a sufficient supply of homes

Section 8 Promoting healthy and safe communities

Section 9 Promoting sustainable transport
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

Adopted Joint Core Strategy Policies

SD3 Sustainable Design and Construction
SD4 Design Requirements
SD8 Historic Environment
SD10 Residential Development
SD11 Housing Mix and Standards
SD12 Affordable Housing
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: Dean Close & Hatherley Park Character Area and Management Plan (July 2008)
Central conservation area: Tivoli Character Area and Management Plan (July 2008)

4. CONSULTATIONS

Ward Member Comments

Cllr Harman

Having visited myself my main concern is the access via 33 St Stephens Road.

Other Member Comments

None

Gloucestershire Centre For Environmental Records

22nd May 2020

Biodiversity report available to view on line.

Building Control

4th May 2020

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

GCC Highways Planning Liaison Officer

7th May 2020

Gloucestershire County Council as the highway authority has assessed and scrutinised the submitted application for Planning Permission. Town and Country Planning Act 1990.

The applicant proposes the construction of no. 1 single storey dwelling and associated parking within the applicant's control which is currently the residential garden.

The applicant proposes to utilise the existing access arrangements to the site which are accessed from St Stephen's Rd. Existing access arrangements are considered acceptable in its current form to facilitate the proposed development as appropriate levels of emerging visibility and driver/pedestrian splays are achievable. The parking and turning area has been designed for two cars to park and turn. A highways plan detailing swept path analysis has been provided, refer to SP01, this is considered acceptable.

I recommend that no highway objection be raised subject to the following conditions being attached to any permission granted:-

1. The development hereby permitted shall not be first occupied until the proposed dwelling has been fitted with an electric vehicle charging point. The charging points shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851. The electric vehicle charging points shall be retained for the lifetime of the development unless they need to be replaced in which case the replacement charging point shall be of the same specification or a higher specification in terms of charging performance.

Reason: To promote sustainable travel and healthy communities.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	28
Total comments received	6
Number of objections	5
Number of supporting	0
General comment	1

5.1 The application was publicised by way of letters to 28 neighbouring properties, a site notice and a notice in the Local Paper. 6 representations have been received in response which relate to the following issues.

- Concerns over access arrangements and that changes are proposed to access and boundary for existing flats at 33 St Stephens Road.
- Impact on bin storage and amenity area for 33 St Stephens Road
- Queries about ownership & management of access
- Increase in traffic on driveway
- Disruption during construction
- Impact on windows facing driveway
- Concerns about safety of access onto St Stephens Road
- Impact on outlook from 33 St Stephens Road
- Impact on conservation area
- Loss of garden/green space
- Loss of boundary wall

6. OFFICER COMMENTS

6.1 Determining Issues

6.2 The key issues in determining this application are considered to be (i) principle, (ii) impact on conservation area, (iii) design and layout, (iv) impact on neighbouring properties, (v) access and highways issues.

6.3 Principle/Policy Context

- 6.4** The relevant policy documents for consideration are the saved policies of the adopted Cheltenham Borough Local Plan (2006), the NPPF (2019) and the adopted Joint Core Strategy (2017) (JCS). The Council's adopted Supplementary Planning Document 'Residential Development on Garden land and Infill Sites: Cheltenham' (2009) is also relevant to the proposals.
- 6.5** Local Plan Policies CP7 (design requirements) CP4 (local amenity), CP3 (sustainable environment) and JCS Policies SD3 (sustainable design and construction), SD4 (design requirements), SD8 (historic environment), SD10 (residential development), SD14 (health and environmental quality) and INF1 (Transport Network). The Draft Cheltenham Plan is at an advanced stage of preparation and as such significant weight can be attached to it. The relevant policies are D1 (Design) and SL1 (Safe and Sustainable Living)
- 6.6** The site lies within the Principal Urban Area (PUA) and in a sustainable location where the principle of infill development is supported by Policy SD10 of the JCS, unless otherwise restricted by policies within District Plans.
- 6.7** Footnote 7 of paragraph 11 of the NPPF explains that for applications involving the provision of housing, relevant policies must be considered out of date in situations where the local planning authority cannot demonstrate a five year supply of deliverable housing.
- 6.8** At the time of writing Cheltenham Borough Council cannot demonstrate a five-year supply of housing land. The proposal would provide 1 additional dwelling which would make a small contribution towards alleviating the shortfall. Paragraph 11 (d) of the NPPF (the tilted balance) would therefore be engaged.

6.9 Design and layout

- 6.10** Policy CP7 of the Adopted Local Plan states that development will only be permitted where it is of a high standard of architectural design and complements and respects neighbouring development and the character of the locality. Policy SD4 of the JCS reflects the principles of good design embodied in the NPPF and reiterates that development should respond positively to, and respect the character of, the site and its surroundings, enhancing local distinctiveness and addressing the urban structure and grain of the locality. The Council's adopted Supplementary Planning Document 'Residential Development in Garden land and Infill Sites: Cheltenham' (2009) is also of relevance in considering this application. This sets out a methodology for considering infill sites which essentially involves establishing and understanding the character of the area and then seeking to achieve development which seeks to enhance rather than detract from that character, minimising negative impacts and harm to character and amenity.
- 6.11** The application site is surrounded by residential development which is mixed in layout and character. 33 St Stephens Road is a traditional villa, of which there are a number of St Stephens Road, however these are interspersed with less grand, yet still spacious 2 storey dwellings. 35 St Stephens Road is one such dwelling. These buildings form a relatively consistent building line fronting St Stephens Road, although some such as 35 are pushed further back into the plot. However to the south the pattern of development changes as the road turns the corner onto Hatherley Court Road to dwellings with smaller curtilages which sit more closely to the road. To the west are the properties of Westal Park which are more organically arranged around a cul de sac. As such the character of the area is mixed, as is the layout of plots. It is not considered that a dwelling on the application site would be at odds with the existing pattern of development in the vicinity. Similarly the character of dwellings in the area is also relatively mixed and as such it is considered that a more imaginative and modern approach is appropriate in this location.

6.12 The proposed dwelling has been thoughtfully designed to sit comfortably on this back-land plot. It is considered to be a good design and to provide a dwelling which would be a good place to live. The materials including the sedum roof are considered to be appropriate for this garden plot and a small but useful courtyard garden is proposed.

6.13 The application site is in the conservation area and therefore the impact upon the character and appearance of the area must be understood. The proposed dwelling would not be widely visible from the public realm within the conservation area. Glimpses may be possible between 35 & 33 St Stephens Road, however this is not considered to have a significant impact. The size and scale of the building is recessive to 33 St Stephens Road and does not detract from its contribution to the conservation area.

6.14 For these reasons the design and layout of the proposal is considered to be acceptable.

6.15 Impact on neighbouring property

6.16 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.

6.17 The main neighbours whose amenity may be affected by the development are 31, 33 and 35 St Stephens Road, 18 Hatherley Court Road and 4 Westal Park

6.18 31 St Stephens Road

The northern elevation of the proposed dwelling faces the rear garden of this property. It is set 1 – 2 m off the boundary. The maximum height of the proposed dwelling is 3.4 at the apex of the roof. There are two bathroom and one bedroom windows on the northern elevation. These would be mostly be concealed by the boundary wall and are not facing towards the dwelling itself. At the nearest point the proposed dwelling is 13.2m from 31 St Stephens Road. The proposed dwelling would undoubtedly be visible from both within this property and from within the garden it is not considered that it would result in unacceptable overlooking or loss of light or to have an unacceptably overbearing impact on the garden. As such the impact on this property is considered to be acceptable.

6.19 33 St Stephens Road (flats)

The proposed dwelling would be directly to the rear of this property and at the closest point there would be 12.8m between them. This is sufficient to ensure that there would be no unacceptable loss of light to this property. The boundary wall would be rebuilt and the height raised by up to 50cm to account for the change in levels. The monopitched roof of the dwelling rises above this wall with a maximum height of 3.3m at the apex, which is 7.8m away from the boundary. There are no windows on this elevation.

As such whilst the dwelling would be visible it is not considered to result in unacceptable loss of light or privacy.

The area to the rear of 33 St Stephens Road provides parking spaces, bin storage and amenity space for the residents, accessed via the driveway leading between 33 & 35 St Stephens Road. The dwelling may be visible from this area, however it is not considered it would result in an overbearing impact upon this space.

There are a small number of windows on the side elevation of this property. These may experience a slight increase in disturbance as a result of additional cars using this access, however the access is already in use, providing access to 4 parking spaces at the rear and it is not considered that this is so harmful to warrant the refusal of the application.

6.20 35 St Stephens Road

A new fence would be formed between the two plots. There are kitchen and utility room windows proposed facing this boundary however these would be 5.5m from the fence and are ground floor rooms. As such it is not considered that any overlooking would occur and the dwelling is sufficient distance to ensure no loss of light or overbearing impact.

6.21 18 Hatherley Court Road

The garden of the proposed dwelling and the garden of 18 Hatherley Court Road would join, however the proposed dwelling is over 5m from the boundary and there is over 19m between the two dwellings. As such it is not considered that there would be any adverse impact on this property.

6.22 4 Westal Park

This property adjoins the site to the west. The proposed dwelling is set 1m in from the boundary at the nearest point and is 12m from this property with the section of building adjoining the boundary being 3m high. The only windows which face towards this property are those of the living/dining room which are set a further 10.5m back into the site. Whilst the proposed dwelling would be partially visible from within the curtilage of 4 Westal Park it is not considered that it would have an adverse impact upon it by way of loss of light, privacy or overbearing impact.

6.23 Given the above mentioned analysis of neighbour impact it is considered that the impact of the proposed dwelling is minimal. It is acknowledged that the proposal would have a degree of impact upon the residents of 33 St Stephens Road, primarily through additional vehicular movements along the driveway. However this is an access which is already in use by residents of flats within this building and as secondary, garden access for 35 St Stephens Road. As such it is not considered that a recommendation for refusal could be sustained on these grounds.

6.24 Access and highway issues

6.25 Policy JCS INF1, reflects the national policy position set out in Section 9 of the NPPF which is that planning permission will only be granted where the impact of development is not considered to be severe. The policy also states that developers should provide safe and efficient access to the highway, connections are made to existing walking, cycling and passenger transport networks and should be designed to encourage maximum usage.

6.26 The proposed dwelling would be accessed via an existing access point off St Stephens Road and a driveway which runs alongside 33 St Stephens Road. It is understood that rights of access exist over this site and indeed a gate already exists providing access into the application site. This driveway also leads to the area to the rear of 33 St Stephens Road which provides 4 residents parking spaces, an amenity area and bin storage area. The access to this area and to the boundary treatment alongside the driveway would be unchanged. The only change to the access arrangements are that the existing gates would be pushed a cars length back into the site so that no car stopping to open the gates would block the entrance to the car park.

6.27 Some representations which have been received make reference to boundaries being moved etc, however this is not proposed. Others make reference to the legalities around the proposed access. This is ultimately not a matter for the planning process and would be for the applicant to resolve.

6.28 The Highways Officer has confirmed that the use of the access is acceptable as is the parking and turning arrangements proposed within the site. A condition is proposed which would require a vehicle charging point to be provided and this is considered appropriate. It is also proposed that a construction method statement be required to ensure the residents of 33 St Stephens Road are not unduly impacted upon during the course of construction.

6.29 Subject to these conditions the proposal is considered to be acceptable in terms of highways and access issues.

7. CONCLUSION AND RECOMMENDATION

7.1 This application gives the opportunity to provide 1 well designed dwelling in a sustainable location. The proposal has an acceptable impact upon the conservation area and neighbour amenity. The access arrangements are acceptable. For these reasons the application is recommended for approval.

8. 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 The development hereby permitted shall not be first occupied until the proposed dwelling has been fitted with an electric vehicle charging point. The charging points shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851. The electric vehicle charging points shall be retained for the lifetime of the development unless they need to be replaced in which case the replacement charging point shall be of the same specification or a higher specification in terms of charging performance.

Reason: To promote sustainable travel and healthy communities in accordance with policy INF1 of the Joint Core Strategy.

4 Prior to first occupation of the development, parking and turning facilities shall be provided in accordance with the approved plans. Such areas shall not be used for any purpose other than the parking and turning of vehicles and shall remain free of obstruction for such use at all times.

Reason: To ensure the adequate provision of car parking within the site in the interests of highway safety, having regard to adopted policy INF1 of the Joint Core Strategy (2017).

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 All landscaping works including sedum and wildflower roofs 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).

- 7 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).

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.