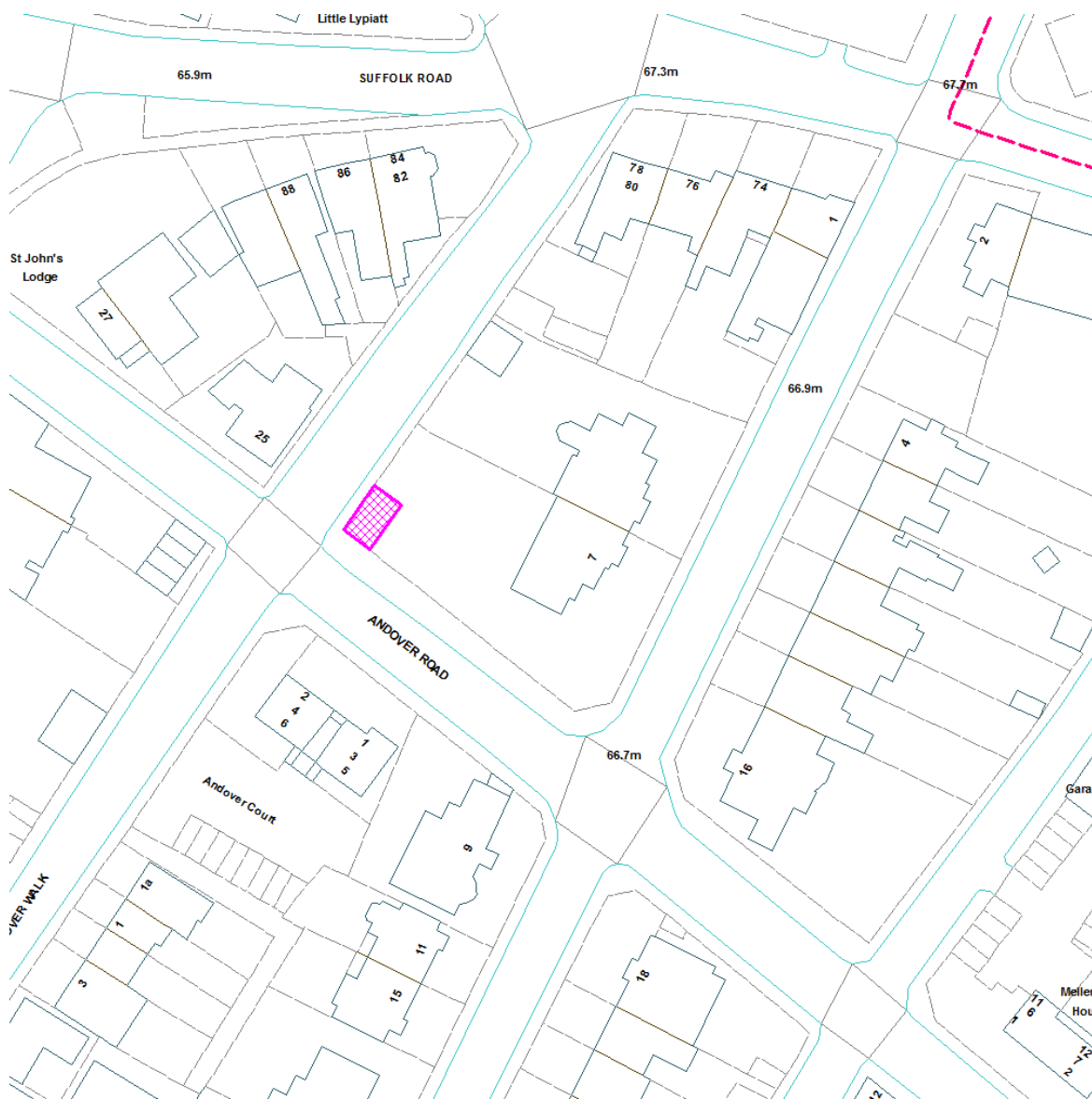


APPLICATION NO: 21/01102/CONDIT		OFFICER: Mrs Emma Pickernell
DATE REGISTERED: 11th May 2021		DATE OF EXPIRY: 6th July 2021
DATE VALIDATED: 11th May 2021		DATE OF SITE VISIT:
WARD: Park		PARISH:
APPLICANT:	Mrs E A Stevens	
AGENT:	Jackson Architects Ltd	
LOCATION:	Segrave, 7 Park Place, Cheltenham	
PROPOSAL:	Variation of condition 2 (approved plans), condition 5 (Roofing materials) and 6 (Design) of planning permission 20/00397/FUL of Conversion and alteration of existing Coach House to create a new dwelling (retrospective)	

RECOMMENDATION: Permit



1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is a coach house which was formerly within the curtilage of 7 Park Place which is locally indexed.
- 1.2 The site is located within The Park character area of the central conservation area.
- 1.3 Planning permission (20/00397/FUL) was granted last year for the conversion of the coach house to a separate dwelling with minor amendments (20/01201/AMEND) to the approved drawings subsequently being approved.
- 1.4 The application was granted subject to conditions relating to tree protection, materials and design details. Works were commenced in October 2020 with none of the conditions having been discharged.
- 1.5 This application seeks to regularise the situation by agreeing the relevant details and removing conditions which were not discharged but are no longer relevant. The application also seeks to vary condition 2 in order to allow for changes to the design which primarily involve the placement of timber panelling around the central pier between the two approved sections.
- 1.6 The plans have been amended during the course of the application to reflect the change to the design and to address some of the concerns raised, primarily by the Civic Society.
- 1.7 The application is referred to committee due to the objection from the Civic Society.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m

Conservation Area

Local Listing

Principal Urban Area

Relevant Planning History:

19/00506/PREAPP 25th April 2019 CLO

Erection of 2 detached dwellings and conversion of Coach House to form ancillary accommodation to main dwelling

20/02064/PREAPP 8th July 2021 CLO

Erection of new 1 bedroom dwelling

21/01251/PREAPP 9th June 2021 NOTREQ

Erection of 1 new dwelling

03/01535/CACN 28th October 2003 NOOBJ

Rear garden:- lime tree - reduce crown by 50% and reshape. Prune 2 apple trees. (Wellingtonia - remove dead, dying wood - no notification necessary). Front garden:- lift crown of sycamore.

05/01383/CONF 20th October 2005 CONFIR

Confirmation of Tree Preservation Order number 620: wellingtonia in the rear garden

08/00526/FUL 18th June 2008 PER

Creation of vehicular access onto Andover Road and erection of a 1.8 metre high brick wall with wooden powered double gates between brick pillars (retrospective)

08/01002/CACN 14th August 2008 NOOBJ

Lime adjacent to house - fell

Birch to front boundary - fell

78/01064/PF 6th November 1978 PER

Demolition of dilapidated outbuildings and erection of extension

15/00225/CACN 11th March 2015 NOOBJ

Removal of 2x Cherry and 1x Hawthorn trees

19/01720/FUL 15th November 2019 PER

Conversion of coach house to annexe accommodation and new brick boundary wall

20/00397/FUL 28th April 2020 PER

Conversion and alteration of existing Coach House to create a new dwelling

20/01201/AMEND 24th July 2020 PAMEND

Non material amendment to Planning Permission 20/00397/FUL - Fenestration changes. Re-opening and existing doorway. Change of boundary material to south elevation and new pedestrian gate.

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 5 Delivering a sufficient supply of homes

Section 8 Promoting healthy and safe communities

Section 12 Achieving well-designed places

Section 16 Conserving and enhancing the historic environment

Adopted Cheltenham Plan Policies

D1 Design

HE1 Buildings of Local Importance and Non-Designated Heritage Assets

SL1 Safe and Sustainable Living

GI2 Protection and replacement of trees

GI3 Trees and Development

Adopted Joint Core Strategy Policies

SD4 Design Requirements

SD8 Historic Environment

SD10 Residential Development

SD14 Health and Environmental Quality

Supplementary Planning Guidance/Documents

Central conservation area: The Park Character Area and Management Plan (July 2008)

4. CONSULTATIONS

Civic Society

2nd June 2021

(Comments made in response to initial consultation)

Cheltenham Civic Society is disappointed that this matter was picked up through site observation rather than the developer complying with and respecting the appropriate consents that were in place. This shows a worrying disregard for the planning process and the town's architectural heritage, and we commend Cheltenham Borough Council on requiring relisting.

The site sits within the historic and architecturally rich Central Conservation Area and within a group of listed and locally listed buildings. Cheltenham Civic Society supported the original application because it appeared to respect both the building and its setting. The earlier applications acknowledged the importance of the historic architecture and context. Their design and access statements specifically mentioned the insertion of timber doors, windows and gates as being consistent with the building's historic form and with other similar buildings in the area.

The Officer Report for 20/00397/FUL stated, 'The Andover Walk elevation would see the two modern garage doors removed and replaced with fixed timber panels with glazing. The aesthetic appearance of a coach house will be retained which is appropriate in this historic setting. In order to retain a level of control over the works, conditions are proposed to ensure the appropriate level of finish is achieved.' That was a pragmatic statement that summarised an appropriate approach, which we supported.

The Officer Report for 19/01720/FUL stated, 'The Andover Walk elevation would see the two modern garage doors removed and replaced with fixed timber panels with glazing. This will enable the coach house to have a more appropriate appearance in this historic setting. Appropriate conditions have been included to ensure the works are undertaken to a standard necessary for this prominent building within the conservation area.' The report also stated, 'Policy SD8 of the JCS states how designated heritage assets and their setting will be conserved and enhanced whilst Policy SD4 notes how development should positively respond to and respect the character of the site and its surroundings. These are supported through Local Plan Policy CP7 which requires development to not harm the architectural integrity of the building.'

These statements not only indicate the policy context but the architectural context of the latest application. Planning policies and Conservation Area Assessment and Management Plans have not changed since the first applications were decided. The use of artificial materials in this scheme is not acceptable and is not supported. To use them would have a significant negative effect on the Conservation Area and on the building in question, and would set an unwelcome precedent in the Conservation Area with grave consequences for enforcement and compliance.

The use of timber doors, cladding, windows, fascia, soffit and mock coach house doors would be in keeping. Cheltenham Civic Society continues to support the original proposals and the use of natural materials and strongly opposes this amended retrospective application for all the reasons cited.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	15
Total comments received	0
Number of objections	0
Number of supporting	0
General comment	0

- 5.1 The application was publicised by way of letters to 15 neighbouring properties, a site notice and a notice in the local paper. No representations were received. The exercise was repeated upon receipt of revised plans and no representations were received.

6. OFFICER COMMENTS

6.1 Determining Issues

6.2 The principle of the proposal was accepted through the granting of the earlier consent. As such the key issue in determining this application is whether the proposed details and amendments to the conditions have an acceptable impact upon the building itself, the adjacent locally indexed building and the wider conservation area.

6.3 Design, appearance and heritage impact.

6.4 The National Planning Policy Framework (NPPF) in section 12 refers to achieving well designed places. It states that amongst other things planning decisions should ensure that developments are visually attractive, are sympathetic to location character and history and establish or maintain a strong sense of place.

6.5 The building is located in the conservation area and in the setting of a locally indexed buildings which are both heritage assets. Section 16 of the NPPF states that in determining applications local authorities should take account of the significance of a heritage asset and the level of any potential harm to it.

6.6 Policies D1 of the Cheltenham Plan and SD4 of the JCS relate to design and require that development adequately reflect the principles of urban and architectural design, including context, character and sense of place and respects neighbouring development.

6.7 Policy HE1 of the Cheltenham Plan seek to ensure that any development that would affect the setting of a locally important non-designated heritage asset will be required to have regard to the scale of any harm or loss to the significance of the heritage asset. Policy SD 8 of the JCS also relates to the historic environment and seeks to ensure the conservation of heritage assets and that they make a positive contribution to local character.

6.8 Condition 2.

6.9 Condition 2 currently reads as follows:

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.

6.10 Permission is sought to vary the approved plan referred to in schedule 1. This is the appropriate mechanism for securing changes to the approved design. In this instance the changes to the approved design comprise the cladding of the central pier between the two approved sections of cladding on the front elevation.

6.11 The original building had timber cladding between the two garage doors which previously existed in this location. The approved design was intended to replicate two coach house doors. The proposed design still achieves this and given that the original building had this central section clad in timber it is difficult to argue that this element of the works fails to preserve or enhance the character of the conservation area or the building itself.

6.12 As such officers consider this element of the proposals to be acceptable.

6.13 Conditions 3 & 4

6.14 Condition 3 currently reads as follows:

- 6.15** *Prior to the commencement of development (including demolition and site clearance), a Tree Protection Plan (TPP) to BS5837:2012 (or any standard that reproduces or replaces this standard) shall be submitted to and approved in writing by the Local Planning Authority. The TPP shall include the methods of tree and /or hedge protection, the position and specifications for the erection of tree protective fencing, and a programme for its implementation. The works shall not be carried out unless in accordance with the approved details, and the protective measures specified within the TPP shall remain in place until the completion of the construction process.*

Reason: To safeguard the existing tree(s) in the interests of visual amenity, having regard to saved policies GE5 and GE6 of the Cheltenham Borough Local Plan (2006). Approval is required upfront to ensure that important trees are not permanently damaged or lost.

- 6.16** Condition 4 currently reads as follows:

- 6.17** *Any works taking place in the root protection area shall be carried out by hand and no roots over 25mm to be severed without the advice of a qualified arboriculturalist or without written permission from the Local Planning Authority's Tree Officer.*

Reason: To safeguard the retained/protected tree(s) in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.

- 6.18** Condition 4 did not require any further information to be submitted to the LPA and there has been no suggestion that the works have not been carried out in accordance with this condition. However condition 3 required a Tree Protection Plan (TPP) to be submitted prior to the commencement of the development. This was not done. However the applicants have confirmed that protective fencing was erected before the building work was carried out. The case has been discussed with the tree officers who have confirmed that whilst the situation is not ideal, the tree to the rear of the building appears to have been unaffected by the construction phase of the project which is now complete.

- 6.19** As such whilst it is unfortunate that the TPP was not submitted it is now considered that this condition can be removed.

6.20 Condition 5

- 6.21** Condition 5 currently reads as follows:

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).

- 6.22** The roofing materials were applied without details having been provided to the LPA as required by this condition. Details have now been provided which explain that the roof slates are blue grey Spanish slate. This is considered to be wholly appropriate for the building. The new facing materials comprise reclaimed bricks which have been used in the raising of the roof. These are considered to be a good match with the original brickwork and this element of the proposal is considered to be acceptable. The timber cladding is covered by condition 6.

6.23 Officers consider the facing and roofing materials to be acceptable and as such this condition can be removed.

6.24 Condition 6

6.25 Condition 6 currently reads as follows:

Notwithstanding the submitted details, the following elements of the scheme shall not be installed, implemented or carried out unless in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority:

- a) Vents/flues;
- b) Rainwater goods;
- c) Eaves/soffits/barge boards;
- d) Rooflights;
- e) Windows and doors, and;
- f) Timber Panelling

The works shall not be carried out unless in accordance with the details so approved. The design and details shall be accompanied by elevations and section drawings (where appropriate) to a minimum scale of 1:5 or a physical sample / written specification.

Reason: To ensure a high quality finish to the building and to preserve the character of the Conservation Area, having regard to Policies CP3 and CP7 of the Cheltenham Borough Local Plan (adopted 2006), Policies SD4 and SD8 of the Joint Core Strategy (adopted 2017), and Section 12 and 16 of the National Planning Policy framework.

6.26 These details should have been provided before the materials were used. At the last visit to the site most of these elements had been applied/installed although not all. Some of these details have changed since the submission of this application. What is now proposed is as follows:

- a) Vents/flues; - None proposed
- b) Rainwater goods; - Gutters and downpipes – black aluminium. Soil pipe – Black UPVc
- c) Eaves/soffits/barge boards; - Slate grey UPVc
- d) Rooflights; - Conservation style grey/back aluminium
- e) Windows and doors - Grey aluminium window and doors on the east elevation, aluminium window on the north elevation, grey aluminium high level windows on west elevation. Grey painted timber gate in south elevation boundary, grey painted timber vehicular gate in west elevation boundary. The originally submitted drawing indicated aluminium pedestrian and vehicular gates.
- f) Timber Panelling – painted grey timber. The originally submitted drawing indicated timber effect fibre cement boarding.

6.27 These elements were not fully specified in the original application, hence the condition. However the application form indicated that timber windows were proposed.

6.28 The comments of the civic society were made prior to the amendments being made to the plans, although it is understood that their objection is maintained. The issues raised relate primarily to the use of alternatives to timber on the doors, windows, fascia and soffit. They consider that natural materials (timber) should be used in these locations.

6.29 Due to officers negotiations the outward facing elements of the building comprising the two gates and the cladding would now be timber. The doors face inwards to the site and would not be widely visible from public vantage points within the conservation area. The aluminium windows and roof lights would be visible. However the use of aluminium, particularly in secondary buildings such as this is not uncommon and it is considered that their appearance is acceptable. The fascias and soffits have already been installed and as such their visual impact can be readily assessed. Officers consider their appearance to be acceptable.

6.30 Assessment

6.31 Whilst the opinion of the Civic Society with regards to the use of natural materials is understood, there is no policy basis upon which to resist the use of artificial materials as a point of principle. Similarly the frustrations with regards to the retrospective nature of the proposal are understood. However, it is necessary, as with all applications to consider this case on it's own merits.

6.32 Taking the scheme as a whole the materials proposed and the appearance of the front elevation are considered to be acceptable, and to have an acceptable impact upon the conservation area.

6.33 The scheme has been discussed with conservation officers who raised no objections to it.

6.34 Other considerations

6.35 Public Sector Equalities Duty (PSED)

As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have "due regard" to this duty. There are three main aims:

- Removing or minimising disadvantages suffered by people due to their protected characteristics;
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people; and
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage, the duty is to have "regard to" and remove OR minimise disadvantage and in considering the merits of this application the planning authority has taken into consideration the requirements of the PSED.

In the context of the above PSED duties, this proposal is considered to be acceptable.

7. CONCLUSION AND RECOMMENDATION

7.1 For the reasons outlined above the proposal is considered to be acceptable and as such the recommendation is to permit the application. The conditions have been updated to reflect the current position.

- 7.2 It is recommended that an additional condition requiring any unauthorised elements to be removed within 1 month of the date of the decision.

8. CONDITIONS / INFORMATIVES

- 1 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.

- 2 Any unauthorised works shall be removed/reversed within 1 month of the date of this decision unless otherwise agreed in writing by the Local Planning Authority.

Reason: The unauthorised works are considered to have an unacceptable impact upon the character and appearance of the conservation area, their removal is required to ensure the scheme complies with policy SD8 of the Joint Core Strategy.

- 3 Prior to the first occupation of the approved dwelling the following shall be completed in strict accordance with the approved drawing:

- Rainwater goods
- Eaves and Soffits
- Rooflights
- Windows and Doors
- Vehicular and Pedestrian gates
- Timber Panelling.

Reason: To ensure a high quality finish to the building and to preserve the character of the Conservation Area, having regard to Policies CP3 and CP7 of the Cheltenham Borough Local Plan (adopted 2006), Policies SD4 and SD8 of the Joint Core Strategy (adopted 2017), and Section 12 and 16 of the National Planning Policy framework.

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.