APPLICATION NO: 22/00124/FUL		OFFICER: Michelle Payne
DATE REGISTERED: 21st January 2022		DATE OF EXPIRY: 18th March 2022 (extension of time agreed until 25th March 2022)
DATE VALIDATED: 21st January 2022		DATE OF SITE VISIT:
WARD: Leckhampton		PARISH: Leckhampton With Warden Hill
APPLICANT:	Hopley Morgan Developments Ltd	
AGENT:	Zesta Planning Ltd	
LOCATION:	15 Pilley Lane Cheltenham Gloucestershire	
PROPOSAL:	Erection of 2no. semi-detached dwellings including associated access, parking and landscaping following demolition of existing dwelling and detached garage	

RECOMMENDATION: Permit



1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is located on the southern side of Pilley Lane, and comprises a detached bungalow with a large detached garage/outbuilding to the rear. The site is large, rectangular in shape, and has a relatively flat topography.
- 1.2 The site is bounded by residential properties in Pilley Lane and Pilley Crescent to the south and west; and Leckhampton Baptist Church to the east, which is a locally listed building. Lilleybrook Care Home, a large, modern, assisted living complex is located opposite the site.
- 1.3 The application is seeking planning permission to demolish the existing buildings on site and erect a pair of semi-detached, four bedroom dwellings with associated access, parking and landscaping.
- 1.4 The application is before planning committee at the request of Councillor Horwood due to concerns that the development "is too large for the site and represents overdevelopment and is specifically too high in proximity to the sensitive location of the Baptist church from which it might obstruct light into the main church." The application is also subject to an objection from the Parish Council.
- 1.5 Revised plans have been submitted during the course of the application and these are discussed in the report below.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m Principal Urban Area Smoke Control Order

Relevant Planning History:

None

3. POLICIES AND GUIDANCE

National Planning Policy Framework 2021 (NPPF)

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

Adopted Cheltenham Plan 2020 (CP) Policies

D1 Design

HE1 Buildings of Local Importance and Non-Designated Heritage Assets

SL1 Safe and Sustainable Living

Adopted Joint Core Strategy 2017 (JCS) Policies

SD3 Sustainable Design and Construction

SD4 Design Requirements

SD9 Biodiversity and Geodiversity

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) Index of buildings of Local Interest (2007)

4. CONSULTATION RESPONSES

Building Control 21st January 2022

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

Parish Council 14th February 2022

The Parish Council objects to the above application because it would be overdevelopment on this plot of land and in this road. The proposed development would not reflect size, scale and appearance of other properties in the road. Pilley Lane has a variety of housing styles; Victorian cottages and houses, (rendered in Cream/off white), more modern properties, (brick), and 1930's houses, (cream pebbledash/render), and two bungalows. In between there are several council built 1920's houses of red brick and cream/off white pebbledash. There are no houses with dark grey rendering. Some front gardens now have hard standing, but importantly, retain some planting and a boundary fence or brick wall to soften the impact. Front gardens are well maintained with grass areas and flower gardens. The road retains its 'old fashioned' feel.

Contrary to the above statement it would not be a modest property as there are few if any other four bedroom/three story houses in the road. It would, therefore, not be an appropriate use of the site given existing neighbouring properties. The site is not large enough to accommodate two dwellings of this size. The resulting development would not be characteristic of urban form in this part of town.

The proposed ridge height and overall mass is not acceptable. The two proposed properties will have very steep front facing gables with 'wings' on either side. This is not characteristic of the properties in the immediate surrounding area. The two properties, No.21 and 23 on the other side of the chapel, and with front facing gables, are of modest dimensions in comparison and are faced in cream stone and rendering.

It must be questioned if the height of the new build would impact on the light coming into the windows of the chapel.

No other houses in the road are faced in a dark or light grey colour, which is completely out of character with Cheltenham stone and light colour rendering seen in the road.

Tarmac of the front garden, taking down the boundary wall and without any landscaping must be resisted. Dark grey tarmac is cheap to put down but is a very hard cold colour and not consistent with building material used in other front gardens in the road, such as stone coloured chippings. A more sensitive building material could be resin with a stone coloured chippings mix. It should not be necessary to provide parking for two cars in the front garden as there is a lay by opposite no. 13 for additional cars. This would ensure that the front of the property would retain some privacy in the form of a brick wall or fencing, and above all, some planting to support wildlife. The proposed application does not include any boundary treatments and screening which is regrettable.

There is no mention of any green credentials associated with the above planning application, either in the form of heat pumps, solar panels or sustainable building materials, so the Council wonders whether these houses are future proofed. Customers are increasingly aware of these considerations.

At present the area is not low speed.

GCC Highways Development Management 18th February 2022

Gloucestershire County Council, the Highway Authority acting in its role as Statutory Consultee has undertaken a full assessment of this planning application. Based on the appraisal of the development proposals the Highways Development Management Manager on behalf of the County Council, under Article 18 of the Town and Country Planning (Development Management Procedure) (England) Order, 2015 has no objection subject to conditions.

The justification for this decision is provided below.

The proposal is not perceived to arise a detrimental impact on the operation and safety of the adjacent network. On this basis, the Highway Authority would not wish to object to the proposal subject to a condition for electric vehicle charging points and bicycle storage in order to promote sustainable modes of transport.

The Highway Authority has undertaken a robust assessment of the planning application. Based on the analysis of the information submitted the Highway Authority concludes that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion. There are no justifiable grounds on which an objection could be maintained.

Conditions

Bicycle Parking

The Development hereby approved shall not be occupied until sheltered, secure and accessible bicycle parking has been provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. The storage area shall be maintained for this purpose thereafter.

Reason: To promote sustainable travel and healthy communities.

Electric Vehicle Charging Points

Before first occupation, each dwelling hereby approved shall have been fitted with an Electric Vehicle Charging Point (EVCP) that complies with a technical charging performance specification, as agreed in writing by the local planning authority. Each EVCP shall be installed and available for use in accordance with the agreed specification unless replaced or upgraded to an equal or higher specification.

Reason: To promote sustainable travel and healthy communities.

Informatives

Alterations to Vehicular Access

The Local Highway Authority has no objection to the above subject to the applicant obtaining a section 184 licence. 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. Full Details can be found at www.gloucestershire.gov.uk

Street lighting

There is a street light fronting the site which will need to be moved as a result of the proposal, and the applicant is required to obtain the permission of the operator before commencing any works.

Architects Panel

14th March 2022

Design Concept - The existing dwelling on this site is of no architectural or historic interest so the panel had no objection to the principle of replacing it with new buildings. The site is surprisingly large and capable of accommodating two semi-detached dwellings.

Design Detail - The scale and proportions of the proposal is acceptable given its context. The introduction of later submitted half-hip roof design is welcome as it will help reduce the overall impact of the building next to adjacent buildings. A reduction in the length of the top floor dormer would also be recommended.

Recommendation - Support.

5. PUBLICITY AND REPRESENTATIONS

- 5.1 Letters of notification were sent to the three adjoining properties. In response to the publicity, three representations have been received in objection to the proposed development. The objections have been circulated in full to Members but are summarised below:
 - The use of light and dark grey render would be out-of-keeping with other homes in the area; most are red brick.
 - The proposed development is not in character with the surrounding neighbourhood and will stand out.
 - The dwellings would be overbearing.
 - Neighbours will be extremely overlooked with no privacy.
 - We will lose the open aspect to our garden view.
 - The noise from the dwellings will be immense and very disturbing.
 - Will impact on the value of our property.
 - The design will do nothing to enhance the street or rear elevation and will be taken as a precedent for the replacement of other properties.
 - The rear view will be seen by many residents of Pilley Crescent and will present a bland, bulky mass devoid of any detail other than the windows that will overlook the gardens of the nearer properties.
 - It would be over development on the site of the present bungalow. The two houses would be overbearing in style and size. No other properties on the lane have such a steep front facing pitched roof, as is being proposed in the application.
 - Buildings in the lane are faced in cream/off white rendering, cream pebble dash and brick. None are faced in dark grey as per the application.
 - The Council should resist allowing a front garden to be completely covered in tarmac without ensuring that some planting is included, such as trees or shrubs. Hard standing in other gardens in the road has retained some privacy with either a brick wall or fencing.
 - Three storey properties would be overbearing for other properties in Pilley Crescent.
 - It is very disappointing that no green measures in the form of solar panels or heat pumps are included in the application.

6. OFFICER COMMENTS

6.1 Determining issues

6.1.1 The main considerations when determining this application relate to the principle of development; design and layout; any potential impact on the amenity of neighbouring land users; and parking and highway safety.

6.2 Principle

- 6.2.1 Paragraph 11 of the National Planning Policy Framework (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 quite 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 of housing and therefore the 'tilted balance' in favour of granting permission is triggered.
- 6.2.3 Notwithstanding the above, the application site is sustainably located within the Principal Urban Area, wherein adopted JCS policy SD10 supports new housing development. Moreover, throughout the NPPF emphasis is given to new development optimising the potential of the site; and policy SD10 also requires new residential development proposals to "seek to achieve the maximum density compatible with good design, the protection of heritage assets, local amenity, the character and quality of the local environment, and the safety and convenience of the local and strategic road network."
- 6.2.4 Additionally, the existing bungalow is not of any particular architectural merit and therefore its demolition is considered to be acceptable subject to a satisfactory scheme for redevelopment.
- 6.2.5 As such, there is no fundamental reason to suggest that the principle of re-developing the site for a greater number of houses is unacceptable, subject to the material considerations discussed below

6.3 Design and layout

- 6.3.1 Paragraph 130 of the NPPF requires decisions on planning applications to ensure that new developments "will function well and add to the overall quality of the area...; are visually attractive...; are sympathetic to local character...including the surrounding built environment...whilst not preventing or discouraging appropriate innovation or change (such as increased densities); establish or maintain a strong sense of place...; optimise the potential of the site...; and create places that are safe, inclusive and accessible...with a high standard of amenity for existing and future users".
- 6.3.2 The above requirement is generally consistent with the design requirements set out in adopted CP policy D1 and JCS policy SD4.
- 6.3.3 Additional guidance can be found 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 include grain, type of building, location of buildings within the block or street, plot widths and building lines. The document states at paragraph 3.5 that "Responding to character is not simply about copying or replicating what already exists in an area...Change in itself is not considered a bad thing automatically..."
- 6.3.4 Furthermore, CP policy HE1 advises that "Development proposals that would affect a locally important or non-designated heritage asset, including its setting, will be required to have regard to the scale of any harm or loss to the significance of the heritage asset."
- 6.3.5 Building heights and styles, plots sizes and materials in the vicinity of this site vary greatly and, as such, there is no clear distinct character to which the development must

adhere. The existing bungalow and its neighbour are the anomalies, with neighbouring developments largely two storeys in height.

- 6.3.6 Given the variety and nature of housing within the locality, and the size of the plot, the subdivision of the application site into two plots would not be at odds with the surrounding urban grain. Officers accept that the proposed development would have a greater visual impact than the existing bungalow but this, in itself, is not considered to be unacceptable or harmful.
- 6.3.7 In addition, officers do not share the concerns of local residents and the parish council that the re-development of this plot to provide two houses would be an overdevelopment of the site. As previously noted at paragraph 6.2.3, within JCS policy SD10, and throughout the NPPF, emphasis is given to new development making the most efficient use of land, and to optimising the potential of sites. Indeed, the Architects Panel (AP) also acknowledge that "The site is surprisingly large and capable of accommodating two semi-detached dwellings". Moreover, the scale and proportions of the proposed dwellings is also supported by the AP in this context; and they welcome the introduction of the half-hip roof design which was introduced during the course of the application to reduce the overall bulk of the building.
- 6.3.8 In terms of design, the proposed dwellings are fairly traditional in their appearance, and will be largely faced in red brick, beneath a slate roof. The grey render which has been raised as a concern in the objections in limited in its extent, with the front gable being light grey in colour, and the dark grey render only proposed to the single storey rear extension and rear dormer. Such a palette of materials in this location is considered to be acceptable given the variety of facing and roofing materials used in the existing houses in the locality; however, to ensure a suitably high quality development, a condition is recommended which requires the selected facing and roofing materials to be submitted and agreed prior to their implementation.
- 6.3.9 Each dwelling will be provided with two car parking spaces and private outdoor amenity spaces; together with adequate space for the storage of cycles, and refuse and recycling.
- 6.3.10 With regard to the setting of the neighbouring Baptist Church, which is locally indexed for its local architectural interest and strong community importance, and its positive contribution to the streetscene, it is important to recognise that the building is already surrounded by residential properties. As such, whilst the setting of the church will undoubtedly be altered by the development, officers are satisfied that it would not be to the detriment of this locally indexed building.

Sustainability

- 6.3.11 In addition to the aforementioned design policies, adopted JCS policy SD3 requires new development to be designed and constructed to maximise the principles of sustainability; development proposals are required to "demonstrate how they contribute to the aims of sustainability" and "be adaptable to climate change in respect of the design, layout, siting, orientation..."
- 6.3.12 JCS paragraph 14.4.11 goes on to advise that:

Before considering the use of renewable energy technologies the design of a development should first identify measures to reduce overall energy demand. This can include choice of building fabric and construction techniques, optimising solar gain, natural lighting and ventilation to reduce the need for space heating and/or cooling and lighting. Secondly, the design should include measures to use energy more efficiently such as increasing levels of insulation in walls, floors and roofs and improved air-tightness.

6.3.13 In terms of sustainability, the applicant's agent has confirmed that several options are being considered; these include:

- A high level of solar gains achieved through the amount of glazing on the front and rear elevations.
- A fabric first approach to the build design, including enhanced levels of insulation.
- The potential for air source heat pumps
- Solar PV could be considered, if the above measures are found to be unachievable.

6.4 Neighbouring amenity

- 6.4.1 Adopted CP policy SL1 advises that development will only be permitted where it will not cause unacceptable harm to the amenity of adjoining land owners or the locality; these requirements are reiterated in adopted JCS policy SD14. In addition, as previously noted, NPPF paragraph 130 highlights the need to secure a high standard of amenity for existing and future users.
- 6.4.2 In assessing the amenity impacts of a development, CP paragraph 14.4 advises that "the Council will have regard to matters including loss of daylight; loss of outlook; loss of privacy; and potential disturbance from noise...and traffic / travel patterns".
- 6.4.3 A number of amenity concerns have been raised by neighbouring residents. One concern relates to a loss of privacy and overlooking of the property to the rear, 2 Pilley Crescent. In this regard, officers are satisfied that no unacceptable harm will occur. Whilst the properties will be two storeys in height with additional accommodation within the roof, the closest upper floor windows will be some 25 metres from the rear boundary; far in excess of the minimum 10.5 metres distance normally sought. Moreover, some overlooking of this neighbouring rear garden already occurs, and vice versa, due to the existing fence height. In addition, given the distances involved it is not considered that the dwellings would appear particularly overbearing, nor compromise levels of daylight to this neighbour. No significant increase in noise should occur from the development given the nature and scale of the proposal.
- 6.4.4 The neighbouring bungalow to the west, 11 Pilley Lane, has a window in its side elevation facing the application site and, whilst no objection has been received from this neighbour, the impact on the window must still be considered. As existing, the room served by the window is used as a box/storage room but it does have the potential to be used as a habitable room; that said, daylight to, and outlook from, the window is already compromised to a degree by the existing bungalow which sits immediately adjacent to the boundary. Officers are therefore satisfied that whilst the proposed building is likely to have a greater impact on this window, given that it will be set 1.5 metres further away, any such impact is, on balance, acceptable.
- 6.4.5 Officers are satisfied that the development would not result in any significant impact on the users of the neighbouring church building which is served by a large number of windows.
- 6.4.6 Matters relating to the loss of a view, the potential devaluation of property, and asbestos removal, are not material planning considerations.

6.5 Parking and highway safety

6.5.1 Adopted JCS policy INF1 requires all development proposals to ensure a safe and efficient access to the highway is provided for all users; permission will only be refused on highway grounds where the impact of the development upon the local highway network would be severe. The policy is wholly consistent with Section 9 of the NPPF.

- 6.5.2 From a highway safety perspective, the application has been reviewed by the County Highways Development Management Team, who raise no objection subject to conditions; concluding that "there would not be an unacceptable impact on Highway Safety or a severe impact on congestion. There are no justifiable grounds on which an objection could be maintained."
- 6.5.3 In this case, whilst it is necessary and appropriate to secure the provision of electric vehicle charging points by condition, it is not considered necessary to secure additional details in relation to cycle parking given the nature of the development and size of the plots. Both properties would benefit from external access to the rear gardens.
- 6.5.4 It is acknowledged that concerns have been raised over the loss of the existing landscaping to the front of the site, and the brick boundary wall, and that is has been suggested that these works should be resisted; however, these works, in isolation, could be carried out without the need for planning permission. Householder permitted development rights allow for the provision of, or replacement of, a hard surface within the curtilage of a dwelling, provided that, where it is located to the front of the property and exceeds 5 square metres, it comprises porous materials, or surface water run-off is directed to a permeable or porous area.
- 6.5.5 There is however some limited scope to introduce some soft landscaping to the frontage and this can be secured by condition; together with details of boundary treatments.

6.6 Other considerations

Public Sector Equalities Duty (PSED)

- 6.6.1 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.
- 6.6.2 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 planning application the planning authority has taken into consideration the requirements of the PSED.
- 6.6.3 In the context of the above PSED duties, this proposal is considered to be acceptable.

7. CONCLUSION AND RECOMMENDATION

- 7.1 Decisions on planning application must be made in accordance with the development plan.
- 7.2 The application site is sustainably located within the Principal Urban Area, wherein adopted JCS policy SD10 supports new housing development. Moreover, throughout the NPPF emphasis is given to new development optimising the potential of the site; and policy SD10 also requires new residential development proposals to "seek to achieve the maximum density compatible with good design, the protection of heritage assets, local amenity, the character and quality of the local environment, and the safety and convenience of the local and strategic road network."

- 7.3 Notwithstanding the above, where housing policies are out-of-date (as is the case in Cheltenham as the Council is currently unable to demonstrate a five year supply of deliverable housing sites) development proposals must 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.
- 7.4 As set out in the above report, officers are satisfied that the design of the dwellings is acceptable in this location; and the proposal is supported by the Architects Panel. Furthermore, no undue harm would be caused to the setting of the neighbouring locally indexed building; there are no significant amenity concerns arising from the development; and no highway objection has been raised by the Local Highway Authority.
- 7.5 Moreover, the proposed additional dwelling would make a small but nevertheless valuable contribution to the borough's housing stock.
- 7.6 As such, the proposed development would not result in any adverse impacts that would outweigh the benefits of the scheme. The recommendation therefore is to grant planning permission subject to the following conditions:

8. CONDITIONS

- 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.
- 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 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 adopted policy D1 of the Cheltenham Plan (2020) and adopted policy SD4 of the Joint Core Strategy (2017).
- 4 Prior to the implementation of any landscaping, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide details of all new walls, fences, or other boundary treatments; 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; 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.

Reason: In the interests of the character and appearance of the area, having regard to adopted policies D1, GI2 and GI3 of the Cheltenham Plan (2020), and adopted policies SD4 and INF3 of the Joint Core Strategy (2017).

Prior to first occupation, each dwelling shall be fitted with an Electric Vehicle Charging Point (EVCP) that complies with a technical charging performance specification, that shall have first been agreed in writing by the Local Planning Authority. Each EVCP shall be installed and available for use in accordance with the agreed specification unless replaced or upgraded to an equal or higher specification.

Reason: To promote sustainable travel and healthy communities, having regard to adopted policies SD4 and INF1 of the Joint Core Strategy (2017) and paragraphs 110 and 112 of the National Planning Policy Framework (2021).

INFORMATIVES

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.

- The applicant developer is advised that the construction of the new access will require the extension of a verge and/or footway crossing from the carriageway under Section 184 of the Highways Act 1980 and permission must be obtained from Gloucestershire Highways on 08000 514 514 or highways@gloucestershire.gov.uk before commencing any works on the highway. Further details can be found at www.gloucestershire.gov.uk
- The development will require the relocation of a street light and the applicant/developer is advised that permission must be obtained from the operator before commencing any works.