

APPLICATION NO: 22/00501/FUL		OFFICER: Miss Claire Donnelly	
DATE REGISTERED: 15th March 2022		DATE OF EXPIRY: 10th May 2022	
DATE VALIDATED: 15th March 2022		DATE OF SITE VISIT:	
WARD: Leckhampton		PARISH: Leckhampton With Warden Hill	
APPLICANT:	Mr And Mrs Sheldon		
AGENT:	SF Planning Limited		
LOCATION:	113 Church Road Leckhampton Cheltenham		
PROPOSAL:	Proposed new dwelling (amendment to previously approved planning permission ref. 11/00735/FUL)		

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 The application relates to 113 Church Road, specifically the land to the rear of the main dwelling known as 113 Church Road. The site comprises a detached chalet style bungalow which fronts Church Road, which sits in a generously sized plot. The dwelling is locally listed and has been identified as an 'unusual building type' therefore is considered to be a building which contributes to Cheltenham. The site is within the parish of ... and is not located within a conservation area.
- 1.2 The application proposes the erection of a new dwelling located on the land to the rear of 113 Church Road.
- 1.3 This application is a resubmission of a previously approved application in 2011 (ref. 11/00735/FUL).
- 1.4 The application is at planning committee due to the applicant being a member of staff of the council, as well as a Parish Council objection and Architects Panel objection.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m
Principal Urban Area

Relevant Planning History:

99/50410/OUT	27th January 2000	REF
Outline planning permission for a single dwelling		
00/00438/OUT	31st May 2000	REF
Construction of 3 no. detached houses with garages following demolition of existing dwelling. Construction of new vehicular access		
01/00897/FUL	30th July 2001	PER
Extension to dining room and kitchen on ground floor, the addition of a first floor bedroom with en-suite plus family bathroom and the creation of a dormer window to the rear in existing bedroom		
09/01517/FUL	4th December 2009	PER
New vehicular access, boundary wall and entrance gate		
11/00735/FUL	22nd July 2013	PER
Erection of a dwelling to the rear (Revised drawings to those previously consulted upon)		
12/01803/TIME	9th January 2013	PER
Application to extend the time limit for implementation of planning permission 09/01517/FUL for new vehicular access, boundary wall and entrance gate		
12/01963/AMEND	20th February 2013	PAMEND
Non-material amendment to planning approval 12/01803/TIME - Revision to location of dropped kerb and part retention of existing hedging.		
14/02152/FUL	24th April 2015	PER
Proposed construction of new integral garage with bedroom above and single storey link (Following demolition of existing conservatory and detached single garage)		
15/02044/DISCON	23rd November 2015	DISCHA
Discharge of condition 4 (tree protection fencing) on planning permission ref: 14/02152/FUL		

15/02072/AMEND

2nd December 2015

PAMEND

Non material amendment to planning permission ref: 14/02152/FUL -to allow the removal of the tree closest to the property (the application and discharge of conditions information specified it would be retained).

16/00115/AMEND

29th January 2016

PAMEND

Non material amendment to planning permission ref: 14/02152/FUL - addition of white 'cape cod' timber to upper floor of extension

18/01118/DISCON

22nd June 2018

DISCHA

Discharge of conditions 3 (Materials), 4 (Landscaping), 5 (Levels), 6 (Tree Protection Plan), 7 (Evidence), 8 (Recreational facilities), 10 (Temporary car park) and 11 (Wheel washing facilities) on planning permission 11/00735/FUL

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 2 Achieving sustainable development
Section 4 Decision-making
Section 5 Delivering a sufficient supply of homes
Section 8 Promoting healthy and safe communities
Section 9 Promoting sustainable transport
Section 11 Making effective use of land
Section 12 Achieving well-designed places

Adopted Joint Core Strategy Policies

SP1 The Need for New Development
SD3 Sustainable Design and Construction
SD4 Design Requirements
SD10 Residential Development
SD14 Health and Environmental Quality
INF1 Transport Network

Cheltenham Plan Policies

D1 Design
SL1 Safe and Sustainable Living
GI2 Protection and replacement of trees
GI3 Trees and Development

Supplementary Planning Guidance/Documents

Development on garden land and infill sites in Cheltenham (2009)

4. CONSULTATIONS

Gloucestershire Centre For Environmental Records

4th April 2022 –

Report available in documents tab.

Building Control

18th March 2022 –

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

Parish Council

6th April 2022 –

The Parish Council does not object to this application but wishes to draw attention to the following key issues:

The Parish Council objected to the previous application in 2011 on several grounds, one being that the first floor windows of the dwelling as then proposed overlooked the back gardens of many houses to the south-west in Vineries Close and in Church Road. The design as now proposed overcomes this problem by having no first floor windows looking out on its south-west side. But any planning approval must include a condition that the dwelling shall not be modified in the future in any way that would cause overlooking, such as the incorporation of windows in the sloping roof.

As the Parish Council said in its comments in 2011, it is very important to avoid on-road parking outside 113 Church Road because of the congestion in Church Road in the peak traffic periods and the risk of a jam between the vehicle flows in both directions in Church Road and cars entering the flow from Collum End Rise. The new application does provide sufficient off-road parking space. It would add marginally to the traffic in Church Road but this is insignificant compared with the impact of other approved and proposed developments in the area and of the additional traffic to the new secondary school in Kidnappers Lane / Farm Lane.

13th April 2022 –

Updated response

The Parish Council objects to this application on grounds of garden grabbing. The architecture and character of 113 Church Road is very attractive and quite special and makes it a much loved feature in Church Road, particularly as viewed from the front and also from the public footpath along the east side of the property. The current size of the garden is important to the beauty and character of the dwelling and the application by building on much of this garden would damage this. The Council is uncertain of the current status of CBC's policy against garden grabbing but if this application were permitted it would be a particularly bad case of very detrimental garden grabbing.

The Parish Council objected to the previous application in 2011 on several grounds, one being that the first floor windows of the dwelling as then proposed overlooked the back gardens of many houses to the south-west in Vineries Close and in Church Road. The design as now proposed overcomes this problem by having no first floor windows looking out on its south-west side. But any planning approval must include a condition that the dwelling shall not be modified in the future in any way that would cause overlooking, such as the incorporation of windows in the sloping roof.

As the Parish Council also said in its comments in 2011, it is very important to avoid on-road parking outside 113 Church Road because of the congestion in Church Road in the peak traffic periods and the risk of a jam between the vehicle flows in both directions in Church Road and cars entering the flow from Collum End Rise. The new application does now provide sufficient off-road parking space.

Tree Officer

30th March 2022 –

The CBC tree Section does not object to this application.

Please could a tree protection plan to take account of the mature Robinia tree be submitted and agreed prior to the commencement of any construction.

Architects Panel

14th April 2022 –

Design Concept

The panel acknowledged that there was an extant planning permission for a new dwelling in the garden of property. However, concerns were raised over the proposed design changes

which have resulted in a more bulky building and a more industrial look which the panel felt was out of character with the main house and surrounding buildings.

Design Detail

Whilst it is acknowledged that the previous scheme included a high central mono-pitched living room, using this as the basis for providing additional first floor accommodation seemed to the panel as the wrong design approach, not least because the quality of first floor accommodation would be poor due to the limited headroom provided. Extending the mono-pitch idea to all other single storey wings and the garage changes the character of the design for the worse.

Recommendation

Not supported.

Gloucestershire Highways

10th May 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 proposed dwelling will utilise an existing access which benefits from reasonable visibility splays. There are no recorded PIC's near the vicinity of the site, and based on the scale of the proposal, it is not perceived likely to arise a detrimental impact on the operation and safety of the adjacent network.

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

Electric Vehicle Charging Points (Residential) Before first occupation, the 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. The 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.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	16
Total comments received	0
Number of objections	0
Number of supporting	0
General comment	0

- 5.1 Letters have been sent to sixteen neighbouring properties; no responses have been received.

6. OFFICER COMMENTS

6.1 **Determining Issues**

6.2 The key considerations for this application are the principle of a new dwelling, the design and layout, impact on neighbouring amenity and any highway safety implications.

6.3 Officers will also take into consideration the previous permission on the site from 2011; mindful of the policy changes since the previous permission. However that said, the previous permission is still a relevant consideration when determining this application.

6.4 **The site and its context**

6.5 As mentioned above, a previous application was granted planning permission for a dwelling in this location. The previous application was revised throughout the course of the application process in order to reach an appropriate scheme. The proposed dwelling proposed as part of this application is similar in terms of scale and form as the previously approved application, however proposes minor alterations to the design.

6.6 **Principle of development**

6.7 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.

6.8 Paragraph 11 of the NPPF goes on to set out that 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 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, currently Cheltenham cannot demonstrate a five year housing land supply.

6.9 Notwithstanding the above, the application site is sustainably located within the Principal Urban Area (PUA), where adopted JCS policy SD10 supports new housing development. 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.”*

6.10 With the above in mind, and as required by the NPPF, the principle of the development of the proposed site is considered to be acceptable and the development should therefore be approved unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. In this case, the relevant considerations are:

- i) The design and layout of the proposed dwelling,
- ii) The impact on neighbouring amenity, and
- iii) The impact on highway safety.

6.11 **Design and layout**

6.12 Policy SD4 of the JCS and policy D1 of the Cheltenham Plan require development to be of a high standard of architectural design that responds positively to and respects the character of the site and its surroundings. This draws from paragraph 130 of the NPPF which seeks development to be visually attractive and sympathetic to local character.

6.13 The Development on Garden Land and Infill Sites in Cheltenham Supplementary Planning Document (SPD) sets out guidance for the erection of new dwellings. The document specifically sets out guidance on layout and development patterns stating that the layout of

development plays an important role in defining the character of an area including the grain, building lines and type of building.

- 6.14 The application site is considered to comfortably accommodate the proposed dwelling. The proposed dwelling as part of this application would have a smaller footprint than that approved as part of the previously approved application (ref. 11/00735/FUL). It is noted that there is a relatively strong and obvious building line fronting Church Road. The application is sited adjacent to a small lane accessed off Church Road serving 2no. dwellings located to the rear of the Church Road fronting dwellings. As such, the pattern of development to the rear of the Church Road fronting dwellings has already been established and therefore the addition of the proposed dwelling would not result in undue harm to the character of the area in terms of pattern and layout of development. As such, the location of the dwelling and layout in the site is considered to be acceptable.
- 6.15 The proposed dwelling would be a 1.5 storey building which would take on a modern form with pitched roofs and a modern use of materials. The external materials would be Cotswold Stone and horizontal timber elevations with a standing seam zinc clad roof; a condition for materials details has been added given the lack of specific details submitted with the application.
- 6.16 Officers note the Architects Panel comments and that they do not support the scheme as proposed. Officers appreciate that the alteration from flat roofs to pitched roofs results in the dwelling reading as a larger form of development, however the dwelling would not dominate the site and is considered to be an appropriate footprint and form for the site. Officers consider the design approach to be acceptable and would not result in harm to the character of the area.
- 6.17 With the above in mind, it is considered that the siting, design and form of the proposed dwelling is appropriate and would therefore be compliant with the relevant planning policies and guidance.
- 6.18 **Impact on neighbouring property**
- 6.19 Policy SD14 of the JCS and policy SL1 of the Cheltenham Plan require development not to cause unacceptable harm to the amenity of adjoining land users; this echoes section 12 of the NPPF which requires development to be of a high standard of amenity for existing and future users.
- 6.20 As a result of the public consultation period, there have been no responses received. Given the dwelling would be 1.5 storey's the rear of the dwelling would be single storey, with the majority of the openings to the rear at ground floor. The two storey element of the dwelling would be to the front with the only first floor windows on the front elevation overlooking the lane. As such, there are no concerns that there would be an overlooking or loss of privacy as a result of the proposed dwelling. Furthermore, as the dwelling is modest in scale, and given the relationship with adjoining properties, the building is not considered to be overbearing to adjoining land users, nor will it result in an unacceptable loss of light to neighbouring properties.
- 6.21 It is therefore considered that as a result of the proposed dwelling there would be no unacceptable impact to the existing amenity of adjoining land users.

6.22 Access and highway issues

- 6.23 The Highways Officer has commented on the scheme; full comments can be read above, no objection has been raised. The Highways Officer identifies that the new dwelling will use an existing access (see planning application ref. 09/01517/FUL), and it is considered that this access is suitable to serve the proposed dwelling and would not result in an unacceptable impact on highway safety. On its highway safety impacts the scheme will

therefore comply with the requirements of policy INF1 of the JCS and section 9 of the NPPF, specifically paragraph 111.

6.24 Other considerations

6.25 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 planning 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 set out above, taking into consideration the previous permission and the comments received from relevant consultees, the proposed dwelling is considered to be acceptable in terms of principle, design and layout, protecting neighbouring amenity and highways safety and therefore is in accordance with the relevant planning policies and guidance.

7.2 The recommendation is to therefore permit this application subject to the conditions set out below.

8. CONDITIONS / INFORMATIVES

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 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 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 adopted policies GI2 and GI3 of the Cheltenham Plan (2020). Approval is required upfront to ensure that important trees are not permanently damaged or lost.

- 5 Prior to first occupation, the 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. The 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 in accordance with adopted JCS policies SD3 and INF1.

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.