

APPLICATION NO: 22/01101/FUL		OFFICER: Michelle Payne
DATE REGISTERED: 23rd June 2022		DATE OF EXPIRY: 18th August 2022 (extension of time agreed until 22nd August 2022)
DATE VALIDATED: 23rd June 2022		DATE OF SITE VISIT:
WARD: Battledown		PARISH: Charlton Kings
APPLICANT:	Mr B Moore	
AGENT:	Edge Design Workshop	
LOCATION:	Sangria Ashley Road Cheltenham	
PROPOSAL:	Proposed replacement dwelling (revised scheme following grant of planning permission ref. 21/02329/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 site is located on the western side of Ashley Road within the Battledown Estate, and Charlton Kings parish, and comprises a detached, dormer bungalow set within a large plot. There are a number of trees within the site including a row of tall Thuja's along the southern boundary that are protected by a Tree Preservation Order (TPO).
- 1.2 The site is bounded by residential properties with a public footpath, Jacob's Ladder, running alongside the southern boundary. The site slopes from east to west by some 4.3 metres, with the existing dwelling centrally located within the site, set down from the highway.
- 1.3 The existing dwelling is faced in Cotswold stone effect cladding, with concrete roof tiles, and white uPVC windows and doors.
- 1.4 Planning permission was granted in November last year for the demolition and replacement of the dwelling, together with the construction of a detached double garage located forward of the dwelling and an outbuilding at the rear of the site. The permission remains extant.
- 1.5 A subsequent application for an amended scheme was withdrawn prior to determination.
- 1.6 This application is now seeking planning permission for a further amended scheme that proposes a slightly larger replacement dwelling, together with the previously approved detached double garage and outbuilding. The overall design approach is unchanged.
- 1.7 The application has been called-in to planning committee by Cllr Babbage due to the level of local concern. The application has also been objected to by the parish council.
- 1.8 Members will have the opportunity to visit the site on planning view.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport safeguarding over 15m
Principal Urban Area
Residents Association

Relevant Planning History:

21/02329/FUL Proposed replacement dwelling	PERMIT	24th November 2021
22/00214/FUL Proposed replacement dwelling (revised scheme following grant of planning permission ref. 21/02329/FUL)	WITHDRAWN	2nd March 2022

3. POLICIES AND GUIDANCE

National Planning Policy Framework 2021 (NPPF)

Section 2 Achieving sustainable development
Section 4 Decision-making
Section 12 Achieving well-designed places

Adopted Cheltenham Plan 2020 (CP) Policies

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

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)
Cheltenham Climate Change SPD (2022)

4. CONSULTATION RESPONSES

Building Control

23rd June 2022

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

Tree Officer

28th June 2022

As per the previous application, a generous planting scheme is expected to mitigate for the loss of many TPO-protected trees. The landscape designer might consider a mix including holly and wild service.

Parish Council

7th July 2022

Objection:

The revisions do little to satisfy the Committee's objection to the previous scheme and therefore it remains unchanged.

5. PUBLICITY AND REPRESENTATIONS

- 5.1 Letters of notification were sent to 34 neighbouring properties. In response to the publicity, 38 objections have been received.
- 5.2 The representations have been circulated to Members in full but, in brief, the main objections are:
- Gross overdevelopment of the plot / far too big
 - Drainage and flooding
 - Impact on neighbouring locally indexed building
 - Excessive height of the building
 - Overlooking / loss of privacy to neighbours
 - Loss of biodiversity
 - Design not in-keeping
- 5.3 Given the relatively small scale changes now proposed, the level of objection is somewhat surprising. Only one representation was received in response to the original (approved) application in general support of the development.
- 5.3 In addition, no objection was raised by the parish council. In response to the previously approved scheme.

6. OFFICER COMMENTS

6.1 Determining Issues

6.1.1 The main considerations when determining this application relate to the principle of demolition; design and layout; impact on neighbouring amenity; and trees and landscaping.

6.2 Principle of demolition

6.2.1 The existing building is not of any particular architectural merit and is now dated in its appearance. Additionally, the building is not listed nor located within a conservation area. In any event, the principle of demolition has been previously established by the grant of planning permission in November last year.

6.3 Design and layout

6.3.1 Adopted CP policy D1 advises that development will only be permitted where it adequately reflects principles of urban and architectural design; and complements and respects neighbouring development and the character of the locality and/or landscape. The policy is generally consistent with adopted JCS policy SD4 and advice set out within Section 12 of the NPPF, which seeks to ensure that all new development is visually attractive; responds to local character; adds to the overall quality of an area; and optimises the potential of the site. Additional guidance of relevance to this proposal can be found within the Council's adopted SPD relating to development on garden land and infill sites.

6.3.2 The officer report that accompanies the original permission reads:

6.3.2 The proposed dwelling will be similarly located within the plot, with the lower ground floor set at a similar level as the existing ground floor, and access to the new upper ground floor provided via bridged entrance. The proposed garage will be located to the front of the site at the upper ground level, whilst the proposed outbuilding will be located at the rear of the site at a lower level.

6.3.3 The dwelling is contemporary in its appearance, with two intersecting mono-pitched roofs of differing height. The dwelling is also 'upside down' in that the bedroom accommodation is proposed at the lower level; the Design and Access Statement submitted with the application explaining that such an approach allows the main living accommodation at the upper level to take advantage of the views towards the town and beyond.

6.3.4 Externally, the dwelling will be faced in brickwork at lower ground floor, with natural timber cladding to the upper floor, standing seam metal roofs, and powder coated aluminium windows, and aluminium and timber doors. Such a palette of materials is considered to be wholly acceptable in this location, given the variety of housing within the surrounding area; however, to ensure a suitably high quality development, a condition is recommended which requires all external facing and roofing materials to be submitted and agreed prior to their implementation. The garage and outbuilding will be faced in brickwork to match the dwelling but will have flat roofs.

6.3.5 It is acknowledged that the proposed dwelling, and in particular the new double garage will have a greater visual impact within the street scene than the existing dormer bungalow but this is not considered to be unacceptable or harmful. Officers are satisfied that the scale and massing of the dwelling is acceptable; and that, as a whole, the proposals will be visually attractive when viewed from the public realm.

6.3.3 The overall design approach of the dwelling now proposed has not changed from that previously approved and whilst the Architects Panel have not commented on this revised application, they wholly supported the design previously, commenting that the proposed dwelling was “a very well considered scheme of architectural interest” and that “The scale and character of the proposed house and outbuildings is relatively modest and entirely appropriate for the site. Care has been given to special site conditions, existing trees and sloping contours, resulting in an attractive building design.”

6.3.4 In addition, the positioning of the dwelling within the plot, and the height of the dwelling is unchanged.

6.3.5 Much of the limited additional accommodation now proposed is located at lower ground floor level and comprises a 1.4m increase in the depth of the wing which runs from east to west beneath an oversailing element of living accommodation at upper ground floor, and a 1m increase in the depth of the wing which runs north to south (at the front) beneath a flat roof. At upper ground floor, a 1m increase in the north to south wing is proposed to the rear which will oversail the building below.

6.3.6 The revised scheme also proposes a modest mezzanine level within the building but this would not result in any changes externally other than the relocation of high level glazing in the south elevation and the addition of a small window to the front (east) elevation.

6.4 Impact on 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, NPPF paragraph 127 highlights the need to secure a high standard of amenity for existing and future users.

6.4.2 With regard to amenity, the original officer report reads:

6.4.2 The property that has the most potential to be affected by the proposed development is the dwelling to the north, The Firs, as the higher part of the dwelling will sit in relatively close proximity to its boundary and project further forward than the existing bungalow. However, that said, it is not considered that any such impact will be significant; and no objection has been raised by the owner/occupier of this dwelling. It is acknowledged that an external stair is proposed to provide direct access to the garden from the upper floor but the stair is functional in its design with only a small landing at the top and is not somewhere that people will be likely to linger. It is however considered reasonable and necessary to attach a condition requiring the access door and utility/boot room window to be obscurely glazed.

6.4.3 The comments from the neighbour to the south at Heathergate House have been duly noted; however, officers are satisfied that sufficient levels detail has been provided with the application. Ground levels and finished floor levels are shown on the existing and proposed plans, with additional detail shown on the proposed north and south elevations. Additionally, the windows in the south elevation at lower ground level will serve a bedroom and an ensuite. The en-suite window can therefore be reasonably assumed to be obscurely glazed. Moreover, the bedroom window is a high level window and therefore is not considered necessary to require the window to be obscurely glazed, particularly as it is located at lower ground floor level.

6.4.4 The proposed balconies to the rear are set a good distance from the rear boundary and are screened from the properties on either side.

6.4.3 In considering the revised scheme, due to the relatively minor nature of the proposed changes, officers continue to be satisfied that no significant harm will be caused to neighbouring residents in terms of privacy, outlook or daylight; particularly given that much

of the additional floor space is proposed as lower ground floor level. The design and extent of external terracing is unchanged, and will still be some distance from the rear boundary.

6.5 Trees and landscaping

6.5.1 Adopted CP policies GI2 and GI3 seek to resist the unnecessary felling of trees on private land in connection with development; and where protected trees are proposed to be felled, replacement tree planting will be required, where practicable. In addition, measures to ensure the protection of retained trees may be required.

6.5.2 The Tree Officer was consulted on the original application due to the presence of a number of TPO'd trees within the site. Having reviewed the application, the Tree Officer, whilst acknowledging that a large number of trees are proposed for removal, raised no objection but requested that a generous landscaping plan to mitigate for the loss of the existing trees be submitted and agreed; this can be reasonably dealt with by condition.

6.5.3 A tree protection plan and method statement have been submitted with this application as per the original application.

6.6 Other considerations

Climate change

6.6.1 Since the previous grant of planning permission, the Cheltenham Climate Change SPD has been adopted. The SPD provides guidance on how applicants can successfully integrate a best-practice approach towards climate change and biodiversity in all new development proposals.

6.6.2 As such, whilst the overall design is unchanged from that previously approved, the applicant has submitted a Climate Change SPD Checklist in support of the application that sets out the measures proposed as part of the development. The measures include, but are not limited to:

- The installation of an air source heat pump, low temperature underfloor heating and localised electric heating.
- The use of high levels of thermal insulation throughout, over and above the minimum standards set out in the new building regulations.
- The use of double glazed windows to achieve a 'u' value of no more than 1.40w/mk in line with current building regulations.
- The incorporation of solar pv panels on the south facing mono-pitch roof, with excess generation stored in a battery for use during times of insufficient daylight.
- The provision of electric vehicle charging points.
- The provision of a new permeable surface driveway to naturally displace water and reduce pressure on the existing storm water drainage network.

6.6.3 Such measures are welcomed and will go some way in helping Cheltenham meet its commitment to become a net zero carbon council and borough by 2030.

Protected species

6.6.4 Whilst records show that important species or habitats have been sighted on or near the application site in the past, given the nature and scale of the development, it is not considered that the proposed development would have any harmful impact on those

species. Should any important species be discovered on site during the redevelopment process they are, in any case, protected by separate legislation. As previously noted, the demolition of the existing building could be undertaken in connection with the extant permission.

Public Sector Equalities Duty (PSED)

6.6.5 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.

6.6.6 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.

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

7. CONCLUSION AND RECOMMENDATION

- 7.1 With all of the above in mind, the proposed development is considered to be in accordance with all relevant local and national planning policy, and the recommendation is to grant planning permission subject to the schedule of conditions set out below.
- 7.2 In accordance with the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, agreement has been sought from the applicant in respect of the pre-commencement condition (condition 3).

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, and the Climate Change SPD Checklist received 2nd August 2022.

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 Prior to the commencement of development (including demolition and site clearance), tree protection measures shall be implemented in strict accordance with the approved Tree Protection Plan (Drawing No. SANTRP-OCT21) and the measures set out within the accompanying Tree Protection Method Statement. The tree protective measures shall thereafter remain in place until the completion of the construction process unless otherwise agreed in writing by the Local Planning Authority.

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).

- 4 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).

- 5 Prior to its installation, details of the proposed air source heat pump shall be submitted to and approved in writing by the Local Planning Authority. The details shall include its positioning and an assessment of predicted noise levels. The air source heat pump shall thereafter be installed in accordance with the approved details and maintained as such unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenity of adjacent properties and the general locality, having regard to adopted policy SL1 of the Cheltenham Plan (2020) and adopted policy SD14 of the Joint Core Strategy (2017).

- 6 Prior to the implementation of any landscaping, full details of a hard and/or soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify all walls, fences, trees, hedgerows and other planting which are to be retained, and provide details of all new walls, fences, or other boundary treatments; finished ground levels; 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 of all new trees and shrubs]; 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, G12 and G13 of the Cheltenham Plan (2020), and adopted policies SD4 and INF3 of the Joint Core Strategy (2017).

- 7 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting that order), the kitchen door and utility/boot room window in the north facing elevation shall at all times be glazed with obscure glass to at least Pilkington Level 3 (or equivalent).

Reason: To safeguard the amenities of the adjacent property, having regard to adopted policy SL1 of the Cheltenham Plan (2020) and adopted policy SD14 of the Joint Core Strategy (2017).

INFORMATIVE

- 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.