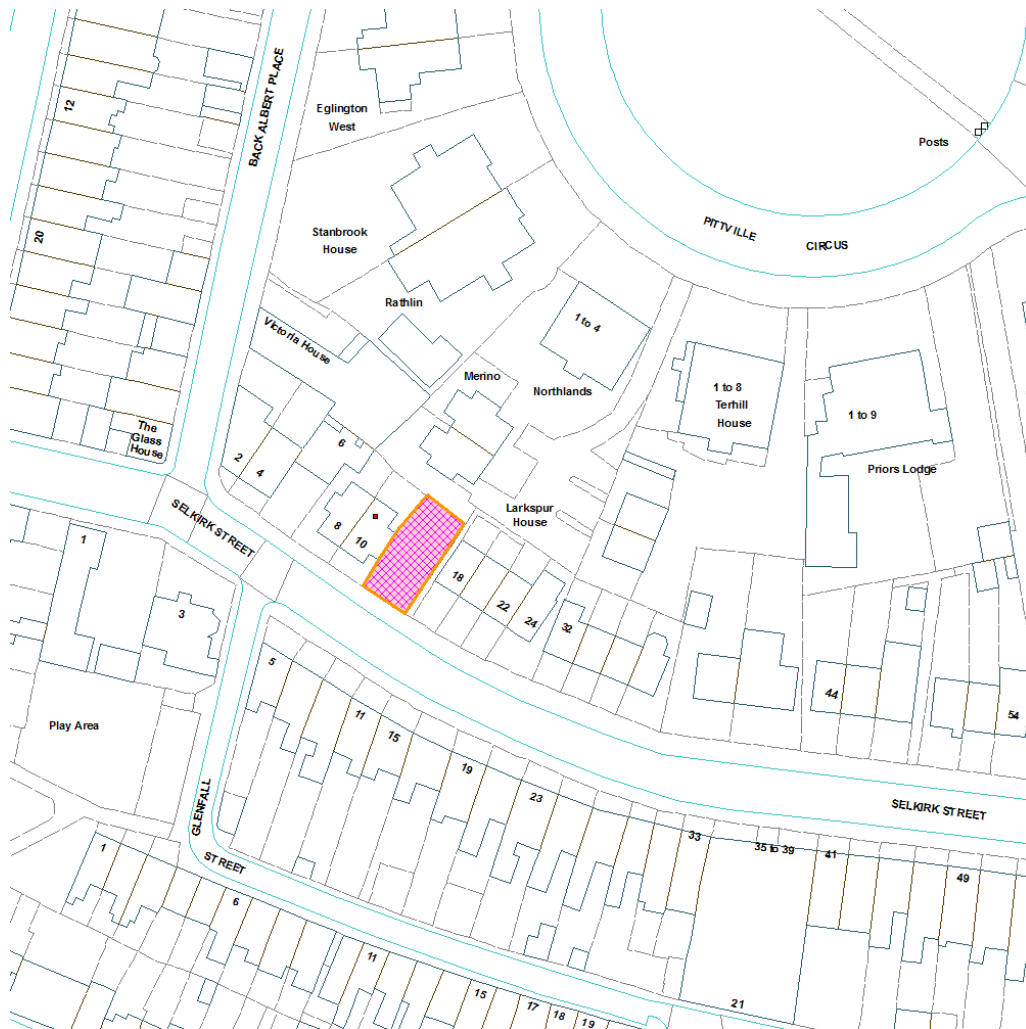


<b>APPLICATION NO:</b> 22/01441/FUL		<b>OFFICER:</b> Michelle Payne
<b>DATE REGISTERED:</b> 10th August 2022		<b>DATE OF EXPIRY:</b> 5th October 2022 (extension of time agreed until 22nd November 2022)
<b>DATE VALIDATED:</b> 10th August 2022		<b>DATE OF SITE VISIT:</b>
<b>WARD:</b> Pittville		<b>PARISH:</b>
<b>APPLICANT:</b>	Mr and Mrs Leach	
<b>AGENT:</b>	SF Planning Limited	
<b>LOCATION:</b>	10 Selkirk Street Cheltenham Gloucestershire	
<b>PROPOSAL:</b>	Erection of 1no. three storey self-build dwelling on land adjacent to 10 Selkirk Street	

**RECOMMENDATION:** Permit



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is located on the northern side of Selkirk Street, close to the junction with Back Albert Place, and comprises part of the curtilage to 10 Selkirk Street; a semi-detached two storey dwelling, with a separate self-contained flat at basement level.
- 1.2 The site is located within the Principal Urban Area (PUA), and the Fairview and All Saints' character area of the Central conservation area. The Townscape Analysis Map within the character area appraisal identifies the existing property, 10 Selkirk Street, as being a positive building, with the adjacent modern terrace identified as a 'significant neutral' building.
- 1.3 The existing property on site is traditional in its design, with rendered elevations, a hipped slate roof, and sliding sash windows; the property has been previously extended by way of a modest two storey side extension. A red brick wall forms the rear site boundary.
- 1.4 To the north (rear) and east, the site is bound by modern housing built within the grounds of Northlands, a grade II listed villa on Pittville Circus. Planning permission having been granted in 2003 for the conversion of the listed villa into 4no. duplex apartments, and the erection of 2no. coach houses at the rear, and a terrace of 4no. town houses fronting Selkirk Street, following demolition of an existing sports hall.
- 1.5 There are other grade II listed buildings within the vicinity of the site but none that would be directly affected by the proposed development.
- 1.6 The applicant is seeking planning permission for the erection of a new, contemporary, three storey self-build dwelling alongside the existing dwelling.
- 1.7 Revised plans have been submitted during the course of the application to address officer concerns and these are discussed in the report below.
- 1.8 The application is before the planning committee at the request of Cllr Tooke due to the level of concern amongst neighbours. Cllr Tooke has furthered commented raising concerns over the height of the building; parking; design; and scale. The call-in to committee is also supported by Cllr Fifield who has concerns over the size and height of the building.

## 2. CONSTRAINTS AND PLANNING HISTORY

### Constraints:

Airport Safeguarding over 45m  
Conservation Area  
Principal Urban Area  
Smoke Control Order

### Planning History:

<b>CB17954/00</b>	<b>PERMITTED</b>	<b>18th December 1986</b>
Change of use of basement to self-contained flat		
<b>03/00673/FUL</b>	<b>WITHDRAWN</b>	<b>13th June 2003</b>
Erection of dwelling within grounds of 10 Selkirk Street, Cheltenham		
<b>03/01241/FUL</b>	<b>REFUSED</b>	<b>10th September 2003</b>
Erection of dwelling within grounds of 10 Selkirk Street, Cheltenham		
<b>03/01589/FUL</b>	<b>REFUSED</b>	<b>17th December 2003</b>
First floor extension over existing porch to create additional bedroom		

### 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

Section 14 Meeting the challenge of climate change, flooding and coastal change

Section 16 Conserving and enhancing the historic environment

#### **Adopted Cheltenham Plan 2020 (CP) Policies**

D1 Design

D3 Private Green Space

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

SD8 Historic Environment

SD10 Residential Development

SD11 Housing Mix and Standards

SD14 Health and Environmental Quality

INF1 Transport Network

INF2 Flood Risk Management

#### **Supplementary Planning Guidance/Documents**

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

Fairview and All Saints Character Area Appraisal and Management Plan (2008)

Pittville Character Area and Management Plan (2008)

Cheltenham Climate Change SPD (2022)

### 4. CONSULTATION RESPONSES

#### **Tree Officer**

**11th August 2022**

Although there are no trees on site, the proposal would build on or pave most of the soft landscaped area - the Climate Change SPD recommends resurfacing as little as possible. While the Trees Section would welcome the addition of a mixed native hedge, there is space for a small shade tolerant tree either to the front or rear of the property (e.g. Amelanchier arborea, holly etc).

A tree protection plan referencing BS 5837 (2012) should be submitted to protect the Turkish hazel on the highway verge.

Consideration should also be given to the large lime on the highway verge. It should be demonstrated on the plans that no works will take place within the root protection area of this tree. If works are to take place within this area (excavation, construction, resurfacing etc), a method statement referencing BS 5837 (2012) should be submitted describing how this work will be achieved without damaging the roots of the tree.

As the lime and Turkish hazel are due south of the proposed development, with the lime being a large tree already and the Turkish hazel far from fully grown, there is the potential for future conflict caused by shade, seasonal debris drop etc. It should be noted that as highway trees, it is unlikely that they'll be pruned for any other reason than safety concerns. It should also be noted that the trees adjacent to site are protected by the Conservation Area.

Reason: to protect the amenity and biodiversity value of trees in the Borough as per Policies GI2 and GI3 of the Cheltenham Plan.

### **Building Control**

***15th August 2022***

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

### **Ward Councillor - Councillor Julian Tooke**

***4th September 2022***

I would like to refer the planning application above to the planning committee.

The above application is causing much concern amongst a number of neighbours in the vicinity of the proposed construction. I believe that the application should be rejected.

[The resident] who lives on Pittville Circus Road, and would be severely impacted by the proposed development, has put significant effort into getting expert planning and architectural advice relating to the application. The reports raise serious points which deserve very careful consideration and strongly support a rejection of the application.

***24th October 2022***

I have a number of concerns about this building:

- a) I think it is too tall.
- b) It will reduce the street parking because, although it has parking in its drive, it will remove 2 parking spaces which are available on the street in front of the plot now.
- c) The design of the back of the building is poor and ugly for the buildings behind it.
- d) The scale of the building means that it will restrict the light onto the building behind.
- e) Finally I note that there is significant opposition from neighbours on the street and I think their views should have significant weight.

### **Cheltenham Civic Society**

***22nd September 2022***

SUPPORT

This makes good use of an infill site. This is a new building, so off street car parking with EV charging should be provided. This may help to alleviate neighbours' concerns about parking.

### **Architects Panel**

***27th September 2022***

Design Concept

The panel had no objection to the principle of building a separate dwelling on this site but felt the proposed design represented overdevelopment of the site due to its scale and design which would have a negative impact on neighbouring properties.

Design Detail

The rear elevation is particularly poor due to its scale and design. Showing this elevation in context with adjoining properties would identify the problem. Stepping back the attic floor would help but reducing the height to a two storey building might result in a more appropriate design. The panel felt the projecting first floor 'pod' was an unnecessary addition that made the scheme look overdeveloped.

Recommendation  
Not supported.

### **GCC Highways Development Management 7th October 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.

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.

The Highway Authority therefore submits a response of no objection.

### **1st November 2022**

Paragraph 111 of the NPPF is clear that *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”* The parking requirements set out in Manual for Gloucestershire Streets Addendum October 2021 require for 1 car parking space for 2 bedroom units.

Selkirk Street has restricted parking requirements, as it is permitted, and the addition of 1no. vehicle as per our parking requirements, is not perceived to result in a severe impact on the road network to sustain a recommendation to refuse.

I hope this clarifies our position.

### **Ward Councillor - Councillor Stephan Fifield 19th October 2022**

As one of the Borough Councillors for Pittville, I have major issues with this proposal, many that have already been highlighted by members of the public here.

My main concern is the size of the building, it's too high for that area, which is already very densely packed. A new acceptable building would need to be at maximum 2 storey and much more respectful of neighbouring buildings.

For these reasons, and others stated, I will be supporting calling this into planning committee if approved.

## **5. PUBLICITY AND REPRESENTATIONS**

- 5.1 On receipt of the application, letters of notification were sent to 12 neighbouring properties. In addition, a site notice was posted and an advert published in the Gloucestershire Echo.
- 5.2 Additional consultation was carried out on receipt of the revised scheme.
- 5.3 In response to the publicity, representations have been received from 27 contributors; 9 of which write in support, and 18 of which write in objection to the proposal. All of the representations have been circulated in full to Members.
- 5.4 The objections relate to, but are not limited to:
  - Not sustainable development / contrary to policy

- Design is out of keeping with neighbour development
- Lack of parking provision
- Access, noise and disturbance during construction
- Overlooking / loss of privacy
- Loss of daylight / overshadowing
- Loss of private green space
- Previous refusal of planning permission for a dwelling in this location
- Visual impact
- Overdevelopment
- Trees

## 6. OFFICER COMMENTS

### 6.1 Determining issues

6.1.1 The main considerations when determining this application relate to the principle of development; design, layout and impact on the conservation area; climate change; impact on neighbouring amenity; 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 The development plan comprises saved policies of the Cheltenham Borough Local Plan Second Review 2006 (CBLP); adopted policies of the Cheltenham Plan 2020 (CP); and adopted policies of the Tewkesbury, Gloucester and Cheltenham Joint Core Strategy 2017 (JCS). Other material considerations include the National Planning Policy Framework 2021 (NPPF), and Planning Practice Guidance (nPPG).

6.2.3 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.

6.2.4 Notwithstanding the above, the application site is sustainably located within the Principal Urban Area, wherein adopted JCS policy SD10 supports new housing development where it is infilling within the Principal Urban Area; JCS paragraph 4.11.5 setting out that “*infill development means the development of an under-developed plot well related to existing built development.*”

6.2.5 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.*”

6.2.6 As such, there is no fundamental reason to suggest that the principle of erecting an additional dwelling on this site is unacceptable, subject to the material considerations discussed below. The principle of development is wholly in accordance with relevant local and national planning policy.

6.2.7 It is noted, in the objections, that reference is made to a previous refusal of planning permission in 2003 for the erection of a dwelling on this site but, given the significant changes to planning policy, both nationally and locally, that have since taken place, the previous refusal of planning permission is immaterial in the determination of this application, which must be considered in the context of the current development plan.

6.2.8 It is also noted that reference has been made in some of the objections to CP policy D3; however, in this instance, it is not considered that the site makes any significant contribution to the townscape and environmental quality of Cheltenham, and certainly not to the extent that the principle of development should be found unacceptable.

### 6.3 Design, layout and impact on conservation area

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, section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area in which the site is located. JCS policy SD8 also requires development to make a positive contribution to local character and distinctiveness, having regard to valued and distinctive elements of the historic environment.

6.3.5 Building heights and styles, and materials, in the vicinity of the site, particularly on this side of Selkirk Street vary greatly and, as such, there is no clear distinct character to which new development must adhere. Indeed, the proposed dwelling would sit between two disparate buildings. Moreover, as previously noted at paragraph 6.3.3, the Garden Land SPD is clear that responding to character is not simply about copying or replicating what already exists. There are numerous examples throughout the borough, including within conservation areas, of contemporary dwellings which sit comfortably within the street scene, alongside more traditional forms of dwelling. As such, officers are satisfied that the general design approach is acceptable in this location. In addition, the subdivision of the site would not be at odds with the surrounding urban grain.

6.3.6 That said, officers had concerns about the original scheme, as did the Architects Panel who, whilst raising no objection to the principle of a separate dwelling on this site, felt the rear elevation was poor and that *“the projecting first floor 'pod' was an unnecessary addition that made the scheme look overdeveloped.”* Revisions were therefore sought.

6.3.7 In the revised scheme, the top floor has been reduced in size and is now set in some 1.8 metres from the main rear elevation, set in from the sides, and the roof terrace to the front of the dwelling, and the projecting overhang to the side have been omitted. Additional changes to the fenestration, together with a reduction in the number of bedrooms from three

to two, are also proposed. Officers are therefore satisfied that, whilst the Architects Panel have not commented on the amended scheme, the revisions address their main concerns.

6.3.8 In terms of height, the street scene elevation demonstrates that the eaves height of the dwelling will reflect that of the neighbouring terrace, and the overall height of the dwelling, solar panels aside, would not exceed the height of the buildings on either side. The solar panels would not be overly prominent within the street scene.

6.3.9 With regard to external facing materials, the dwelling would largely be rendered with a brick faced two storey front bay, powder coated aluminium windows, and cladding to the recessed top floor. The general palette of materials proposed is considered to be wholly acceptable; however, to ensure a suitably high quality development, a condition is recommended which requires additional detail of the selected facing materials to be submitted and agreed prior to their implementation.

6.3.10 Both the existing and proposed dwelling will be provided with modest outdoor amenity spaces commensurate with those serving a number of neighbouring properties; together with adequate space for the storage of cycles, and refuse and recycling.

6.3.11 Overall, officers are satisfied that the proposed dwelling would sit comfortably within its context and be a visually attractive building that has the potential to raise the general standard of design within the wider area.

6.3.12 With regard to the impact on the conservation area, whilst the proposed dwelling would undoubtedly be a visually prominent new addition to the street scene, this is not, in itself, considered to be harmful; and officers are satisfied that the dwelling would at least preserve, if not enhance, the character and appearance of the area. The open aspect of the site as existing is not considered to be of any particular importance.

#### 6.4 Climate change

6.4.1 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...*”

6.4.2 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.*

6.4.3 The recently adopted Cheltenham Climate Change SPD also provides guidance on how applicants can successfully integrate a best-practice approach towards climate change and biodiversity in all new development proposals.

6.4.4 In response to the SPD, the applicant has submitted a Sustainability Statement in support of the application that sets out the measures proposed as part of this development. The measures include, but are not limited to:

- The fitting of low water use fittings and appliances to reduce water consumption
- The provision of solar pv technology on the flat roof



- Permeable hard surfacing

6.4.5 Such measures are welcomed and are considered to be appropriate for this small scale development. The method of providing heating and hot water for the dwelling remains to be determined.

## 6.5 Neighbouring amenity

6.5.1 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.

6.5.2 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”*.

6.5.3 All of the amenity concerns raised in the objections have been duly noted but officers are satisfied that, following revisions to the original scheme, no unacceptable level of harm would occur as a result of the development.

6.5.4 It is acknowledged that the proposed dwelling would sit to the south/southwest of part of the garden serving the dwelling to the rear, Larkspur House; however, given the proximity of adjacent buildings, and the additional garden space that would be unaffected by the proposal, officers are satisfied that any additional overshadowing resulting from the dwelling would be limited. In addition, it is noted that French doors have been installed in the side elevation of this neighbouring dwelling, but the proposed dwelling would not be located directly in front of these doors. Moreover, the revisions to the scheme, to set the top floor in from the rear elevation, have also overcome officer’s concerns in relation to outlook; the dwelling would be read in conjunction with neighbouring buildings.

6.5.5 With regard to privacy, the first floor windows in the rear of the proposed dwelling have been carefully considered to ensure that no loss of privacy or overlooking would occur. The small bathroom window is detailed to be obscure glazed and fixed, whilst the bedroom window would largely be screened by a fixed external louvre, with a fixed, obscure glazed side light. The fixed louvre will allow for an opening window behind to provide natural ventilation to the bedroom, whilst preventing views out beyond the boundary. The rear facing windows at second floor would also be fitted with fixed external louvres. The details of which could be secured by condition.

6.5.6 In addition, whilst the comments from the immediate neighbour to the east, no.20 Selkirk Street, have been duly noted; the dwelling would not significantly impact on light levels to the small, north facing gardens at the rear of this adjacent terrace; the proposed dwelling would not extend beyond the rear of the terrace.

6.5.7 It is noted that no.18 Selkirk Street has a window in its side elevation but this window does not serve a habitable room and is therefore not afforded any protection. Similarly, many of the windows in the side of no.10, that would be affected by the proposed dwelling, do not serve habitable rooms.

6.5.8 Consideration has been given to the access to the basement flat and officers are satisfied that sufficient access will be retained.

6.5.9 It is acknowledged that some noise and disturbance would inevitably be caused during the construction of the dwelling but this is to be reasonably expected. The personal circumstances of individuals living nearby cannot be taken into account in the determination

of this application. An informative has been attached advising the applicant of the accepted construction hours for works which are audible beyond the boundary, which are Monday to Friday 7.30am to 6pm, and Saturdays 8am to 1pm.

## 6.6 Parking and highway safety

6.6.1 Adopted JCS policy INF1 requires all development proposals to ensure a safe and efficient access to the highway is provided for all users; and states that 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.

6.6.2 From a highway safety perspective, the application has been reviewed by the County Highways Development Management Team (HDM) who raise no objection; 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.”*

6.6.3 Additional comments from HDM set out that the Manual for Gloucestershire Streets Addendum October 2021 requires one car parking space for new two bedroom units. As such, whilst it is noted that parking is of great concern to local residents, given the scale of development proposed, it could not be argued that the lack of one car parking space to serve the proposed dwelling (as per the requirements) would have a severe impact on the local highway network; and planning permission could not be withheld on such grounds.

## 6.7 Other considerations

### *Self-build*

6.7.1 The application proposes the erection of a self-build dwelling, and The Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) states that local planning authorities *“must give suitable development permission to enough suitable serviced plots of land to meet the demand for self-build and custom housebuilding in their area.”* JCS policy SD11 also seeks to encourage self-build housing.

6.7.2 As such, whilst officers are satisfied that the proposed development is acceptable in any event, the proposal would also help to fulfil the requirement to provide self-build plots in Cheltenham.

### *Trees*

6.7.3 There are no trees on site that would be affected by the development; however, there are a couple of trees within the highway verge adjacent to the site, a small Turkish hazel and a large Lime which will need to be protected during construction.

6.7.4 In addition, whilst the Trees Officer would welcome the addition of a mixed native hedge, they also consider that there is space for a small shade tolerant tree either to the front or rear of the property; this could be secured by condition.

### *Flooding*

6.7.5 The site is located within Flood Zone 1 and at a low risk of flooding; as such, new residential development in this location is considered to be wholly appropriate from a flooding perspective.

### *Public Sector Equalities Duty (PSED)*

6.7.6 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.

6.7.7 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.

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

## 7. CONCLUSION AND RECOMMENDATION

- 7.1 Decisions on planning applications 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 dwelling as revised is acceptable in this location. The scheme would not detract from the conservation area. Furthermore, 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, and also help to fulfil the requirement to provide self-build plots in Cheltenham.
- 7.6 Overall, officers are satisfied that the proposed development would not result in any adverse impacts that would significantly and demonstrably outweigh the benefits of the scheme. The recommendation therefore is to grant planning permission subject to the following conditions:
- 7.7 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 conditions (conditions 3 and 4).

## 8. CONDITIONS

- 1 The planning permission hereby granted shall be begun not later than the expiration of three years from the date of this decision.

Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The planning permission hereby granted shall be carried out in accordance with the approved plans listed in Schedule 1 of this decision notice.

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

- 3 Prior to the commencement of development (including demolition and site clearance), tree protective fencing to BS 5837:2012 for the Turkish hazel and Lime tree within the adjacent highway verge shall be installed in accordance with a Tree Protection Plan that shall have first been submitted to and approved in writing by the Local Planning Authority. The approved tree protective fencing shall thereafter 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.

- 4 Prior to the commencement of development (including site clearance), a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority.

The approved method statement shall be adhered to throughout the development process and shall, where necessary:

- i) specify the type and number of vehicles expected during the construction of the development;
- ii) allocate space for the parking of vehicles for site operatives and visitors;
- iii) allocate space for the loading and unloading of plant and materials;
- iv) allocate space for the storage of plant and materials used in constructing the development;
- v) specify the intended hours of construction;
- vi) specify measures to control the emission of noise, dust and dirt during construction; and
- vii) provide for wheel washing facilities, where necessary.

Reason: To minimise disruption on the public highway and to adjacent land users, and accommodate the efficient delivery of goods and supplies during the course of the construction works, having regard to adopted policy INF1 of the Joint Core Strategy (2017). Approval is required upfront because without proper mitigation the works could have an unacceptable highway impact during construction.

- 5 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).

- 6 The following elements of the scheme shall not be installed, implemented or carried out unless in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority:  
a) Windows and doors;

- b) Fixed external louvres;
- c) Porch canopy; and
- d) Solar panels.

Reason: 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 policies SD4 and SD8 of the Joint Core Strategy (2017).

- 7 Prior to the implementation of any landscaping, a detailed 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, G12 and G13 of the Cheltenham Plan (2020), and adopted policies SD4 and INF3 of the Joint Core Strategy (2017).

- 8 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 upper floor windows in the rear elevation of the dwelling shall at all times be non-opening and glazed with obscure glass to at least Pilkington Level 3 (or equivalent), or fitted with a fixed external louvre in accordance with approved Drawing No. 22.20.006 PL004 F.

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

## **INFORMATIVES**

- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) Order 2015 and the provisions of the NPPF, the Local Planning Authority adopts a positive and proactive approach to dealing with planning applications and where possible, will seek solutions to any problems that arise when dealing with a planning application with the aim of fostering the delivery of sustainable development.

At the heart of this positive and proactive approach is the authority's pre-application advice service for all types of development. Further to this however, the authority publishes guidance on the Council's website on how to submit planning applications and provides full and up-to-date information in relation to planning applications to enable the applicant, and other interested parties, to track progress.

In this instance, the authority sought revisions to secure a more appropriate form of development that responds better to its context.

Following these negotiations, the application now constitutes sustainable development and has therefore been approved in a timely manner.

- 2 The applicant is advised that the accepted construction hours for works which are audible at the site boundary are Monday to Friday 7.30am to 6pm, and Saturdays 8am to 1pm, with no noise generating activities to be carried out on Sundays, Bank and/or Public Holidays.