

APPLICATION NO: 13/00294/FUL	OFFICER: Miss Michelle Payne
DATE REGISTERED: 23rd February 2013	DATE OF EXPIRY: 20th April 2013
WARD: Park	PARISH: None
APPLICANT:	Mr Ian Bacon
AGENT:	None
LOCATION:	32 St Stephens Road, Cheltenham
PROPOSAL:	Proposed vehicular access and hardstanding, and redesign of remaining frontage introducing soft landscaping (revised scheme following refusal of planning application ref. 11/00013/FUL)

Update to Officer Report

1. CONSULTATIONS

1.1. The following additional consultation response has been received since the publication of the main agenda:

Heritage and Conservation

12th June 2013

1. The site has already been the subject to a previously refused application for extensive hard standing for car parking. This previously refused application was appealed and the appeal was dismissed.
2. I submitted comments on the previous application and appeal, and my previous comments did not support the previous proposals.
3. This current application appears to have taken heed of the Appeal Inspector's comments and to have altered the design in an acceptable way.
4. The proposed plan is acceptable and the proposed hardstanding material has been confirmed as Cotswold stone aggregate, which is also acceptable.

2. OFFICER COMMENTS

- 2.1. The main considerations when determining this application are impact on the conservation area and highway safety.
- 2.2. Local plan policy BE7 states that *"development which introduces or extends the parking of vehicles on forecourts or front gardens of buildings in conservation areas will not be permitted"*.
- 2.3. The text which precedes the policy reads:

There is also a particular need to ensure that parked cars do not detract from or partly obliterate the view of the historic buildings which are the core of the conservation areas, especially when this involves the loss of grassed or planted areas in front of the buildings. This is likely to be a restrictive factor on changing or intensifying uses, although the provision within the curtilage of a dwelling house of a hard surface, and of access to a highway which is not a trunk or

classified road, is permitted by the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

- 2.4. It is therefore clear that a cautious approach has been taken to ensure the character of the conservation areas is preserved and, in particular, views of historic listed buildings. In this case, whilst the building is positively identified in the Townscape Analysis Map, it is not listed or locally indexed.
- 2.5. Furthermore, section 4 of the Tivoli Management Plan states “*where it is considered acceptable the use of brick or gravel instead of tarmac, with the retention of some garden space and the use of appropriate boundary treatments would reduce run-off, offer a more attractive setting for buildings and give a more sustainable approach than some current practice*” which further suggests that the introduction of car parking on frontages will on occasion be permitted.
- 2.6. An application submitted in 2011 proposed a new vehicular access with hardstanding on the entire frontage together with the removal of a section of railings to the front boundary. The application was refused by officers in March 2011 for the following reason:

The proposed development involves parking within the front garden of a property which is situated within Cheltenham Central Conservation Area, the character and appearance of which it is desirable to preserve and enhance. The introduction of the parking of vehicles within the front garden of this property would harm the character and appearance of the conservation area, contrary to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national policy as contained in PPS5, and policy BE7 of the Cheltenham Local Plan (adopted 2006).

Further, in order to achieve a vehicular access which meets highway safety criteria the highway authority would require a fully open frontage to provide adequate visibility for all public highway users and a bituminous macadam surface for a minimum depth of 4.5 metres into the frontage to prevent loose material from being carried onto the highway. Both these requirements would significantly detract from the character and appearance of this part of the Conservation Area and be at odds with the application as submitted.

- 2.7. An appeal in respect of this application was later dismissed by the Inspector who concluded “*that the proposals would harm the character and appearance of the Conservation Area and therefore conflict with the provisions of policy BE 7 of the Cheltenham Local Plan in respect of the provision of hard standings in the front gardens of dwellings in conservation areas.*” However the Inspector did make reference to no. 38 St Stephens Road, where the car parking arrangement is more modest with a significant part of the front garden remaining, with the suggestion that “*if such an approach had been adopted on the appeal site it would have provided the opportunity to devise an appropriate scheme of soft landscaping for the remainder of the front garden, representing a betterment in terms of the appearance of the Conservation Area, given that the existing garden is not particularly attractive*”. The Inspector therefore seemed to imply that the principle of introducing car parking to the front of the property may be acceptable.
- 2.8. Following the Inspector’s decision, the applicant submitted a revised application which proposed a reduced extent of hardstanding, at a 45° angle to the road, whilst introducing soft landscaping and a grassed area. This application was later refused by officers for the following reason:

The proposed new vehicle access and permanent hard standing, by virtue of the alignment, shape and layout of the hard standing would harm the character and appearance of the conservation area by making a diagonally parked vehicle more visually dominant with consequent concealment of some of the planting which purports to mitigate the visual impact. Accordingly, the proposals are contrary to section 72(2) of the Planning (Listed Buildings & Conservation Areas) Act 1990, national policy set out in PPS5, and Local Plan policies CP7 and BE7.

- 2.9. This application is now proposing a 3.5 metre wide driveway at a right angle to the highway with the remainder of the frontage laid to lawn. The existing conifers, a Cotoneaster tree and a Palm tree together with a raised bed along the northern boundary would be retained. In addition, the existing low level railings would also be retained albeit altered to provide a gated vehicular entrance.
- 2.10. One of the objectors has asked how the Council can ensure that the new area of lawn is retained and not later replaced by additional hard standing. Whilst this is something that could be controlled by way of a condition, officers do not consider this to be necessary. It is important to note that the works proposed within the site could be carried out in isolation without the benefit of planning permission; it is the creation of the access from the classified highway that requires planning permission.
- 2.11. Local plan policy TP1 states that *“development will not be permitted where it would endanger highway safety”*.
- 2.12. Matters relating to highway safety did not form part of the most recent refusal. And again, on this occasion, the GCC Highways Officer has considered the proposal in terms of highway safety and raised no objection subject to a condition requiring the area within 5 metres of the carriageway edge to be surfaced in a bound or other approved material and any gates to open inwards. The applicant is therefore proposing block paving for the driveway.
- 2.13. Reference has been made by the objectors to the fact that the property already benefits from a vehicular access and garage accessed from Inkerman Lane at the rear of site, and therefore the new vehicular access is not necessary. However this is not a reason to refuse planning permission.

3. CONCLUSION AND RECOMMENDATION

- 3.1. Officers consider that the scheme now proposed adequately addresses previous concerns and has taken full account of the points raised in the Inspector's appeal decision.
- 3.2. The scheme would introduce soft landscaping into the existing frontage, which the Inspector described as *“not particularly attractive”*, and would, in the opinion of officers, enhance the conservation area. The proposal is now fully supported by the Conservation Officer.
- 3.3. The recommendation is to permit the application.

4. CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

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 development hereby permitted shall be carried out in accordance with Drawing No. RP-1 received by the Local Planning Authority on 29th May 2013.

Reason: To ensure the development is carried out in strict accordance with the revised drawing, where it differs from that originally submitted.

- 3 Prior to the first use of the new vehicular access hereby permitted, the access facilities necessary to serve the site shall be laid out and constructed in accordance with the submitted details, with any gates hung so as not to open outwards towards the public highway and the area within 5.0m of the carriageway edge surfaced in a bound or other approved material and thereafter similarly maintained.

Reason: To ensure a satisfactory means of access is provided and maintained in accordance with Local Plan Policy TP1 relating to development and highway safety.

INFORMATIVES

- 1 The proposed development will require the provision of a vehicular crossing from the carriageway and the Applicant is required to obtain the permission of Gloucestershire Highways on 08000 514 514 before commencing works on the highway.