

APPLICATION NO: 13/00679/OUT		OFFICER: Miss Chloe Smart
DATE REGISTERED: 20th May 2013		DATE OF EXPIRY: 15th July 2013
WARD: Prestbury		PARISH: Prestbury
APPLICANT:	Mr Andrew Sullivan	
AGENT:	Mr Ron Harrison	
LOCATION:	Ramblers Rest, 81 New Barn Lane, Cheltenham	
PROPOSAL:	Erection of a detached dwelling at the rear of 81 New Barn Lane	

RECOMMENDATION: Permit



1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site relates to a parcel of land which lies between nos. 81 and 81a New Barn Lane. The site is situated in a residential area within the Prestbury ward.
- 1.2 The proposal seeks outline planning permission for the erection of a dwelling at the rear of no.81 New Barn Lane and is accompanied by an indicative layout drawing. All matters apart from means of access (appearance, landscaping, layout and scale) have been reserved and therefore will not be considered as part of this application.
- 1.3 The application is to be considered by Planning Committee as there has been an objection from the Parish Council. Members will have the opportunity to visit the site on planning view.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

None

Relevant Planning History:

01/01032/OUT - PERMIT 5th May 2002

New single dwelling

04/01141/REM - APPROVAL OF RESERVED MATTERS 5th August 2004

New dwelling (revised scheme)

04/01859/REM - REFUSED 16th December 2004

Garage ancillary to dwelling (approval ref. 04/01141/REM - approval of reserved matters)

04/02168/REM - APPROVAL OF RESERVED MATTERS 23rd February 2005

Revised details. (New dwelling approved 26/08/04: CBC ref. 04/01141/REM)

None It might be worth adding the applications for the house to the rear? Cllr Godwin will raise it.

05/00166/REM – APPROVAL OF RESERVED MATTERS 24th March 2005

Garage ancillary to dwelling. Approval of reserved matters.

05/00782/REM – APPROVAL OF RESERVED MATTERS 17th May 2005

Revised details (new dwelling approved 26.08.04, CBC Ref: 04/01141/REM)

07/01734/FUL – PERMIT 5th February 2008

Amendment to detached garage as approved in March 2005 ref: 05/00782/REM

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 4 Safe and sustainable living

CP 7 Design

RC 6 Playspace in residential development
HS1 Housing
TP 1 Development and highway safety
UI3 Sustainable drainage systems

Supplementary Planning Guidance/Documents

Development on garden land and infill sites in Cheltenham (2009)
Play space in residential development (2003)

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

Cheltenham Civic Society

20th June 2013

We found insufficient information in the plans to gauge the application, but from what we could gather it did not look promising.

Parish Council

3rd June 2013

Objection. Excessive garden development.
Health & Safety - Difficult of access to fire was needed.

22nd June 2013

Objection on the grounds of excessive garden development. Also concerns with regard to emergency access.

GCC Highways Planning Liaison

4th June 2013

TOWN AND COUNTRY PLANNING ACT 1990
HIGHWAY RECOMMENDATIONS

Location: Ramblers Rest 81 New Barn Lane, OAKLEY PITTVILLE and PRESTBURY
Proposal: Erection of a detached dwelling at the rear of 81 New Barn Lane

I refer to the above planning application received on 20th May 2013, with Plan(s) Nos: 679.01A & 679.02A to which no Highway objection is raised.

The existing access arrangement on to New Barn Lane is suitable for the proposed development and appears to be operating without incident. The increased usage by the proposed dwelling would not have a significant impact.

HMO Division

29th May 2013

Analysis of proposal/s

1. The bed compartments within the development form inner rooms with respect to fire safety and means of escape in case of fire.

Recommendation/s

1. An alternative escape from the bed compartment should exist in accordance with current building regulations.

Recommendation/s

In general and as a minimum the development proposal and/or existing residential use should be free of any deficiencies and defects giving rise to Category 1 Hazards with respect to the Housing Health and Safety Rating System (Housing Act 2004). Consideration should also be given to reducing the seriousness of Category 2 Hazards to an acceptable level

The applicant / owner should be informed concerning compliance with the provisions of Housing Act 2004, as inadequate, insufficient or hazardous accommodation may be subject to enforcement action under the Housing Act 2004, which can include prohibition of use.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	8
Total comments received	1
Number of objections	1
Number of supporting	0
General comment	0

5.1 Eight letters have been sent out to nearby properties and one response has been received.

5.2 Comments Received

A letter of objection has been received from the neighbouring occupier at no.83b New Barn Lane. The main concerns relate to the detrimental impact of the proposal on neighbouring amenity and specifically the increase in overlooking and loss of light. The neighbour has also expressed concern that the planning application form makes no reference to the loss of trees to accommodate the proposed dwelling.

6. OFFICER COMMENTS

Determining Issues

6.1 The proposal seeks outline planning permission for the erection of a new dwelling with all matters reserved except means of access.

6.2 As such, the main considerations at this stage relate to the principle of a dwelling in this location, the suitability of the proposed access and the impact of the proposal on neighbouring amenity. In order to assess the proposal the applicant has submitted a number of indicative drawings.

Principle of development

6.3 Officers consider that the principle of a small scale dwelling in this location is acceptable. The indicative drawings demonstrate that the applicant wishes to erect a one and a half storey dwelling, which officers consider will respond well to the scale of existing properties in the area.

6.4 The existing properties within the area are set within a mixed urban grain which has evolved over time and therefore there are a variety of house types surrounding the application site. Some are set within larger plots and others on smaller plots, with the building line differing along New Barn Lane.

- 6.5** A response has been received from Cheltenham Civic Society who are unable to gauge the application based on the information provided. This is not entirely surprising given that the application is for outline planning permission. What is important however is that the information provided is sufficient to allow officers to objectively assess the principle of development and the acceptability of the proposed access; this has been achieved with the submission.
- 6.6** Furthermore, concerns have been raised from the Parish Council regarding what they have termed '*excessive garden development*'. Officers are not entirely sure what is meant by this phrase but having objectively assessed the proposal against the provisions of the Garden Land SPD, it is considered that the site is of a sufficient size to support a new dwelling of the indicative scale proposed. The proposal is also reflective of neighbouring development.
- 6.7** In response to initial officer comments, the applicant amended the red line to increase the size of the site and therefore the amount of amenity space provided for the dwelling. There is adequate space surrounding the property and between the neighbouring properties to ensure the development would not appear cramped.
- 6.8** Subject to the detailed design, siting and scale of the dwelling (all of which will be considered at the reserved matters stage) officers are satisfied that the site is sufficiently large enough for a new dwelling. The indicative proposals are considered in accordance with Local Plan Policy CP7 in terms of complementing and respecting neighbouring development and also consistent with the aspirations of the Council's adopted Supplementary Planning Document: Development on garden land and infill sites in Cheltenham.

Impact on neighbouring amenity

- 6.9** Local Plan Policy CP4 requires development to protect the existing amenity of neighbouring land users and the locality.
- 6.10** A letter of objection has been received from the neighbouring occupier at 83b. The concerns relate primarily to amenity issues such as overlooking, noise and general disturbance.
- 6.11** The objector has stated the proposal would have a detrimental impact on the limited amenity space at no. 83b and would be overbearing in appearance. The siting and scale of the proposal is such that it would not be overbearing to neighbouring properties, or result in an unacceptable reduction in light levels. Should members resolve to grant outline planning permission, it is advised that a condition be attached restricted the height of the proposed dwelling to ensure that first floor accommodation is contained within the roof slope. This is what is shown on the submitted drawings which officers consider to be of a scale that is considered acceptable and would not have an overbearing impact on neighbouring properties.
- 6.12** Officers consider that the proposed dwelling at no.83b could receive an unacceptable level of overlooking if windows were to be incorporated into the south facing roof slope, due to unusual shape of the boundary with no.83b. Should a reserved matters application be forthcoming, conditions have been included to ensure there are no windows in the south facing roof slope and also to remove permitted development rights.

Access and highway issues

- 6.13** Local Plan Policy TP1 advises that development will not be permitted where it would endanger highway safety. The proposed dwelling would utilise the existing access onto New Barn Lane.
- 6.14** Gloucestershire Highways have been consulted on the proposal and have raised no objection, as the existing access appears to be operating without incident and the increased usage would not have a significant impact.
- 6.15** An objection has been received from the Parish Council raising concerns regarding the access in the event of an emergency. The proposed dwelling would utilise an existing access and no highway objection has been raised to this. As such, officers consider the proposal would not endanger highway safety and is therefore in accordance with Policy TP1.

Other considerations

- 6.16** An additional concern has been raised regarding misleading information provided within the application form relating to the loss of trees on the site. The applicant has since confirmed that the proposal would result in the loss of trees, however, these trees are not protected and could be removed with any prior consent.
- 6.17** Local Plan Policy RC6 seeks to ensure provision for play space is made in new residential development. A condition has been included to ensure this is the case.

7. CONCLUSION AND RECOMMENDATION

- 7.1** Overall, the principle of the dwelling and the access are considered acceptable. The proposal is in accordance with the relevant Local Plan policies and with the included conditions, meets the criteria set out in the Council's adopted Supplementary Planning Document: Development on garden land and infill sites in Cheltenham. As such, the recommendation is to grant outline planning permission, subject to the conditions set out below.

8. CONDITIONS / INFORMATIVES

- 1 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of five years from the date of this permission. The development hereby permitted shall be begun not later than whenever is the later of the following dates:-
 - (a) the expiration of 5 years from the date of this permission;
 - (b) the expiration of 2 years from the final approval of reserved matters;
 - (c) in the case of approval on different dates the final approval of the last such matters to be approved.Reason: As required by Section 92 of the Town and Country Planning Act 1990.

- 2 Approval of the details of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
Reason: This is an outline permission only and these matters have been reserved for the subsequent approval of the Local Planning Authority.

- 3 Prior to the commencement of development, an annotated elevation with a detailed specification of all external materials and finishes (including all windows and external doors) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented strictly in accordance with the details so approved and maintained as such thereafter.
Reason: To ensure a satisfactory form of development in accordance with Local Plan Policy CP7 relating to design.
- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and/or re-enacting that order with or without modification), no extensions, garages, walls, fences or other structures of any kind (other than those forming part of the development hereby permitted) shall be erected without planning permission.
Reason: Any further extension or alteration requires detailed consideration to safeguard the amenities of the locality in accordance with Local Plan Policies CP4 and CP7 relating to safe and sustainable living and design.
- 5 The dwelling so approved shall consist of ground floor accommodation with first floor rooms located within the roof space. Full details regarding the height of the dwellings shall be submitted to and approved by the Local Planning Authority at reserved matters stage and development shall be implemented strictly in accordance with the details so approved.
Reason: To ensure a satisfactory form of development, limiting the scale of the dwellings in this backland location.
- 6 The dwelling so approved shall have no windows in the south facing roof slope.
Reason: To protect the amenity of the neighbouring property.
- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and/or re-enacting that order with or without modification), no additional openings shall be formed in the development without planning permission.
Reason: Any further openings require detailed consideration to safeguard the amenities of the locality in accordance with Local Plan Policies CP4 and CP7 relating to safe and sustainable living and design.
- 8 Prior to the commencement of development, a scheme for the provision or improvement of recreational facilities to serve the proposed dwelling(s) shall be submitted to and approved in writing by the Local Planning Authority. The dwelling(s) shall not be occupied until the approved scheme has been implemented.
Reason: To avoid any increase in the Borough's imbalance between population and the provision of outdoor play space and related facilities in accordance with Local Plan Policy RC6 relating to play space in residential development.

INFORMATIVES

- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 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.