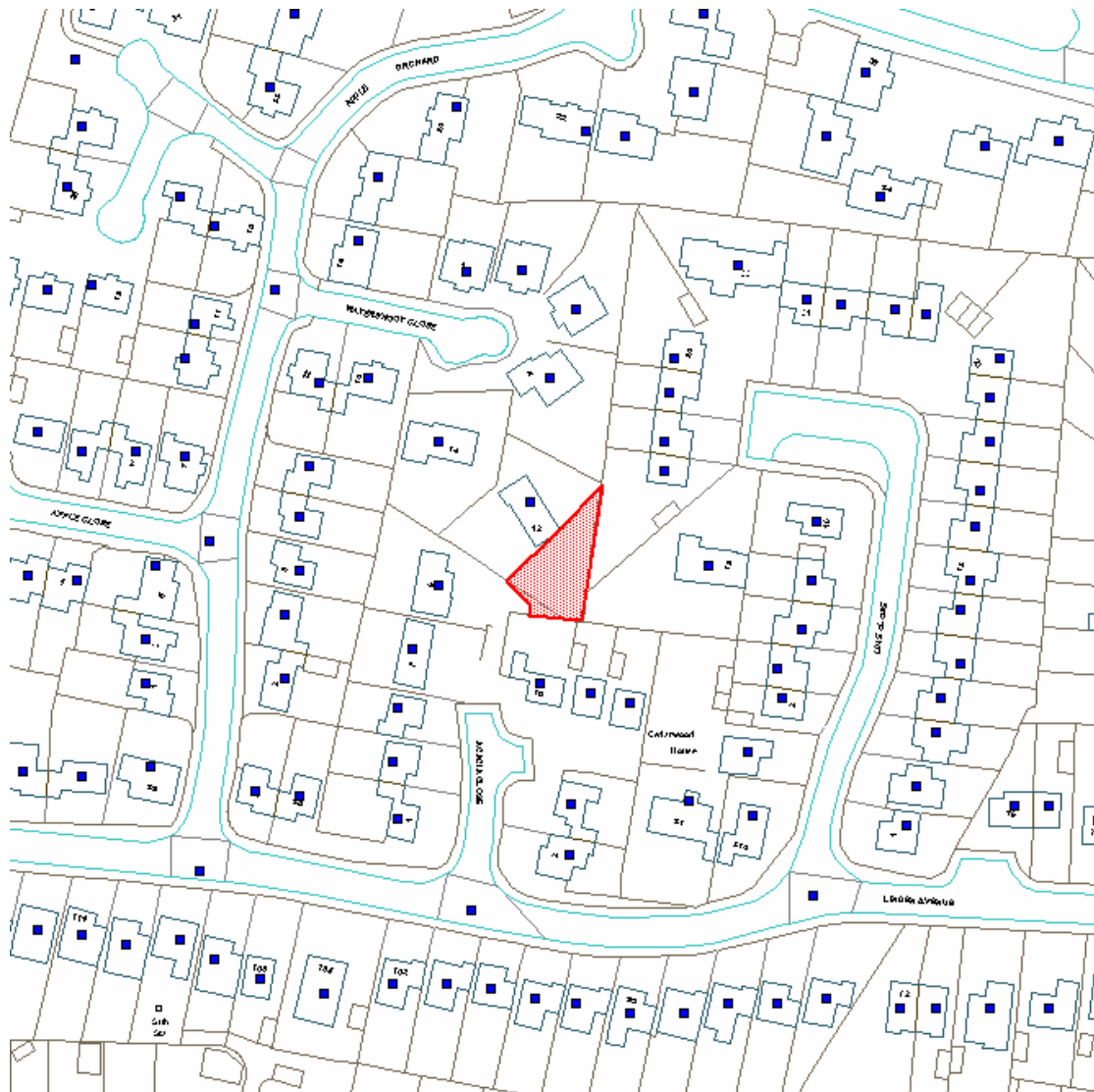


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| APPLICATION NO: 13/01265/FUL | OFFICER: Miss Michelle Payne |
| DATE REGISTERED: 29th July 2013 | DATE OF EXPIRY: 23rd September 2013 |
| WARD: Prestbury | PARISH: Prestbury |
| APPLICANT: | Mr And Mrs Townsend |
| AGENT: | Ian Johnstone Associates |
| LOCATION: | Pinewood, 12 Acacia Close, Prestbury, Cheltenham |
| PROPOSAL: | Erection of a detached dwelling (revised scheme) |

RECOMMENDATION: Permit



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1. DESCRIPTION OF PROPOSAL

- 1.1 This is a full application for the erection of a detached three bedroom dwelling within the curtilage of no.12 Acacia Close. The site is accessed off a private drive at the end of the cul-de-sac, and lies within Prestbury parish.
- 1.2 It is a revised proposal following the withdrawal of a previous scheme in July 2012. In this revised scheme, the footprint and height of the building has been greatly reduced.
- 1.3 The application is before planning committee as a result of an objection from the parish council whose comments can be found below; Members will visit the site on planning view.

2. CONSTRAINTS AND PLANNING HISTORY

Constraints

None

Planning History

T4697/N/Z/A

PERMIT

1st September 1983

Extension

00/01456/FUL

PERMIT

27th November 2000

Construction of two storey extension at side of house in place of existing garage and utility room

12/00706/FUL

WITHDRAWN

25th July 2012

Erection of a detached dwelling

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 1 Sustainable development

CP 3 Sustainable environment

CP 4 Safe and sustainable living

CP 7 Design

HS 1 Housing development

RC 6 Play space in residential development

TP 1 Development and highway safety

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

Tree Officer

8th August 2013

Comments as per previous application (12/00706/FUL) - None of the trees on this site are worthy of TPO's, therefore the Tree Section has no objections to this application. Should

the applicant wish to retain these trees during construction, I would recommend that they be fenced off as per BS 5837:2012 so as to ensure their safe retention.

HMO Division

9th August 2013

Some of the proposed bedrooms appear not to meet the minimum floor areas. The minimum floor area for a single bedroom is 7sqm and a double bedroom is 10.5sqm. I would advise that space standards in residential accommodation are governed by both the Housing Act 1985 and Housing Act 2004. Undersized or overcrowded premises may be subject to enforcement action.

Parish Council

14th August 2013

Objection on the following grounds:

1. This is an inappropriate development.
2. Close to neighbouring properties.
3. The design is not in keeping with the surrounding houses.
4. There is no parking provision within the plans, which will only contribute to the already congested area at the end of Acacia Close.
5. The proposed dwelling is on a narrow, probably unadopted road which would make access for emergency vehicles difficult.

GCC Highways Development Management

28th August 2013

Such a development is covered by our standing advice, however given the objections I would just like to make the following comments.

Acacia Close is an unclassified road with no reported accidents/collisions on or near to it within the last 5 years. Although the lane serving the proposed development is narrow, it is not a Public Right of Way or throughway and only serves the existing dwellings, I am not aware of this causing severe or significant highway safety problems at present.

The National Planning Policy Framework (NPPF) says that although safe and suitable access should be provided, 'development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe'. The lane is private, and already serves a number of dwellings, given the low pedestrian usage, i.e. not a through route, and slow vehicle speeds, the additional dwelling/vehicles should not have a severe or significant impact upon highway safety.

Two car parking spaces are considered appropriate for the size of development, and it would be unreasonable to require the applicant to provide more. I note that the objection letters relate to inappropriate car parking within Acacia Close, should inappropriate/indiscriminate car parking be occurring in Acacia Close, or on the junctions/footways etc and are causing a highway safety danger/obstruction then the police already have powers to do something about this.

You may wish to ensure pedestrian visibility is provided onto the private lane from the car parking spaces, however as the lane is private the Highway Authority wouldn't necessarily be able to insist on this. It may also be worth considering a refuse collection point in accordance with the appropriate carry distances from Manual for Streets, 'Residents should

not be required to carry waste more than 30m to a storage point, waste vehicles should be able to get within 25m of the storage point'.

5. PUBLICITY AND REPRESENTATIONS

5.1 Letters of notification were sent out to 11 neighbouring properties. In response to the publicity, seven representations have been received from local residents; these comments have been circulated to Members in full, but briefly the main objections relate to:

- Noise from the existing property
- Access / parking
- Overlooking / loss of privacy
- Out-of-keeping / overdevelopment

6. OFFICER COMMENTS

6.1 Determining Issues

6.1.1 The main considerations when determining this application are the principle of development, the design and layout of the proposed dwelling, impact on neighbouring amenity, and highway safety.

6.2 Principle of development

6.2.1 The application site is situated within the Principal Urban Area in a sustainable location. Although the site currently forms part of the curtilage to no.12 Acacia Close, and is therefore not recognised as being 'previously developed' given the Council's lack of a five-year supply of housing, officers consider that the site is suitable for consideration to be given for residential. However, whilst the NPPF sets out that "housing applications should be considered in the context of the presumption in favour of sustainable development" there are a number of other matters which need to be considered with regard to residential proposals beyond the principle.

6.3 Site and its context

6.3.1 No.12 Acacia Close is a 1970's two storey detached dwelling which sits in a relatively large, irregular shaped plot and is accessed via a private drive which currently serves four dwellings. The site is bounded by residential development in Acacia Close, Lime Close and Watershoot Close within large modern housing estate.

6.3.2 Development within Acacia Close, and the wider estate, has taken place over a number of years, resulting in a mixed urban grain. The layout of buildings, plots, and streets within the surrounding area varies greatly.

6.4 Design and layout

6.4.1 Local plan policy CP7 requires all new development to be of a high standard of architectural design; to adequately reflect principles of urban design; and to complement and respect the character of the locality.

6.4.2 The houses within the immediate vicinity are facing brick with pitched concrete tiled roofs, and the proposed dwelling would be constructed using similar materials to complement the established character of the locality and harmonise with the existing buildings. The dwelling would be directly comparable in scale and footprint to nos. 6 and 8 Acacia Close, although it is acknowledged that these properties are gable fronted.

6.4.3 In order to address the constraints of the site, the dwelling would have an asymmetrically pitched roof with a dormer which would break the lowered eaves line to the rear.

6.4.4 Although an additional access would be created for the new dwelling, an appropriate level of enclosure will be retained by the existing well established hedge.

6.3.5 In addition, adequate car parking and private amenity spaces would be provided for both the existing and proposed dwellings.

6.4.4 The proposal is therefore considered to be in accordance with policy CP7.

6.5 Impact on neighbouring property

6.5.1 Local plan policy CP4 advises that development will only be permitted where it would not cause harm to the amenity of adjoining land users and the locality.

6.5.2 The positioning of the dwelling within the site has been largely influenced by neighbouring development. As proposed, the first floor bedroom window in the rear elevation would achieve a distance of 10.5 metres to the boundary, which is generally accepted as being an adequate minimum distance for determining privacy for neighbouring residents. The other first floor window in the rear elevation, which would be within 10.5 metres of the boundary, would serve a bathroom; this window could reasonably be expected to be obscurely glazed however a condition is recommended for the avoidance of doubt.

6.5.3 The resultant mass of the building should not result in any significant loss of outlook from the surrounding properties or have an overbearing effect. Additionally, levels of daylight currently afforded to neighbouring properties should not be unduly affected.

6.5.4 Therefore, whilst all of the concerns of the local residents have been duly noted, the proposal is considered to be in accordance with policy CP4.

6.6 Access and highway safety

6.6.1 Local plan policy TP1 seeks to prevent development which would endanger highway safety. The NPPF set outs that development should only be prevented where the impact would be severe.

6.6.2 It is considered that the Highways Development Management comments above adequately assess the development in terms of highway safety.

6.6.3 The development is therefore considered to be in accordance with policy TP1.

6.7 Other considerations

6.7.1 As with all new residential development, provision for play space would be required to meet the requirements of local plan policy RC6. As on-site play space provision is clearly not feasible in this location, policy RC6 envisages a commuted sum in order to achieve its requirements and it is considered that this matter could be adequately dealt with by way of a condition.

7. CONCLUSION AND RECOMMENDATION

7.1.1 In summary, the proposed dwelling is considered to be of a suitable design, scale and layout for this location, and would not result in any unacceptable harm to neighbouring amenity or highway safety.

7.1.2 The recommendation therefore is to grant planning permission subject to the following conditions:

8. 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 Nos. 898 - 01A (SHEET 1) and 898 - 01A (SHEET 2) received by the Local Planning Authority on 24th July 2013.
Reason: To ensure the development is carried out in accordance with the approved drawings.
- 3 Prior to the commencement of development, samples of the proposed facing materials and roofing materials shall be submitted to and approved in writing by the Local Planning Authority, and the materials used in the development shall be in accordance with the samples so approved.
Reason: To ensure a satisfactory form of development in accordance with Local Plan Policy CP7 relating to design.
- 4 Prior to the first occupation of the development, the car parking provision shall be completed and marked out in accordance with the approved plan(s). The car parking area shall thereafter be retained in accordance with the approved plans and kept available for use as car parking.
Reason: To ensure adequate car parking within the curtilage of the site in accordance with Local Plan Policy TP1 relating to development and highway safety.
- 5 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.
- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and/or re-enacting that order) the bathroom window to the rear elevation at first floor shall be glazed with obscure glass and shall incorporate a restricted opening mechanism, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The window shall be installed in accordance with the details so approved and shall be maintained as such thereafter.
Reason: To safeguard the amenities of the adjoining properties in accordance with Local Plan Policy CP4 relating to safe and sustainable living.
- 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 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.

INFORMATIVE

- 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.