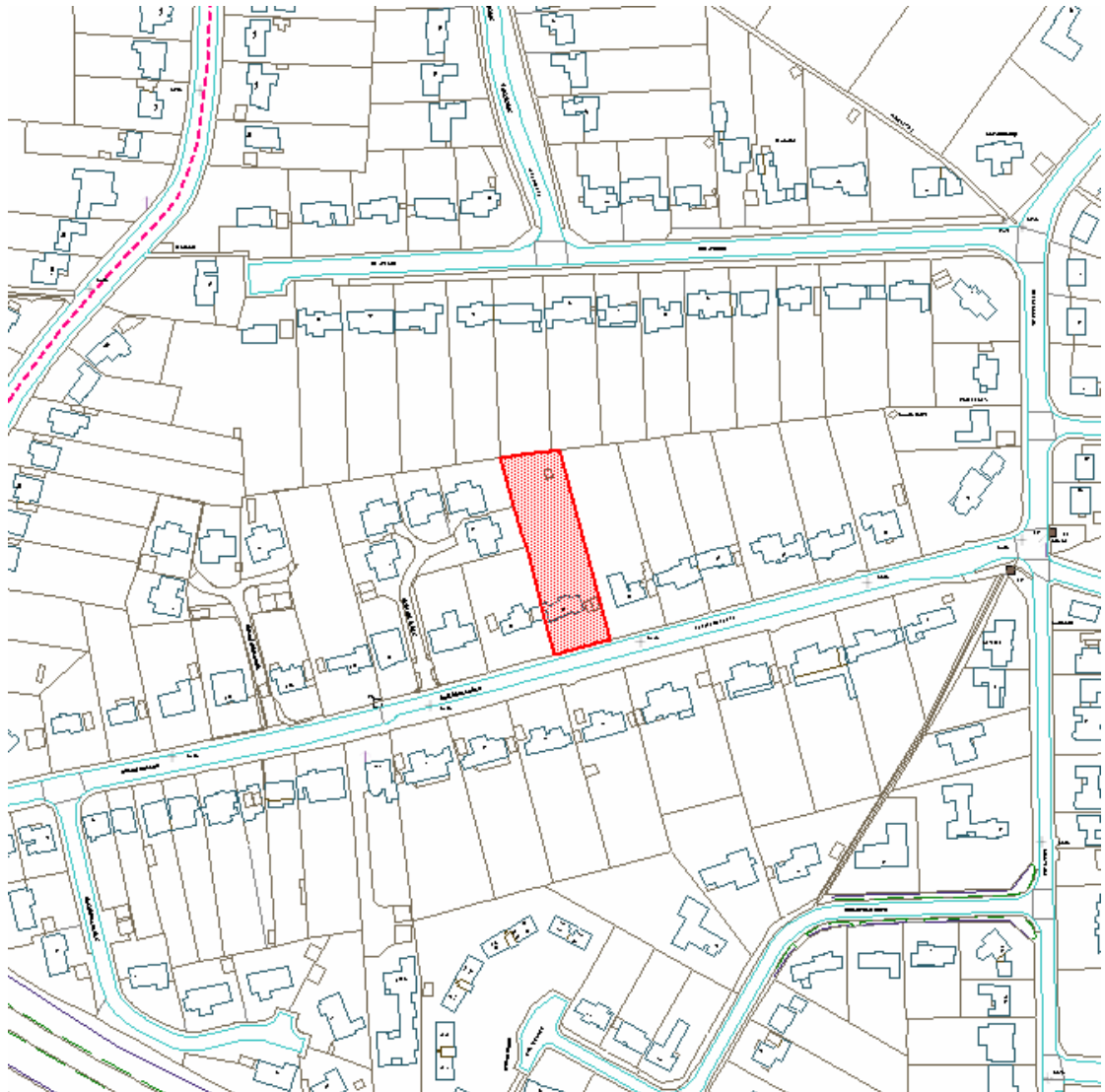


APPLICATION NO: 13/01109/FUL	OFFICER: Miss Michelle Payne
DATE REGISTERED: 3rd July 2013	DATE OF EXPIRY: 28th August 2013
WARD: Charlton Park	PARISH: Charlton Kings
APPLICANT: Mr Simpson	
AGENT: Mr David Jones	
LOCATION: 17 Greenhills Road, Charlton Kings, Cheltenham	
PROPOSAL:	Erection of a single dwelling to the rear of 17 Greenhills Road, formation of new access, and erection of a garage for the existing dwelling

RECOMMENDATION: Permit



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1. DESCRIPTION OF PROPOSAL

- 1.1 This is a full application for the erection of a four bedroomed dwelling to the rear of 17 Greenhills Road. As originally submitted, the application was seeking only outline planning permission, with all matters apart from means of access (appearance, landscaping, layout and scale) reserved for future consideration however full details have now been provided.
- 1.2 The existing access to the site from Greenhills Road would be stopped up and a new shared access for both the existing and proposed dwelling would be provided to the east of the site following the demolition of an existing garage located to the side of the existing dwelling.
- 1.3 The proposed dwelling would be two storeys with the first floor bedroom accommodation provided within the roof space. Adequate private amenity space, and parking and turning facilities for both the existing and proposed dwelling would be provided within the site.
- 1.4 As originally submitted, the outline application proposed the erection of a large flat roofed garage to the front of the existing dwelling but the garage has been relocated to the rear in this revised scheme.
- 1.5 The application is before planning committee following an objection from Charlton Kings parish council. Members will have the opportunity to visit the site on planning view.

2. CONSTRAINTS

Landfill Site boundary
Smoke Control Order

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
GE 5 Protection and replacement of trees
GE 6 Trees and development
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)
Residential alterations and extensions (2008)
Play space in residential development (2003)

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

HMO Division

9th July 2013

Subject to the bedrooms having floor areas no less than 7sqm for a single bedroom and 10.5sqm for a double bedroom, I would have no fundamental objection to this proposal.

Contaminated Land Officer

10th July 2013

No comment.

Cheltenham Civic Society

12th July 2013

It is too late to do more than regret the bitty and piecemeal backland development along this road. On that basis it is now difficult to object to the principle of a building of the type proposed. However, it is difficult for us to make a proper judgement as we did not see any elevations in the plans, and the proposed first floor room did not appear to have a window.

Building Control

15th July 2013

No comment at this time.

GCC Highways Planning Liaison

15th July 2013

In response to Section 16 1 (d) of the Town and Country Planning (Development Management Procedure) (England) Order 2010, Gloucestershire County Council, as Local Highway Authority, has resolved that it does not intend to make representations to Local Planning Authorities on new or existing developments comprising 5 dwellings or less which are accessed off a Class 3 highway that is subject to a 30mph speed limit, or of a Class 4 (or lower) highway, as defined in the published Standing Advice, subject to the exceptions set out in the Standing Advice.

Parish Council

16th July 2013

OBJECTION Parish Council Policy is not to support back garden developments.

Tree Officer

26th July 2013

The Tree Section has no objections to this application providing the following conditions can be attached to any approval:

Tree protective fencing and/or ground protection shall be installed in accordance with the specifications set out within the Tree Survey dated May 2013 and drawing number GRHL-04-MAY13 Tree Retention and Protection Plan. The fencing shall be erected, inspected and

approved in writing by the Local Planning Authority prior to the commencement of any works on site (including demolition and site clearance) and shall remain in place until the completion of the construction process.

Reason: In the interests of local amenity, in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.

All demolition and construction works within the root protection area of trees to be retained, on or adjacent to the site, are to be carried out strictly in accordance with the Tree Survey dated May 2013 and associated drawings with said report.

Reason: In the interests of local amenity, in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.

TRE04B No fires within RPA

TRE05B No service runs within RPA

INFTR7 Foundations to take account of trees

Parish Council

2nd October 2013

OBJECTION This type of back garden development is contrary to Charlton Kings Parish Council policy. The Council is concerned by the incremental increase in traffic on Greenhills Road caused by the number of such developments that have already taken place. Notwithstanding the aforementioned, the design of the proposed new garage is out of keeping with the existing garage.

5. PUBLICITY AND REPRESENTATIONS

- 5.1 On receipt of the original application for outline consent, letters of notification were sent to 11 neighbouring properties and, in response to that publicity, seven representations were received; one in support and six in objection. Following the submission of the additional and revised information, making this a full application, a further 14 letters were sent out. All of the comments have been circulated in full to Members.

6. OFFICER COMMENTS

6.1 Background

6.1.1 Some Members will recall that concerns were expressed in a report to Cabinet on 26th November 2002 which recommended the preparation of a development brief for this particular area as a means of avoiding numerous individual or small cul-de-sac style developments but securing a comprehensive co-ordinated development, with the provision of open space and affordable housing, however this was not progressed. As a direct result, applications have in the past been approved for what is in effect a new secondary line of development. It is therefore quite likely that similar applications will follow.

6.2 Determining Issues

6.2.1 The main considerations when determining this application relate to the principle of the development, design and layout of the proposed dwelling, potential for impact on neighbouring amenity, and highway safety.

6.3 Principle of development

6.3.1 Local plan policy HS1 states that housing development will be permitted on land allocated for residential development and previously-developed land. Annex 2 of the NPPF defines previously developed land as land which is or was occupied by a permanent structure, including the curtilage of the developed land but excludes private residential gardens.

6.3.2 Paragraph 49 of the NPPF advises that when determining applications for housing they should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites; the Council is currently unable to demonstrate a five year supply.

6.3.3 Where policies are not considered to be up-to-date, the NPPF advises 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 policies within the framework, taken as a whole.

6.3.4 Further to the above, paragraph 53 of the NPPF suggests that local planning authorities should consider setting out policies to resist inappropriate development of residential gardens and this is what the Council's adopted SPD relating to 'Development of Garden Land and Infill Sites in Cheltenham' seeks to achieve. The document is therefore a material consideration when determining this application.

6.3.5 It is important to remember that the aim of the SPD is not to prevent development on garden land but to ensure that development proposals are based on upon a thorough understanding of the character of the neighbourhood, and in particular the street and block within which the site is located.

6.3.6 In conclusion, there is no fundamental reason to suggest that the principle of developing the site for a single dwelling would be unacceptable.

6.4 The site and its surroundings

6.4.1 The application site is located on the northern side of Greenhills Road within Charlton Kings parish. The existing property currently benefits from a large rear garden which is approximately 60 metres long by 25 metres wide and almost entirely laid to lawn. The garden is well screened on all three sides by established hedging and a number of trees which are intended to be retained. At present, a garage is located alongside the dwelling, to the east, with access located at the western end of the site frontage. The site is bounded by residential properties in Greenhills Road, Hayman Close, and The Avenue to the rear.

6.4.2 Greenhills Road is predominantly characterised by substantial detached dwellings in large sized plots; the properties are set back quite some distance from the edge of the carriageway, giving the road an open and spacious feel.

6.4.3 The character and urban grain of the locality has changed somewhat in recent years as a result of development having taken place on the adjacent rear gardens of nos. 18, 19 and 20 Greenhills Road in the form of a cul-de-sac consisting of five dwellings, nos. 1 – 5 Hayman Close, with a shared access running alongside no. 20 Greenhills Road.

6.4.4 A development of four dwellings, nos.1 – 4 Charlton Gardens, has also taken place on the rear gardens of nos. 108, 110 and 112 Charlton Lane further to the west.

6.5 Design and layout

6.5.1 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 neighbouring development and the character of the locality.

6.5.2 The proposed dwelling would be located to the rear of the site adjacent to the recent Hayman Close development to the west. The scale, height, massing and footprint of the property has been greatly influenced by the properties in Hayman Close with the first floor accommodation provided within a steeply pitched hipped roof; a similar palette of facing materials is also proposed.

6.5.3 The replacement garage for the existing dwelling which was originally shown to sit forward of the dwelling would have unacceptably breached the established building line and so has been relocated within the site to the rear.

6.5.3 Access to the dwelling would be provided via a new shared access driveway located to the eastern side of the site. Whilst page 36 of the garden land SPD suggests that single 'tandem' development which shares the same access or plot as the frontage development will not normally be acceptable, it does not preclude such developments. In this particular case, backland developments have already taken place, and a secondary line of housing has been established. The proposed block plan clearly indicates that the proposed dwelling would sit well within its context and would respect the already altered character of the locality.

6.5.4 Adequate levels of car parking and private amenity space would be provided for both the existing and proposed dwelling.

6.5.5 The proposal is therefore considered to meet the aims and objectives of policy CP7 and the garden land SPD.

6.6 Impact on neighbouring property

6.6.1 Local plan policy CP4 advises that development will only be permitted where it will not cause unacceptable harm to the amenity of adjoining land owners or locality.

6.6.2 Now that full plans have been submitted, it is clear that the proposed dwelling could be comfortably accommodated within the site without harm to neighbouring amenity in respect of privacy, daylight or outlook.

6.6.3 The fenestration has been carefully considered to ensure that the proposed dwelling would not result in any unacceptable overlooking of neighbouring properties. Where first floor windows are proposed, they achieve the accepted minimum distance of 10.5 metres to the boundary. There are no first floor windows proposed to the west elevation facing the properties in Hayman Close, only two high level roof lights with a cill height of 1.75m.

6.6.4 Given the existing boundary screening, the positioning and mass of the building would 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.

6.6.5 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.

6.7 Access and highway issues

6.7.1 Local plan policy TP1 states that development which would endanger highway safety by creating a new or altered access will not be permitted.

6.7.2 This application proposes the stopping up of the existing access and the provision of a new shared access for both the existing and proposed dwelling. Given the small scale nature of the development, the Local Highway Authority would not normally make representations on this proposal, and it would be determined in accordance with the standing advice.

6.7.3 However, given the concerns raised by local residents and the parish council, the following informal comments have been received:

As there will be a new site access which the two dwellings will make use of the Highway Authority would normally recommend that in the absence of a speed survey, visibility splays of 2.4m by 54m should be provided in both directions, due to the adjacent boundary it doesn't look possible to achieve this to the east. I note that the proposed access is 4.1m, however to make this a genuine two way working access I would suggest that the access be widened to 4.8m, I would also suggest that the access be moved slightly to the west in order to accommodate a pedestrian visibility splay, this would also help improve emerging visibility to the east. I note that the hedge is to be cut back to improve visibility to the west which would be welcomed. With such improvements, and given that forward visibility along Greenhills Road is very good, and that there haven't been any recorded collisions along this stretch of highway as a result of an access within the last 5 years I would say that the intensification of a single additional dwelling should not have a severe or significant impact upon highway safety.

6.7.4 In response to these comments, a revised layout plan has been submitted which shows an altered 4.8 metre wide access, and the proposal is now considered to be wholly acceptable on highway safety grounds subject to conditions requiring the car parking to be implemented and retained, and the provision of a pedestrian visibility splay.

6.8 Other considerations

6.8.1 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.

6.9 Conclusion and recommendation

6.9.1 The proposed dwelling is considered to be of a suitable scale, height, massing and footprint for this location, and would sit comfortably in its context. Furthermore, the proposal would not result in any unacceptable harm to neighbouring amenity or highway safety.

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

7. 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. 12074 P-01, 12074 P-03, 12074 P-05, 12074 P-06, 12074 P-07 and 12074 P-08 received by the Local Planning Authority on 12th September 2013 and Drawing Nos. 12074 P-02/A and 12074 P-04/A received 1st October 2013.

Reason: To ensure the development is carried out in strict 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 Tree protective fencing and/or ground protection shall be installed in accordance with the specifications set out within the submitted Tree Survey dated May 2013 and accompanying Drawing No. GRHL-04-MAY13 (Tree Retention and Protection Plan). The fencing shall be erected, inspected and approved in writing by the Local Planning Authority prior to the commencement of any works on site (including demolition and site clearance) and shall remain in place until the completion of the construction process.

Reason: In the interests of local amenity in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.

- 5 All demolition and construction works within the root protection area of the trees to be retained, on or adjacent to the site, are to be carried out strictly in accordance with the Tree Survey dated May 2013 and associated drawings with said report.

Reason: In the interests of local amenity in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.

- 6 No fires shall be lit within 5m of the Root Protection Area(s) and materials that will contaminate the soil such as cement or diesel must not be discharged within 10m of the tree stem. Existing ground levels shall remain the same within the Root Protection Area(s) and no building materials or surplus soil shall be stored therein. No trenches for services or drains shall be sited within the crown spread of any trees to be retained.

Reason: In the interests of local amenity in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.

- 7 All service runs shall fall outside the Root Protection Area(s) unless otherwise agreed in writing by the Local Planning Authority. Any such works shall be in accordance The National Joint Utilities Group; Volume 4 (2007).

Reason: In the interests of local amenity in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.

- 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.

- 9 Prior to the commencement of development (including any works of demolition), a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period and shall provide for:

- a) the parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials used in constructing the development;
- d) wheel washing facilities; and
- e) measures to control the emission of dust and dirt during construction.

Reason: To ensure that the development is carried out in a considerate and sustainable manner in accordance with Local Plan Policy CP1 relating to sustainable development.

- 10 Notwithstanding the approved drawings, the proposed vehicular access shall incorporate an adequate pedestrian visibility splay in the form of a triangular area between the outside edge of the proposed driveway and the rear of the footway which shall be of minimum dimensions 2.0m x 2.0m x 2.8m and shall be kept clear of obstructions thereafter.
Reason: To reduce any potential highway impact by ensuring that adequate pedestrian visibility is provided and maintained in accordance with Local Plan Policy TP1 relating to development and highway safety.
- 11 Prior to first occupation of the new dwelling, the existing access to the site shall be permanently closed for vehicular and/or pedestrian use as appropriate, and the verge/footway crossing shall be reinstated to the satisfaction of the Local Planning Authority. The access that has been closed shall be maintained as such thereafter.
Reason: To ensure satisfactory access arrangements in accordance with Local Plan Policy TP1 relating to development and highway safety.
- 12 Prior to first occupation of the new dwelling, the car parking and turning facilities shown on Drawing No. 12074 P-04/A shall be completed in all respects in accordance with the approved plans. The car parking and turning facilities shall thereafter be retained as such and shall not be used for any purpose other than the garaging of private motor vehicles and ancillary domestic storage without planning permission.
Reason: To ensure adequate car parking and turning facilities are provided and retained within the curtilage of the site in accordance with Local Plan Policy TP1 relating to development and highway safety.
- 13 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.

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.

- 2 The foundation depth and design must take account of adjacent trees and their future growth potential, so as to avoid future nuisance.

- 3 The applicant/developer is reminded of the need to contact Gloucestershire Highways on 08000 514 514 to obtain a dropped kerb license (Section 184 of the Highways Act) for the provision of the new dropped kerb and reinstatement of the existing footway crossing.