

**REFERENCE:** 10/00540/REM

**SITE:** 84 Little Herberts Road

**PROPOSAL:** Erection of 10no. dwellings and private driveway following the demolition of the existing dwelling (84 Little Herberts Road)

**RECOMMENDATION:** Approval of Reserved Matters

## 1. The proposal

The application relates to the erection of 10 houses on land at 84 Little Herberts Road. Outline planning permission was granted for the development of the site in June 2008 (07/01280/OUT). That decision followed an appeal against the Council's decision to refuse permission for the following reasons:

*1. Policy UI2 in the Cheltenham Borough Local plan states that development will only be permitted where it would not increase the quantity or rate of surface water run-off.*

*Notwithstanding the submission of a revised scheme for surface water drainage of the site by the applicant's drainage consultants, the Local Planning Authority considers that insufficient conclusive evidence has been advanced to accept unequivocally that the drainage measures proposed would ensure that the development of the site would not increase the risk of flood outside the site.*

*The possibility of flooding the site itself and/or existing properties in Little Herberts Road and Ravensgate Road would, therefore, remain.*

*The expectations of Policy UI 2 would therefore not be satisfied.*

and 2. Policy CO1 in the Cheltenham borough Local Plan requires that appropriate development should not harm:

- a) attributes and features which make significant contributions to the character, distinctiveness, quality and amenity value of the landscape; and*
- b) the visual quality of the landscape*

*The development proposed, whilst maintaining an indication of the line of the former railway, involves partial infilling and a substantial amount of building over this line. The former railway line, which runs the full length of the application site, makes a significant contribution to the local landscape.*

*Development of the site in this way would erode the relatively open and spacious character of the site and compromise views out of and into the site with the consequence that the amenity value of the landscape would be unacceptably harmed.*

*Furthermore, it is considered that the development proposed could impact adversely on part of the Regionally Important Geological/Geomorphological Site at Little Herberts railway cutting, identified by Gloucestershire Geoconservation.*

*The proposal therefore fails to satisfactorily meet the expectations of Policy CO1*

The above outline application was accompanied at the time by a detailed application for 7 houses. The plans submitted with that application indicated a scheme virtually identical to the indicative layout plans submitted with the outline one for 10 houses but with the central 3

houses in the main row of 5 along the southern boundary of the site being detached units rather than 3 pairs of semi-detached units in the 10 outline scheme.

The application site forms the garden to no 84, thus now falling outside the definition of previously developed land within the recent revisions to PPS3. The garden incorporates a section of the long since disused Banbury to Cheltenham railway line.

The site is bounded to the north and east by housing, taking the form predominantly of semi-detached two storey units with sizeable gardens. The southern boundary of the site is defined by the route of the former railway line and a dense Cyprus hedge. Beyond the hedge lies open countryside rising away from the site. The hedge and railway line combination provides a defined edge to the town at this point.

The application site is adjacent to the AONB and a nature reserve, which lie to the south. The site area is approximately 0.35ha which would result in a density of 29 dwellings to the hectare.

The development is shown to be accessed off Little Herberts Road with an access road running almost the length of the site. The access road and internal layout is proposed to be a private un-adopted road, however they have been designed to an adoptable standard. The line of the development to a certain extent is derived from the line of the disused former railway running the length of the site. The architects for the outline application considered that such a line expressed the memory of the cutting.

The proposed dwellings are a mixture of Bungalows (2) and two and three storey houses. They are of a contemporary design making use of brick and rendered elevations (with some timber cladding) and standing seam zinc roofs (though see paragraph 6.11 below).

## 2. History

03/00663/FUL	Erection of new single storey dwelling to rear of site	Refused	12th June 2003
03/01838/FUL	Erection of a single storey dwelling	Permit	26th March 2004
07/00289/FUL	Erection of 7 dwellings and associated private driveway following demolition of the existing dwelling	Refused	20th August 2007
07/01279/FUL	Erection of No. 7 dwellings and the engineering of associated private driveway following the demolition of the existing dwelling RESUBMISSION of application refused planning permission in August 2007 under reference 07/00289/FUL)	Refused	19th November 2007
07/01280/OUT	Erection of No.10 dwellings and the engineering of associated private driveway following the demolition of the existing dwelling (84 Little Herberts Road) outline	Refused	19th November 2007

**Subsequent appeals against the refusals of planning permission in respect of application 07/01279/FUL was dismissed and in respect of application 07/01280/OUT was ALLOWED.**

### 3. Policies and guidance

Adopted Local Plan Policies:

- CP1 (Sustainable development)
- CP3 (Sustainable environment)
- CP4 (Safe and sustainable living)
- CP5 (Sustainable transport)
- CP7 (Design)
- CP8 (Provision of necessary infrastructure and facilities)
- HS1 (Housing development)
- HS2 (Housing density)
- RC6 (Play space in residential development)
- RC7 (Amenity space in housing developments)
- TP1 (Development and highway safety)
- TP6 (Parking provision in development)
- NE4 (Contaminated land)
- EM2 (Safeguarding employment land)

Adopted Supplementary Planning Guidance:

- Playspace in residential development
- Planning Obligations: Transport

Structure Plan Policies:

- S1 (Strategy)
- S3 (Strategy)
- H1 (Housing)
- H4 (Housing)
- H8 (Housing)
- H9 (Housing)
- T1 (Transport)
- T8 (Car parking)

Waste Local Plan:

- 36 (Waste minimisation)

Regional Spatial Strategy:

- RPG10 (Regional Planning Guidance for the South West)

National Guidance:

- PPS1 (Delivering Sustainable Development)
- PPS3 (Housing)
- PPG13 (Transport)

### 4. Consultation responses

**Architects Panel:** Given the scheme has outline approval the principle of development of the site has been established.

Quality of Design.

The contemporary approach is welcomed but the drawings are not at a sufficient scale to determine if the units have been developed with a sufficient level of refinement in their detailing.

Some of the elevations contain a number of materials that over complicate the appearance of the scheme. The eaves look heavy and unrefined.

The scale and mass of the buildings seem to be far greater than they need to be. Whilst we accept the contemporary approach the scheme has to be developed in a way that respects

the surrounding context. It should not be forgotten that the site addresses an AONB and can be viewed from the open countryside.

**Summary.**

The scheme needs a greater level of detail to be provided before it can be fully assessed we would ask the local authority to request such details before determining the application.

**Recommendation.**

Once the details have been resolved we would be happy to review the drawings again before deciding whether or not to support the application.

**Engineering Services:** The original outline permission (ref no: 07/01280/OUT) was allowed at appeal (APP/B1605/A/08/2065223) on 13th June 2008. The outline permission dealt with the site access at that stage and is covered by condition 3 on the Inspectors decision; therefore all that is left to comment on in terms of highway safety on this reserved matters application is the internal layout. Sufficient car parking and manoeuvring facilities for all vehicles appears to have been provided, indeed the scheme is similar to that dealt with at appeal to which the Inspector raised no highway safety issues. It should be noted that the access road is proposed to be a private road, if adoption were to be sought in the future the road would need to be made up to an adoptable standard in accordance with Gloucestershire County Council specifications.

Thus it is for these reasons that I recommend no Highway objection is raised, however should you think it reasonable please apply an appropriately worded condition requiring car parking and manoeuvring facilities to be provided prior to beneficial occupation of the proposed dwellings.

**Contaminated Land Officer:** Suggests imposition of the Standard Contaminated Land Planning Condition.

**Trees Officer:** The primary concern is regarding the line of 9-12 metre high hedgerow of Cypress which provides a "robust landscape screen" as referred to in the Design + Access Statement. This screen will cast dense shade on the garden of the property units 1-7. Unless the hedge owner adequately prunes or removes this hedge line there will be likely calls from the adjacent occupants. This in turn could lead to multiple applications to this council under the High Hedge legislation against the existing hedge owner. Secondly it is proposed to insert a 225mm diameter pipe along the south bank approx 1 metre from the boundary. This is well within the tree protection zone of these conifers and could lead to their structurally supporting roots being severed. It will also lead to a proportion of the hedges feeding roots being severed. Once inserted, roots will likely access this drainage pipe to exploit any water within. This could lead to the blockage of the pipe. There is no method statement explaining how this pipe is to be laid. It may be possible to insert the pipe using moleing techniques or an airspade so as to avoid root damage.

Similarly the pipe is to extend as far west as the mature oak's trunk in the south west corner of the site. Again this is not in keeping with BS5837 (2005). There is existing drainage pipe running perpendicular to the proposed pipe. I suggest (subject to approval by the flood engineers) that this proposed pipe terminates at this junction. Oak roots are exceptionally adept at accessing water sources and again I consider that the integrity of the proposed drainage pipe will be breached by oak roots.

**County Archaeology;** I advise that I have checked the application site against the County Sites and Monuments Record and there is no known archaeology within the land in question. In my view the application site has low archaeological potential. Therefore, I am pleased to recommend that no archaeological investigation or recording should be undertaken in connection with this planning application, and I have no further observations.

**Cheltenham Civic Society:** No comments

**Charlton Kings Parish Council:** OBJECTION

The proposals are not in keeping with the locality, they are out of keeping with the surrounding area. The 3 storey houses on plots 2 to 7 are over dominant, zinc clad roofs are totally inappropriate for the development. We have serious concerns with site drainage and road access.

## 5. Publicity and representations

A total of 63 letters were sent out notifying local residents in respect of this application. 29 letters of objection have been received to date. The issues raised in the letters can be summarised as follows:

- Infilling of former cutting unacceptable.
- Density too high, not in keeping with surrounding residential development (numbers of units too many)
- Design and proposed materials particularly the use of zinc roofs, not in keeping with area
- Development is overbearing and results in loss of privacy through overlooking
- Not in keeping with grain of area – modest sized dwellings in generous plots
- Detriment to wildlife
- Major concerns re drainage
- Impact on views into and out of the AONB
- Highways issues and inadequacy of access off Little Herberts Road adjacent to hump backed bridge, no account taken of cyclists or walkers etc
- Possible impact on water supply
- Increase in light pollution

**All the letters received will be circulated for the information of Members.**

## 6. Officer Comments

### 6.1. Determining Issues:

The application is for the approval of reserved matters following the grant of outline permission. The decision relating to the principle of development of this site by 10 houses has, therefore already been taken. A copy of the letter from the Planning inspectorate, dated 13 June 2008 under reference APP/B1605/A/08/2065223 is attached for Members information. Members are urged to read this appeal decision.

In respect of the reasons given to refuse both the detailed application for 7 dwellings and the outline application for 10, the Inspector, initially, identified three main issues to be considered in respect of both appeals:

- The character and appearance of the surrounding landscape;
- The nearby Regionally Important Geological Site (RIGS); and
- The likelihood, or otherwise, of an increased risk of flooding in the surrounding area.

**6.2.** With regard to the character and appearance of the surrounding landscape he concluded that the impact of the proposed developments on the local landscape would be insufficient to constitute the unacceptable harm against which policy CO1 advises.

**6.3.** He stated the following about the RIGS:

*“No part of the RIGS is within the appeal site and current access is from a pedestrian path that descends from the south western abutment of the railway bridge on the opposite side of Little Herberts Road. The only adverse effect claimed was that future vehicular access to the site for maintenance would become impossible if the proposed developments went ahead. However, vehicular access is currently only possible through the private land and is blocked by fencing. No one suggested that such access to the RIGS had been sought in recent times. I conclude that the existing*

*pedestrian access is sufficient for the maintenance of the RIGS and that the proposed developments would have no harmful effects upon the site.”*

- 6.4.** Bearing in mind the wealth of opposition to the development of the site in so far as it related to flooding issues, it is considered that it may be of assistance to Members to refer in full to his comments. Paragraphs 15 to 21 of his decision letter state:

*“15. Substantial evidence was presented to me of in relation to the propensity of the site to become waterlogged and of regular flooding occurring after heavy rain. Local residents are rightly concerned about the potential effect of the proposed developments, especially in the light of the possibility of the re-occurrence of the severe flooding of July 2007.*

*16. No one disputes that drainage arrangements for the development of the site must resolve these issues. There is also consensus that current problems arise from surface water run off from the Cotswold scarp that is channelled along the former railway cutting, the drainage of which is insufficient to cope with peak flows. Poor maintenance of the drains below the former track bed, blockages of the inlets to the site and the backing-up of water behind a bund that previously restricted flow through the cutting, all have exacerbated problems.*

*17. Nevertheless, the site is identified strategically by the Environment Agency as lying in a low flood risk area and I accept that the appellants have expended a great deal of time and effort to seek to resolve the problems of the site. I consider that their latest proposals, as presented to the Council in November 2007, do substantially deliver this. These combine improved arrangements for the channelling of surface water run-off into and through the site with proposals to provide regulated tanking under the access road to deal with run off from the developments.*

*18. I note that two sets of independent consultants commissioned by the Council have concluded that the proposed arrangements should prove satisfactory. This conclusion was relayed to the Council by its first drainage consultant before it decided the applications that are before me. It nevertheless chose to seek additional advice from another drainage consultant. He told me at the Hearing that, subject to some detailed matters that I consider could be resolved through condition, he also now concluded that the appellants’ latest proposals successfully resolved the drainage problems on the site and any impact that the proposed developments would have on these.*

*19. I agree. Flooding is a serious matter and planning authorities are right to heed the concerns of local people where it has occurred. However, where conclusive technical evidence demonstrates that past issues can be overcome, previous problems should not be an insuperable bar to future development. I consider that to be the situation here. The drainage arrangements proposed should not only be sufficient to protect the proposed developments but would also, in my view, provide some amelioration to the risks currently experienced by neighbouring properties.*

*20. I recognise that some, detailed matters – for example the design of the inlet grills – still need to be resolved. However, I agree with the appellants that these issues could be settled through a condition requiring the approval of drainage details by the Council. I am also aware that concern has been expressed about the future maintenance of the drainage arrangements. The appellants told me that it was intended to create a residents’ management company that would, amongst other matters, have responsibility for the maintenance of future drainage arrangements. I consider this acceptable but would also wish to see this ensured through a condition whereby the Council could approve the future maintenance arrangements.*

*21. I consider that the appellants have met the requirements of the Council’s first reason for refusal in providing sufficiently conclusive evidence that the proposed developments would not increase the risk of flooding on or outside the site. The proposed developments are thereby not contrary to Policy UI2 of the CBLP.”*

- 6.5.** The Inspector proceeded to identify further issues at the Hearing:

- The question of a five years supply of readily available housing land
- The effects on the living conditions of the occupants of neighbouring properties
- Highway safety and parking
- External appearance and design

**6.6.** In respect of the five years housing supply he concluded:

*"I consider that, despite the considerable on-going work, including that associated with its Civic Pride initiative, which the Council is undertaking to identify and secure a deliverable 5-year supply of housing land, there is insufficient evidence to conclude that such a supply is at present available in Cheltenham. Given the acceptance by the Council that the appeal site is suitable in principle for housing, I conclude that the lack of a conclusively demonstrable 5 year supply of deliverable housing land lends weight to the presumption that the site should be developed."*

**6.7.** With regard to any adverse effect on the living conditions of the occupants of neighbouring houses he noted that a number of neighbours were concerned about that issue but in the majority of cases he considered their views to be unfounded.

However, he had considerable concern with regard to the effect of plot 7 shown on the detailed scheme on 82 Little Herberts Road .He pointed out that plot 7 would replace the dwelling, 84 Little Herberts Road and that its northern elevation would sit just over a metre from the corresponding southern elevation of no 82. He considered that whilst light was already restricted to the side bedroom windows in that house, the proposed plot 7 would further restrict the light very severely.

He, however, pointed out that the same circumstances need not apply to the outline application he was considering as the drawings were illustrative and both layout and external appearance were reserved. He concluded that despite the greater number of dwellings proposed he considered that there were opportunities for amendments in the submission of reserved matters that could satisfactorily resolve the relationship of the development to no 82.

**6.8** As regards Highway safety and parking the Inspector concluded that there was no substantial evidence that that the proposed development would significantly increase risks to highway safety and that adequate access to the site could be provided. He further concluded that parking provision that met the Council's standards was acceptable.

**6.9** The letters of objection raise the design and style of the houses proposed as a reason to refuse permission. The detailed scheme for 7 houses naturally included a detailed design for the houses proposed. The outline for 7 however included designs of a very similar nature, but they were identified as indicative in compliance with the outline nature of the application. The design proposed at the time is similar in style to that proposed now. The Inspector stated "*Within its overall suburban context, I recognise there are variations in the detailed design of properties in the area, and I see no reason why the proposed external appearance of the development as proposed by Appeal A (detailed scheme for 7 houses) should be grounds for refusal. For Appeal B (outline scheme for 10) appearance is a reserved matter, though I note the appellant's view that they would expect the design of the proposed properties to be similar to that proposed for Appeal A.*"

**6.10** The Inspectors overall conclusions clearly indicate that other than in respect of the relationship of the dwelling adjacent to no 82 Little Hertberts Road he supported the scheme including the road layout; the disposition of the units within the site; the architectural style and the measures proposed to mitigate the possible effects of flooding. He uses the phrase "positive conclusions" and expresses the view that he considered there to be sufficient opportunities in consideration of the reserved matters to resolve the relationship between the proposed development and 82 Little

Herberts Road. But for that unfortunate relationship, it is clear that he would have approved the detailed scheme subject to conditions.

### **6.11 The Matters reserved by Outline Permission 07/01280/OUT**

Members will note from the appeal decision that the reserved matters relate to appearance, landscaping, layout and scale and that application for approval of those matters should be made no later than 3 years from the date of the grant of the outline permission. (13<sup>th</sup> June 2008). In addition to specifying the reserved matters the Inspector attached 5 further conditions requiring;

- a) the access to be laid out in accordance with a specified plan
- b) Surface water drainage works to be carried out in accordance with details to be approved
- c) No additional areas of hardstanding to be created
- d) Requirement to undertake a soil survey (relating to the possible need to carry out decontamination measures)
- e) Submission and approval of a construction method statement.

The current application is for the approval of the matters reserved by the outline permission and therefore relates only to the appearance, landscaping, layout and scale of the development. The applicant's agent, in a letter dated 15 June 2010, confirms this and he also comments on the letters of objection received in connection with the current application. He also confirms that his client has agreed to amend the roof material proposed for the scheme from a zinc standing seam roof to one faced with a flat artificial slate. This has been suggested to recognise the considerable comment received from local residents in respect of the proposed roof material.

**For Member's information a copy of that letter is attached to this report.**

Despite the wealth of objection received, it is clear that the majority of the issues raised have already been considered by the Council in connection with the previous applications to develop this site and more importantly have been considered by the Inspector at appeal. The Inspector concluded that the only issue he considered that was not acceptable was the relationship of the house proposed next to no 82 Little Herberts Road and no 82 itself. This was due to the effect that the house at that time proposed had on the natural light to side windows in no 82. The current proposal shows a dwelling with a steeply pitched roof next to no 82. The house has been pulled away from the boundary with no 82 and the first floor accommodation makes use of the roof void, thus keeping the building low. The steeply pitched roof takes the bulk of the building away from 82 and overlooking is prevented by the use of 3 high level roof lights along the elevation facing no 82. The design would overcome the concerns expressed by the Inspector. Indeed the owner of no 82, whilst raising other issues, does not raise any concerns with regard to loss of light.

### **6.12 Other Issues:**

The Trees Officer has expressed concerns regarding the belt of trees along the southern boundary. However, this issue is not in fact a new one. The existence of the trees was clearly referred to in the previous applications (their existence cannot be missed on site) by both the then applicant's agent and indeed the Inspector in his report. Furthermore the current applicant's agent, in his letter referred to above makes it clear that the line and depth of the new drain should not prove problematical with regard to retention of the row of trees.

The landscape scheme again follows that shown in the previous detailed submission. It is very much a 'front garden' based scheme showing grass and dense shrub planting to the fronts of the proposed houses and the rear gardens being laid to grass (where future owners will as usual create their rear gardens as they wish). New tree planting is shown at the entrance to the group of houses with a further two trees planted at the far end of the site. The landscape proposals are considered to be satisfactory.



## **7. Conclusion and recommendation.**

It is considered that the proposal provides for a distinctive and interesting development. The majority of the issues raised as a result of local opposition to the scheme are "in principle" matters which have already been examined by the Inspector at the Hearing and thus addressed through the appeal process. Simply, they should not form issues for consideration at this stage in the planning process. The current scheme has addressed the issue identified by the Inspector and the appearance and scale of the development proposed is similar to that shown in the previous detailed scheme. In respect of the design and architecture of that scheme the Inspector commented that he could see no reason why the proposed external appearance of the development should be grounds for refusal, furthermore it should be noted that no objection to the design and appearance was raised by the Local Planning Authority at that time.

Bearing in mind all the comments above it is recommended that the Reserved Matters (as amended in accordance with the applicant's agent's letter dated 15 June 2010) be approved subject to an informative drawing the applicant's attention to the need to secure compliance with the other conditions imposed by the Inspector.



# Appeal Decisions

Hearing held on 29 April 2008  
Site visit made on 29 April 2008

by **Roger Pritchard MA PhD MRTPI**

an Inspector appointed by the Secretary of State  
for Communities and Local Government

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**Decision date:**  
13 June 2008

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## A. Appeal Ref: APP/B1605/A/08/2063453

### 84 Little Herberts Road, Charlton Kings, Cheltenham, GL53 8LN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Red (Cheltenham) Ltd against the decision of Cheltenham Borough Council.
- The application Ref 07/01279/FUL, dated 14 September 2007, was refused by notice dated 15 November 2007.
- The development proposed is the erection of 7 dwellings and the engineering of an associated private driveway following the demolition of the existing dwelling, 84 Little Herberts Road.

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## B. Appeal Ref: APP/B1605/A/08/2065223

### 84 Little Herberts Road, Charlton Kings, Cheltenham, GL53 8LN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Red (Cheltenham) Ltd against the decision of Cheltenham Borough Council.
- The application Ref 07/01280/OUT, dated 14 September 2007, was refused by notice dated 15 November 2007.
- The development proposed is the erection of 10 dwellings and the engineering of an associated private driveway following the demolition of the existing dwelling, 84 Little Herberts Road.

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## Application for costs

1. At the Hearing applications for costs were made by Red (Cheltenham) Ltd against Cheltenham Borough Council and by Cheltenham Borough Council against Red (Cheltenham) Ltd. These applications are the subject of separate Decisions.

## Decisions

2. I dismiss Appeal A (Ref. APP/B1605/A/08/2063453), but allow Appeal B (Ref. APP/B1605/A/08/2065223), and grant outline planning permission for the erection of 10 dwellings and the engineering of an associated private driveway following the demolition of the existing dwelling, 84 Little Herberts Road, at 84 Little Herberts Road, Charlton Kings, Cheltenham, GL53 8LN in accordance with the terms of the application, Ref 07/01280/OUT, dated 14 September 2007, and the plans submitted with it, subject to the following conditions:
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- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission and the development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 3) No dwelling shall be occupied until means of vehicular access to the site, including the provision of visibility splays, have been constructed in accordance with Drawing 0022-003 (Rev D) as dated February 2006 and submitted with application, Ref 07/01280/OUT.
- 4) Development shall not begin until surface water drainage works have been carried out in accordance with details to be submitted to and approved in writing by the local planning authority. These details shall incorporate those measures set out in the report of September 2007 by SLR Consulting Ltd and submitted with application, Ref 07/01279/FUL, but amended as appropriate by Drawing 4 (Revision 2) of October 2007 and Drawing 5 (Revision 2) of November 2007. The submitted details shall include arrangements for the future maintenance of the drainage of the site.
- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no areas of hardstanding shall be constructed other than those expressly authorised by the local planning authority.
- 6) Development shall not begin until a soil survey of the site has been undertaken and the results submitted in writing to the local planning authority. The survey shall be taken at such points and to such depth as the local planning authority may stipulate. If considered necessary by the local planning authority, a scheme for the decontamination of the site shall be submitted to and approved in writing by the local planning authority and the scheme as approved shall be fully implemented and completed before any dwelling hereby permitted is first occupied.
- 7) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - i) the parking of vehicles of site operatives and visitors
  - ii) loading and unloading of plant and materials
  - iii) storage of plant and materials used in constructing the development
  - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  - v) wheel washing facilities

- vi) measures to control the emission of dust and dirt during construction
- vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.

### **Procedural Notes**

3. The two appeals are for development on the same site. Appeal A follows an application for full planning permission, but Appeal B relates to an outline application with appearance, landscaping, layout and scale reserved, and only the means of access to be considered at this stage. The appellants emphasised at the Hearing that the plans and layout submitted with the latter appeal were for illustrative purposes only.
4. Two unilateral undertakings were submitted by the appellants at the Hearing in the form of deeds for each appeal. These provide for financial contributions to the additional costs of play space and sustainable transport infrastructure which would be generated by the proposed developments. The Council has accepted that the undertakings meet the requirements of Policies RC6 and CP8 of the adopted Cheltenham Borough Local Plan (CBLP) Second Review, and its Supplementary Planning Guidance (SPG), "*Planning Obligations: Play Space in Residential Development*" and "*Planning Obligations: Transport*". I consider both undertakings to be acceptable.

### **Main issues**

5. I consider the main issues for both appeals to be the effect of the proposed developments on –
  - The character and appearance of the surrounding landscape;
  - The nearby Regionally Important Geological Site (RIGS); and
  - The likelihood, or otherwise, of an increased risk of flooding in the surrounding area.
6. The above issues derive from the Council's reasons for refusing the original applications. However, as a result of evidence at the Hearing, I have also had regard to the existence, or otherwise, of a five years' supply of readily available housing land in the Borough. Furthermore, and particularly as a result of the accompanied site visit that I made at the end of the Hearing, I consider that there is a significant issue as to the effect of Appeal A on the living conditions of the occupants of a neighbouring property, 82 Little Herberts Road.

### **Reasons**

#### *The character and appearance of the surrounding landscape*

7. The appeal site is on the south-eastern edge of Cheltenham. It falls within the definition of previously developed land provided by Planning Policy Statement 3, *Housing*, (PPS3) and the principle of residential development on the site is accepted by the Council. Permission for the erection of a bungalow in the back garden of 84 Little Herberts Road was granted in 2004 and is still extant.
8. The south-eastern limits of Cheltenham are established topographically by the scarp of the Cotswold Area of Outstanding Natural Beauty (AoNB), the

boundary of which forms a firm policy edge to the southern side of the appeal site. Much of the site comprises a former railway line, relic evidence for which is provided by the cutting that forms the southern part of the site and the bridge over Little Herberts Road at its western end. The Council's reasons for refusal identify this relic evidence of the railway as a significant attribute in the local landscape and consider that its loss would be contrary to Policy CO1 of CBLP.

9. However, the former railway line, closed in the 1960s, long ago lost any value as a continuous linear feature and no policy evidence specifically relating to its protection or conservation was quoted to me. Moreover, I saw numerous examples of parts of the line that had been sold off and, in some cases, developed. Immediately to the east of the appeal site, the rear garden of 41 Ravensgate Road incorporates part of the former track.
10. I do not discount the importance of retaining evidence of the railway where it makes a significant contribution to the local landscape and accept that the cutting would be part-filled by the proposed developments. Moreover, the bridge is a valuable feature but it would be retained and I consider that the relationship between it and the proposed developments would be acceptable. The cutting within the appeal site does not have the additional value provided by the RIGS. Nor, whatever might have been so in the past, is there evidence that the appeal site has any particular ecological value compared, for example, to the local nature reserve west of the bridge. However, I conclude that these attributes of the appeal site do not make a sufficiently significant contribution to the character, distinctiveness, quality and amenity value of the landscape that their loss would breach the criteria set by Policy CO1 in these respects.
11. I also consider that the impact of the proposed developments on the wider visual quality of the landscape would be limited. There would be views into and out of the appeal site to and from the surrounding suburban development but I do not consider that these would constitute material harm. The critical element seems to me to be the relationship with the AoNB. A small number of neighbouring properties, especially 82 Little Herberts Road and the rear of a handful of houses in Ravensgate Road would have their views into the AoNB interrupted to some degree, but planning confers no right to a view. Furthermore, the bank and conifer screen on the southern edge of the site already severely restrict opportunities to see the land beyond.
12. Nor do I consider that the visual impact of the proposed developments when seen from the Cotswold scarp would be sufficient to cause significant material harm. I accept that glimpses of the proposed developments would be seen from the public bridleway that runs across the slope of Whistley Hill. However, these glimpses would be from a minimum of 300-400m and, despite the elevated viewpoints, the proposed development would be largely screened by intervening vegetation, which could itself be reinforced by landscaping of the proposed developments, and would be seen against the general background of the urban area beyond.
13. I therefore conclude that the impact of the proposed developments on the local landscape would be insufficient to constitute the unacceptable harm against which Policy CO1 advises.

*The nearby Regionally Important Geological Site (RIGS)*

14. The RIGS is to the west of the site in an extension of the former railway cutting that also contains a local nature reserve. I accept, despite the poor condition of the RIGS, that it is an important local site representing the only exposure of Quarternary Cheltenham Sands and Gravels. Nevertheless, no evidence was presented to me that the proposed developments would have any harmful effect on it. No part of the RIGS is within the appeal site and current access is from a pedestrian path that descends from the south western abutment of the railway bridge on the opposite side of Little Herberts Road. The only adverse effect claimed was that future vehicular access to the site for maintenance would become impossible if the proposed developments went ahead. However, vehicular access is currently only possible through the private land and is blocked by fencing. No one suggested that such access to the RIGS had been sought in recent times. I conclude that the existing pedestrian access is sufficient for the maintenance of the RIGS and that the proposed developments would have no harmful effects upon the site.

*The likelihood, or otherwise, of an increased risk of flooding in the surrounding area*

15. Substantial evidence was presented to me of in relation to the propensity of the site to become waterlogged and of regular flooding occurring after heavy rain. Local residents are rightly concerned about the potential effect of the proposed developments, especially in the light of the possibility of the re-occurrence of the severe flooding of July 2007.
16. No one disputes that drainage arrangements for the development of the site must resolve these issues. There is also consensus that current problems arise from surface water run off from the Cotswold scarp that is channelled along the former railway cutting, the drainage of which is insufficient to cope with peak flows. Poor maintenance of the drains below the former track bed, blockages of the inlets to the site and the backing-up of water behind a bund that previously restricted flow through the cutting, all have exacerbated problems.
17. Nevertheless, the site is identified strategically by the Environment Agency as lying in a low flood risk area and I accept that the appellants have expended a great deal of time and effort to seek to resolve the problems of the site. I consider that their latest proposals, as presented to the Council in November 2007, do substantially deliver this. These combine improved arrangements for the channelling of surface water run-off into and through the site with proposals to provide regulated tanking under the access road to deal with run off from the developments.
18. I note that two sets of independent consultants commissioned by the Council have concluded that the proposed arrangements should prove satisfactory. This conclusion was relayed to the Council by its first drainage consultant before it decided the applications that are before me. It nevertheless chose to seek additional advice from another drainage consultant. He told me at the Hearing that, subject to some detailed matters that I consider could be resolved through condition, he also now concluded that the appellants' latest proposals successfully resolved the drainage problems on the site and any impact that the proposed developments would have on these.

19. I agree. Flooding is a serious matter and planning authorities are right to heed the concerns of local people where it has occurred. However, where conclusive technical evidence demonstrates that past issues can be overcome, previous problems should not be an insuperable bar to future development. I consider that to be the situation here. The drainage arrangements proposed should not only be sufficient to protect the proposed developments but would also, in my view, provide some amelioration to the risks currently experienced by neighbouring properties.
20. I recognise that some, detailed matters – for example the design of the inlet grills – still need to be resolved. However, I agree with the appellants that these issues could be settled through a condition requiring the approval of drainage details by the Council. I am also aware that concern has been expressed about the future maintenance of the drainage arrangements. The appellants told me that it was intended to create a residents' management company that would, amongst other matters, have responsibility for the maintenance of future drainage arrangements. I consider this acceptable but would also wish to see this ensured through a condition whereby the Council could approve the future maintenance arrangements.
21. I consider that the appellants have met the requirements of the Council's first reason for refusal in providing sufficiently conclusive evidence that the proposed developments would not increase the risk of flooding on or outside the site. The proposed developments are thereby not contrary to Policy UI2 of the CBLP.

*The existence, or otherwise, of a five years' supply of readily available housing land in the Borough*

22. PPS3 requires local planning authorities to identify and maintain a rolling 5-year supply of deliverable land for housing. It advises that where such a supply cannot be demonstrated, planning applications for housing should be favourably considered, subject to the other criteria that PPS3 sets, including the suitability of a site for housing.
23. I accept that Cheltenham faces difficult circumstances in identifying and maintaining a deliverable 5-year supply of housing land. The Council told me that historically much of its housing supply had been delivered through unallocated sites – perhaps as much as 100% in some recent years. Government advice is that such land should only be included in the available supply where it passes stringent tests of deliverability. The appellants presented me with evidence that they in their view demonstrated that such a supply was not available. Not only were a number of sites identified through the review of CBLP as subsequently having been developed for other uses, but others were proving to be less available in the short term than previously believed. Furthermore, the review of the Regional Spatial Strategy (RSS), now at an advanced stage, was likely to increase the overall level of housing provision in the Borough, compared to that previously set by the Gloucestershire Structure Plan.
24. I consider that, despite the considerable on-going work, including that associated with its Civic Pride initiative, which the Council is undertaking to identify and secure a deliverable 5-year supply of housing land, there is

insufficient evidence to conclude that such a supply is at present available in Cheltenham. Given the acceptance by the Council that the appeal site is suitable in principle for housing, I conclude that the lack of a conclusively demonstrable 5 year supply of deliverable housing land lends weight to the presumption that the site should be developed.

*The effects on the living conditions of the occupants of neighbouring properties*

25. The Council did not cite any adverse effect on the living conditions of the occupants of neighbouring properties in its reasons for refusal. However, a number of neighbours are concerned about this issue. In most cases, I consider their fears unfounded. Views from properties on the west side of Little Herberts Road and from the rear of Ravensgate Road would be affected. However, planning confers no right to a view and in the case of all the above dwellings, the distance between their facing elevations and the proposed developments would in every case be beyond the Council's separation guideline of 21m. This would be more than sufficient to prevent any overlooking or loss of light.
26. Nevertheless, my site visit caused me considerable concern with regard to the effect of Plot 7 of Appeal A on 82 Little Herberts Road. Plot 7 would accommodate the dwelling proposed to 'replace' 84 Little Herberts Road. Its northern elevation would sit just over a metre from the corresponding, southern elevation of No 82. I recognise that this replicates the current relationship of Nos 84 and 82, that the northern elevation of Plot 7 would have no windows and that its rear, eastern elevation would be stepped back to prevent overlooking or loss of light to the corresponding elevation of No 82.
27. However, no account appears to have been taken of the two, first floor windows on the southern elevation of No 82. I confirmed that these provide the only natural light to a bedroom. Whilst the light reaching this room is already limited by the close proximity of the pitched roof of No 84, I consider the effect of Plot 7 would further restrict that light very severely. The blank, brick wall of Plot 7's northern elevation would both rise to the eaves height of No 82 and would extend further back than the current elevation of No 84.
28. The outcome in my view would be to cause such a loss of light that the bedroom might only be used with the benefit of artificial lighting. I consider that the result would be a severe, additional material harm to the living conditions of the occupants of No 82. Nor do I see any means by which this harm could be mitigated by condition.
29. However, I consider that the same circumstances need not apply to Appeal B. Drawings accompanying Appeal B do show a similar, unacceptable relationship of Plot 7 to No 82. However, these drawings are illustrative and both layout and external appearance are reserved matters. Despite the greater number of dwellings proposed by Appeal B, I consider that there are opportunities for amendments in the submission of reserved matters that could satisfactorily resolve the relationship of the proposed development to 82 Little Herberts Road. In coming to this conclusion, I have had regard to the relationship between Appeals A and B and the scope that I consider is available to amend the latter without undermining the fundamental principles on which the outline proposal is founded.



## **Other Matters**

### *Highway Safety and Parking*

30. Local residents believe that there would be an increased risk to highway safety from additional traffic movements generated by the developments. However, I note that the Highway Authority raised no objection to either proposal. Visibility to the south is restricted, but traffic from that direction must perform slow to negotiate the hump-backed, railway bridge. Moreover, my observation from two weekday visits was that vehicular use of Little Herberts Road, especially to the south of the bridge, is limited, though I accept that there will be use by walkers, riders and cyclists and may be some increased traffic at weekends from visitors accessing the public rights of way network in the neighbouring AoNB.
31. Nevertheless, I conclude that there is no substantial evidence that either proposed development would significantly increase risks to highway safety and that adequate safe access to the site could be provided on the basis of a condition requiring the delivery of the arrangements set out in Drawing 0022-003 of February 2006, and attached to the supporting highway statement which accompanied the original applications.
32. There was also some concern from local residents that parking provision would be inadequate but it meets the Council's published standards and I do not consider it to be unacceptable.

### *External appearance and design*

33. Although some local residents suggested that the appearance of the proposed developments would be out of character with other residential properties in the area, I note that both the Civic Society and a local panel of architects consider the design appropriate and reflecting the local vernacular. Within its overall suburban context, I recognise there are variations in the detailed design of properties in the area, and I see no reason why the proposed external appearance of the development as proposed by Appeal A should be grounds for its refusal. For Appeal B, appearance is a reserved matter, though I note the appellants' view that they would expect the design of the proposed properties to be similar to that proposed for Appeal A.

## **Summary**

34. The site is appropriate for residential development and neither proposal would cause material harm to significant attributes or features that contribute to the character of the surrounding landscape. Nor would the visual amenity of the site, the surrounding area or the adjacent AoNB be unacceptably affected. I can identify no significant harmful impact on the neighbouring RIGS. There have been flooding issues but the arrangements now proposed to drain the site should resolve these for the proposed developments and assist in the conditions on neighbouring land. No substantive evidence of any increase of risk to highway users has been presented and, generally, the developments have an acceptable relationship to the character of the surrounding suburban area and those dwellings nearby. Furthermore, the lack of a conclusively demonstrable 5 year supply of deliverable housing land lends weight to the presumption that the site should be developed.

35. Nevertheless, the detailed plans associated with the full application, Appeal A, result in an unacceptable relationship between the proposed Plot 7 and the existing 82 Little Herberts Road. The material harm created to the latter is sufficient as to cause me to conclude that this matter must outweigh my positive conclusions on the main issues with regard to Appeal A. In coming to that view, however, I also consider that the sufficient opportunities exist in the consideration of the reserved matters of layout and external appearance to resolve the relationship between the proposed development and 82 Little Herberts Road for me to conclude that the outline application, Appeal B, should be allowed subject to appropriate conditions being imposed.

### **Conditions**

36. I have already commented that I do not consider that conditions could overcome the fundamental objection that I have identified to Appeal A.
37. I have considered the conditions which the Council has asked me to impose on Appeal B, were I to allow it, in the light of the tests set by Circular 11/95 and the comments made by the appellants at the Hearing.
38. As a general principle, I do not consider it to be either necessary or appropriate to impose conditions that replicate the process by which the Council would approve reserved matters. I do not therefore intend to impose suggested conditions which deal with layout, scale, external appearance and landscaping.
39. Access is before me and, as I have indicated, the provision of access arrangements as proposed in the appellants' highway statement that accompanied the original application is necessary to ensure highway safety and I shall impose a condition to this effect.
40. Drainage has been identified as a critical issue and I consider it essential that a condition be imposed both to ensure that the Council has the opportunity to consider outstanding details of the design and future maintenance of the drainage arrangements. It may also be necessary, in the light of my overall decisions, to amend the detailed drainage arrangements as previously submitted to take account of the approval of reserved matters, especially with regard to the layout of the development. I shall impose a condition to this effect.
41. I do not consider that the Council made the case for the general withdrawal of permitted development rights, especially where scale, layout and external appearance are reserved matters. By the same token, it would be inappropriate at this stage to specify particular elevations where additional doors or windows might not be allowed under permitted development rights, or to impose conditions requiring obscure glazing. I do, however, consider that the nature of the drainage issues on the site justify imposing a condition restricting permitted development rights to create further areas of hardstanding beyond those which may be constructed following the Council's consideration of reserved matters. Additional hardstanding could alter the rate of surface run off from the site and disrupt the drainage arrangements. I recognise that this is an unusual restriction but I consider that the case for it has been made and I shall impose a condition to this effect.

42. The Council initially put a condition to me that a renewable energy plan should be prepared and approved before the development took place. It withdrew that proposal at the Hearing, substituting a condition that the dwellings should conform to the DCLG's *Code for Sustainable Homes*. However, the Code is still currently voluntary and, although the appellants have stated that they intend to achieve the minimum of an Eco-Homes 'Very Good' rating, they commented at the Hearing that they could not agree to such a condition. Taking account of my allowing Appeal B where external appearance is a reserved matter, these issues could be revisited in the future and I have therefore concluded that I should not impose such a condition.
43. A significant part of the site is a former railway line, and although I consider the risk to be low and no relevant evidence was presented to me, I agree with the Council that it would be appropriate for an investigation to be undertaken before development commences to ensure that no land contamination exists or, if it does, that measures can be taken to resolve any issues. I do not consider that it is necessary for such a condition to be as detailed as that proposed by the Council but will impose a simpler, but in my view appropriate, condition.
44. Finally, the appeal site is within an existing residential area where the process of construction may lead to some noise and disturbance. The Council sought conditions that would cover some of the detailed construction issues. I consider it more appropriate, and more protective of local residents' interests, for a construction method statement to be submitted to and approved by the local planning authority before development begins. I shall impose a condition to this effect.

### **Conclusions**

45. For the reasons set out above, I conclude that Appeal A should be dismissed but that Appeal B should be allowed.

*Roger Pritchard*

INSPECTOR

## APPEARANCES

### FOR THE APPELLANT:

Mark Chadwick BA(Hons) DipTP  
MRTPI

Gordon Robb BSc MSc MBA FCIWEM

Andrew Cook BA(Hons) MLD CLA MLI  
CEnv MIEMA

Hunter Page Planning, 18 High Street,  
Cheltenham, GL50 1DZ

SLR Consulting Ltd, 11 The Roundal, Roddington  
Business Park, Edinburgh, EH12 9DB

Pegasus Environmental, Spitalgate Lane,  
Cirencester GL7 2DE

### FOR THE LOCAL PLANNING AUTHORITY:

Stephen Volley MSc DipTP MRTPI  
Tracey Crews

Appeals Officer, Cheltenham Borough Council  
Strategic Land Manager, Cheltenham Borough  
Council

Adrian Marsh

STATS Ltd., Porterswood House, Porters Wood,  
St Albans, Hertfordshire, AL3 6PQ

### INTERESTED PERSONS:

Alan White

Chair, Charlton Kings Parish Council Planning  
Committee, 60 Hartlebury Way, Charlton Kings

All those listed below are interested local residents

Mrs D.S. Fry

7 Branch Hill Rise, Charlton Kings, GL53 9HN

Fiona Wild

11 Branch Hill Rise, Charlton Kings, GL53 9HN

Gillian Lever

30 Little Herberts Road, Charlton Kings, GL53  
8LZ

Tom Ridge B.Arch MCD MRTPI (Retd)

59 Little Herberts Road, Charlton Kings GL53 8LL

Mrs Jeanne Ridge

59 Little Herberts Road, Charlton Kings GL53 8LL

Ian Godwin

63 Little Herberts Road, Charlton Kings, GL53  
8LL

Nicky Hardy

64 Little Herberts Road, Charlton Kings GL53 8LL

Mrs J Palmer

70 Little Herberts Road, Charlton Kings, GL53  
8PJ

Gregory Still

72 Little Herberts Road, Charlton Kings, GL53  
8LN

Sidney Steggle

76 Little Herberts Road, Charlton Kings GL53 8LN

Victoria Steggle

76 Little Herberts Road, Charlton Kings GL53 8LN

Tony Duffin

82 Little Herberts Road, Charlton Kings GL53 8LN

Janet Duffin

82 Little Herberts Road, Charlton Kings GL53 8LN

Christopher Fletcher

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Mrs S.L. Fletcher

31 Ravensgate Road, Charlton Kings, GL53 8NS

Richard Adams

35 Ravensgate Road, Charlton Kings, GL53 8NS

D.E.B. Williams

41 Ravensgate Road, Charlton Kings, GL53 8NS

Stephen Critchley

45 Ravensgate Road, Charlton Kings, GL53 8NS

Janet Pearson

45 Ravensgate Road, Charlton Kings, GL53 8NS

Laurel Critchley

57 Ravensgate Road, Charlton Kings, GL53 8NS

Mrs H.M. McCloskey

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Blanche Still

28 Waterfield Court, Moorend Park Road,  
Cheltenham, GL53 0LA

Alice Ross	Court Lodge, Ham Road, Cheltenham, GL52 6ND
David Godwin	23 Beeches Road, Charlton Kings, GL53 8NG
Marie Godwin	23 Beeches Road, Charlton Kings, GL53 8NG
Philip Powell	10 Chatcombe Close, Charlton Kings, GL53 8LS
Peggy Powell	10 Chatcombe Close, Charlton Kings, GL53 8LS
Mr Branson	9 Lyefield Road East, Charlton Kings, Cheltenham, GL53 8BA
Mrs Branson	9 Lyefield Road East, Charlton Kings, Cheltenham, GL53 8BA

#### DOCUMENTS

- 1 Letter of 10 April 2008 from Cheltenham Borough Council informing interested persons of the date and place of the Hearing.
- 2 Unilateral undertaking of 28 April 2008 under s.106 of the Town & Country Planning Act 1990 from Red (Cheltenham) Ltd & HSBC Bank PLC to Cheltenham Borough Council and Gloucestershire County Council pertaining to Appeal Ref. APP/B1605/A/08/2063453
- 3 Unilateral undertaking of 28 April 2008 under s.106 of the Town & Country Planning Act 1990 from Red (Cheltenham) Ltd & HSBC Bank PLC to Cheltenham Borough Council and Gloucestershire County Council pertaining to Appeal Ref. APP/B1605/A/08/2065223
- 4 Supplementary statement on five year housing supply submitted by Red (Cheltenham) Ltd
- 5 Letter of 9 November 2007 from JMP Consulting to Cheltenham Borough Council on highway implications of the development, submitted by Mr S Critchley.

#### PLANS

- A Cheltenham Borough Local Plan, Second Review, Proposals Map, submitted by the borough Council

#### PHOTOGRAPHS

- 1 4 photographs of site flooding of 16 March 2008, submitted by Janet Pearson
- 2 Photos of downstream inlets to surface water drains submitted by SLR Consulting Ltd on behalf of the appellants

In addition a short film of the flooding of the site on 20 July 2007 was submitted to the Hearing by Mr Gregory Still.

Our Ref: AT/338

15 June 2010

Planning Department  
 Cheltenham Borough Council  
 Municipal Offices  
 Promenade  
 Cheltenham  
 GL50 1PP

Cheltenham Borough Council Environment Group			
PASSED TO			
REC'D	16 JUN 2010		
Date of Response		Type of Response	
Initials of Responder		File Ref.	

For the attention of Ian Crohill

Dear Sirs

**Re: Reserved Matters Application – 84 Little Herbert Road Charlton Kings- 10 Dwellings**

Further to our meeting with the case officer, Ian Crohill we write to clarify our clients position in respect of the submitted information and to respond, where appropriate, to the many consultation responses received on this application.

We would firstly like to reiterate that this application is a Reserved Matters Application following the granting of Outline Planning Consent at Appeal. The Appeal Inspector dealt with two appeals at the time, the first was for a Full Detailed Application seeking consent for 7 dwellings (Appeal A refused) the second application was in Outline for a total of 10 dwellings with access being considered (Appeal B approved).

We believe from reading the Inspectors Appeal Decisions that the detailed scheme for 7 dwellings was generally acceptable although concerns were raised over the design and location of plot 7 adjoining 82 Little Herberts Road shown on the application layout and therefore the appeal was dismissed.

The principle of 10 dwellings on the site with the entrance details (access) indicated on the application drawings 002-003(rev D) has been granted consent and condition 3 of the Appeal Decision Notice confirms this. We are now applying for Approval of the outstanding Reserved Matters.

Detailed consideration of the drainage proposals were on going during both application determination periods and during the Appeals. Technical agreement between the applicants drainage consultants and the Councils representatives was generally reached. The Inspector however conditioned the Outline Consent to ensure a fully designed storm water is submitted for further approval prior to commencement on site. Whist we have supplied a general layout of the drainage proposal by O' Brien and Price C5881/01, this plan is intended to show that there is very little difference in the concept of the drainage design between the Appeal layouts and our new layout. The proposal utilises storage tanks under the proposed access road with an outfall to a new head wall adjoining the retained railway bridge. Full design data will be submitted on the storm water drainage once the reserved matters application has been resolved.



We have carefully read the letters of objection received and posted on the Council's web site.

There are a number of objections that make reference to Drainage, Vehicular Access, Traffic movements and Density (number of dwellings on site) all of these issues were dealt with at the appeal stage and the principles considered by the Inspector.

Other issues now being raised, that are considered still to be 'in principle' matters include loss of habitat; light pollution and the wider landscape issues. These issues have all already been addressed through the Appeal and are outside the remit of this Reserved Matters Application.

The latest detailed application proposals have been designed to take account of the Inspectors comments and to deliver a modern and distinctive development.

Concerns raised by the inspector in terms of the effects on the living conditions of the occupants of neighbouring properties are documented. These concerns have been carefully considered and addressed with Plot 10 being designed to greatly reduce the impact a new dwelling would have on No 82 Little Herberts Road. Further more the introduction of two bungalows on the eastern part of the site has also reduced the impact that previously proposed large 2½ storey housing would have made in this location and the impact on the adjoining properties in Ravensgate Road and Little Herberts Road

We note the current comments over the height of the buildings, particularly on plots 2-6 inclusive. We have designed these to be of a similar height to those shown originally in the previous applications. The inspector did not raise any concerns in this section of the site regarding height, in his appeal decisions.

We confirm that plots 3, 5 and 7 are designed marginally higher than their corresponding semi, but this is to define and differentiate between the building roofscapes.

The proposal as a whole has been put together to provide a distinctive and interesting development. It does not look to copy the housing styles around it but to offer an up more contemporary 2010 form of development that creates its own sense of place.

However, we recognise that there has been considerable comment on the proposed use of zinc roofing. We have therefore reacted to public comment and have now amended the design proposals by omitting the zinc roofing and replacing it with a more traditional roofing material such as a flat black Eternit type slate.

We also respond to the comments received from your senior Tree Officer. It is of course always disappointing to receive adverse comment especially at this late stage of the design. We can find no record of such comments being made at the time of the original applications either for the 2 detailed applications for 7 dwellings and the outline application for 10 dwelling or during the subsequent appeals.

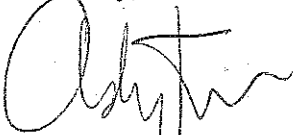
All previous applications have had shown a similar layout configuration with a row of buildings backing on to the southern boundary. The trees along this boundary have been in place for a number of years and are not new. Indeed they form a backdrop to the development proposal and were highlighted in the original Landscape Assessment that accompanied the both applications and considered at the appeals. The inspector makes reference to the conifer screen but makes no negative remarks nor does he raise any concerns in his consideration of the appeals. We believe that the siting of the buildings on the site maintains the desire to express the line of the former railway line as stated in the Design and Access Statement prepared by Hunter Page in their original assessment of the site under the original application.

We have received confirmation from the Consulting Engineer regarding the 225mm dia perforated pipe running along side the southern boundary. They confirm that it was designed as a shallow catchment drain to pick up any overland water from the higher ground. It was designed at a typical depth of 750mm but this can be amended to show a channel set at ground thereby lessening the impact on the root protection zone. Full details will be included in the drainage design which will follow once the Reserved Matters Application is resolved.

We have produced new details on the house types to reflect the changes mentioned above and ask that they are substituted for the details originally submitted and that the attached new larger scale details are for your use at Planning Committee week. Should you require further copies of the drawings please let me know.

We look forward to your continued support of the application and thank you for your time and input to the application.

Yours faithfully,



Andy Trower Dip. Surv.  
**Trower Davies Limited**

Enc: 2 sets of drawings 338/ HT01A-02A-03A-4A-05A SS01A-SS02A-SL01A-G01

cc Marcus Hawtin Builders Limited