



Notice of a meeting of Planning Committee

**Thursday, 17 October 2019
6.00 pm
Council Chamber - Municipal Offices**

Membership	
Councillors:	Paul McCloskey, Garth Barnes (Chair), Paul Baker (Vice-Chair), Stephen Cooke, Diggory Seacome, Victoria Atherstone, Bernard Fisher, Dilys Barrell, Mike Collins, Alex Hegenbarth, Karl Hobley, Tony Oliver, Simon Wheeler, John Payne and Rowena Hay

The Council has a substitution process and any substitutions will be announced at the meeting

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If you make a representation to the meeting you will be deemed to have consented to be filmed. By entering the Chamber you are also consenting to be filmed and to the possible use of those images and sound recordings for training purposes.

Agenda

- 1. APOLOGIES**
- 2. DECLARATIONS OF INTEREST**
- 3. DECLARATIONS OF INDEPENDENT SITE VISITS**
- 4. PUBLIC QUESTIONS**
- 5. MINUTES OF LAST MEETING** (Pages 7 - 14)
- 6. PLANNING/LISTED BUILDING/CONSERVATION AREA
CONSENT/ADVERTISEMENT APPLICATIONS,
APPLICATIONS FOR LAWFUL DEVELOPMENT
CERTIFICATE AND TREE RELATED APPLICATIONS –**

SEE MAIN SCHEDULE

- a) **19/01190/OUT Land off Shelley Road** (Pages 15 - 50)
 - b) **19/01252/FUL Oakfield House Stables, Oakfield House** (Pages 51 - 82)
 - c) **19/01526/FUL Byways, Swindon Lane** (Pages 83 - 90)
 - d) **19/01587/FUL Holmlea Farm, Springbank Road** (Pages 91 - 96)
- 7. APPEAL UPDATES** (Pages 97 - 98)
- 8. ANY OTHER ITEMS THE CHAIRMAN DETERMINES URGENT AND REQUIRES A DECISION**

Contact Officer: Judith Baker, Planning Committee Co-ordinator,
Email: builtenvironment@cheltenham.gov.uk

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Planning Committee

Thursday, 19th September, 2019

6.00 - 7.05 pm

Attendees	
Councillors:	Councillor Dennis Parsons (Reserve), Councillor Louis Savage (Reserve), Councillor Paul Baker (Vice-Chair), Councillor Diggory Seacome, Councillor Victoria Atherstone, Councillor Bernard Fisher, Councillor Dilys Barrell, Councillor Mike Collins, Councillor Alex Hegenbarth, Councillor Tony Oliver, Councillor Simon Wheeler, Councillor John Payne and Councillor Rowena Hay
Officers in Attendance:	Claire Donnelly (Planning Officer), Nick Jonathan (Solicitor) and David Oakhill (Head of Planning), Sophie McGough (Minutes)

1. Apologies

Apologies were received from Councillor McCloskey, Hobley, Barnes and Cooke.

Councillor Parsons and Savage were in attendance as substitutes.

2. Declarations of Interest

There were none.

3. Declarations of independent site visits

Councillor Seacome advised that he had visited 29 Unwin Road independently.

4. Public Questions

There were none.

5. Minutes of last meeting

Councillor Barrell requested a slight alteration to the 2 Bethesda Street application minutes as follows:

Another important issue which has not yet been brought up is that the church is a Grade II-listed asset, and even if the hall is listed, it would seem that it is part of the setting of the heritage asset, and all sorts of things should be taken into consideration when looking at a heritage asset, the impact of the proposal on its significance, and the potential harm – this requires clear and convincing justification.

Subject to the above amendment the minutes of the meeting held on 22nd August were approved and signed as a correct record.

6. Planning/Listed Building/Conservation Area Consent/Advertisement Applications, Applications for Lawful Development Certificate and Tree related applications – see Main Schedule

6a . 19/01436/FUL, The Quadrangle, Imperial Square, Cheltenham Officer Introduction

DO: introduced the application, he informed the committee that the application was seeking public realm improvements to the Quadrangle in Imperial Square. The application was before the committee because the planned works were mostly within land the council owns i.e. Imperial Gardens.

Member Debate

DB: Cheltenham Art in the Park had sought reassurance that they could continue with their exhibition in 2020 even if the works were underway.

DO: Confirmed that the Art in the Park exhibition would go in the area between the trees.

PB: Felt it was a really fantastic scheme that would considerably enhance the town centre.

Vote on officer recommendation to permit

13 in support - Unanimous

PERMIT

6b. 19/01506/FUL and ADV, 138 High Street Cheltenham, Gloucestershire Officer Introduction

DO: Introduced the application, he explained that there were 2 applications to consider, one was a full planning application and one was for advertisement consent. The application was before the committee as the council had a property interest in the site. He explained that the application relates to amendments to the existing façade of the retail unit that is currently occupied by River Island. The proposal was seeking to increase the height of the entrance way and the advertisement consent was for pieces of signage including the cash machines.

Public Speaking

Mr Elliott, agent representing Metro Bank

Was delighted that the officer's were recommending approval of the application, he hoped the briefing note circulated gave a background to the proposal and highlighted the extent of engagement undertaken to reach the design. They felt it was in keeping with the modern shop front design in this part of the High Street but also sensitively integrated in order to respect the more traditional frontages. He highlighted that Metro Bank was one of the first banks to open in the UK in 100 years and that they were bucking the trend as numerous other UK banks were closing their branches. The application would create 25 new local jobs, enhance local banking choice, benefit residents with increased opening hours, create significant lending to local businesses and SME's and extensive community outreach and engagement programmes.

Member Debate

MC: Acknowledged that Metro Bank were bucking the trend when compared with other high streets bank and that it added something different to the current offering. Whilst the proposal looked modern he didn't think the application was in keeping with the street scene and whilst it was subservient to the entrance of the arcade he would rather something more traditional.

SW: Preferred the appearance of the original Arcade and did not agree with the inspector's decision, felt that the frontage didn't fit with the street scene and that the glass wasn't in keeping with the town centre.

VA: Felt that it didn't look out of place because of John Lewis positioned opposite which had a similar glass frontage. However, felt that it would be a shame for the whole of the High Street to be glass fronted and questioned whether there was anything they could do to preserve the heritage of the High Street.

AH: Felt that it was in keeping with the rest of the façade, especially with John Lewis opposite and development should be encouraged more. He felt that such proposals made the High Street look lighter and cleaner.

JP: Was also opposed to the previous application regarding the main entrance to Regent Arcade and was concerned that as an elected representative they appeared to have less and less say over how the High Street looked due to the threat of planning appeals. He felt that John Lewis was stylish and of a different quality of design when compared with this application. He also noted that Metro Bank were not in a particularly favourable financial position.

DP: Reasoned that time had moved on and the Regent Arcade façade would inevitably change and so they should consider the application in the context of what the Regent Arcade would look like, not what it used to look like.

DO in response:

- Important to remember that it is within a conservation area but it is a modern building. Most of the buildings that are important to protect are in the conservation area or are listed and that's what affords those the protection as discussed.

PB: Felt it was an exciting development for the town at a time when High Streets were suffering and was pleased that Metro Bank were willing to invest in Cheltenham.

Vote on officer recommendation to permit application 19/01506/FUL

12 in support
1 abstention

PERMIT

Vote on officer recommendation to permit 19/01506/ADV

13 in support - unanimous

PERMIT

6c. 19/01591/FUL, 29 Unwin Road, Cheltenham, Gloucestershire

Officer Introduction

CD: Explained that the application relates to 29 Unwin Road, specifically part of the existing rear garden. The application proposes to subdivide the existing plot and construct a single storey residential dwelling that would be accessed by Unwin Close. She advised that it was a revised application and the previous planning permission had been granted in May under delegated authority. The revision proposed to push the dwelling back by 2m to overcome land ownership issues.

The application was before the committee at the request of Councillor Britter due to the level of local interest.

Public Speaking

Mr Taylor, neighbour in objection

Was speaking on behalf of the residents of Unwin Close who were unanimous in objecting to the planning application. He noted that Unwin Close is a small development different from the surrounding area as it is built of Cotswold Stone and that the council were insistent that the houses were built as such. He explained that it was portioned from the rest of the area by a large 2m hedge and several attempts in the past had been made to gain access to Unwin Close through this hedge, however, the Council had been very proactive in stopping this. This could be evidenced by the redundant dropped kerb. He felt that by approving the application the committee would be going against previous planning policy.

His main concerns were the fact that Unwin Close is a narrow road and just allows the passing of two cars. It serves as an overspill car park for Unwin Road when it is full of cars and commercial vehicles. It is also used as a turning point for vehicles many of which are vans which are driven at speed. He highlighted that there had also been occasions where the refuse collectors had not been able to get their vehicle down the close and had to move the bins by hand. He felt that this planning application would exacerbate this problem. Furthermore, there were concerns that commercial vehicles would be parked on the frontage of this new development or in the road. His main concern was the fact that the owner of 29 Unwin Road had annexed land belonging to Gloucester Highways and had destroyed mature trees in order to facilitate access to his property. He felt that by approving the application the committee would be turning a blind eye to the land encroachment which sets a precedent for future applications. He noted that Gloucester Highways had stated that should planning permission be refused they would initiate proceedings to reclaim their land.

Mr Ranford, agent in support

Reiterated that the application was a resubmission of a recently approved planning application and the requirement for the re-submission purely related to the land ownership matter. He explained that the client had made contact with the highways authority and was advised that it was under the client's ownership, however, a subsequent land registry search identified that it was still under the ownership of the county highways authority.

He acknowledged concerns from objectors who believed that a bouncy castle business was being run from the site and confirmed that his client works full time in another industry. However, explained that he does run a bouncy castle hire service mainly at weekends although this operates from a storage facility in the Tewkesbury area. He also addressed concerns about the bouncy castle being erected in the garden and explained that the applicant's son suffers from severe autism and so the castle helps develop his sensory awareness. He noted that the erection of the bungalow would actually shield the view of the bouncy castle if erected from residents in Unwin Close. In conclusion, there was no material difference to the already granted extant planning permission.

Councillor Britter, in objection

Explained that residents believed the application should be refused because it is contrary to the local plan. The proposal takes place in an established neighbourhood where gardens play an important part in promoting biodiversity through wildlife habitat and are important for the health and well being of the local community. He felt that the proposal was too big for the suggested area because the 1.9m strip had meant the property was too close to the existing property and would create issues of overlooking. Furthermore, the proposed building material was out of keeping with the existing properties and in direct contravention of policies in the local plan. Similarly, it did not respect the local context of street pattern or scale of the surrounding buildings. In particular, he felt that it would be in contravention of SP4 regarding safe and sustainable living. He noted that the council had declared a climate emergency, however, felt that this proposal did nothing to contribute towards those targets. Moreover, he felt that the scheme would adversely harm the amenities enjoyed by the local residents, in particular, the safe road network. He highlighted that the road was narrow and people already continuously parked on the left hand side of the road meaning that vehicles accessing the close from Unwin Close do so blindly, often having to turn in to on coming traffic. He had further concerns about parking and felt that a vehicle turning place should be required to ensure that cars were not reversing into the road or across the pavement.

Member Debate

MC: Had concerns about the application and felt it was important to enforce public faith in the planning process. Also had concerns about the fence erected up against the highway boundary and the removal of trees and hedgerows on land that was not within the applicant's ownership. He felt that the fence should have been removed when the applicant

was told that the land wasn't within his ownership. Furthermore, he felt that the plans were misleading regarding the fence line that was to be retained.

He felt that a 3-bed bungalow had a large footprint on the proposed plot and it would now mean the 2 dwellings were extremely close together. He was of the understanding that family members would be living in the bungalow, however, had concerns for future occupants and suggested that they should impose a condition that the fence between the properties should be erected. He also had concerns about dangerous parking within the Close and questioned why the residents needed 3 spaces for a 3 bed bungalow. Similarly, there had been reports of refuse vehicles not being able to access the Close because of inappropriate parking.

DS: Noted that most, if not all, of the other houses in the close were made with reconstituted Cotswold stone and this application would be in a different form. Whilst he wasn't against mixed development, he felt that in a Close of this size all the houses should conform to the same building material.

BF: With regards to the SPD mentioned in the objections, he noted that the property had its own access and would, therefore, comply to the council's SPD. He thought that it was good use of land and reasoned that people don't want big gardens nowadays. He highlighted that car parking was a problem everywhere you go and there was no planning law about parking or parking on the highway or pavement and so he did not feel the committee could refuse on that ground.

DP: Noted that the application had recently been approved and the only change was the fact that the footprint had been moved 2m towards the existing properties. In response to concerns about overlooking, he noted that number 33 and 37 were exactly the same distance apart as the proposed application and the future ownership of the property was not the council's problem.

PB: Highlighted that the previous application had not come before the committee because it was a delegated decision.

SW: Couldn't see any strong grounds for refusal except for the issue of overlooking. Reasoned that it is a small site and felt that putting two properties in as proposed would be extremely cramped. He also noted that there were currently issues in Unwin Close with parking and lorries unable to get in and out.

TO: Questioned why it had not come before the committee in the first instance given the strength of local opposition.

CD in response:

- With regards to the plan and the existing fence to be retained she explained that this related to the existing boundary fence and the properties to the south.
- The distance between the rear elevation of the proposed dwelling and the rear elevation of the existing dwelling was 19.4m and both were single storey properties so officers didn't deem there to be an element of overlooking. The applicant was also proposing a 1.8m fence between the two properties.
- Have no parking space standards so couldn't refuse due to the over provision of parking.
- In response to Councillor Oliver, she advised that the application wasn't officially called in to committee so was taken as a delegated decision.

MC: Noted that the existing fence line to be retained was in a different place on the approved and revised schemes due to the 2m distance.

CD in response: Explained that the said fence forms part of the boundary of the site to the South, so the fence that had been erected is along the Western boundary which is not on the applicants land.

DO: Clarified that the proposal had already been granted planning permission, however, when the application came in the boundary was incorrectly shown. The applicant had, therefore, altered the proposal by moving the development back into the site by 2m so that they could encompass their entire driveway within their property. Other than that, there was no change to the proposal.

JP: Questioned whether the applicant had authority to cross GCC land and noted that the dropped kerb made it difficult to get 3 cars manoeuvred without infringing on the verge.

DO: Advised that the applicant would require a vehicle crossing permit from GCC to cross that land, as this would presumably be granted as that is the way the majority of people access their property. However, if they were to refuse the application the scheme could not be implemented.

Vote on officer recommendation to permit

10 in support

3 against

PERMIT

6d. 19/01598/CACN, 1 Moorend Street, Cheltenham

Officer Introduction

DO: Introduced the application, he explained that the Conservation Area Notification was to prune a Hazel in the rear garden of 1 Moorend Street, a property situated within the Central Conservation Area. It had been brought before the Committee because a Senior Tree Officer at the Council was the applicant. No objections had been received in relation to the application.

Vote on officer recommendation that no objection is raised to the Conservation Area Notification.

13 in support – unanimous

PERMIT

6e. 19/01779/CONF, 27 - 33 Swindon Road, Cheltenham, Gloucestershire

Officer Introduction

DO: Introduced the application, he explained that an email had been circulated to Members earlier in the day regarding the site and the officer recommendation to defer the application. Since the publication of the Committee Agenda and Member Site Visit, agents for Lidl had been in contact with the council and indicated their desire to negotiate a more appropriate landscaping scheme for the site, taking on board the concern expressed by the Council Tree Officer. That being the case, the officer recommendation to defer would enable negotiations to take place.

Vote on office recommendation to defer

13 in support

Deferred

7. Appeal Updates

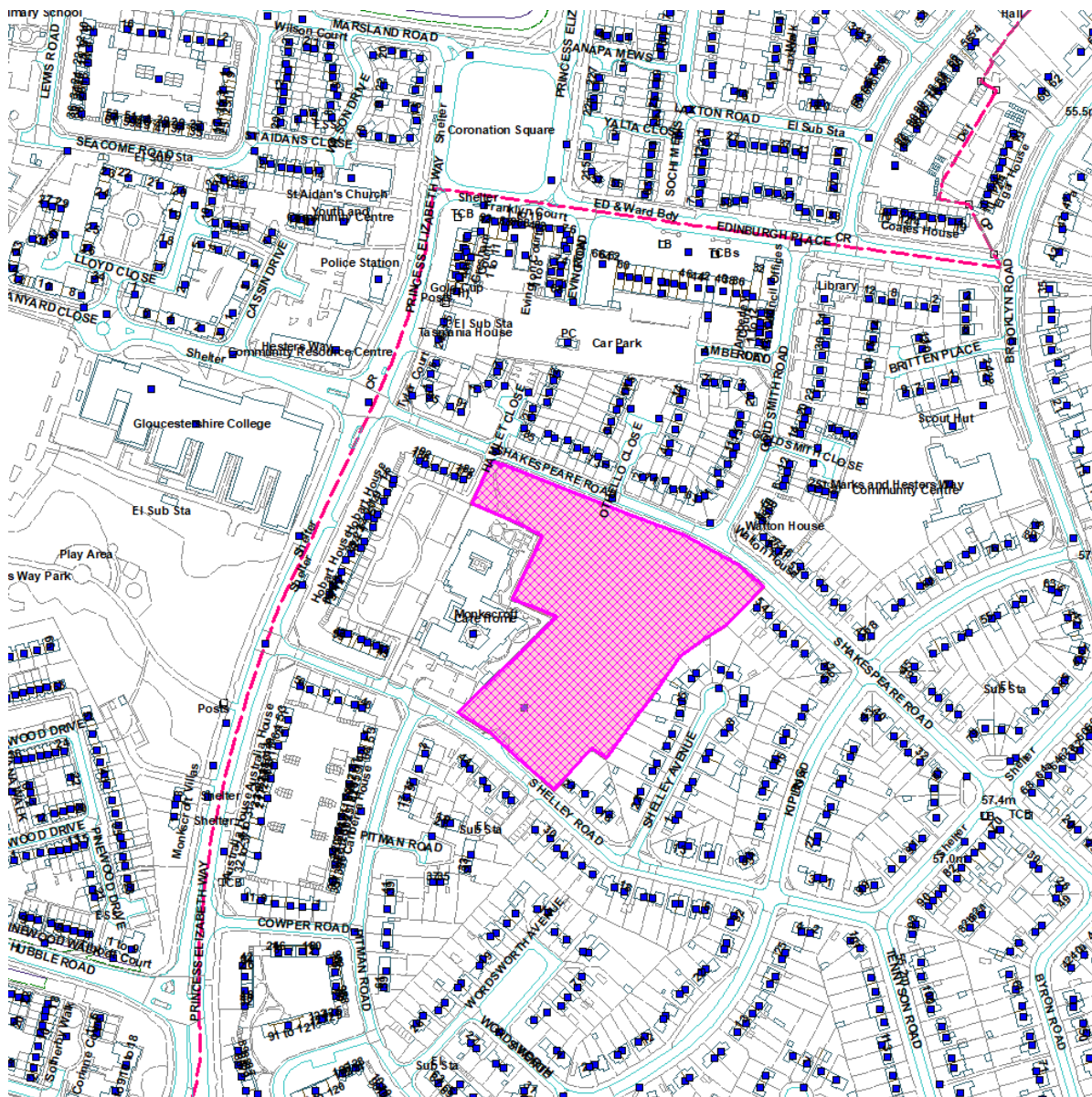
8. Any other items the Chairman determines urgent and requires a decision

Chairman

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APPLICATION NO: 19/01190/OUT	OFFICER: Michelle Payne
DATE REGISTERED: 19th June 2019	DATE OF EXPIRY: 18th September 2019 (extended until 31st October 2019 by agreement with the applicant)
DATE VALIDATED: 19th June 2019	DATE OF SITE VISIT: 23rd July 2019
WARD: St Marks	PARISH: n/a
APPLICANT:	Gloucestershire County Council
AGENT:	Evans Jones Ltd
LOCATION:	Land Off Shelley Road, Cheltenham
PROPOSAL:	Outline application for erection of 60 dwellings including access (with all other matters reserved) on site of former Monkscroft Primary School

RECOMMENDATION: Permit subject to s106 agreement



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site comprises the majority of the former Monkscroft school site located on Shelley Road and extends north to Shakespeare Road. To the west, the site is largely bounded by Monkscroft Care Centre, an 80 bed nursing care home, and a small number of residential properties in Hobart House; and, to the east, the site is bounded by residential properties on Shakespeare Road and Shelley Avenue.
- 1.2 The site is some 1.8 hectares in area and has been cleared of all buildings and structures; however there are a number of high quality trees within the site. The site lies wholly within the Principal Urban Area (PUA) and Flood Zone 1.
- 1.3 The application is seeking outline planning permission for the redevelopment of the site to provide 60 residential units; with access provided from Shelley Road. Matters relating to layout, scale, appearance and landscaping are reserved for future consideration, should the principle of developing the site for housing be considered acceptable. The site is allocated for up to 60 dwellings in the emerging Cheltenham Plan, under policy H1 (site HD2).
- 1.4 Whilst layout is a reserved matter, an indicative layout has been submitted to demonstrate that 60 dwellings could be successfully accommodated on the site. The density of the development equates to 33 dwellings per hectare (dph). A policy compliant provision of affordable housing (40%) is proposed.
- 1.5 The application is before committee as it has been submitted by Gloucestershire County Council.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport safeguarding over 10m
Principal Urban Area

Relevant Planning History:

09/01801/FUL

PERMIT

3rd March 2010

Demolition of Monkscroft Primary School and construction of an 80 bed residential care home

3. POLICIES AND GUIDANCE

National Planning Policy Framework (NPPF)

Section 2 Achieving sustainable development

Section 4 Decision-making

Section 5 Delivering a sufficient supply of homes

Section 8 Promoting healthy and safe communities

Section 9 Promoting sustainable transport

Section 11 Making effective use of land

Section 12 Achieving well-designed places

Section 15 Conserving and enhancing the natural environment

Saved Local Plan (LP) Policies

CP 4 Safe and sustainable living

CP 7 Design

BE 20 Archaeological remains of local importance

GE 2 Private green space
GE 5 Protection and replacement of trees
GE 6 Trees and development
RC 2 Youth and adult outdoor playing facilities

Adopted Joint Core Strategy (JCS) Policies

SD3 Sustainable Design and Construction
SD4 Design Requirements
SD8 Historic Environment
SD9 Biodiversity and Geodiversity
SD10 Residential Development
SD11 Housing Mix and Standards
SD12 Affordable Housing
SD14 Health and Environmental Quality
INF1 Transport Network
INF2 Flood Risk Management
INF6 Infrastructure Delivery
INF7 Developer Contributions

Supplementary Planning Guidance/Documents

Flooding and sustainable drainage systems (2003)
Landscaping in new development (2004)
Sustainable buildings (2003)
Sustainable developments (2003)
The Poets conservation area character appraisal and management plan (2009)

4. CONSULTEE RESPONSES

Planning Policy Team

22nd August 2019

The site

The application site is located between Shelley Road and Shakespeare Road on land which was previously part of Monkscroft Primary School. The site is allocated for housing development (HD2) within the emerging Cheltenham Plan Pre-Submission document.

Policy Framework

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning decisions should be taken in accordance with the relevant adopted Development Plan unless material considerations dictate otherwise. Therefore, in determining this application, the following must be considered:

The adopted development plan for the area:

- The Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (December 2017)
- Relevant saved policies of the Cheltenham Borough Local Plan Second Review 2006

Relevant material considerations, which include:

- The National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (nPPG)
- The pre-submission Cheltenham Plan and its evidence base.

JCS Policy SD10 requires that on sites not allocated, housing development and conversions to dwellings will be permitted on previously developed land within the Principal Urban Area of Cheltenham and rural service centres and service villages except where

otherwise restricted by policies in district plans. Housing development on other sites will only be permitted if it is for affordable housing on a rural exception site or if it is infilling within the Principal Urban Area of Cheltenham.

The new Cheltenham Plan is at an advanced stage of preparation and is a material consideration. There are limited outstanding concerns regarding HD2 in the new Cheltenham Plan. Significant weight should therefore be given to emerging policy HD2 in accordance with NPPF para 48.

Provided that the criteria set out in HD2 are satisfied the Policy Team offer no objections to this application.

Joint Waste Team

21st June 2019

- 1) Pathway - Pathway needs to be of hard standing
- 2) Bins - Residents would need to be informed that due to it being private dwellings the ownership would be for them to present on the kerbside for 7am on the morning of collection.
- 3) Road Layout - Parking in the new road will reduce the amount of space to be able to turn a 26 tonne vehicle in. Ideally off road parking is advisable with a turning space for refuse and recycling trucks
- 4) Road Surface - The road surface will need to be of a good surface that will take the weight of a 26 tonne vehicle. Until the road has been completed and passed on, Ubico would need assurances that they are safe to enter and not held responsible for any damage.
- 5) Turning Section - Due to the main road leading into the new estate reversing off or onto is not advisable. Also the distance to reverse and navigate the new estate would also not be possible. Therefore the road into the new estate will need turning spaces to allow for a 26 tonne vehicle to turn safely. This would require the road to have adequate measures to prevent parking in these spaces.
- 6) Presentation Points - The properties would need a position near the kerbside to present bins, boxes, caddy's and blue bags that would avoid blocking access to the pathway or driveways.
- 7) Communal- If any of the properties are to be communal then a bin shed will need to be planned. The bin shed needs to be of adequate size to house all the receptacles needed for the occupancy. Ideally the bin shed should be no further than 30 metres away from the adopted highway as per the planning guidance document.

Building Control

21st June 2019

The application will require Building Regulations approval. Please contact Cheltenham and Tewkesbury Building Control on 01242 264321 for further information.

Cheltenham Civic Society

24th July 2019

The Civic Society's Planning Forum hopes that as a Local Authority site, this development could be an exemplar in alleviating the climate emergency that CBC has announced. As this development is public sector led, it should be demonstrating net biodiversity gain as an exemplar to private developers. The Society's Forum hopes this indicative site plan is accurate as to tree planting.

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This appears to be a site with some former Roman presence so a proper archaeological survey should take place, under Planning Condition.

The Society's Forum is concerned about the traffic burden this proposal puts on Shelley Road. Could a second access road be added to Shakespeare Road, with some modal filtering to prevent this becoming a rat-run for motorised vehicles across the estate.

There does not appear to be enough parking provided for residents and visitors given the existing pressures on on-street parking in this area.

As a Local Authority led development, the Society's Forum hopes this will be an opportunity to build some much-needed social housing.

When the detailed application is available, the Civic Society's Planning Forum would welcome a presentation of the detailed scheme.

Sport England

3rd July 2019

It is understood that the site forms part of, or constitutes land last used as playing field as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595).

However, as the playing field has not been used for at least five years, the consultation with Sport England is not a statutory requirement.

Notwithstanding the non-statutory nature of the consultation, Sport England has considered the application in light of the National Planning Policy Framework (particularly Para 97) and against its own playing fields policy, which states:

'Sport England's will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:

- all or any part of a playing field, or
- land which has been used as a playing field and remains undeveloped, or
- land allocated for use as a playing field

unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.'

Sport England's Playing Fields Policy and Guidance document can be viewed via the below link: www.sportengland.org/playingfieldspolicy

Sport England' applies its policy to any land in use as playing field or last used as playing field and which remains undeveloped, irrespective of whether that use ceased more than five years ago. Lack of use should not be seen as necessarily indicating an absence of need for playing fields in the locality. Such land can retain the potential to provide playing pitches to meet current or future needs.

The Proposal and Impact on Playing Field

The proposal is for an outline application for erection of 60 dwellings including access (with all other matters reserved) on the site of former Monkscroft Primary School, which will result in the loss of approximately 1.1 hectares of playing field.

Assessment against Sport England Policy

The applicants have admitted that there is a loss of playing field, (para 5.15 in the planning statement), but have done nothing to address this loss. Nor have they addressed the adopted Cheltenham Borough Council's Playing Pitch Strategy.

The proposal is not for alternative sports facilities, therefore the applicants have not addressed any of Sport England Planning Policy exceptions or paragraph 97 of the National planning Policy Framework.

Conclusion

In light of the above, Sport England objects to the application because it is not considered to accord with any of the exceptions to Sport England's Playing Fields Policy or with Paragraph 97 of the NPPF. However, if the following amendments were made we would be likely to be in a position to support the proposals:

- There is a proposal for either replacing the playing fields which are lost or a suitable mitigation package is offered up in lieu of the replacement playing fields in line with the adopted PPS

Sport England would like to be notified of the outcome of the application through the receipt of a copy of the decision notice.

Gloucestershire Centre for Environmental Records

8th July 2019

Report available to view online.

County Archaeology

21st June 2019

Thank you for consulting me concerning the above planning application. I wish to make the following observations regarding the archaeological implications of this scheme.

I note that this planning application is supported by a report on an archaeological evaluation compiled by Worcestershire Archaeology, dated March 2018. The evaluation comprised the excavation of eight trial-trenches which were placed to investigate ground anomalies predicted by a previous geophysical survey.

The result of the evaluation was positive, in that archaeological remains dating to the Roman period were found to be widespread, being present in Trenches 3, 5, 6, 7 and 8. The Roman remains included a series of ditched enclosure boundaries and pits, and these are thought to represent a small rural settlement occupied predominantly in the 1st and 2nd centuries AD, although some evidence for earlier and later activity was also found.

It is clear from the results of the evaluation that the archaeological remains are not of the first order of preservation, since they have undergone erosion from medieval ploughing and from localised modern landscaping. For that reason it is my view that the archaeological remains are not of the highest significance, so meriting preservation in situ. Nevertheless, the result of the evaluation indicates that the Roman remains have the potential to make a significant contribution to our understanding of the archaeology of the locality.

On that basis I am pleased to confirm that I have no objection in principle to the development of this site, with the proviso that an appropriate programme of archaeological work to excavate and record the Roman settlement should be undertaken in advance of the development proceeding.

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To facilitate the archaeological work I recommend that a condition based on model condition 55 from Appendix A of Circular 11/95 is attached to any planning permission which may be given for this development, ie;

'No development shall take place within the application site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority'.

Reason: It is important to agree a programme of archaeological work in advance of the commencement of development, so as to make provision for the investigation and recording of any archaeological remains that may be destroyed by ground works required for the scheme. The archaeological programme will advance understanding of any heritage assets which will be lost, in accordance with paragraph 199 of the National Planning Policy Framework.

Architects Panel

29th July 2019

Design Concept - The panel had no objection to the principle of a housing scheme on this site but were not convinced by the indicative Site Layout plan submitted with the application.

It was acknowledged that the application was for Outline permission only but the panel questioned the density of the development. The scheme description should be changed and the number of dwellings removed until such time as a proper site density appraisal scheme has been undertaken.

Recommendation - Amend application description.

Tree Officer

19th July 2019

The CBC Tree Section does not object to this outline application in principle on the assumption that a detailed tree retention and removal plan can be submitted and agreed as a part of this application.

It appears as though the most desirable/highest amenity trees will be retained. However some of these trees may need to be retained in a 'pollarded' form (eg Ts 22 +22) due to the inherent nature of their brittle nature. Similarly, several of the plums and other small trees/large bushes along the northern boundary may need to be pruned so as to be a suitable soft landscaping within a future public open space.

Many of the units appear to have reasonably generous gardens. However very few of the proposed gardens appear to have suggested suitable trees planted within. This needs to be rectified and a generous landscaping palette needs to be submitted-even if only in outline form as a part of this application.

It is noted that there are several large and potentially very large trees outside and just inside the site-especially on the southern and eastern boundaries. It would be useful if a full shade analysis of such trees (now and at full maturity) could be plotted against the proposed building plots. Without such careful consideration, such properties and their gardens may have little sunlight and there may be pressure to remove such trees.

Usual BS5837 Tree Protection Plans, method Statements, service run details, planting/landscape detailed drawings etc could be submitted as reserved matters.

GCC Highways Development Management

16th July 2019

I recommend that this application be refused on highway grounds for the following reason(s):

Insufficient information has been submitted to demonstrate that the proposal can provide a safe and suitable access arrangement contrary to Section 9 of the National Planning Policy Framework 2019.

The highway authority would be unable to give consideration to an alternative recommendation unless the following information is provided;

- The dimensions of the access arrangement will be determined by swept path analysis of the largest expected vehicles likely to use the proposed development site access. Details of vehicle tracking for the largest vehicle expected to site simultaneously passing a private estate car (1715mm x 4226mm) at the site access junction through all turning manoeuvres as well as throughout the site. The SPA should provide clearance of 500mm to any kerb-line, vertical structure, tree or parking space.
- A Road Safety Audit Stage 1/Mobility Audit ((Walking, Cycling & Horse-Riding Assessment And Review (WCHAR) (DMRB HD 42/17) is required.
- Applicant/agent to give further consideration to the transition from 3m wide cycle way from development site onto the existing highway.
- Requirement for S278
NOTE: The upgrade works to the access require alteration to the existing highway network and must be undertaken by the Highway Authority or its appointed agents. An Agreement under Section 278 of the Highways Act 1980 will be required.

The Local Highway Authority will need to be contacted prior to commencement of work on the access.

It should be noted, given officer concerns that the provision of new information may not result in a different recommendation for this location.

GCC Highways Development Management – final comments

7th October 2019

I recommend that no highway objection be raised subject to the following condition(s) being attached to any permission granted:-

1. Throughout the construction [and demolition] period of the development hereby permitted provision shall be within the site that is sufficient to accommodate the likely demand generated for the following:
 - i. 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. provide for wheel washing facilities
 - v. provide vehicle routing strategy for construction stage

Reason: To reduce the potential impact on the public highway and accommodate the efficient delivery of goods in accordance with paragraph 110 of the National Planning Policy Framework.

2. Prior to occupation of the development hereby permitted until a Travel Plan has been submitted to and agreed in writing by the Local Planning Authority, setting out:
 - i. objectives and targets for promoting sustainable travel,
 - ii. appointment and funding of a travel plan coordinator,
 - iii. details of an annual monitoring and review process,
 - iv. means of funding of the travel plan, and;
 - v. an implementation timetable including the responsible body for each action.

The approved Travel Plan shall be implemented in accordance with the details and timetable therein, and shall be continued thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: The development will generate a significant amount of movement and to ensure that the appropriate opportunities to promote sustainable transport modes are taken up in accordance with paragraphs 108 and 111 of the National Planning Policy Framework.

3. Details of the layout, (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 in accordance with the approved plans. No dwelling on the development shall be occupied until the carriageway(s) (including surface water drainage/disposal, vehicular turning head(s) and street lighting) providing access from the nearest public Highway to that dwelling have been completed to at least binder course level and the footway(s) to surface course level.

Reason: To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians in accordance with paragraphs 108 and 110 of the National Planning Policy Framework.

4. Prior to occupation of the proposed development hereby permitted details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be submitted to and approved in writing by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as either a dedication agreement has been entered into or a private management and maintenance company has been established.

Reason: To ensure that safe, suitable and secure access is achieved and maintained for all people that minimises the scope for conflict between traffic and cyclists and pedestrians in accordance with paragraph 108 and 110 the National Planning Policy Framework and to establish and maintain a strong sense of place to create attractive and comfortable places to live, work and visit as required by paragraph 127 of the Framework.

5. No above ground works shall commence on site until a scheme has been submitted to, and agreed in writing by the Council, for the provision of fire hydrants (served by mains water supply) and no dwelling shall be occupied until the hydrant serving that property has been provided to the satisfaction of the Council.

Reason: To ensure adequate water infrastructure provision is made on site for the local fire service to access and tackle any property fire in accordance with paragraph 110 of the National Planning Policy Framework.

6. Means of vehicular access to the development hereby permitted shall be from Shelley Road only.

Reason: To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians in accordance with paragraphs 108 and 110 of the National Planning Policy Framework.

7. The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 2.4m back along the centre of the access measured from the public road carriageway edge (the X point) to a point on the nearer carriageway edge of the public road 54m distant in both directions (the Y points). The area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between 1.05m and 2.0m at the X point and between 0.6m and 2.0m at the Y point above the adjacent carriageway level.

Reason: To avoid an unacceptable impact on highway safety by ensuring that adequate visibility is provided and maintained to ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians is provided in accordance with paragraphs 108 and 110 of the National Planning Policy Framework.

8. The development hereby permitted shall not be occupied until details of secure and covered cycle storage facilities for a minimum of 1 bicycle per dwelling has been made available in accordance with details to be submitted to and approved in writing by the LPA.

Reason: To give priority to cycle movements by ensuring that adequate cycle parking is provided, to promote cycle use and to ensure that the appropriate opportunities for sustainable transport modes have been taken up in accordance with paragraph 108 of the National Planning Policy Framework.

9. The details to be submitted for the approval of reserved matters shall include vehicular parking [and turning] [and loading/unloading] facilities within the site, and the building(s) hereby permitted shall not be occupied until those facilities have been provided in accordance with the approved plans and shall be maintained available for those purposes for the duration of the development.

Reason: To ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians is provided in accordance with paragraphs 108 and 110 of the National Planning Policy Framework.

10. Prior to the occupation of the development hereby permitted, the vehicular access shall be laid out and constructed broadly in accordance with the submitted plan drawing no. SK01 rev B, with the area of driveway within at least 10.0m of the carriageway edge of the public road surfaced in bound material, and shall be maintained thereafter.

Reason: To reduce potential highway safety impact by ensuring that a safe and suitable access is laid out and constructed that minimises the conflict between pedestrians, cyclists and vehicles in accordance with paragraph 108 and 110 of the National Planning Policy Framework.

Informatives

1. The proposed development will involve works to be carried out on the public highway and the Applicant/Developer is required to enter into a legally binding Highway Works Agreement and apply for an application under the Traffic Regulation Order (including an appropriate bond) with the County Council before commencing those works.
2. The applicant is advised that to discharge condition 04, that the local planning authority requires a copy of a completed dedication agreement between the applicant and the local highway authority or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.
3. GCC currently has no technical specification for shared space. This is an adoption matter to which GCC are not obliged to adopt any highway. GCC will only adopt roads that meet our published technical specification.

Statement of Due Regard

Consideration has been given as to whether any inequality and community impact will be created by the transport and highway impacts of the proposed development. It is considered that no inequality is caused to those people who had previously utilised those sections of the existing transport network that are likely to be impacted on by the proposed development.

It is considered that the following protected groups will not be affected by the transport impacts of the proposed development: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation, other groups (such as long term unemployed), social-economically deprived groups, community cohesion, and human rights.

GCC Local Flood Authority (LLFA)

12th July 2019

I refer to the above application received by the Lead Local Flood Authority (LLFA) on 21st June 2019 for comment on the proposals for management of surface water.

I confirm that, according to the Environment Agency's updated flood maps, the site is located in fluvial flood zone 1 as mentioned in the site specific Flood Risk Assessment (FRA).

Whilst it is recognised that there are no flood reports for this site, it is noted from the Environment Agency's updated flood maps, that the site is affected by a small area of surface water flood risk in the south eastern most corner during a 1 in 100 year rainfall event. In accordance with Sections 7, 8 and 9 of the non-statutory technical guidance, the applicant must provide evidence to demonstrate that no area of the site will flood during the 1 in 30 year rainfall event or any building (including basements) during the 1 in 100 year rainfall event. This evidence should be provided at detailed design stage.

In addition, it is recognised that Shelley Road which directly abuts the site boundary and at the location where access to this development site is proposed, is at risk of surface water flooding during the 1 in 30 year and 1 in 100 year rainfall events. The applicant should be required to provide evidence at detailed design stage to demonstrate that the proposals for this development will not exacerbate the existing flooding issue on Shelley Road.

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The LLFA also acknowledges that the site is characterised by lime rich and clayey soils with impeded drainage. The site specific FRA confirms that infiltration tests were carried out to BRE 365 standard and failed as no infiltration occurred, therefore infiltration has been discounted as a viable drainage strategy for this site. The applicant should be required at detailed design stage to provide evidence and results of the infiltration tests carried out.

It is acknowledged that surface water discharge via connection to a watercourse is deemed unviable for this site, as there are no nearby watercourses. In light of this and the fact that infiltration is also deemed unviable, it is noted that the proposed method of surface water discharge from this site is through a gravity connection to a nearby surface water sewer. The LLFA accepts the evidence provided by the applicant to confirm Severn Trent Water's agreement to a gravity connection to the existing surface water sewer in Shelley Road or Shakespeare Road with a controlled discharge at the greenfield runoff rate 5l/s/ha, subject to a formal Section 106 approval, in the event that surface water discharge via infiltration or watercourse is proven to be unviable.

The LLFA recognises that the proposed impermeable area as a result of this development is 0.85ha and therefore a significant increase. It is acknowledged the applicant proposes the use of permeable paving and underground crates to attenuate surface water on site and accommodate volumes whilst restricting discharge from the site at 8.9l/s. The applicant has provided microdrainage calculations to demonstrate that 460.2m³ storage is required and will be provided by the proposed underground crates.

It is acknowledged that above ground attenuation has been considered in the site specific FRA and subsequently discounted due to safety and land take reasons. However, the LLFA suggests that the applicant should be required to reconsider the opportunities for above ground attenuation on this site and consider the significant benefits that this will provide in many ways including ease for maintenance, as well as the biodiversity and amenity value which would undoubtedly be welcomed in an area where greenspace is limited. The applicant should be required to provide detailed evidence that this has been reconsidered.

The microdrainage calculations provided with the site specific FRA adequately evidences the storage crate calculations, however the detailed design should provide further calculations including (but not exclusive to) pre and post development greenfield runoff rates, design criteria, network details, area summary to illustrate how the system is divided for each pipe/ crate and confirmation of the PIMP applied, simulation criteria.

The LLFA notes that the site specific FRA refers to maintenance responsibility of the SuDS features falling to whoever adopts the system and that this may be the LLFA. Please note, the LLFA do not currently adopt SuDS. Also, it should be noted that a full maintenance schedule including a plan of all drainage assets should be provided at detailed design stage.

Finally, it is recognised that the site specific FRA does not make reference to exceedance flow paths. The LLFA would recommend that exceedance flow paths are provided together with an appropriate plan at detailed design stage. Exceedance flows resulting from events in excess of the 1 in 100 year must be managed in a way that minimises risk to people and property. Please note it is not appropriate for exceedance flow paths to affect gardens and property, but should instead utilise highway and public open space.

In principle, the LLFA considers the FRA for this site to be appropriate for an outline planning application, and would be happy to recommend approval with the understanding that the points raised above are addressed as an integral part of the following recommended condition:

Condition: No development shall commence on site until a detailed Sustainable Drainage System (SuDS) Strategy document has been provided for approval by the Local Planning

Authority, this should be in accordance with the proposal set out in the applicant's submission (Flood Risk Assessment BR-582-0001). The SuDS Strategy must include but not be exclusive to a detailed design, details of BRE 365 infiltration tests, a construction management plan and a timetable for implementation, a plan of exceedance flowpaths, maintenance schedule, and confirmation of the management arrangements. The SuDS Strategy must also demonstrate the technical feasibility/viability of the drainage system through the use of SuDS to manage the flood risk to the site and elsewhere and the measures taken to manage the water quality for the lifetime of the development. The scheme for the surface water drainage shall be carried out in accordance with the approved details before the development is first put in to use/occupied.

Reason: To ensure the development is provided with a satisfactory means of drainage and thereby preventing the risk of flooding. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage, flood risk and water quality in the locality.

NOTE 1: The Lead Local Flood Authority (LLFA) will give consideration to how the proposed sustainable drainage system can incorporate measures to help protect water quality however pollution control is the responsibility of the Environment Agency.

NOTE 2: Future management of Sustainable Drainage Systems is a matter that will be dealt with by the Local Planning Authority and has not, therefore, been considered by the LLFA.

NOTE 3: Any revised documentation will only be considered by the LLFA when resubmitted through suds@gloucestershire.gov.uk e-mail address. Please quote the planning application number in the subject field.

Housing Strategy and Enabling

8th July 2019

Level of Affordable Housing Provision

The Joint Core Strategy Policy (SD12) states that 'on sites of 11 dwellings or more, or sites with a maximum combined gross floor space of greater than 1000 sqm; a minimum of 40% affordable housing will be sought with the borough of Cheltenham'

This application will comprise of 60 residential units. Therefore at 40% we will be seeking 24 affordable housing units.

The latest SHMA that has been commissioned also requires a mix of 75:25 rented to intermediate housing.

Dwelling Mix

Having regard to local needs, we would seek the following mix of affordable dwellings on a policy compliant site:

40%	Social Rented	Affordable Rented	Intermediate (Shared Ownership)	Total	%
1 Bedroom 2P House	0	6	0	6	25
2 Bedroom 4P House	0	4	4	8	33

3 Bedroom 5P House	0	4	2	6	25
3 Bedroom 6P House	0	3	0	3	13
4 Bedroom 7P House	1	0	0	1	4
Total	1 (4%)	17 (71%)	6 (25%)	24	100

Viability

The Joint Core Strategy states that where there is an issue relating to the viability of development that impacts on delivery of the full affordable housing requirement, developers should consider:

- Varying the housing mix and design of the scheme in order to reduce costs whilst having regard to the requirements of other policies in the plan, particularly Policy SD4, and the objective of creating a balanced housing market.
- Securing public subsidy or other commuted sums to assist delivery of affordable housing

If a development cannot deliver the full affordable housing requirement, a viability assessment conforming to an agreed methodology, in accordance with Policy INF6 will be required. Viability assessments will be published in full prior to determination for all non-policy compliant schemes except in exceptional circumstances when it can be proven that publication of certain specific information would harm the commercial confidentiality of the developer to no public benefit. Where necessary CBC will then arrange for them to be independently appraised at the expense of the applicant.

The council considers that information submitted as a part of, and in support of a viability assessment should be treated transparently and be available for wider scrutiny. In submitting information, applicants should do so in the knowledge that this will be made publicly available alongside other application documents.

The council will allow for exceptions to this in very limited circumstances and only in the event that there is a convincing case that disclosure of an element of a viability assessment would cause harm to the public interest to an extent that is not outweighed by the benefits of disclosure. Given the significant benefits associated with the availability of information to the public as part of the decision making process, and the other factors identified above, the councils anticipate that there would be very few exceptions.

If an applicant wishes to make a case for an exceptional circumstance in relation to an element of their assessment, they should provide a full justification as to the extent to which disclosure of a specific piece of information would cause an 'adverse effect' and harm to the public interest that is not outweighed by the benefits of disclosure. The council will consider this carefully, with reference to the 'adverse effect' and overriding 'public interest' tests in the EIR, as well as the specific circumstances of the case.

The viability of a site may enable additional levels of affordable housing to be delivered above the requirements set out in the Joint Core Strategy. In this case the authority will negotiate with developers to find an appropriate balance to deliver affordable housing and infrastructure needs.

Dwelling Mix/Tenure

The 75:25 split between affordable rent and intermediate housing is required on this site for the affordable housing provision. The intermediate housing should be shared ownership and we have proposed this as a mix of dwelling types as this best meets local needs.

Where possible, affordable housing should be provided on-site and should be seamlessly integrated and distributed throughout the development scheme.

The design of affordable housing should meet required standards and be equal to that of market housing in terms of appearance, build quality and materials.

Rents

Affordable rents must not exceed the Local Housing Allowance.

Affordable rents must be set at 80% of market rent or 100% of the Local Housing Allowance if this is below 80% of market rents.

In light of long-standing welfare reforms and the benefit cap directly impacting the amount of Universal Credit and Housing Benefit received, the Council would expect that any 4 bedroom 7 person houses included within the proposed dwelling mix will be let at Social Rented levels, as defined within Annex 2 (Glossary) of the June 2019 NPPF, as updated by HM Government from time to time.

Service Charges

Any service charges on the affordable dwellings should be eligible for Housing Benefit. Service charges should be kept minimal this can be achieved through the design and we would be happy to refer you to RP's for further input if necessary.

Shared Ownership

We would expect that the shared ownership units will be let at a level that is affordable, having regard to local incomes and house prices.

Provision should be made, where possible to ensure that housing will remain at an affordable price for future eligible households, or that subsidy will be recycled for alternative housing provision.

Car Parking

Parking provision for affordable homes will be expected to be made on the same basis as that provided for market dwellings.

Affordable Housing Standards

We would expect all the affordable housing to meet minimum gross internal floor area size measurements, space, design and quality standards as described by Homes England, or by any Government organization that may otherwise supersede it from time to time.

Amendments to M4(1), M4(2) and M4(3) of Schedule 1 to the Building Regulations 2010 took effect on 1st October 2015 therefore we would seek the following:

All general needs accommodation should be designed to meet the 2015 amendments of M4 (1) Building Regulations 2010.

All ground-floor flats or a proportion of dwellings (to be agreed) should be designed to meet the 2015 amendments of M4 (2) Building Regulations 2010.

Any wheelchair user dwellings would be required to be designed to meet the 2015 amendments of M4 (3) Building Regulations. As the gross internal areas in this standard will not be adequate for wheelchair housing, additional internal area would be required to

accommodate increased circulation and functionality to meet the needs of wheelchair households.

There is no longer a requirement for a specific level of Code for Sustainable Homes Standard to be achieved to meet HCA standards for new affordable homes. This is therefore to be negotiated with the developer.

Full Planning Application

Upon submission of a full planning/revised application we would require an Affordable Housing Plan as part of the application, detailing the location of both the market and affordable homes in terms of their type and size as well as highlighting parking spaces and the dwellings they serve.

Registered Providers

All affordable housing should be provided by a Registered Provider who will be expected to enter into a nominations agreement with the Local Authority, providing 100% nominations on first letting/sale and 75% of all subsequent lettings thereafter. This will assist the Local Authority in meeting its statutory housing duties under the Housing and Homelessness legislation.

A list of Registered Providers managing accommodation in Cheltenham can be made available if needed.

GCC S106 Officer

4th October 2019

SUMMARY: S106 Developer Contributions - for 19/01190/OUT Former Monkscroft Primary School

Phase of Education	Name of closest non-selective school	Multipliers 2019 (DfE per pupil)	No of dwellings	Pupil Yield	Max Contribution (£)	Contribution
Pre-school	N/A (Scheme falls in the Hesters Way Primary Planning Area)	£15,091.00	60	13.80	£208,255.80	Yes – full
Secondary	All Saints Academy/Cheltenham Secondary Planning Area	£23,012.00		12.00	£276,144.00	Yes - full

- **EY: full EY contribution to expand full day-care year round provision in the area (Hesters Way Primary Planning Area).**
- **Primary: no primary contributions required.** There has only been one previous development naming the Rowanfield schools in the last 5 years; as the schools forecasts show them to have spare capacity and there is nothing in the last 3 censuses to suggest this is an inaccurate reflection of the situation a primary contribution will not be required.
- **Secondary:** There is no secondary catchment school named for this area and there is no secondary transport catchment listed. The forecasts don't fully reflect the situation which appears to show spare capacity at the school, however if you break the forecasts down they show that by 2024 the school is full in Years 7-11 and the only spare capacity is in 6th form; we will require **a full secondary contribution naming the school and/or another secondary school in the Cheltenham Secondary Planning Area.**

5. PUBLICITY AND REPRESENTATIONS

5.1 Letters of notification were sent out to 102 neighbouring properties. In addition, a site notice was posted and an advert published in the Gloucestershire Echo. In response to the publicity, 10 representations have been received in objection to the proposal, and the comments have been circulated in full to Members; the concerns include, but are not limited to:

- The location of the access
- Insufficient parking
- Increase in traffic
- Highway safety
- Overdevelopment
- Impact on adjacent conservation area

6. OFFICER COMMENTS

6.1 Determining issues

6.1.1 The main considerations when determining this application for outline planning permission relate to the principle of developing the site for housing; access and highway safety; trees and landscaping; design and layout; drainage and flooding; wildlife and biodiversity; impact on neighbouring amenity; and affordable housing and other planning obligations.

6.2 Policy background / principle of development

6.2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. This is reiterated in paragraph 47 of the National Planning Policy Framework (NPPF) which also highlights that timely decisions on applications should be made.

6.2.2 Paragraph 11 of the NPPF sets out a “*presumption in favour of sustainable development*” which in decision making means:

- *approving development proposals that accord with an up-to-date development plan without delay; or*
- *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
 - *the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.*

6.2.3 The development plan comprises saved policies of the Cheltenham Borough Local Plan Second Review 2006 (LP) wherein those policies are consistent with the NPPF; and adopted policies of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (JCS).

6.2.4 Material considerations include the National Planning Policy Framework (NPPF), Planning Practice Guidance (PPG), and the emerging Cheltenham Plan (eCP) which is now at an advanced stage of preparation.

6.2.5 Adopted JCS policy SD10 advises that in Cheltenham housing development will be permitted at sites allocated for housing through the development plan; and on previously developed land within the Principal Urban Area (PUA). Elsewhere, housing development will be permitted where it is infilling within the PUA.

6.2.6 The site comprises previously developed land and is wholly located within the PUA of Cheltenham. Additionally, the site is allocated for housing development (HD2) within the emerging Cheltenham Plan Pre-Submission document for approximately 60 dwellings. The site is not the subject of any designation that would preclude development. As such, officers consider the principle of developing the site for housing to be acceptable.

6.3 Access and highway safety

6.3.1 As stated above, the proposed access is the only 'fixed' element of this outline planning application.

6.3.2 Adopted JCS policy INF1 advises that planning permission will be granted only where the impacts of the development are not severe. The policy also seeks to ensure that all new development proposals provide safe and efficient access to the highway network; and provide connections to existing walking, cycling and passenger transport networks, where appropriate. The policy reflects the advice set out within Section 9 of the NPPF.

6.3.3 The application proposes the use of the historic entrance on Shelley Road albeit in an altered form. The Planning Statement which accompanies the application, at paragraph 3.11, sets out that *"the applicant fully explored the options for an additional vehicular entrance on Shakespeare Road. However, on the professional advice of the appointed highway consultant (Cotswold Transport Planning) this additional access was not pursued as it had no technical or practical advantage but would lead to the creation of a "rat run" and undesirable segregation of the site"*.

6.3.4 As originally submitted, the GCC Highways Development Management Team (HDM) recommended that the application be refused on highway grounds, advising that insufficient information had been submitted to demonstrate that the proposal could provide the safe and suitable access arrangement required by the NPPF at Section 9. Additional/revised information was therefore requested and subsequently received.

6.3.5 Having reviewed this additional/revised information, further amended to include double yellow lines at the junction, HDM now recommend that no highway objection be raised subject to the inclusion of a number of conditions.

6.3.6 As such, whilst the concerns of local residents have been duly noted, there are no longer any highway grounds on which to refuse planning permission; a highways refusal could not be reasonably defended on appeal.

6.4 Trees and landscaping

6.4.1 Local plan policy GE5 (protection and replacement of trees) seeks to resist the unnecessary felling of trees on private land. In addition, policy GE6 (trees and development) advises that the planting of new trees and measures adequate to ensure the protection of trees during construction works may be required in conjunction with development. The policies are consistent with the aims and objectives of JCS policy INF3 which provides additional advice in respect of green infrastructure.

6.4.2 A Tree Survey has been submitted to accompany this application. The trees within the site are not subject to Tree Preservation Orders but there are a number of desirable/high amenity value trees which are shown to be retained on the Illustrative Master Plan. The Trees Officer has reviewed the application and raises no objection in principle to this outline application subject to the submission of additional information.

6.4.3 Landscaping is an additional matter that has been reserved for future consideration and as such it is not considered necessary to secure additional landscaping details at this time given the nature of the application which is only seeking to establish the principle of development and the proposed access; although clearly a comprehensive landscaping scheme will be required at reserved matters stage. Additional detail relating to tree protection, method statements, service runs etc. can be secured through the inclusion of appropriately worded conditions.

6.5 Design and layout

6.5.1 As previously noted, matters relating to layout, scale and appearance are reserved for future consideration should members resolve to grant outline planning permission. As such, the Illustrative Master Plan and Illustrative Mix submitted with the application are purely indicative and are not formally part of the application; they simply serve to demonstrate that 60 dwellings could be comfortably accommodated within site.

6.5.2 The submitted Planning Statement at paragraphs 6.14 and 6.15 state that it “is envisaged that there would be a mix of dwelling types including 2 storey dwellings. This illustrative scale is commensurate with the surrounding area” and the “illustrative mix shows a combination of 1, 2, 3 and 4 bedroom properties. They are split across the site with the 1 bedroom units being within the apartment block”.

6.5.3 Officers are satisfied that the illustrative information provided is sufficient to demonstrate that the site is capable of accommodating a mix of 60 dwellings in an acceptable manner.

6.6 Drainage and flooding

6.6.1 Adopted JCS policy INF2 and Section 14 of the NPPF seeks to ensure that new development is not inappropriately located in areas at high risk of flooding, and to ensure that development does not increase flood risk elsewhere and, where possible, contributes to a reduction in existing flood risk.

6.6.2 The application site is wholly located within Flood Zone 1, and the application has been accompanied by a detailed Flood Risk Assessment (FRA) and drainage strategy which has been reviewed by the County Council, as the Lead Local Flood Authority (LLFA) responsible for managing the risk of flooding from surface water, groundwater and ordinary watercourses.

6.6.3 The LLFA considers the level of detail submitted to date to be appropriate for this outline planning application and recommends approval subject to a number of points raised within their detailed response (at Section 4 above) being addressed at detailed design stage by way of a condition.

6.7 Wildlife and biodiversity

6.7.1 JCS policy SD9 and advice set out within the NPPF at Section 15 seeks to ensure that development contributes to, and enhances, the natural and local environment; and that important habitats and species are protected. Where developers are unable to avoid harm to biodiversity, mitigation measures should be incorporated into the design of the development.

6.7.2 The application has been accompanied by an Ecological Appraisal. The report does not identify any protected species within the site but does make some recommendations for ecological enhancements to the site for bats and nesting birds. Additionally, a suitable landscaping strategy should help enhance the site for foraging birds; the report suggests that *“Any new planting on site should concentrate on species that are native to the area and ideally produce a range of seeds and berries at varying times of the year. Nectar rich plants could also be used [to] encourage invertebrates on to the site, which in turn provide food for birds as well as other species such as bats.”* Such enhancements can be secured by condition.

6.8 Neighbouring amenity

6.8.1 Saved LP policy CP4 and adopted JCS policy SD14 seek to ensure that new development does not result in unacceptable harm to the amenity of adjoining land users and the locality.

6.8.2 Whilst it is acknowledged that the future development of this site will undoubtedly have an impact on neighbouring residential properties, officers are satisfied that the site could be developed without causing any undue harm in terms of daylight, privacy or outlook; Although the indicative layout does show some properties being located within 10.5 metres of the site boundaries, there is sufficient space within the site to resolve this within a worked up scheme.

6.9 CIL and S016 obligations

6.9.1 Adopted JCS policy INF7 sets out that financial contributions towards the provision of infrastructure will be sought through the S016 and CIL mechanisms as appropriate.

6.9.2 This development would be liable for CIL (Community Infrastructure Levy) CIL. In Cheltenham, the CIL rate for residential developments of between 11 and 449 dwellings is £200 per square metre; however, there are some exceptions, for example, those parts of a development which are to be used as social housing.

6.9.3 CIL sits alongside S106 agreements, which are still used to secure site-specific obligations which are needed to make a development acceptable in planning terms, particularly affordable housing.

6.9.4 JCS policy SD12 is the relevant policy for the provision of affordable housing in new developments. In Cheltenham, outside of Strategic Allocation sites, a minimum of 40% affordable housing is sought on sites of 11 dwellings or more. Where possible, the policy requires the affordable housing to seamlessly integrated and distributed throughout the development. The proposed scheme is compliant with the requirements of the policy.

6.9.5 As previously noted, this application proposes a 40% provision of affordable units, which equates to 24 dwellings. Having regard to local needs, the Housing Enabling Officer is seeking the following mix of affordable dwellings on the site:

- 6 x affordable rented 1 bed 2P houses
- 4 x affordable rented 2 bed 4P houses
- 4 x intermediate (shared ownership) 2 bed 4P houses
- 4 x affordable rented 3 bed 5P houses
- 2 x intermediate (shared ownership) 3 bed 5P houses
- 3 x affordable rented 3 bed 6P houses
- 1 x social rented 4 bed 7P house

6.9.6 Additionally, financial contributions are required toward primary and secondary education.

6.9.7 The affordable housing provision and contributions to education would be secured through an S106 agreement.

6.10 Other matters

Loss of playing field

6.10.1 Sport England (SE) although not a statutory consultee, as the playing field has not been used in excess of five years, have commented on this application.

6.10.2 SE state that whilst the applicants have noted that the development would result in the loss of a playing field, they have not addressed the loss, and as such, SE object to the application unless provision is made to replace the playing field or a suitable mitigation package is offered up in lieu of the replacement playing fields.

6.10.3 The playing field has not, in fact, been used for in excess of 10 years, and officers consider that its loss is far outweighed by the proposed development for 60 dwellings. Furthermore, it is important to remember that the site is allocated within the eCP.

Archaeology

6.10.4 Paragraph 189 of the NPPF advises that where a development site has the potential to include heritage assets with archaeological interest, developers should be required to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

6.10.5 The application is supported by a report on an archaeological evaluation and has been reviewed by the County Archaeologist who concludes that they *“have no objection in principle to the development of this site, with the proviso that an appropriate programme of archaeological work to excavate and record the Roman settlement should be undertaken in advance of the development proceeding”*; this can be secured by way of a suitably worded condition.

7. CONCLUSION AND RECOMMENDATION

- 7.1 NPPF paragraph 38 advises that local planning authorities should approach decisions on proposed development in a positive way and *“Decision-makers at every level should seek to approve applications for sustainable development where possible”*. Paragraph 11 sets out a presumption in favour of sustainable development and directs that planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies within the Framework taken as a whole, or specific policies in the Framework indicate development should be refused.
- 7.2 The site comprises previously developed land and is wholly located within the Principal Urban Area of Cheltenham. Additionally, the site is allocated for housing development (HD2) within the emerging Cheltenham Plan Pre-Submission document for approximately 60 dwellings. The site is not the subject of any designation that would preclude development. As such, officers consider the principle of developing the site for housing to be acceptable.
- 7.3 It must be remembered that the application is in outline with only access to be agreed at this stage. The remainder of the information submitted with the application is necessary only to demonstrate that the site can accommodate the amount of development proposed in an acceptable manner.

- 7.4 The one matter which is not reserved i.e. access, has been found to be acceptable.
- 7.5 Any adverse impacts resulting from the development, i.e. the loss of the playing field which has not been used in excess of 10 years, would not significantly and demonstrably outweigh the benefits of this application.
- 7.6 In conclusion, the principle of developing this site for housing is acceptable and the recommendation therefore is to grant planning permission subject to a signed S106 agreement to secure the affordable housing provision and education contributions, and a schedule of conditions:

8. CONDITIONS

- 8.1 The following conditions are suggested should Members be minded to grant outline planning permission but at the time of writing the report they are still to be agreed by the applicant:

- 1 The outline planning permission hereby granted shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To accord with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 Application(s) for approval of the reserved matters (layout, scale, appearance and landscaping) must be made not later than the expiration of three years from the date of this decision.

Reason: To accord with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3 The details to be submitted for the approval of reserved matters shall include vehicular parking and turning facilities within the site, and the building(s) hereby permitted shall not be occupied until those facilities have been provided in accordance with the approved plans and shall be retained available for those purposes thereafter.

Reason: To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians in accordance with adopted policy INF1 of the Joint Core Strategy (2017) and paragraphs 108 and 110 of the National Planning Policy Framework.

- 4 The details to be submitted for the approval of reserved matters shall include a full shade analysis of the retained trees within and adjacent to the site boundaries (now and at full maturity) plotted against the proposed building plots.

Reason: To ensure the successful long term retention of these trees and to avoid any future pressure to remove such trees, having regard to adopted policy INF3 of the Joint Core Strategy (2017).

- 5 Prior to the commencement of development, the applicant, or their agent or successors in title, shall secure the implementation of a programme of

archaeological work in accordance with a written scheme of investigation which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: It is important to agree a programme of archaeological work in advance of the commencement of development, so as to make provision for the investigation and recording of any archaeological remains that may be destroyed by ground works required for the scheme. The archaeological programme will advance understanding of any heritage assets which will be lost, in accordance with paragraph 199 of the National Planning Policy Framework.

- 6 Prior to the commencement of development (including demolition and site clearance), a Tree Protection Plan (TPP) to BS5837:2012 (or any standard that reproduces or replaces this standard) shall be submitted to and approved in writing by the Local Planning Authority. The TPP shall include the methods of tree and /or hedge protection, the position and specifications for the erection of tree protective fencing, and a programme for its implementation. The works shall not be carried out unless in accordance with the approved details, and the protective measures specified within the TPP shall remain in place until the completion of the construction process.

Reason: To safeguard the existing tree(s) in the interests of visual amenity, having regard to saved policies GE5 and GE6 of the Cheltenham Borough Local Plan (2006). Approval is required upfront to ensure that important trees are not permanently damaged or lost.

- 7 Prior to the commencement of development, plans showing the existing and proposed ground levels and slab levels of the proposed and adjacent buildings shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented strictly in accordance with the agreed details.

Reason: To ensure a satisfactory relationship between the proposed development and adjacent buildings and land, having regard to saved policies CP4 and CP7 of the Cheltenham Borough Local Plan (2006) and adopted policies SD4 and SD14 of the Joint Core Strategy (2017). Approval is required upfront to allow the impact of the development to be accurately assessed.

- 8 Prior to the commencement of development, a detailed Sustainable Drainage System (SuDS) Strategy document shall be submitted to and approved in writing by the Local Planning Authority; the document should be in accordance with the proposal set out in the submitted Flood Risk Assessment (ref. BR-582-0001 Rev 01 dated May 2019). The SuDS Strategy must include, but not be exclusive to, a detailed design, details of BRE 365 infiltration tests, a construction management plan and a timetable for implementation, a plan of exceedance flowpaths, maintenance schedule, and confirmation of the management arrangements. The SuDS Strategy must also demonstrate the technical feasibility/viability of the drainage system through the use of SuDS to manage the flood risk to the site and elsewhere and the measures taken to manage the water quality for the lifetime of the development. The scheme for the surface water drainage shall be carried out in accordance with the approved details before the development is first put in to use/occupied.

Reason: To ensure the development is provided with a satisfactory means of drainage and thereby preventing the risk of flooding in accordance with adopted policy INF2 of the Joint Core Strategy (2017) and paragraphs 163 and 165 of the National Planning Policy Framework. It is important that these details are agreed

prior to the commencement of development as any works on site could have implications for drainage, flood risk and water quality in the locality.

- 9 Throughout the construction phase of the development hereby permitted, sufficient provision shall be made within the site to accommodate the likely demand generated for the following:

- i. 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. provide for wheel washing facilities
- v. provide vehicle routing strategy for construction stage

Reason: To reduce the potential impact on the public highway and accommodate the efficient delivery of goods in accordance with adopted policy INF1 of the Joint Core Strategy (2017) and paragraph 110 of the National Planning Policy Framework.

- 10 No construction works shall be carried out above ground level, until a scheme for the provision of fire hydrants (served by mains water supply) has been submitted to and agreed in writing by the Local Planning Authority, and no dwelling shall be occupied until the hydrant serving that property has been provided.

Reason: To ensure adequate water infrastructure provision is made on site for the local fire service to access and tackle any property fire in accordance with paragraph 110 of the National Planning Policy Framework.

- 11 No external facing or roofing materials shall be applied unless in accordance with:

- a) a detailed written specification of the materials; and/or
- b) physical samples of the materials.

The details of which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the external appearance of the development is appropriate to its surroundings in accordance with saved policy CP7 of the Cheltenham Borough Local Plan (2006), adopted policy SD4 of the Joint Core Strategy (2017) and guidance set out within Section 12 of the National Planning Policy Framework.

- 12 Prior to the implementation of any landscaping, full details of a hard and/or soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify all walls, fences, trees, hedgerows and other planting which are to be retained, and provide details of all new walls, fences, or other boundary treatments; finished ground levels; new hard surfacing of open parts of the site which shall be permeable or drained to a permeable area; a planting specification to include [species, size, position and method of planting of all new trees and shrubs]; and a programme of implementation.

The landscaping scheme shall include species that are native to the area which provide for a range of seeds and berries at varying times of the year. Nectar rich plants should also be included to encourage invertebrates on to the site, which in turn provide food for birds as well as other species such as bats.

All hard and/or soft landscaping works shall be carried out in accordance with the approved details prior to first occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority.

Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size which shall be first agreed in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the area, having regard to saved policies CP7, GE5 and GE6 of the Cheltenham Borough Local Plan (2006), and adopted policies SD4 and INF3 of the Joint Core Strategy (2017).

- 13 Prior to first occupation of the development, bird boxes shall be installed within the site in accordance with a plan which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To provide an enhancement to the ecological value of the site as recommended in the submitted Ecological Appraisal and in accordance with adopted policy SD9 of the Joint Core Strategy (2017) and paragraph 170 of the National Planning Policy Framework.

- 14 The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 2.4m back along the centre of the access measured from the public road carriageway edge (the X point) to a point on the nearer carriageway edge of the public road 54m distant in both directions (the Y points). The area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between 1.05m and 2.0m at the X point and between 0.6m and 2.0m at the Y point above the adjacent carriageway level.

Reason: To avoid an unacceptable impact on highway safety by ensuring that adequate visibility is provided and maintained to ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians is provided in accordance with adopted policy INF1 of the Joint Core Strategy (2017) and paragraphs 108 and 110 of the National Planning Policy Framework.

- 15 Prior to first occupation of the development hereby permitted, details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time that either a dedication agreement has been entered into or a private management and maintenance company has been established.

Reason: To ensure that safe, suitable and secure access is achieved and maintained for all people that minimises the scope for conflict between traffic and cyclists and pedestrians in accordance with adopted policy INF1 of the Joint Core Strategy (2017) and paragraph 108 and 110 the National Planning Policy Framework, and to establish and maintain a strong sense of place to create attractive and comfortable places to live, work and visit as required by paragraph 127 of the Framework.

- 16 Prior to first occupation of the development, secure and covered cycle storage facilities for a minimum of 1 bicycle per dwelling shall be provided in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To give priority to cycle movements by ensuring that adequate cycle parking is provided, to promote cycle use and to ensure that the appropriate opportunities for sustainable transport modes have been taken up in accordance with adopted policy INF1 of the Joint Core Strategy (2017) and paragraph 108 of the National Planning Policy Framework.

- 17 Prior to first occupation of the development, refuse and recycling storage facilities shall be provided in accordance with a scheme which shall have first been submitted to and approved in writing by the Local Planning Authority. The storage facilities shall thereafter be retained for that purpose.

Reason: In the interests of sustainable waste management and recycling, having regard to Policy W36 of the Gloucestershire Waste Local Plan.

- 18 Prior to first occupation of the development hereby permitted, the vehicular access shall be laid out and constructed in accordance with approved Drawing No. CTP-17-415_SK01-B, with the area of driveway within at least 10.0m of the carriageway edge of the public road surfaced in bound material, and shall be maintained thereafter.

Reason: To reduce potential highway safety impact by ensuring that a safe and suitable access is laid out and constructed that minimises the conflict between pedestrians, cyclists and vehicles in accordance with adopted policy INF1 of the Joint Core Strategy (2017) and paragraph 108 and 110 of the National Planning Policy Framework.

- 19 No dwelling shall be occupied until the carriageway(s) (including surface water drainage/disposal, vehicular turning head(s) and street lighting) providing access from the nearest public highway to that dwelling have been completed to at least binder course level and the footway(s) to surface course level.

Reason: To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians in accordance with adopted policy INF1 of the Joint Core Strategy (2017) and paragraphs 108 and 110 of the National Planning Policy Framework.

- 20 Means of vehicular access to the development hereby permitted shall be from Shelley Road only.

Reason: To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians in accordance with adopted policy INF1 of the Joint Core Strategy (2017) and paragraphs 108 and 110 of the National Planning Policy Framework.

- 21 The car parking associated with each building within the development (including garages and car ports where proposed) shall be constructed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Reason: To ensure that the development incorporates facilitates for charging plug-in and other ultra-low emission vehicles in accordance with paragraph 110 of the National Planning Policy Framework.

- 22 All service runs shall fall outside the Root Protection Area(s) of retained trees, unless otherwise first agreed in writing by the Local Planning Authority. Any such

works shall be carried out in accordance with the National Joint Utilities Group; Volume 4 (2007) (or any standard that reproduces or replaces this standard).

Reason: To safeguard the existing tree(s) in the interests of visual amenity, having regard to saved policies GE5 and GE6 of the Cheltenham Borough Local Plan (2006).

INFORMATIVES

- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) Order 2015 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 proposed development will involve works to be carried out on the public highway and the applicant/developer is required to enter into a legally binding Highway Works Agreement and to apply for an application under the Traffic Regulation Order (including an appropriate bond) with the County Council before commencing those works.
- 3 The applicant/developer is advised that to discharge condition 15 the local planning authority will require a copy of a completed dedication agreement between the applicant /developer and the Local Highway Authority or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.
- 4 The County Council currently has no technical specification for shared space. This is an adoption matter to which the County Council are not obliged to adopt any highway. Gloucestershire County Council will only adopt roads that meet our published technical specification.

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APPLICATION NO: 19/01190/OUT		OFFICER: Miss Michelle Payne	
DATE REGISTERED: 19th June 2019		DATE OF EXPIRY : 18th September 2019	
WARD: St Marks		PARISH:	
APPLICANT:	Gloucestershire County Council		
LOCATION:	Land Off Shelley Road, Cheltenham		
PROPOSAL:	Outline application for erection of 60 dwellings including access (with all other matters reserved) on site of former Monkscroft Primary School		

REPRESENTATIONS

Number of contributors	12
Number of objections	12
Number of representations	0
Number of supporting	0

44 Byron Road
Cheltenham
Gloucestershire
GL51 7EZ

Comments: 20th August 2019

I am concerned about the impact of this development on the following- 1. the wildlife on the site 2. the proposed loss of the trees on the site 3. the impact on the traffic in both Shelley Road and surrounding roads. I also feel that the reason for using this site given (no one has been using the area) is spurious as the site has been locked ever since the school was demolished. There is also not enough car parking for staff and visitors at the Nursing Home.

27 Kipling Road
Cheltenham
Gloucestershire
GL51 7DJ

Comments: 1st August 2019

I feel the road infrastructure is not good enough for this level of development. Shelley Road is already a busy road with parked cars creating issues from the junction of Princess Elizabeth Way to Shelley Avenue, where there is a bend with a large verge which means the road is not quite wide enough for two cars. Monkscroft Care Home does not have enough parking and by the looks of the plans nor does the new proposed site. 60 homes will, at a conservative estimate, produce 90 cars, which I feel is going to cause more problems. I did wonder about a second entrance/exit onto Shakespeare Road, but that has its own problem with the stagecoach buses running along it, again the road is not wide enough, with buses driving half on the pavement to get past cars coming the other way. I note that one of the reports states that no injuries to people have been sustained in the last few years but this does not mean no damage has been done to vehicles. I feel the only way development could go ahead, the other issues notwithstanding, is if there were fewer homes and Shelley Road was double yellow lined on both sides from Princess Elizabeth Way to past Shelley Avenue.

20 Shelley Road
Cheltenham
Gloucestershire
GL51 7DR

Comments: 10th September 2019

60 homes is too much for this development although the development of the site itself is not a bad thing - it is a shame it cannot be kept as green space - especially if you think that each house/property will usually have 2 cars (if not more!) and developers often only provide ONE parking space per property.

Additionally, why can the entrance/exit be on Shakespeare Road instead or in ADDITION to Shelley Road to prevent a log jam of cars in and out of the road. Shakespeare Road is wider and traffic light controlled onto the main junction. There is also scope for the road to be made wider as part of the plans.

How will car parking be monitored? There is already an abundance of care home and GCHQ workers parking in the road which makes turning into the road from the Princess Elizabeth Way end of Shelley Road hazardous and difficult at the best of times.

What consideration in particular has been given to an entrance/exit on Shakespeare Road in particular to compensate for the increased traffic and difficulty to the existing residents?

13 Shelley Road
Cheltenham
Gloucestershire
GL51 7DN

Comments: 28th June 2019

Access should not be via Shelley Road. This road is already used as a rat run, parking at the Princess Elizabeth Road end makes it difficult for 2 way traffic. Shakespeare Road is traffic light controlled with less vehicles parking on street. For these reasons access would be much easier for everyone if via Shakespeare Road.

83 Shakespeare Road
Cheltenham
Gloucestershire
GL51 7HR

Comments: 27th June 2019

I object to the planning proposal on the following grounds:

1. 60 houses = 60 cars. More traffic noise, more traffic pollution.
2. Destruction of a natural wildlife habitat that's become an important part of the local ecosystem.
3. Increase in general noise and light pollution.
4. More school places required.
5. More policing, refuse collection and strain on other local services that are already under pressure.

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6. Building on the Poets should be stopped - for goodness sake this is a conservation area! We have a strong community and a functioning and enjoyable place to live and raise our families. Do not destroy that by overpopulating a finely balanced area.

These are our homes and we do not want an eyesore in front of us.

Poorly built monotonous boxes that appease Whitehall and meet targets at the expense of a community and landscape that will be significantly impacted upon if this proposal is approved.

Do not ruin the lives of the people and the who already live here.

81 Shakespeare Road
Cheltenham
Gloucestershire
GL51 7HR

Comments: 21st June 2019

My partner and i object to this building development of 60 dwellings because it will take away our privacy.

We also object on the grounds there is a care home and the elderly residents deserve to have their privacy and dignity respected.

There are also foxes on the land which have cubs around 8 weeks old at this time and they should not be disturbed. There is also lots of birds and insects that live on this land. The foxes have lived on this land for years and should not be forced out.

There would also be more pollution due to more cars and more people.

You would also need more infant and junior school places.

When we moved into our house 20 years ago we did not realise we would be getting boxed in by houses and living in a concrete jungle. We also have a lovely outlook which would be spoiled if you build houses here.

There would also be a need for a health centre and more facilities for the community around here.

I think it is very unfair to build on this land as you are not considering the local community and people that already live here its more about the money for the builders and planners than us the people that live here. We vehemently object to you building on this land.

14 Shelley Avenue
Cheltenham
Gloucestershire
GL51 7DW

Comments: 4th July 2019

We have been having a look at the plans for the old school site in Shelley road.

The site is for 60 dwellings with only one entrance on and off the site.

This could mean 120 cars using this entrance.

Can you please consider making an other entrance on the other end of the site and but some barriers in the middle so that it is not used as a race track.

Both Shelley road & Shakespeare road are heavily used.

20 Shelley Avenue
Cheltenham
Gloucestershire
GL51 7DW

Comments: 11th July 2019

I wish to object to this application for the following reasons:

The increase in traffic due to the condensed nature of the proposals would be detrimental to the area, at present Shelley Road is used as a direct cut through and difficult to navigate at peak times due to the amount of parking in and around the proposed development site, this increase would lead to further pollution and also congestion within what is a quiet and residential area just off one of Cheltenham's main thoroughfares Princess Elizabeth way.

The disruption during clearance and construction would be devastating to an elderly population residing in the residential care home adjacent to the site. Some years ago the local population supported the change of use to allow an elderly rest home to be erected allowing a peaceful place for those whom deserve it an inviting place to reside. the disruption to the local population whilst this minor project in relation to that proposed was taking place was horrific, additional sewage issues pipework was disrupted traffic congestion pollution and noise to name but a few, this could be disturbing to some of the residents of this property and indeed all residents in the surrounding area.

The erecting of a modern housing development adjacent to what is a protected conservation area would have a detrimental effect on what is a protected environment due to its idyllic and unique standing in the Cheltenham borough. when the conservation zone as established the Monkscroft school occupied the site and this was not included in the protected zone as the land was under protected status, with the destruction of a community school the land has been left alone as was promised by the council at the time, the only reason this proposal is possible is due to the small changes the council has been working towards to increase its quota of houses built in the area. This eyesore will never fit in with this beautiful area and should not be allowed to progress on the technicality of the fact that a school occupied the land on establishment of the conservation area.

The increase in population density without the increase in local services would be detrimental to the surrounding areas, our community is already stretched with not enough places in schools and doctors for the existing residents, maybe some focus should go on how the council could better use the land for the community rather than sell it to a developer to make money.

The destruction of wild breeding grounds for natural wildlife, several differing breeds of wildlife habit the land as it is with the destruction of this natural an well established environment these species would be forced to move or die out destroying what is a wild and natural environment.

Increased drain on the sewage and water system for the locality, during the last major construction project in this area increased sewage back ups and water leaks were experienced by residents, this was extremely disruptive for the local residents.

Increase in refuse and a lack of access for the removal of such waste. With a major increase of this nature the drain on local services will be detrimental for the local community, already refuse collection is difficult in this area and such a concentrated increase will add to this leading to an increase in vermin within the locality.

to finalise, we have lived here for 15 years, this is an idyllic community with beautiful streets hence why it is in a conservation area, we have fought to protect this status and never wanted the local school to close. It did and now instead of using the land for community purposes its being used as a quick cash generator. Planning for extensions and flats have been denied for the same

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reasons as pointed out it would disrupt the locality, and the purpose of the conservation order, do not allow this to proceed just because you own the land, you will destroy what you created with the establishment of the conservation area. The only reason you can do this is because of the technicality that is was a school and never deemed necessary to include in the original conservation zone.

My family and I stress we strongly object to this monstrous proposal to destroy a beautiful and peaceful community which is a rare find in modern Cheltenham.

30 Shelley Road
Cheltenham
Gloucestershire
GL51 7DR

Comments: 21st June 2019

I purchased my home in Shelley Road over 15 years ago because of the peaceful setting, myself & family of four object to this application in the strongest manner possible.

1. too many housing units (60) will significantly increase noise and disturbance in the very quiet & peaceful Poets area around Shelley & Shakespeare Roads, which has restricted status for just this reason.
2. 60 houses with estimated one car per household will cause significant prolonged traffic congestion at both rush hours.
3. the amenity of the very quiet & peaceful Poets area around Shelley & Shakespeare Roads will be utterly ruined, due to a high density of housing & occupation.

34 Shelley Road
Cheltenham
Gloucestershire
GL51 7DR

Comments: 10th July 2019

Letter attached.

51 Tennyson Road
Cheltenham
Gloucestershire
GL51 7DA

Comments: 11th September 2019

Proposed housing development - Shelley Road

Tennyson Road is a small residential road of period properties but it is already carrying main-road quantities of traffic, because people use it more and more as a short-cut route.

The vibration of this is felt in the houses, which actually shakes the infrastructure. This is evidenced in the rattling of doors, letterboxes, and even beds shaking when fast and/or large vehicles cross the speed bumps without adequately slowing down.

If 60 new homes are to be built on Shelley Road, Cheltenham, THE ENVIRONMENT THAT IT WILL IMPACT MUST BE CONSIDERED. The above problems of heavy and fast traffic in

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Tennyson Rd will increase and become even more dangerous to residents and even more damaging to our homes.

We would like to request that the developers or council pay for a 20 MPH speed restriction of Tennyson Rd, or some other effective method to reduce volume, speed, danger, noise and damaging vibration from traffic.

I am not against needed development as long as it doesn't impact dangerously and negatively on the environment.

5 Shelley Road
Cheltenham
Gloucestershire
GL51 7DN

Comments: 16th July 2019

I strongly object to this proposed development. The increase in traffic this will bring will be totally unacceptable to the residents living in Shelley Road, particularly those adjacent to the ONLY proposed entrance/exit to this new estate. The construction vehicles required to carry out the building of this site will bring extra traffic problems already experienced by the parking of people going to and from GCHQ, Gloscat, and Monkscroft Care Home (which is next to the proposed development).

Many residents have expressed a wish for an additional entry/exit road to this new estate be made via Shakespeare Road. I understand that some officials have made the comment that a rat run would inevitably occur. This is utter rubbish as there are various ways by which this could be avoided, and I would say at very little extra cost to the general development of the site. I also understand that officials have quoted for technical reasons that this second entrance cannot be done.

I would hope that my comments and the comments of other residents living in the area be seriously considered by the developers and members of CBC concerned, with a view to amending the proposed development to incorporate the many suggestions made in particular with regard to access to the new estate.

34 SHELLY ROAD,
ST. MARKS,
CHELTENHAM
GL51 7DR.



Dear Miss Payne,

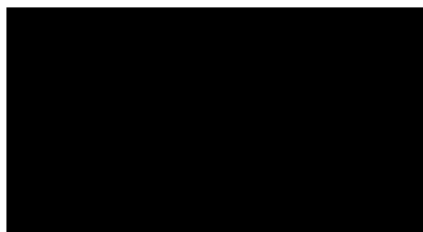
I am writing to object to planning on the following site Monkscroft Primary School, Shelly road, I object to there transport plan, it is a pure work of fiction, produced by someone sat in a office in front of a P.C., with a lot of facts and figures, to suggest that there will be only 43 vehicles for 60 houses, I have just counted the number of vehicles per house in Shelly road and it works out at 2 per house hold and that is with-out visitors. This makes a mockery of there figures of 33 cars leaving the new estate between 8-9 p.m., I notice this information was based on a census taken 8 years ago! Shelly Road is not fit for purpose as the route in and out for this new estate it should be on the Shakespeare Road side, if any body had taken the time to walk both these roads, at the Princess Elizabeth way end of Shelly it is almost imposable to turn right unless someone lets you out, The Shakespeare Junction is controlled by traffic lights so no problem, Shelly has a sharp bend in the middle, which has led to at least 4 accidents in the last 15 years, Shakespeare is almost a straight road and I can't remember any accidents being on it. When you reach the Terrayson Road junction on Shelly it is on a sharp bend, on Shakespeare, it is on a clearly marked cross roads.

To say that the old ^{Woolworths} School entrance should be used is based on out of date information, when the school closed there were only 86 children left, most from the local area, so parking was never a problem, plus the infants had an entrance on Shakespeare, but since the school closed we now have a care home on part of the site which causes more problems with staff, visitors and ambulances parking, than traffic to the school ever did!

There is no mention of the increase in traffic in the last 11 years since the school closed, at peak times I counted the number of vehicles using Shelly Road 150 per hour, this could almost double from the new estate, plus also this road being a overspill car park for G.C.H.Q.

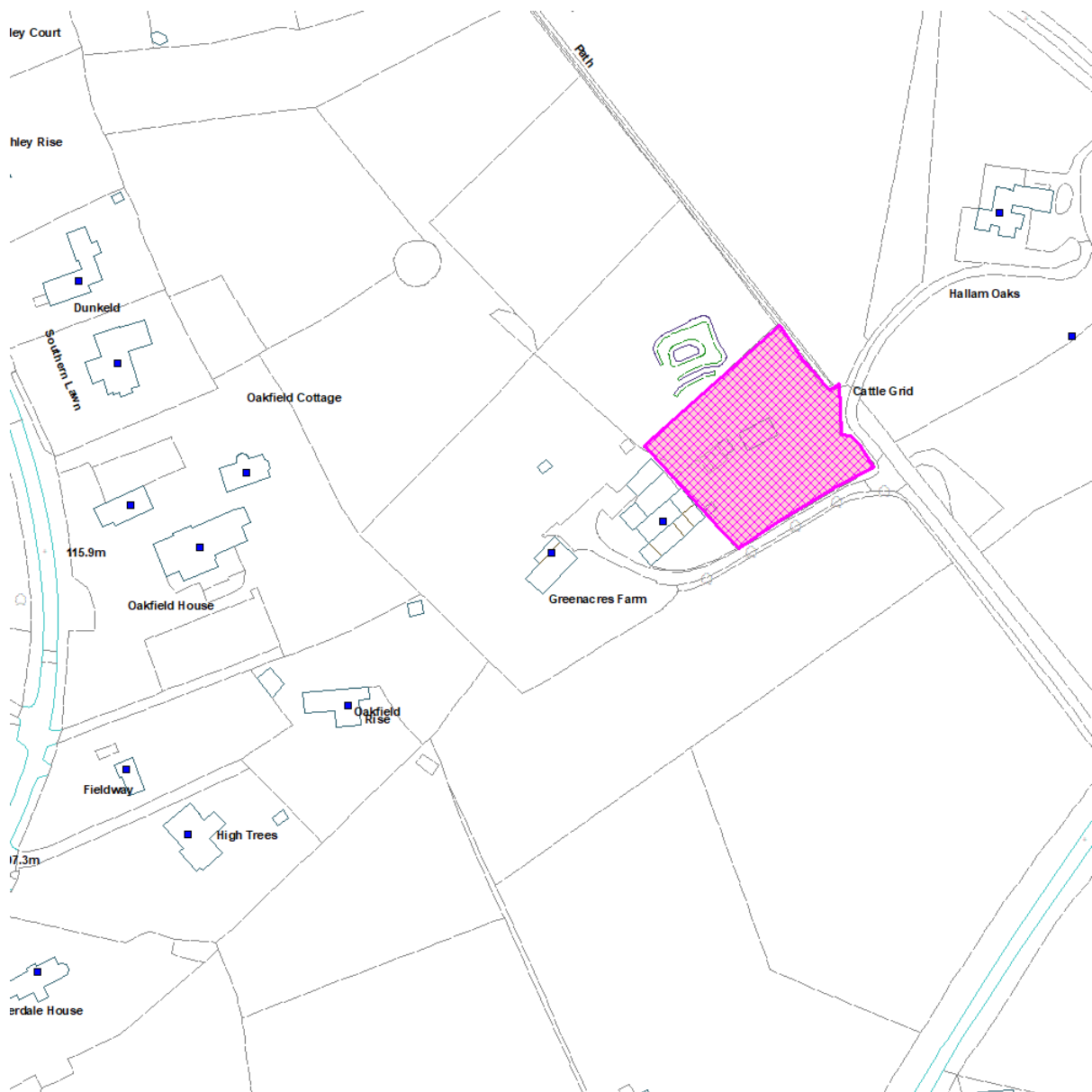
The G.C.C. listen to these comments at the meeting at which we attended, and then came up with a trumped up transport report which then dismissed them all, just so they did not have to alter there plans for the estate.

yours sincerely



APPLICATION NO: 19/01252/FUL	OFFICER: Mr Ben Hawkes
DATE REGISTERED: 26th June 2019	DATE OF EXPIRY: 21st August 2019
DATE VALIDATED: 26th June 2019	DATE OF SITE VISIT: 12th July 2019
WARD: Battledown	PARISH: Charlton Kings
APPLICANT:	Newbay Consulting Ltd
AGENT:	SF Planning Ltd
LOCATION:	Oakfield House Stables, Oakfield House, Greenway Lane
PROPOSAL:	Erection of a single self-build dwelling following the demolition of existing stables.

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site relates to an area of land associated with Oakfield House on Greenway Lane, the land currently accommodates two single storey storage/stable buildings. The application site is located outside of the Principle Urban Area (PUA) and is within the Cotswolds Area of Outstanding Natural Beauty (AONB).
- 1.2 The applicant is seeking planning permission for the erection of a self-build dwelling following the demolition of the existing stables.
- 1.3 The application is at planning committee following an objection received from the Civic Society.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Area of Outstanding Natural Beauty
Airport safeguarding over 15m
Residents Associations
Residents Associations

Relevant Planning History:

18/01891/PREAPP 1st October 2018 CLO
Dwelling with gated driveway, garage and outbuilding

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 2 Achieving sustainable development
Section 4 Decision-making
Section 5 Delivering a sufficient supply of homes
Section 11 Making effective use of land
Section 12 Achieving well-designed places
Section 15 Conserving and enhancing the natural environment
Section 16 Conserving and enhancing the historic environment

Saved Local Plan Policies

CP 2 Sequential approach to location of development
CP 4 Safe and sustainable living
CP 7 Design
GE 5 Protection and replacement of trees
GE 6 Trees and development

Adopted Joint Core Strategy Policies

SP1 The Need for New Development
SP2 Distribution of New Development
SD3 Sustainable Design and Construction
SD4 Design Requirements
SD6 Landscape
SD7 The Cotswolds Area of Outstanding Natural Beauty
SD8 Historic Environment
SD9 Biodiversity and Geodiversity
SD10 Residential Development
SD11 Housing Mix and Standards

SD14 Health and Environmental Quality
INF1 Transport Network

Supplementary Planning Guidance/Documents

Development on garden land and infill sites in Cheltenham (2009)

Other

The Cotswolds AONB Conservation Management Plan

4. CONSULTATIONS

Building Control

5th July 2019

The application will require Building Regulations approval. Please contact Cheltenham and Tewkesbury borough council on 01242 264321 for further information.

Parish Council

9th July 2019

No objection

Cheltenham Civic Society

24th July 2019

The Civic Society's Planning Forum objects to this proposed development. It is in the wrong location. Currently the area has a country atmosphere, amidst fields. This substantial residential development would open the way to further encroachment and development of the this relatively rural area within the AONB.

Strategic Land Use Team

1st August 2019

Policy considerations in relation to a proposal for the erection of a single self-build dwelling following the demolition of existing stables.

The site

The application site is located on the south-west side of an access track situated approximately 100m in a north-westerly direction from Greenway Lane. The site is situated on land within the freehold of Oakfield House, which itself is located on Ashley Road to the west of the stables.

Policy Framework

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning decisions should be taken in accordance with the relevant adopted Development Plan unless material considerations dictate otherwise. Therefore, in determining this application, the following must be considered:

The adopted development plan for the area:

- The Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (December 2017)
- Relevant saved policies of the Cheltenham Borough Local Plan Second Review 2006

Relevant material considerations, which include:

- The National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (nPPG)
- The pre-submission Cheltenham Plan and its evidence base.

Core issues in this case

The need for sustainable development

NPPF (2019)

Paragraph 11 of the NPPF states that "Plans and decisions should apply a presumption in favour of sustainable development." For decision making this means:

"d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁷, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁶; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."

Cheltenham Borough Council cannot currently demonstrate a five year housing land supply. Therefore, the 'tilted balance' of paragraph 11 is relevant. However, footnote 6 of the NPPF says that AONB policies in the NPPF are not out-of-date and still apply to this application.

JCS (December 2017)

Policy SD10 requires that on sites not allocated, housing development and conversions to dwellings will be permitted on previously developed land within the Principal Urban Area of Cheltenham and rural service centres and service villages except where otherwise restricted by policies in district plans. Housing development on other sites will only be permitted if it is for affordable housing on a rural exception site or if it is infilling within the Principal Urban Area of Cheltenham.

Policy SD14 requires that development should protect and seek to improve environmental quality and should not create or exacerbate conditions that could impact on human health or cause inequality.

Development in the AONB

NPPF (2019)

The NPPF expects decision-takers to apply great weight to the conservation and enhancement of the natural beauty of the AONB. Paragraph 172 states:

"Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads⁵⁴. The scale and extent of development within these designated areas should be limited. Planning permission should be refused for major development⁵⁵ other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and

- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated."

JCS (December 2017)

Policy SD6 is a JCS-wide policy on landscape and is not specific to the AONB. It requires that development seeks to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being. It requires that proposals have regard to the local distinctiveness and historic character of landscapes in the JCS area and that all applications for development consider the landscape and visual sensitivity of the area in which they are located or which they may affect.

Policy SD7 requires that all development proposals in or within the setting of the AONB conserve and, where appropriate, enhance its landscape, scenic beauty, wildlife, cultural heritage and other special qualities. It also requires that proposals are consistent with policies set out in the Cotswold AONB Management Plan.

The Cotswolds AONB Management Plan 2018-23

Policy CE1 of the Cotswolds AONB Management Plan requires:

1. Proposals that are likely to impact on, or create change in, the landscape of the Cotswolds AONB, should have regard to, be compatible with and reinforce the landscape character of the location, as described by the Cotswolds Conservation Board's Landscape Character Assessment and Landscape Strategy and Guidelines.
2. Proposals that are likely to impact on, or create change in, the landscape of the Cotswolds AONB, should have regard to the scenic quality of the location and its setting and ensure that views - including those into and out of the AONB - and visual amenity are conserved and enhanced.

Policy CE2 says:

1. Proposals that are likely to impact on the local distinctiveness of the Cotswolds AONB should have regard to, be compatible with and reinforce this local distinctiveness. This should include:
 - being compatible with the Cotswolds Conservation Board's Landscape Character Assessment, Landscape Strategy and Guidelines and Local Distinctiveness and Landscape Change;
 - being designed and, where relevant, landscaped to respect local settlement patterns, building styles, scale and materials;
 - using an appropriate colour of limestone to reflect local distinctiveness.
2. Innovative designs - which are informed by local distinctiveness, character and scale - should be welcomed.

A landscape character assessment for the AONB was carried out in April 2015 with revisions undertaken in May 2016 but does not include a character area that covers the property concerned.

Assessment

As part of the government's commitment to sustainable development and the need to seek positive improvements to the quality of the built, natural and historic environment, the NPPF emphasises the need to provide housing that meets objectively assessed housing needs. Cheltenham Borough is not currently able to demonstrate a 5-year supply of deliverable housing.

The location of Oakfield House Stables outside the PUA reflects the historic operations of the facility and the requirement to be situated in a rural location. It is considered that the

conversion and re-use of some of the existing buildings for residential purposes would be preferable to complete redevelopment of the site for housing.

The stables are not considered to be part of the urban area but neither are they sufficiently separate to be considered isolated and unsustainable. However, the site is not previously-developed according to the NPPF and does not accord with JCS Policy SD10. This fact can only be given limited weight given that SD10 is considered to be out-of-date at this time.

Paragraph 172 of the NPPF is not considered out-of-date and gives great weight to conserving and enhancing the landscape and scenic beauty of the AONB. This does not, however, mean that no development should occur within it. Both the NPPF and Cotswolds AONB Management Plan are clear that it is possible for development to be suitable. The impact on the landscape and scenic beauty of the AONB and the amount of harm this will cause will need to be weighed against the need for new development within Cheltenham and the quality and appropriateness of the proposal.

GCC Highways Planning Liaison Officer

28th June 2019

I refer to the above planning application received on the 27th June 2019, submitted with supporting information including drawing refs: PL005, PL002, 19.20.009B.

I recommend that no highway objection be raised subject to the following condition(s) being attached to any permission granted:-.

1. Throughout the construction [and demolition] period of the development hereby permitted provision shall be within the site that is sufficient to accommodate the likely demand generated for the following:

- i. 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. provide for wheel washing facilities, all the above to be annotated on a plan.

Reason: To reduce the potential impact on the public highway and accommodate the efficient delivery of goods in accordance with paragraph 110 of the National Planning Policy Framework.

2. The vehicular accesses onto Greenway Lane shall be constructed broadly in accordance with the submitted plan drawing no. PL005 with any gates situated at least 5.0m back from the carriageway edge of the public road and hung so as not to open outwards towards the public highway and with the area of driveway within at least 5.0m of the carriageway edge of the public road surfaced in bound material, and shall be maintained thereafter.

Reason: - To reduce potential highway safety impact by ensuring that a safe and suitable access is laid out and constructed that minimises the conflict between pedestrians, cyclists and vehicles in accordance with paragraph 108 and 110 of the National Planning Policy Framework.

3. The development hereby permitted shall not be occupied until details of secure and covered cycle storage facilities for a minimum of user defined no.2 bicycles has been made available in accordance with details to be submitted to and approved in writing by the LPA.

Reason:- To give priority to cycle movements by ensuring that adequate cycle parking is provided, to promote cycle use and to ensure that the appropriate opportunities for

sustainable transport modes have been taken up in accordance with paragraph 108 of the National Planning Policy Framework.

4. The development hereby permitted shall not be occupied until the vehicular parking and turning facilities have been provided in accordance with the submitted plan drawing no.PL005, and those facilities shall be maintained available for those purposes thereafter.

Reason:- To ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians is provided in accordance with the paragraphs 108 and 110 of the National Planning Policy Framework.

NOTE:

The proposed development will require the provision of a footway/verge crossing and the Applicant/Developer is required to obtain the permission of the County Council before commencing any works on the highway.

Statement of Due Regard

Consideration has been given as to whether any inequality and community impact will be created by the transport and highway impacts of the proposed development. It is considered that no inequality is caused to those people who had previously utilised those sections of the existing transport network that are likely to be impacted on by the proposed development.

It is considered that the following protected groups will not be affected by the transport impacts of the proposed development: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation, other groups (such as long term unemployed), social-economically deprived groups, community cohesion, and human rights.

Tree Officer

24th July 2019

The Tree Section does not object to this application. Please could a Tree Protection Plan be submitted and agreed before determination.

Landscape Architect

29th July 2019

Report available to view on line.

Gloucestershire Centre For Environmental Records

29th July 2019

Report available to view in line.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	14
Total comments received	4
Number of objections	4
Number of supporting	1
General comment	0

- 5.1 14 letters were sent to neighbouring properties and a site notice was displayed. In total 4 letters of representation have been received, 3 letters of objection and 1 letter of support.
- 5.2 The concerns raised within the letters of objection have been summarised but are not limited to the following:
- Principle
 - Impact on the AONB/Landscape character
 - Loss of views/outlook
 - Impact on wildlife
 - Design
 - Construction access
 - Impact on public rights of way

6. OFFICER COMMENTS

6.1 **Determining Issues**

6.2 The main considerations of this application are principle, design, impact on neighbouring amenity, impact on the AONB, impact on existing trees, highway safety and impact on protected wildlife.

6.3 **The site and its context**

6.4 The application site is an area of land which is associated with Oakfield House on Greenway Lane, the site currently comprises of two relatively dilapidated storage/stable buildings and is located outside of the PUA and wholly within the AONB.

6.5 Directly adjacent to the application site is the neighbouring site occupied by 'Greenacres Farm', but generally the immediate locality is open land with dispersed settlements which are generally large detached buildings sat within generous plot sizes.

6.6 **Pre-application advice**

6.7 This application follows the submission of a formal pre-application where officers provided a response on the acceptability of a new dwelling on this site. At the time the pre-application was considered (August 2018) Cheltenham could demonstrate a 5 year housing land supply, therefore officers response concluded that the principle of a new dwelling in this location would be contrary to JCS policy SD10, but consideration could be given to the principle of converting the existing buildings on the site to create a new dwelling, however evidence would have needed to be provided in order to support this.

6.8 **Principle**

6.9 This formal planning application is being considered at a time where Cheltenham cannot currently demonstrate a 5 year housing land supply.

6.10 The application site is located outside of Cheltenham's PUA, the proposal to erect a new dwelling on this site would therefore be contrary to JCS policy SD10. However, as

Cheltenham cannot currently demonstrate a 5 year housing land supply, paragraph 11 of the NPPF becomes relevant.

- 6.11 Paragraph 11 of the NPPF sets out a presumption in favour of sustainable development. In this instance, as Cheltenham cannot currently demonstrate a 5 year housing land supply, paragraph 11 d) of the NPPF is applicable, this reads:

'Where there are no relevant development plans, or the policies which are most important for determining the application are out of date, permission should be granted unless:

- i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.'

In this instance the protected area is the AONB; therefore whilst the principle of a new dwelling on this site is considered to be acceptable, the main considerations are whether any identified harm will significantly and demonstrably outweigh the benefits.

6.12 Design, layout and impact on the AONB

- 6.13 Policy SD7 of the JCS states:

'All development proposals in or within the setting of the Cotswolds AONB will be required to conserve and, where appropriate, enhance its landscape, scenic beauty, wildlife, cultural heritage and other special qualities. Proposals will be required to be consistent with the policies set out in the Cotswolds AONB Management Plan.'

Paragraph 172 of the NPPF states:

'Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding natural Beauty, which have the highest status of protection in relation to these issues.'

- 6.14 As the council does not currently have a landscape architect, a consultant was instructed to review the application and the landscape impact assessment submitted by the applicant in order to consider the impact of the proposed development on the AONB and the surrounding landscape. The review was carried out and a full and detailed report was received. The response concluded that 'The proposal would lead to both adverse landscape and visual change in the local area and would be contrary to policy SD7 of the JCS'.

When reviewing the comments, the identified harm specifically mentions the scale and massing of the building and in particular the impact the two storey elements would have on the public right of way that runs adjacent to the development site. Following further discussions with the landscape architect, it was suggested that a reduction in the scale of the new dwelling could reduce the level of harm/impact. With this in mind; officers sought revisions to the scheme as well as requesting the submission of a robust landscape/planting scheme due to the openness of the site.

- 6.15 Following discussions and negotiations with the applicant's agent a revised proposal was submitted for consideration, the revised plans show that the first floor element of the proposed new dwelling has been significantly reduced. The second storey element has been retained at the northern end of the site to enable it to sit comfortably within its plot and to reflect the rising land levels to the rear.

- 6.16 The proposed new dwelling sits centrally within the plot and is considered to be of an appropriate footprint and scale for the size of the site, this would reflect the general character and pattern of development in the locality.
- 6.17 The overall design of the proposed new dwelling is clearly contemporary; officers feel that careful consideration has been given to the form, design and use of materials and the proposal results in a building that is of an acceptable design for this location. A condition requiring material samples/details to be submitted has been suggested.
- 6.18 The proposal includes the introduction of a 'green roof', whilst the principle of this is acceptable, details of the type of green roof should be submitted for consideration prior to its installation, as suggested by the landscape architect.
- 6.19 Officers requested a proposed landscaping plan as this was considered necessary to address previous comments regarding how visible the proposed new dwelling would be within the site and its potential impact as highlighted in the landscape impact assessment. A proposed landscaping plan has been submitted and reviewed and is considered to be acceptable.
- 6.20 The revised scheme is considered to have taken on board officers comments and have been produced so as to limit the harm identified in the landscape architects comments. In addition, the landscaping plan has been submitted to support the application. Officers consider the revised plans in conjunction with the submission of the landscaping plan have reduced the level of harm to the surroundings and the proposed dwelling is considered to be of an acceptable scale, form and design. Any identified harm would not significantly or demonstrably outweigh the benefits of a new dwelling.
- 6.21 The proposal accords with the Cotswolds Conservation Board recently adopted position statements relating to 'Tranquillity', specifically relating to policy CE4. The addition of one new dwelling on this site is not considered to result in unacceptable noise pollution or other visual disturbances.
- 6.22 Impact on neighbouring amenity**
- 6.23 The only adjacent land user that shares a boundary with the proposed development site is to the west and is occupied by Green Acres Farm. The residential dwelling on this site is not directly adjacent to the shared boundary and is approximately 40 metres away. The buildings located directly adjacent to the shared boundary are farmstead buildings.
- 6.24 In terms of privacy, the proposed new dwelling sits centrally within the plot, upper floor windows in the proposed new dwelling are more than 19 metres from the shared boundary and therefore far exceed the minimum distance of 10.5 metres that is considered to be acceptable.
- 6.25 Due to the scale of the proposed development, its position within the plot and its relationship with neighbouring land users the proposal is not considered to result in any unacceptable loss of light to any neighbouring land user.
- 6.26 Officers note the concerns raised by the neighbouring land user at 'Baedalas Tun' regarding a potential loss of view, this particular site is approximately 150 metres from the application site and whilst officers accept that the new dwelling will be visible from this property and from neighbouring sites, the loss of a view is not a material planning consideration. Due to the relationship with neighbouring developments the proposal is not considered to result in any over bearing impact. A condition has been suggested to restrict the installation of external lighting as this could be considered to have a greater impact on the wider area during evening hours.

6.27 Whilst officers duly note all the concerns raised, it is not considered in this instance that the proposal will result in any unacceptable loss of light, loss of privacy or overbearing impact on any neighbouring residential land user and is therefore considered to be compliant with local plan policy CP4 and JCS policy SD14.

6.28 Access and highway issues

6.29 The application has been reviewed by Gloucester County Council's Highways department and no objection has been raised, their full comments can be read in section 4 above. The condition relating to cycle storage is not considered to be necessary given that the site has adequate internal storage areas to accommodate the safe and suitable storage of bikes.

6.30 The proposal of a new dwelling on this site is not considered to result in any highway safety implications and is considered to be acceptable on access, parking and highway safety grounds.

6.31 Impact on protected species

6.32 Records show that important species have been sighted near the application site in the past and in particular bats recorded in 2017, the sighting was recorded as 215 metres from the site. In addition badgers have been recorded in 2017, 245m from the site. In light of this, an Ecological assessment was requested and later received.

6.33 The ecological assessment concludes that there is an 'occasional pipistrelle night roost used by a small number of individual bats located in the existing stable building.' The impact to local populations within the report is considered to be 'negligible'. Officers accept that there is an occasional night roost in one of the buildings but are confident that suitable mitigation measures can be provided to ensure that any bats are appropriately protected. A condition requiring suitable mitigation measure details to be submitted prior to any works starting has therefore been suggested.

6.34 It is important to note that all bat species, their breeding sites and resting places are protected by law as they are European Protected Species.

6.35 With regard to badgers, the GCER report acknowledges the presence of Badgers in the local area, however there is no information or evidence to suggest that there are any setts on the application site.

6.36 Other considerations

6.37 The council's tree officer has reviewed the application and raises no objection to the proposed development. However, the officer has requested that a tree protection plan is submitted, this has been suggested as a condition.

7. CONCLUSION AND RECOMMENDATION

7.1 Whilst officers appreciate the sensitive location of this site, having due regard to the councils current position in terms of a 5 year housing land supply and having considered the conclusions for each of the topic areas above, which include principle, design, layout, impact on the AONB, impact on neighbouring amenity, highway safety and access, impact on protected species, the harm is not considered to significantly and demonstrably outweigh the benefits of providing a further dwelling.

7.2 Officer recommendation is therefore to permit the application, subject to the conditions set out below;

8. CONDITIONS / INFORMATIVES

- 1 The planning permission hereby granted shall be begun not later than the expiration of three years from the date of this decision.

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 planning permission hereby granted shall be carried out in accordance with the approved plans listed in Schedule 1 of this decision notice.

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 Prior to the commencement of development (including demolition and site clearance), a Tree Protection Plan (TPP) to BS5837:2012 (or any standard that reproduces or replaces this standard) shall be submitted to and approved in writing by the Local Planning Authority. The TPP shall include the methods of tree and /or hedge protection, the position and specifications for the erection of tree protective fencing, and a programme for its implementation. The works shall not be carried out unless in accordance with the approved details, and the protective measures specified within the TPP shall remain in place until the completion of the construction process.

Reason: To safeguard the existing tree(s) in the interests of visual amenity, having regard to saved policies GE5 and GE6 of the Cheltenham Borough Local Plan (2006). Approval is required upfront to ensure that important trees are not permanently damaged or lost.

- 4 All landscaping works shall be carried out in accordance with the approved details. The works shall be carried out prior to first occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority.

Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size which shall be first agreed in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the area, having regard to saved policies CP7, GE5 and GE6 of the Cheltenham Borough Local Plan (2006), and adopted policies SD4 and INF3 of the Joint Core Strategy (2017).

- 5 Notwithstanding The Town and Country Planning (Use Classes) Order 1987 and The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting those orders with or without modification), the development shall be a self-build dwelling as defined under the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) and shall not be used for any other purpose without express planning permission.

Reason: To ensure there are enough serviced plots of land to meet the demand for self-build and custom housebuilding in the borough, having regard to the self-build register and the provisions of the Joint Core Strategy (2017).

- 6 Prior to installation, details of the green roof shall be submitted to and approved in writing by the local planning authority. The details shall include the type and final established character of the proposed green roof.

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Reason: In the interests of the character and appearance of the area, having regard to saved policies CP7, GE5 and GE6 of the Cheltenham Borough Local Plan (2006), and adopted policies SD4 and INF3 of the Joint Core Strategy (2017).

- 7 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting that order with or without modification), no extensions, garages, sheds, outbuildings, walls, fences or other built structures of any kind (other than those forming part of the development hereby permitted) shall be erected without express planning permission.

Reason: Any further extension or alteration requires further consideration to safeguard the amenities of the area, having regard to saved policies CP4 and CP7 of the Cheltenham Borough Local Plan (2006) and adopted policies SD4, SD7 and SD14 of the Joint Core Strategy (2017).

- 8 No external facing or roofing materials shall be applied unless in accordance with:

- a) a written specification of the materials; and/or
- b) physical sample(s) of the materials.

The details of which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the area, having regard to saved policy CP7 of the Cheltenham Borough Local Plan (2006) and adopted policy SD4 of the Joint Core Strategy (2017).

- 9 Throughout the construction [and demolition] period of the development hereby permitted provision shall be made within the site that is sufficient to accommodate the likely demand generated for the following:

- i. 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. provide for wheel washing facilities, all the above to be annotated on a plan.

Reason: To reduce the potential impact on the public highway and accommodate the efficient delivery of goods in accordance with paragraph 110 of the National Planning Policy Framework.

- 10 The vehicular accesses shall be constructed in accordance with the submitted plan drawing no. PL005A with any gates situated at least 5.0m back from the carriageway edge of the public road and hung so as not to open outwards towards the public highway and with the area of driveway within at least 5.0m of the carriageway edge of the public road surfaced in bound material, and shall be maintained thereafter.

Reason: - To reduce potential highway safety impact by ensuring that a safe and suitable access is laid out and constructed that minimises the conflict between pedestrians, cyclists and vehicles in accordance with paragraph 108 and 110 of the National Planning Policy Framework.

- 11 The development hereby permitted shall not be occupied until the vehicular parking and turning facilities have been provided in accordance with the submitted plan drawing no.PL005, and those facilities shall be maintained available for those purposes thereafter.

Reason:- To ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians is provided in accordance with the paragraphs 108 and 110 of the National Planning Policy Framework.

- 12 Prior to the commencement of development, a surface water drainage scheme, which shall incorporate Sustainable Urban Drainage System (SUDS) principles, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a programme for implementation of the works; and proposals for maintenance and management. The development shall not be carried out unless in accordance with the approved surface water drainage scheme.

Reason: To ensure sustainable drainage of the development, having regard to adopted policy INF2 of the Joint Core Strategy (2017). Approval is required upfront because the design of the drainage is an integral part of the development and its acceptability.

- 13 No external lighting shall be installed without prior written consent from the Local Planning Authority.

Reason: In the interests of the character and appearance of the area, having regard to saved policies CP7, GE5 and GE6 of the Cheltenham Borough Local Plan (2006), and adopted policies SD4 and INF3 of the Joint Core Strategy (2017).

- 14 Notwithstanding the Ecological Assessment received on 6th September 2019, prior to the commencement of any works including site clearance/demolition, a detailed scheme for mitigation measures in relation to bats shall be submitted to and approved in writing by the Local Planning Authority.

The approved mitigation measures shall be adhered to and implemented throughout the construction period and thereafter shall be maintained in accordance with the approved details.

Reason: To ensure that adequate mitigation measures are provided in order to safeguard protected species in accordance with adopted JCS policy SD9 and paragraph 175 of the NPPF, this information is required upfront because without proper mitigation the construction works could have an unacceptable impact on protected species at the beginning of construction.

INFORMATIVES

- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) Order 2015 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, the authority sought revisions to reduce the scale and massing of the proposed development and also negotiated a detailed planting scheme in order to address landscape impact concerns;

Following these negotiations, the application now constitutes sustainable development and has therefore been approved in a timely manner.

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APPLICATION NO: 19/01252/FUL		OFFICER: Mr Ben Hawkes	
DATE REGISTERED: 26th June 2019		DATE OF EXPIRY : 21st August 2019	
WARD: Battledown		PARISH: CHARLK	
APPLICANT:	Newbay Consulting Ltd		
LOCATION:	Oakfield House Stables, Oakfield House, Greenway Lane		
PROPOSAL:	Erection of a single self-build dwelling following the demolition of existing stables.		

REPRESENTATIONS

Number of contributors	5
Number of objections	4
Number of representations	0
Number of supporting	1

Baedalas Tun
 Ashley Road
 Cheltenham
 Gloucestershire
 GL52 6PJ

Comments: 31st July 2019

My concern regarding the above application is that it is in a field which has been designated as part of the AONB for many years.

I first came to live in this area at the age of five and for the last thirty-two years I have looked out upon this beautiful rural field. Various animals have grazed on it and an abundance of wildlife co-exists there, including deer, muntjac, foxes, badgers, bats and very many species of birds; buzzards, owls, woodpeckers, to name but a few.

I am concerned that my view of this lovely piece of protected countryside will be adversely affected if a new house is built here. Although I can see that careful consideration has been given to the design, I do not think it is in keeping with the rural locality in which it would sit, certainly from my aspect which would be looking at the north elevation. The AONB vista to which I am so accustomed has a timeless quality about it which would not lend itself to modernity. Nighttime too would seem very different; where there is now peace and complete darkness, there would instead be a brightly lit house.

If permission for the build is granted, I am most fearful of the following:

1. That if a precedent is set to not uphold the AONB ruling, it may potentially lead to further attempts to develop more of this particularly unique AONB field.
2. That if a precedent is set not to uphold the AONB ruling, it may potentially lead to further attempts to develop more of the lovely green AONB fields in this very special part of Cheltenham.

Here we are living very close to the ever popular mountain of Cleeve Hill and our country lanes are full of cyclists, runners, dog-walkers and horse riders, all seeking out the peace and tranquility of the countryside. I fervently believe we have a huge responsibility to preserve this valuable

legacy for future generations to enjoy and that although there is a pressing need for new affordable housing, it should not take priority over protecting our countryside.

Kyle Lodge
Greenway Lane
Charlton Kings
Cheltenham
Gloucestershire
GL52 6PN

Comments: 27th July 2019

As a close neighbour to Oakfield House Stables and having reviewed the submitted plans carefully, it is my opinion that this new dwelling would substantially enhance the plot.. I fully support this application

Hallam Oaks
Greenway Lane
Charlton Kings
Cheltenham
Gloucestershire
GL52 6PN

Comments: 2nd August 2019

Letter attached.

Cherry Court
Ashley Road
Cheltenham
Gloucestershire
GL52 6PJ

Comments: 28th August 2019

My apology. I have been trying to make comment on this application on line but I seem to keep getting server error so I thought I should e mail you.

I am concerned that the semi rural nature of the site will be changed to one of a residential nature. The application is the latest in a series of residential applications in and around greenwood lane and the rear slopes of Battledown hill that have the cumulative affect of eroding the unique gentle semi rural nature of the land off greenway lane. The incremental urbanisation of this marginal land should not be supported either in the interest of the AONB, general public amenity or the conservation of a range of protected species who enjoy the marginalised nature of the land off greenway Lane. The increased development of the area will remove that which makes this a special part of Charlton Kings, something that is recognised both regionally and nationally as an attraction to the mix of land use in the ward and of general benefit to the town overall.

Furthermore, the mass and orientation of the proposed development is over dominant when compared to the gentle imposition of the small agricultural buildings that occupy the site and compliment the adjoining land use.

The land is currently not put to a residential use and is remote from the residential area of Battledown hill and that on greenway lane. The semi rural nature should be maintained .

Meadow View
Birchley Road
Cheltenham
Gloucestershire
GL52 6NY

Comments: 17th July 2019
Letter attached.

B. Hawker, Esq.,
Planning Officer,
Culkehan Borough Council,
P.O. Box 12,
Municipal Offices,
Promenade, Culkehan.
GL50 1PP

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Hallam Oaks,
Greenway Lane,
Chaulton Kings,
Culkehan.
GL52 6PN.

31st July 2019.

Delivered by hand on
1st August 2019.

Dear Mr. Hawker,

Re: Proposal: Erection of a single self-build dwelling following
the demolition of existing stables at Oakfield House
Stables, Oakfield House, Greenway Lane, Chaulton Kings.

1. I am in receipt of your letter concerning the above proposed
Planning Application, that arrived without preceding knowledge.
2. Stating the obvious, but it seems to be necessary to do so:
This is an Area of Outstanding Natural Beauty.
3. This family has had the joy and privilege to live at Hallam
Oaks for 51 years in this peaceful Area of Outstanding Natural
Beauty countryside. When we arrived it was just rough-brod,
naked fields and the only trees were the precious oaks. Since then
we have worked tirelessly to grow a natural garden encompassing
a variety of trees and shrubs. No artificial element (e.g.
swimming pool, tennis court) has ever been introduced to spoil
the environment and tranquility. Indeed, visitors refer to the
"parkland" setting.
4. The Planning Application refers to "existing stables" - this is a
complete misnomer. Back in the late 1950s/1960s the then
farmer, [REDACTED] owned all the land from Battledown
Tanner drive, along the top of the Battledown Estate, down to (then)
Whitefriars School playing fields, along the boundary of Greenway Lane
much of the Kyle Lope land and the frontal section of Hallam Oaks.
This was farming/agricultural (pasture land) - AND still is.

Over the following year, ² [REDACTED] had an assortment of farm animals for which he required **Page 71** lites. He erected 2 SINGLE STOREY SHEDS purely for this purpose - the same 2 that now have the misnomer of Oakfield House Stables. They were well set back from our Area of Outstanding Natural Beauty line of vision. THE SHEDS housed, in turn, hens, chicks, pigs/sheep/lambs. At one stage he also kept cows. I remember it well: the livestock all frequently escaped (a farmer's fence rarely being of high quality) on to our ground. This culminated, one dark winter's evening, when the family was shocked to see a large cow's head watching us through the lounge window, in turn, watching television (there was no need to draw curtains in those heady days). This resulted in us finally installing the all important CATTLE-GRID - which is there to this day.

These referred to SHEDS were never intended to house horses and did not do so until many years later ([REDACTED] [REDACTED]). Foolishly, in my humble view the, now, Oakfield House big field, was hired out for grazing horses. The field, then, was covered in dangerous ragwort and the sheds were somewhat unhygienic. Their riders, never content to gather in the field, elected instead to assemble on the private drive in front of our CATTLE-GRID/entrance - obviously, blocking our exit. This also happened for a short period when Battledown Tower hired out their own large field for the same purpose.

Whilst on the subject of SHEDS: [REDACTED] also erected a monstrous, very large, silver-white shed (I have photographs) on the land in front of Italian Oaks - quite large enough footage on which, today, to build a low-lying bungalow. This SHED housed more farm animals, especially pigs and sheep, rats and, eventually, many decaying cars. When we eventually purchased that piece of land we decided, for health and safety reasons, to destroy the monstrosity. Maybe it was a foolish move

in light of the current ³ circumstances?

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5. This now takes me to the current Planning Application and the same SHEDS: Why is it not possible to restore the one SHED and replace the second? Surely much cheaper than the cost of building a new property? These SHEDS could then be used for agreeable, appropriate farm/pastoral agricultural purposes and the land kept in good condition. It was only very recently that one woke to the sound of bleating sheep grazing away and, I believe the current owners keep Alpacas in a section of their large field anyway.
6. The Architectural Style proposed in this Planning Application seems, to me, to be in total conflict with this particular Area of Outstanding Natural Beauty. The main imposing house, Battledown Manor, with its fine drive, was built towards the late 1800s; plans for Kyle Lodge were submitted in 1935/1937 and were for 2 small cottages for the butler and gardener employed at the Manor. All the properties were built in complimentary Cotswold Stone. ([REDACTED])

Opposite Kyle Lodge (over the road) is Greenway Farm - possibly the oldest of all the buildings in the area - again, in matching Cotswold Stone. All of these resplendent properties have to adhere to strict building/alteration regulations - so much so that, a few years back, Kyle Lodge added a large extension under such terms. Hallam Oaks, itself, was built around the late 1950s/early 1960s, [REDACTED] having obtained permission, in the first instance, from Battledown Manor. The reason for this build was that [REDACTED] being a farmer, needed a house in which to live alongside his farm stock. But, the build had to adhere to, as near as possible, the same coloured stone as the 3 other existing properties - hence the Bradstone and the low garden wall being of the same toning. Another stipulation was that

The building had to be ^{4.} well set back so that it in no way intruded into the view Page 73 Sattledown Manor - this was accomplished.

In the far South West corner of Greenway Lane (as viewed from Hallam Oaks) lay a property of the same stone colouring - it is currently known as The Chase.

When [REDACTED] subsequently

sold Hallam Oaks to us in 1968 he had a low lying single storey bungalow built (Greenacker Farm) that nestled discreetly into the rising field behind. It was built in that area as, once, there had been a Shepherd's Hut. These are the only reasons for these 2 properties being allowed in the Area of Outstanding Natural Beauty - as it is today.

T.a. Therefore, in the light of the above, I fail to understand completely how the proposed plan for "Oakfield House Stables" in any way complements or enhances this Area of Outstanding Natural Beauty.

It is a hard, angular 2 storey (in large part) structure, man-cultivated, standing as an eyesore against the true colours and natural curves of nature. Its height will well exceed the height of the current steps and the building line appears to be far forward of the existing building line of the two steps - that are currently out of sight from this property. In turn, that serves, from the East, to blot out the lovely Area of Outstanding Natural Beauty views across the rustic fences, fields and on to the gorgeous Leckhampton Hill escarpment beyond. Also, from the proposed current positioning, we could experience invasion of privacy. Surely this proposed property could be set further back as there is plenty of acreage?

The Planning Applicants would have no such concerns as the large, beautiful Oakfield House, itself, is situated far away, round the corner and up the large slope of the field. Neither would any of this Proposed Planning property, be seen from any of the Ashley Road houses,

5

except for Lark's Rise (to a degree) ^{Page 74} and Baedala's Turn (especially) that would overlook this project. As stated, this field slopes considerably and it was regretted, by some, when the last two named houses were built, as the large buildings served to blot out the trees on the skyline in the setting sun at the summit of the Area of Outstanding Natural Beauty border. But both houses were of extremely attractive design, were on the Battle Estate and there could naturally be no objection.

b. However, at nights when the lights are on, both houses are like "glitter balls" but, mercifully, they are a fair distance away. But, is this what is proposed for Oakfield House Stables - a "glitter ball" at the end of our drive? This would not be welcomed.

c. I also have great concerns over the "grass" roofing. Past experience has shown that this can wear badly, needs much irrigation and care to be sustained, vaguely successfully, to come in with Mother Nature's lines.

d. Fair amount of mention has been made that the Proposed Property would be hidden by the leaves on the trees. May I point out that for 6-7 months of the year the trees have no leaves, come Autumn and Winter? Also, trees and shrubs can die or can be severely damaged in the very strong Southwesterly winds - as one were last year. Also, the "poplar" trees along the private drive need to be "topped" very soon, as they are well past their age and safety height. Thus, this means much exposure of all the properties and particularly from Greenway lanes. Trees can, unexpectedly, be cut down.

e. On reading the Highways Report it would appear that it is proposed to erect a gate (set 5m back from Greenway lane) - why so? Is a gated community eventually proposed?

I could not easily see any reference to this fact in SF Planning's letter. Such a move would totally destroy the area.

7f. In conjunction with 7e, I would draw your attention to the fact that the Bin Collection for this Proposed Application would be down on Greenway Lane itself. Please note that the Hallam Oaks Bin Collection point is officially by the CATTLE GRID. It is carried out by the Cheltenham Borough Council's "Assisted Waste Collection Service". I am not proposing to have this changed. The Council despatches one of its smaller collection vehicles - woe betide, if the large one comes. It does not go down well with [REDACTED] and rightly so, as the heavy truck causes much wear and tear.

g. Along with that concern: Construction vehicles are heavy, destructive creatures. On occasions over the years, a large, heavy lorry has tried to drive into the Oakfield House field, they have driven on to our CATTLE GRID damaging same. We can be blocked in and there would be little tolerance if this action should happen again. Also, the dust and noise from this Proposed building would blow in the southerly westerly winds funnelling across our grounds and property.

I know, as our grass, trees, etc., are pure white when the tree "flax" season is in full swing - and the flax is relatively harmless. What preventative protection would be put in place for this wear and tear?

8. The private lane itself: I can find nothing to quantify future plans in this Proposed Application. This is a SINGLE TRACK natural stone-based country lane - with a PUBLIC FOOTPATH running along it. At present, if any 2 vehicles are travelling on it, in opposite directions, one either has to reverse onto Greenway Lane or one has to utilise the Greenacres Farm junction. Frequently, in recent times,

cars/trucks have parked outside the "Oakfield House Stables" gate, opposite our CATTLE GRID entrance, leading no room for passing vehicles (not dissimilar to the horse riders). Blocking AGAIN.

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At the end of the lane, by the [REDACTED] wonky country stile, there is NO TURNING SPACE, due to the positioning and confined area and the ENTRANCE to Hallam Oaks should be legally kept clear AT ALL TIMES, particularly as no one knows when an EMERGENCY vehicle could be required. At the Greenway lane entrance to the private lane is a large oak tree that, in its majesty, blocks half the ^(private) lane.

9. As I understand it, there are 4 Access Rights entrances onto the Greenacres Farm private lane. The exact legality of these Rights (as to whether or not they allow for a further property, as opposed to pastoral use) will be contained in the Deeds relating to Greenacres Farm and Oakfield House. Hallam Oaks exercises 2 such Access Rights, Battledown Manor has one, Oakfield House has 1 and, obviously, Greenacres Farm gives a grand total of 5 entrances onto ONE SINGLE TRACK LANE. With a new property possible, sparking 4 more cars, there could be a total of 12 vehicles on this SINGLE TRACK LANE at any one time. Is this viable?
10. Drains - what provision is being made here? Give the Applicants proposing to join in to the old Battledown Manor system - I believe some of it may pass under the Hallam Oaks drive.
11. If this Planning Application is granted, then what is to prevent [REDACTED] (understandably) seeking the same "Glitter Ball" rights for his large barn and then for the bungalow, too? The area would end up with a row of "Glitter Balls". This would be total destruction of the Area of Outstanding Natural Beauty. There is already the Sovereign development of 5 millionaire priced houses

at the top of Hamp Hill^{8'} and a further self build & houses (I quote: "Isolated Residential Units") to be erected on the mutilated land (and trees) at Cromwell Court. In the latter instance, the leverage of a "brown field site" came into play. Could this not be the same fate for this Application and all of Greenway Lane?

If so, then I, too, would have to consider following suit, though it would be totally against my desired principles. As it currently stands, I strongly wish to preserve the beauty and wildlife of this area, which abounds with many variety of birds, pheasants, deer, badgers, squirrels, foxes, sparrowhawks, buzzards and a variety of butterflies. This does not include, of course, the walkers, the dog-walkers, runners, joggers, either singly or in groups, who keep the Public Footpath in frequent use.

12. Therefore, I have to object to this Proposed Planning Application for all my reasons given above. I find the natural blending elements of 2 old farm houses far more attractive, in this Area of Outstanding Natural Beauty setting, than the modernity of modern architecture.

Yours sincerely,

[Redacted signature]

**Meadow View
Birchley Road
Battledown
Cheltenham
GL52 6NY**

Ms T Crews
Director of Planning
Cheltenham Borough Council
PO Box 12
Municipal Offices
Promenade
Cheltenham
GL50 1PP

15 July 2019

Dear Ms Crews

Proposal: Erection of a single self-build dwelling following the demolition of existing stables at Oakfield House Stables Oakfield House Greenway Lane. Application 19/01252/FUL

I am writing to object to the proposal to demolish the stables and erect a single self-build bungalow at Oakfield House stables.

1. The site is within the AONB and adjacent to an ancient monument (a Moat).
2. There are at least 3 other stable blocks within half a mile of this site, all of which have been built within the last few years on green fields within the AONB, and all of which could use this as a precedent if it is approved (see Photographs 1 to 3 attached).

At least one of these buildings (number 1) has apparently never been used, and a cynical person might wonder if it has been built in order to establish a structure on the land and then submit a similar proposal in a few years' time.

If approved, this proposal could have a greater impact than is at first apparent, with similar applications to follow, leading to incremental and cumulative development in the AONB.

3. There have been 2 previous proposals relating to this land, both of which were refused and the refusals were both upheld at appeal. The most recent was:

RF/99/50563/FUL – 1999 – proposed construction of enclosed swimming pool and plant room at Oakfield House. Refused.

Appeal (APP/B1605/A/00/1039519). Refused. Letter dated 20 April 2000.

The reasons for refusal still apply: in essence:

- The proposal “would harm the character and appearance of the area and be in conflict with Local Plan Policy CO45.”

- It is an area of rough pasture adjacent to, and very prominent from, the public footpath. Also visible from Greenway Lane.
- It would change the appearance of the land forever,

4. The building was a derelict shed until about 10 years ago, originally being part of Greenacre Farm. It was described as “stables” in the application of 2000 because that placed the land into Class D2. See Photograph 4 attached, taken at the time of that application. It was a shed.

The shed was demolished and rebuilt about 9 years ago and for around 3 years, was used as stables. No horses have been on the land since 2012/13 and the “stables” have been used as ancillary buildings for agricultural purposes, for example hay for the sheep and materials for maintaining the land and fences. It could be argued that they are not exclusively stables but also agricultural buildings, ancillary to the maintenance of a 10 acre estate.

5. This is agricultural land. Since 1995, when the land was transferred to Oakfield House, there have been cattle, sheep, alpaca and horses grazed on the fields, and hay taken off them. The regular change of owners has led to various uses of these outbuildings and if they were to be demolished, the next owners might need to build a replacement. The buildings cannot therefore be considered redundant.

6. There is no objective need for a dwelling in this location, and the prominence of a new dwelling, seen from the footpath and Greenway Lane would represent a detrimental effect on the environment. It is therefore my view that the adverse impact of allowing this development would significantly and demonstrably outweigh the benefits of the proposal.

Yours sincerely



Proposal: Erection of a single self-build dwelling following the demolition of existing stables at Oakfield House Stables Oakfield House Greenway Lane. Application 19/01252/FUL



1. Stables off Mill Lane, Ham. Built within last 5 years, when fields changed hands, and have apparently never been used. Visible from public footpath.



2. Stables near Ham Square. Visible from public footpath.

Proposal: Erection of a single self-build dwelling following the demolition of existing stables at Oakfield House Stables Oakfield House Greenway Lane. Application 19/01252/FUL



3. Stables off Greenway Lane adjacent to public footpath

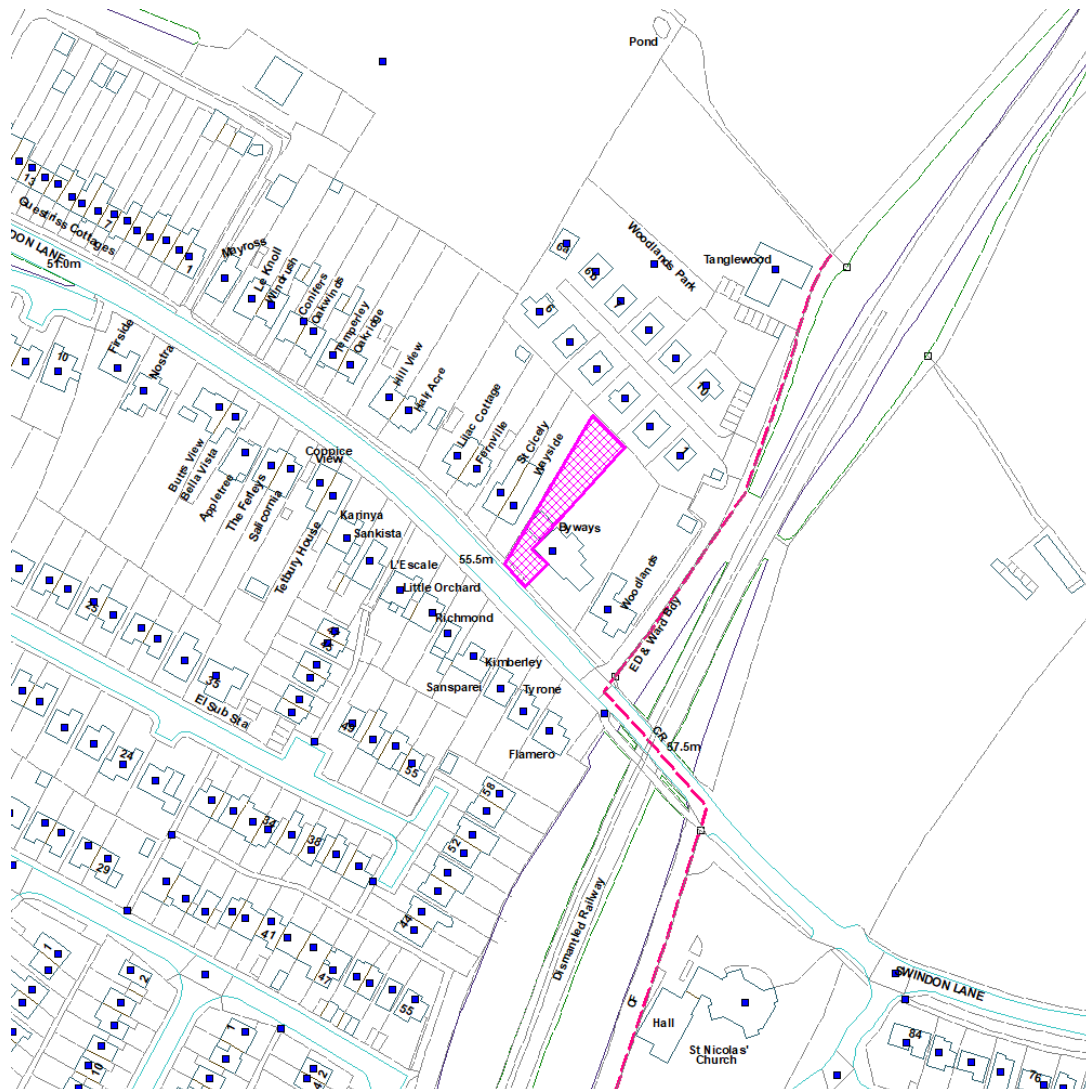


4. Oakfield House "stables" circa 1999/2000. Rebuilt circa 2010.

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APPLICATION NO: 19/01526/FUL	OFFICER: Mrs Victoria Harris
DATE REGISTERED: 28th August 2019	DATE OF EXPIRY: 23rd October 2019
DATE VALIDATED: 28th August 2019	DATE OF SITE VISIT: 11th September 2019
WARD: Swindon Village	PARISH: Prestbury
APPLICANT:	Lindsay and Rebecca Townsend
AGENT:	Urban Aspects Ltd
LOCATION:	Byways Swindon Lane Cheltenham
PROPOSAL:	Proposed demolition of garage and erection of a detached dwelling plus associated car parking

RECOMMENDATION: Refuse



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site comprises of a garage and garden land to the side of Byways, a detached two-storey dwelling to the north of Swindon Lane. The site is within the Greenbelt.
- 1.2 This application proposes the erection of a part two-storey, part three-story detached dwelling to the south of Byways. The dwelling would have 3 bedrooms. It is proposed to be white rendered with fibre cement slates.
- 1.3 The application is brought to Planning Committee at the request of Councillor Bernard Fisher as he would like a committee decision on the grounds of Local Plan Policy CP7 (Design).

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Greenbelt
Honeybourne Line
Principal Urban Area

Relevant Planning History:

06/00506/FUL 25th May 2006 PER

Two storey rear extension, alterations and new vehicular access

91/01360/PF 10th January 1991 PER

Erection of a garage

19/00715/FUL 22nd May 2019 WDN

Proposed demolition of garage and erection of a detached dwelling plus associated car parking

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 12 Achieving well-designed places
Section 13 Protecting Green Belt land

Saved Local Plan Policies

CP 4 Safe and sustainable living
CP 7 Design
CO 7 Rebuilding or replacement of dwellings in the green belt

Adopted Joint Core Strategy Policies

SD4 Design Requirements
SD5 Green Belt
SD10 Residential Development

Supplementary Planning Guidance/Documents

Development on garden land and infill sites in Cheltenham (2009)

4. CONSULTATIONS

GCC Highways Planning Liaison Officer

9th September 2019

Reference is made to the above application received on the 29th August 2019 submitted with application form, site location plan ref 10, cover letter and site layout ref 11.

Recommendation:

The highways authority recommends no highways objection to be raised.

Statement of Due Regard

Consideration has been given as to whether any inequality and community impact will be created by the transport and highway impacts of the proposed development. It is considered that no inequality is caused to those people who had previously utilised those sections of the existing transport network that are likely to be impacted on by the proposed development.

It is considered that the following protected groups will not be affected by the transport impacts of the proposed development: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation, other groups (such as long term unemployed), social-economically deprived groups, community cohesion, and human rights.

Building Control

29th August 2019

The application will require Building Regulations approval. Please contact Cheltenham and Tewkesbury borough council on 01242 264321 for further information.

Gloucestershire Centre For Environmental Records

5th September 2019

Biodiversity report available to view.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	17
Total comments received	1
Number of objections	1
Number of supporting	0
General comment	0

5.1 17 letters were sent to neighbouring properties. In response to this publicity, 1 objection has been received. The planning objections related to;

- Impact on amenity in terms of loss of light, loss of privacy and overbearing impact.
- Design
- Over development of the site
- Highway impact

6. OFFICER COMMENTS

6.1 Determining Issues

6.2 The key issues in determining this application are considered to be (i) the principle, (ii) impact on the greenbelt, (iii) design, (iv) impact on neighbouring properties, (v) highway safety and parking.

6.3 The site and its context

6.4 As mentioned above, the application site is within the Green Belt. The north of Swindon Lane is within the Green Belt but the south is not. Dwellings to the south of Swindon Lane have a more tightly compact urban grain than dwellings along the north side of the road. Properties along this part of the north side, generally, sit on larger plots with larger gaps between semi-detached pairs which offers views of the countryside beyond.

6.5 Principle

6.6 The NPPF confirms at paragraphs 143-145 that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It goes on to say that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. It states that LPAs should regard the construction of new buildings as inappropriate. Exceptions to this are listed in the NPPF, these include infilling in villages and limited affordable housing for local community needs and infilling on previously developed sites. Neither of these two exceptions are considered to apply to this proposal.

6.7 Although the proposal involves the development in the curtilage of the existing dwelling, garden land is excluded in the definition of previously developed land for the provision of the NPPF.

6.8 Policy GB1 of the emerging Cheltenham Plan (eCP) supports limited infilling in the Green Belt. It states that, except in very special circumstances, there will be a presumption against the construction of new buildings. It does allow for limited residential infilling in existing and previously undeveloped gaps in built up frontages, however these are restricted specifically to The Reddings, Shaw Green Lane and Bowbridge Lane and is only applicable if there is no adverse impact on the openness of the Green Belt. It is acknowledged that eCP policy GB1 only carries limited weight at the time of writing.

6.9 As such, unless very special circumstances exist which may warrant an alternative conclusion, the principle of the proposal is unacceptable.

6.10 Impact on Green Belt

6.11 As mentioned above, the dwellings to the north of Swindon Lane sit on relatively large plots with larger gaps between them giving views of the countryside. These gaps help contribute to the transition from the built up area to the countryside beyond. The proposed two-storey dwelling would essentially result in the loss of this gap at first floor and its replacement would be a building. For these reasons it is considered that the proposal would have a harmful impact upon the character and openness of the Green Belt.

6.12 Design

6.13 The adopted Joint Core Strategy (JCS) for Gloucester, Cheltenham and Tewkesbury states in Policy SD4 how high quality and well thought out design is a key element in producing sustainable places. Furthermore, new development should 'address the urban structure and grain of the locality in terms of street pattern, layout mass and form.'

- 6.14** The Supplementary Planning Document: Development on Garden Land and Infill Sites in Cheltenham (SPD) provides guidance in understanding and responding to local character. The aim of the SPD is to ensure that only developments which respond successfully to the character and distinctiveness of the area are permitted.
- 6.15** The sub-division of the existing curtilage of Byways, Swindon Lane to create a new plot for a single detached dwelling would result in a plot width that is out of keeping with the street scene. Although the width does increase to the rear and plot depth is similar to those of neighbouring dwellings, the plot width at the front is considered insufficient in size to accommodate a dwelling. The plot width would result in an enclosed, cramped and contrived form of development which would appear wholly at odds with the prevailing character of this part of Swindon Lane which is characterised by larger detached dwellings and semi-detached dwellings all on wider plots.
- 6.16** The distance between the side elevations of the proposed dwelling and the boundaries of the two adjacent properties, Byways and Wayside, would be at its narrowest 800mm and 400mm respectively. Furthermore, the distance between the side elevation of the proposed dwelling and side elevation of Byways would be limited to 1.1 metres (800mm at its narrowest point). This degree of separation is considered unacceptable and again does not follow the gaps and pattern of surrounding development.
- 6.17** The proposed dwelling's eaves and ridge height are noticeably lower than both Byways and Wayside and the narrow plot width necessitates the building being set back from the front elevations/building line of both adjacent properties. The scale, design and form do not reflect the character and appearance of the neighbouring properties. As such, the proposed development would be an incongruous addition resulting in significant harm to the character and appearance of the street scene.
- 6.18** Whilst the architectural design of the proposed dwelling responds to architectural features of the adjoining dwelling, it is not considered this outweighs the harm regarding layout, form and principal of development.
- 6.19 Impact on neighbouring property**
- 6.20** Policy SD14 of the JCS states how development must not cause harm to the amenity of neighbouring occupants and this is reinforced further within Local Plan Policy CP4. The Supplementary Planning Document: Development on Garden Land and Infill Sites in Cheltenham (SPD) provides advice on understanding potential impact on neighbouring amenity.
- 6.21** There are concerns regarding the potential impact of the development on Wayside and these primarily relate to a loss of light and potential overbearing. The application proposes replacing the existing flat roof garage with a two-storey dwelling. The proposed building's height and width would be significantly larger than the existing structure.
- 6.22** Wayside has been subdivided into two dwellings. The dwelling at the front has its only bedroom and kitchen window to the side elevation. The standard 25 degree light test was undertaken as part of the application to assess the impact on these light sources. The proposal fails this test. The loss of light together with the loss of outlook would cause an unacceptable impact upon the amenities of the occupiers of Wayside. Given the height, width, footprint and location of the new dwelling, the proposal would cause an unacceptable overbearing impact on Wayside.
- 6.23** There is some discrepancy between the street scene drawings and the site as viewed during the officer site visit. The submitted drawings show the land levels are the same at Byways and Wayside however following a site visit it is clear that land levels at Wayside are lower than Byways. However, this inaccuracy is not considered to prevent the Local Planning Authority from making a decision on the application. The proposal fails the

standard light test whether the land is lower or not and there would still be an overbearing impact.

6.24 Access and highway issues

6.25 The Highways Authority has been consulted as part of the application proposal and no objection has been raised.

6.26 Other considerations

6.27 As an application for a new building in the Green Belt it is important to consider whether there are any 'very special circumstances' which may be of relevance in reaching a recommendation. The information submitted with the application has not referred to any special circumstances and there does not appear to be anything specific or unusual about this proposal in this location which should warrant such an exception.

7. CONCLUSION AND RECOMMENDATION

7.1 The proposal for one dwelling in this location has been deemed inappropriate development in the Green Belt, which would also harm its openness. The very special circumstances that are required for development within the Green Belt do not exist in this case.

7.2 The proposed development also fails to respond to the established urban grain resulting in harm to the character of the street scene and also cause unacceptable harm to the amenity of the adjoining neighbour.

7.3 For these reasons, the application is recommended for refusal.

8. REFUSAL REASONS

- 1 The proposed development constitutes inappropriate development in the Green Belt which would be detrimental to its character and openness. Existing gaps between buildings on the north side of this part of Swindon Lane contribute to the transition from the built up area to the countryside beyond. This proposal would result in the loss of this important gap and the intensification and consolidation of frontage development along the north of Swindon Lane thereby resulting in harm to the character and openness of the Green Belt.

Furthermore, the new dwelling would, by virtue of its location and general design, fail to respond to the established local character of the surrounding area and would be in complete contrast to the general pattern of surrounding development and the prevailing urban grain.

Additionally, the proposed dwelling would result in an unsatisfactory impact on the levels of amenity currently enjoyed by the occupants of the neighbouring property, Wayside, by virtue of a loss of light and an unacceptable level of overbearing.

Accordingly, the proposal is considered to be contrary to policies SD4, SD5 and SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (adopted 2017), policies CP4 and CP7 of the Local Plan (adopted 2006), the aims and objectives of the Council adopted Supplementary Planning Document: Development on Garden Land and Infill Sites in Cheltenham and NPPF sections 12 and 13.

APPLICATION NO: 19/01526/FUL		OFFICER: Mrs Victoria Harris	
DATE REGISTERED: 28th August 2019		DATE OF EXPIRY : 23rd October 2019	
WARD: Swindon Village		PARISH: PREST	
APPLICANT:	Lindsay and Rebecca Townsend		
LOCATION:	Byways, Swindon Lane, Cheltenham		
PROPOSAL:	Proposed demolition of garage and erection of a detached dwelling plus associated car parking		

REPRESENTATIONS

Number of contributors	1
Number of objections	1
Number of representations	0
Number of supporting	0

Wayside
Swindon Lane
Cheltenham
Gloucestershire
GL50 4PB

Comments: 1st October 2019

We are the owners of Wayside which is the neighbouring property to the application site and therefore will be considerably impacted by the proposed development.

We would like to make the following comments and objections which we hope you and the planning committee would support and therefore reject this application.

1. The proposed siting of this three storey house directly on the boundary with Wayside will create an unacceptable overbearance on Wayside. Wayside has many windows on the flank wall facing the proposed house and there would be a significant loss of light.
2. The Proposed window in the left hand flank wall will look out directly onto the windows and garden of Wayside and would produce an unacceptable loss of privacy.
3. The three floors of windows and doors to the rear of the proposed building will create an unacceptable loss of amenity to the rear garden of Wayside.
4. Byways was built just over 80 years ago and still retains considerable character today. The elevations are attractive painted pebbledash as is much of Wayside and many of the properties on the north side of Swindon Lane. The proposal to treat the new building with smooth render will not be an appropriate response to the local built character. The use of fibre cement slates when Wayside and Byways are treated with plain tiles is not an appropriate response.
5. Due to the close proximity to Byways and being directly on the boundary with wayside the proposal will not be subservient, rather it will have considerable impact on these two properties. Byways sits well in its grounds and the single storey garage that currently exists is an appropriate use of the proposed site. The proposed house would be an over development of the site.

6. Swindon Lane is a very busy fast road used by through traffic. The addition of another dwelling in this location will inevitably produce more vehicles and comings and goings at Byways which would be unacceptable.

APPLICATION NO: 19/01587/FUL	OFFICER: Mr Gary Dickens
DATE REGISTERED: 29th August 2019	DATE OF EXPIRY: 24th October 2019
DATE VALIDATED: 29th August 2019	DATE OF SITE VISIT: 4th September 2019
WARD: Springbank	PARISH:
APPLICANT: Mr Paul Fairbank	
AGENT:	
LOCATION: Holmlea Farm, Springbank Road, Cheltenham	
PROPOSAL: Formalisation of car park to provide 45 car parking spaces at Holmlea Farm.	

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 This application relates to Holmlea Farm, Springbank Road to the western periphery of the borough. The site is currently unoccupied and falls within the 45 hectares of land recently purchased by the Council in relation to the Cyber Central plan.
- 1.2 Prior to the Council purchasing the land, the previous owner of the farm had been providing 45 car parking spaces on an informal basis for a nearby Government Department over the previous 8 years. This use did not benefit from written planning permission.
- 1.3 In order to regularise the use of the site, the applicant is seeking a 2 year temporary permission to reinstate the provision of 45 car parking spaces within the site. The application is at planning committee as the Borough Council are the land owners. Members will have the opportunity to visit the site as part of planning view.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport safeguarding over 15m
Development Exclusion Zone (UI 121)
Hayden Water Odour Monitoring Zone
Strategic Allocations Red Line Boundary
Principal Urban Area
Smoke Control Order

Relevant Planning History:

09/00417/PREAPP CLO

Enquiry regarding enlargement and re-location of garage (approved under ref. 06/00604/FUL)

00/00915/COU NOTREQ

Toilet and shower room

02/00607/FUL 28th June 2002 PER

Conversion of outbuilding to holiday cottage (Revised Plan)

84/00246/PF 18th July 1984 WDN

Adj. To Holmlea Cheltenham Gloucestershire - Use Of Land To Store Caravans And Tourers

06/00604/FUL 15th June 2006 PER

Replacement farmhouse and garage

07/01375/CONDIT 29th November 2007 PER

Removal of condition 4 (agricultural occupancy) on planning permission ref. 06/00604/FUL for replacement farmhouse and garage

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 2 Achieving sustainable development

Section 3 Plan-making

Section 4 Decision-making

Section 9 Promoting sustainable transport
Section 11 Making effective use of land

Saved Local Plan Policies

CP 3 Sustainable environment
CP 4 Safe and sustainable living

Adopted Joint Core Strategy Policies

SD4 Design Requirements
SD14 Health and Environmental Quality
INF1 Transport Network

4. CONSULTATIONS

Building Control

5th September 2019

No comment.

GCC Highways Planning Liaison Officer

26th September 2019

No objection subject to parking management plan and yearly reporting of parking numbers & charges associated with use.

Reason - Ensuring the highway authority can address residual impacts of parking associated with overspill parking for extant planning uses.

Gloucestershire Centre For Environmental Records

5th September 2019

Biodiversity report available to view on line.

5. PUBLICITY AND REPRESENTATIONS

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

5.1 No letters were sent to neighbouring properties and the application was advertised by way of a site notice. No responses to this publicity have been received.

6. OFFICER COMMENTS

6.1 Determining Issues

6.2 The main considerations for this application are the acceptability of using part of the site for formalised car parking on a temporary basis and the impact on the highway network, together with any impact on neighbouring amenity.

6.3 Temporary use / Access and highway issues

6.4 The site lies in the vicinity of a Government Department which creates pressure for the on-street parking situation within the area. The site has been used on an informal basis for the previous 8 years to provide 45 off street parking spaces. There exists a relatively large amount of hardstanding within the site which accommodates these parking spaces and no works are needed to support this usage.

6.5 Policy INF1 of the JCS requires development to not have a severe impact on the transport network, ensuring safe and efficient access to the highway network. This unauthorised use of the site has helped alleviate the pressure on nearby roads by reducing the amount of on-street parking.

6.6 The Highways Authority has been consulted and they raise no objection subject to the submission of a parking management plan and yearly reporting on parking numbers and associated charges. Whilst these comments are duly noted, it would not seem necessary for this condition to be included as this is a temporary permission for two years. Should an application follow after two years to extend this temporary use or for the use to become permanent, then a management plan and reporting of numbers and charges should be submitted and considered accordingly.

6.7 Given the above points, the temporary use of the site as a car park is considered to be acceptable and will not adversely affect the highway network.

6.8 Impact on neighbouring property

6.9 JCS Policy SD14 and Local Plan Policy CP4 require development to not harm the amenity of adjoining neighbouring properties. The nearest residential properties are located in Sycamore Court to the east and Laburnum Court to the south, which lie approximately 75m and 65m away respectively.

6.10 It is not considered that the use of the site in this manner will have any adverse effect on neighbouring properties and it is noted that no complaints have been forthcoming during the unauthorised use of the site. Neither have any objections to this application been received. The Environmental Health Officer has been consulted and is satisfied that the level of lighting will not cause significant disturbance to occupiers of residential properties within the vicinity.

6.11 The proposal is therefore considered to adhere to JCS Policy SD14 and Local Plan Policy CP4.

6.12 Environmental Impact

6.13 Whilst records show that important species or habitats have been sighted on or near the application site in the past, it is not considered that the proposed small scale development will have any impact on these species.

7. CONCLUSION AND RECOMMENDATION

7.1 For the reasons set out above, the proposed temporary use of this land to provide 45 off street car parking spaces is considered acceptable. This use has been in existence on the site for the previous 8 years unchallenged and without complaint and will provide a (small) temporary relief to the current on-street parking pressures in this area.

7.2 As such, the recommendation to Members is to permit the application subject to the conditions below.

8. CONDITIONS

- 1 The formal car parking hereby permitted shall be removed and the land restored to its former condition on or before 17th October 2021.

Reason: The permanent use of car parking on this site may detract from the amenities of the locality, having regard to saved policies CP4 and CP7 of the Cheltenham Borough Local Plan (2006) and adopted policies SD4 and SD14 of the Joint Core Strategy (2017).

- 2 The planning permission hereby granted shall be carried out in accordance with the approved plans listed in Schedule 1 of this decision notice.

Reason: For the avoidance of doubt and in the interests of proper planning.

INFORMATIVES

- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) Order 2015 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.

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Appeals Lodged Sept/Oct 2019

Address	Proposal	Delegated or Committee Decision	Appeal Type	Anticipated Appeal Determination Date	Reference
Land off Kidnappers Lane, Leckhampton, Cheltenham	Residential development of up to 25 dwellings, associated infrastructure, open space and landscaping, with creation of new vehicular access from Kidnappers Lane, Demolition of existing buildings	Non determination	Inquiry	December 2019/January 2020	19/00334/OUT Appeal Ref: 3238462

Appeals Determined

Address	Proposal	Delegated/Committee Decision	Appeal Type	Outcome	Reference
Land adjacent to Oakhurst Rise	Outline application for residential development of up to 69 dwellings including access, layout and scale, with all other matters reserved for future consideration (revised scheme following refusal of application ref. 17/00710/OUT)	Committee	Inquiry	Appeal Dismissed	18/02171/OUT Appeal Ref: 3227293
Land To The North Lake Street Prestbury Cheltenham Gloucestershire	Erection of a single dwelling with associated garaging and private amenity space, a new turning head (to assist with service and emergency vehicles as well as other road users), and landscaping	Delegated	Written	Appeal Dismissed	18/02403/FUL Appeal Ref: 3225401
326a Prestbury Road	Erection of 6 dwellings (following demolition of existing building)	Delegated	Written	Appeal Allowed	18/01709/FUL Appeal Ref: 3227666

Authorised By: David Oakhill 04.10.2019