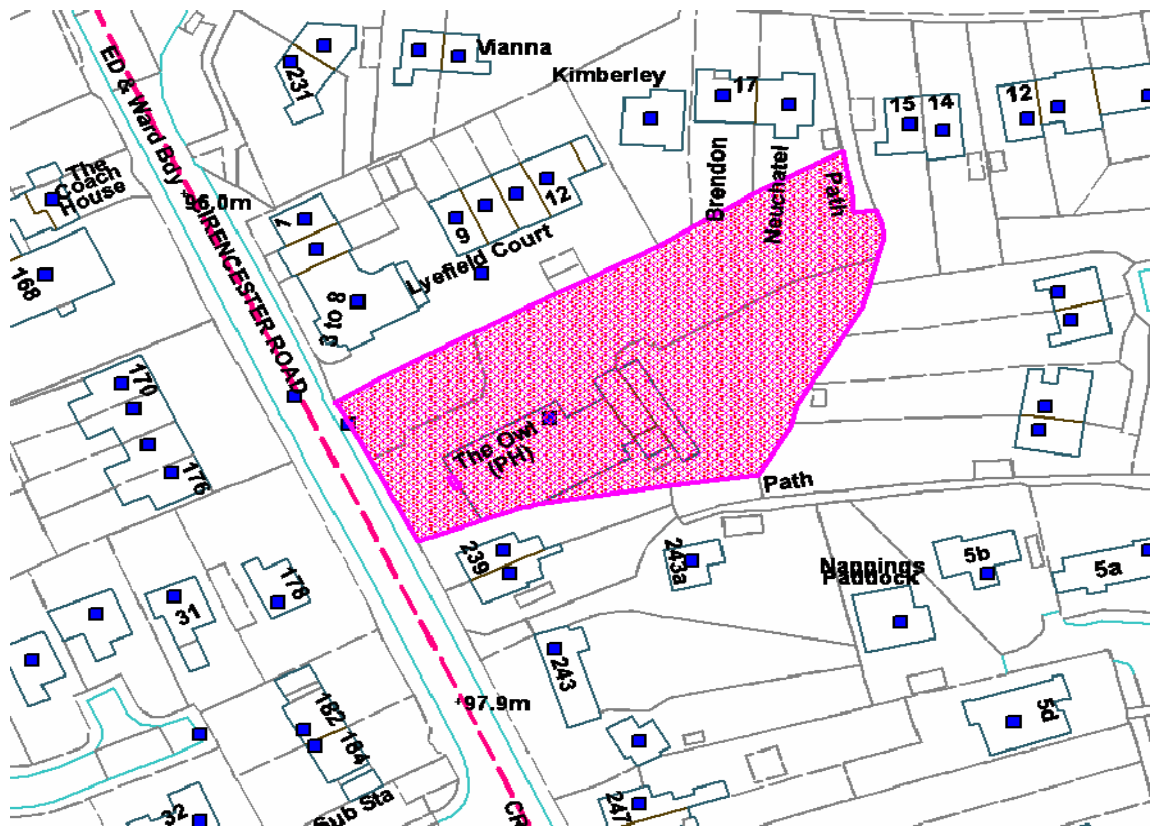


<b>APPLICATION NO:</b> 13/01902/FUL	<b>OFFICER:</b> Miss Michelle Payne
<b>DATE REGISTERED:</b> 7th November 2013	<b>DATE OF EXPIRY:</b> 6th February 2014
<b>WARD:</b> Charlton Kings	<b>PARISH:</b> Charlton Kings
<b>APPLICANT:</b>	Davmay20 Ltd
<b>AGENT:</b>	Mr David Jones – Evans Jones LLP
<b>LOCATION:</b>	237 Cirencester Road, Charlton Kings, Cheltenham
<b>PROPOSAL:</b>	Erection of 9no. dwellings, reconfiguration of site access and associated landscaping following demolition of existing building (The Little Owl Public House)

**RECOMMENDATION:** Permit



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 This is a full application for the re-development of a relatively large site on the Cirencester Road within Charlton Kings parish. The application proposes the erection of 9no. dwellings following the demolition of The Little Owl public house, together with alterations to the existing access, and associated landscaping.
- 1.2 Post submission, following negotiations with the applicant and their agent, a number of revisions have been made to the layout and design of the scheme resulting in a reduction in the number of proposed dwellings from 10 to 9. The scheme would now provide for a mix of 7no. four bedroom houses and 2no. three bedroom houses; with all of the houses benefiting from additional living accommodation at basement level.
- 1.3 The application is before planning committee following an objection from the parish council.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### **Constraints:**

Landfill Site boundary  
Public Right of Way  
Smoke Control Order

### **Relevant Planning History:**

None of any relevance to this application

## 3. POLICIES AND GUIDANCE

### Adopted Local Plan Policies

CP 1 Sustainable development  
CP 3 Sustainable environment  
CP 4 Safe and sustainable living  
CP 7 Design  
HS 1 Housing development  
RC 1 Existing community facilities  
RC 6 Play space in residential development  
TP 1 Development and highway safety

### Supplementary Planning Guidance/Documents

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

### National Guidance

National Planning Policy Framework

## 4. CONSULTATION RESPONSES

### **GCER**

*15th November 2013*

The data search for this site is based on the grid reference supplied by CBC, which is assumed to be located at the centre of the planning application site. GCER searches for all data within 250m of the grid reference. The provision of this data shows that important species or habitats are present on or near the proposed development site; however it does

not show that important species or habitats are not present or not affected by the development.

### **Environmental Health**

*22nd November 2013*

In relation to application 13/01902/FUL for the site of the Little Owl Public House, 237 Cirencester Road, Charlton Kings, Cheltenham, GL53 8EB please can I add the following conditions and informative:

Condition: For the construction phase to be kept within the times of work as stated: "No construction work at the site is to take place outside the hours of 7:30am - 6:00pm Monday - Friday and 8:00am - 1:00pm Saturdays."

Reason: To protect the amenity of residents of nearby residential property

This proposal includes an amount of demolition of existing buildings, this will inevitably lead to some emissions of noise and dust which have a potential to affect nearby properties, including residential property. I must therefore recommend that if permission is granted a condition is attached along the following lines:

Condition: The developer shall provide a plan for the control of noise, dust, vibration and any other nuisances from works of construction and demolition at the site. The plan should also include controls on these nuisances from vehicles operating at and accessing the site from the highway. Such a plan is to be submitted to and approved by the Local Planning Authority before work commences on site.

Reason: To protect local residents

Query: within the application there is a mention of crushing works to be completed during the demolition work - please can I request further information on this in relation to the period of time when crushing is expected to take place and also if the developer will be approaching the Council's Environmental Protection Team in order to agree suitable limits on the levels of noise being produced by construction and demolition activities at the site. This is likely to take the form of an agreement under section 61 of the Control of Pollution Act 1974.

Informative/Query: Please could I ask what type of sound insulation scheme is intended for the windows in the residential units for protecting the habitable rooms from noise road traffic?

### **Parish Council**

*26th November 2013*

#### **OBJECTION**

- Inadequate car parking allocated.
- Density of site housing excessive.
- Concern over right of way and access to it from adjacent properties. Access & egress from site considered dangerous.
- Concerns over trees (Lombardy Poplars) and maintenance of same and site. Due to height of development there are light concerns and oversight into bedrooms on adjacent homes. Drawings need checking as one has a 20m high brick wall, not in keeping with surrounding properties.

### **Tree Officer**

*28th November 2013*

There are several anomalies and further clarification required within the application:

1) The existing line of young Lombardy Poplar trees along the northern side of this site are marked as being retained on Proposed Site layout Drawing P003 as well as The Proposed Street Scenes Drawing P008 where it is stated that the 'Poplar trees to boundary in front of new houses', whilst the Arb Report Para 3.3 describes this line of poplars to be removed. The Tree Section is in agreement with the arb consultant in his description that the line of poplars are 'unsuitable for long term retention because of possibility of causing structural damage'-this species in maturity have a very high water demand and anecdotal experience indicates that such trees are prone to failure thus adjacent property on and off the site will succumb to increased levels of risk as well as a potential source of anxiety for adjacent residents.

Similarly the tree Constraints Plan demonstrates that if allowed to grow to full height, that such trees will cast shadow onto properties on Lyefield Court. Any such privacy/screening will only be effective during periods when the trees are in leaf. Also, it is not clear who is to own/manage/take responsibility for these (or any alternative tree replacement) trees should the proposed development proceeds. As such if this proposal is to receive permission, it is recommended that these poplars are removed and an alternative replacement species is planted which will be more harmonious within the site context in the longer term.

2) The proposed Street Scenes drawing shows the retained poplars situated within what can only be described as a raised planter. It is not clear how such altered soil levels of the rooting areas are to be treated should the planters. Such a reduction in soil level is likely to remove 1 metre depth of soil (approx) less than 2 metres from the trunk and within the root protection area. Trees will likely not tolerate such a reduction of soil level.

3) There is a cypress hedge (G3 as per arb drawing) outside the site but within it's sphere of influence if allowed to grow to full height and likely cause significant shading on the site (see Tree Constraints plan). Account should be taken during the design of the site such a hedge be retained into the future-its future management lies with the hedge owner not with those who may become affected (unless any formal High Hedge Complaint results in a remedial notice being served on the owner. Such remedial notices do little to foster good relations between neighbours.

Incidentally, the Block Plan P002 shows the extent of the property boundary extending beyond the position of the close boarded fence currently acting as a site boundary. Similarly the Block Plan also shows the extent of the boundary beyond the position of the current fence line.

As such whilst no tree on site is of TPO'able quality, the Tree Section cannot support the current application in its current form.

### **Crime Prevention Design Advisor**

*28th November 2013*

In my capacity as Crime Prevention Design Advisor for Gloucestershire Constabulary I would like to express some concerns about the planning application at Cirencester Road, Charlton Kings with reference number 13/01902/FUL.

I would like to draw your attention to the site specific comment available on the accompanying site plan title 13.01902.FUL - Cirencester Road, Charlton Kings site plan.

### Crime and Disorder Act

Gloucestershire Constabulary would like to remind the planning committee of their obligations under the Crime and Disorder Act 1998, Section 17 and their "duty to consider crime and disorder implications (1) Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various

functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area."

#### Design and Access Statement

This application's Design and Access Statement has briefly mentioned crime prevention and site security, however further information would be appreciated to answer the following concerns:

- The design of this development should address the possibility of criminal activity as a result of the increased permeability offered by the footpath
- The description of the garage will be cluttered and congested, whether this building is used for vehicles or storage the construction and security features should be considered
- The use of copper as an architectural detail should be included with care; the desirability of copper should necessitate the need for security fixings, forensic marking or replica materials.
- The adoption of the Secured by Design standards would address security needs for the garden sheds
- The bins and caddies need to be sensitively stored in order to remove the street clutter

As part of the sustainability assess, security should have been incorporated as this will affect the present and long term future of this development.

"Security and personal safety are matters that are generally taken for granted, but crime and the fear of crime has a significant impact on the way we live. Careful design of the built environment can reduce opportunities for crime and improve feelings of safety." Cheltenham Supplementary Planning Guidance - Security and Crime prevention

#### Planning Policy

Cheltenham Borough Council's Local Plan which contains Policy CP 4:

*Development will be permitted only where it would:*

*(c) make adequate provision for security and the prevention of crime and disorder;*

*and*

*(b) not, by nature of its size, location, layout or design to give rise to crime or the significant fear of crime or endanger public safety.*

Paragraph 58, National Planning Policy Framework, DCLG 2012

*"Create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion."*

#### Crime and the Carbon Footprint

In the last 12 month 8 crimes have occurred in the surrounding streets:

2 Burglaries

4 vehicles intentionally damage

2 forced entry into a garden

The carbon cost of crime is based on a formula created by Prof Ken Pease for converting the financial costs of crime into the energy expenditure of the emergency services and criminal justice service as they respond to criminal events. In Gloucestershire this roughly equates to 257,012 tonnes of CO2 generated in 2012, with Cheltenham contributing 65,680 tonnes of CO2. Over the past 12 months 201 crimes occurred in Charlton Kings which generated 452.6 tonnes of CO2.

### Secured by Design

Secured by Design focuses on crime prevention of homes and commercial premises and can reduce crime by 60%. To assist in achieving these security levels the door sets and windows installed in these buildings should comply with BS PAS 24:2012. Laminated glazing should also be used on glazed door panels, windows adjacent to doors and any additional glazing which is easily accessible to provide additional security and resilience to attack.

### **Cheltenham Civic Society**

*5th December 2013*

We liked the innovative design, which makes good use of the space, in particular on account of the basement dining rooms.

### **Architects Panel**

*13th December 2013*

#### 2. Is the information sufficient to understand the application?

Yes - the presentation was clear and comprehensive.

#### 3. Context

Predominantly two-storey housing of mixed ages and styles, but generally traditional. Part three storey development immediately adjoining to the north.

#### 4. Massing and Scale

Houses on road appropriately scaled with a traditional form. Simple, robust and successful. Houses to rear appear slightly over scaled due to boxy, contemporary style that makes the whole scheme incoherent. Is the rear of the site a bit too dense?

#### 5. External appearance

Traditional, simple appearance with modern touches works well on street, but contemporary style to rear less successful with fussy modelling trying to break up boxy forms.

#### 6. Detailing and materials

Simple, robust mix of traditional and modern materials to street quite pleasing, but fussy interaction of elements to rear is less successful.

#### 7. Environmental design

No apparent inclusion of any renewable energies or specific environmental design.

#### 8. Summary

We were unsure why the units to the rear adopted their contemporary style when a successful approach was already working to the street.

#### 9. Recommendations

We could not support this application in its current form and would suggest that the design of the street units be used to the rear as well.

### **GCC Highways Planning Liaison**

*5th February 2014*

I refer to the above planning application received on 7th November 2013 with revised plan no: P003 Rev E.

The existing use on the site is a public house (A3) of 587sqm with 30 car parking spaces (according to the application form), this is the accepted fallback position, i.e. what the site

can be used for without the need for further planning permissions. The proposal is now for 9 dwellings with 18 dedicated car parking spaces. A Transport Statement (TS) dated October 2013 has been submitted to assess the impact of the development upon highway safety, the TS assessed the impact of 10 dwellings however the proposal has now been reduced to 9 dwellings, and given the reduced impact upon the highway the TS is still accepted.

The TS clearly demonstrates that although there may be a few extra vehicles on the network during the AM peak (08:00-09:00), the impact of the development during the PM peak (17:00-18:00) would be significantly reduced with a reduction of 29 vehicular movements, and a total reduction over the 24 hour period of 268 two-way movements, it is for these reasons that it would be unreasonable to recommend refusal on impact upon the highway network.

With regards to the vehicle access, the proposed development will make use of existing access location, albeit with minor amendments, the same level of visibility will be available to the north and south. Although the access point will be narrowed the general arrangement will be improved and formulised as a result of the development, therefore it would not be reasonable to recommend refusal on the basis of the site access, especially with the significant reduction in number of vehicle movements.

Two dedicated car parking spaces are being provided within the site for each dwelling and this is considered to be an acceptable level. 2 on street visitor spaces are also being provided which would accord with local standards, and notwithstanding this a 6m shared surface road is being provided which will also accommodate a certain level of additional on street parking. Parking already occurs on Cirencester Road itself without evidence of severe or significant highway safety dangers occurring, therefore should vehicles be forced to park on Cirencester Road highway safety should not be significantly compromised, this could happen at the moment should the pub car park be full.

The proposed layout is considered appropriate for the level of development, with the shared surface (6m) and service strip (2m) being a suitable width to accommodate both pedestrians and vehicles, including vehicle parking, and the services required to serve the development. A turning area suitable for a 9.86m long refuse has been provided and is considered suitable, I appreciate the tracking shown on drawing B/EJLITTLEOWL.1/01 Rev A has been completed on a slightly different layout to the revised plan (P003 Rev E), however the adoptable turning area is the same and is accepted.

According to our records public footpath ZCK/45/2 runs through the site, this path needs diverting under the Town & Country Planning Act 1990. It should be processed before any construction can take place. **However, it should be noted that this would be subject to public consultation and potential objections, which could lead to the extinguishment/diversion order ultimately failing.** Until an order has been made, confirmed in writing and brought into operation, the legal line of a public right of way remains unaltered. **As it is a criminal offence to obstruct the highway (including public rights of way) without lawful authority or excuse, any development works or building materials on the line of the path will render the development liable to prosecution.** The granting of planning permission does not in itself constitute authority for any interference by a Developer with a public right of way. Before a right of way can be legally diverted or extinguished, Gloucestershire County Council must agree to make an order.

The National Planning Policy Framework says that although safe and suitable access should be provided, *'development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe'*, given the significant reduction in number of vehicle movements it would be unreasonable to recommend refusal on this application on highway safety grounds.

**I recommend that no highway objection be raised subject to the following conditions being attached to any permission granted:-**

1) *No dwelling on the development hereby permitted shall be occupied until the access roads, including surface water drainage/disposal, vehicular turning heads, street lighting, and footways where proposed providing access from the nearest public road to that dwelling have been completed to at least binder course level in accordance with the submitted plans, and those access roads, shall be retained and maintained in that form until and unless adopted as highway maintainable at public expense.*

*REASON: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway.*

2) *No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been 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: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway.*

**Note: The applicant is advised that to discharge condition 2 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) *The car parking (including garages and car ports where proposed) and manoeuvring facilities serving each dwelling shall be completed in all respects in accordance with the submitted details (drawing number: P003 Rev E) prior to the occupation of that dwelling and shall be similarly maintained thereafter for that purpose.*

*REASON: To ensure an acceptable level of car parking and appropriate manoeuvring facilities are provided and maintained, in the interests of highway safety.*

4) *No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:*

- *the parking of vehicles of site operatives and visitors*
- *loading and unloading of plant and materials*
- *storage of plant and materials used in constructing the development*
- *wheel washing facilities*

*REASON: To minimize disruption, congestion and hazards on the public highway, in the interests of highway safety.*

#### **INFORMATIVES:**

1) The proposed development may require an amendment to the footway crossing and the Applicant/Developer is required to obtain the permission of the County Council before commencing any works on the highway.

2) The Road Traffic Act 1988, Section 34, makes it an offence to drive a motor vehicle without lawful authority on any footpath. The applicant is advised they need to be able to demonstrate they have an existing private vehicular right and therefore have "lawful authority". If the applicant is unable to prove an existing private vehicular right they must



gain the written consent of the landowner and then apply to the Highway Authority for a licence to permit them to drive motor vehicles on the footpath.

3) In the interests of highway safety, the public footpath must not be obstructed or encroached upon, the surface damaged or made dangerous during or after works. The applicant is advised to contact the Gloucestershire County Council Public Rights of Way Team on 01452 425577.

4) The site is affected by a Public Right of Way and a diversion order will be required, the applicant is advised to contact the Gloucestershire County Council Public Rights of Way Team on 01452 425577

#### **Tree Officer – revised comments**

*10th February 2014*

The Tree Section has no objection to this application. However it is not clear from the plans if T1 (Norway maple) is to be retained. If so this needs to be made clear and protection as described in the Arb Report needs to be installed prior to the commencement of all works on site. Similarly G1 (the conifer hedge) situated outside the site needs its root protection area protected as per the specification in the Arb report.

The new revised site plans say that the line of Lombardy poplars and a new “birch hedgerow” is to be planted. It is not clear what is meant by “hedgerow”-it is presumed that this is meant to read “line of trees” as birch do not make hedging material! As such please could a detailed description as a part of a wider landscaping scheme be submitted and agreed. Details of the birch must include, number of trees to be planted, species, size, root type and tree pit details. Similarly other new trees are marked on this drawing and as such details of these trees must be submitted and agreed by this LPA prior to the commencement of construction.

#### **Parish Council – revised comments**

*11th February 2014*

##### **OBJECTION**

- Plans contradictory (9 or 10 homes)
- 1st floor window overlooking neighbour (less than 10m)
- Concerns over public footpath and access to the same for existing users
- Insufficient car parking.

## **5. PUBLICITY AND REPRESENTATIONS**

5.1 Letters of notification were sent out to 36 neighbouring properties on receipt of the original application. A further 39 letters of notification were sent out to advise of the revised plans.

5.2 In response to the publicity, objections have been received from 12 local residents; all of the comments received have been circulated to Members in full, but the main objections relate to:

- Loss of existing public house/community facility
- Car parking/highway safety
- Height/scale
- Overdevelopment
- Out-of-keeping
- Loss of privacy/light
- Diversion of right of way

## 6. OFFICER COMMENTS

### 6.1 Determining Issues

6.1.1 The main considerations when determining this application relate to the principle of redevelopment, design and layout, impact on neighbouring amenity and the locality, and highway safety.

### 6.2 The site and its context

6.2.1 The application site is located on the eastern side of Cirencester Road, just south of the junction with Garden Road; it is irregular in shape, some 0.28 hectares in size and is bounded by residential properties in Lyefield Court, Cirencester Road, Bradley Road and Garden Road. The character of the area is clearly residential and, whilst there is no one particular style or type of dwelling which predominates, the surrounding developments are all traditional in appearance.

6.2.2 The site is currently occupied by The Little Owl public house, which ceased trading on 1st October 2013. The original building, which is shown on the 1884 OS map, is an attractive white rendered building beneath a pitched slate roof but has been quite significantly extended over the years and adopts a large footprint towards the south-western corner of the site. A pub garden is provided to the rear of the building, with a terrace to the front, and car parking extends the full depth of the site to the north. A public right of way enters the site in its north-eastern corner and passes through the car park to the Cirencester Road.

6.2.3 A row of young Lombardy Poplar trees line the northern site boundary; whilst there was a discrepancy in the original submission which led to some confusion as to whether these trees were to be removed or retained, it has since been confirmed that the trees are to be removed, as indicated on the revised proposed site layout drawing.

### 6.3 Principle of redevelopment

6.3.1 Much objection has been raised in relation to the loss of the existing public house and its function room however it is not afforded any policy or legislative protection.

6.3.2 Although local plan policy RC1 states that “*development that leads to a loss of land or premises which meet the needs of the community will not be permitted, unless: (a) the use is replaced within the new development; or (b) alternative provision is made in an appropriate location; or (c) there is no longer a need for the site to remain in community use*”, the preamble to the policy does not make any reference or inference to public houses.

6.3.3 This view is supported by an appeal decision at The Greyhound public house (APP/B1605/A/08/2088458) in which the Inspector stated “*even if policy RC1 properly applies to public houses, contrary to my understanding, it does not follow that the appeal proposal is contrary to the policy given the availability of adequate alternative facilities.*”

6.3.4 There are alternative pubs that remain open within the wider Charlton Kings area; one of which, The Clocktower, is within easy walking distance of the Little Owl, just some 250 metres away, whilst The Royal, in the heart of the village, is within 900m of the site. With this in mind, officers are satisfied that the loss of the public house and the redevelopment of the site for housing is acceptable in principle subject to a satisfactory scheme for redevelopment.

### 6.4 Design and layout

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

6.4.2 The Council's adopted SPD 'Development on Garden Land and Infill Sites in Cheltenham' sets out that various elements combine to create the character of an area and include grain, type of building, location of buildings within the block or street, plot widths and building lines and goes on to state that *"Responding to character is not simply about copying or replicating what already exists in an area. It is not merely about preservation of what is important about a place but must also allow a place to evolve in a manner which is appropriate to the context of the place, seeking always to enhance a place"*.

6.3.3 In the area surrounding the site the pattern of development varies greatly with different sized plots, different types of dwelling, and inconsistent building lines. As a result, there is no one distinct character for this development to conform to, though it does seek to maintain a traditional form of building at the front of the site.

6.4.2 As originally submitted, the proposal was considered to be an overdevelopment of the site which resulted in an awkward and disappointing layout. However, during the course of the application, the scheme has undergone a number of significant revisions since its original submission in response to concerns raised by consultees and officers. Most notably, the number of units has been reduced from 10 to 9, and the second floor to the units at the rear of the site has been omitted.

6.4.3 Though the Civic Society was supportive of the scheme as originally submitted, the Architects' Panel criticised it suggesting that whilst the houses at the front were *"appropriately scaled with a traditional form"* and *"Simple, robust and successful"*, the houses to the rear were less successful due to their *"boxy, contemporary style that makes the whole scheme incoherent"*.

6.4.4 Whilst the revised scheme retains the overtly contemporary buildings to the rear of the site, officers consider that the introduction of a modern mix of materials to the traditional form of the frontage terrace will provide an effective transition between old and new, and that the interesting palette of materials throughout will provide for a high standard of design which will sit well in its context.

6.4.5 Following revisions, the layout of the development is much improved and has resulted in the provision of larger private gardens, which are more commensurate with the size of the dwellings, together with a significant reduction in the extent of hard surfacing throughout the site. The revisions have also overcome some of the detailed concerns raised by the Crime Prevention Design Advisor in their response.

6.4.6 Additionally, the omission of the second floor to plots 8 and 9 at the rear site will achieve a hierarchy of development within the block, the importance of which is set out within the garden land SPD.

6.4.7 In conclusion, in its revised form, the proposed redevelopment scheme is considered to be of a suitable scale, height, massing and footprint, and would sit comfortably within its context. The development would therefore be in accordance with local plan policy CP7.

## 6.5 Impact on neighbouring property

6.5.1 Local plan policy CP4 advises that development should avoid causing unacceptable harm to the amenity of adjoining land users and the locality.

6.5.2 Officers acknowledge that by its very nature this proposal would undoubtedly have an impact on neighbouring properties however it is not considered that any of the resultant impact would be to an unacceptable degree.

6.5.3 In respect of privacy and outlook, splayed oriel windows with obscure glass where necessary have been introduced to the rear of plots 4, 5, 8 and 9 to ensure that outlook from upper floors would be restricted to within the site and as a result, the proposal would not compromise existing privacy levels.

6.5.4 In addition, officers consider that the proposal would have only a very limited impact on levels of sunlight reaching neighbouring gardens. Furthermore, officers do not consider that the development would be overly oppressive in terms of outlook from neighbouring properties.

6.5.5 In conclusion, following revisions to the scheme, officers are satisfied that the proposed development complies with the aims and objectives of policy CP4 and would not cause undue harm to the amenity of neighbouring land users or the locality.

## 6.6 Parking and highway safety

6.6.1 Local plan policy TP1 seeks to limit development which would endanger highway safety.

6.6.2 As set out in the detailed Highway comments above, the application has been accompanied by a Transport Statement which clearly demonstrates that although, when assessed against the use of the site as a public house, there may be a few extra vehicles on the network during the AM peak (08:00-09:00), the impact of the development during the PM peak (17:00-18:00) would be significantly reduced and a total reduction over the 24 hour period of 268 two-way movements. Based on the information within this statement, the Highways Officer has advised that *“it would be unreasonable to recommend refusal on impact upon the highway network”*.

6.6.3 The scheme would provide for two allocated car parking spaces per dwelling within the site together with two visitor spaces. Moreover, the 6m wide shared surface road could accommodate a certain level of additional parking.

6.6.4 The proposal therefore accords with policy TP1.

## 6.7 Other considerations

6.7.1 As mentioned previously, a public right of way currently enters the site in its north-eastern corner and passes through the existing car park to the Cirencester Road; this footpath would need to be diverted to enable the development to take place. Before a diversion can take place, Gloucestershire County Council must agree to make an order. However this is not a reason to withhold planning permission; the granting of a planning permission does not negate the need to obtain an order. An informative is suggested to advise the applicant of the need to obtain an order, and that it is a criminal offence to obstruct a highway (including public rights of way) without lawful authority or excuse.

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

6.7.3 Noise and vibration during demolition and construction have also been raised as a concern but this is a matter that would normally be adequately controlled by Environmental Health. An informative is suggested to notify the applicant of the

acceptable working hours set out in the Council's 'Code of Good Practice – Building and Demolition Site Operators'.

## **7. CONCLUSION AND RECOMMENDATION**

- 7.1 The loss of the existing public house is considered to be acceptable in principle subject to a satisfactory scheme for redevelopment. The building is not listed or locally indexed, and it located outside of the conservation area. Furthermore, the preamble to policy RC1 does not make any reference or inference to public houses and therefore the property is not afforded any policy or legislative protection.
- 7.2 As revised, the proposed dwellings are of a suitable scale, height, massing and footprint for the site and would sit comfortably within their context.
- 7.3 The scheme has been carefully considered to ensure that the proposed dwellings could be comfortably accommodated within the site without causing unacceptable harm to neighbouring amenity in respect of privacy, daylight or outlook.
- 7.4 In addition, the proposal would not have a severe impact on highway safety, and no Highway objection has been raised.
- 7.5 Therefore, the recommendation is to grant planning permission subject to conditions.

## **8. CONDITIONS / INFORMATIVES**

To follow