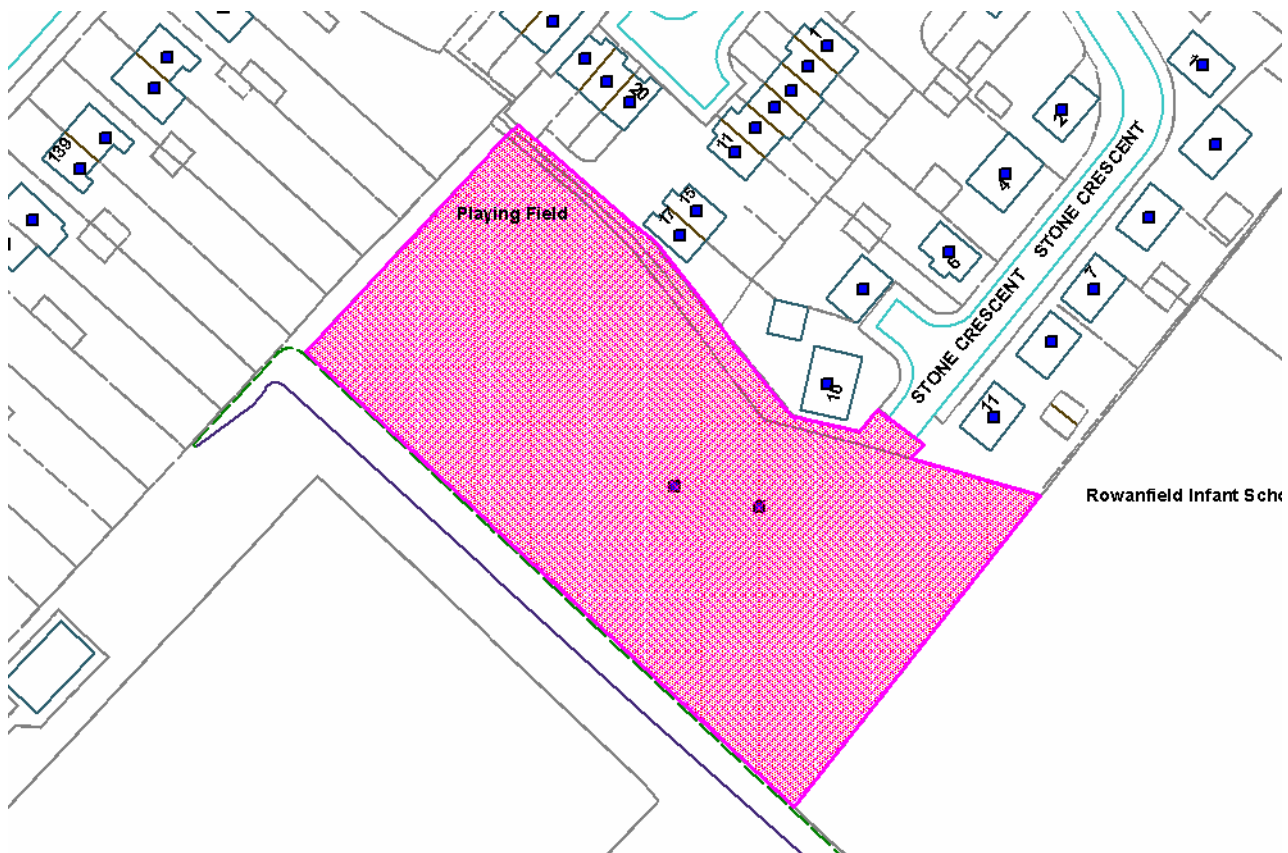


APPLICATION NO: 14/01276/OUT	OFFICER: Miss Michelle Payne
DATE REGISTERED: 11th August 2014	DATE OF EXPIRY: 10th November 2014
WARD: St Marks	PARISH: None
APPLICANT:	Gloucestershire County Council
AGENT:	SF Planning Limited
LOCATION:	Land off Stone Crescent, Cheltenham
PROPOSAL:	Outline application for residential development

RECOMMENDATION: Permit subject to a 106 Obligation



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site comprises a roughly rectangular piece of land, 0.55 hectares, to the north of the King George V playing field in St. Marks. The site is fenced off from the playing field and does not form part of the designated Public Green Space.
- 1.2 The surrounding area to the north is largely residential - the land to the north-east (through which the proposed development site would be accessed) having been developed for housing in the early 2000s. Rowanfield Primary and Junior Schools are located adjacent to the eastern site boundary.
- 1.3 The application is seeking outline planning permission for the residential development of the site with all matters, with the exception of access, reserved for future consideration. Access to the site would be provided from Stone Crescent.
- 1.4 The application is before the planning committee as Gloucestershire County Council is the applicant and land owner.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Landfill Site boundary

Relevant Planning History:

None

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 1 Sustainable development
CP 3 Sustainable environment
CP 4 Safe and sustainable living
CP 7 Design
GE 1 Public green space
GE 2 Private green space
GE 5 Protection and replacement of trees
GE 6 Trees and development
NE 1 Habitats of legally protected species
HS 1 Housing development
RC 6 Play space in residential development
TP 1 Development and highway safety

Supplementary Planning Guidance/Documents

Affordable housing (2004)
Amenity space (2003)
Flooding and sustainable drainage systems (2003)
Landscaping in new development (2004)
Planning obligations (2003)
Planning obligations: transport (2004)
Play space in residential development (2003)
Security and crime prevention (2003)

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

Contaminated Land Officer

31st July 2014

No comment.

Cheltenham Tree Group

4th August 2014

We have no objections, subject to implementation of the tree protection measures recommended in the Tree Survey, AND any other requirements requested by the Trees Officer.

Crime Prevention Design Advisor

14th August 2014

I write with reference to the above planning application. The content contained within this letter refers specifically to designing out crime. Taking steps to ensure the security of the proposed development is adequate will provide reassurance to residents currently living within the area.

Research conducted by Secured by Design (the Police crime reduction initiative to encourage security to be considered in design) has proven that SSD developments are half as likely to be burgled, have two times less vehicle crime and show a reduction of 25% in criminal damage, thereby increasing the sustainability of a development.

The following points outline some of the key features of designing out crime:

- Surveillance opportunities should be maximised with homes positioned to face each other.
- Parking spaces should be situated within the curtilage of the dwelling or where they are overlooked by houses. Parking courts should be small.
- More security is offered where the access to the rear of homes is limited. All rear boundaries should be a minimum of 1.8m high and of solid construction (close boarded fencing, for example). Where surveillance needs to be maximised the fencing can be 1.5m high with a 300mm trellis topping.
- Permeability needs to be appropriate, should serve a purpose and should not compromise the security of individual dwellings. Paths which run to the rear and side of properties are strongly discouraged as these increase opportunities for burglary. Routes should be shared where possible as this increases the number of users and provides more security by reducing isolation. Any segregated paths must be wide, overlooked and as straight as possible. Excessive permeability can make a development more attractive to a burglar as it increases the number of escape routes.
- All properties should have clearly defined defensible space. It should be clear where public areas end and private begin.

It is recommended that the development is built to meet Secured by Design standards. Secured by Design (SBD) is a police initiative owned by the Association of Chief Police Officers (ACPO), to encourage the building industry to adopt crime prevention measures in the design of developments. It aims to assist in reducing the opportunity for crime and the fear of crime, creating a safer and more secure environment, where communities can thrive.

Tree Officer

3rd September 2014

The Tree Section does not object to this outline application.

However it is important that the strip of land 3-4 metres wide which runs along the northwest boundary of the site and to the rear of the back gardens of properties on Brooklyn Rd is included within this site or otherwise disposed of. This land appears to be in ownership of the Cheltenham Borough Council and CBC Tree Section has been managing the large oak tree which the included Tree Survey states that ownership is unclear (T10). If this land is excluded from this site, management of the excluded land will be very difficult indeed/impossible.

It is critical that this is addressed prior to determination.

Any full application needs to include an Arb Method Statement, Tree protection Plan and a detailed Landscape Plan submitted as a part of the initial application process.

County Education

17th September 2014

Thank you for giving us the opportunity to comment on the above planning application. I have prepared a formal assessment detailing the planning obligations required by Gloucestershire County Council (GCC) from this proposed development of up to 13 dwellings at Stone Crescent, Cheltenham.

GCC is the relevant authority for education, highways and various other community services. It is responsible for determining and negotiating contributions towards these services which include education, libraries, community care, fire and rescue, transportation strategy, sustainable transport issues, pedestrian and cycle routes. The Development Control group within Environment Directorate, will co-ordinate GCC's response on highway / transportation issues.

I have considered the impact of this development on local education and the community resources for which GCC is responsible and whether planning obligations are relevant. This follows requirements and standards that are used by GCC elsewhere in Gloucestershire and also meets national practice. I set out below the planning contributions that will be required from this development.

1. GENERAL

- a. Assessments of GCC requirements centre on CIL Regulations 2010 (section 122 and 123) and National Planning Policy Framework March 2012 (paragraphs 203-206). Planning obligations will be sought where they are necessary to make the development acceptable in planning terms, directly related and are fair and reasonable in relation to scale and location of development proposed.
- b. Contributions are ring-fenced for capital works specified by GCC, held in independent accounts and are not interchangeable.

- c. GCC will account for unspent contributions, expenditure and accrued interest. Unless programmed or otherwise agreed, unused contributions are returnable, with interest, to the developer.
- d. The s106 will be between GCC, the landowner and developer. The developer must meet GCC's legal and technical costs in preparing the agreement/s.
- e. All contributions are bonded and indexed.

2. EDUCATION

- a. GCC is a Children's Services Authority (CSA) whose aim is to improve the co-ordination of services that affect children and young people such as:-
 - i. Education
 - ii. Social services - where they relate to children and young people
 - iii. Health services - where the CSA acts for organisations such as the NHS.
- b. New residential development gives rise to new pupils in relation to the type and numbers of new dwellings. There are direct linkages between the number of dwellings and number of pupils. GCC has to ensure sufficient accommodation for new pupils if existing schools do not have spare places or there are insufficient or no schools local to the development. There is justification at national, regional, county and local level for requiring contributions to local early years, primary and secondary facilities where evidence indicates and justification shows that that this would be reasonable.
- c. Contributions will be indexed to the Department for Education (DfE) annual cost multipliers or any replacement thereof deemed relevant by the Council to maintain the proportionate value of contributions and to ensure payment.
- d. When assessing education contributions GCC's criteria for a 'Qualifying Dwelling' is a house without age or health occupancy restrictions and with 2 or more bedrooms i.e. family accommodation. Flats and one bed houses are therefore excluded as they are occupied by lower number of pupils compared to houses.
- e. This proposal is for up to 13 dwellings which I assume are all qualifying dwellings. I have provided a review clause to account for any change to this.
- f. Affordable or social housing contributes to local education infrastructure requirements in the same proportion as open market housing.
- g. The County has reviewed and analysed the number of pupils at different development/dwelling types across the county. This shows that 7 pre-school, 25 primary and 15 (11-18 year olds) secondary pupils arise per 100 dwellings.
- h. Early Years requirements
This proposal will produce less than 1 pre-school child therefore no justification for a pre-school contribution.
- i. Primary requirements
 - i. The nearest primary school is Rowanfield Infant and Junior Schools. The pupil forecast data indicates there will be 2 spare spaces at these schools.
 - ii. In accordance with 2g above, 13 qualifying dwellings would give rise to 3.25 primary pupils. Taking the spare places into consideration there will be a shortfall of 1.25 primary places for whom contributions will be required to extend, remodel, upgrade and improve the capacity and suitability of these schools.
 - iii. The DfE pupil capital cost multipliers are £11,692 per primary pupil which is a fair and reasonable estimate of the current cost of providing pupil places.

- iv. **This proposal will be required to pay a primary education contribution of $1.25 \times \text{£}11,692 = \text{£}14,615$** to be used towards capital works to extend, remodel, upgrade and improve the capacity and suitability of Rowanfield Infant and Junior Schools. If the number of qualifying dwellings change from 13, this contribution will be increased or decreased by £2,923 per qualifying dwelling.
 - v. This contribution will be payable 6 months after commencement.
- j. Secondary requirements
- i. The nearest secondary school is All Saints Academy and Bournside.
 - ii. Current forecast data indicates there will be a shortage of secondary school places in the Cheltenham education planning area and as this development will increase the demand for places contributions will be required to extend, remodel, upgrade and improve the capacity and suitability of Cheltenham secondary schools.
 - iii. In accordance with 2g above, 13 qualifying dwellings would give rise to 3.25 primary pupils. Taking the spare places into consideration there will be a shortfall of 1.25 primary places for whom contributions will be required to extend, remodel, upgrade and improve the capacity and suitability of these schools.
 - iv. The DfE pupil capital cost multipliers are £17.832 per secondary pupil which is a fair and reasonable estimate of the current cost of providing pupil places.
 - v. **This proposal will be required to pay a secondary education contribution of $1.95 \times \text{£}17,832 = \text{£}34,772$** to be used towards capital works to extend, remodel, upgrade and improve the capacity and suitability of secondary schools in Cheltenham education planning area. If the number of qualifying dwellings change from 13, this contribution will be increased or decreased by £2,674 per qualifying dwelling.
 - vi. This contribution will be payable 6 months after commencement.

3. COMMUNITY SERVICES - LIBRARIES

Library contributions are not sought from a development of this size.

4. SUMMARY

- a. Planning obligation contributions will not be required for pre-school education or libraries but contributions will be required for primary and secondary education.
- b. This assessment may change if the residential mix is altered. It will also vary with time and should be considered valid for 3 months from the date of this letter. After this time we may review the assessment.
- c. I have not considered the implications on other County Council functions e.g. highways, public transport and network improvements. The Environment Directorate will provide views on sustainability issues and the technical viability of access to the site for this change of use.
- d. These comments are made without prejudice to any other functions for which GCC, the Highways Agency or the Borough Council have responsibility e.g. highways and transportation, or any stance GCC may take at inquiry, appeal, re-application etc and are made at officer level. GCC members' opinions may differ from my comments. These views do not imply any comment about the merits or otherwise of any development at this site.

Architects Panel

23rd September 2014

The panel generally felt that the site was suitable and the layout logical. Whilst it was appreciated that this was an outline application, it was felt that a greater a mix of house type could be beneficial. The panel would therefore support this application.

Social Housing

20th November 2014

Level of Affordable Housing Provision

The outline application does not define the numbers of dwellings intended for the site.

Local Plan Policy HS4 states that 'in residential developments of 15 or more dwellings or residential sites of 0.5 hectares or greater a minimum of 40% of the total dwellings proposed will be sought for the provision of affordable housing'.

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

Dwelling Mix/Tenure

Without being aware of the numbers of units intended for the site we cannot determine the affordable housing mix at this stage however in order to create balanced and sustainable communities we would require a range of property types; our preferred mix and tenure for the development will be determined once actual numbers are known.

As we are unable to clarify at this stage, affordable numbers, mix, tenure and location will need to be agreed at reserved matters stage.

The 75:25 split between affordable rent and intermediate rent is required on this site for the affordable housing provision. The intermediate Housing should be shared ownership.

We would expect the affordable housing to be "pepper-potted" in small clusters throughout the development and indistinguishable from other market dwellings.

Viability

If it is independently verified that it is not viable to deliver affordable housing to a level that is policy compliant, then there are a number of options the council will consider. These are as follows:

- Altering the unit mix or tenure split to facilitate a more viable scheme, while still addressing the housing needs of the Borough.
- Supporting the injection of public subsidy to achieve the full affordable housing requirement. This could enable the overall scheme to become viable via, for instance, a bid to the Homes & Communities Agency. Any s.106 agreement would therefore need to include a provision to facilitate this.
- Altering the % affordable housing sought on the site to reflect the viable position.

In these cases an overage clause would be included within the s.106 agreement to capture any market improvement value between the time of the viability validation and before completion of the site. The overage clause will seek to secure payments which would provide the equivalent on site affordable housing value via a commuted sum provision, should market conditions improve and the viability of the scheme allow such payment. Any payment would be subject to the ceiling of the equivalent cost to the developer of providing a policy compliant affordable housing contribution.

The s.106 agreement will also include triggers for repeat viability appraisals, if the development hasn't started and completed with reasonable timeframes from when planning permission was given.

We would also expect the value of the affordable housing (as assessed within any viability appraisal) to be detailed within an s.106 agreement and used as the basis for determining what would be a reasonable offer from a Registered Provider.

Car Parking

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

Rents

With regard to the 4 bed houses, we would require the rent to be charged at 3 bed affordable rent plus 5%, in any event, no more than the local housing allowance (LHA) for a 3 bed.

Service Charges

Any service charges on the affordable dwellings should be eligible for Housing Benefit.

Shared Ownership

We would expect that the shared ownership units will be let at a level that is affordable in accordance with the Council's SPG and having regard to local incomes and house prices.

Affordable Housing Standards

We would expect all the affordable housing to meet minimum internal floor area size measurements, design and quality standards as described by the Homes and Communities Agency.

All the affordable homes should meet the Code for Sustainable Homes Level 3 or 4 (4 preferred) or equivalent measure.

In the case of affordable housing where there are ground-floor properties, we have a preference for dwellings (to be agreed) to be designed to meet current Lifetime Homes Standards, subject to viability.

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 Register Providers managing accommodation in Cheltenham can be made available if needed.

Full Planning Application

On submission of a full planning 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.

GCC Highways Planning Liaison Officer

21st November 2014

This response is made on the basis of the revised application description, which simply seems outline permission on the site for an unspecified number of units. The LHA considered that a scheme of 13 units could be safely accommodated on this site. The maximum number of units that could be constructed on the site is estimated to be 20, therefore this revised response considers the impact of up to 20 units. The LHA consider that an increase in the number of the units can be accommodated on the local highway network, given the low number of baseline trips, 20 units would only be expected to add an additional 10 trips to the network in each peak hour, this impact could not be classified as 'severe'.

The LPA has advised that they are considering access in the terms of access from Stone Crescent to the development, therefore the layout of the proposed access road, access to individual dwellings etc, can be considered at the REM stage.

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

Suggested Condition 1

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:

- i. specify the type and number of vehicles;
- ii. provide for the parking of vehicles of site operatives and visitors;
- iii. provide for the loading and unloading of plant and materials;
- iv. provide for the storage of plant and materials used in constructing the development;
- v. provide for wheel washing facilities;
- vi. specify the intended hours of construction operations;
- vii. measures to control the emission of dust and dirt during construction

Reason: To reduce the potential impact on the public highway.

Suggested Condition 2

Details of the layout 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 and suitable means of access for all people.

Suggested Condition 3

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: To ensure that safe and suitable access is achieved and maintained for all people as required by paragraph 32 of the 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 58 of the Framework.

5. PUBLICITY AND REPRESENTATIONS

- 5.1 Letters were sent out to 32 neighbouring properties to notify local residents that the application had been received; and additional letters were sent to notify when the revisions were made. In response to the publicity, 7 representations have been received.
- 5.2 The comments have been circulated to Members in full. The main concerns raised relate to the additional traffic that would occur and highway safety.

6. OFFICER COMMENTS

6.1 Determining Issues

- 6.1.1 The main considerations when determining this application relate to the principle of development, the outline application, and access and highway issues.

6.2 Principle of development

- 6.2.1 Local plan policy HS1 advises that housing development will be permitted on land allocated for housing development and previously-developed land but does not preclude residential development elsewhere. In all cases, development is required to make the most efficient and effective use of the site.
- 6.2.2 Furthermore, at the heart of the National Planning Policy Framework (NPPF) is a presumption in favour of sustainable development which for decision-taking means "*approving development proposals that accord with the development plan without delay*".
- 6.2.3 In this case, whilst to date the site remained undeveloped, given it's location within the Principal Urban Area, officers consider that there is no suggestion that the principle behind developing the site for housing should be unacceptable.

6.3 Outline application

- 6.3.1 As previously mentioned, the application is in outline form with all matters reserved except for means of access to the site. The proposed access located off Stone Crescent to the north.

- 6.3.2 As originally submitted, the application proposed 'up to 13 dwellings' and included an indicative site layout for 13 detached houses together with indicative street elevations.
- 6.3.3 Whilst these details were indicative only and not for formal determination, officers questioned whether the indicative layout sought to promote the most effective and efficient use of the site, and as such whether there might be the potential to increase the number of dwellings and to introduce a greater mix of housing types, particularly given that the pattern of development in the locality varies quite significantly.
- 6.3.4 Additionally it was felt that although the indicative scheme was fairly low density, the layout appeared cramped - particularly in the west end - and that the layout could achieve a better relationship with the park.
- 6.3.5 As a result, the indicative layout and street elevations have been formally withdrawn by the applicant's agent and accordingly the description of the proposal has been amended to remove reference to '13 dwellings'.
- 6.3.6 Whilst it is preferable for an outline application to be accompanied by a certain level of indicative detail in order to inform the decision, i.e. that the principle is acceptable, it is important to remember that any such detail does not form part of the approval, and therefore reserved matters such as layout and design will always need to be assessed at a later stage.
- 6.3.7 Moreover, a 2012 amendment to The Town and Country Planning (Development Management Procedure) (England) Order 2010 removed the need for an outline application, where layout and scale are reserved, to state the approximate location of buildings, routes and open spaces; or the upper and lower limits for the height, width and length of each building.
- 6.3.8 As such, it is acceptable that the application is only seeking agreement to the principle of developing the site for residential accommodation via an access provided via Stone Crescent

6.4 Access and highway issues

- 6.4.1 Local Plan policy TP1 seeks to avoid endangering highway safety through the creation of new accesses, altering existing accesses, or increasing the use of an existing access.
- 6.4.2 As stated above, the only 'fixed' element of this outline planning application is the proposed access.
- 6.4.3 The GCC Highways Planning Liaison Team has considered the scheme on two occasions; firstly with regard to 13 dwellings, and subsequently for up to 20 dwellings following the omission of reference to the number of dwellings; and no Highway objection has been raised.
- 6.4.4 In respect of 20 dwellings, the Local Highway Officer has commented "*that an increase in the number of units can be accommodated on the local highway network, given the low number of baseline trips, 20 units would only be expected to add an additional 10 trips to the network in each peak hour, this impact could not be classified as 'severe'.*"
- 6.4.5 The location of the new access is therefore considered to be acceptable on highway safety grounds.

6.5 Other considerations

- 6.5.1 As the site area exceeds 0.5ha, local plan policy HS4 (affordable housing) is triggered and as such a minimum of 40% of the dwellings will be required to be affordable regardless of

the number of dwellings proposed, and the applicant has agreed to such provision. The applicant has also agreed to the necessary education contributions.

6.5.2 Provision for play space will also be required in accordance with local plan policy RC6.

7. CONCLUSION AND RECOMMENDATION

- 7.1 In conclusion, Officers consider that when assessed against the provisions of the NPPF and relevant local plan policies, the principle of developing the site to provide residential accommodation is acceptable.
- 7.2 It must be remembered that the application is in outline with only access to be agreed at this stage. There is no requirement for the applicant to submit additional indicative information at this time.
- 7.3 The one matter which is not reserved i.e. access, has been found to be acceptable.
- 7.4 Therefore, on balance, the proposal is considered to be acceptable and is recommended for approval subject to the signing of a s106 agreement securing 40% affordable housing, and contributions towards education and playspace.

8. CONDITIONS

Conditions to follow as an update.