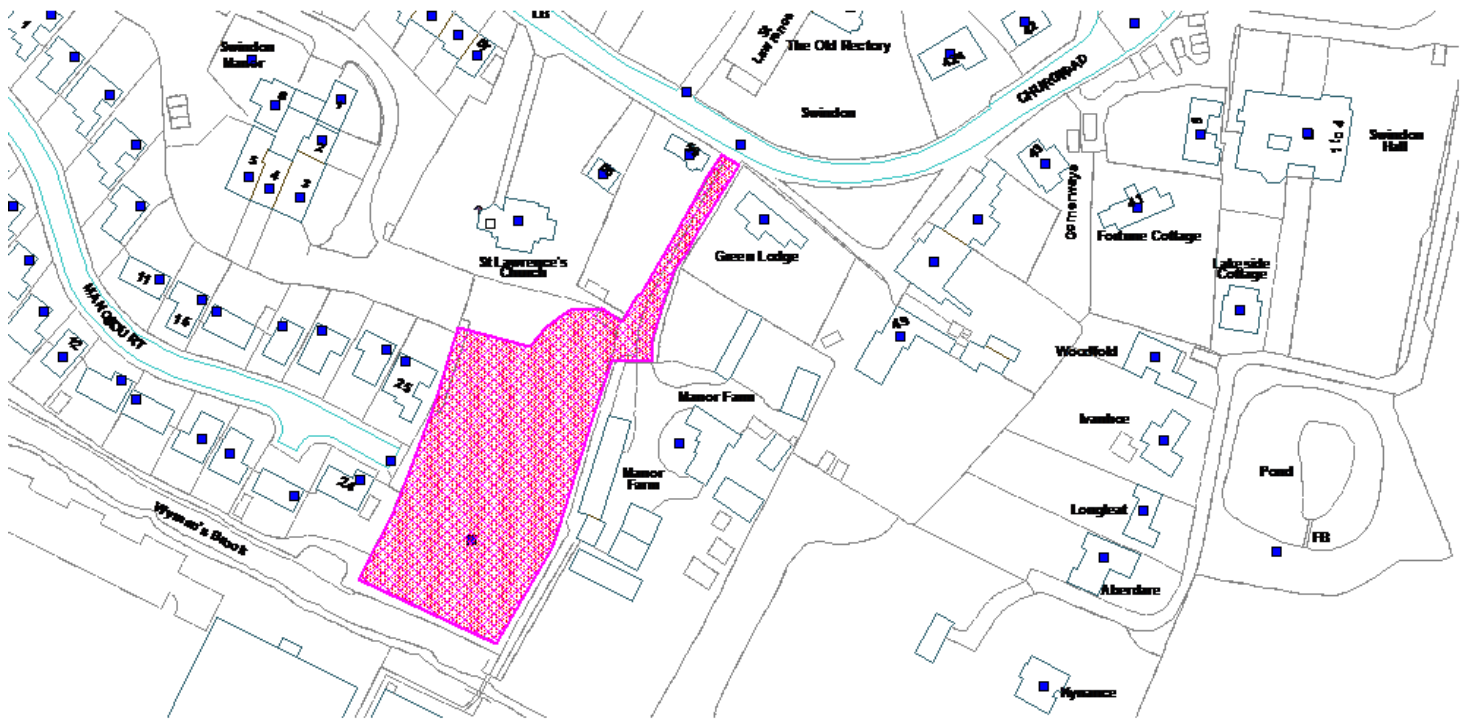


<b>APPLICATION NO:</b> 14/01823/FUL	<b>OFFICER:</b> Miss Chloe Smart
<b>DATE REGISTERED:</b> 7th October 2014	<b>DATE OF EXPIRY:</b> 2nd December 2014
<b>WARD:</b> Swindon Village	<b>PARISH:</b> Swindon
<b>APPLICANT:</b>	Mrs Susan Rowe
<b>AGENT:</b>	Bloombridge
<b>LOCATION:</b>	Land At Manor Farm, Manor Road, Swindon Village
<b>PROPOSAL:</b>	Erection of 2no. bungalows and 6no. houses

**RECOMMENDATION:** Permit



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site comprises of a parcel of land forming part of Manor Farm, which is located within the Swindon Village Conservation Area.
- 1.2 The site itself is generally hidden from public view from the main village street, known as Church Lane, albeit the site is visible from the churchyard and the adjacent footpath alongside the western boundary of the site.
- 1.3 The applicant seeks planning permission for the erection of two houses and six bungalows. The site will be accessed using the existing access road which adjoins Church Lane.
- 1.4 The application is before Planning Committee at the request of Councillor Fisher and also due to an objection from Swindon Village Parish Council and Architect's Panel.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### **Constraints:**

Conservation Area  
Flood Zone 2

### **Relevant Planning History:**

**14/00569/PREAPP 28th April 2014 CLO**

Residential development on unused area of Manor Farm, 2 no. three bedroom bungalows and 5 no. three bedroom detached houses

**81/00961/PF 24th April 1981 PER**

Continued use of land for the storage of caravans

**83/00947/PF 22nd December 1983 PER**

Use of land for storage of caravans. (Renewal)

**86/01628/PF 28th October 1986 PER**

Use of land for storage of touring caravans. (Renewal)

**90/01510/PF 11th October 1990 PER**

Use of land for the storage of touring caravans

## 3. POLICIES AND GUIDANCE

### Adopted Local Plan Policies

CP 4 Safe and sustainable living  
CP 7 Design  
BE 1 Open space in conservation areas  
GE 2 Private green space  
GE 6 Trees and development  
HS 1 Housing development  
RC 6 Play space in residential development  
UI 3 Sustainable Drainage Systems  
TP 1 Development and highway safety  
TP 6 Parking provision in development

#### Supplementary Planning Guidance/Documents

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

Swindon Village Conservation Area Character Appraisal & Management Plan (February 2007)

#### National Guidance

National Planning Policy Framework

## **4. CONSULTATIONS**

### **Architects Panel**

*7th November 2014*

The presentation was very thorough, although smaller scale site sections showing complete elevations would be beneficial in understanding the scheme.

In terms of layout, the density seems quite low and more detail is needed with regard to the space between the buildings - this space is critical as it holds the scheme together and careful consideration needs to be given to the materials and relationship of the internal spaces to the street.

The terrace at the end acts as a stop to this access but is elevationally quite weak - a central gable may work better in this respect. We also wonder whether the end units create an overlooking issue with neighbouring properties.

The plan form for the bungalow gives an odd shape to the living space and we question whether the stair from the living room would be acceptable in terms of means of escape. The positioning of the stair requires a dormer on the roof which is extremely awkward. A re-arrangement of the plan may resolve these issues.

The two -storey house seems to be caught between a traditional and modern aesthetic with the ground floor corner window creating an unresolved elevation. Given the above we would not support this application.

### **Building Control**

*9th October 2014*

No comment.

### **Cheltenham Tree Group**

*18th December 2014*

We are pleased to see that an arboriculturalist's report has now been provided & if permission is granted we would want to see full compliance with its recommendations.

### **County Archaeology**

*9th October 2014*

#### Archaeological implications

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 advise that the application site is archaeologically sensitive since it is located in close proximity to Swindon's medieval church, and it is therefore in an area where medieval settlement is likely to have been present. I am therefore concerned that archaeological remains relating to medieval settlement may be present at this location, and that any such remains would be adversely affected by construction ground works required for this scheme.

I note that this planning application is supported by a statement on Archaeology and Heritage, which incorporates reports on a Heritage Desk-Based Assessment (June 2014) and an Archaeological Evaluation (September 2014), both compiled by Cotswold Archaeology.

The application site was investigated by excavating four trial-trenches, Trenches 1 and 2 being placed to the north, Trenches 3 and 4 being placed to the south. Unfortunately, the presence of badger setts meant that the majority of the application site was not available for investigation.

No archaeological remains were observed in any of the four trenches, although since those to the south contained alluvial silts indicative of periodic flooding, it can perhaps be assumed that the southern part of the application site is unlikely to have been used for settlement. To the north, no evidence for alluviation was found.

In view of the limited extent of the archaeological trial-trenching it is my view that there is yet potential for archaeological remains to be present within the untested areas of the application site. I therefore recommend that, should planning permission be granted for this scheme, further archaeological investigation and any necessary mitigation recording should be undertaken.

In order to facilitate this 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: to make provision for a programme of archaeological work, so as to record and advance understanding of any heritage assets which will be lost, in accordance with paragraph 141 of the National Planning Policy Framework

### **County Archaeology Revised Comments**

*15th December 2014*

I advise that the revised plans do not alter the position regarding archaeology. Therefore, for the reasons outlined in my letter of 8.10.2014 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: to make provision for a programme of archaeological work, so as to record and advance understanding of any heritage assets which will be lost, in accordance with paragraph 141 of the National Planning Policy Framework

## **County Ecologist**

*9th February 2015*

This application comes accompanied with an Ecology Report that includes an extended Phase 1 Habitat Survey and an additional Reptile Mitigation and Compensation Report both from 2014 (Sedgehill Ecology Services). A search with GCER (Gloucestershire Centre for Environmental Records) in relation to this planning application is also available. Relevant to ecology matters there is a Site Layout Plan dated September 2014, an undated Landscape Plan drawing and an Arboricultural Report dated November 2014. These documents together with spatial information I can access through the County Council's systems have been used to inform my observations below. I have not visited the site.

Looking at the ecological reports I can see that the survey effort for this small site has been extensive and appears to be focused on the appropriate species groups that could be expected to occur. An extended habitat survey also covering evidence of notable and protected species has been carried out together with more detailed effort focused on reptiles and badgers. The existing biodiversity value is summarised in paragraphs 4.1 to 4.10 of the main report. Generally I can accept the assessments, recommendations and conclusions of the main report (sections 5 & 6) and also the attached reptile report (sections 8, 9 and 10). I do however have one reservation (see below) concerning the proposed wildlife corridor. Overall it is my view that the outcome for biodiversity should at least be neutral.

Badgers are active in the area and if this development proposal is consented then a special licence from Natural England would be required as part of implementing the submitted 'Badger Mitigation Plan' at Appendix VII. Looking at the badger survey effort, results, assessment and mitigation being put forward I believe this is in accordance with Natural England's guidance at <https://www.gov.uk/badgers-protectionsurveys-and-licences> and that a development licence could be obtained if consent is granted for the development. The Badger Mitigation Plan could not be completed until summer 2015 at the earliest. Taking a case by case approach under the Environmental Information Regulations it is my view that full details of badger sett location should not be made generally available on-line due to the potential for persecution of this particular protected species.

As indicated above I do have one reservation and that is that the wildlife corridor (badger run) shown on the Site Layout and Landscape Plan drawings may not be adequate. Use of native species for hedging is welcomed but reassurance that there will be sufficient room for a badger to move freely up and down the proposed run line is required. Although badgers can push through and under vegetation the narrow run may not be accessible enough once the proposed native hedgerow planting has matured and the proposed fencing erected (mentioned at part 10 of the application form). It is therefore recommended that before this application is determined further details are obtained from the applicant. These could take the form of the submission of two indicative cross sections of the badger runs (wildlife corridors) based on the Landscape Plan or Site Layout Plan. The cross sections should clearly show the full width of the run and predicted shape and height of proposed hedging at semi or full maturity and how this is arranged in relation to the proposed fencing. It should also be indicated how the required hedge profile can be achieved through aftercare management.

If the development is allowed then it should come with a condition for a more complete Landscape and Aftercare Scheme to be submitted. This should include details of native hedge species to be used, the establishment and management of the badger runs (wildlife

corridors) and the management of land adjoining the application site to the east for the benefit of badgers. Such a scheme can also be usefully used as part of the badger development licence that would be needed from Natural England.

Reptiles, despite extensive survey work, were not recorded but nevertheless a few slow worms or grass snakes may occur in the general area. A precautionary approach to developing the land is therefore necessary. The Reptile Report at section 9 provides appropriate measures for the conservation of reptiles that may be present in low numbers. If implemented well reptile populations may be encouraged by the proposals but this is dependence on aftercare of the land and its surrounds.

Nesting Birds might be affected temporarily during clearance works but overall once the development was in place no significant effect on local bird populations long-term is likely. A precautionary safeguard is set out at 6.1 of the Ecology Report. No significant impact on bats is likely from the development proposals. The recommended boxes for nesting birds and roosting bats at Appendix V should be conditioned for implementation (a minimum one of each type on or immediately adjacent to the site is required). As a general safeguard an advice note on protected species to compliment recommended conditions should be attached to any consent granted for the development.

A Tree Protection Plan and Arboricultural Method Statement based on the Arboricultural Report should be submitted for approval and implementation. This will help to conserve tree amenity and the continuing local value of some of the retained trees for biodiversity.

#### Records

It is recommended that records from the ecological survey work commissioned from the applicant should be copied electronically to Gloucestershire Centre for Environmental Records (GCER). An advice note is recommended to cover this.

#### Recommendations

The following items should be addressed to be able to consent this development.

#### Pre-determination:

It is recommended that before this application is determined further details are obtained from the applicant on the design of the badger runs (wildlife corridors) The details should take the form of the submission of two indicative cross sections of the badger runs (wildlife corridors) based on part 10 of the application form, the Landscape Plan or Site Layout Plan. The cross section should clearly show the full width of the run including the hedging and proposed fencing. The predicted shape and height of hedging at semi or full maturity should be indicated. The cross sections should also be annotated to describe how the required hedge profile can be achieved/ensured through aftercare management.

Subject to the above details being satisfactory then determination may be possible with the Badger Mitigation Plan, Landscape Plan and cross sections being conditioned for implementation.

#### Determination:

As part of a consent that may be granted items such as the following below should be attached:

##### 1. Condition

Prior to the commencement of the development a Landscape and Aftercare Scheme based on the Site Layout Plan dated September 2014, the undated Landscape Plan, Badger Run Cross Sections dated XXXX and also the Badger Mitigation Plan at Appendix VII of DAS/03 Ecology, Trees and Reptiles report shall be submitted to and approved by the Local Planning Authority. The scheme shall be carried out as approved by the Local Planning Authority. Reason: To ensure that biodiversity and amenity is

conserved and in accordance with ODPM Circular 06/2005 plus National Planning Policy Framework paragraphs 17, 109 and 118.

2. Condition

The avoidance, mitigation and enhancement measures DAS/03 Ecology, Trees and Reptiles report are approved. The Badger Mitigation Plan at Appendix VII, Reptile Mitigation and Enhancement at Section 9 of the Reptile Report, Safeguards for Nesting Birds at section 6.1 and Bird and Bat Boxes at Appendix V shall be implemented and be in accordance with the required Landscape and Aftercare Scheme at Condition X. Reason: To ensure that biodiversity is conserved and in accordance with ODPM Circular 06/2005 plus National Planning Policy Framework paragraphs 109 and 118

3. Condition

Prior to the commencement of development an Arboricultural Method Statement (incorporating a Tree Protection Plan) based on Part C of the Arboricultural Survey, impact Assessment and Method Statement dated November 2014 shall be submitted and approved in writing by the Local Planning Authority. The Statement (and Plan) shall be implemented in accordance with the approved details and all protective structures installed maintained until construction work has been completed. No materials, soils, or equipment shall be stored under the canopy of any retained tree within the application site. Reason: To prevent loss of amenity and damage to trees and shrubs to be retained in accordance with ODPM Circular 06/2005 plus National Planning Policy Framework paragraphs 17, 109 and 118.

4. Advice Note

To assist in the conservation of countywide biodiversity, all species and habitat records from the ecological work commissioned by the applicant should be copied [preferably in electronic format] to the Gloucestershire Centre for Environmental Records (GCER).

5. Advice Note

If a protected species (such as any bat, badger, water vole, otter, white-clawed crayfish, reptile or any nesting bird) is discovered using a feature on site that would be affected by the development or construction work all activity which might affect the species at the locality should cease. If the discovery can be dealt with satisfactorily by the implementation of biodiversity mitigation measures already approved by the Local Planning Authority then these should be implemented. Otherwise a suitably qualified ecological consultant or Natural England should be contacted and the situation assessed before operations can proceed. This action is necessary to avoid possible prosecution and ensure compliance with the Wildlife & Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 (as amended) and the Protection of Badgers Act 1992. This advice note should be passed on to any persons/contractors carrying out the development/works.

It is my view that the above advice is in accordance with the National Planning Policy Framework, ODPM Circular 06/2005, Natural England's Standing Advice on protected species (as published on their website), and with Section 40 of the Natural Environment and Rural Communities Act 2006 which confers a general biodiversity duty upon Local Authorities whilst exercising their functions.

### **County Ecologist Revised Comments**

26th February 2015

Previously in my memo dated 9th February 2015 I said:

It is recommended that before this application is determined further details are obtained from the applicant on the design of the badger runs (wildlife corridors) The details should

take the form of the submission of two indicative cross sections of the badger runs (wildlife corridors) based on part 10 of the application form, the Landscape Plan or Site Layout Plan.

The cross section should clearly show the full width of the run including the hedging and proposed fencing. The predicted shape and height of hedging at semi or full maturity should be indicated. The cross sections should also be annotated to describe how the required hedge profile can be achieved/ensured through aftercare management.

In connection with this recommendation a 'Wildlife Corridor Schematic' drawing number PL43 dated February 2015 has been submitted. We are advised to note this drawing in conjunction with the Landscape Plan and conditions being proposed should this development be granted consent. Although not just two cross sections the schematic provided is certainly sufficient in clarifying the details of the boundary treatment and its management. It is sufficient to demonstrate that it could serve the purpose of a wildlife corridor particularly for badgers. This together with the range of slightly updated recommended conditions below should ensure local biodiversity is conserved.

Determination (Updated):

As part of a consent that may be granted items such as the following below should be attached:

1. Condition

Prior to the commencement of the development a Landscape and Aftercare Scheme based on the Site Layout Plan dated September 2014, the undated Landscape Plan, Wildlife Corridor Schematic drawing number PL43 dated February 2015, and also the Badger Mitigation Plan at Appendix VII of DAS/03 Ecology, Trees and Reptiles report shall be submitted to and approved by the Local Planning Authority. The scheme shall be carried out as approved by the Local Planning Authority.

Reason: To ensure that biodiversity and amenity is conserved and in accordance with ODPM Circular 06/2005 plus National Planning Policy Framework paragraphs 17, 109 and 118.

2. Condition

The avoidance, mitigation and enhancement measures DAS/03 Ecology, Trees and Reptiles report are approved. The Badger Mitigation Plan at Appendix VII, Reptile Mitigation and Memo [www.gloucestershire.gov.uk](http://www.gloucestershire.gov.uk)

Enhancement at Section 9 of the Reptile Report, Safeguards for Nesting Birds at section 6.1 and Bird and Bat Boxes at Appendix V shall be implemented and be in accordance with the required Landscape and Aftercare Scheme at Condition X.

Reason: To ensure that biodiversity is conserved and in accordance with ODPM Circular 06/2005 plus National Planning Policy Framework paragraphs 109 and 118

3. Condition

Prior to the commencement of development an Arboricultural Method Statement (incorporating a Tree Protection Plan) based on Part C of the Arboricultural Survey, impact Assessment and Method Statement dated November 2014 shall be submitted and approved in writing by the Local Planning Authority. The Statement (and Plan) shall be implemented in accordance with the approved details and all protective structures installed maintained until construction work has been completed. No materials, soils, or equipment shall be stored under the canopy of any retained tree within the application site. Reason: To prevent loss of amenity and damage to trees and shrubs to be retained in accordance with ODPM Circular 06/2005 plus National Planning Policy Framework paragraphs 17, 109 and 118.



4. Advice Note

To assist in the conservation of countywide biodiversity, all species and habitat records from the ecological work commissioned by the applicant should be copied [preferably in electronic format] to the Gloucestershire Centre for Environmental Records (GCER).

5. Advice Note

If a protected species (such as any bat, badger, water vole, otter, white-clawed crayfish, reptile or any nesting bird) is discovered using a feature on site that would be affected by the development or construction work all activity which might affect the species at the locality should cease. If the discovery can be dealt with satisfactorily by the implementation of biodiversity mitigation measures already approved by the Local Planning Authority then these should be implemented. Otherwise a suitably qualified ecological consultant or Natural England should be contacted and the situation assessed before operations can proceed. This action is necessary to avoid possible prosecution and ensure compliance with the Wildlife & Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 (as amended) and the Protection of Badgers Act 1992. This advice note should be passed on to any persons/contractors carrying out the development/works.

It is my view that the above advice is in accordance with the National Planning Policy Framework, ODPM Circular 06/2005, Natural England's Standing Advice on protected species (as published on their website), and with Section 40 of the Natural Environment and Rural Communities Act 2006 which confers a general biodiversity duty upon Local Authorities whilst exercising their functions.

## **English Heritage**

*30th October 2014*

Thank you for your letter of 9 October 2014 notifying English Heritage of the above application. We now write to provide a consultation response on the proposals.

### Summary

The proposed development would comprise of two new bungalows and six houses. The basis on which we have been consulted is that the development exceeds 1000square metres and is within the Swindon Conservation Area and secondly that it is within a short distance of the grade II\* listed Church of St Lawrence.

### English Heritage Advice

The character of the Swindon Conservation Area is defined within the appraisal and management plan that dates from 2007. A map illustrating the area is within the document. The Conservation Area encloses all listed buildings, non listed buildings, the immediate open land around these assets and a large section of open landscape setting to the east. To the south the area is defined by Wymans Brook which is connected to Church Road by a driveway that runs beside Manor Farm. Modern housing within the village is substantially excluded from the designated area.

The grade II\* listed Church of St Lawrence is an Anglican parish church. It dates from the 12th century but was largely rebuilt in neo-Norman style in circa 1845 by T. Fulljames. The main elevations are of Ashlar beneath a stone slate roof. In plan form it comprises of a nave with north and south aisles, chancel with vestry on the north. It has a hexagonal west tower.

Fundamental to our advice to local authorities is the requirement of the Planning (Listed Buildings and Conservation Areas) Act 1990 in Section 66(1) for the local authority to have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest which it possesses. Section 72 explains that local planning

authorities shall pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. When considering the current proposals, in line with Para 129 of the NPPF, the significance of the asset's setting requires consideration. Para 132 states that in considering the impact of proposed development on significance great weight should be given to the asset's conservation and that the more important the asset the greater the weight should be. It goes on to say that clear and convincing justification is needed if there is loss or harm. When considering development that has the potential to affect setting English Heritage's guidance the Setting of Heritage Assets should be referred to. The key principles for understanding setting are set out at page 5 of the guidance.

The proposed development would fully enclose the church from the south connecting the built form of Manor Court with Manor Farm. The development would result in the loss of the undeveloped land and the immediate open character at the rear of the church. The development of the land will also increase traffic flow along the drive which is likely to change the relationship between the church and farm group - an historic relationship of significance. From Church Road the backdrop to the church is at present substantially undeveloped. The introduction of new development will we believe inevitably compromise this. Whilst there is at present a substantial industrial development to the south this is surprisingly hidden. As whole the changes describes above would compromise the setting of the grade II\* church. The impact on the setting of the locally designated Manor Farm, by the new development, also requires review.

Within the application it is noted that there is no review of the listed and unlisted heritage assets nor is there a review of their setting. The NPPF explains that applications need to describe significance and the impact caused by new development.

#### Recommendation

The NPPF explains that applications should describe the significance of any heritage assets affected, including any contribution made by their setting. Whilst the application does discuss archaeology and the conservation area it does not focus on the grade II\* listed church. At present therefore we do not feel that it is possible for the local planning authority to be able to positively determine the application.

Having reviewed the proposals we are of the view that harm would be caused to the setting of the grade II\* listed church. As explained within the NPPF any harm or loss should require clear and convincing justification - this has not been provided.

Please contact me if we can be of further assistance. We would be grateful to receive a copy of the decision notice in due course. This will help us to monitor actions related to changes to historic places.

#### **English Heritage Revised Comments**

*16th January*

Previously we raised concerns that the proposed development would compromise the setting of the grade II\* church. In addition we suggested that the setting of the locally designated Manor Farm also required review. Finally we commented that there was no analysis of the listed and unlisted heritage assets or review of their setting.

Since the previous letter imagery has been provided to illustrate the impact on views from Church Lane - these images would seem to indicate that the impact of the proposed development from this vantage point will be minimal. Beyond this we do acknowledge that the passing of the parcel of land to the south of the church will provide a long terms visual buffer for the setting of the church. We would suggest that given that this transfer of land is critical to the careful balance that is being struck its transfer should be legally tied to the

granting of planning permission. To further screen the church planting is proposed, large native species hedges - implementation of this scheme of planting should be controlled by condition. Relative to the access drive we strongly recommend that the materials be conditioned to ensure that a standard engineering solution is avoided - the relationship between Manor Farm and the church whilst eroded is still, we would suggest, an important one.

Whilst the additional textural information, previously requested, has still not been provided we now wish to withdraw our previous objection.

#### Recommendation

We would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice. It is not necessary for us to be consulted again. However, if you would like further advice, please contact us to explain your request.

### **Heritage And Conservation**

*16th February 2015*

#### Analysis of Site

The site is wholly within the conservation area. However the site is not particularly prominent within the village settlement and is only visually apparent, from the adjacent narrow track/public foot path which runs north to south and from the south part of the adjacent church yard.

#### Comments:

1. Although this site has never historically been developed, it sits comfortably within the settlement pattern of the existing village and also within the historic field boundaries of the immediate area. The principle of development of this site is acceptable subject to its impact on the setting of the church, and the detailed design of the proposed buildings, site density and site layout.
2. The proposals show an area of the site to the north being set aside for a graveyard extension; with a new band of trees being planted to provide a visual separation between the proposed development site and the setting of the church. These two suggestions of extra land to form additional graveyard land plus the new trees, will combine to reduce the impact on the setting of the listed church to an acceptable level.
3. The proposed site layout is good and the detailed design of the new dwelling including the car parking arrangements are also acceptable.
4. However the site layout, the proposed materials of the access road, the landscape design and the site boundary treatments and individual plot boundaries are all very important to this scheme being a success. Therefore I have suggested appropriate conditions.

#### CONSERVATION AND HERITAGE SUMMARY:

No objection to the proposals.

#### SUGGESTED CONDITIONS RELATING TO CONSERVATION AND HERITAGE MATTERS:

##### i. MAT07B Submission of external materials

Prior to the commencement of development, an annotated elevation with a detailed specification of all external materials and finishes (including all windows and external doors) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented strictly in accordance with the details so approved and maintained as such thereafter.

Reason: To ensure a satisfactory form of development in accordance with Local Plan Policy CP7 relating to design.

ii. MAT08B New windows to be of traditional design

All new window frames shall be constructed in timber and comprise sliding sashes in reveals of 100mm from the face of the building unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory form of development in accordance with Local Plan Policy CP7 relating to design.

iii. MAT09B Submission of window details

Prior to the commencement of development, full details to include the design, materials, colour and finish of the proposed external windows (including cills) and doors shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented strictly in accordance with the details so approved and maintained as such thereafter.

Reason: To ensure a satisfactory form of development in accordance with Local Plan Policy CP7 relating to design.

iv. MAT10B Submission of hard surfacing materials

Prior to the commencement of development, plans detailing the specification and location of all hard surfacing materials shall be submitted to and approved in writing by the Local Planning Authority. All new hard surfacing areas shall be formed from permeable materials or provision shall be made to direct run-off from the hard surface to a permeable or porous area (soakaway) within the site.

Reason: To maximise the absorption of rainfall on site in accordance with Local Plan Policy CP1 relating to sustainable development.

v. PD01B Removal of PD

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and/or re-enacting that order with or without modification), no extensions, garages, walls, fences or other structures of any kind (other than those forming part of the development hereby permitted) shall be erected without planning permission.

Reason: Any further extension or alteration requires detailed consideration to safeguard the amenities of the locality in accordance with Local Plan Policies CP4 and CP7 relating to safe and sustainable living and design.

vi. PD03B Removal of PD for fences, gates or walls

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and/or re-enacting that order with or without modification), no fences, gates, or walls shall be erected without planning permission.

Reason: Any further boundary enclosures requires detailed consideration to safeguard the amenities of the locality in accordance with Local Plan Policies CP4 and CP7 relating to safe and sustainable living and design.

vii. LAN01B Landscaping scheme

Prior to the commencement of development, a landscaping and planting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a survey of all existing trees on the land showing the size and species and identifying those trees, if any, it is proposed to remove. In addition it shall show in detail all proposed tree and shrub planting, hard surfacing (which should be permeable or drain to a permeable area) and areas to be grassed.

Reason: To ensure that the development is completed in a manner that is sympathetic to the site and its surroundings in accordance with Local Plan Policies CP1 and CP7 relating to sustainable development and design.

viii. LAN03B Landscaping - first planting season

The landscaping proposals hereby approved shall be carried out no later than the first planting season following the date when the development is ready for occupation or in accordance with a programme agreed in writing with the Local Planning Authority. All planted materials shall be maintained for 5 years after planting and any trees or plants removed, dying, being severely damaged or becoming seriously diseased within this period shall be replaced with others of similar size and species to those originally required to be planted.

Reason: To ensure that the planting becomes established and thereby achieves the objectives of Local Plan Policies CP1 and CP7 relating to sustainable development and design.

ix. LAN04B Submission of boundary fences or wall de

Prior to the commencement of development, a detailed scheme for boundary walls, fences or other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority and the boundary walls, fences or other means of enclosure shall be erected before the development hereby permitted is first occupied.

Reason: To ensure that the development is completed in a manner that is sympathetic to the site and its surroundings in accordance with Local Plan Policy CP7 relating to design.

**GCC Highways Planning Liaison Officer**

*18<sup>th</sup> March 2015*

Layout

The information that has been submitted is still insufficient to demonstrate that there is a safe and suitable layout by virtue of the submitted swept path analysis, and restricted road geometry.

Swept Path Analysis

The swept path manoeuvres for the anticipated refuse vehicles and associated vehicles as shown are extremely tight in places and the refuse vehicle appears to be unable to manoeuvre clear without conflict with some of the vertical boundaries, landscape features and be able to pass a large car without conflict. It is important that large refuse vehicles are able to undertake manoeuvres without reversing, overrunning the carriageway and conflicting with vehicles, vertical boundaries, landscape feature, kerbs and fencing etc. We are also unable to determine if the area adjacent to the carriageway where it is noted as 5.21m and 5.66m is a separate footway, verge or hard standing, therefore we cannot determine if this forms part of the actual shared surface street width in this location.

Therefore I recommend that this application be refused on highway grounds for the following reason:-

The proposed road is substandard, in width and geometry and does not provide a safe and suitable layout; therefore the proposal is likely to result in highway dangers contrary to paragraph 32 and 35 of the National Planning Policy Framework, and Policy T2 of the Cheltenham Borough Council Local Plan

**GCC Highways Planning Liaison Officer Revised Comments**

*9th April 2015*

Proposal

It is noted that submitted documentation (DAS/01-Highways) states that the proposal is to access a small residential development of up to 12 dwellings. The Highway authority

consideration however is for 8 dwellings only as per the application and drawings as submitted.

#### Planning History

The proposed access to the site has extant use providing access to Manor Farm and a Caravan Club certified campsite, which is registered to provide pitches/plots for 5 caravans at any one time. Touring caravans were towed using the existing access Carriageway when they enter and leave the site.

#### Accessibility

I consider that the proposed site to be within an edge of urban environment well serviced by local amenities. Within walking distance there is the local village hall (0.2miles) and primary school, and within a 0.9 to 1.5 miles radius, shops, public house, community centre and a number of employment sites.

There are good highway links together with regular local bus (H) service enabling access to Cheltenham Spa Railway Station and Cheltenham Town Centre within in 2.7 miles. There is a good standard of pedestrian footways and with provision for good cycling accessibility. I consider that the opportunities for sustainable transport modes have been taken up given the nature and location of the site in accordance with Paragraph 32 of the NPPF.

#### Existing Access

The existing access is an unclassified road which functions as a shared surface (no segregated footways) and joins Church Road, a Class 3 road subject to a speed limit of 30mph. The existing access is approximately 3.5m in width with grass verges on both side and also connects to a public right of way (CH S14). The carriageway currently provides access for two existing dwellings and has in the past been the access for a Caravan Club certified campsite.

#### Proposed Access from Church Road

It is proposed to widen the existing road to 4.8m from Church road to the access with the internal layout. Whereupon the internal site layout is serviced by a shared surface street 6.8m in width with localised narrowing's of 5.1m at the turning area out to 7m width. The proposed widening of the existing road will allow for a medium sized car and refuse vehicle to pass in opposite direction. I have considered the shared surface street is a short distance and how it currently operates today as a lightly trafficked street with low vehicle speeds and a mix of vehicle & pedestrian use. Furthermore with the volume of traffic proposed from the site and visibility available, I consider the proposed carriageway width of 4.8m to be acceptable in relation to the proposed development.

#### Internal Shared Space Street

The internal layout shared surface street as shown on drawing no W131150/SK/01 H, is 6.8m in width with localised narrowing's of 5.1m at the turning area widening out to 7m. I consider the proposed carriageway width(s) to be acceptable in relation to the proposed development.

#### Traffic Collisions

A review of the highways records shows no traffic collisions in the direct vicinity of the proposed accesses. A local resident has provided details of a police Incident No 49217/05/14/. Enquires to the Road Safety Partnership & Police have revealed that there were no reported injuries for this incident and as such no details have been recorded.

#### Visibility - Church Road

It is noted that in order to quantify existing vehicle speeds on Church Road, a vehicle speed survey was undertaken using an Automated Traffic Counter (ATC) located on the approach to the proposed site access in accordance with DMRB TA22/81. The surveys recorded vehicle classifications and speeds between the 15th and 21st January 2014. The submitted

speed survey results over a seven day period, shows the 85th percentile speeds as 28.9 mph Eastbound and 28.6 mph Westbound. Correspondence has been received by the Highways Authority from a local resident questioning the submitted speed survey details questioning its validity claiming it had omitted a number of bus/coach movements. I do not consider this is relevant to speed survey measurements.

Having noted the above, the achievable visibility splay from the access onto Church Road is shown as westbound is 2.4m x 100m and eastbound is 2.4 x 57m, this has also been confirmed from a site visit.

The visibility splay demonstrated is sufficient for the speed recorded and the speed limit of 30mph.

#### Trip Generation

Using the Trip Rate Information Computer System (TRICS) for 8 dwellings gives a daily trip rate of 5.119 trips per dwelling. The morning peak hour is expected to be 0800-0900 and during that hour the development may generate a total 2.9 trips (0.372 x 8) for 8 dwellings and the evening peak hour is assumed to be between 1600-1700 and the development is expected to produce 3 trips (0.382 x 8) for 8 dwellings during that hour. Therefore it is considered that the additional trips being generated from the site will not have a severe impact of safety on the local highway network.

#### Refuse Collection & Swept Path Analysis

The access swept path analysis submitted on drawings no W131150/AT/B06 B, W131150/AT/B08 B and W131150/AT/B10 B demonstrates that a medium sized car and large refuse vehicle (11.510m) can pass in opposite directions along the existing access road and internal layout shared surface street.

#### Parking

Parking is provided for at least 2 parking spaces per dwelling, visitor parking can be accommodated on the shared surface street. The supplementary information submitted on 21st November 2014 states cycling parking /storage will be provided within each dwelling boundary.

Having considered the application and supporting documents submitted, I recommend that no highway objection be raised subject to the following Condition(s) being attached to any permission granted:

- i. No works shall commence on site until details of the improvements to the existing access road from Church Road to the development have been submitted in writing to the LPA. The improvements shall be completed in all respects with the approved details, prior to the commencement on the development.

Reason: To reduce potential highway impact by ensuring a safe and suitable access, in accordance with paragraphs 32 and 35 of the NPPF, and CBC LP Policy TP1.

- ii. No works shall commence on development until the road layout has been laid out in accordance with the submitted drawings, with first 20m of the proposed layout with the junction with the existing highway has been completed to at least binder course level and the works shall be maintained as such thereafter unless and until adopted as highway maintainable at public expense.

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 conflict between traffic and cyclists and pedestrians in accordance with the paragraph 35 of the NPPF and CBC LP Policy TP1.

iii. None of the dwellings hereby permitted shall be occupied until the vehicular parking facilities have been provided in accordance with the submitted Drawing W131150/SK/01 H and shall be maintained available for that purpose thereafter.

Reason: To reduce potential highway impact in accordance with paragraph 39 of the NPPF and CBC LP Policy CP5.

iv. 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, suitable and secure access is achieved and maintained for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with paragraph 32 and 35 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 NPPF and CBC LP Policy TP1 and TP2.

v. 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: In the interest of highway safety; to ensure safe and suitable access has been provided for all people; and to safeguard the visual amenities of the locality and in accordance with paragraph 32 of the NPPF and CBC LP Policy TP1

vi. No development 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 tackle any property fire.

vii. 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:

- a. specify the type and number of vehicles;
- b. provide for the parking of vehicles of site operatives and visitors;
- c. provide for the loading and unloading of plant and materials;
- d. provide for the storage of plant and materials used in constructing the development;
- e. provide for wheel washing facilities;
- f. specify the intended hours of construction operations;
- g. measures to control the emission of dust and dirt during construction;
- h. specify the access points to be used and maintained during the construction phase(s);

Reason: To reduce the potential impact on the public highway and in accordance with paragraph 35 of the National Planning Policy Framework (NPPF) and CBC LP Policy TP1.



### Informatives

The proposed development will require works to be carried out on the public highway together with the amending the existing vehicle crossing and the Applicant/Developer is required to enter into a legally binding Highway Works Agreement (including appropriate bonds) with the Local Highway Authority,(Gloucestershire County Council), before commencing works on the development. Further details can be viewed at <http://www.gloucestershire.gov.uk/mfqs>

The developer will be expected to meet the full costs of supplying and installing the fire hydrants and associated infrastructure.

The Developer is requested to erect a sign at the boundary of the new estate street with the nearest public highway providing the Developer's contact details and informing the public that the County Council is not responsible for the maintenance of the street.

The applicant is advised that to discharge condition 4 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 regime

### **Gloucestershire Centre For Environmental Records**

*17th October 2014*

Report available to view on line.

### **Landscape Architect**

*31st December 2014*

### General Comments

#### 1. Drawings

Prior to determination of this application the following information is required:

A full survey drawing of the existing site should be submitted, including the access road and junction with Church Road. The drawing should indicate if any of the outbuildings belonging to Manor Farm are to be removed as part of this planning application.

The Block Plan should be amended to show:

- The junction between the access road and Church Road
- 'Homestead', a dwelling adjacent to the access road.

Both the junction and 'Homestead' are omitted from the current Block Plan.

The Site Layout plan should be similarly amended to show the junction and 'Homestead'. It should be submitted at a scale appropriate to show greater detail of gardens, boundaries, parking arrangements, access road, road junction and planting scheme.

#### 2. Waste and Recycling

Developments such as the one proposed, with long access drives, can give rise to problems with waste and recycling arrangements. The recommended maximum distance that householders can be expected to drag their wheelie bins to a bin collection point is 30 metres. For refuse collectors the maximum distance for dragging wheelie bins is 25 metres. Building Control and Ubico should be consulted regarding refuse/recycling storage and collection arrangements as this could have an impact on the proposed site layout and access.

It is proposed to widen the access lane to 4.8 metres to allow refuse vehicles to drive into the site. Drawings W131150\_AT\_BO2 and W131150\_AT\_BO4 show the swept path analysis. Increasing the lane to this width will require the removal of the existing grass verges which currently soften the effect of the tarmac surface. Widening the lane will also leave no room for landscaping along the sides. It is also possible that the trees at the entrance to lane will need to be removed in order to facilitate widening - CBC's Tree Officer should be consulted about this.

### 3. Public Footpath

The access lane is also a public footpath. The lack of greenery and the increase in hard surfacing associated with widening the lane for the proposed development may give the appearance of a private drive, discouraging its use by the public. Aesthetically it would be preferable if the lane could remain at its current width, with improved landscaping along its sides.

### 4. Alternative Entrance

An alternative arrangement would be to access the proposed development from Manor Court. There is an existing adopted road of sufficient width to accommodate refuse vehicles. Manor Court is currently a cul-de-sac, with the boundary between it and the proposed development site formed by an unprepossessing wooden fence. This view could be improved by opening up an access road and creating a suitable focal point to the 'extended cul-de-sac' which would include the proposed development. The focal point could be, for example, a signature tree and landscaping. There is also scope to improve the boundaries to provide a 'gateway' into the new development.

It is important that there be no vehicular route from Manor Court, through the proposed development, to Church Road in order to avoid the possibility of 'rat-running'. A pedestrian path, however, could improve access around the neighbourhood and increase security through informal surveillance.

If the proposed development were to be accessed from Manor Court, there would be no need to widen the public footpath. Access from the public footpath to the proposed dwellings would be pedestrian only, allowing more space at the north-east corner for landscaping.

### 5. Badgers

The County Ecologist should be consulted regarding proposals for an artificial badger sett.

### Landscape Plan

Prior to determination of this application further information is required concerning the proposed landscape scheme:

The Landscape Plan submitted should be extended to include the access road, the junction with Church Road and the location of 'Homestead'. The proposed landscaping scheme for the access road should be shown on the Landscape Plan.

### Proposed drainage scheme for the site.

Cheltenham Borough Council encourages the implementation of sustainable urban drainage (SuDS) in new developments. It is therefore encouraging to see the proposal for rain gardens in the landscape scheme. However, a more comprehensive drainage scheme is required, including construction details and sections of rain gardens, soakaways, French drains and the storm storage facility. Where is the storm storage facility to be located?

The direction of flow of surface water should be indicated. Calculations of attenuation capacity may also be requested. CBC's land drainage engineer should be consulted regarding the technical details required.

Existing trees to be retained should be labelled.

The species, size, number, root type and tree pit details for proposed trees should be provided.

Shrub and herbaceous planting - species, density, planting size and layout should be shown on a planting plan. This should include the hedging mix for the 'wildlife runs'.

Existing and proposed boundaries, including those along the access road, should be labelled. Private gardens and public or communal space should be clearly delineated.

Hard surfacing (which should be permeable). Proposed type, colour and supplier of materials should be specified.

Maintenance: details of the arrangements for long-term maintenance of the landscape scheme, together with a maintenance schedule. Of particular concern is the proposed pleached hornbeam hedge which will require regular, skilled maintenance if it is not to become overgrown.

### **Parish Council**

*27th October 2014*

Comments available to view on line. Brief summary of comments:

- Object to the application due to location within the Conservation Area.
- Works have already taken place to the access of the site.
- Inappropriate development
- Inappropriate access
- Lack of width of access road
- Inadequate provision for the safety of pedestrians
- Highway safety – visibility and size of vehicles.
- Potential damage to gable end of Homestead and the brick wall end of the rectory.
- Massing
- Height – more dominant than the existing farm buildings.
- Too many buildings
- Lack of affordable housing
- Proximity to Manor Court
- Proposed drawings based on OS enlargements and not a full accurate Topographical Survey.

### **Parish Council Revised Comments**

*8th January 2015*

Comments available to view on line. Brief summary of comments:

- Still oppose the scheme following revised drawings and re-consultation.
- Historical centre of Conservation Area (close proximity to church, Manor and Homestead) – should not be permitted.
- Visual impact on conservation area
- References within Swindon Village Character Area Appraisal
- Importance of maintaining and enhancing the rural setting
- Lack of Topographical Survey
- Scale, appearance and massing of the proposed development
- Impact of change of use from a caravan park to residential
- Highway and pedestrian safety

- Badger Sett
- Works carried out already

### **Tree Officer**

*27th October 2014*

The Tree Section does not object in principle to this application. However clarification is required as to exactly what trees are to be felled. This would normally be undertaken as a part of a BS 5837 (2012) trees survey, Tree Protection Plan and Method Statement as appropriate.

As such please could this be undertaken for all trees both on and within the sphere of influence of the site. It is noted that there are 2 large chestnut trees at the southern end of the site which are on Swindon Village Parish Council land and whose rooting area within the site needs protection. Similarly a mature cherry in the footpath (ie outside the site boundary) appears to be earmarked for removal as mentioned on form DAS/03 Ecology, Trees and Reptiles submission. No trees outside the site should be removed.

Similarly a full landscaping scheme is required to be submitted and approved prior to determination. Such a scheme should include all proposed species, size, root type, tree pit details etc. It is noted that a cypress tree from within the line of trees within the middle of the site appears to have been removed without due notification. It is important that no other trees are removed without due submission of a Section 211 Notice unless otherwise approved as a part of the Planning Permission.

### **Tree Officer Revised Comments**

*22nd December 2014*

The Tree Section does not object to this application.

The Tree Section would like to know what are the arrangements with the management of the pleached Hornbeam? For the pleached Hornbeam to be a success they will need a minimum of annual pruning, as leaving them unmanaged will result in the pleached Hornbeam growing out of hand.

Should the application be granted please use the following conditions:

- TRE02B Protective Fencing
- Ground protection mats to be used within RPA's of T2 Horse Chestnut and T7 English Oak where the RPA's are outside the protective fencing.

## **5. PUBLICITY AND REPRESENTATIONS**

Number of letters sent	<b>14</b>
Total comments received	<b>19</b>
Number of objections	<b>16</b>
Number of supporting	<b>0</b>
General comment	<b>3</b>

**5.1** Fourteen properties have been notified in relation to the proposal and nineteen comments have been received, sixteen of which raise an objection to the proposal. A site notice has also been displayed within close proximity of the site.

### **5.2 Summary of Comments Received;**

- Number of dwellings proposed

- Parking and highway safety concerns: Increase in parking, vehicular trips, inadequate access, public footpath safety, visibility for vehicles and the alternative safer access at the site.
- Impact on the conservation area – designated open space, not in keeping and English Heritage raised initial concerns.
- Setting and views
- Impact on neighbouring amenity – Overbearing, overshadowing (height and proximity to Manor Court), noise disturbance, loss of privacy and Human Rights.
- Impact on wildlife – in particular Badgers.

## **6. OFFICER COMMENTS**

6.1 Officer comments to follow by way of an update.