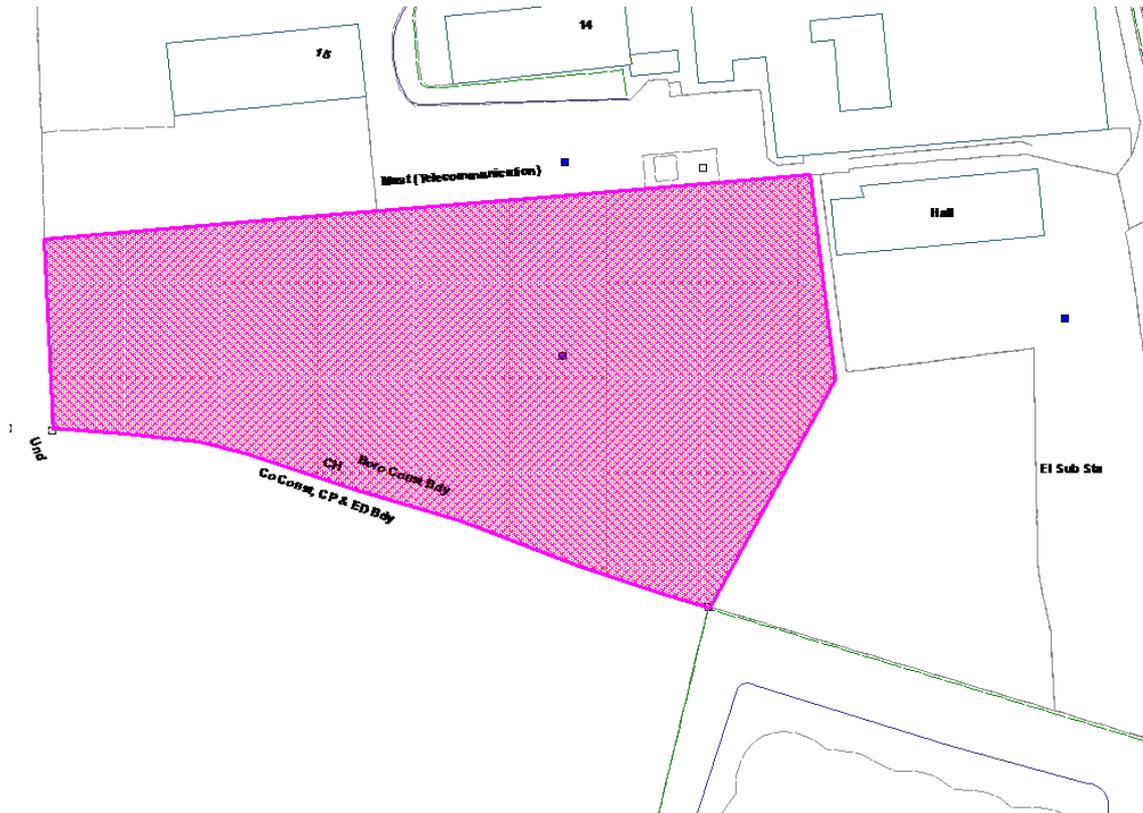


APPLICATION NO: 15/00681/FUL	OFFICER: Mr Ed Baker
DATE REGISTERED: 2nd May 2015	DATE OF EXPIRY: 1st August 2015
WARD: Leckhampton	PARISH: Leckhampton With Warden Hill
APPLICANT:	Boo Homes (Leckhampton) Ltd
AGENT:	Brodie Manning Limited
LOCATION:	Land south of 205 Leckhampton Road, Leckhampton Road, Cheltenham
PROPOSAL:	Erection of 11 houses and associated works (revised scheme)

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is land to the west of the Scout Hall, Leckhampton Road.
- 1.2 The site is located to the west side of Leckhampton Road at the southern edge of the town. It is broadly rectangular in shape and is approximately 0.49 hectares in size.
- 1.3 The site is currently a small and attractive paddock. The site rises from north to south. Behind the site to the south is the Cotswold Area of Outstanding Natural Beauty ("AONB") and Green Belt. There is a very large agricultural field to the south which rises in a southerly direction towards Leckhampton Hill.
- 1.4 The south and west boundaries of the site are defined by a hedge and line of mature trees in various states of condition. To the south east there is a steep embankment beyond which is a small local reservoir.
- 1.5 To the east are the scout hall and its curtilage. To the west is another field. To the north on lower ground is the former Leckhampton Industrial Estate. This is in an advanced stage of being redeveloped for housing. It is understood that the applicant is the developer of this adjacent land.
- 1.6 There is a public footpath which runs from the housing estate at Collum End Drive to the north west and passes along the fields to the immediate west and south of the site.
- 1.7 The application seeks full planning permission for the erection of 11 dwellings. This is a revised scheme with the application originally proposing 12 dwellings.
- 1.8 The house types are broken down as follows:
 - House type B x 2 no. 4 beds
 - House type C x 1 no. 4 beds
 - House type R x 1 no. 5 beds
 - House type S x 3 no. 5 beds
 - House type T x 4 no. 3/4 beds
- 1.9 The application is referred to the planning committee because Cheltenham Borough Council currently owns the site. There have also been objections (to the original scheme for 12 houses) from the Parish Council and Architects Panel.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

The site is outside but adjacent the Principal Urban Area

Relevant Planning History:

Land to the north (former Leckhampton Industrial Estate)

15/00679/AMEND 24th July 2015 PAMEND

Non material amendment to planning permission 15/00027/CONDIT - installation of flues to plots 1-17, 23 and 28, minor alteration to internal layouts to provide study area on plots 18,20,21,26 and 27

15/00027/CONDIT 17th April 2015 PER

Variation of condition 2 on planning permission 13/00756/FUL to revise the approved drawings

14/02169/DISCON 1st April 2015 DISCHA

Discharge of conditions 3, 4, 5, 6, 9, 11, 12, 13, 15, 18, 20, 22, and 24 of planning permission ref: 13/00756/FUL

13/00756/FUL 18th September 2014 PER

Demolition of existing buildings and residential development comprising the construction of 28 dwellings

Land to the east (land to the south of the scout hall)

15/01036/COU 27th August 2015 PER

Change of use from agriculture to recreation use

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 1 Sustainable development
CP 2 Sequential approach to location of development
CP 3 Sustainable environment
CP 4 Safe and sustainable living
CP 7 Design
GE 5 Protection and replacement of trees
GE 6 Trees and development
CO 1 Landscape character
CO 2 Development within or affecting the AONB
NE 3 Biodiversity and geodiversity of local importance
HS 1 Housing development
HS 2 Housing Density
HS 4 Affordable Housing
RC 6 Play space in residential development
RC 7 Amenity space in housing developments
UI 3 Sustainable Drainage Systems
TP 1 Development and highway safety
TP 2 Highway Standards
TP 6 Parking provision in development

Supplementary Planning Guidance/Documents

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

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

GCC Highways Planning Liaison Officer

8th October 2015

The application seeks to erect 11 new homes that is adjoins land to the north being the former Leckhampton Industrial Estate where planning permission (13/00756/FUL) was granted on 11th September 2014 for a residential development comprising the construction of 28 dwellings with access from Leckhampton Road which is an unclassified road subject to a 30mph speed limit.

Accessibility

The proposed site is centrally located and within walking distance to the local bus service (F) being 1.5 miles from the Cheltenham town centre environment serviced by local amenities with many social amenities, public house(s), community centre a library shops and many employment sites. There is a good standard of pedestrian pathways linking to local retail and commercial services together with the Cheltenham town centre and adequate 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.

Trip Generation

Using the Trip Rate Information Computer System (TRICS) for 12 dwellings gives a daily trip rate of 4.572 trips per dwelling. The morning peak hour is expected to be 0800-0900 and during that hour the development may generate a total 4.4 trips (0.372 x 12) for 12 dwellings and the evening peak hour is assumed to be between 1600-1700 and the development is expected to produce 4.5 trips (0.382 x 12) 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 layout for the site is not ideal in particular as it relates to the adjoining development. Having said this access is gained via the adjoining development which is permitted and therefore this has been taken into consideration. So whilst not ideal it is accepted that this proposal is reliant on these limitations. Cheltenham Borough Council may need to use a smaller refuse vehicle so as to safely pass cars and parked vehicles.

The access swept path analysis submitted on drawing no DWG-03 Rev A, demonstrates that a large refuse vehicle (11.510m) can service the development, enter and exit in forward gear and that the turning space(s) provided are sufficient to enable the refuse vehicle to manoeuvre. There are short lengths of road where a large refuse vehicle (11.510m) and a medium sized car not pass in opposite directions, however I consider that the is sufficient road width and forward visibility for either vehicle to stop and wait to allow the other to pass.

Drawing No DWG-04 A1 demonstrates that two medium sized cars can pass in opposite directions along the existing access road and internal layout shared surface street.

Parking

Vehicle parking provision is set out on drawing no BM070-190 and provides for at least 2 parking spaces per dwelling.

I consider that the plot sizes are of sufficient area as to provide cycling parking /storage 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:

1. No occupation of the dwellings hereby approved until the access road layout together with the junction from Leckhampton Road to the development site 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 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.

2. None of the dwellings hereby permitted shall be occupied until the vehicular parking facilities have been provided in accordance with the submitted Drawing BM070-190 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 Local Plan Policy CP5.
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, 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 andTP2.
4. 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
5. 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.
6. 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;
 - viii 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/mfgr>

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 3 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.

Landscape Architect

19th June 2015

There are a number of issues associated with this application which would result in an objection to the proposal in terms of landscape.

Landscape and Visual Impact Assessment

- i. There is confusion within the text between landscape character impact, visual impact and landscape sensitivity/capacity. Please could clarification be sought regarding the brief for this assessment. Was the brief to assess only the likely visual impact (para 1.2) or the landscape and visual impact.
- ii. Table 4: Landscape Visual Sensitivity
Please could the purpose of Table 4 be clarified.
- iii. Table 5: Definition of Magnitude of Landscape Impacts
It would seem more appropriate to include a table showing the definition of Magnitude of Visual Impacts at this point, since both the preceding and following paragraphs (2.9, 2.10) refer to the process of visual impact assessment.
- iv. Viewpoints
 - The viewpoints were not agreed with this LPA prior to submission of the application, whereas best practice guidance recommends that they should be.
 - The assessment of the significance of the visual impact from a number of the viewpoints is queried, in particular Viewpoints 4, 7, 8
 - Viewpoint 4 looks down on the site from the Cotswold Way in the AONB, near to the Devil's Chimney. From this location the existing boundary vegetation of the site can be clearly seen.

In the LVIA the magnitude of the visual impact is deemed to be Very Small and the significance of the visual effect is considered Minor.

However, the proposals require the removal of the boundary vegetation, to be replaced by a field hedge and new trees. During the time it would take

for the new planting to mature, the soft landscape boundary currently seen from the AONB would be replaced by built form. The magnitude of the visual impact of the proposed development would be large. The significance of the visual effect would be major when viewed from this location.

It might be argued that this effect would be temporary - that in time the new planting would screen the proposed development. But it will take years for the planting to mature to a point where it might provide adequate screening. During this time the proposed development would have a significant adverse effect on the view. In such circumstances the landscape mitigation proposed is inadequate. If planning permission were granted the existing boundary vegetation should be preserved and enhanced to provide a continuing and substantial landscape buffer between the proposed development and the Cotswolds Area of Outstanding Natural Beauty.

- Viewpoints 7, 8 are from the PRoW accessed from Collum End Rise.

In each case the sensitivity of residents and users of the PRoW is high. Contrary to the conclusions in the LVIA, the magnitude of the visual impact of the proposed development would be large. The significance of the visual effect would be major when viewed from residences and the PRoW.

Similar arguments apply here as for Viewpoint 4, although in these cases the views being considered are near to the boundary of the site rather than distant.

Site Layout

The proposal site lies adjacent to the boundary with the Cotswolds Area of Outstanding Natural Beauty and as such requires a sensitive approach to development.

The site slopes upwards from north to south towards the AONB boundary. Given the sensitive location it is considered that the proposed site layout is too dense and rises too far up the slope. The proposed height of the new dwellings - 3.5 storeys - will make screening difficult when viewed from the AONB.

The site layout should be reconsidered to allow for the substantial landscape buffer mentioned above. Proposed dwellings should be confined to the lower portion of the site and be reduced in height in order to lessen the adverse effect of built form along the boundary with the AONB. Each dwelling should be allocated generous garden space so that the proposed development has a rural, rather than urban, character.

The colours of the building materials should be selected such that the proposed development recedes into the background when viewed from the surrounding landscape.

Boundary Treatment

i. Soft Landscape

As previously mentioned, a continuing and substantial landscape buffer will be required between the proposed development and the Cotswolds AONB in order to mitigate the effect of development.

Referring to the existing vegetation, on the south and west boundaries of the proposal site, Drawing BM070-001 Site Layout states: 'Poor quality vegetation to be removed and replaced with new planting'. It would appear from Drawing BOO19700-11 Soft Landscape Proposals that the existing hedge is to be a re-laid and gaps infilled with a mix of native

hedge species to provide a boundary of approximately 1 metre width. New tree planting within the hedge-line is also proposed. No other planting information has been supplied. As such, the new boundary planting would form an inadequate buffer between the proposed development and the AONB. In addition, hedge-laying requires skill and, even if successful, it would be years before the hedge was rejuvenated.

The Tree Officer's comment regarding the inclusion of *Quercus robur* in the infill hedging mix is noted and agreed with. The other plant species proposed are acceptable.

Planting proposals are required for the creation of a landscape buffer based on the retention of existing vegetation and its enhancement with new planting. Planting details, including species, size, number and spacing should be provided.

ii. Maintenance

Also of concern is the management and maintenance of the landscape buffer planting (including boundary hedges), the Landscaped Green and other areas of communal landscaping within the proposed development. All of these elements of landscaping should be maintained, in perpetuity, by a management company and not be left to the responsibility of homeowners. Where responsibility for maintenance of a boundary hedge lies with homeowners there is the possibility that it might be removed and replaced with another boundary treatment which less sympathetic to the AONB landscape. Management arrangements and a management plan should be submitted in writing to the LPA for approval.

Hard Landscape

A combination of unsympathetic boundary treatments is proposed:

- Drawing BOO19700-12 Hard Landscape Proposals shows a retaining wall running through the rear gardens of Plots 2 - 8 and retaining walls separating the gardens of Plots 1 - 8. This results in a hard, engineered edge in close proximity to the boundary of the AONB.
- The upper portions of the rear gardens of Plots 5-8 are divided by hit and miss wooden fence panels.
- The southern boundary of the site is proposed to be a chain link fence.

Either one of these would be inappropriate in a location abutting an AONB. The proposed boundaries should be reconsidered. The adverse effect of the boundary treatments would be reduced if the upper portion of the proposal site were kept free of built form.

Details and samples of the proposed boundary treatments should be submitted to this LPA for approval.

Policy References

- NPPF Para 115; Para 116, bullet point 3.
- JCS Policy SD8 - The Cotswolds Area of Outstanding Natural Beauty.
- Cheltenham Borough Local Plan Second Review (Adopted July 2006): Policy CO2 - Development Within or Affecting the AONB.

See also para 7.21

12th October 2015

Comments

1. Landscaped Green

Fifteen new trees are proposed to be planted in the Landscaped Green. Eleven of these trees follow the boundary line between the proposal site and the site to the north, known as Leckhampton Views and which is currently under construction.

The ground level of the Landscaped Green is approximately 2m above the patio level of the adjacent dwellings in Leckhampton Views – see *Drawing No. MB070-211 Site Sections*, submitted with this application. (However, *Drawing 2004A 'Section Through Back Garden'* of Application No. 13/00756/FUL – for the Leckhampton Views site – indicates that this might be up to 3m.)

Indicative tree heights of approximately 6m are shown. For the species selected this is too low an estimate of mature height – up to 12m would be more likely.

As the trees along the boundary grow they will begin to shade the gardens and dwellings in Leckhampton Views – an effect that will be exacerbated by the difference in level. This may give rise to requests to have the trees removed with the resulting adverse effect on the visual amenity and wildlife benefit of the landscape scheme.

2. Boundary Treatment

a. *Landscaped Green/Leckhampton Views*

Drawing No. MB070-211 Site Sections shows a boundary fence or wall between the Landscaped Green and the dwellings in Leckhampton Views. It is not clear from the drawing what type of boundary treatment is proposed. Please could this be clarified.

b. *South and West Boundaries*

Drawing No. BOO19700-50 Management Plan shows the Landscaped Green and boundary vegetation to be maintained by a management company. There are two site boundary lines – red and blue. The blue line appears to surround the area to be maintained by a management company. It is not clear from this drawing where the rear boundaries of the private gardens meet the site boundary.

Drawing No. BOO19700-12B Hard Landscape Proposals shows the rear boundaries of the private gardens coinciding with the site boundary.

A number of existing trees in the southern hedgerow are to be retained and incorporated into private gardens. Further tree planting is proposed along the west, south and east boundaries. Trees located in private gardens are vulnerable to removal by residents especially where, as will be the case with the southern boundary, they create shading of gardens and dwellings.

The Hedgerow Management and Maintenance Plan states that the southern hedgerow will be maintained in perpetuity by the Management Company set up by Boo Homes. No mention is made of the western hedgerow, which is also important as a landscape buffer to the Cotswolds AONB.

Please could clarification be sought for the following:

- i. Will the existing hedgerows and trees on the southern and western boundaries be located on private property?
- ii. If they are to be located on private property, will they be maintained by a management company in perpetuity?
- iii. If they are to be maintained by a management company, will the management company personnel require access through and onto private gardens?

The proposal site lies adjacent to the boundary with the Cotswolds Area of Outstanding Natural Beauty. A continuing and substantial landscape buffer between the proposed development and the AONB is required in order to provide adequate screening. Given the importance of the landscape buffer it may be prudent to redraw the boundaries of the private gardens so as to remove the boundary vegetation from private ownership altogether, placing it in the ownership of the Management Company. However, this arrangement will not prevent requests from future residents to have trees removed if they cause shading of dwellings and gardens, as is likely to be the case with trees on southern and western boundaries. Given that sustainable development is the overarching aim of the NPPF, the wisdom of the proposed site layout is called into question as a tension may be created between the amenity of future residents and the requirement to preserve and enhance the AONB.

3. Rear Gardens

- a. *Drawing No. BOO19700-12B Hard Landscape Proposals* shows the dividing boundaries of private rear gardens being formed by 1.8m and 1.2m high close-board fences. For the rear boundary, *The Hedgerow Management and Maintenance Plan* states that, for the first five years, a stock-proof fence is to be erected on the outside of the hedges to prevent access by pedestrians and livestock. This arrangement raises a number of questions:
 - i. How are the end posts of the dividing fences stabilised? Construction details will be required.
 - ii. After five years might the residents decide to erect their own rear close-board fences to provide security for their gardens? If so, this could have an adverse visual impact on the boundary with the AONB
- b. *Drawing No. MB070-211 Site Sections* indicates that a dwelling on the southern boundary of the AONB will have a patio width of approximately 3m between the house and a retaining wall of approximately 600mm height. From the retaining wall the garden slopes up to the boundary of the AONB with a slope of approximately 1 in 4. It may be that future residents would seek to create more useable garden space by further terracing of their gardens. The result of this could be that domestic/garden paraphernalia becomes visible above and through the boundary hedge giving rise to an adverse impact when viewed from the AONB.

Conclusion

The applicants have helpfully submitted further information regarding site sections and landscape management. However a number of outstanding issues remain which would result in an objection to the proposal in terms of landscape.

The nub of the problem seems to be the density of the proposed site layout which in turn gives rise to adverse impacts with the boundary of the Cotswold AONB. The

adverse impact could be increased in future by insensitive management of private gardens and requests to have boundary trees removed to prevent shading.

An alternative site layout could be considered, with reduced density. Landscape objections might be removed if built development were confined to the northern boundary of the site. If the rear gardens of the proposed dwellings abutted the rear gardens of those in Leckhampton Views there would be no need for trees along this boundary. Evergreen hedging and shrubs could be used to screen domestic fencing. The gardens of the proposed dwellings would need to be fairly long to avoid other amenity issues such as overlooking. The southern portion of the site could be left as a sloping bank, probably requiring a retaining wall in a sympathetic material such as Cotswold stone. The bank could be managed as a wildflower meadow, providing both visual amenity for the dwellings facing it, and increasing its wildlife value. The existing boundary vegetation could be rejuvenated and augmented increasing its value as a biodiversity asset for the locality and avoiding any conflict with residents regarding ownership and management.

Tree Officer

26th May 2015

The CBC tree Section would like the following clarified/amended prior to supporting this application:

- 1) Drawing No BOO 19700-11-soft Landscaping proposals-the redline indicating the site boundary appears to be the Tree Protective Fencing Boundary-please could this be clarified and amended so as to show the full extent of both boundaries.
- 2) Heavy standard trees recommended within the above plan are indicated as to be root-balled trees. Such trees would have a significantly better chance of quick establishment if they are planted as container grown trees. This is especially so if they are to be planted any other time than between late October and Christmas time.
- 3) Within the boundary planting mix *Quercus robur* is recommended for hedging mix. This species (common oak) will not likely establish and perform as a hedge and as such this species should be substituted as an alternative species.
- 4) No underground servicing plans appear to have been submitted. It is important that such servicing/drainage etc can be submitted and agreed prior to the granting of any permission being granted.
- 5) Plot 9 in the south west corner is likely to become very shaded and dominated by the proposed *Acer campestre* (field maple) as such proposed trees mature. It is recommended that an alternative solution is submitted and agreed.
- 6) Clarification is required as to the maintenance of the green space and any other trees not likely to become under private ownership.
- 7) It is not altogether clear all trees are to be removed and which are to be retained. It would be helpful if such proposals could be clarified and a drawing and schedule.
- 8) T2 *Fraxinus excelsior* is off site and within the adjacent scout hut demise. This is a large 16 metre high twin stemmed ash tree whose canopy will dominate the rear garden of plot 11 and likely to lead to feelings of apprehension by any new occupants of this home which is drawn as being 12 metres distance from this tree. It is recommended that the layout of this area is reconsidered or else that this tree is entirely removed and replaced with suitable mitigation within the scout hut demise.

- 9) The old hedge line to the south needs better management consideration than merely the 'laying' proposal. There are several fine mature individual specimen trees (*cratageous monogyna* (hawthorn) and *Corylus avellana* (hazel) which should be considered as retained as mature specimens within rear gardens. Whilst the proposed *Prunus avium*, *Cratageous monogyna* and *Acer campestre* are welcome native species as appropriate individual ecology promoting trees also of high visual amenity value, it is not clear if wholesale laying of the existing tree line will be successful and further consideration is necessary.

12th October 2015

Following Trees Officer comment of 26/5/15 various clarifications and changes have been made as detailed on Soft Landscape Proposals Drawing no BBB19700-11B.

Previous point considered in previous order:

- 1) Red boundary line has been moved
- 2) Heavy standard trees to be planted are still intended to be root balled despite previous request to change to container grown trees
- 3) English oak are still in the proposed hedging mix despite previous officer request to change this to a species which works better as hedging material.
- 4) Underground service plans still not submitted.
- 5) Plot 9 to south east of site-Field maple trees to be planted to south east of dwelling. This will cast considerable shade and alternative species should be considered.
- 6) Clarification required re maintenance of internal green space.
- 7) It is still unclear whether the large ash within the scout hut is to be removed.
- 8) Southern boundary line soft landscaping proposals have improved. However, further clarification still required for retained hawthorn trees to have a 'restorative prune'. Such a description should give clear reference to the anticipated canopy width and height after such pruning. The proposed laying of the hawthorn trees to the east of this southern boundary should be effective and ensure a good boundary hedge line is retained in this area.

Other comments following review of this drawing are:

- 1) Maintenance of the southern side of the ransom strip should be considered. It is unlikely that householders will prune the 'other side' of this proposed hedge line.
- 2) There are 3 hawthorn to be removed at the rear of plot 5. The biggest and best (and most easterly) tree should be retained. This could become subject to a 'restorative prune' as above. This tree will be approx.10 metres from the proposed property.
- 3) Pleached hornbeam are proposed for the easterly boundary will be an effective screen but such hedging is very labour intensive to maintain and the Tree Section strongly recommends that some other form of living screen is planted.
- 4) To the rear of plot 3 a hawthorn tree is shaded dark green as if to be retained, but is described as being removed. This is presumed to be a type-o. Please could this be clarified.

- 5) A Tree protection plan (to BS 5837 (2012)) needs to be submitted and agreed as a part of the application.
- 6) The proposed field maples on the northern boundary will cast considerable shade onto the properties on a lower elevation to the south. An alternative species which will cast less shade should be considered (double flowering cherry or Sargent's cherry would compliment the proposed wild cherry).

Social Housing

25th June 2015

In accordance with the requirements of the draft Joint Core Strategy, which requires affordable housing contributions from developments of 10 homes or more, 40% of the 12 dwellings should be sought as affordable housing. Of these five units, four should be social rented and one should be shared ownership. The requirements for tenure and house sizes are set out, as well as rents, service and housing standards. The Housing Officer sets out the need for affordable housing in the Leckhampton area as established by the Gloucestershire Homeseekers system.

GCC Local Flood Authority (LLFA)

21st May 2015

I refer to the above application and your referral to the Lead Local Flood Authority for advice on the management of surface water. This email is an informal communications pending our formal response.

We accept that the development is in flood zone 1 and is less than 1 hectare and the applicant is not therefore required to provide a site specific FRA. However, the application does not contain any information relating to sustainable drainage systems and is lacking any kind of drainage strategy. We consider the application does not comply with the requirements set out in technical guidance to the NPPF and the Non Statutory Technical Standards for Sustainable Drainage. In these circumstances and given it is supposed to be a full application we are considering an objection to the development, do you have a view before we formally respond?

21st May 2015

Response - Objection

I refer to the above application received by the Lead Local Flood Authority (LLFA) on 7th May 2015, for comment on the management of surface water. The site is situated within flood zone 1 as demonstrated by the Environment Agency's (EA) interactive web based mapping service.

On the basis of the documentation supplied to the Local Planning Authority (LPA) it has not been possible to successfully review this application for the purpose of assessing the adequacy of the surface water drainage system. Insufficient detail has been provided in the applicant's submission and therefore the LLFA objects to the current proposal.

It is understood that the development is in flood zone 1 and is less than 1 hectare and that the applicant is not therefore required to provide a site specific flood risk assessment.

However it is a mandatory requirement to provide sufficient information relating to the proposed surface water drainage strategy and consideration must be given to the provision of a sustainable drainage system.

This is to comply with the requirements set out in Technical Guidance to the National Planning Policy Framework and the Non Statutory Technical Standards for Sustainable Drainage. The applicant's submission is lacking sufficient information to demonstrate compliance with these requirements. The LLFA is therefore unable to confirm that the developer has made appropriate use of sustainable drainage systems and that opportunity has been sought to reduce the overall level of flood risk in the area and beyond.

9th June 2015

I have received contact from Robert Wilson from Simpson Associates on 28th May, 2015, however we still object to the application in its current form. We need further information to assess the application including the following.

1. Explanation to show that the SUDS hierarchy has been given appropriate consideration, including water re use and alternative forms of attenuation including above ground attenuation, permeable paving and storage within the construction layers.
2. Soil condition test results/evidence to demonstrate that site is not suitable for infiltration.
3. Calculations to show the peak discharge rates/ storage volumes.
4. Calculations to show how surface water run off rates will be constrained to existing rates across all of the relevant return periods, i.e. Qbar, Q1, Q30 and Q100 and with climate change.
5. Evidence from ground water table monitoring to show minimum and maximum levels.
6. Further explanation to show how exceedance events will be adequately catered for.
7. General site levels and finished floor levels of the proposed dwellings.
8. Demonstration that existing natural drainage has been fully considered.
9. Evidence needed for proposed Attenuation can cater for 1 in 100 year return period.
10. Clarification of the cover and invert levels relating to Severn Trent Water records.

Please note that proposed foul water is a matter that will be dealt by Severn Trent and is not therefore considered by Lead local flood authority in this response.

8th June 2015

I refer to my previous communication dated 28/05/2015 and write to clarify point 5 in my email.

If ground conditions permits infiltration and you have any proposals for soakaways or underground storage for managing/attenuating storm water then we need to see evidence from groundwater table monitoring minimum and maximum levels.

I suggest therefore that you should develop your SuDs strategy and determine whether or not soakaways/underground storage will be utilised before commencing any on site investigation of the level of water table.

25th June 2015

I refer to the above planning application received by the Lead Local Flood Authority on 7th May 2015 to provide comment on the surface water flood risk. We have submitted our response and received a revised proposal submitted on 17th June, 2015 via email which meets the requirements of a major application of which LLFAs are statutory consultees. We have no objection on this application.

Please note that proposed foul water is a matter that will be dealt by local sewerage authority and is not therefore considered by Lead local flood authority in this response.

It is recommended that the following conditions should apply to any planning approval and their responses should include the information indicated above:

1. Development shall not begin until drainage details, incorporating sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, have been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be completed in accordance with the approved details before the development is first brought into use/occupied.
Reason: To ensure the development is provided with a satisfactory means of drainage and thereby preventing the risk of flooding. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage in the locality.
2. Prior to the commencement of development details of surface water attenuation/storage works shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be completed in accordance with the approved details before the development is first brought into use/occupied.
Reason: To prevent the increased risk of flooding, It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage in the locality.

Land Drainage Officer

7th July 2015

I am satisfied that the storm water drainage strategy adopted for this proposed development is appropriate and raise no objection to the application.

Severn Trent Water Ltd

1st June 2015

With reference to the above planning application the company's observations regarding sewerage are as follows.

I confirm that Severn Trent Water Limited has NO OBJECTION to the proposal subject to the inclusion of the following condition.

Condition

The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the

Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

If you require any further information please contact Rhiannon Thomas on 01902 793883.

Gloucestershire Centre for Environmental Records

15th May 2015

Available to view online

Crime Prevention Design Advisor

19th May 2015

In my capacity as Crime Prevention Design Advisor for Gloucestershire Constabulary, I would like to comment on the material considerations of the planning application specifically relating to designing out crime.

I would like to draw your attention to the PDF document attached to the carrying e-mail which provides detail to the following comments.

1. Re-inforce the private nature of the site with features such as rumble strips, change of road surface (by colour or texture).
2. Planting should not restrict surveillance opportunities, assist in climbing or create hiding places. Planting along footpaths needs to be carefully considered to ensure it will not grow over the path, restricting the width, creating narrower and less inviting areas. Landscaped areas will need to be managed.
3. The lighting plan should be designed to encompass the development and allow for seasonal variations within the planting scheme; thereby removing areas of deep shadow to reduce the fear of crime, along with opportunities of crime and Anti-Social Behaviour.
4. All plots to have doors and windows to BS PAS24:2012.
5. Boundary with neighbouring plots should define ownership and be reinforced to protect the existing properties. External fencing 1.8m Close board not horizontal 'hit & miss', internal fencing 1.5m with 0.3m trellis, any hedging to be robust with native species defensive planting 1.5m wide.
6. Off road mitigation to prevent inappropriate parking.

(See annex A as below, referring to your Planning Authority's planning policy.)

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.

Research conducted by Secured by Design has proven that SBD 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.

Gloucestershire Constabulary's Crime Prevention Design Advisors are more than happy to work with the Council and assist the developers with further advice to create a safe and secure development, and when required assist with the Secured By Design accreditation. Please feel free to contact me should you have any queries or wish to discuss these issues further.

Annex A - 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

Parish Council

18th June 2015

The Council requests that the following observations be noted and considered by the Planning Committee in respect of the plans for the above application:

The Council strongly objects to the application

Reasons/Observations

The application was considered by the Parish Council at its meeting on 11th June 2015.

The proposal would extend the current development at 205 Leckhampton Road up to the boundary of the Cotswold AONB on the south side. This would make the development much more visible from the AONB and from Leckhampton Hill. The site forms a small triangular field between the existing development on the north side and a sparse hedgerow on the south side along the AONB boundary. This field, seen through the hedgerow, reduces the impact of the current development on the AONB and was a factor taken into account when the Parish Council supported the current development in principle.

The proposal is to plant additional trees to thicken the screening. However it will take a considerable time for this thicker screening to mature, even if semi-mature trees were planted. The 3.5 storey height of the proposed new dwellings would also make it difficult for them to be screened sufficiently well even when the screening is mature. The Council is also concerned that because the screening trees will overshadow the new dwellings and will obstruct the view of Leckhampton Hill from these dwellings, residents will be tempted to cut the trees back. The trees will therefore need to be well protected and maintained to ensure that the screening is permanent.

The Council also strongly supports the comments by the Architects Panel that the style of the proposed dwellings is far too urban for this site. The dwellings are too large and too packed in and their 3.5 storey height is very inappropriate, as well as making it more difficult to provide adequate screening from the AONB. The Council agrees that a looser and less dense layout is required, with either substantially fewer dwellings or smaller dwellings with some joined together as suggested by the Architects Panel. The maximum height should be 2.5 storey.

In view of the impact of this proposal on the AONB, the Council wondered whether comments have been sought from the Cotswold AONB Conservation Board and from CPRE Gloucestershire.

Cheltenham Civic Society

15th June 2015

This represents useful provision of extra housing within the urban area. It is a sensible extension to the existing new adjacent development

Architects Panel (comments made in relation to original scheme for 12 dwellings)

11th June 2015

This proposal is for an extension to a site which is currently under construction. The proposed site lies to the south of the construction site and is adjacent to the AONB. As such, it is on the periphery of the town and bounded on two sides by open countryside.

Given its location, the panel felt that the scheme was too urban in its form and a less dense and 'looser' layout would be more appropriate. The units seemed oversized resulting in large areas of unarticulated elevation, and those that were fenestrated lacked satisfactory proportions. The density of the layout requires a storey high retaining structure to the south which would have an adverse impact on amenity space as well as removing any real relationship between the properties and the landscape. The panel was also concerned about how water run-off from the hillside would be dealt with.

The street scene was poorly elevated and the location of the gables needs greater consideration to produce a more harmonious frontage. The panel also felt that the scale of the properties was too great and that perhaps the eaves could be dropped to reduce their impact. It may also be beneficial to join some of the units together.

Overall, the panel felt that a less dense higher quality proposal would be required before support could be given to this application.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	9
Total comments received	2
Number of objections	2
Number of supporting	0
General comment	0

6. OFFICER COMMENTS

6.1 Determining Issues

6.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning decisions are made in accordance with the Development Plan, unless materials considerations indicate otherwise.

6.3 The Development Plan for the area is the Cheltenham Borough Local Plan (adopted 2006).

- 6.4** The National Planning Policy Framework ("NPPF") is the Government's national planning policy. The NPPF sets the weight to be attached to existing Local Plan policies. Paragraphs 214 and 215 state that where a Local Plan has not been adopted in accordance with the Planning and Compulsory Act 2004 – as is the case for the Cheltenham Borough Local Plan – weight should be afforded to Local Plan policies in proportion to their degree of consistency with the NPPF.
- 6.5** The Cheltenham Local Plan was adopted in accordance with pre-2004 legislation and therefore only policies which accord with the NPPF carry weight. Where the Local Plan is not in accordance or is silent then the NPPF prevails.
- 6.6** The main issues relevant to the consideration of the planning application are:
- (i) Whether this is a sustainable location in principle for new housing
 - (ii) Affordable housing
 - (iii) Impact on the character and appearance of the area and scenic beauty of the Area of Outstanding Natural Beauty
 - (iv) Access and highway issues
 - (v) Impact on neighbour amenity
 - (vi) Drainage
 - (vii) Ecology

6.7 Whether this is a sustainable location in principle for new housing

- 6.8** The Council cannot currently demonstrate a five year housing supply (plus 20% buffer). The five year housing supply position at 31 March 2015 is that taking account of shortfall and the application of a 5% buffer, the Council has a 3.6 year housing supply. This means that the housing supply policies in the Local Plan are not considered up to date, and the policies in the NPPF should prevail (par. 49).
- 6.9** Paragraph 14 of the NPPF says that where Local Plan policies are out-of-date, planning permission should be granted unless *'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.'*
- 6.10** The site is not subject to any specific constraints or environmental designations (although the land to the south is AONB). Therefore, there are no specific policies in the NPPF that indicate that development of this specific site should be restricted.
- 6.11** The site is located on the southern edge of Cheltenham, outside but adjacent the Principal Urban Area. The site is a small grassed paddock, enclosed by hedge and trees on its south and west sides. It is sandwiched between open countryside to the south and new housing currently under construction to the immediate north.
- 6.12** The south boundary of the site, beyond which is the AONB, arguably provides a natural buffer to the town. The site is no more or no less sustainable in terms of its location than the new housing currently being built to the north or the existing housing in the vicinity of the site. The site has reasonable access to shops, services, jobs and public transport. It is a reasonably sustainable location for eleven further homes.
- 6.13** Given the above analysis, the principle of development of the site for 11 new homes is considered acceptable.

6.14 Affordable housing

- 6.15** The proposal is for 11 houses, which falls below the threshold for the negotiation of affordable housing set by Policy HS4 of the Local Plan. The draft Joint Core Strategy sets

a lower threshold of 10 units, however, because this emerging policy has not been properly tested yet and is subject to a number of objections at the examination in public, it cannot be afforded any serious weight. The Council's Planning Policy team has advised that existing Policy HS4 should prevail at this time.

- 6.16** In terms of a requirement for affordable housing, it is considered unreasonable to link the proposal with the development of the adjacent land currently under development for housing. Whilst it is understood that the applicant and the developer of the adjacent site are one in the same, the sites have been two separate entities under different ownership. Therefore, there are no reasonable grounds to amalgamate the two for the purposes of negotiating additional affordable housing.
- 6.17 Impact on the character and appearance of the area and scenic beauty of the Area of Outstanding Natural Beauty**
- 6.18** It is considered that this is the major issue for the application. The site is located on the south edge of the town at the southern end of Leckhampton Road. Beyond the site to the west and south is open countryside and AONB as the land rises in a southerly direction towards Leckhampton Hill.
- 6.19** In landscape terms, the site is easily visible in long distance views from the Devils Chimney at Leckhampton Hill, as well as short and medium terms views from the public footpath that crosses the fields to the immediate west and south of the site.
- 6.20** The development would have a very hard urban edge to it with dwellings closely packed together within a relatively short distance of the south boundary of the site, which provides an important green buffer between town and countryside/AONB.
- 6.21** Serious concerns have been raised by officers about the level of development, the number of houses, their size, design and layout. In response, the applicant has revised the scheme by omitting a unit and making changes to the size, design and layout.
- 6.22** The proposed dwellings are appreciably smaller than the original proposal and their scale and design are similar to the houses being constructed on the adjacent site to the north. The design is reasonably contemporary with the exterior faced in render, buff brick and timber cladding. The rooves would be finished in slate. The dwellings would be attractive and not in themselves objectionable.
- 6.23** The layout of the scheme has also been improved with a more logical flow to the siting arrangement. There would be a communal green space at the front of the site adjacent the new housing to the north which would also as a green buffer.
- 6.24** What is of greater concern is how the development presents itself to the AONB and countryside to the south. The existing hedge and trees along these boundaries screen the site and adjacent development from countryside and help to provide an important green edge to the town.
- 6.25** Although a unit has removed from the scheme, Plots 3 to 8 are still tightly packed next to each other. Plots 3 and 4, and 7 and 8 are semi-detached houses. The spacing between these dwellings and adjoining houses is small. Drawing number BM070-212 is a "reverse street scene" showing the rear of the houses when viewed from the public footpath and ANOB to the south. It helps to demonstrate that the development would have a hard edge and would appear cramped and overly dense right on the south boundary of the site.
- 6.26** The proposal includes new hedge and planting on the south and west boundaries of the site at this interface with the countryside. This would help to provide some screening and softening of the development. However, the Landscape Officer is very concerned that the tree planting will be too close to the houses. Plots 2 to 9 are south facing and there may

be serious pressure from residents in the future to remove the trees because of shading and loss of light to their properties. Drawing BM070-212 suggests that these trees will be not insubstantial and if they were to be removed in the future then they would expose the development to countryside to the detriment of the AONB and its setting. Even with the hedge and trees matured and retained, it is still felt that the development would have an overly hard edge too close to the countryside.

6.27 The applicant has been advised that the development should be much looser and informal than the denser layout of the houses to the north. The site is on higher ground than the adjacent housing and is much closer to the periphery of the countryside. There should be more of a transition from the dense housing to the north to the countryside and AONB to the south. The proposed development is considered overly dense and harsh in this sense and would be detrimental to the rural edge of the town and setting of the AONB.

6.28 A further concern relates to the future management and maintenance of the important new hedgerow on the south and west boundaries of the site. There is a lack of clarity over whether the hedge would be in private ownership by individual householders and there is concern about future pressure to remove it and replace it with unsympathetic boundary treatment. The layout of the development does not appear to lend itself to natural defence of the hedgerow and if it were to be removed or inappropriately replaced (either whole or in part) then this could have a damaging impact on the rural setting of the site.

6.29 For these reasons, it is considered that the development would result in unacceptable harm to the green edge of Cheltenham and scenic beauty of the adjacent AONB.

6.30 Access and highway issues

6.31 The Highway Authority has carried out a detailed assessment of the proposal and offers no objection to the application. The means of access would be satisfactory and sufficient space would be provided for parking within the development. No severe highway impacts are identified.

6.32 Impact on neighbour amenity

6.33 The layout and position of the dwellings has been designed to limit the impact on the new houses being built to the immediate north. The front of Plots 3 to 8 would be positioned on higher ground and would look towards the rear of the adjacent houses. However, the elevation to elevation distances would be at its closest point more than 25 metres which would ensure more than sufficient separation. The closest of the proposed dwellings to the adjacent housing development would be Plots 1 and 11. Plot 1 would be positioned beside the adjacent house and would result in no substantial issues. Plot 11 would be positioned perpendicular to the adjacent housing, and although on higher ground, its main two storey part would be 10 metres from the boundary, which would be sufficiently far away (there would be a single storey wing at five metres which would also be acceptable). The applicant has provided a section drawing showing that Plot 11 would not adversely impact on sunlight to the adjacent plots.

6.34 There is no reason to believe that the development of the site for housing would give rise to unacceptable conflict with the use of the adjacent land by the scouts.

6.35 There would be no harmful impacts between the dwellings within the development itself.

6.36 In summary, no substantive neighbour amenity issues have been identified.

6.37 Drainage

6.38 Following the submission of further information, the County Council (as local lead flood authority) offers no objection to the application on flood or drainage grounds. A detailed drainage scheme can be secured by condition if planning permission were to be granted.

6.39 Ecology

6.40 The application is supported by an ecological appraisal of the site and no significant harmful impacts are identified. Ecological measures and options to enhance biodiversity could be secured by condition were permission to be granted.

7. CONCLUSION AND RECOMMENDATION

7.1 It is recommended that planning permission is refused on grounds of inappropriate urban development on the rural edge of Cheltenham to the detriment of the scenic beauty of the Cotswold Area of Outstanding Natural Beauty and setting of the town.

8. REFUSAL REASONS

1 The proposed development would result in an overly harsh and hard urban edge to this part of Cheltenham. The development would appear as a continuous and tightly packed group of houses immediately adjacent the south boundary of the site, which is an important green buffer to the open countryside and Cotswold Area of Outstanding Natural Beauty to the south. Plots 3 to 8 would be tightly positioned next to each other and would present a harsh and continuous development where there should otherwise be more of a transition from buildings to countryside. The development would appear intrusive and harmful to the green setting of Cheltenham. It would be detrimental to the setting of the adjacent countryside and scenic beauty of the Cotswold Area of Outstanding Natural Beauty.

Plots 2 to 8 would be very close to the south boundary of the site where it is proposed to replace the existing hedge and provide new tree planting. The trees would be on the south side of the adjacent houses and there would likely be pressure from residents in the future to remove the trees due to shading and loss of light to their south aspect. The removal of these trees would further expose the development to the countryside, increasing the harm to the countryside and Area of Outstanding Natural Beauty.

The proposal fails to accord with Policies CP1, CP3, CP7, CO1 and C02 of the Cheltenham Borough Local Plan (adopted 2006), paragraphs 56, 57, 58, 64 and 115 of the National Planning Policy Framework and is unacceptable.

2 The application does not include an appropriate mechanism or legal agreement for securing appropriate long term management of the boundary hedges, planting and communal landscaping areas. Without appropriate management, important landscaping could be removed or become poorly maintained to the detriment of the visual appearance of the site, its setting and the amenities of residents.

The proposal fails to accord with Policies CP1, CP3, CP7, CO1 and C02 of the Cheltenham Borough Local Plan (adopted 2006), paragraphs 56, 57, 58, 64 and 115 of the National Planning Policy Framework and is unacceptable.

APPLICATION NO: 15/00681/FUL	OFFICER: Mr Ed Baker
DATE REGISTERED: 2nd May 2015	DATE OF EXPIRY: 1st August 2015
WARD: Leckhampton	PARISH: Leckhampton With Warden Hill
APPLICANT:	Boo Homes (Leckhampton) Ltd
AGENT:	Mr Richard Manning
LOCATION:	Land south of 205 Leckhampton Road, Leckhampton Road, Cheltenham
PROPOSAL:	Erection of 11 houses and associated works (revised scheme)

Update to Officer Report

The application has been **deferred** at the request of the applicant in order that further discussions can take place on revising the scheme to address the grounds for refusal put forward by officers in the committee report.

The applicant has agreed to an extension of the time period for determination of the application until 30 November under the provisions of Part 6 of Section 34(2)(c) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. It is intended that the application will be considered by the planning committee at its meeting on 19 November 2015.