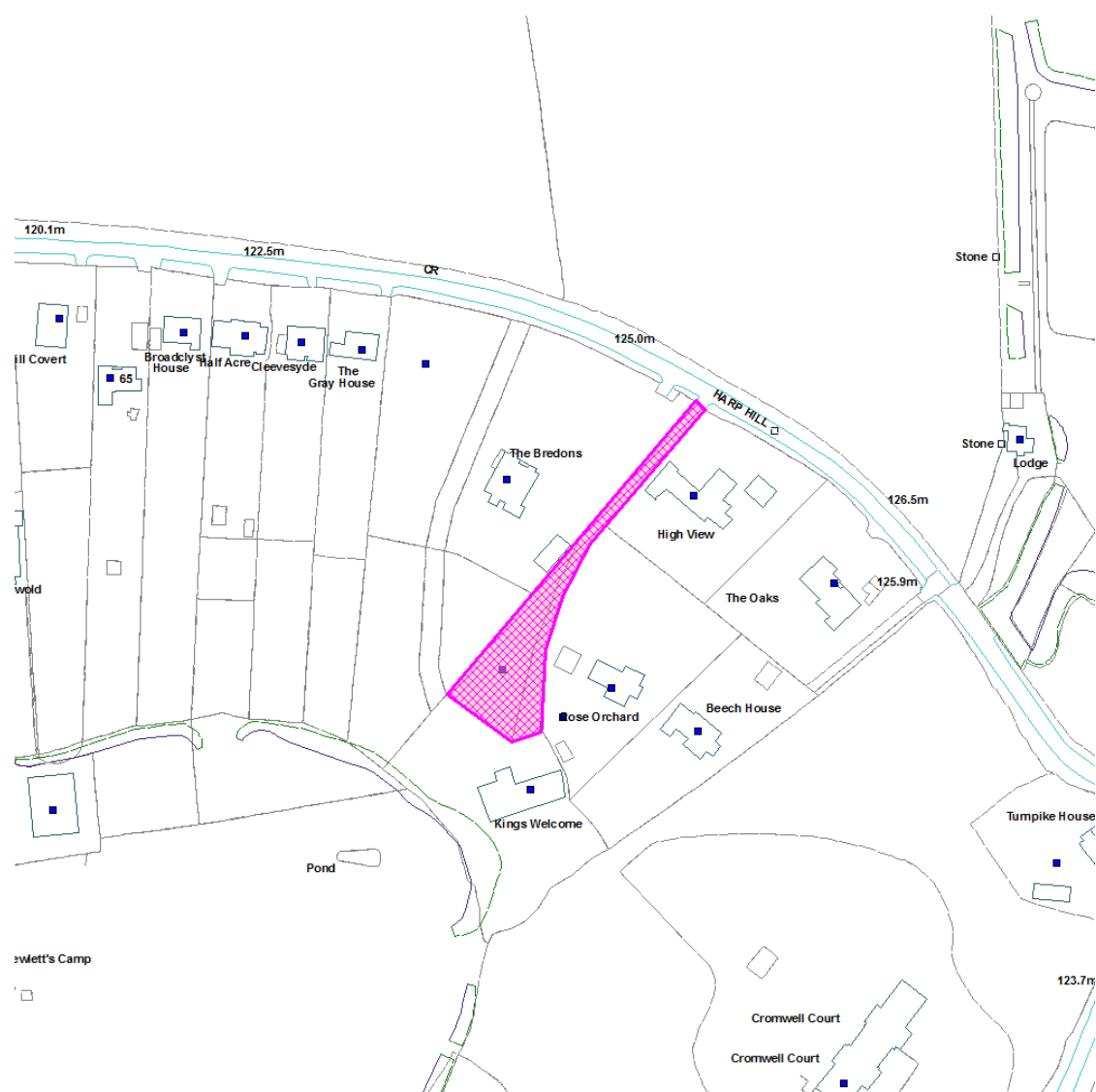


APPLICATION NO: 15/01441/OUT	OFFICER: Mr Ed Baker
DATE REGISTERED: 15th August 2015	DATE OF EXPIRY: 10th October 2015
WARD: Battledown	PARISH: Charlton Kings
APPLICANT:	Mr R.J. Ashton
AGENT:	SF Planning Limited
LOCATION:	Land off Harp Hill, Charlton Kings
PROPOSAL:	Outline application for the erection of dwelling (revised submission following refusal of 14/01612/OUT)

RECOMMENDATION: Refuse



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site comprises a triangular parcel of land which narrows to a point and at its widest, is 24m wide. It is accessed via a track which leads off Harp Hill, this currently provides primary access to Rose Orchard and also provides a secondary access to Kings Welcome, whose main access is further to the west. The site is located within the Cotswolds Area of Outstanding Natural Beauty, is bound by hedging and trees and is currently empty.
- 1.2 The application is made in outline with all matters reserved for future consideration except for access, which would be provided by the existing track. The proposal is for the construction of one new dwelling.
- 1.3 Members may recall that planning permission was refused in November 2014 for a very similar form of development. That application was refused for the following reasons:
- 1.4 *The application site is within the AONB and contributes to the spacious semi-rural character of the area. The development of the site would be detrimental to this character and would result in a cramped form of development which would fail to respond to the prevailing character and layout of the surrounding area. As such the application is contrary to policies CP7 and CO2 of the Adopted Local Plan, the Development on Garden Land and Infill Sites in Cheltenham SPD and advice contained in the NPPF.*
- 1.5 *The application fails to demonstrate that the proposal can ensure safe and suitable means of access. The existing access and visibility from it are inadequate to accommodate the vehicular movements associated with the proposal and as such the proposal would result in highway danger. Therefore the application is contrary to policy TP1 and advice contained in the NPPF.*
- 1.6 This application seeks to overcome both refusal reasons and the application is now supported by a report provided by a transport consultant, as well as further indicative material which demonstrates how the site might be developed. It is before committee at the request of Cllr Babbage.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Area of Outstanding Natural Beauty
Residents Associations

Relevant Planning History:

14/01612/OUT 21st November 2014 REF
Outline application for the erection of 1 dwelling

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 1 Sustainable development
CP 3 Sustainable environment
CP 4 Safe and sustainable living
CP 7 Design
CO 1 Landscape character
CO 2 Development within or affecting the AONB
HS 1 Housing development

HS 2 Housing Density
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

Wales And West Utilities

1st September 2015

Wales & West Utilities acknowledge receipt of your notice received on 20.08.2015, advising us of the planning application and proposals at: land off Harp Hill, Charlton Kings.

We enclose an extract from our mains records of the area covered by your proposals together with a comprehensive list of General Conditions for your guidance. This plan shows only those pipes owned by Wales & West Utilities in its role as a Licensed Gas Transporter (GT). Gas pipes owned by other GT's and also privately owned pipes may be present in this area. Information with regard to such pipes should be obtained from the owners. The information shown on this plan is given without obligation, or warranty and the accuracy thereof cannot be guaranteed. Service pipes, valves, syphons, stub connections, etc., are not shown but their presence should be anticipated. No liability of any kind whatsoever is accepted by Wales & West Utilities, its agents or servants for any error or omission.

Wales & West Utilities has pipes in the area. Our apparatus may be affected and at risk during construction works. Should the planning application be approved then we require the promoter of these works to contact us directly to discuss our requirements in detail before any works commence on site. Should diversion works be required these will be fully chargeable.

You must not build over any of our plant or enclose our apparatus.

Please note that the plans are only valid for 28 days from the date of issue and update plans must be requested before any work commences on site if this period has expired.

Parish Council

25th August 2015

No objection.

GCC Highways Planning Liaison Officer

25th August 2015

I have the following comments on the application for erection of a dwelling:

This is a revised submission following the previous application on 14/01612/OUT on the site that was refused on the grounds that:

'The application fails to demonstrate that the proposal can ensure safe and suitable means of access. The existing access and visibility from it as inadequate to accommodate the vehicular movements associated with the proposal, and as such the proposal would result in highway danger.'

This was based on the conclusion that 'The existing vehicular access is located at a point on Harp Hill where visibility is severely restricted and the intensification in use of that access would increase highway dangers and hazards contrary to the interests of highway safety and paragraph 32 of The Framework'. This conclusion was arrived at due to the lack of suitable evidence supporting the application.

The current application is for the access only with all other matters reserved.

The current application provides suitable visibility splays in both directions from the site entrance onto Harp Hill of 54m to the left (west) and 50m to the right (east) exiting the site on drawing SK_01 rev B based on speed surveys evidence of 85th percentile speeds. The submitted evidence indicated the 85th percentile speed of traffic on Harp Hill as being 35 MPH westbound (towards Cheltenham) and 34 MPH eastbound (away from Cheltenham). Drawing SK_02 further illustrates the availability of suitable forward visibility for a vehicle waiting to turn right into the access.

The existing shared driveway is limited in width with the proposed passing space for two cars set back from the highway up the driveway close to the proposed dwelling as shown on the block plan 730, 81 - 05C. It is considered although not ideal given the low number of movements expected along the driveway to and from the proposed and existing dwellings the impact of the additional dwelling would not be severe to warrant refusal.

The ground floor, site and block plans (730, 81 - 02B, 730, 81 - 05C, 730, 81 - 03C) illustrate parking marked as for two cars fronting the proposed dwelling. The area illustrated is noted to be too small to accommodate two standard size parking spaces and tunin space, however it is considered space is available within the site to provide two parking spaces with turning space for vehicles to enter and exit in forward gear.

Therefore having reviewed the submitted information I recommend no objection on highway grounds subject to the following conditions;

1. The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 2.4m back along the centre of the access measured from the public road carriageway edge (the X point) to a point on the nearer carriageway edge of the public road 54 west and 50m east (the Y points). The area between those splays and the carriageway shall be cut back or reduced in level and thereafter maintained so as to provide clear visibility between 1.05m and 2.0m at the X point and between 0.26m and 2.0m at the Y point above the adjacent carriageway level.

Reason:- To reduce potential highway impact by ensuring that adequate visibility is provided and maintained and to ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework paragraph 32.

2. No building on the development shall be occupied until the carriageway including the passing place providing access from the nearest public highway to that dwelling have been completed to at least binder course level and similarly maintained thereafter.

Reason: - To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that

minimises the conflict between traffic and cyclists and pedestrians in accordance with the National Planning Policy Framework paragraph 32.

3. The car parking, vehicular loading and turning, and cycle parking arrangements agreed as part of the Reserved Matters application shall be provided prior to occupation of the dwelling to which they relate and shall be maintained thereafter.

Reason:- To reduce potential highway impact, in accordance with paragraph 32 and 35 of The Framework.

Tree Officer

7th September 2015

The Tree Section has no objections in principle with this proposal as an outline application. However as with 14/01612/OUT, there are no tree details submitted as a part of this application.

As a minimum CBC Tree Section would anticipate a full BS5837 (2012) tree survey of trees on and within the sphere of influence of this land. Similarly, road/access construction needs to take account of trees within the site as well as trees in adjacent property. Following this survey, it may be decided that a no-dig solution is necessary where the root protection area of trees falls within construction zone. As such this will require a method statement.

Details of proposed underground utility services need to be submitted and agreed. Similarly a method statement for their insertion will be necessary to be submitted and agreed.

A tree protection plan showing trees to be retained and protected will be necessary to be submitted and agreed as a part of the application. It would also be useful if this plan shows trees to be removed and where appropriate, pruned.

Landscaping proposals to mitigate for any loss of soft landscape features should also be submitted.

Battledown Trustees

3rd September 2015

The Trustees confirm that this application does not breach the Battledown Trust covenant. We reiterate the comment made on another application on Harp Hill concerning the safety of the upper part of the road for pedestrians.

Gloucestershire Centre For Environmental Records

1st September 2015

Report available to view on line.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	13
Total comments received	7
Number of objections	7
Number of supporting	0
General comment	0

- 5.1 Letters were sent to thirteen neighbouring properties to publicise the application, with 7 letters of objection being received. The objections principally focus on two main issues: highway considerations and the view that the proposal would represent an

overdevelopment of the site. There is also concern that the proposal will impact on the amenity of Kings Welcome.

- 5.2** Members are advised that one objection is supported by a detailed transport assessment, a copy of which can be read on-line.

6. OFFICER COMMENTS

- 6.1** Officer comments and a full recommendation will follow as an update to this report.

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AGENT:	Mrs Becky Brown	
LOCATION:	Land off Harp Hill, Charlton Kings	
PROPOSAL:	Outline application for the erection of dwelling (revised submission following refusal of 14/01612/OUT)	

Update to Officer Report

1. OFFICER COMMENTS

1.1. Determining Issues

1.2. 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.

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

1.4. The main issues relevant to the consideration of the planning application are:

- (i) Planning history
- (ii) Housing supply
- (iii) Impact on the Area of Outstanding Natural Beauty and character and appearance of the area
- (iv) Access and highway issues
- (v) Impact on neighbouring property

1.5. Planning history

1.6. Outline planning permission was refused for the erection of a dwelling on the site in November 2014 (14/01612/OUT). The grounds for refusal were:

1. The application site is within the AONB and contributes to the spacious semi-rural character of the area. The development of the site would be detrimental to this character and would result in a cramped form of development which would fail to respond to the prevailing character and layout of the surrounding area. As such the application is contrary to policies CP7 and CO2 of the Adopted Local Plan, the Development on Garden Land and Infill Sites in Cheltenham SPD and advice contained in the NPPF.
2. The application fails to demonstrate that the proposal can ensure safe and suitable means of access. The existing access and visibility from it are inadequate to accommodate the vehicular movements associated with the

proposal and as such the proposal would result in highway danger. Therefore the application is contrary to policy TP1 and advice contained in the NPPF.

- 1.7. The current application is almost identical to the previous refused scheme save for the submission of a transport report on the means of access and the provision of a passing bay on the access track (some 65 metres from the access junction onto Harp Hill). There have also been adjustments to the indicative design including the removal of the detached garage and minor changes to the design of the dwelling.
- 1.8. **Housing supply**
- 1.9. 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).
- 1.10. 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.'*
- 1.11. The lack of a five year housing supply is an important material consideration.
- 1.12. The site is located within the Principal Urban Area as identified by the Local Plan. It is a reasonably sustainable location for one new dwelling with access to shops, services, jobs and public transport. The application proposal would make use of undeveloped land in a residential part of the town. The Council has recently accepted the principle of development of land to the west of the site for two new dwellings (land adjacent the Gray House, 15/01165/FUL). Moreover, the Council did not refuse the previous application for a dwelling on the site on grounds of sustainability.
- 1.13. For these reasons, development of the site for a single dwelling is considered acceptable in principle.
- 1.14. **Impact on the scenic beauty of the AONB and character and appearance of the area**
- 1.15. The previous application was refused on two grounds, the first relating to the impact of the dwelling on the AONB. The refusal reason is reproduced below:

'The application site is within the AONB and contributes to the spacious semi-rural character of the area. The development of the site would be detrimental to this character and would result in a cramped form of development which would fail to respond to the prevailing character and layout of the surrounding area. As such the application is contrary to policies CP7 and CO2 of the Adopted Local Plan, the Development on Garden Land and Infill Sites in Cheltenham SPD and advice contained in the NPPF.'
- 1.16. As mentioned, the site forms part of an area of transition at the east edge of the town. It is located within the edge of the AONB, although it is not rural countryside, but within an area of loose-knit housing. The Council's Landscape Architect notes that to the east side of the Gray House located to the west (whose boundary forms

the edge of the AONB), the built form becomes less ordered, more loose-knit, with dwellings set back from the road within large plots. There is a spacious, semi-rural character to the area.

1.17. The proposal is for a single dwelling on a small triangular parcel of land. The site is substantially smaller than the plots surrounding it, including The Bredons to the north west, High View to the north, Rose Orchard to the north east and Kings Welcome to the south. It is considered that the new dwelling would appear cramped and out of character with the surrounding larger dwellings, which are set in more spacious plots. In this regard, nothing substantive has changed since the previous application and the proposal would remain harmful to the character and appearance of the area.

1.18. The applicant seeks to argue that the new dwelling would be set behind existing houses and would not be particularly visible from public vantage points. In the committee report to the previous application 14/01612/OUT), the planning officer quoted a then recent appeal decision relating to proposed back-land development at Cold Pool Lane (13/02161/FUL):

'The SPD [on development on garden land and infill sites in Cheltenham] seeks to provide an objective means of assessing proposals such as this appeal scheme. Even so, it clearly states "there are few, if any, absolutes in the assessment process"³ and, through a series of questions, it addresses the need to take account of a wide range of different factors. These begin with matters relating to local character and distinctiveness "within the street, block or neighbourhood, including its spacious character"⁴. Thus, even though rear gardens are unlikely to have townscape significance if they are not particularly prominent or visible in the street scene, their spaciousness and mature planting may be of 'environmental significance'⁵, thereby contributing to the area's character. (emphasis added).

1.19. It is considered that these findings support the case for refusal of the application even where the impact of the development on the public realm may not be significant.

1.20. It is of relevance that the planning committee recently resolved to grant planning permission for the erection of two large dwellings on land to the west, between The Gray House and The Bredons (15/01165/FUL, 22 October 2015). However, that proposal is for two much larger dwellings in bigger plots, not out of character with the existing houses in the immediate locality. In comparison, the proposed dwelling would over intensify the level of development in the area and would thus be visually harmful. Plot 1 of the adjacent development would significantly screen the application site from Harp Hill. Nevertheless, as previously mentioned, that the proposal may not be significantly visible from public vantage points does not make it acceptable.

1.21. It is considered that the grounds for refusal of the previous application relating to impact on the AONB have not been overcome.

1.22. Access and highway issues

1.23. The application has been resubmitted following pre-application discussions with the Highway Authority. The second ground for refusal related to the access to the site being substandard in that the required levels of visibility to make the development safe were not available and that the access was too narrow to allow two vehicles to pass each other.

- 1.24. The Highway Authority is satisfied that the applicant has now demonstrated that sufficient visibility can be achieved in both a westerly and easterly direction. The normal standard of visibility expected in this location is 2.4 metres by 54 metres in either direction. This can be achieved in a westerly direction with slightly less visibility in an easterly direction at 50 metres. Nevertheless, the Highway Authority considers this to be adequate and the access to be suitably safe.
- 1.25. The level of visibility has been challenged by objectors. The neighbour at Kings Welcome to the rear of the site (and who also shares the same access drive as the proposed dwelling as a secondary access) has commissioned their own highway report which disputes the findings of the applicant and Highway Authority. That report has been sent to the Highway Authority for their consideration. However, having reviewed that objection, the Highway Authority maintains its position that adequate visibility can be achieved. No severe impacts on the highway are identified.
- 1.26. The application also now proposes a passing place on the access track to enable two vehicles to pass. Whilst this passing place is some distance from the access onto the highway and not ideal, given the low level of traffic which is likely to use the access and track, this is considered acceptable.
- 1.27. In view of the Highway Authority's advice, it is considered that the applicant has satisfactorily demonstrated that suitable levels of visibility can be achieved and that the means of access is safe. The second refusal reason has therefore been overcome.
- 1.28. Impact on neighbouring property**
- 1.29. The site is surrounded by neighbouring houses to the north (The Bredons), east (Rose Orchard and High View) and south (Kings Welcome).
- 1.30. There would be more than sufficient separation between the new dwelling and The Bredons, Rose Orchard and High View to the north and east so as not to harm their living conditions. Moreover, this is an outline application and the dwelling could be designed to further minimise the impact on those properties.
- 1.31. Kings Welcome at the rear is the neighbour most likely to be affected by the new dwelling. Kings Welcome is on higher ground to the immediate south. It enjoys excellent medium and long distant views of the countryside to the north. The proposed dwelling, just in front of Kings Welcome, has the potential to significantly reduce its outlook. The indicative design shows the proposed dwelling dug into the ground but it is not clear what the relationship or impact on Kings Welcome and its outlook would be. The indicative plans show a two storey dwelling with flat roof and a single storey dwelling might significantly improve the relationship with Kings Welcome, although it cannot be certain.
- 1.32. The previous application was not refused on grounds loss of outlook or harm to the living conditions of Kings Welcome (or any other neighbours). It would be unreasonable to introduce this issue as a refusal reason now. It would be more appropriate to deal with this issue at the reserved matters stage were outline planning permission to be granted, paying particular attention to the size, scale and floor levels of the new dwelling and its impact on Kings Welcome.
- 1.33. Concerns have been expressed by Kings Welcome about noise from additional traffic. However, given the relationship of the two properties, it is extremely unlikely

that traffic noise would unacceptably harm the living conditions of Kings Welcome. Moreover, this was not raised as a reason for refusal of the previous application.

2. CONCLUSION AND RECOMMENDATION

- 2.1. It is recommended that planning permission is refused on grounds that the proposal does not overcome the reason for refusal of the previous application relating to harm to the AONB, and character and appearance of the area.
- 2.2. Whilst the Council cannot currently demonstrate a five year land supply, it is considered that the harm caused by the proposed dwelling would outweigh the marginal contribution that it would make towards meeting the local housing supply.

3. REFUSAL REASONS

- 1 The application site is within the Cotswolds Area of Outstanding Natural Beauty and contributes to the spacious semi-rural character of the area. The development of the site would be detrimental to this character and would result in a cramped form of development which would fail to respond to the prevailing character and layout of the surrounding area. As such the application is contrary to Policies CP7 and CO2 of the Cheltenham Borough Local Plan (adopted 2006), the Development on Garden Land and Infill Sites in Cheltenham SPD and advice contained in the National Planning Policy Framework.

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Update to Officer Report

1. OFFICER COMMENTS

- 1.1. Upon further consideration of the necessary visibility splays, officers have identified a potential flaw in the highways analysis that supports this application. The submitted drawings which identify the necessary splays suggest that these can be provided without encroaching onto third party land. Unfortunately, the annotations on the drawings that set out the necessary dimensions (50m to the east and 54 metres to the west) do not tally with the lines themselves. Having discussed this matter with the Highways Authority, it would appear that this is because the lines do not account for the curve in the road and therefore suitability is still provided.
- 1.2. Having reflected on this matter, and given the importance of the issue at stake, officers would like further comfort on this point and therefore advise that members resolve delegate authority back to officers to refuse planning permission based on the reason set out below, but also on highway safety matters should the submitted drawing be found to be incorrect.

2. REFUSAL REASONS

- 1 The application site is within the AONB and contributes to the spacious semi-rural character of the area. The development of the site would be detrimental to this character and would result in a cramped form of development which would fail to respond to the prevailing character and layout of the surrounding area. As such the application is contrary to policies CP7 and CO2 of the Adopted Local Plan, the Development on Garden Land and Infill Sites in Cheltenham SPD and advice contained in the National Planning Policy Framework.