

<b>APPLICATION NO:</b> 17/01266/FUL	<b>OFFICER:</b> Miss Michelle Payne
<b>DATE REGISTERED:</b> 4th July 2017	<b>DATE OF EXPIRY:</b> 3rd October 2017
<b>WARD:</b> Pittville	<b>PARISH:</b> n/a
<b>APPLICANT:</b>	Mrs Catherine Sheppard – Newland Homes Ltd
<b>AGENT:</b>	n/a
<b>LOCATION:</b>	102 Prestbury Road Cheltenham Gloucestershire
<b>PROPOSAL:</b>	Construction of 30 new dwellings with associated infrastructure and parking following the demolition of existing commercial buildings

## REPORT UPDATE

### 1. ADDITIONAL CONSULTATION RESPONSE

#### **GCC Local Flood Authority (LLFA) – revised comments**

*13th October 2017*

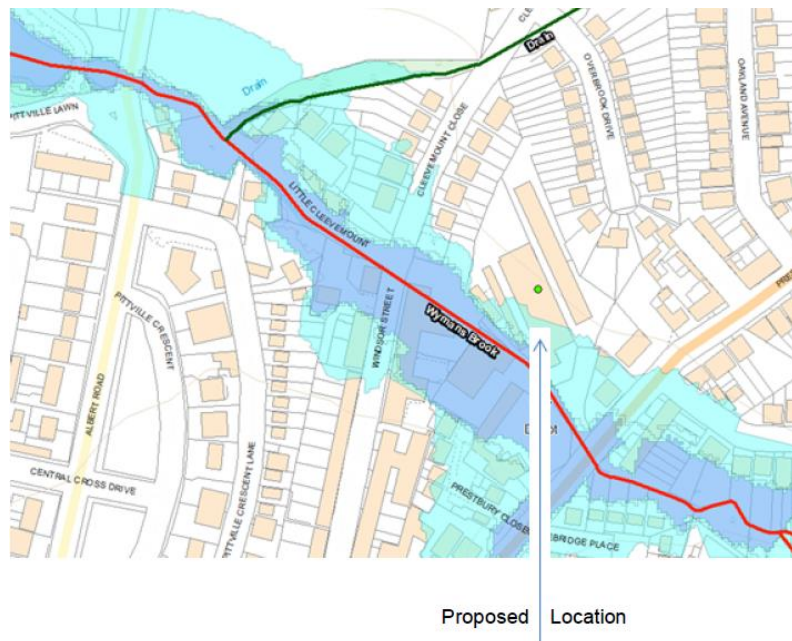
#### Objection -

LLFA requires seeing the exceeding route plan with arrows showing the direction of flow in extreme event like drainage failure or event above 1 in 100 + climate change. The proposed scheme shall identify exceedance flow routes through the development based on proposed topography with flows being directed to highways and areas of public open space. Flow routes through gardens and other areas in private ownership will not be permitted.

As part of development in flood zone 2 and 3 it is recommended that applicants agree the FFL with EA. Generally its 150mm or 300mm above the threshold but need to be agreed with EA. Applicant may need to contact the Cheltenham borough council engineer if proposing outfall to watercourse as under the land drainage act consent needed from the landowner if using private land for the surface water connection.

A quick storage estimate generated by Micro drainage software as mentioned in applicant's response is required at this stage of application. Also location of attenuation is also required on the layout plan with connection showing to the outfall.

It is a sensitive site as development falls in flood zone 2 and 3 so above information is required to enable LLFA to remove the objection. (See location below)



NOTE 1: The Lead Local Flood Authority (LLFA) will give consideration to how the proposed sustainable drainage system can incorporate measures to help protect water quality, however pollution control is the responsibility of the Environment Agency.

NOTE 2: Future management of Sustainable Drainage Systems is a matter that will be dealt with by the Local Planning Authority and has not, therefore, been considered by the LLFA.

NOTE 3: Any revised documentation will only be considered by the LLFA when resubmitted through [suds@gloucestershire.gov.uk](mailto:suds@gloucestershire.gov.uk) e-mail address. Please quote the planning application number in the subject field.

## 2. OFFICER COMMENTS

### 2.1 Determining issues

2.1.1 The main considerations when determining this application for planning permission relate to the principle of housing development; loss of employment land; design and layout; impact on neighbouring amenity; access, parking and highway safety; drainage and flooding; trees and landscaping; and affordable housing and other planning obligations.

### 2.2 Principle of housing development

2.2.1 Paragraph 49 of the NPPF advises that when determining applications for housing they “*should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites*”, as it stands, the Council is currently unable to demonstrate such a five year supply.

2.2.2 Where housing policies are not considered to be up-to-date, the NPPF is quite clear that development proposals should be approved without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF policies as a whole, or specific NPPF policies indicate that development should be restricted.

2.2.3 Officers consider that the proposed development for 30 dwellings would make a valuable contribution towards the identified housing need in Cheltenham and would help regenerate a site that has been vacant, in part, for a number of years and is in a deteriorated state. The density of the scheme (at approximately 38 dph) is broadly in keeping with the immediate neighbourhood and would provide for a mix of housing.

2.2.4 Notwithstanding the above, the site is in an existing employment use and this matter will be discussed in an update.

## 2.3 Design and layout

2.3.1 Local plan policy CP7 (design) requires all new development to be of a high standard of architectural design; to adequately reflect principles of urban design; and to complement and respect neighbouring development and the character of the locality.

2.3.2 In addition, the NPPF sets out at paragraph 56 that *“Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”*.

2.3.3 The proposed site layout has evolved during the course of the application in response to officer concerns, resulting in a reduction in the overall number of units; the application now proposes the erection of 30 dwellings. Additionally, the large apartment block originally proposed at the entrance to the site, with a ridge height of some 15 metres, has been omitted and replaced by a terrace of three dwellings, which would be more characteristic of the surrounding area.

2.3.4 In its revised form, the layout better responds to the irregular shape of the site, and would provide for a more linear form of development which is street frontage led. The revisions have also sought to design out large parking courts where possible, and to introduce additional pockets of soft landscaping between parking spaces which is welcomed. Each dwelling would benefit from an enclosed rear garden.

2.3.5 Officers are pleased with the revisions that have been secured and are firmly of the view that the design and layout now represents an effective and efficient use of land that will create a good residential environment. The scheme complies with the requirements of local plan policy CP7.

## 2.4 Impact on neighbouring amenity

2.4.1 Local plan policy CP4 (safe and sustainable living) requires all new development to avoid causing unacceptable harm to the amenity of adjoining land users and the locality. Consideration is given to a number of matters including, but not limited to, loss of sunlight and/or diffuse daylight, loss of outlook, and loss of privacy.

2.4.2 Additionally, one of the core planning principles set out within paragraph 17 of the NPPF is to “always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”.

2.4.3 The scheme has been carefully considered and revised where necessary, to ensure that there would not be any unacceptable impact on existing neighbouring amenity. In its revised form, the development will not result in any significant overlooking or loss of privacy, outlook or daylight to neighbouring dwellings.

2.4.4 Each dwelling would achieve a minimum distance of 10 metres to the site boundaries, and in excess of 21 metres between clear glazed, upper floor windows. With regard to outlook, whilst it is acknowledged that outlook from neighbouring properties would undoubtedly be altered by the development, officers do not consider that the

resultant impact would be unacceptable; the overall heights of the dwellings are comparable to surrounding two storey building heights, and the development would not result in any overbearing effect.

2.4.5 Local residents have also raised concerns in relation to the impact of the development on the security to their homes and gardens. In this regard, officers consider the proposed development would be an improvement on the existing situation, whereby their gardens back onto a vacant site. The applicant/developer is proposing a 1.8m high close boarded fence to the site boundary.

2.4.6 Additionally, whilst noise levels resulting from the proposed residential development have been raised as a concern, the noise levels would be no greater than those normally associated with residential gardens. Moreover, given the unfettered B2 use that the existing site benefits from, which if reinstated would enable potentially un-neighbourly activities to take place at all hours of the day and night, seven days a week, the proposal is considered to be a betterment in terms in terms of potential noise complaints.

## 2.5 Access, parking and highway safety

2.5.1 Local plan policy TP1 (development and highway safety) seeks to prevent development that would endanger highway safety.

2.5.2 The development proposals for the site have been fully considered by the GCC Highways Development Management Team and their detailed response, in Section 4 above, covers a wide range of issues including access arrangements, personal injury collisions, layout and parking provision, and vehicle trip generation. The response concludes that the Highway Authority raises no highway objection subject to a number of conditions.

2.5.3 For the most part, each dwelling would be served by a minimum of two allocated car parking spaces; the two one bed units having one allocated space each. Three unallocated visitor parking spaces are also proposed. Such levels of car parking are considered to be acceptable, as Gloucestershire no longer has local parking standards.

2.5.4 Plans have been submitted to demonstrate that a refuse vehicle could enter, turn and egress the site in forward gear.

## 2.6 Trees and landscaping

2.6.1 Local plan policy GE5 (protection and replacement of trees) seeks to resist the unnecessary felling of trees on private land. In addition, policy GE6 (trees and development) advises that the planting of new trees and measures adequate to ensure the protection of trees during construction works may be required in conjunction with development.

2.6.2 The Trees Officer has reviewed the application and generally supports the proposals. The application is accompanied by detailed, high quality, soft landscaping proposals to include hedging, shrub beds, and the planting of more than 70no. trees throughout the wider site. Many of the proposed trees are fruit trees within the rear gardens, and these are welcomed by the Trees Officer. The large Sycamore tree identified as a problem by a local resident is now proposed to be removed.

2.6.3 During the course of the application, the size of the fruit trees has been reduced to 'Selected' standard rather than 'Heavy' standard in line with the Trees Officer's recommendation, which should allow the trees to "establish and grow much more quickly". Additionally, more information has been provided in relation to the trees pits given the existing use of the site.

2.6.4 A detailed scheme for boundary walls, fences and railings has also been submitted.

## 2.7 Affordable housing and other planning obligations

2.7.1 Local plan policy HS4 (affordable housing) seeks the provision of 40% affordable housing in all new residential developments of 15 or more dwellings. This application is for 30 dwellings and therefore policy HS4 is triggered. Additionally, for a development of this nature, contributions to education and libraries will also normally be sought.

2.7.2 In relation to affordable housing provision, the applicant has put forward a case for 'vacant building credit'. Members will be aware that the vacant building credit (VBC) was recently considered on the Former Police Headquarters site at Lansdown Road but, as a reminder, the following paragraph of the NPPG, paragraph 021, explains what the vacant building credit is:

*National policy provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floorspace.*

2.7.3 Paragraphs 022 and 023 below go on to explain the process for determining the vacant building credit, and when the vacant building credit applies.

*Where there is an overall increase in floorspace in the proposed development, the local planning authority should calculate the amount of affordable housing contributions required from the development as set out in their Local Plan. A 'credit' should then be applied which is the equivalent of the gross floorspace of any relevant vacant buildings being brought back into use or demolished as part of the scheme and deducted from the overall affordable housing contribution calculation. This will apply in calculating either the number of affordable housing units to be provided within the development or where an equivalent financial contribution is being provided.*

*The existing floorspace of a vacant building should be credited against the floorspace of the new development. For example, where a building with a gross floorspace of 8,000 square metre building is demolished as part of a proposed development with a gross floorspace of 10,000 square metres, any affordable housing contribution should be a fifth of what would normally be sought.*

(Paragraph 022)

*The vacant building credit applies where the building has not been abandoned.*

*The policy is intended to incentivise brownfield development, including the reuse or redevelopment of empty and redundant buildings. In considering how the vacant building credit should apply to a particular development, local planning authorities should have regard to the intention of national policy.*

*In doing so, it may be appropriate for authorities to consider:*

- *Whether the building has been made vacant for the sole purposes of re-development.*

- *Whether the building is covered by an extant or recently expired planning permission for the same or substantially the same development.*

(Paragraph 023)

2.7.4 In this case, when applying VBC to this application in its revised form, 3 affordable units are required – see calculation below:

*Extent of vacant floorspace to be demolished = 2134 sqm*

*Total floorspace of the proposed development = 2978 sqm*

*Increase in floorspace = 844 sqm*

*40% of 30 units = 12 units*

*844 sqm of floorspace as a percentage of the overall development of 2978 sqm = 28.3%*

*12 units x 28.3% = 3.4, i.e. a requirement to provide 3 affordable units.*

2.7.5 The applicant has made provision for the 3 affordable units within the scheme; 2 affordable rented units and 1 intermediate housing unit. For clarity, it should be noted that the Housing Enabling Officer's comments in the main report refer to the original scheme for 35 units.

2.7.6 The applicant has agreed to all other applicable contributions towards education and libraries.

## 2.8 Other considerations

2.8.1 Given the existing nature of the site, it is necessary to condition that the remediation measures set out in the submitted Geo-Environmental Assessment are implemented in full, and that a verification report be submitted and approved in writing to ensure that risks from land contamination to the future users of the land and neighbouring land users are minimised.

2.8.2 Some concern has been raised by local residents in relation to asbestos, and its safe removal. Should a survey of the existing buildings indicate the presence of any asbestos containing materials, the buildings would need to be undertaken in accordance with the relevant legislation surrounding asbestos removal and the demolition of buildings containing asbestos, and the waste disposed of in a legally compliant manner.

2.8.3 The comments made by local residents in relation to wildlife have been duly noted but whilst records indicate that important species or habitats have been sighted near the application site in the past, given the nature of the site, it is not considered that the proposed development will have any impact on these species.

2.8.4 Members will be aware that the possible devaluation of neighbouring properties as a result of development proposals is not a material consideration in the determination of an application for planning permission.

**At the time of publishing this update report, comments relating to the loss of employment land, and the implications of the development on drainage and flooding, have not been finalised. Members will be updated in relation to these points.**

**These matters have of course already been fully considered throughout the assessment of the application and officers are satisfied that the proposal is compliant with local plan policy and the NPPF. The update to this report will expand on these points.**

**The recommendation will be one of approval subject to S106 legal agreement and suggested conditions which will also form part of the update.**