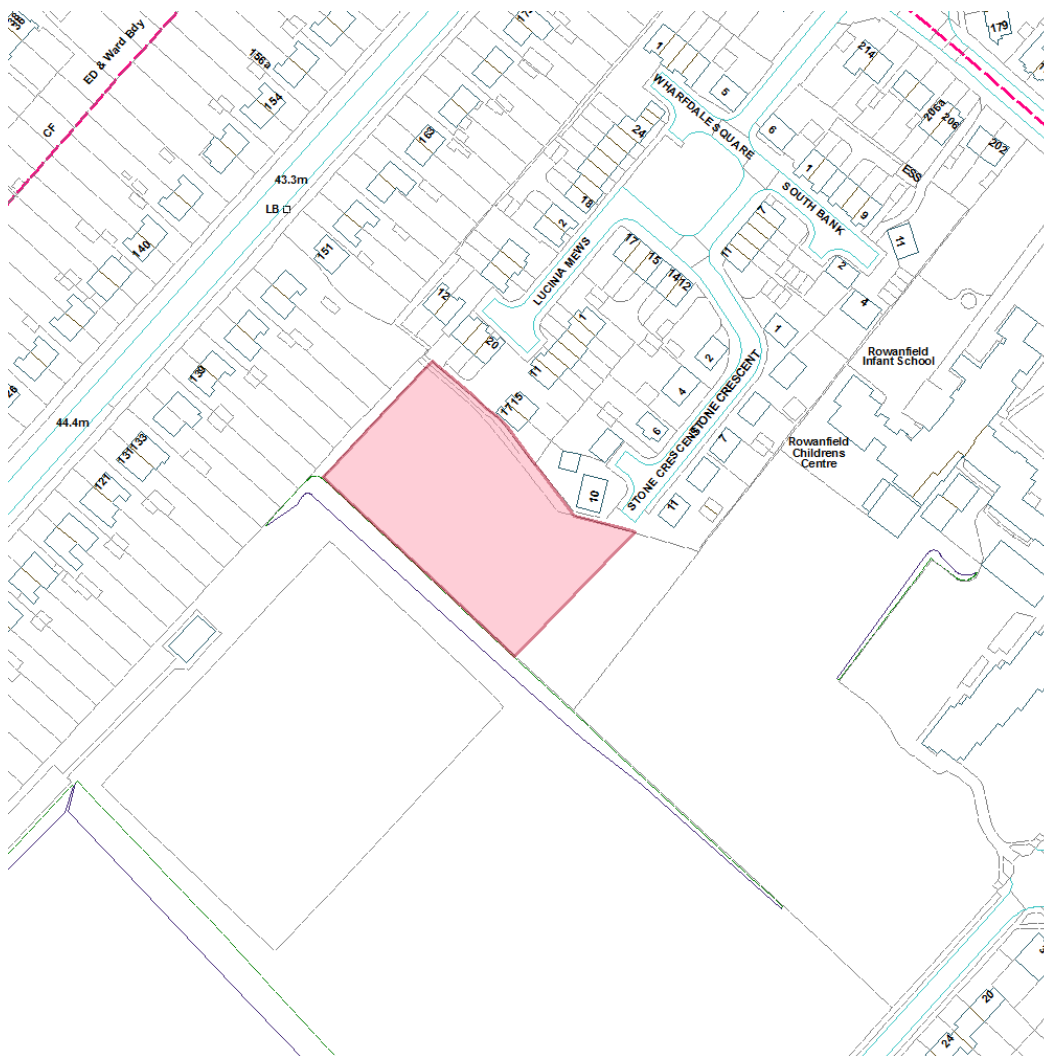


<b>APPLICATION NO:</b> 17/02460/FUL		<b>OFFICER:</b> Miss Michelle Payne
<b>DATE REGISTERED:</b> 19th December 2017		<b>DATE OF EXPIRY:</b> 20th March 2018 (extended by agreement with the applicant until 27th April 2018)
<b>WARD:</b> St Marks		<b>PARISH:</b> n/a
<b>APPLICANT:</b>	New Dawn Homes Ltd	
<b>AGENT:</b>	n/a	
<b>LOCATION:</b>	Playing Field Adj 10 Stone Crescent Cheltenham	
<b>PROPOSAL:</b>	Erection of 13no. dwellings with associated road and sewers	

**RECOMMENDATION:** Refuse



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site comprises a roughly rectangular piece of land, 0.39 hectares, to the north of the King George V playing field in St. Marks. The site is fenced off from the playing field and does not form part of the designated Public Green Space.
- 1.2 The surrounding area to the north is largely residential - the land to the north-east (through which the proposed development site would be accessed) having been developed for housing in the early 2000s. Rowanfield Primary and Junior Schools are located to the east.
- 1.3 The application is seeking planning permission for the erection of 13no. dwellings accessed from Stone Crescent. The scheme has been amended during the course of the application in terms of housing numbers and layout.
- 1.4 An application for planning permission, ref. 14/01276/OUT, was previously considered in 2014 for the development of this site for residential purposes; the site at that time was slightly larger, at some 0.55 hectares. The application was in outline only with all matters reserved, other than access, and proposed 40% affordable housing together with contributions to education and playspace.
- 1.5 The application was determined by the planning committee who resolved to grant outline planning permission subject to an s106 agreement. The applicant at that time was the County Council, and the legal agreement was never completed; the application was therefore subsequently disposed of, and no decision was issued.
- 1.6 This application is before the planning committee following a commitment to bring any future reserved matters or full application to committee.

## 2. CONSTRAINTS

None

## 3. POLICIES AND GUIDANCE

### **Saved Local Plan Policies**

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  
RC 7 Amenity space in housing developments

### **Adopted Joint Core Strategy (JCS) Policies**

SD3 Sustainable Design and Construction  
SD4 Design Requirements  
SD10 Residential Development  
SD11 Housing Mix and Standards  
SD12 Affordable Housing  
SD14 Health and Environmental Quality  
INF1 Transport Network  
INF2 Flood Risk Management  
INF7 Developer Contributions

### **Supplementary Planning Guidance/Documents**

Development on garden land and infill sites in Cheltenham (2009)  
Flooding and sustainable drainage systems (2003)

## **National Guidance**

National Planning Policy Framework (NPPF)

### **4. CONSULTATION RESPONSES**

#### **Architects Panel**

*14th February 2018*

Design Concept: The panel had no objection to the principle of the development but found the scheme submitted most unimaginable.

Design Detail: Concerns were essentially over the site layout which the panel felt could be improved by reviewing the mix of units, working with site context and key views, and creating interesting place-making spaces. The garage designs, their roofs and locations look particularly incongruous.

Recommendation: Not supported.

#### **GCC Highways Planning Liaison Officer**

*6th April 2018*

The proposal is for the construction of 13 dwellings, served by an extension of the carriageway at the end of Stone Crescent.

The application site comprises a piece of land located to the north of the King George V playing field (a protected open space), and to the south of the former Gloucestershire Marketing Society site (wholesale fruit and vegetable market) which is now a housing estate of 60 dwellings developed by Bloor Homes in the early 2000s. I consider that the proposed site to be within an urban environment well serviced by local amenities all within walking distance including many social amenities being; 10 primary and 10 secondary school(s) within a 2 mile radius, shops, public house, community centre and a number of employment sites together with good highway links and a local bus A and K services enabling access to Cheltenham Spa Railway Station 1.1 miles and Cheltenham Town Centre 1.5miles distance. There is a good standard of pedestrian pathways and with provision for good cycling accessibility. I consider that the opportunities for sustainable transport modes have been taken up given the nature and location of the site in accordance with Paragraph 32 of the NPPF. The site is accessed from a residential area, there are footways and street lighting and the footway will be extended into the site. There was an application 14/01276/OUT for part of the site in 2014, to which the Highway Authority raised no objections subject to conditions. The principle of the development and means of access was established.

I have noted the comments on the web-site, however the concerns with parking are existing and the site will provide parking at a higher level than required by the current guidelines. While there are no segregated footways within the proposed site the proposal will be constructed as a shared surface street and has sufficient width to accommodate 2 vehicles passing a pedestrian throughout the layout.

Amended plans were received on 15th March showing changes to the layout, which provide the inter visibility splays required. Vehicular tracking as shown on drawing no. 124-03\_A shows a 3 axle refuse vehicle manoeuvring within the site and passing a car at the entrance from Stone crescent. The parking for no 1 has been relocated to provide visibility splays. The parking provision is generous and the proposed carriageway width of 5.5m with a 500mm service strip both sides would be a minimal reduction from the 6.8m required for a shared surface street, and given the low vehicle trip generation and pedestrian usage would not be a considered a hazard to highway safety.

I refer to the above planning application received on 20th December 2017 with amended Plan(s) Nos: 124-01\_C, 124-03\_A and Revised Design and Access Statement received on 15th March 2018, .I recommend that no highway objection be raised subject to the following condition(s) being attached to any permission granted:-

No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall:

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

Reason: To reduce the potential impact on the public highway and accommodate the efficient delivery of goods and supplies in accordance paragraph 35 of the National Planning Policy Framework.

No works shall commence on site (other than those required by this condition) on the development hereby permitted until the first 15m of the proposed access road, including the junction with the existing public road and associated visibility splays, has been completed to at least binder course level.

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.

The building(s) hereby permitted shall not be occupied until the vehicular parking [and turning] [and loading/unloading] facilities have been provided in accordance with the submitted plan 124-01\_C, and those facilities shall be maintained available for those purposes thereafter.

Reason:- 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.

The development hereby permitted shall not be occupied until the cycle storage facilities have been made available for use in accordance with the submitted plan 124-01\_C and those facilities shall be maintained for the duration of the development.

Reason:- To ensure that adequate cycle parking is provided, to promote cycle use and to ensure that the opportunities for sustainable transport modes have been taken up in accordance with paragraph 32 of the National Planning Policy Framework.

The development hereby permitted shall not be occupied until the bin storage facilities have been made available for use in accordance with the submitted plan 124-01\_C and those facilities shall be maintained for the duration of the development.

Reason:- To ensure that adequate cycle parking is provided, to promote cycle use and to ensure that the opportunities for sustainable transport modes have been taken up in accordance with paragraph 32 of the National Planning Policy Framework.

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 the National Planning Policy Framework and to establish and maintain a strong sense of place to create attractive and comfortable places to live, work and visit as required by paragraph 58 of the Framework.

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.

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

Note: The applicant is advised that to discharge condition [user defined no. - GCC22], 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.

## **Urban Design**

*9th February 2018*

I visited the site today (09.02.18) and have reviewed the submitted plans. I would not be able to support the application as it stands given the issues raised below.

The amended plans are an improvement on the initial scheme design which had numerous issues, and allows a more comfortable parking arrangement across the site, with enhanced garden spaces.

There are a couple of impacts issues to be aware of, including the distance between the rears of the proposed plots 1 to 3 and the existing gardens along the northern site boundary, including No.s 10, 17 and 15. The approximate distance between the rear elevation of Unit 2 and the edge of the existing garden of No.10 Stone Crescent is only 9m. The distance between the rear elevation of unit 2 and the rear elevation of No.10 is only 13m.

Type F houses appear to be 2.5 storey, meaning increased overlooking, overshadowing and overbearing impacts. The distances involved are way below what would be acceptable. A very similar issue exists when considering unit 3 and its relationship to No.17 and 15. I have also taken into account the lower site level in relation to the surrounding properties but this would not adequately mitigate the impacts, particularly the back to back distances issues.

Given the very small distances involved, incorporating some kind of screen planting would not be acceptable and would unreasonably overshadow the existing gardens. As such, the only solution may be to look at some kind of physical alteration to the proposed properties. This could include a mono-pitched roof form, where a single storey form is provided at the rear (facing the existing properties) with a 2-storey form at the front. This would apply to units 1 to 3. The applicant would have to demonstrate that this could form a successful design solution, as there could be an issue with presenting a rather large expanse of roof to the existing properties.

**Joint Waste Team**

*22nd December 2017*

The access road connecting to Stone Crescent must be constructed to a suitable standard to allow up to a 26 ton refuse vehicle to service each week.

The properties within this development will be required to present their waste and recycling receptacles at the kerbside of the road and I note that there doesn't seem to be any pavements in place? This will pose a problem with full and then empty receptacles causing obstructions for motorists/residents driving into the development. In such a development elsewhere we have had regular complaints about driveways being blocked with bins after the collection has taken place. With nowhere off the road for the bins to go, this issue would be repeated here.

**Cheltenham Civic Society**

*8th January 2018*

We consider that Cheltenham deserves better than this. This is the usual banal housing development churned out by most developers; it could be anywhere in the south of England, it has no local distinctiveness. The details are architecturally illiterate. We recommend that this scheme be refused.

**Gloucestershire Centre for Environmental Records**

*5th January 2018*

Report available to view in documents tab

**Severn Trent Water Ltd**

*21st December 2017*

Thank you for the opportunity to comment on this planning application. Please find our response noted below:

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

I can confirm that we have no objections to the proposals subject to the inclusion of the following condition:

- o The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and
- o The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

Severn Trent Water advise that there are public sewers located within this site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. You are advised to contact Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building. Please note, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 meters of a public sewer. Under the provisions of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval.

Please note if you wish to respond to this email please send it to [Planning.apwest@severntrent.co.uk](mailto:Planning.apwest@severntrent.co.uk) where we will look to respond within 10 working days. Alternately you can call the office on 01902 793851.

If your query is regarding drainage proposals, please email to the aforementioned email address and mark for the attention of Rhiannon Thomas (Planning Liaison Technician).

**Severn Trent Water Ltd (revised comments)**

*26th March 2018* - I am writing to reiterate my original comments regarding the public sewers crossing the above planning development site.

To note the following sewers are crossing the site and require the following 'no build' zone areas:

225mm diameter foul sewer - no build zone of 3m either side of the pipe, measured from the centreline, thus, providing 6m no build zone across the diameter of the pipe.

825mm diameter surface water sewer - no build zone of 5m either side of the pipe, measured from the centreline, thus, providing a 10m no build zone across the diameter of the pipe.

These sewers are of strategic importance to the Company and as such, the sewers need to be located within public open space to ensure 24hours emergency access. In addition, it also prevents any accidental damage or building constraints by future house owners. The applicant will need to either amend their layout or divert the sewers under Section 185 of the Water Industry Act 1991, into an accessible public area. They may obtain copies of our current diversion application form and guidance notes, from either our website or by contacting our Developer Services Team ([www.stwater.co.uk](http://www.stwater.co.uk) - Tel: 0800 707 6600).

**Sabina Tang Landscape Architect**

*9th January 2018*

1. Tree protection plan

It is not clear from the information provided, which trees are to be removed and which are not. It would be helpful if the position of the trees could be clearly marked indicating the loss and retention of trees in relation to the site boundary. Please also submit a tree protection plan with detailed drawings.

2. Hard landscaping

Current landscaping strategy document only covers basic principles of the development. Please provide design drawings and written specifications for hard landscape features such as paving, surfaces, edgings, boundary treatments, lighting, cycling facilities, and other elements in external works.

3. Soft landscaping

Please provide design drawings and written specifications for soft landscape features as well as planting plans including name, number, size, and density of plants in each specific planted area.

4. Design and access statement

Please provide a more detailed site analysis as well as a broader range of policy consideration regarding good design, landscape, environment, etc. Please provide more detail for access design along with how this development would promote modes of sustainable transport.

**Tree Officer**

*10th January 2018*

The CBC Tree Section cannot support this application in its current form.

Whilst the development proposal in principle is acceptable, the current tree-based objection pertains to the exclusion from the site of the narrow (4 metre wide) strip of land running up the western side of the site from the proposal. This narrow strip of land belongs to Cheltenham Borough Council and the trees on it have been managed by CBC for many years. To have such a narrow strip of land bordered on both sides by private housing would make it become very difficult to manage and the land would soon become (even more) derelict with tree management/surgery very difficult to achieve. It would be far more

preferable to incorporate this strip of land into rear gardens of the proposed plots thereby giving more generous plot sizes as well as negating CBC's responsibilities.

At the south east corner of this site (and within CBC ownership) is a large oak tree whose canopy is sparse but otherwise in apparent good condition. This tree should remain in CBC ownership. Given the current extent of the canopy and the trees gradual decline into over-maturity, the tree may well respond well to retrenchment pruning thus rendering it more safe, reducing shade, leaf and fruit etc drop as well as the likelihood of stimulating the crown into the production of a layer of inner foliage which could help sustain the tree into the future.

The proposed site plan shows 3 off site trees along the southern border of the site. However the tree survey shows 6 trees. Please could this be clarified. 2 Of these trees are Raywood ash, a structurally unsound tree. Perhaps these 2 trees could be removed and replaced with 2 more suitable trees (Gleditsia tricanthos 'Skyline' 'a thornless variety of honey locust) with good autumn colour to match adjacent trees.

Assuming the above land agreement can be reached with CBC, a detailed landscape plan for trees in all rear and front garden plots as well as details of border treatment.

## **5. PUBLICITY AND REPRESENTATIONS**

- 5.1 On receipt of the application, letters of notification were sent out to a number of, but not all, properties in Stone Crescent, Lucinia Mews, and Brooklyn Road, and Rowanfield Infants & Primary School. Some properties in Bedford Avenue and Somerset Avenue were also notified in error.
- 5.2 Additionally, in accordance with the publicity requirements for major development, as set out in The Town and Country Planning (Development Management Procedure) (England) Order 2015, the application was later publicised in the Gloucestershire Echo. Two site notices were also posted, one at the entrance to the housing estate and one adjacent to the site itself.
- 5.3 Letters were again sent, and site notices posted, on receipt of revised plans.
- 5.4 A number of representations have been received from 28 local residents during the course of the application in response to the publicity; and all of the comments have been circulated in full to Members. In brief, the main concerns raised relate to:
  - Increased traffic, parking and highway safety
  - Impact on amenity - increased noise levels, loss of privacy, loss of view
  - Visual impact
  - Impact during construction phase
  - Drainage and localised flooding
  - Sewers running through the site
  - Loss of trees
  - Loss of green space
  - Lack of social housing / community facilities
  - Heights of buildings



## 6. OFFICER COMMENTS

### 6.1 Determining Issues

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

### 6.2 Principle of development

6.2.1 Paragraph 14 of the NPPF states that *“At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision taking”*. For decision-taking this means (unless material considerations indicate otherwise) approving development proposals that accord with the development plan without delay.

6.2.2 Adopted JCS policy SD10 advises that in Cheltenham, outside of allocated sites, housing development will be permitted where it is infilling within the Principle Urban Area (PUA).

6.2.3 In this instance, the site is centrally located within the PUA in a sustainable location. Furthermore, the wider site (as previously proposed for development) is allocated for housing in Policy HD5 of the emerging Cheltenham Plan.

6.2.4 Additionally, the resolution to grant outline planning permission on the site in 2014 subject to an s106 agreement (albeit the decision was not issued) is a material consideration in the determination of this current application.

6.2.5 As such, there is no fundamental reason to suggest that the principle of developing this site for housing is unacceptable, subject to other material considerations set out below.

### 6.3 Design and layout

6.3.1 Paragraph 56 of the NPPF states that *“Good design is a key aspect of sustainable development”* and *“is indivisible from good planning”*. Paragraphs 59 and 60 go on to state that design policies should not attempt to impose architectural styles or particular tastes but should concentrate on matters such as the overall scale, massing, height, layout, materials, etc. of new development.

6.3.2 Adopted JCS policy SD4 sets out the local design requirements for development proposals and highlights the need for new development to *“respond positively to, and respect the character of, the site and its surroundings”*; the policy reflects the aims and objectives of saved local plan policy CP7.

6.3.3 For smallscale residential developments, greater detail can be found in the Council's adopted SPD relating to Development on Garden Land and Infill Sites in Cheltenham. The document sets out that various elements combine to create the character of an area and include grain, type of building, location of buildings within the block or street, plot widths and building lines and goes on to state that *“Responding to character is not simply about copying or replicating what already exists in an area. It is not merely about preservation of what is important about a place but must also allow a place to evolve in a manner which is appropriate to the context of the place, seeking always to enhance a place”*.

6.3.4 The scheme has been revised during the course of the application but has failed to overcome officers concerns and officers question whether the proposed layout seeks to

make the most effective and efficient use of the site, or provide the mix of dwellings sought by adopted JCS policy SD11.

6.3.5 Whilst the contemporary design approach taken in dwellings is generally acceptable, the layout is uninspiring and officers do not consider that the proposed development would add to the overall quality of the area, establish a strong sense of place and identity, nor optimise the potential of the site, as required by paragraph 58 of the NPPF. Officers have significant concerns in relation to the layout and provision of car parking, the proximity of housing to boundaries, and relationships between properties.

6.3.6 The parking for the affordable units would be provided within a rear parking court in the north western corner of the site. Whilst small parking courts which are overlooked will sometimes be supported, it is always preferable for them to be designed out of a scheme. In this case, the parking court is considered to be wholly unacceptable as it would not be sufficiently overlooked; house type C does not have any windows in its side elevations. Additionally, no direct access to dwellings would be provided which is likely to cause inconvenience and discourage use; and the parking court would not provide any opportunities for soft landscaping to be incorporated resulting in an unattractive and extensive area of hardsurfacing. The parking court would also be located in close proximity to properties in Lucinia Mews.

6.3.7 The proposed bin and cycle storage for the affordable units is also wholly inadequate in size, and inconveniently located in the far corner of the parking court. The bin and cycle storage has clearly not been designed to encourage the use of these facilities.

6.3.8 The relationship between dwellings is also unsatisfactory in parts, and it is noted that a street scene showing units 1-5 has not been submitted. Of most concern, is the relationship between units 5, 6 and 7 whereby units 6 and 7 would have their principal outlook on to the blank side wall of unit 5 just some 8 metres away, far short of the 12 metres usually sought.

6.3.9 Finally, some of the dwellings fail to achieve a distance of 10.5 metres to the site boundaries but have first floor windows in their rear elevations.

#### 6.4 Access, parking and highway safety

6.4.1 Paragraph 32 of the NPPF and adopted JCS policy INF1 emphasise the need to encourage the use of sustainable modes of transport, and state that planning permission should only be refused on highway grounds where the impacts of the development are severe.

6.4.2 The revised proposals have been reviewed by the Local Highway Authority who raise no objection to the residential development of the site subject to conditions. The consultation response, which can be viewed in full above in Section 4, acknowledges the representations from local residents but highlights that the concerns relate to the existing situation; this current application for planning permission cannot be expected to provide solutions to existing problems. The provision of 13 additional houses in this location will not result in any severe highway impact.

6.4.3 Additionally, it should be noted that the 2014 outline application sought approval for an access in this location, and no highway objection was raised based on a provision of up to 20 units.

6.4.4 Notwithstanding the above, as previously noted at paragraph 6.3.4, officers have concerns in relation to the significant overprovision of car parking proposed throughout the site; Unit 13 in the south eastern corner of the site has up to 8 on-site car parking spaces. Whilst there are currently no minimum or maximum parking standards throughout

Gloucestershire, such an overprovision is considered to be unacceptable and is clearly contrary to the aims and objectives of the NPPF and adopted JCS policy INF1 which seek to encourage the use of sustainable transport modes.

#### Other considerations

6.5.1 Matters relating to neighbouring amenity; trees and landscaping; drainage; and affordable housing will be discussed in an update to follow.