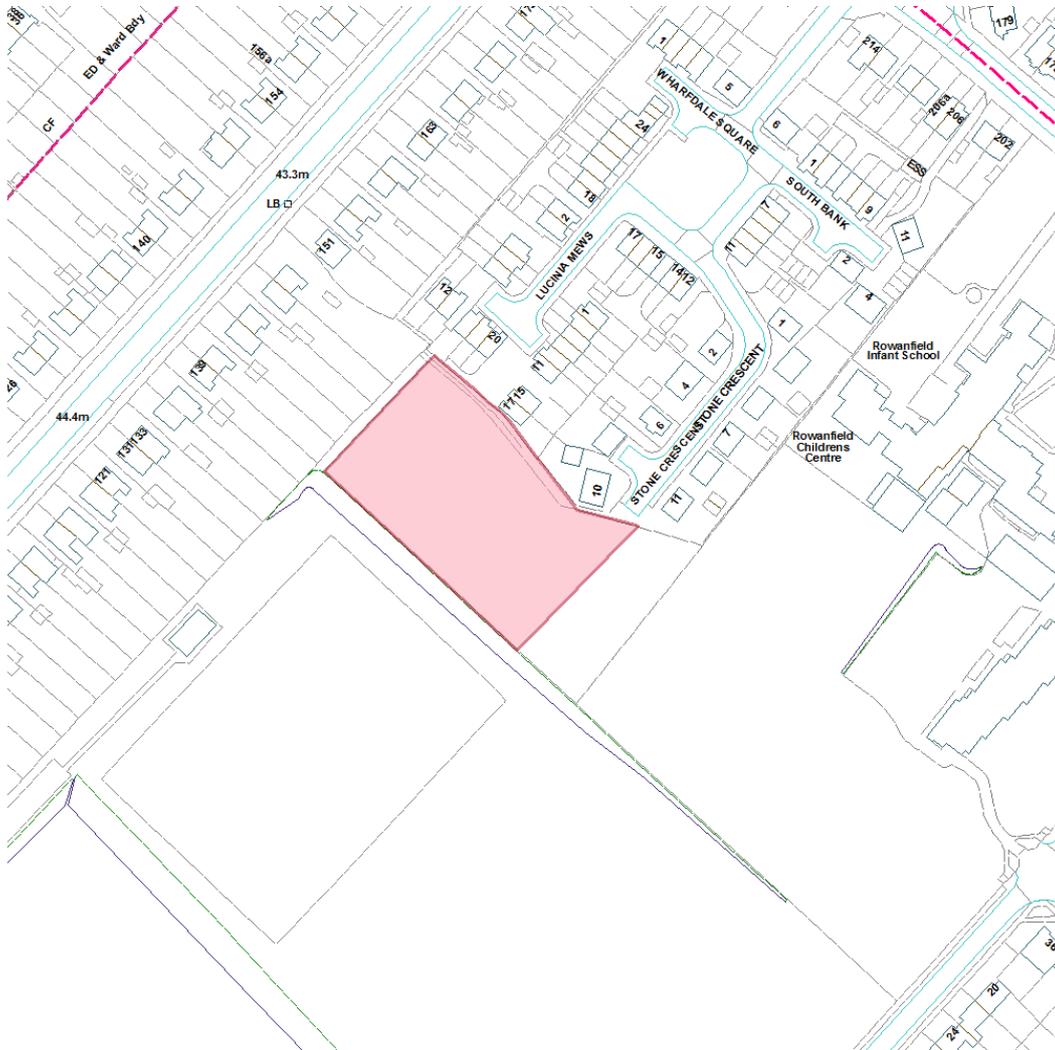


APPLICATION NO: 17/02460/FUL		OFFICER: Miss Michelle Payne
DATE REGISTERED: 19th December 2017		DATE OF EXPIRY: 20th March 2018 (extended by agreement with the applicant until 31st July 2018)
WARD: St Marks		PARISH: n/a
APPLICANT:	New Dawn Homes Ltd	
AGENT:	n/a	
LOCATION:	Playing Field adjacent to 10 Stone Crescent, Cheltenham	
PROPOSAL:	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.
- 1.7 Members may recall that this application was deferred from the April committee meeting to allow for further discussion and negotiation to take place with the applicant. Despite, this, the applicant has been unable to put forward a revised scheme which addresses the significant concerns raised by officers. The scheme now being considered is therefore the same as that previously recommended for refusal.

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 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:-

Suggested Condition #1

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.

Suggested Condition #2

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.

Suggested Condition #3

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.

Suggested Condition #4

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.

Suggested Condition #1

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.

Suggested Condition #1

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.

Suggested Condition #1

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.

Revised comments

13th April 2018

Fundamentally the same issues remain in terms of the very tight distances between the proposed units and the existing properties. I feel that if permitted, this would set a very awkward precedent and result in significant on-going harm. I did already suggest altering the house types as the most obvious physical solution to the problem but the plans still show 2-storey dwellings (actually more like 2.5 storey given the habitable room within the roof space and the skylights and dormers). Bungalows would also be a solution and the value of these types of property are high with strong demand. The parking area in the NW corner is also awkward and as a minimum, prominent windows would need to be placed in the side elevation of unit 6 which faces that parking area.

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 received.

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:

- 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
- 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 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).

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 - Tel: 0800 707 6600).

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.

GCC Lead Local Flood Authority

12th April 2018

I refer to the notice received by the Lead Local Flood Authority (LLFA) on the 19th March 2018 requesting comments on the above proposal. The LLFA is a statutory consultee for surface water flood risk and management since April 2015, and has made the following observations and recommendation.

Surface water flood risk

The applicant's Flood Risk Assessment (FRA) does not define/specify the level of surface water risk posed to this site. However, the FRA has stated with anecdotal evidence that land features and ground characteristics in the surrounding fields prevent surface water flows from reaching the site and being a source of flood risk to the proposed development. The applicant has also suggested the properties are positioned in the least at-risk locations, and a cut-off drain may be installed to manage the surface water from the fields.

Although it has been stated by the applicant that the soil from the adjacent fields lends itself to allow for infiltration, any surface during rainfall events (e.g. 1% or 3.33% Annual Exceedance Percentage (AEP)) will almost certainly generate runoff. The characteristics of the field will determine rate and quantity of runoff that will be generated. In addition to this, LiDAR clearly shows the development site to be the lowest point of the greater greenspace where surface flows will naturally drain to. A flow accumulation assessment carried out by the LLFA on the LiDAR confirms these flows do drain through the development site, see Figure 1.

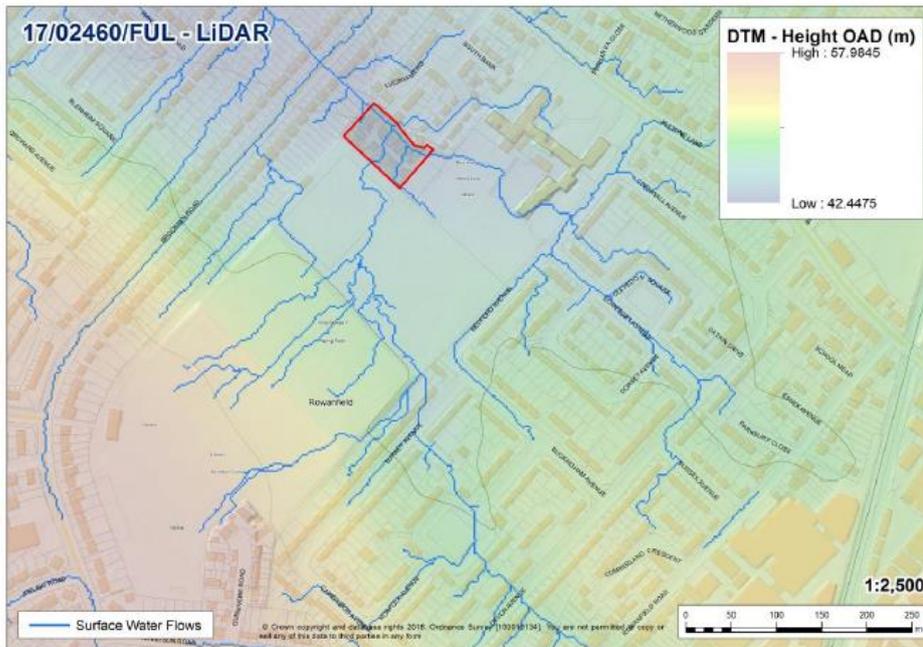


Figure 1 - LiDAR and Flow Accumulation

This is reflected in the Environment Agency’s surface water flood risk mapping, see figure 2, which show surface water flows travelling directly through the proposed site, in particular during a 3.33% AEP event (also known as the 1 in 30 year event) and the 1% AEP event. Also of note, the site is predominately within the 0.1% AEP extent (i.e. 1 in 1000 year flood extent).

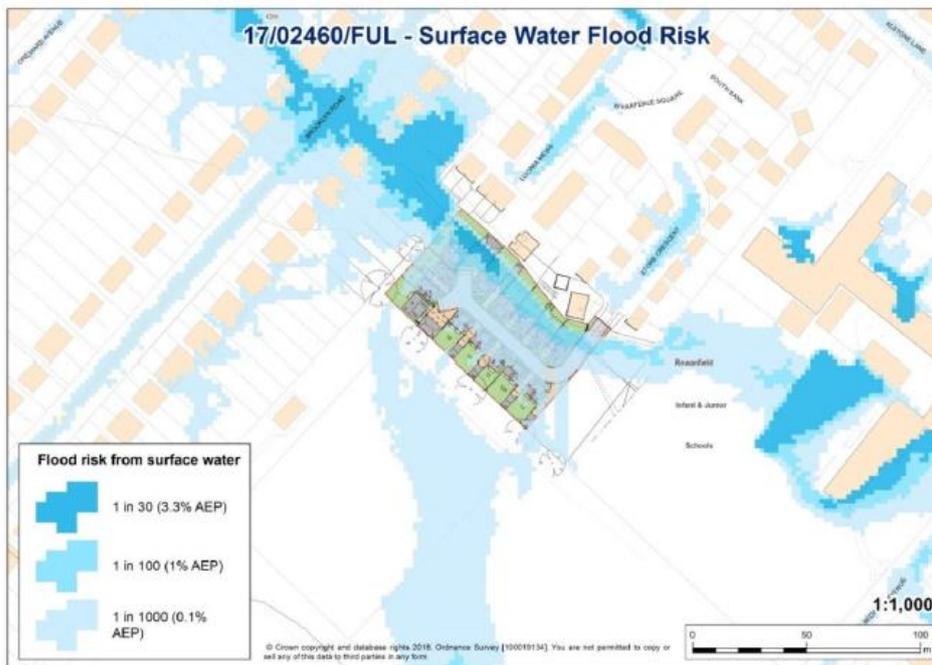


Figure 2 – Environment Agency Surface Water Flood Maps

As recommended by BS8533:2017 (Assessing and Managing flood risk in development. Code of practice), surface water flows that could enter the site from elsewhere should be realised and considered to ensure surface water does not pose a flood risk to development. The LLFA acknowledges the applicant has stated a cut-off drain could be installed; however its hydraulic performance and ability to manage the surface water flows has not been explored nor stated (i.e the adequacy of the cut-off drain to capture the runoff that would drain to the site from the adjacent fields). Therefore, the FRA has not assessed the

surface water flow from the adjacent fields sufficiently to convince the LLFA that these properties will not be at risk of flooding from surface water in accordance with the requirements of the NPPF. On this basis the LLFA does not support the principle of the development that is currently being presented.

Surface water management

While the LLFA does not agree to the principle of the development, as discussed in the previous section, the LLFA has also reviewed the proposal's method for managing the runoff generated by the site's hardstanding in the following:

Discharge strategy – **NON-COMPLIANT**

For the proposal to be compliant with the NPPF's discharge hierarchy the applicant must follow the following order of preference for discharging the site's surface water.

1. *into the ground (infiltration);*
2. *to a surface water body;*
3. *to a surface water sewer, highway drain, or another drainage system;*
4. *to a combined sewer*

The applicant has suggested infiltration will most likely be restricted due to the local geology and soil. Despite this being contrary to the description given of the ground conditions of the field, borehole data has been supplied supporting the statement on infiltration. Borehole data is not a direct representation of a soil's infiltration capability, therefore infiltration tests in accordance with BRE 365 or similarly approved should be undertaken before infiltration is fully ruled out.

It has also been explained there is a lack of watercourses in the vicinity of the site that can reasonably be connected to, this is accepted.

The applicant has proposed to connect to the nearest sewer. This is the sole option presented for discharging the site's surface water, and despite this the applicant has not sought permission for a connection to this third party system, or identified if there is sufficient capacity in the system to receive a new connection that will result in an additional flow to the network. If permission to connect is not granted or there is insufficient capacity in the sewer, this could make the development unviable from a surface water management perspective as it will not be possible to comply with the NPPF.

Discharge rates – **NON-COMPLIANT**

The applicant has specified a 5l/s discharge rate will be designed for this site that will outfall to the existing STW sewer. This rate has not been supported by evidence to demonstrate it is the existing greenfield rate, therefore it has not been possible to assess the development's compliance with Standard 2 of the Non-Statutory Technical Standards for Sustainable Drainage Systems.

It has not been demonstrated if the field currently positively drains to the sewer; therefore, any flow from this development will be considered as new additional flow to the sewer network. Thus, it needs to be demonstrated that there is sufficient capacity within the network to receive this new additional flow regardless of its flow rate. This will ensure the site does not increase flood risk elsewhere.

Drainage strategy and indicative plan – **NON-COMPLIANT**

The applicant has not specified the required attenuation volume to maintain the greenfield runoff rate and volume, nor has the site plan made provision for surface water attenuation. Therefore the LLFA is unable to assess the proposal's compliance with Standards 2, 4 and 6 of the Non-Statutory Technical Standards for Sustainable Drainage Systems.

While a cut off drain has been proposed, it has not been specified where the cut off drain will be located, if sufficient space has been provided within the red line boundary, its hydraulic performance and behaviour, and where it will discharge/connect to (with relevant permissions/consents to connect). Therefore, the LLFA can not be made certain if the cut-off drain can sufficiently manage the surface water runoff that could enter the site from elsewhere and if it is technically viable. The cut-off drain is particularly important for this development as without the feature surface flows could directly impact properties or overwhelm the on-site drainage (i.e. SuDS) rendering it ineffective.

Water quality – **NON-COMPLIANT**

From the information presented on Planning Portal the LLFA could not determine what provisions will be installed on this site to ensure water quality will be managed, therefore the LLFA can not determine if this proposal is compliant with the NPPF's requirements to ensure water quality from this site is not decreased.

Climate change – **NON-COMPLIANT**

A factor of 30% has been used account for resilience to climate change. This factor is non-complaint with the Environment Agency's latest national guidance (<https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>), and therefore does not conform to the NPPF (Paragraph 93: <https://www.gov.uk/guidance/national-planning-policy-framework/10-meeting-the-challenge-of-climate-change-flooding-and-coastal-change>). A factor of 40% is the accepted value for this development type.

Exceedance flow paths – **NON-COMPLIANT**

Details on how exceedance flows will be managed could not be found in the information provided on the planning portal; therefore the LLFA is unable to assess this development's compliance with Standard 9 of the Non-Statutory Technical Standards for Sustainable Drainage Systems. In accordance with best practice, exceedance flow paths should not be designed to flow through gardens of residential properties. Given the site is located at the lowest point of the field with residential properties along two boundaries, demonstrating how exceedance flows will be managed and the paths they will take to avoid putting properties at risk of flooding is especially relevant for this proposal.

LLFA Recommendation – Objection

Given the location of this proposed development within the greater field, and the Environment Agency's surface water flood mapping, LiDAR data and flow accumulation assessment, it is highly likely without intervention that surface water flows from elsewhere would enter this site and pose a significant flood risk to the development. Thus far, the FRA has not identified or assessed surface water flows from elsewhere, and if required demonstrate the proposal will manage these flows sufficiently to ensure flood risk is not increased.

In addition to the above, the FRA has not supplied sufficient detail to demonstrate that the proposal will provide a surface water management system (e.g. SuDS) to manage the site's surface water in accordance to national standards, therefore the LLFA can not assess this development's compliance with the NPPF to not increase flood risk to the site or elsewhere, or reduce the water quality.

The LLFA recommends Cheltenham Borough Council's LPA object to the principle of the proposal in its current form.

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 small scale 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 hard surfacing. 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.

6.5 Neighbouring amenity

6.5.1 Saved local plan policy CP4 advises that development will only be permitted where it will not cause unacceptable harm to the amenity of adjoining land owners or locality; in assessing impact on amenity, the Council will take account of matters including loss of privacy, daylight, and outlook. The policy is consistent with adopted JCS policy SD14, and paragraph 17 of the NPPF which sets out planning should always secure *“a good standard of amenity for all existing and future occupants of land and buildings”*.

6.5.2 Overall, the proposed development would not result in any significant impact on neighbouring amenity in terms of outlook and visual impact; 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 the surrounding two storey building heights and the development would not result in any overbearing effect.

6.5.3 There are some areas of minor concern where upper floor clear glazed windows would fail to achieve a minimum distance of 10 metres to the site boundaries, these are principally plots 6 – 9, although it is noted that these windows do achieve 10.5 metres to the rear boundaries of the properties in Brooklyn Road. Plots 1 and 2 would also some allow overlooking of no. 10 Stone Crescent.

6.5.4 Noise levels resulting from the proposed residential development have also been raised as a concern; however, the noise levels would be no greater than those normally associated with residential properties and gardens.

6.5.5 Additionally, noise and disruption to residents of the existing development during the construction of the development is not a reason to refuse planning permission; however, the hours of construction can be controlled.

6.6 Trees and landscaping

6.6.1 Saved local plan policy GE5 seeks to resist the unnecessary felling of trees on private land. In addition, saved policy GE6 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.

6.6.2 The Trees Officer's comments in relation to the council owned strip of land along the western edge of the application site have been duly noted, and officers acknowledge that the incorporation of this land into the development site would be preferable. This was previously highlighted in the Trees Officer's comment on the 2014 application; however the fact remains that the land sits outside of the application site, and whilst the future maintenance of these trees might prove difficult in the long term, it is not a reason to refuse planning permission. As this is private land, the owner could erect 2 metre high fence along this boundary at any time.

6.6.3 Officers are aware that a number of trees within the site have already been cleared; however, it is not known who carried out the work. Notwithstanding this, the trees that have been felled were located on private land, not protected by Tree Preservation Orders, or within a conservation area, and therefore the Council would not have been in a position to prevent this work.

6.7 Flooding and drainage

6.7.1 Adopted JCS policy INF2 seeks to avoid development proposals in areas at risk of flooding and set out that proposals must not increase the level of flood risk either on site or elsewhere. It goes on to say that new development, where possible, will be required to contribute to a reduction in existing flood risk, and to incorporate a suitable Sustainable Drainage System (SuDS).

6.7.2 The application site lies within Flood Zone 1 but much of the site is identified on the Environment Agency's Flood Maps as being at risk from surface water flooding, although the Council's Land Drainage Officer is not aware of any flooding problems in this location.

6.7.3 A Flood Risk Assessment has been submitted during the course of the application which has been reviewed the Lead Local Flood Authority (LLFA) and their detailed response can be viewed in full at Section 1 above. The LLFA conclude that *"it is highly likely without intervention that surface water flows from elsewhere would enter this site and pose a significant flood risk to the development"* and *"the FRA has not identified or assessed surface water flows from elsewhere, and if required demonstrate the proposal will manage these flows sufficiently to ensure flood risk is not increased"*. Additionally *"the FRA has not supplied sufficient detail to demonstrate that the proposal will provide a surface water management system (e.g. SuDS) to manage the site's surface water in accordance to national standards, therefore the LLFA cannot assess this development's compliance with the NPPF to not increase flood risk to the site or elsewhere, or reduce the water quality."* The LLFA therefore object to the development in its current form.

6.7.4 There are public sewers running through the site which were not identified in the 2014 application. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent from the sewerage company. Severn Trent Water in initially commenting on the application raised no objection to the proposals subject to the inclusion of a condition requiring drainage plans for the disposal of foul and surface water flows to be submitted to and approved by the Local Planning Authority should planning permission be granted. However, a subsequent response sets out 'no

build' zone areas and requires the sewers to be located within public open space to ensure 24 hour emergency access, and to prevent any accidental damage or building constraints by future house owners. Whilst this does not preclude the development of this site for housing, the sewers would need to be diverted into an accessible public area.

6.8 Affordable housing and other planning obligations

6.8.1 Adopted JCS policy SD12 requires new development proposals for 11 or more dwellings in Cheltenham, outside of the Strategic Allocation sites, to provide a minimum of 40% affordable housing. The affordable housing should, where possible, be provided on-site and seamlessly integrated and distributed throughout the site. Additionally, for a development of this nature, contributions to education and libraries will also normally be sought.

6.8.2 As originally submitted, the application proposed the erection of 14 dwellings but made no provision for affordable housing as the applicant was unaware of the change in policy following the adoption of the JCS; former local plan policy HS4 only triggering the need to provide affordable housing in new developments of 15 or more dwellings.

6.8.3 The current scheme for 13 dwellings now proposes a policy compliant level of affordable housing, comprising 4no. affordable rented units and 1no. intermediate housing unit. However, the housing has been grouped together in the far corner of the cul-de-sac and not dispersed throughout the site.

6.8.4 Additionally, no agreement has been completed to secure payment of the necessary contributions to education and libraries, or the provision of the affordable housing.

7. CONCLUSION AND RECOMMENDATION

7.1 Whilst officers consider the principle of developing this site for housing to be acceptable, together with the proposed access from Stone Crescent, there are a number of concerns in relation to the proposed layout and mix of housing; overprovision of car parking spaces; neighbouring amenity; and drainage and flooding. Additionally, no agreement has been completed to secure payment of the necessary contributions to education and libraries, or the provision of affordable housing.

7.2 The recommendation therefore is to refuse planning permission for the following reasons:

8. SUGGESTED REFUSAL REASONS / INFORMATIVE

- 1 The proposed layout and mix of housing fails to make the most effective and efficient use of The proposed layout and mix of housing fails to make the most effective and efficient use of the site. The layout is uninspiring and would fail to improve the overall quality of the area, establish a strong sense of place and identity, or optimise the potential of the site. Furthermore, the layout would result in some uncomfortable relationships between both the proposed units and existing neighbouring properties, with some of the proposed dwellings having first floor, clear glazed windows within 10.5 metres of the site boundaries.

Additionally, the proposed affordable units have not been dispersed throughout the site but grouped together and would share a rear parking court which is wholly unacceptable as it would not be sufficiently overlooked, and would be likely to cause inconvenience and discourage use. The parking court also fails to provide any

opportunities for soft landscaping to be incorporated resulting in an unattractive and extensive area of hard surfacing. Moreover, the proposed bin and cycle storage for the affordable units is inadequate in size, and inconveniently located in the far corner of the parking court, and has clearly not been designed to encourage the use of these facilities. The parking court, and bin and cycle store within, would also be located in close proximity to properties in Lucinia Mews and would be likely result to in a nuisance to the occupiers of these nearby dwellings.

The proposed development is therefore contrary to saved policies CP4 and CP7 of the Cheltenham Borough Local Plan (adopted 2006), policies SD4, SD10, SD11, SD12 and SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (adopted 2017), and national guidance set out within the NPPF.

- 2 There are currently no minimum or maximum parking standards throughout Gloucestershire; however, the level of car parking proposed for this development is considered to be an overprovision in this sustainable location. Such a level of car parking provision would be likely to encourage the use of the private motor car, and therefore discourage the use of sustainable modes of transport.

The level of car parking proposed is therefore contrary to the aims and objectives of policy INF1 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (adopted 2017), and national guidance set out within the NPPF.

- 3 The application site is identified on the Environment Agency's Flood Maps as being at risk from surface water flooding. The submitted Flood Risk Assessment has not identified or assessed surface water flows from elsewhere nor demonstrated that the proposal will manage these flows sufficiently to ensure flood risk is not increased. Additionally insufficient detail has been submitted to demonstrate that the proposal would provide a surface water management system (e.g. SuDS) to manage the site's surface water in accordance with national standards, or that the development would increase flood risk to the site or elsewhere, or reduce the water quality.

As it stands, the proposed development is therefore contrary to policy INF2 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (adopted 2017), and national guidance set out within the NPPF.

- 4 Policies INF4, INF6 and INF7 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (adopted 2017) state that where infrastructure requirements are generated as a result of site proposals, new development should be supported by appropriate on- and/or off-site infrastructure and services. Financial contributions towards the provision of necessary infrastructure and services will be sought through the s106 or CIL mechanisms as appropriate. Arrangements should be negotiated and agreed with developers prior to the grant of planning permission.

This development would lead to:

- i. An increase in demand for playspace provision in the Borough and therefore the development should mitigate its impact in terms of adequate provision for on-site or off-site outdoor playing space (Supplementary Planning Guidance - Playspace in Residential Development, JCS policy INF4, and Section 8 of the NPPF).
- ii. A need to provide for financial contributions towards education and library provision for the future residents (JCS policy INF6 and Section 8 of the NPPF).
- iii. A need to provide for an element of affordable housing (JCS policy SD12 and Section 6 of the NPPF).

No agreement has been completed to secure payment of the necessary commuted sums itemised above, along with the provision of affordable housing. The proposal

therefore fails to meet the expectations of policies SD12, INF4, INF6 and INF7 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (adopted 2017), Supplementary Planning Guidance, and national guidance set out within the NPPF.

INFORMATIVE

- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) Order 2015 and the provisions of the NPPF, the Local Planning Authority adopts a positive and proactive approach to dealing with planning applications and where possible, will seek solutions to any problems that arise when dealing with a planning application with the aim of fostering the delivery of sustainable development.

At the heart of this positive and proactive approach is the authority's pre-application advice service for all types of development. Further to this however, the authority publishes guidance on the Council's website on how to submit planning applications and provides full and up-to-date information in relation to planning applications to enable the applicant, and other interested parties, to track progress.

In this instance, having had regard to all material considerations, the authority cannot provide a solution that will overcome the above reasons for refusal.

As a consequence, the proposal cannot be considered to be sustainable development and therefore the authority had no option but to refuse planning permission.