

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 Adj 10 Stone Crescent, Cheltenham		
PROPOSAL:	Erection of 13no. dwellings with associated road and sewers		

Update to Officer Report

1. OFFICER COMMENTS

- 1.1 As set out in the main report, this application was deferred from the April committee meeting to allow for further discussion and negotiation to take place with the applicant. Unfortunately, the applicant has been unable to put forward a revised scheme which fully addresses the significant concerns raised by officers.
- 1.2 Since the publication of the main agenda, further revised plans have been submitted by the applicant for consideration. Additionally, a revised Flood Risk Assessment (FRA) has been submitted.
- 1.3 The revisions include, but are not limited to, the provision of a gable frontage to the garage serving plot 12A; the removal of some annotated car parking spaces (albeit the parking spaces still remain); a reduction in the size of the parking court serving the affordable units and the introduction of some landscaping within it, together with windows in the side elevation of plot 5 to provide overlooking; larger gardens for the affordable units; and increased distances to boundaries.
- 1.4 Although the latest revisions result in some improvements to the scheme, overall, the layout remains poor and officers continue to think that the proposed development would fail to add to the overall quality of the area, establish a strong sense of place and identity, or optimise the potential of the site, as required by paragraph 58 of the NPPF. Additionally, officers continue to 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.
- 1.5 Early on in the application process, the applicant was advised that officers didn't feel that this was a scheme that could be 'tweaked' and advised that the applicant adopt a different design approach. However, the applicant has sought to work with the original layout and, as a result, the piecemeal changes that have taken place have brought with them additional issues; and whilst officers have sought to provide helpful advice and suggestions to the applicant throughout the application process, it is not for officers to come up with a design solution for the site.
- 1.6 In addition to the above, the Lead Local Flood Authority (LLFA) has reviewed the revised FRA and still objects to the development. Although, due to time constraints, they have not been able to carry out a detailed assessment of the revised submission, they have provided the following comment:

The LLFA would object based on the following:

The applicant has elected to use swales to convey surface water runoff flows around the development. The swale which borders the northern-most aspect of the site appears to be intersected by garden fences – no information has been submitted as to how this will work. Furthermore the LLFA has concerns that the swale will not be maintained by the future owners of the property and may in fact be filled-in in favour of a more aesthetic garden, thus increasing flood risk. In addition, the swale appears to discharge into the rear garden of unit 4 of the proposed development as well as beside number 17 of the existing development to the north. Whereas the submitted “Proposed Drainage Layout” shows a retaining wall, no design or discussion has been submitted to show how this interaction will work, and therefore the LLFA remains unconvinced that this is a plausible concept.

The swale which borders the southern-most aspect of the site appears to have garages and retaining walls built into it, which will impede and impound flows, no design or discussion has been submitted to show how this interaction will work, and therefore the LLFA again remains unconvinced this is a plausible concept.

2. CONCLUSION AND RECOMMENDATION

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

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

3. SUGGESTED REFUSAL REASONS / INFORMATIVE

- 1 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 the proposed units.

Additionally, the proposed affordable units have not been dispersed throughout the site but grouped together, and would share a rear parking court which is likely to cause inconvenience and discourage use. The parking court would also be located in close proximity to properties in Lucinia Mews and would be likely to result 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 applicant is proposing the use of swales to convey surface water runoff flows around the development; however, insufficient detail has been submitted to demonstrate how this will work. The Lead Local Flood Authority therefore remains unconvinced that the use of swales is a plausible concept for the management of the surface water runoff on this site.

In the absence of an agreed surface water drainage strategy, the proposed development is 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:

1. 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).
2. 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).
3. 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.

INFORMATIVES

- 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.