

APPLICATION NO: 18/01646/FUL		OFFICER: Mrs Victoria Harris
DATE REGISTERED: 15th August 2018		DATE OF EXPIRY: 10th October 2018
WARD: Benhall/The Reddings		PARISH:
APPLICANT:	Arlo Homes Ltd	
AGENT:	Evans Jones Ltd	
LOCATION:	Blenheim Villa, The Reddings, Cheltenham	
PROPOSAL:	The erection of two dwellings, and formation of new vehicular access	

RECOMMENDATION: Permit subject to a 106 Obligation



1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 Members will recall that in July 2018 the Planning Committee determined to refuse planning permission for the erection of two dwellings in the rear garden to Blenheim Villa. The previous application (18/00704/FUL) was refused for the following reason:-

The proposed access, due to its position off a busy road, over a foot/cycle way and in close proximity to a roundabout, and also due to the requirement to carry out on-going works to a hedge which is off the site in order to achieve the required visibility, fails to secure safe and suitable access. Therefore the proposal is contrary to INF1 of the JCS and paragraphs 108 and 109 of the NPPF.

- 1.2 The applicant has subsequently submitted a planning application for two dwellings in the rear garden to Blenheim Villa and the formation of a new vehicular access from Grovefield Way. There are no changes to the proposal in terms of built form, design, layout scale or materials. However, the vehicular access has been widened from 4.1m to 5.2m and on either side a 1.2m wide footpath is proposed providing pedestrian access to each dwelling.
- 1.3 The applicant has also provided updated additional information in support of the application including a revised Transport Technical Note and a Unilateral Undertaking (UU).
- 1.4 For ease of reference, the Officer report relating to the previous refused application is attached as an appendix, including all third party representations. It provides the background and detail of officers' consideration of the proposed development and should be read in conjunction with this report.
- 1.5 The application has been called to committee by Councillor Nigel Britter and an objection has been received from the residents association.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport safeguarding over 15m

Relevant Planning History:

01/01244/OUT 26th April 2002 REF

Land To Rear And Side Of Hollyacre - Erection of 5 additional dwellings at Blenheim Villa and land to rear of Hollyacre

02/00558/OUT 23rd May 2002 REF

Residential development (outline) comprising 2 additional dwellings to the rear of existing dwelling (Blenheim Villa)

82/01010/PF 21st July 1982 PER

Alterations and extension to existing dwelling house to provide an enlarged living accommodation on 1st floor. Raise the level of the roof

18/00704/FUL 27th July 2018 REF

The erection of two dwellings, and formation of new vehicular access

3. POLICIES AND GUIDANCE

Saved Local Plan Policies

CP 3 Sustainable environment

CP 4 Safe and sustainable living

CP 7 Design

GE 2 Private green space

GE 5 Protection and replacement of trees

GE 6 Trees and development

Adopted Joint Core Strategy Policies

SD4 Design Requirements

SD10 Residential Development

Supplementary Planning Guidance/Documents

Development on garden land and infill sites in Cheltenham (2009)

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

Gloucestershire Centre For Environmental Records

30th August 2018

Biodiversity report available to view.

GCC Highways Planning Liaison Officer

24th August 2018

I refer to the above planning application received on the 15th August 2018, submitted with application form, Transport Technical Note, Design & Access Statement and drawing refs. 001 Revision B and 002.

Access

The development will be served by a simple vehicular cross over junction served from Grovefield Way. The required Sight Stopping Distances commensurate with sign posted speed limit (40mph) would require visibility splays of 120m in both directions from a 2.4m setback along the centre line of the site access. 120m can be achieved to the right and 83m up to the roundabout to the left can be achieved within land under applicants control/highway verge, however; the visibility splays would need to be maintained clear of obstruction - this can be secured by condition.

Following the issue raised within the Road Safety Audit whereby a concern was raised that, in the absence of swept path assessment drawings being provided, there could potentially be an increased risk of accidents involving vehicles reversing onto Grovefield Way across the footway/cycleway into the path of pedestrians, cyclists or vehicles. A designer's response addressed this concern with drawing ref. SP01 which demonstrated that two cars can simultaneously pass at the site access.

Layout

The internal layout consists of a two connecting pedestrian footways to serve both plots. The internal vehicle turning area is sufficient to allow cars to enter, manoeuvre within and egress the site in forward gear.

Parking

A total of 8 parking spaces (2 garages and 2 drive ways each) are proposed to serve both dwellings on site. This is deemed adequate to serve the expected number of vehicles.

Recommendation

The Highway Authority recommends that no highway objection be raised subject to the following conditions being attached to any permission granted:

1. The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 2.4m back along the centre of the access measured from the public road carriageway edge (the X point) to a point on the nearer carriageway edge of the public road 120m to the right and 83m to the left (the Y points) as shown on drawing no. SK01 Revision A. The area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between 1.05m and 2.0m at the X point and between 0.26m and 2.0m at the Y point above the adjacent carriageway level.
Reason:- To reduce potential highway impact by ensuring that adequate visibility is provided and maintained and to ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework.
2. The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 4.5m back along each edge of the access, measured from the carriageway edge, extending at an angle of 45 degrees to the footway, and the area between those splays and the footway shall be reduced in level and thereafter maintained so as to provide clear visibility at a height of 600mm above the adjacent footway level.
Reason:- To reduce potential highway impact by ensuring that adequate pedestrian visibility is provided and maintained and to ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework.
3. The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 4.5m back along each edge of the access, measured from the carriageway edge, extending at an angle of 45 degrees to the footway, and the area between those splays and the footway shall be reduced in level and thereafter maintained so as to provide clear visibility at a height of 600mm above the adjacent footway level for 20m in both directions.
Reason:- To reduce potential highway impact by ensuring that adequate pedestrian visibility is provided and maintained and to ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework.
4. The development hereby permitted shall not be occupied until secure and covered cycle storage facilities for a minimum of 1 no. bicycles per dwelling has been made available.
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 108 of the National Planning Policy Framework.
5. The building(s) hereby permitted shall not be occupied until the vehicular parking and turning facilities have been provided in accordance with drawing no. 001 Revision B, 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.

6. 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 110 of the National Planning Policy Framework.

Statement of Due Regard

Consideration has been given as to whether any inequality and community impact will be created by the transport and highway impacts of the proposed development. It is considered that no inequality is caused to those people who had previously utilised those sections of the existing transport network that are likely to be impacted on by the proposed development. It is considered that the following protected groups will not be affected by the transport impacts of the proposed development: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation, other groups (such as long term unemployed), social-economically deprived groups, community cohesion, and human rights.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	42
Total comments received	42
Number of objections	21
Number of supporting	0
General comment	0

The application was publicised by way of letters to 42 neighbouring properties. At the time of the report 42 objections and an objection from the residents association have been received.

The comments received relate primarily to the following matters (albeit comments received in respect of the previous application should also be considered, given that the two proposals are identical in terms of built form)

- Proposal will result in highway danger
- Loss of hedge and impact on habitats
- No provision for waste collection
- Loss of amenity to neighbours

- Site not identified in JCS

6. OFFICER COMMENTS

6.1 Determining Issues

- 6.2 The main considerations when determining this application relate to the principle of development, design and layout, impact on neighbouring amenity, trees and landscaping and access and highways safety. All of these matters were duly considered in the officer report to committee in July, and members will note that the recent refusal reason relates only to highway safety. As such, given the similarities between the scheme now proposed and the former scheme, this report will concentrate on highway matters.

6.3 Access and highway issues

- 6.4 The National Planning Policy Framework states *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*
- 6.5 The revised application proposes a wider vehicular access of 5.2m and on either side a 1.2m wide footpath is proposed providing pedestrian access to each dwelling. The agent confirms that *“the overall aperture for the access is widened slightly to deliver a further ‘buffer’ on the provision of visibility along the cycleway. Any overgrowing vegetation would directly impede users of the footway, rather than just restricting visibility for cyclists, and this is therefore likely to be carefully maintained by occupiers.”*
- 6.6 A revised transport technical note has been submitted detailing how the required visibility splays for the new access have been calculated.
- 6.7 Part of the existing highway hedge along Grovefield Way will require cutting back to form the visibility sight lines to provide the required visibility splays for the cycleway, namely the provision of a 2.4m x 20m visibility splay to either side of the centre of the access to the inner edge of the public footpath/cycleway.
- 6.8 The required vehicular visibility to Grovefield Way, namely 2.4m x 120m (north) and 2.4m x 83m (south) is achievable without any work to the hedge set within the highway verge. The vehicular visibility sight lines are thus not impeded by the existing hedge, the visibility sight lines cross over the pavement/cycleway and grass verge.
- 6.9 Concerns have been raised about how the hedgerow will be cut back and carefully pruned given that the hedgerow is not within the ownership of the applicant or future occupiers. The agent has confirmed that this can be achieved by the applicant and or future occupiers securing a Section 142 Notice of the 1980 Highway Act from the County Council. The highway authority for a highway may by a licence granted under a section 142 notice permit the occupier or the owner of any premises adjoining the highway to plant and maintain, or to retain and maintain, trees, shrubs, plants or grass in such part of the highway as may be specified in the licence. The 142 Notice will allow the applicant and any future landowner to cut back the existing hedge to accommodate the required visibility.
- 6.10 Officers have expressed concern that future occupiers would not necessarily be made aware of a planning condition requiring the long-term maintenance of the visibility splays. A Unilateral Undertaking has been submitted to accompany this application. This obligation, entered into under S106 of the Act, makes provision for the applicant to enter into an agreement with the Highways Authority under S142 of the Highways Act 1980 to secure a right in perpetuity to undertake works to the hedgerow. The agent confirms *“This*

'belt-and-braces' approach will ensure that the legal mechanism for private individuals to maintain hedgerow on highways land is enshrined within any planning permission so that occupiers will be immediately able to execute the required visibility. It will also comprise a part of the legal pack upon the purchase of the properties by all future owners and thus ensure that they are fully aware of their responsibilities to maintain an appropriate level of visibility through the maintenance of the hedgerow."

- 6.11** The Highways Officer has assessed the revised access and does not object to the development, comments are above. The required visibility splays in this location are achieved and can be maintained clear of obstruction by planning conditions and Unilateral Undertaking. Two cars can simultaneously pass at the site access, which addresses the potential of increased risk of accidents involving vehicles reversing onto Grovefield Way across the footway/cycleway into the path of pedestrians, cyclists or vehicles. The internal vehicle turning area is sufficient to allow cars to enter, manoeuvre within and egress the site in forward gear and adequate parking for each dwelling is proposed.
- 6.12** It is appreciated that there are concerns about highway safety along Grovefield Way, however the applicant has demonstrated that the revised proposal has been designed to ensure the new access would not have an unacceptable impact on highway safety and the additional volume of traffic generated by the development would not be severe.
- 6.13** As such the proposal complies with Policy INF1 of the adopted Joint Core Strategy and there are no sound highway reasons to withhold consent.

6.14 CONCLUSION AND RECOMMENDATION

- 6.15** Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 6.16** The proposal would provide for 2no. additional dwellings within a highly sustainable location, and would make a positive, if limited, contribution to the supply of housing in the Borough. Additionally, the proposal would also bring about economic benefits through the construction process and from the occupation of the proposed dwellings.
- 6.17** The principle of development, design and layout, impact on neighbouring amenity and trees and landscaping has previously been deemed to be acceptable. With regard to access and highways safety, officers continue to consider the access would not have an unacceptable impact on highway safety but welcome the revisions to the scheme which would provide an improved wider access and new footpaths on either side providing pedestrian access to each dwelling.
- 6.18** In considering the planning balance with regard to economic, social and environmental matters, officers are of the view that the planning balance is firmly in favour of the proposal. As such it is recommended that planning permission be granted subject to a 106 Obligation to secure a mechanism for the retention of adequate cycle visibility splays.

7. CONDITIONS / INFORMATIVES

- 1 The planning permission hereby granted shall be begun not later than the expiration of three years from the date of this decision.

Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The planning permission hereby granted shall be carried out in accordance with the approved plans listed in Schedule 1 of this decision notice.

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 No external facing or roofing materials shall be applied unless in accordance with
 - a) a written specification of the materials; and
 - b) physical sample/s of the materials,The details of which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the area, having regard to Policy CP7 of the Cheltenham Borough Local Plan (adopted 2006).

- 4 Prior to the implementation of any landscaping, full details of a hard and/or soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify all walls, fences, trees, hedgerows and other planting which are to be retained, and provide details of all new walls, fences, or other boundary treatments; finished ground levels; new hard surfacing of open parts of the site which shall be permeable or drained to a permeable area; a planting specification to include [species, size, position and method of planting of all new trees and shrubs]; and a programme of implementation.

All hard and/or soft landscaping works shall be carried out in accordance with the approved details prior to first occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority.

Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size which shall be first agreed in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details [delete if not appropriate].

Reason: In the interests of the character and appearance of the area, having regard to saved policies CP7, GE5 and GE6 of the Cheltenham Borough Local Plan (2006), and adopted policies SD4 and INF3 of the Joint Core Strategy (2017). Approval is required upfront because the landscaping is an integral part of the development and its acceptability.

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and/or re-enacting that order), the side first floor en-suite window of plot 2 shall at all times be glazed with obscure glass to at least Pilkington Level 3 (or equivalent).

Reason: To safeguard the privacy of adjacent properties having regard to Policies CP4 of the Cheltenham Borough Local Plan (adopted 2006).

- 6 No works shall commence on site unless a detailed Ecological Mitigation and Enhancement Strategy has been submitted to and approved in writing by the Local Planning Authority. The works shall not be carried out unless in accordance with the approved details.

Reason: To safeguard ecological species, having regard to Policy SD9 of the adopted Joint Core Strategy 2017.

- 7 The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 2.4m back along the centre of the access measured from the public road carriageway edge (the X point) to a point on the nearer carriageway edge of the public road 120m to the right and 83m to the left (the Y points) as shown on drawing no. SK01 Revision B. The area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between 1.05m and 2.0m at the X point and between 0.26m and 2.0m at the Y point above the adjacent carriageway level.

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

- 8 The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 4.5m back along each edge of the access, measured from the carriageway edge, extending at an angle of 45 degrees to the footway, and the area between those splays and the footway shall be reduced in level and thereafter maintained so as to provide clear visibility at a height of 600mm above the adjacent footway level.

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

- 9 The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 4.5m back along each edge of the access, measured from the carriageway edge, extending at an angle of 45 degrees to the footway, and the area between those splays and the footway shall be reduced in level and thereafter maintained so as to provide clear visibility at a height of 600mm above the adjacent footway level for 20m in both directions.

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

- 10 The development hereby permitted shall not be occupied until secure and covered cycle storage facilities for a minimum of 1 no. bicycles per dwelling has been made available.

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 108 of the National Planning Policy Framework.

- 11 The building(s) hereby permitted shall not be occupied until the vehicular parking and turning facilities have been provided in accordance with drawing no. 001 Revision B, 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.

12 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 110 of the National Planning Policy Framework.