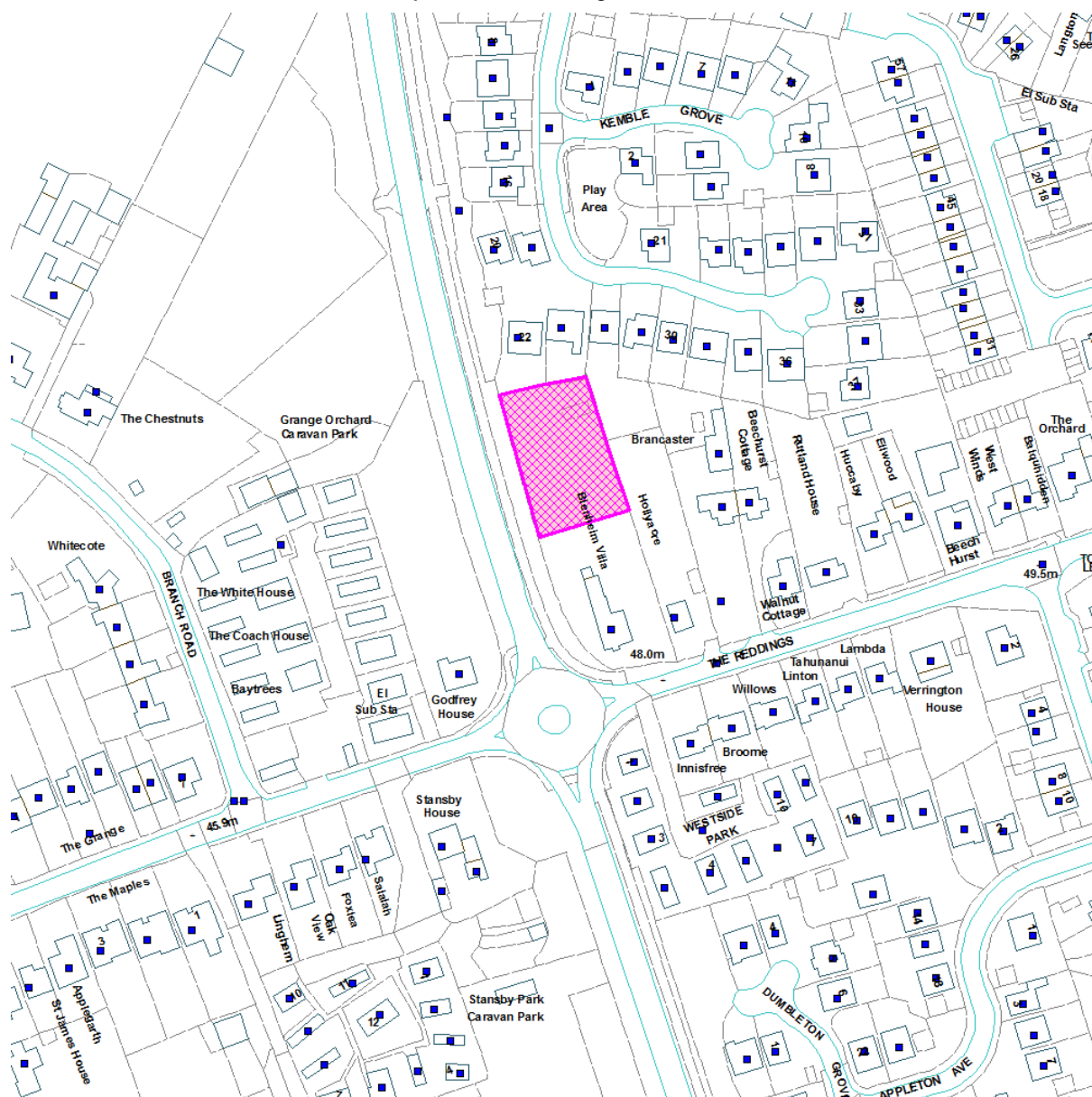


<b>APPLICATION NO: 18/00704/FUL</b>		<b>OFFICER: Mrs Victoria Harris</b>	
<b>DATE REGISTERED:</b> 11th April 2018		<b>DATE OF EXPIRY:</b> 6th June 2018	
<b>WARD:</b> Benhall/The Reddings		<b>PARISH:</b>	
<b>APPLICANT:</b>	Arlo Homes Ltd		
<b>AGENT:</b>	Evans Jones Ltd		
<b>LOCATION:</b>	Blenheim Villa, The Reddings, Cheltenham		
<b>PROPOSAL:</b>	The erection of two dwellings, and formation of new vehicular access.		

**RECOMMENDATION:** Permit subject to a 106 Obligation



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site comprises part of the rear garden to Blenheim Villa, which is located at the junction of Grovefield Way and the Reddings. The application site is rectangular in shape and has an approximate area of 0.136ha.
- 1.2 Planning permission is sought for the erection of 2no. detached four bedroom dwellings each with a double garage and parking for 4no. vehicles.
- 1.3 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

## 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

### Architects Panel

*11th May 2018*

#### Design Concept

The panel had no objection to the principle of this development.

#### Design Detail

The design was generally liked and considered of suitable scale and character for this location.

#### Recommendation

Support

### Trees Officer

*14th May 2018*

The Tree Section in principal does not object to this application following clarification of certain details. Please could the following information be submitted and agreed before determination:

- Tree retention and removals plan,
- Tree protection plan for retained trees,
- Landscaping plan detailing proposals for replacement planting to mitigate for trees proposed to be removed.

*12th June 2018*

The Tree Section appreciates the additional information submitted and has no further objections to this application.

### GCC Highways Planning Liaison Officer

*17th May 2018*

Grovefield Way is a Class 3 highway that is used as a local distributor road for the South West of Cheltenham, linking the A46 and A40. There are a few access junctions serving large developments and a few private accesses serving small residential developments. Grovefield Way is part of a sensitive Highway Network and subject to congestion at peak times. The carriageway is 2 way working with a posted speed limit of 30mph, the area has street lighting and a footway on the side of the proposed development.

I have noted the comments on the LPA web-site.

The site has pre-application advice from Highways Development Management, and the issues raised have been addressed.

The proposed dwellings would generate 10 two way vehicle trips with 2 of these likely to be in the am peak.

The proposed access's can provide visibility splays commensurate with the recorded 85th percentile speeds on the highway. The site can provide turning to prevent vehicles entering the highway in a reverse gear. The proposed access as shown on drawing no. 001 is substandard in width, however it would not be unreasonable for a condition to ensure the access is constructed in accordance with the design guidance in MfGS Figure 8.4.

I refer to the above planning application received on 17th April 2018 with Plan(s) Nos: 001.I recommend that no highway objection be raised subject to the following condition(s) being attached to any permission granted:-

**Condition 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. 001. 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.

**Condition 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.

**Condition 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.

**Condition 4**

Notwithstanding the submitted plans prior to the occupation of the development hereby permitted, the vehicular access shall be laid out and constructed in accordance with Figure 8.4 of Manual for Gloucestershire Streets, with the area of driveway within at least 10.0m of the carriageway edge of the public road surfaced in bound material], and shall be maintained thereafter.

Reason: - To reduce potential highway impact by ensuring that a safe and secure access is laid out and constructed that minimises the conflict between traffic and cyclists and pedestrians in accordance with paragraph 35 of the National Planning Policy Framework.

#### Condition 5

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 [drawing no. 001, 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.

#### Condition 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 35 of the National Planning Policy Framework.

## 5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	<b>17</b>
Total comments received	<b>26</b>
Number of objections	<b>24</b>
Number of supporting	<b>2</b>
General comment	<b>0</b>

**5.1** The application was publicised by way of letters to 17 neighbouring properties. 24 objections and an objection from the residents association have been received which relate to the following matters:

- Proposal will result in highway danger
- Loss of hedge and impact on habitats
- No provision for waste collection
- Site not identified in JCS
- Loss of amenity to neighbours

## 6. OFFICER COMMENTS

### 6.1 Determining Issues

**6.2** The key issues in determining this application are considered to be (i) principle of development, (ii) design and layout, (iii) impact on neighbouring property, (iv) Trees and landscaping, (v) access and highways issues.

### **6.3 The site and its context**

**6.4** The application site is within the Principal Urban Area (PUA) of Cheltenham and is currently part of the rear garden to Blenheim Villa. Therefore the principle of development in this location is acceptable.

**6.5** Paragraph 14 of the NPPF (2012) 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.

**6.6** Adopted JCS policy SD10 advises that in Cheltenham, outside of allocated sites and previously developed land in the existing built-up area, housing development will only be permitted where it is infilling within the PUA.

**6.7** In this instance, the site is located within the PUA in a sustainable location. As such, there is no fundamental reason to suggest that the principle of developing this site for 2no. dwellings are unacceptable, subject to other material considerations set out below.

### **6.8 Design and layout**

**6.9** Para 56 of the NPPF states that good design is a key aspect of sustainable development and is indivisible from good planning. Para 60 states that decisions should not attempt to impose architectural styles or particular tastes, it is however proper to seek to promote or reinforce local distinctiveness.

**6.10** The adopted Joint Core Strategy (JCS) for Gloucester, Cheltenham and Tewkesbury highlights in Policy SD4 how high quality and well thought out design is a key element in producing sustainable places. This is reflected with the current Local Plan, where policy CP7 requires development to complement and respect neighbouring development.

**6.11** The Development on Garden Land and Infill Sites in Cheltenham Supplementary Planning Document states that proposals for development on garden land should be based upon a thorough understanding of the character of the neighbourhood, and in particular the street and block within which the site is located.

**6.12** Both dwellings are 2 storeys, set back within the site with parking, a double garage and vehicle turning. Plot 1 has a frontage that directly faces Grovefield Way and Plot 2 sits perpendicular to Grovefield Way.

**6.13** The Reddings and Barrington Avenue is primarily made up of detached and semi-detached houses of two storeys in height. There is a mixture of brick and render in the locality. As such the general form of development is in keeping with the surrounding development. The footprints of the proposed dwellings are similar to those of surrounding properties. There is a good level of spacing between the buildings and boundaries of the site which is also very similar to those of surrounding dwellings.

**6.14** The eaves and ridge heights of the proposed dwellings are similar to the adjoining properties. The design of both dwellings takes the lead from the surrounding development and therefore ensuring the scheme sits comfortably within the street scene.

**6.15** For these reasons it is considered that the proposal takes on board the advice of the SPD and shows an appreciation of the character and layout of the neighbourhood. The

proposed layout and design are therefore considered to be acceptable. This conclusion is endorsed by the Architects Panel.

#### **6.16 Impact on neighbouring property**

- 6.17** 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”.
- 6.18** The rear of plot 1 is approximately 10m from its rear boundary. There are no first floor windows in the north side elevation and there would be 16.3m between the two storey side elevation and 22 Barrington Avenue.
- 6.19** Plot 2 has a first floor en-suite window in the side elevation facing Hollyacre. To prevent overlooking, it is considered appropriate to attach a condition which requires this window to be obscure glazed.
- 6.20** Both dwellings sit sufficiently far away within the plot to not give rise to any issues of overlooking, loss of privacy and loss of daylight. Although the dwellings will be visible from neighbouring properties both will not result in unacceptable overbearing or oppressive impact.
- 6.21** Objections have been received raising concerns that the loss of the hedge will destroy an acoustic barrier increasing noise to neighbouring properties. A small part of the hedge will be removed to accommodate the vehicle access, and given the size of the new dwellings any increase in noise should be mitigated by the new dwellings.
- 6.22** The proposal is considered to have an acceptable impact upon the neighbouring properties and is in line with advice contained within the SPD and Local Plan policy CP4.

#### **6.23 Access and highway issues**

- 6.24** The application proposes the formation of an access point from Grovefield Way with a vehicle turning area and private parking for 4 spaces per property.
- 6.25** A transport technical note has been submitted detailing how the required visibility splays for the new access have been calculated.
- 6.26** 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.
- 6.27** 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.
- 6.28** 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.

- 6.29** 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. The applicant has therefore agreed the requirement to maintain the cycle visibility can be engrossed within a unilateral undertaking. This would register as a land charge and thus would clearly be brought to the attention of all future property owners.
- 6.30** The Highways Officer has verbally confirmed that the wrong speed limit was recorded in the highway response, however as a speed survey was submitted the visibility splay requirements are in accordance with the 85th percentile speeds of the vehicles on the highway.
- 6.31** A number of concerns have been raised on highway safety grounds and the Highways Officer has had sight of these. It is appreciated that there are concerns about highway safety along Grovefield Way, however this proposal has been designed to provide adequate parking for each dwelling and has demonstrated that visibility splays can be achieved.
- 6.32** As such the proposal complies with Policy INF1 of the adopted Joint Core Strategy and there are no sound highway reasons to withhold consent.

#### **6.33 Trees**

- 6.34** There are a number of trees within the site that will be removed as part of the proposal. The existing hedgerow around the boundaries and one tree to the rear of the site will be retained. To mitigate the impact of the loss of these trees, 11 new trees are proposed in the Tree Replacement plan.
- 6.35** The Trees officer has no objection to the proposal. Subject to a condition requiring the provision of suitable landscaping in line with the tree replacement plan, the tree and landscaping implications are considered to have been adequately addressed.

#### **6.36 Ecological impact**

- 6.37** A preliminary ecological appraisal has been submitted as part of this application. The site was surveyed by an ecological consultant on 19 February 2018. The appraisal recommended a detailed Ecological Mitigation and Enhancement Strategy after the proposal has been confirmed. The strategy will ensure that the future development of the site retains existing features and habitats of ecological value (e.g hedgerows) and minimises the impact upon protected species (e.g nesting birds).
- 6.38** This strategy can be conditioned and subject to this the ecological impact is considered to have been adequately addressed.

#### **6.39 CONCLUSION AND RECOMMENDATION**

- 6.40** As discussed above the principle of the development is supported and the proposed development has clearly been designed to address all of the relevant design, amenity and highways criteria which are applicable.
- 6.41** The concerns of the residents have been duly noted however based on a thorough analysis of the site, its surroundings and the proposals it is apparent that there are no sound planning reasons to withhold planning permission in this instance.



**6.42** 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 spays.

## **7. CONDITIONS**

- 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. 001. 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 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.

- 9 Notwithstanding the submitted plans prior to the occupation of the development hereby permitted, the vehicular access shall be laid out and constructed in accordance with Figure 8.3 of Manual for Gloucestershire Streets, with the area of driveway within at least 10.0m of the carriageway edge of the public road surfaced in bound material], and shall be maintained thereafter.

Reason: - To reduce potential highway impact by ensuring that a safe and secure access is laid out and constructed that minimises the conflict between traffic and cyclists and pedestrians in accordance with paragraph 35 of the National Planning Policy Framework.

- 10 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 001 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.

- 11 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.

#### 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 application constitutes sustainable development and has therefore been approved in a timely manner.

- 2 This planning permission is subject to a S106 legal agreement which requires a secure mechanism for the retention of adequate cycle visibility spays
- 3 The applicant is reminded of the need to also obtain approval for the vehicle crossing from Amey Gloucestershire before any works commence; you can contact them on 08000 514 514 or alternatively email: [GCCHighways@Amey.co.uk](mailto:GCCHighways@Amey.co.uk).

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In this instance, having had regard to all material considerations, the application constitutes sustainable development and has therefore been approved in a timely manner.