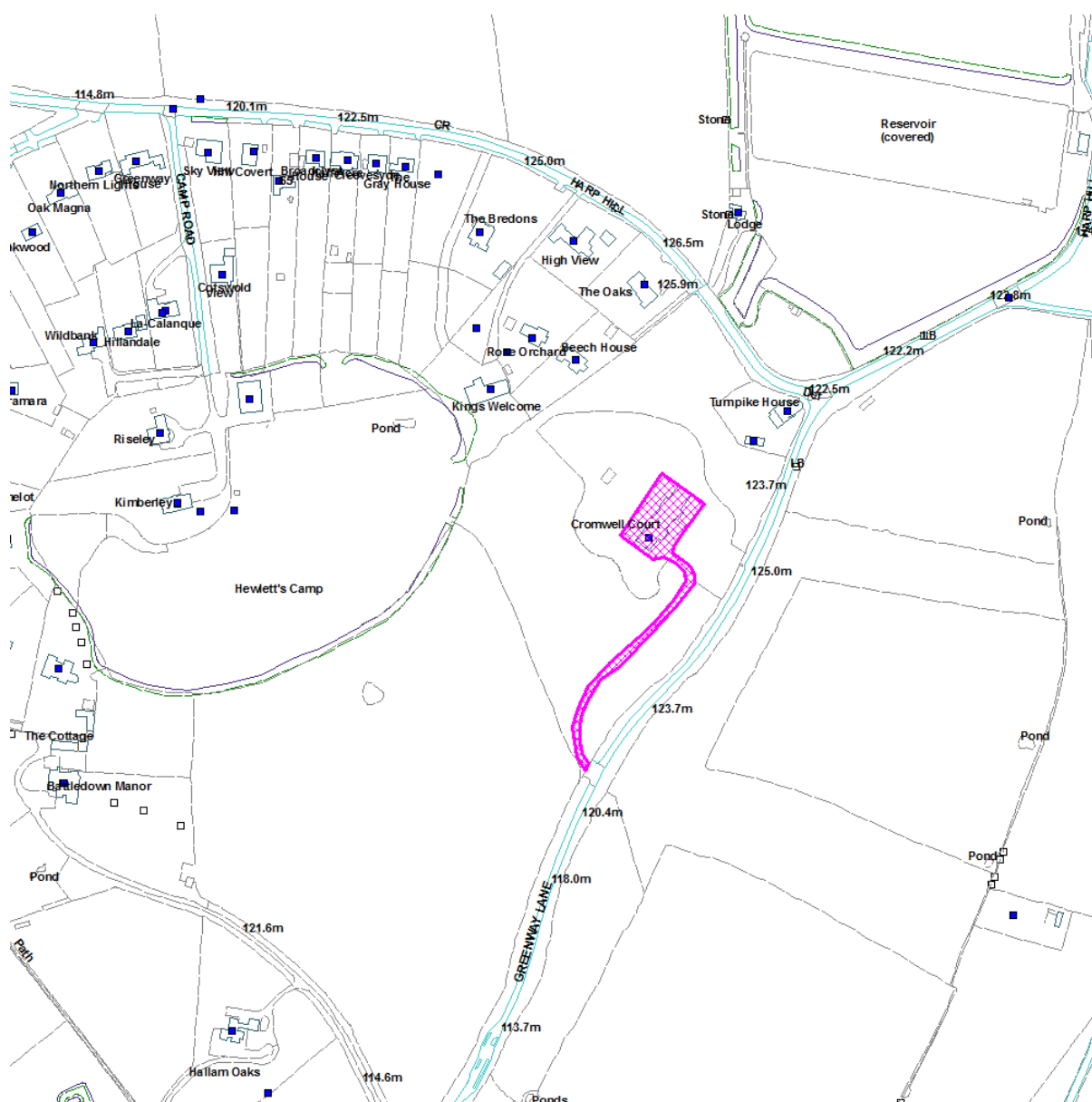


APPLICATION NO: 18/01776/FUL		OFFICER: Mr Joe Seymour
DATE REGISTERED: 4th September 2018		DATE OF EXPIRY: 30th October 2018
DATE VALIDATED: 4th September 2018		DATE OF SITE VISIT:
WARD: Battledown		PARISH: Charlton Kings
APPLICANT:	Mr Peter Cassidy	
AGENT:	SF Planning Limited	
LOCATION:	Cromwell Court, Greenway Lane, Charlton Kings	
PROPOSAL:	Sub-division of existing dwelling into 8 apartment units	

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 Cromwell Court is a large mock-Tudor dwelling built in the early 1980s. The grounds of the property are substantial in area, considering it is only occupied by one dwelling, measuring approximately 3 hectares. The site is located on Greenway Lane at the top of Harp Hill in the Parish of Charlton Kings.
- 1.2 The ascent up Harp Hill heading east out of Cheltenham marks the beginning of the escarpment of the Cotswold Hills and the transition from an urban to a rural environment. This is recognised by the fact the site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB). The site is also adjacent to 'Battledown Camp' which is the site of a former Iron Age fort. The site is recognised by Historic England as a Scheduled Ancient Monument.
- 1.3 The applicant is seeking planning permission to subdivide the dwelling into eight flats consisting of two 1-bed flats, two 2-bed flats and four 3-bed flats. No extensions or physical alterations to the exterior of the building are proposed.
- 1.4 Cllr Paul McCloskey has referred this application for determination by the planning committee for the following reasons:
- The number of objections from local residents.
 - The agents contend that "Given that the local plan policies are silent on the matter of subdivision of existing dwellings....." I would like to hear officer's views on this important matter, and, if there is indeed a gap in our Local Policies determine what might be done about it.
 - The proposal is totally out of keeping with the surrounding housing both in Greenway Lane and the Battledown Estate.
 - The development is inappropriate in the AONB.
 - Traffic problems in Greenway Lane.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Area of Outstanding Natural Beauty
Residents Associations

Relevant Planning History:

79/00922/PF 9th May 1979 PERMIT
Erection of a private house

84/01259/PF 26th April 1984 PERMIT
Erection of a garden store and filtration plant house

84/01260/PF 26th April 1984 PERMIT
Extension for library and billiard room

13/00413/TPO 19th April 2013 PERMIT

1) Oak within grounds of Cromwell Court, overhanging rear garden of Beech House (T1) - remove epicormic growth Beech House side only, reduce limbs to boundary on Beech

House side only. 2) Oak within grounds of Cromwell Court, adjacent to Beech House (T2) - remove low limb over Beech House to boundary and reduce remaining limbs by 30%. 3) Oak within grounds of Cromwell Court, along driveway to Beech House (T3) - remove stem over driveway of Beech House, back to boundary

17/01090/TPO 11th July 2017 PERMIT

Crown clean (remove deadwood, broken and crossing branches) from 4 oaks and 2 ash situated alongside Harp Hill and Greenway Lane. Fell Oak alongside greenway lane due to decay fungus infection. Fell ash alongside Harp Hill as it is dying and dead branches pose a risk to the highway.

17/01630/TPO 26th September 2017 PERMIT

Selective felling of trees in woodland compartments as part of a woodland management/restoration plan - details available on CBC website

18/00903/FUL 13th June 2018 REFUSED

Retention of fence and gates

3. POLICIES AND GUIDANCE

Saved Local Plan Policies

CP 4 Safe and sustainable living

CP 7 Design

HS 3 Subdivision of Existing Dwellings

Adopted Joint Core Strategy Policies

SD7 The Cotswolds Area of Outstanding Natural Beauty

SD10 Residential Development

INF1 Transport Network

National Guidance

National Planning Policy Framework (NPPF)

4. CONSULTATIONS

GCC Highways Planning Liaison Officer

15th October 2018

I refer to the above application received on the 4th September 2018 submitted with application form, site plan ref 1253-01, Swept Path Analysis - 10.11m Fire Tender ref SP01, Swept Path Analysis - Two-Way Passing ref SP02, Swept Path Analysis - Two-Way Passing ref SP03 and transport statement.

The proposed comprises the sub-division of existing dwelling into 8 apartment units at Cromwell Court Greenway Lane Charlton Kings Cheltenham. The development is located adjacent to Greenway Lane, a class 4 highway subject to a sign posted limit of 30mph.

A speed survey undertaken in accordance with DMRB TA22/81 has determined that the 85th percentile speed of vehicles along the highway fronting the development site is 33.5mph northbound and 28mph southbound. The required Sight Stopping Distances commensurate with the 85th percentile speed would require visibility splays of 53m to the right and 40m to the left with a 2.4m setback along the centre line of the site access. The required visibility can be achieved within land under applicants control, however; the visibility splays would need to be maintained clear of obstruction.

With regards to highway safety, an assessment was undertaken to quantify the accidents that took place in close proximity to this development from year 2005 onwards, which demonstrated that 1no. slight accident took place in 2009 in close proximity of Greenway Lane and Harp Hill junction.

In accordance with the most recent Swept Path Analysis plans, it is concluded the proposed access is wide enough to accommodate 1no. estate car and 1no. small refuse vehicle simultaneously accessing and egressing the dwelling. It is also referred the proposed access can accommodate a 10.11m in length emergency vehicle. Furthermore, it is noted the scheme will be serviced by private waste and recycling arrangements.

In order to comply with the latest NPPF, DFT and MFGS guidance, the applicant is required to create places that are safe, secure and attractive in order to minimize the scope of conflict between pedestrians, cyclists and vehicles. As such, the applicant is required to provide a hard surfaced 1.2m wide route for pedestrians to safely access the dwelling from the proposed access. It is perceived the applicant can accommodate this within its land ownership.

Recommendation:

I recommend that no highway objection to be raised subject to conditions (included in section 8 below).

Tree Officer

19th September 2018

No Comment

Cheltenham Civic Society

15th October 2018

The lack of detail in the application, with only an indicative plan submitted, and the poor presentation make it hard for the Planning Forum to assess what has been proposed. The Forum notes that there are numerous objections.

Parish Council

18th September 2018

No Objection

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	11
Total comments received	6
Number of objections	6
Number of supporting	0
General comment	0

Comments Received

5.1 Six local residents have objected to the application raising the following issues:

- Increased traffic
- Inappropriate development within the AONB
- The proposal is a precursor to the construction of new-build dwellings or further development at the site
- Cheltenham already has sufficient housing demonstrated by a five-year housing land supply surplus
- Unauthorised development has occurred at the site, namely the removal of TPO trees and the erection of fencing and gates

6. OFFICER COMMENTS

Principle of Development

- 6.1** Cromwell Court is located outside of Cheltenham's Principal Urban Area where new residential development is not supported, except in specific circumstances, pursuant to JCS policy SD10. In relation to residential development in sites that are not specifically allocated for housing, SD10 states the following:

Housing development on other sites will only be permitted where:

- i. It is for affordable housing on a rural exception site in accordance with Policy SD12, or*
- ii. It is infilling within the existing built up areas of the City of Gloucester, the Principal Urban Area of Cheltenham or Tewkesbury Borough's towns and villages except where otherwise restricted by policies within district plans, or*
- iii. It is brought forward through Community Right to Build Orders, or*
- iv. There are other specific exceptions/circumstances defined in district or neighbourhood plans.*

- 6.2** None of the above criteria are applicable for the proposal in question, including point iv. vis-à-vis Cheltenham's emerging Local Plan which has been submitted to the Planning Inspectorate, but not yet adopted at the time of writing. There are no specific policies in the emerging Local Plan pertaining to the subdivision of existing dwellings.
- 6.3** SD10 supports new housing where it involves the sensitive, adaptive re-use of vacant or redundant buildings, however this is not applicable either because Cromwell Court is not vacant or redundant; the site is already benefits from a residential use. In this respect the applicant's statement in their covering letter that local plan policies are silent on the matter of subdivision of existing dwellings is correct in terms of the JCS and the emerging Local Plan.
- 6.4** However, paragraph 79 of the revised NPPF supports new housing in the countryside when it involves the subdivision of an existing residential dwelling. Also, policy HS3 of the extant Local Plan 1991-2001 is still applicable even though the plan is time-expired. HS3 is supportive of subdivisions provided they do not cause harm, individually or cumulatively, to the character of a residential area.
- 6.5** Point 6 of JCS policy SD10 is also considered to be relevant for this proposal. Although not written specifically about subdivisions, it states:

Residential development should seek to achieve the maximum density compatible with good design, the protection of heritage assets, local amenity, the character and quality of the local environment, and the safety and convenience of the local and strategic road network.

- 6.6** Cromwell Court is a single dwelling with a floor area over 900 sq.m which is significantly larger than the average house and its curtilage is also far greater than what is normally expected for a single dwelling. The housing density at the site is therefore very low and the proposal to subdivide such a large property into a larger number of smaller residential units would comply with Point 6 of JCS policy SD10 in terms of achieving a higher density and generally making better use of an existing residential planning unit.
- 6.7** The benefit of a subdivision to create new dwellings (especially in an AONB) is that it minimises the visual impact compared to the construction of new-build dwellings. This is considered to be particularly relevant at the moment because the Council cannot demonstrate a five-year housing land supply. The Council published a position statement¹ in August 2018 which confirms that current figure is 4.6 years.
- 6.8** Point 6 of JCS policy SD10 seeks maximum housing density but only subject to other site-specific issues being satisfactorily addressed. Those issues relevant to this application are discussed in the following sections of this report, namely the impact on the AONB and highways issues.
- 6.9** Concerns have been raised that the proposal is a precursor to the applicant subsequently applying for the construction of new-build dwellings at the site if this application was permitted. However, permitting this application would not provide the applicant with such a fall-back position because the subdivision of an existing dwelling is materially different to the construction of the equivalent number of new dwellings, particularly in terms of visual impact. In any event, each application must always be considered on its individual merits and the Council cannot be influenced by possible future applications that may never materialise.
- 6.10** Despite not being specifically supported in the JCS, the principle of subdividing a dwelling into flats is considered to be acceptable as it is supported by the NPPF, extant Local Plan Policy HS3 and in this case it also satisfies Point 6 of JCS policy SD10 in terms of maximising housing density where the current density is very low. This last point is particularly relevant considering the current five-year housing land supply shortfall.
- 6.11** It is reiterated that this would not provide the in-principle justification for new-build dwellings on the site which would have to be assessed on its own merits should such an application ever be submitted.

Impact on the Character and Appearance of the Cotswolds AONB

- 6.12** NPPF paragraph 172 states that great weight should be given to conserving and enhancing the landscape and scenic beauty in Areas of Outstanding Natural Beauty. JCS policy SD7 echoes this and makes reference to proposals needing to be consistent with the Cotswolds AONB Management Plan. The site is located within the AONB which the Cotswolds Conservation Board divides into 19 different landscape character areas. The site is categorised in the 'Escarpment' landscape character area.
- 6.13** The proposed subdivision of Cromwell Court would not conflict with landscape strategy for the Escarpment of the AONB. It opposes new housing on the Escarpment but only where the special circumstances outlined in NPPF paragraph 79 do not apply. As previously mentioned, the proposal is in accordance with NPPF paragraph 79 because this supports subdivisions of houses in the countryside.
- 6.14** No extensions or any physical alterations to the exterior of Cromwell Court are proposed as part of the subdivision. The fact that the works are almost entirely internal minimises the impact on the character and appearance of the AONB significantly. A bin storage area

¹ [https://www.cheltenham.gov.uk/downloads/file/6537/sd010 - five year housing land supply position statement](https://www.cheltenham.gov.uk/downloads/file/6537/sd010_-_five_year_housing_land_supply_position_statement)

is proposed for the rear of the building but this is unlikely to have any significant visual impact over and above the storage of bins for the existing single dwelling.

- 6.15** Similarly, a parking area is proposed for residents of the flats which would be located on an existing area of hardstanding in front of the building. The development would most likely result in more cars being parked at the site when compared to the present use of the site as a single dwelling. However, the parking of vehicles in front of a residential building is considered not to be particularly visually intrusive in the context of an enclosed residential curtilage where there are no wider views of the site available across the escarpment beyond the immediate locality.
- 6.16** For these reasons set out above, it is considered that the proposal would preserve the character and appearance of the AONB in accordance with the guidance outlined in NPPF paragraph 172 and JCS policy SD7.

Access and highway issues

- 6.17** The Local Highway Authority has not raised any objection to the proposal in terms of its impact on the local highway network, parking issues or the visibility / accessibility required for vehicles to enter and exit the site.
- 6.18** NPPF paragraph 109 states that 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.
- 6.19** Subdividing the existing single dwelling into eight dwellings would increase the number of vehicle journeys to and from the site. However, the proposed net increase of seven dwellings is considered not to generate a significantly higher number of vehicle journeys that would result in a severe impact on the highway network.
- 6.20** The increased number of vehicle journeys from what is considered to be a semi-rural countryside location on the edge of Cheltenham would have implications in terms of patterns of sustainable development. Residents of the proposed flats would be reliant on private car journeys to access services and amenities in Cheltenham.
- 6.21** In this regard, it could be argued that the proposal is not a sustainable form of development; however NPPF paragraph 79 does not limit the number of residential units that can be created by subdividing an existing dwelling in the countryside. It is considered that the benefit of increasing the housing supply (in a time when the Council cannot demonstrate a five-year housing land supply) via a subdivision outweighs the fact that occupants of units would be reliant on private car journeys in this particular case.
- 6.22** Ultimately, it is considered that the number of vehicle movements seven additional dwellings would create would not compromise the patterns of sustainable development or materially alter the function of the local highway network to the extent that development should be refused, pursuant to the guidance contained within the NPPF.

Other considerations

Scheduled Ancient Monument

- 6.23** The Battledown Camp (sometimes Hewlett's Camp) is a Scheduled Ancient Monument that is located approximately 125 metres to the west of Cromwell Court.
- 6.24** The nature of the development is non-invasive in terms of ground disturbance and excavation as it only involves internal works to the existing building. The Archaeologist at Gloucestershire County Council has not commented on the application which suggests the proposed development is not archaeologically sensitive.

Unauthorised Development

- 6.25** A number of comments have been submitted highlighting the unauthorised development that has occurred at the site, namely the removal of protected trees and the erection of a fence and entrance gates.
- 6.26** These enforcement matters are being dealt with separately and they are not relevant to the determination of this application.

7. CONCLUSION AND RECOMMENDATION

- 7.1** For the reasons outlined in this report, the proposed development is considered to be acceptable.
- 7.2** The recommendation is therefore to permit the application, subject to the following conditions.

8. 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 The development hereby permitted shall not be occupied until a 1.2m wide pedestrian hard surfaced route from the proposed access to the building has been created and maintained available for those purposes thereafter.

Reason: To ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians is provided in accordance with the paragraphs 108b and 110b of the National Planning Policy Framework.

- 4 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 53m to northbound of the access and 40m southbound (the Y points). 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 avoid an unacceptable impact on highway safety by ensuring that adequate visibility is provided and maintained to ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians is provided in accordance with paragraphs 108 and 110 of the National Planning Policy Framework.

- 5 The development hereby permitted shall not be occupied until details of secure and covered cycle storage facilities for a minimum of 1no. bicycle per residential unit has been made available in accordance with details to be submitted to and approved in writing by the local planning authority.

Reason: To give priority to cycle movements by ensuring that adequate cycle parking is provided, to promote cycle use and to ensure that the appropriate opportunities for sustainable transport modes have been taken up in accordance with paragraph 108 of the National Planning Policy Framework.

- 6 The development hereby permitted shall not be occupied until the vehicular parking and turning facilities have been provided in accordance with the submitted plans, 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 scope for conflict between traffic and cyclists and pedestrians is provided in accordance with the paragraphs 108 and 110 of the National Planning Policy Framework.

- 7 The development hereby permitted shall be implemented in accordance with the Transport Statement submitted by Cotswold Transport Planning (ref: CTP-18-532).

Reason: In the interests of highway safety having regard to adopted policy INF1 of the Joint Core Strategy (2017).