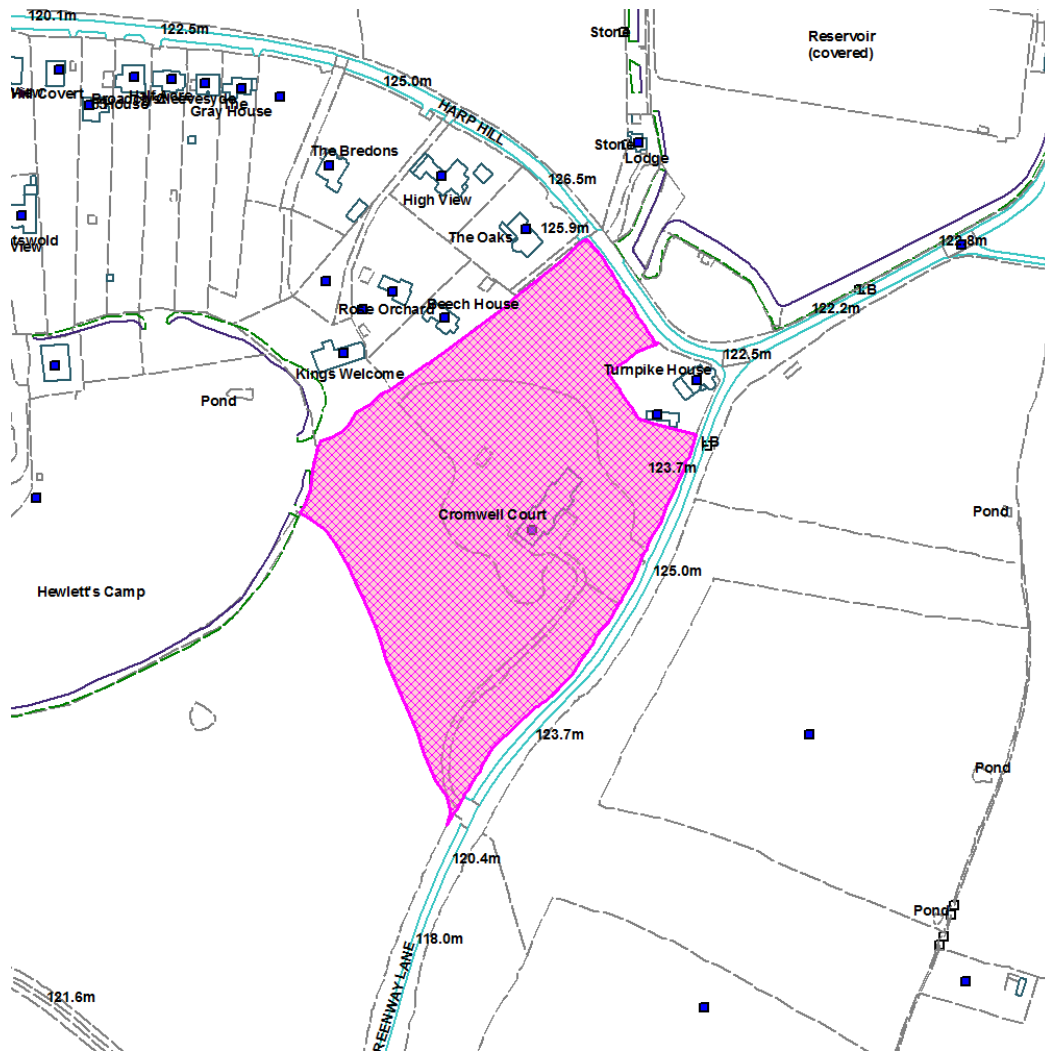


<b>APPLICATION NO: 18/02581/FUL</b>		<b>OFFICER: Mr Joe Seymour</b>	
<b>DATE REGISTERED: 19th December 2018</b>		<b>DATE OF EXPIRY: 13th February 2019</b>	
<b>DATE VALIDATED: 19th December 2018</b>		<b>DATE OF SITE VISIT: 17th January 2019</b>	
<b>WARD: Battledown</b>		<b>PARISH: Charlton Kings</b>	
<b>APPLICANT:</b>	Mr And Mrs Cassidy		
<b>AGENT:</b>	SF Planning Limited		
<b>LOCATION:</b>	Cromwell Court, Greenway Lane, Charlton Kings		
<b>PROPOSAL:</b>	Demolition of existing dwelling and construction of 8 x self & custom build dwellings with associated works and infrastructure, including sustainable drainage, new internal access roads, improvements to existing internal access road, site regrading and landscape planting		

**RECOMMENDATION:** Permit



## 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. 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, which is recognised by Historic England as a Scheduled Ancient Monument.
- 1.3 The applicant is seeking to demolish the existing dwelling at the site and to obtain planning permission for 8 self-build dwellings.
- 1.4 Cllr Matt Babbage has requested that this application is determined by the Planning Committee due to the sensitive nature of the site which is within the Cotswolds AONB.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### Constraints:

Area of Outstanding Natural Beauty  
Airport Safeguarding over 45m  
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

**18/01776/FUL**                      **23rd November 2018**      **PERMIT**  
Sub-division of existing dwelling into 8 apartment units

### **3. POLICIES AND GUIDANCE**

#### National Planning Policy Framework

Section 2 Achieving sustainable development

Section 4 Decision-making

Section 5 Delivering a sufficient supply of homes

Section 11 Making effective use of land

Section 12 Achieving well-designed places

Section 15 Conserving and enhancing the natural environment

Section 16 Conserving and enhancing the historic environment

#### Saved Local Plan Policies

CP 2 Sequential approach to location of development

CP 4 Safe and sustainable living

CP 7 Design

GE 5 Protection and replacement of trees

GE 6 Trees and development

#### Adopted Joint Core Strategy Policies

SP1 The Need for New Development

SP2 Distribution of New Development

SD3 Sustainable Design and Construction

SD4 Design Requirements

SD6 Landscape

SD7 The Cotswolds Area of Outstanding Natural Beauty

SD8 Historic Environment

SD9 Biodiversity and Geodiversity

SD10 Residential Development

SD11 Housing Mix and Standards

SD14 Health and Environmental Quality

INF1 Transport Network

#### Supplementary Planning Guidance/Documents

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

### **4. CONSULTATIONS**

#### **Parish Council**

*25th January 2019*

The Committee have no objection to the proposed works but would request conditions are made regarding contractors' parking. We would request that all contractors' parking should be on site and that no parking is to take place on Greenway Lane, Harp Hill, Aggs Hill or Mill Lane. This will prevent traffic disruption and the inevitable damage to verges that such parking would cause.

## **Cotswold Conservation Board**

*25th February 2019*

Thank you for inviting the Cotswolds Conservation Board ('the Board') to comment on the proposed development at Cromwell Court.

The Board objects to the proposed development and recommends that the proposed development should not be granted planning permission.

The Board acknowledges the aspiration for the proposed development to be 'landscape-led' and for the design to be of exceptional quality. However, the development would extend the built environment of Cheltenham around to the eastern side of Battledown Hill, further into the AONB and beyond the boundary of the principal urban area. The proposed development is in a highly sensitive location that faces - and is clearly visible from - the Cotswold escarpment.

Combined with the existing development on the north-north east side of Battledown Hill, it would result in an unacceptable cumulative impact. Perhaps most importantly, if permitted, it could pave the way for further encroachment of the built environment into the AONB.

For these reasons, the Board considers that, although the proposed development is for a relatively small number of dwellings, it could - and indeed would - have a significant adverse impact on the purpose for which the Cotswolds Area of Outstanding Natural Beauty (AONB) was designated (i.e. to conserve and enhance the natural beauty of the AONB).

Given the significant impact - and the highly sensitive setting - of the proposed development, the Board considers the development to be major development in the context of paragraph 172 of the National Planning Policy Framework (NPPF). The Board does not consider that the proposal demonstrates the exceptional circumstances that such development would require or that it is in the public interest.

In addition, the development would not be compatible with the policies of the Cotswolds AONB Management Plan and, by extension, Policy SD7 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS). It would also not be compatible with the Policy SD10 (Residential Development) of the JCS.

As indicated above, the Board objects to the proposed development and recommends that it should not be granted planning permission. However, if the local planning authority is minded to grant planning permission, planning conditions should be imposed to ensure that all of the proposed mitigation measures are implemented. This should include measures to avoid and minimise light pollution. If planning permission is granted, consideration should be given to securing funding - for example, through planning obligations - to contribute to conserving and enhancing the natural beauty of the Cotswolds AONB (for example, by making a financial contribution to the Board towards the implementation of the Cotswolds AONB Management Plan).

Additional information and advice is provided in Annex 1, below. Should you require further clarification on any of the points raised, please do not hesitate to contact me.

*25th February 2019*

ANNEX 1. SUPPORTING COMMENTS RELATING TO THE COTSWOLDS CONSERVATION BOARD'S OBJECTION TO PLANNING APPLICATION 18/02581/FUL

MAJOR DEVELOPMENT

**Major development policy and interpretation**

Paragraph 172 of the NPPF states that 'planning permission should be refused for major development other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest'. Footnote 55 of the NPPF clarifies that 'whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated' (i.e. to conserve and enhance the natural beauty of the AONB).

As outlined in a legal opinion provided to South Downs National Park Authority by James Maurici QC of Landmark Chambers, the assessment as to whether a proposal could have a significant adverse impact is a question of the potential to have this impact. It 'does not require (and ought not to include) an in-depth consideration of whether the development will in fact have such an impact. Instead, a prima facie assessment of the potential for such impact, in light of the scale, character or nature of the proposed development is sufficient'<sup>1</sup>. In other words, for a development to be considered major development, it does not need to be demonstrated that the proposal would have a significant adverse impact but simply that it could.

### **Significant adverse impact**

The proposed development would extend the built environment of Cheltenham around to the eastern side of Battledown Hill, further into the AONB and beyond the boundary of the principal urban area. The proposed development is in a highly sensitive location that faces - and is clearly visible from -the Cotswold escarpment. Combined with the existing development on the north-north east side of Battledown Hill, it would result in an unacceptable cumulative impact. Perhaps most importantly, if permitted, it could pave the way for further encroachment of the built environment into the AONB. .

For these reasons, the Board considers that, although the proposed development is for a relatively small number of dwellings, it could have a significant adverse impact on the purpose for which the Cotswolds Area of Outstanding Natural Beauty (AONB) was designated (i.e. to conserve and enhance the natural beauty of the AONB). It would, therefore, meet this element of the NPPF's definition of major development.

### **Sensitivity of the setting**

Cheltenham Borough Council (CBC) has classed this location as being Wooded Pasture Slopes (specifically the Greenway Wooded Pasture Slopes)<sup>2</sup>. CBC considers this classification to be a 'major landscape constraint' with a 'low landscape capacity for built development'.

1 South Downs National Park Authority (2014) Opinion - In the matter of the National Planning Policy Framework and in the matter of the South Downs National Park Authority. James Maurici QC, Landmark Chambers.

2 Cheltenham Borough Council (2015) Landscape Character, Sensitivity and Capacity Assessment of Cotswolds AONB within the Cheltenham Borough Administrative Area.

This location is classed by the Board as being Landscape Character Type (LCT) 2 - Escarpment<sup>3</sup>. The Board's Landscape Strategy and Guidelines<sup>4</sup> identifies this LCT as being very sensitive to change. For this LCT, the Landscape Strategy and Guidelines seeks, inter alia, to:

- Maintain the open, dramatic and sparsely settled character of the character of the Escarpment.
- Avoid development that will intrude negatively into the landscape and cannot be successfully mitigated, for example, extensions to settlements onto the escarpment.

In the context of LCT2, the proposed development would constitute an extension onto the escarpment and should, therefore, be avoided.

### **Exceptional circumstances / in the public interest**

The Board acknowledges that new housing is required in Cheltenham Borough. However, a national and district-wide need for more housing should not be considered to be 'exceptional circumstances', in the context of paragraph 172 of the NPPF. The fact that housing is required in the Borough does not necessarily mean that this housing should be located in the AONB.

Paragraph 172 of the NPPF states that development within AONBs should be limited. Policy CE12 of the Cotswolds AONB Management Plan 2018-2023 expands on this by stating that:

- Development in the Cotswolds AONB should be based on robust evidence of local need arising from within the AONB. Priority should be given to the provision of affordable housing, maintaining and enhance local community amenities and services and improving access to these amenities and services.

The proposed development does not meet any of these criteria. In particular, it is worth noting that the development makes no provision for affordable housing, whereas paragraph 63 of the NPPF allows for the provision of affordable housing for residential developments of more than five units. Policy SD7 (The Cotswolds AONB) of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy states that 'proposals will be required to be consistent with the policies set out in the Cotswolds AONB Management Plan'. Therefore, given that the proposed development does not comply with any of the criteria in Policy CE12 of the Management Plan, the development should not be permitted.

In addition, the proposal does not comply with Policy SD10 (Residential Development) of the Joint Core Strategy as, for example, it is not:

- an allocated site;
- in the built up area of the three main areas or a rural service centre or a service village;
- affordable housing.

The Board acknowledges that, until the Borough Council's new Local Plan is adopted, there is some uncertainty about the Council's five-year housing supply. However, paragraph 11(d) of the NPPF exempts AONBs from the presumption in favour of development under these circumstances. In other words, a potential shortfall in the five-year housing supply should not tilt the balance towards approving the proposed development.

3 <https://www.cotswoldsaonb.org.uk/wp-content/uploads/2017/07/lct-2-escarpment-2016.pdf>

4 <https://www.cotswoldsaonb.org.uk/our-landscape/landscape-strategy-guidelines/3>

### **The Board's opinion**

Based on the information outlined above, it is the Board's opinion that the proposed development would constitute major development in the context of paragraph 172 of the NPPF. The planning applications does not demonstrate that exceptional circumstances apply or that the development would be in the public interest. As such, planning permission should be refused.

## **County Archaeology**

*21st January 2019*

Thank you for consulting me concerning the above planning application. I wish to make the following observations regarding the archaeological implications of this scheme.

I advise that I have checked the application site against the County Historic Environment Record, and it adjoins the eastern side of Battledown Camp, which is designated a Scheduled Monument. For the reasons outlined below it is my view that this development proposal will have no significant impact on the Scheduled Monument, or its setting. However, should you have any further concerns regarding that issue I recommend you should consult Historic England concerning this planning application.

I note that this planning application is supported by a Heritage Statement (Archaeology and Planning Solutions, October 2018). This concludes that the identification of Battledown Camp as an Iron Age hill-fort is in serious doubt, and the site is better explained as a series of natural geological features. I advise that the County Historic Environment Record states that the identification of Battledown Camp as a hill-fort is discredited. Therefore, in my view the archaeological significance of Battledown Camp must be thought very low, and the proposed development will for that reason have no significant impact on the Scheduled Monument or its setting.

The Heritage Assessment confirms that there is no archaeology known within the application site, and the sloping topography is not a likely location for past activity and settlement. In addition, for many decades this land has been covered with trees, and a substantial area has also been subject to terracing associated with the construction of Cromwell Court. Such ground intrusions and disturbances mean that it is highly unlikely that any archaeology will be preserved within the application site, even if such remains were formerly present.

For the above reasons it is my view that the proposed development will have no significant impacts on archaeological remains, or their setting. Therefore, I recommend that no further archaeological investigation or recording should be required in connection with this scheme. I have no further observations.

## **Architects Panel**

*25th February 2019*

### **Design Concept**

The applicant's architect, Ian Singleton, gave a presentation of the scheme to the panel explaining the planning history of the site and the design strategy for the 8 new houses.

The panel recognised the importance of this site being within the AONB and highly visible from surrounding countryside. The panel had no objection to the principle of replacing the existing dwelling, which is of no architectural significance, with a sensitive scheme for new houses on the site.

### **Design Detail**

The contemporary style of architecture adopted for each new dwelling was generally liked very much. The CGI rendered model views demonstrated high quality design proposals. Each house is a well proportioned individual building of distinction composed of an attractive mix of high quality materials.

Unfortunately the site layout, on the other hand, was not convincing. The panel was concerned that there is no clear definition between public and private spaces and the boundaries between properties are not properly thought through. The buildings read as

unrelated oversized pavilions sitting in a parkland setting. In reality they will each have a need for a public frontage and more private amenity space, which is not defined or incorporated into the overall design strategy. Very likely the suburban clutter that goes hand in hand with such large buildings would ruin the attractive architectural aesthetic promised by the individual rendered images.

Fewer dwellings on the site or a different layout incorporating convincing landscape details may result in a more acceptable scheme.

Recommendation:  
Current scheme not supported.

### **Joint Waste Team**

*14th January 2019*

This looks to be a gated community so Ubico would collect from the nearest adopted highway on Greenway Lane. Alternatively the internal roadways would need to be adopted, made of sound construction which allows use by up to 26 tonne fully laden vehicles and having continual access any time of the day. In which case each household would be required to present their waste and recycling receptacles and so internal paths and pavements would need to be wide enough to allow receptacles to be presented without posing an obstruction to other pedestrians, particularly wheel chair and push chair users.

### **Land Drainage Officer**

*30th January 2019*

I have reviewed the Flood Risk and Drainage Statement submitted with the application and am satisfied that the sustainable drainage proposals provide a robust and effective strategy that complies with current best practice that ensures the mitigation of flood risk, both within and outside the proposed development site. All subject to final detail design.

### **Campaign To Protect Rural England**

*17th January 2019*

The Campaign to Protect Rural England (CPRE) objects to the above application.

As can be seen from the site plan, the location is essentially a rural one. There are open fields to the West, to the South and, apart from a former toll-house and Ryeworth Reservoir, to the East/North-East. Apart from the toll-house, the only dwellings are to the North-West.

The site is in the Cotswolds AONB, at the point where the AONB meets the urban fringe of the town. It is a very sensitive and prominent location on the edge of, but close to the summit of, Battledown Hill. The land falls away to the SE before rising up to the Cotswolds escarpment. The site is very visible from the slopes of the adjacent Cotswolds escarpment including from a number of public footpaths – for example from Footpath ZCK-22 which descends from close to Ham Hill Farm South to meet Ham Road in the centre of Ham. At present these views show Cromwell Court as an isolated house in a rural setting. Should it be replaced by an estate of eight dwellings, this aspect will be transformed into an urban one.

A Landscape Character, Sensitivity and Capacity Assessment of the Cotswolds AONB within the Cheltenham Borough Administrative Area was commissioned by Cheltenham Borough Council and reported in April 2015. This site falls within Landscape Character



Area 10.11, 'Greenway Wooded Farmed Slops'. This area was found to be a Medium-High visual sensitivity, High landscape sensitivity and High Landscape Value, indicating that its landscape capacity for development was Low.

The NPPF, at paragraph 172, says "Great weight should be given to conserving and enhancing landscape and scenic beauty in ... Areas of Outstanding Natural Beauty". Likewise Policy SD7 of the Joint Core Strategy states: "All development proposals in or within the setting of the Cotswolds AONB will be required to conserve and, where appropriate, enhance its landscape, scenic beauty, wildlife, cultural heritage and other special qualities. Proposals will be required to be consistent with the policies set out in the Cotswolds AONB Management Plan."

The present proposals, which among other things significantly increase the housing density, clearly do not satisfy the above conditions. Moreover, the houses proposed would be 'luxury' dwellings at the top end of the housing market, making poor use of the available land area and doing little to satisfy the local housing need.

Cheltenham Borough Council has in the past been robust in defending the Cotswolds AONB and resisting proposals for inappropriate development. CPRE strongly urges the Borough Council to refuse this planning application.

*24th January 2019*

The site is in the Cotswold AONB, High Landscape Value and Sensitivity.

A copy of a covenant is enclosed that stops any building capable of being used for residential purposes on the land tinted in pink. Therefore, if the Council was to consider permitting this application, 18/02581/FUL, it could never be implemented.

CPRE strongly urges the Borough Council to refuse this application.

*[Covenant available to view on CBC website.]*

### **GCC Highways Planning Liaison Officer**

*17th January 2019*

I refer to the above planning application received on the 8th January 2019, submitted with Planning Statement ref: December 2018, Design & Access Statement ref: November 2018, Transport Statement with Appendices including speed survey data, census data, TRIC's analysis and further supporting information ref: December 2018. Drawing Numbers:- 18.0048.AP12, 18.0048.AP01B, SK01C, SK02B, SK05, SP02B, SP03A, SP04A, SP05A.

The Council requires that a private access is surfaced in a bound material over at least the first 5 metres adjacent to the public highway to minimise the risk of loose material being carried onto the highway, this can be secured by way of a suitably worded planning condition. I recommend that no highway objection be raised subject to conditions being attached to any permission granted (see section 8 of this report below).

### **Tree Officer**

*5th February 2019*

Given the comparatively recent history of the site, the CBC Tree section does not object to this proposal providing the following clarifications are made and appropriate conditions are attached to any planning permission:

- 1) A specific Arb Method Statement (AMS) needs to be written and agreed for the construction of the boundary wall adjacent to T2 at the proposed entrance to this site. This tree has been described as a veteran tree and as such no development should take place from a distance of 15 times the radius of the trunk diameter. However given the existence of the existing adjacent wall and access road, it is considered that with care and under adequate arboricultural monitoring during demolition and construction, this could be rebuilt without significant damage to this tree's roots. This AMS should also give a detailed description and supervision of the described no-dig road. This no-dig road needs to be of a porous nature so that water is not diverted away/off tree T2 roots
- 2) Clarification should be made of the exact nature of the wall. The Dealga's Tree Consultancy (DTC) report of March 2018 states in para 3.11.1 that a wall be constructed and pictures a traditional red brick wall are shown whilst Landscape Strategy Plan (Fig 7) (LSP) by Carly Tinkler (CT) suggests a Cotswold Stone wall.
- 3) CT LSP drawing suggests an open post and wire fence with mixed holly and beech hedge around the perimeter of the site. Details of the planting density of this hedge needs to be submitted and agreed. It is also noted that a previously agreed deer protective fence has not yet been erected. This deer-fence should be situated within any tree protective fence.
- 4) Whilst many new trees of appropriate species are recommended for planting, no detail is given other than sizes and tree pit details of when trees are to be planted near to hard surfaces. Species locations, their sizes and numbers etc need to be given. This could be summed up in an all encompassing soft landscape drawing. Site layout drawing no 18.0048.AP01B does not give a clear indication of new tree locations. It would be desirable for potentially large specimen trees be planted near to the site boundaries so that maximum public visual amenity will be afforded. This drawing should be submitted prior to permission being granted.
- 5) Whilst a proposed open nature of dwellings is proposed, it is known through experience that the soil within this site is of a heavy clay nature. All dwellings and other structures must take account of this to reduce as far as possible the likelihood of subsidence claims with regard to tree root action which involve tree removals.
- 6) THE DTC report describes the use of NJUG 2 guidelines (para 3.10.2. However NJUG 4 must also be followed with regard to the installation of underground services in the vicinity of trees.

## 5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	11
Total comments received	72
Number of objections	9
Number of supporting	62
General comment	0

**5.1** A site notice was placed at the entrance to the site, the proposal was advertised in the Gloucestershire Echo and 11 neighbouring residents were notified of the proposal. This generated a total of 72 comments from members of the public with 9 objecting to the proposal and 62 in support.

### **5.2 Comments in Support**

- There is a need for self-build housing with 50 local residents on the self-build register with no self-builds being permitted elsewhere.
- Good design, most new housing adds nothing to Cheltenham in terms of architectural merit. It would be in keeping with other new Battledown housing.
- Existing dwelling at Cromwell Court is unattractive.
- It would make better use of a brownfield site.
- Complements existing settlement pattern.
- New planting of trees has already taken place with best trees preserved.
- Residents could help sustain businesses in Sixways Neighbourhood Shopping Area and Charlton Kings Cricket Club.

### **5.3 Comments in Objection**

- The site is outside the Principal Urban Area of Cheltenham and is an unsustainable location for new housing.
- The development would be harmful to the character of the Cotswolds AONB and it contravenes the Cheltenham Borough Council Landscape Character and Sensitivity Assessment of Cotswolds AONB (May 2016).
- Protected trees have been removed from the site without permission.
- The site is not allocated for housing and the Council's five-year housing land supply has been satisfied.
- Existing road network is unsafe and the development would increase traffic.
- It sets a precedent for further development in the AONB.
- There is a restrictive covenant on the site which precludes any development.

## **6. OFFICER COMMENTS**

### **Determining Issues**

- Policy Context for Housing
- Whether the Proposal Constitutes Major Development in the AONB and Principle of Development
- Impact on the Character and Appearance of the AONB
- Design and Layout
- Impact on Trees
- Highway Issues and Sustainability
- Other Considerations

### **Policy Context for Housing**

- 6.1** The second review of the Cheltenham Borough Local Plan (1991-2011) was adopted in 2006. The policies within the Local Plan that are consistent with the NPPF are still used in decision making, although this does not include its housing policies which are out of date, inconsistent with the NPPF and are part of a time-expired plan. The development plan that is now in force, particularly for applications relating to new housing, is the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (JCS).

- 6.2** Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for development must be determined in accordance with the development plan, unless material considerations indicate otherwise. This is reiterated in NPPF paragraph 47.
- 6.3** JCS policy SD10 (residential development) supports the principle of new housing development within Cheltenham's Principal Urban Area (PUA) and only supports new housing outside of the PUA subject to specific criteria, none of which are applicable in this case. Due to the fact the site lies outside of the PUA, the proposal for eight dwellings is contrary to policy SD10 and this is also taking into account they would be self-build dwellings.
- 6.4** However, a Five-Year Housing Land Supply Position Statement published by the Council in August 2018 has confirmed that the current five-year housing land supply for Cheltenham is 4.6 years. This shortfall position is a material consideration and it means that the JCS is currently out-of-date (despite only being adopted in December 2017) pursuant to NPPF paragraph 11 d) footnote 7.
- 6.5** Paragraph 73 of the NPPF (February 2019) sets out how to determine which buffer should be added to the five-year housing land supply requirement. Cheltenham has been considered to have a recent history of under delivery and has applied a 20% buffer. This is reflected in the August 2018 statement. However, on 19 February 2019 the Ministry of Housing, Communities & Local Government published the Housing Delivery Test: 2018 measurement. The results show that Cheltenham Borough has delivered 108% of its required homes over the past three years.
- 6.6** In accordance with paragraph 73 and footnote 39 of the NPPF, Cheltenham Borough Council has not had significant under delivery of housing over the previous three years. This suggests that a 5% buffer should be applied to the five-year housing land supply instead of 20%.
- 6.7** It remains unclear whether the change in buffer is appropriate and what impact this would have on the housing land supply in Cheltenham. Also, it is not possible to prejudge the outcome of the Cheltenham Plan examination (which concluded at the end of February 2019) which may alter the housing trajectory.
- 6.8** The government has introduced an Annual Position Statement where local authorities can confirm their five-year housing land supply position once in a given year. This requires an engagement process and an assessment carried out by the Planning Inspectorate. When this process is followed a minimum buffer of 10% will be used.
- 6.9** Given the uncertainty around the new position statement process, the novelty of the housing delivery test results and the ongoing Cheltenham Plan examination the Council currently is unable to determine its five-year housing land supply at the time of writing.
- 6.10** In this situation, NPPF paragraph 11 states planning permission should be granted unless:
- i. the application of policies in the NPPF that protect areas or assets of particular importance provide a clear reason for refusing the development proposed; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 6.11** The 'protected areas' mentioned in point i. for this particular case is the Cotswolds Area of Outstanding Natural Beauty (AONB). The following sections of this report will assess the impact of the proposed development on the character and appearance of the AONB among the other main issues.

## **Whether the Proposal Constitutes Major Development in the AONB and Principle of Development**

- 6.12** JCS Policy SD7 states that all development proposals within the setting of the Cotswolds AONB will be required to conserve and, where appropriate, enhance its landscape, scenic beauty, wildlife, cultural heritage and other special qualities. Proposals will be required to be consistent with the policies set out in the Cotswolds AONB Management Plan.
- 6.13** NPPF paragraph 172 states that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The scale and extent of development within these designated areas should be limited. Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest.
- 6.14** Footnote 55 in the NPPF states that for the purposes of paragraphs 172 and 173, whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.
- 6.15** The proposal is for the construction of 8 self-build dwellings on a site that currently contains a single dwelling, albeit within very large grounds approximately 3 hectares in area. Planning permission was recently granted to subdivide Cromwell Court into 8 flats, thus providing a demonstrable fall-back position for intensifying the existing residential use of the site, which is a material consideration in the determination of this application.
- 6.16** The fact that the site has an existing residential use is also an important consideration in light of a legal decision pertaining to the definition of brownfield development. A planning inspector allowed a change of use of land for a private traveller site finding that the definition of previously developed land in the NPPF expressly excluded private residential gardens in built-up areas, but could not be read to exclude private residential gardens not located in built-up areas. The Administrative Court (Charles George QC) found that the wording in the NPPF was clear and it could not, therefore, be read as excluding private residential gardens that were not in built-up areas. Consequently residential gardens in open countryside locations were "brownfield" and applications for development should be considered in light of that classification.
- 6.17** Dartford Borough Council appealed and the appeal was heard in the Court of Appeal on 9 March 2017. The Appeal was dismissed, Lord Justice Lewison ("Lewison LJ") finding that the list of exclusions to the definition of "Previously Developed Land" in the NPPF is clear and reference to "land in built-up areas such as residential gardens" cannot sensibly be interpreted as including residential gardens not in built-up areas. Lewison LJ was not persuaded by the representations made on behalf of the Council that the NPPF had to be interpreted in the context of ministerial statements which predated the NPPF. Lewison LJ was satisfied that the definition of "Previously Developed Land" in the NPPF was clear and the public was entitled to rely on the NPPF as it stood.
- 6.18** The relevance of this decision for the proposed development is that the site is located outside of Cheltenham's Principal Urban Area (PUA) and is considered not to be in a 'built-up' part of Cheltenham. There are undeveloped fields to the north, east and south of the site as it lies on the edge of Cheltenham in a semi-rural landscape. Therefore, in this context the site is considered to be brownfield land within an existing C3 residential use.
- 6.19** NPPF paragraph 68 states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and local planning authorities should work with developers to encourage the sub-division of large sites where this could help to speed up the delivery of homes.

- 6.20** NPPF paragraphs 117 and 118 state that planning decisions should promote the effective use of land in meeting the need for homes. It states planning decisions should promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained. This is considered to be directly applicable to this proposal.
- 6.21** One dwelling occupying a site with an area of approximately 3 hectares is land that is under-utilised as this represents a very low housing density (0.33 dpa). As Cheltenham is largely an urban planning authority subject to various constraints including (but not limited to) the Gloucester-Cheltenham Green Belt, a large Central Conservation Area and the Cotswolds AONB, the supply of land for new housing development is certainly constrained. This is highlighted by the fact that Cheltenham is currently unable to determine its five-year housing land supply. These factors weigh in favour of the proposed redevelopment of this brownfield site.
- 6.22** The fact that a particular site is deemed to be brownfield land does not preclude its development from being major development within the AONB. However, when considering the nature, scale and setting of this proposal, the site is brownfield land by the virtue of it being a residential garden outside a built-up area so, although large for a garden, the setting is still one very much of a domestic nature. In terms of the scale of development, the site already has the benefit of planning permission for the existing dwelling to be subdivided into 8 flats, thus establishing the intensification of the residential use of the site.
- 6.23** Even though the site is outside of the PUA, it is on land that adjoins the other residential properties at the top of Harp Hill. In that sense, the site is not in an isolated location, rather the site resides on the edge of Cheltenham's built form and the open countryside becomes more prevalent to the east moving up the escarpment where dwellings and other buildings become increasingly sparse. The proposed dwellings therefore must be viewed in the context of the other dwellings of Battledown to the west and Cheltenham as a whole, rather than an isolated development in the AONB.
- 6.24** In their consultation response, the Cotswold Conservation Board does not contend that the proposal has the potential, in itself, to have a significant or serious adverse effect on the purposes of the AONB's designation. Rather, the Board's objection is that it might have such an effect "cumulatively" if it were to set a precedent for further development in the future. However, this argument is fundamentally flawed, not only because each case should be judged on its own merits, but also because the question whether a proposal is major development has to be answered in relation to each particular proposal. Nothing in the NPPF, planning guidance or any other relevant case law suggests that a development which is not deemed in itself major development can be treated as such on the basis that, taken together with other possible future development, there might be a significant adverse effect of the sort described above.
- 6.25** Proportionally, the construction of eight dwellings in the context of the number of existing dwellings situated in the Harp Hill area and Battledown Ward is considered not to be a major extension of Cheltenham's built form. When this is considered together with the fact that the site is deemed to be brownfield land and it already has permission for 8 flats, the proposal is considered not to be major development within the AONB in this case.
- 6.26** This is an important distinction to make in the context of NPPF paragraph 172 because major development in an AONB should be refused other than in exceptional circumstances. These exceptional circumstances do not need to be met in the event the development is deemed not to be major. This does not automatically mean that the proposal cannot cause harm to the AONB; development that is deemed not to be major can still be refused if it is harmful to the character and appearance of the AONB landscape. It is acknowledged that 8 new-build dwellings would have more of a visual

impact compared to the conversion of an existing building into 8 flats and this issue is discussed in the following section of this report.

**6.27** However, in principle, the proposal to redevelop the site for 8 self-build dwellings is considered to be acceptable in this particular case because of the following four reasons:

1. The site is considered brownfield land and the NPPF is supportive of brownfield land being utilised to meet identified needs for housing.
2. These housing needs are highlighted by the fact that Cheltenham is currently unable to determine its five year housing land supply.
3. There is a demonstrable fall-back position to develop the site to create 8 flats.
4. The proposal has been deemed not to be major development in the AONB.

### **Impact on the Character and Appearance of the AONB**

**6.28** The site is located on Greenway Lane at the top of Harp Hill. 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. The site is a self-contained residential planning unit which is bounded by two roads (Harp Hill and Greenway Lane to the north and east) and natural hedging and trees to the south and west.

**6.29** The development would be confined to the existing planning unit and is therefore not considered to be one of an encroaching nature in terms of impact on the AONB. The proposal must simply be assessed on the basis on determining how increasing the number of dwellings on site from one to eight would affect to character and appearance of the AONB.

**6.30** The site lies on the edge of Cheltenham's PUA with dwellings located immediately to the west. There are also new dwellings approximately 300 metres to the north of the site that reside on the former GCHQ site, although this is located outside the AONB and it is separated from the application site by an undeveloped field and the Harp Hill road. There is open countryside to the east and south although this does not directly adjoin the application site because it is separated from it by Greenway Lane. Harp Hill and Greenway Lane act as a clear visual and physical divide in the locality and they disconnect the site from the wider countryside.

**6.31** Cromwell Court sits above the level of the two roads as the land rises up towards the Battledown Camp site to the west. There are some boundary trees and hedges which partially screen the site although some of these trees have been felled in recent years (this is discussed in more detail in the section of this report relating to trees below) particularly towards the rear (west) of the site. The proposal involves the retention of existing trees and the planting of new ones in accordance with a Forestry Commission licence obtained by the applicant; some of these new trees have already been planted. In all other respects, the site lacks any distinguishing features and has no particular visual interest. The County Council Archaeologist has confirmed that the archaeological significance of Battledown Camp is "very low".

**6.32** The site is visible in various places along four separate public footpaths (references: ZCK4, ZCK6, ZCK7 and ZCK8) which traverse the fields to the east. Despite the loss of some trees, the remaining trees still provide some screening to the site although eight dwellings would certainly become more visible when the site is viewed from the public realm including the aforementioned public footpaths. Given the self-contained, residential characteristics of the site, its redevelopment would not affect the character or appearance of the surrounding countryside in any significant way, or the recreational enjoyment of

these footpaths within the AONB. If it were developed as now proposed, the site would lose its openness, but given the physical context that has been described above and the fact that the site is entirely residential, and not undeveloped agricultural land, this loss would not be unduly harmful.

- 6.33** In 2016 a technical update was published to the Landscape Character, Sensitivity and Capacity Assessment of the Cotswolds AONB (2015) by Ryder Landscape Consultants (“Ryder report”), which forms part of the evidence base for the emerging Cheltenham Plan, which has now been through examination (February 2019) but it has not yet been adopted. The application site is considered to be part of the ‘Wooded Pasture Slopes’ Character Type of the AONB and it is designated in the ‘Greenway Wooded Farmed Slopes’ Character Area.
- 6.34** The Ryder report states that the visual sensitivity, landscape character sensitivity and landscape value of this area are classed as ‘High’. The report states that “High Sensitivity Landscapes are those which would be of high quality with distinctive elements and features making a positive contribution to character and sense of place. They are likely to contain features and elements that are rare and could not be replaced”. However, as previously established in preceding paragraphs, this residential site does not possess any such distinctive elements primarily due to its previously developed state. It is acknowledged that the Ryder report identified this part of the AONB to have high landscape sensitivity, however when assessing the site on the ground, its residential characteristics are very different from the undeveloped fields to the east, even though they are both part of the same Landscape Character Area.
- 6.35** There are no specific policies within the Ryder report or indeed the Cotswolds AONB Management Plan that deal with the redevelopment of existing residential land. Ultimately, it is considered in accordance with NPPF paragraph 172 that the development would not cause any significant harm to the aim of conserving and enhancing the AONB’s landscape or natural beauty in light of the site’s specific characteristics described above.

### **Design and Layout**

- 6.36** In terms of the appearance of the proposed dwellings, they would have a contemporary design using materials including local stone, modern glazing systems with brise soleil (external louvers which deflect sunlight) and flat green roofs. The dwellings would be self-build plots but individuals would have to adhere to the designs as shown on the drawings and in accordance with a design code to be submitted by the applicant by condition (if permission is granted).
- 6.37** The Cheltenham Architects’ Panel have welcomed the design of the dwellings but raised concerns about the site layout and boundary treatments. In terms of the site layout, the dwellings would be arranged around a single access road which terminates at the rear of the site at plot 1, with each dwelling being directly accessible from this estate road. 6 of the 8 dwellings would be positioned on the edge of the site facing inwards with plots 7 and 8 being located more centrally. The 6 dwellings on the edge of the site would utilise the existing soft boundary treatments that enclose the site, while the side boundaries would be provided by traditional black painted metal estate fencing.
- 6.38** The angled orientation of each dwelling is such that separation distances are acceptable and no direct overlooking into neighbouring habitable rooms would be prevalent. Plots 7 and 8 would be positioned on lower ground compared to plot 1 but neither of them would be directly overlooked due to the orientation of the buildings and the adequate separation distances. The combination of estate fencing, new planting and also retaining walls will allow for each dwelling at the site to have its own private amenity space without compromising the parkland setting.



- 6.39** The flat-roof design of the dwellings and their green roofs would mitigate their visual impact when viewed from the public realm, particularly from wider views. The dwellings would continue the pattern of development of dwellings that encircle Battledown Camp around Harp Hill, namely Kings Welcome, Rose Orchard, Beech House, The Oaks, High View and the two recently permitted dwellings on land adjacent to The Gray House (ref: 18/01169/CONDIT).
- 6.40** In this context, the design and layout of the proposed dwellings is considered to be in accordance with the relevant design guidance found within JCS policy SD4, Cheltenham's Infill SPD and the NPPF.

### **Impact on Trees**

- 6.41** The applicant had to apply for a Forestry Commission (FC) felling licence as the trees within the woodland compartments were dead, dying or dangerous. As part of the felling licence there is a condition included which requires the restocking of the woodland compartments. The restocking activities were completed in autumn last year. Due to the presence of the valid felling licence the woodland compartments are now under the jurisdiction of the FC and before they relinquish control back to Cheltenham Borough Council the woodland compartments have to be managed for a 5 year period by the FC to ensure the restocked trees are maintained and replaced if there are any that die or become diseased. Effectively, if the woodland compartments are not in an appropriate condition come the end of the 5 year period (Autumn 2023) then the FC will retain control and ask the applicant to remedy any issues across the woodland compartments by replanting trees if necessary.
- 6.42** Cheltenham Borough Council's Tree Officer has been consulted throughout the FC felling licence and tree stocking process. The Tree Officer has also been consulted as part of this application and has not raised any objection to the proposal, subject to clarification on certain matters which can be agreed by condition.
- 6.43** The proposal is not dependent on the removal of any more trees at the site. In fact, the development would facilitate the planting of more trees, hedges and soft landscaping which would be controlled by a landscaping condition. It is acknowledged that the loss of trees at the site in recent years has been regrettable; a combination of the FC licence and the proposed landscaping would ultimately ameliorate the current situation having regard to Local Plan Policies GE5 and GE6.

### **Highway Issues and Sustainability**

- 6.44** The Local Highway Authority at Gloucestershire County Council has been consulted for this application and they have raised no objection in terms of the impact it would have on the local highway network. The site is an existing residential property with a vehicular access off Greenway Lane which benefits from good levels of visibility in both directions.
- 6.45** The site is not accessible by public transport and due to its position at the top of a steep gradient with no street lighting, pavement or cycle lane means that it is not sustainable in terms of future residents avoiding the need to rely on private car journeys to access local services and amenities. If the site was not already in a residential use this issue could potentially be considered to carry significant weight against the proposal.
- 6.46** However, it has already been established that not only is the site in a residential use but permission also exists to intensify the use by subdividing Cromwell Court into 8 flats. This planning permission is a material consideration when comparing the vehicle movements that would be generated by 8 flats to those generated by 8 self-build dwellings. The difference in vehicle movements generated by the permitted application compared with the proposed development is considered to be negligible, thus the proposal would not conflict with JCS policy INF1 or NPPF paragraph 109 in this regard.

## **Other Considerations**

### *Impact on Existing Dwellings Adjoining the Site*

- 6.47** There are four existing dwellings that share a physical boundary with the application site: Turnpike House, Kings Welcome, Beech House and The Oaks.
- 6.48** In the case of Turnpike House and Kings Welcome, although they share a common boundary with the site they are both set away from this boundary by at least 20 metres. The location of the plots that would be closest to them are also set in from the boundary to create private gardens so these two neighbouring properties would not be unduly affected.
- 6.49** Beech House and The Oaks are situated closer to the common boundary but each face the site side-on and the separation distance and window positions in both cases is not a threat to the living conditions of the occupants of the existing or new dwellings.

### *Self-build Dwellings*

- 6.50** The application is for the construction of 8 self-build dwellings, which means that rather than a single developer building all 8 dwellings, 8 plots of land would be sold to individuals that are on the Council's self-build register who wish to build a dwelling for themselves. In this case, because planning permission is sought in full rather than outline, individuals would be bound by the approved drawings and could not deviate in terms of size, scale or design.
- 6.51** The Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) states that local planning authorities must give suitable development permission to enough suitable serviced plots of land to meet the demand for self-build and custom housebuilding in their area. The level of demand is established by reference to the number of entries added to an authority's register during a base period. At the moment there are 48 individuals on the self-build register for Cheltenham.
- 6.52** It is acknowledged that, if permitted, the proposal would help to fulfil the requirement to provide self-build plots in Cheltenham. However, it must be stressed that due to the reasons already explained within this report, the Officer's view is that the proposal is acceptable in any event, and not because the proposal is for self-build dwellings. Although it is perhaps a side benefit, the provision of self-build dwellings is not necessarily a determining factor in this case.

## **7. CONCLUSION AND RECOMMENDATION**

- 7.1** The proposal to redevelop the site for 8 self-build dwellings is considered to be acceptable in principle in this particular case because of the following four reasons:
- i. The site is considered brownfield land and the NPPF is supportive of brownfield land being utilised to meet identified needs for housing.
  - ii. These housing needs are highlighted by the fact that Cheltenham is unable to determine its five year housing land supply at the moment.
  - iii. There is a demonstrable fall-back position to develop the site to create 8 flats.
  - iv. The proposal has been deemed not to be major development in the AONB.
- 7.2** It is acknowledged that the construction of 8 new build dwellings has a greater visual impact on the AONB compared to converting the existing dwelling into 8 flats. However, in

light of the above, the character of the area in relation to undeveloped fields nearby and the good design of the dwellings themselves result in a development that is not unduly harmful to the character and appearance of the AONB.

- 7.3** The proposal would accord with the Forestry Commission licence and the Tree Officer has not raised objection to the proposal with regard to the impact on trees at the site. The proposal is an opportunity to manage the growth and long term health of the existing trees and the new trees.
- 7.4** The proposal would not have any discernible impact on the local highway network or existing residential properties that share a common boundary with the site.
- 7.5** For these reasons, the proposed development is considered to be acceptable and the application is recommended for approval, 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 A document setting out the design principles (hereafter referred to as a 'Design Code') for the development hereby approved shall be submitted to the Local Planning Authority for written approval. The Design Code shall set out how the principles and objectives of the Design and Access Statement by Ian Singleton shall be met by the development hereby approved and shall include the following matters:

- (i) The design, form and general arrangement of external architectural features of buildings including the walls, roofs and fenestration;
- (ii) The hierarchy for roads and public spaces;
- (iii) The colour, texture and quality of external materials and facings for the walls and roofing of buildings and structures;
- (iv) The design of the public realm to include the colour, texture and quality of surfacing of footpaths, streets, parking areas and other shared surfaces;
- (v) The design and layout of any street furniture.
- (vi) Waste and refuse bin storage arrangements

The development shall be carried out in accordance with the approved Design Code.

Reason: In the interests of the character and appearance of the area, having regard to saved policy CP7 of the Cheltenham Borough Local Plan (2006) and adopted policies SD4 and SD7 of the Joint Core Strategy (2017).

- 4 No external facing or roofing materials shall be applied unless in accordance with:
- a) a written specification of the materials; and/or
  - b) physical sample(s) of the materials.

The details of which shall have first 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 saved policy CP7 of the Cheltenham Borough Local Plan (2006) and adopted policy SD4 of the Joint Core Strategy (2017).

- 5 Prior to the occupation of the development hereby permitted, the vehicular access shall be laid out and constructed in accordance with the submitted plan drawing no. 18.0048.AP01B with the area of driveway within at least 5.0m of the carriageway edge of the public road surfaced in bound material, and shall be maintained thereafter.

Reason: To reduce potential highway safety impact by ensuring that a safe and suitable access is laid out and constructed that minimises the conflict between pedestrians, cyclists and vehicles in accordance with paragraph 108 and 110 of the National Planning Policy Framework.

- 6 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 40m north east (Left) and 53m south west (Right) distant in both directions (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.

- 7 The buildings hereby permitted shall not be occupied until the vehicular parking and turning facilities have been provided in accordance with the submitted plan drawing no. 18.0048.AP01B, 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.

- 8 Throughout the construction and demolition period of the development hereby permitted provision shall be within the site that is sufficient to accommodate the likely demand generated for the following:

- i. parking of vehicles of site operatives and visitors;
- ii. loading and unloading of plant and materials;
- iii. storage of plant and materials used in constructing the development;
- iv. provide for wheel washing facilities

Reason: To reduce the potential impact on the public highway and accommodate the efficient delivery of goods in accordance with paragraph 110 of the National Planning Policy Framework.

- 9 Prior to the occupation of the building(s) hereby permitted, the proposed car parking spaces shall be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Reason: To ensure that the development incorporates facilities for charging plug-in and other ultra-low emission vehicles in accordance with paragraph 110 of the National Planning Policy Framework.

- 10 The development hereby approved shall not be carried out unless in accordance with the approved Arboricultural Impact Assessment (ref: DTCL.137.AIA.2018). The protective measures specified within the Arboricultural Impact Assessment shall remain in place until the completion of the construction process.

Reason: To safeguard the existing tree(s) in the interests of visual amenity, having regard to saved policies GE5 and GE6 of the Cheltenham Borough Local Plan (2006).

- 11 A specific Arboricultural Method Statement (AMS) needs to be submitted to and agreed in writing by the Local Planning Authority for the construction of the boundary wall adjacent to tree ref: T2 at the proposed entrance to this site. This tree has been described in the approved Arboricultural Impact Assessment as a veteran tree and as such no development should take place from a distance of 15 times the radius of the trunk diameter. This AMS should also give a detailed description and supervision of the described no-dig road. This no-dig road needs to be of a porous nature so that water is not diverted away/off tree T2 roots.

Reason: To safeguard the existing tree(s) in the interests of visual amenity, having regard to saved policies GE5 and GE6 of the Cheltenham Borough Local Plan (2006).

- 12 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.

- 13 Prior to the commencement of development, a surface water drainage scheme, which shall incorporate Sustainable Urban Drainage System (SUDS) principles, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall

include a programme for implementation of the works; and proposals for maintenance and management. The development shall not be carried out unless in accordance with the approved surface water drainage scheme.

Reason: To ensure sustainable drainage of the development, having regard to adopted policy INF2 of the Joint Core Strategy (2017). Approval is required upfront because the design of the drainage is an integral part of the development and its acceptability.

- 14 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting that order with or without modification), no extensions, garages, sheds, outbuildings, walls, fences or other built structures of any kind (other than those forming part of the development hereby permitted) shall be erected without express planning permission.

Reason: Any further extension or alteration requires further consideration to safeguard the amenities of the area, having regard to saved policies CP4 and CP7 of the Cheltenham Borough Local Plan (2006) and adopted policies SD4 and SD14 of the Joint Core Strategy (2017).

- 15 Notwithstanding The Town and Country Planning (Use Classes) Order 1987 and The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting those orders with or without modification), the development shall not be used other than for the construction of self-build dwellings as defined under the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) and shall not be used for any other purpose without express planning permission.

Reason: To ensure there are enough serviced plots of land to meet the demand for self-build and custom housebuilding in the borough, having regard to the self-build register and the provisions of the Joint Core Strategy (2017).