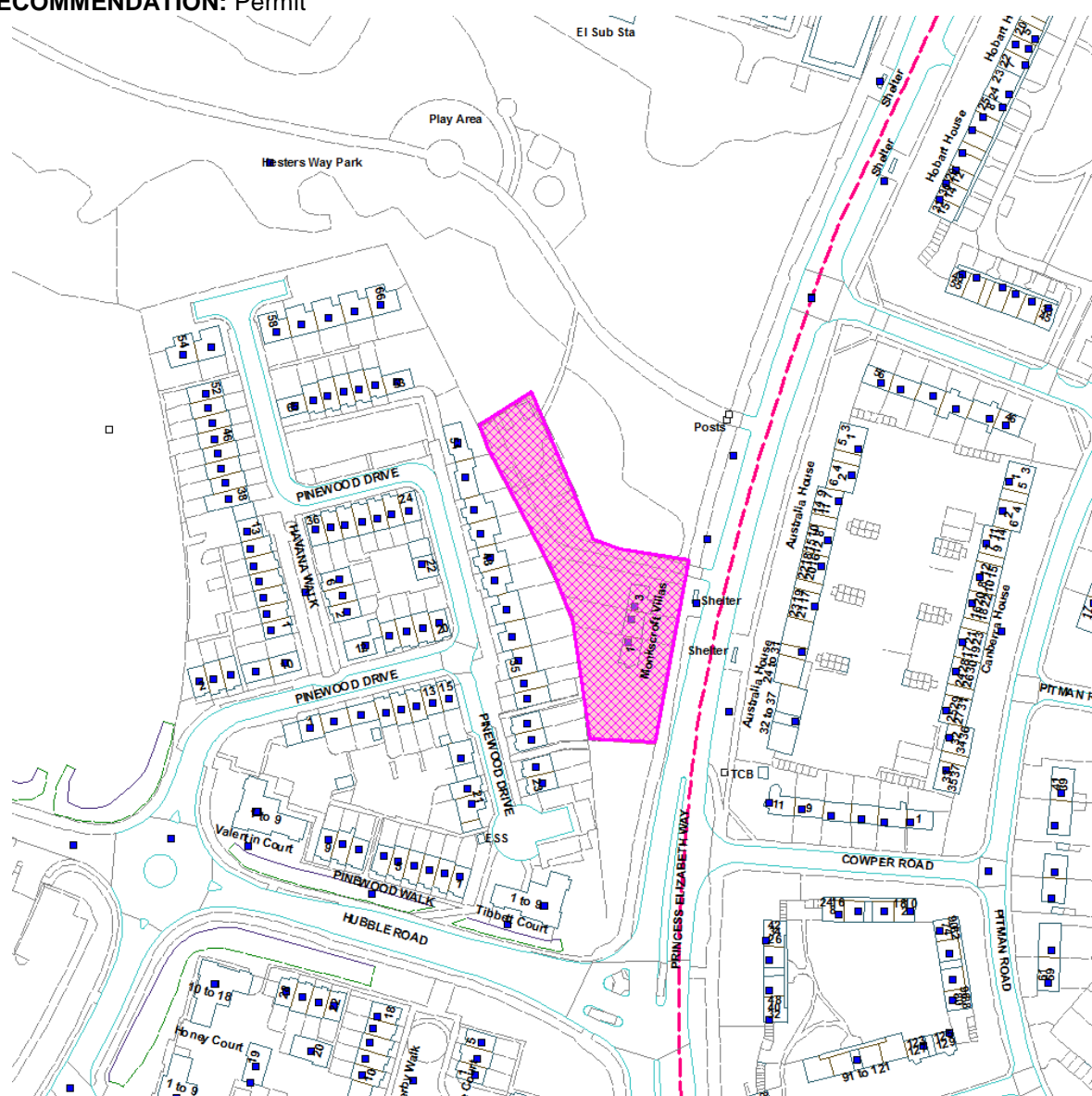


APPLICATION NO: 19/00431/FUL	OFFICER: Mr Joe Seymour
DATE REGISTERED: 6th March 2019	DATE OF EXPIRY: 5th June 2019
DATE VALIDATED: 6th March 2019	DATE OF SITE VISIT: 8th April 2019
WARD: Hesters Way	PARISH:
APPLICANT:	Cheltenham Borough Homes
AGENT:	Kendall Kingscott Ltd
LOCATION:	Monkscroft Villas Princess Elizabeth Way Cheltenham
PROPOSAL:	Demolition of existing building and redevelopment of site to provide 27 dwellings. Including a part four three and two storey block of flats comprising 25 apartments (20 one bed & 5 two bed units). Along with 2 two bed semi-detached houses with ancillary car parking, cycle/bin stores and associated landscaping. Alterations to existing pedestrian and vehicle access.

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The site is located off the A4013 Princess Elizabeth Way towards the western edge of Cheltenham. The site (approximately 0.32Ha) is currently occupied by a residential two storey red brick terrace of three empty houses which front on to Princess Elizabeth Way with garden areas to the rear. The northern part of the site includes some derelict outbuildings, part of an old council depot site. The southern part of the site is occupied by mature trees and shrubs.
- 1.2 Immediately adjoining the site to the west is Pinewood Drive, a residential area comprising of two and three storey properties. To the south is green space with trees with the land to the north being part of Hesters Way Park area. Opposite the site to the east are the four storey flats which face towards Prince Elizabeth Way.
- 1.3 The application proposes the demolition of the existing buildings on the site, the construction of a two - four storey block of apartments comprising 18 one bed apartments and 9 two bed apartments which would front Princess Elizabeth Way, to the south of the site. To the north part of the site the erection of 2no. two bed semi-detached houses with ancillary car parking is proposed. The block of flats is detailed to have at first floor buff brick with the upper floors being white render and the top floor dark grey cladding. The semi-detached properties are in the main white render with two dark grey bay features.
- 1.4 The applicant, Cheltenham Borough Homes, sets out that a minimum of 60% of the units will be provided as affordable dwellings.
- 1.5 The application is at Planning Committee as the Council, through Cheltenham Borough Homes, own the land.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport safeguarding over 10m
Residents Associations
Smoke Control Order

Relevant Planning History:

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 13 Protecting Green Belt land
Section 14 Meeting the challenge of climate change, flooding and coastal change
Section 15 Conserving and enhancing the natural environment

Saved Local Plan Policies

CP 4 Safe and sustainable living
CP 7 Design

Adopted Joint Core Strategy Policies

SD4 Design Requirements
SD10 Residential Development
SD11 Housing Mix and Standards
SD12 Affordable Housing

Supplementary Planning Guidance/Documents

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

4. CONSULTATIONS

Environmental Health

26th March 2019 - Reviewed submitted documents, including Design and Access Statement and Environmental Noise Assessment, no comments or objections.

I would recommend approval subject to the following conditions being attached to any approved permission:

Condition 1

No development shall take place, including any works of demolition, until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:

- Parking of vehicle of site operatives and visitors
- Method of prevention of mud being carried onto highway
- Waste and material storage
- Control measures for dust and other air-borne pollutants
- Control measures for noise in regards to both demolition and construction
- Measures for controlling the use of site lighting whether required for safe working or for security purposes.

Reason: To prevent a loss of amenity affecting surrounding occupiers due to noise and nuisance from construction works.

Condition 2

Where communal space is provided it must be acceptable with regards to design, neighbour amenity, noise levels, accessibility, management and control.

The proposed roof terrace has the potential to cause harm to the existing amenities of neighbouring occupiers, as well as the residents of the proposed dwelling, by reason of noise and disturbance. As there will be no way of effectively controlling the use of the proposed roof terrace, including the hours of use or the type of use, I would recommend the following condition.

Restriction of Use of Roof

The roof area shall not be used as a roof terrace, balcony, roof garden or similar amenity area.

Reason: To safeguard the amenities of the adjoining premises.

GCC Highways Planning Liaison Officer

9th May 2019 - I refer to the above planning application in regards to the submission of revised plans received on the 8th May 2019 with drawing numbers - 3077.03B, 3077.T08, 3077.T07.

I recommend that no highway objection be raised subject to the following conditions being attached to any permission granted:-.

1. 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.

2. The Vehicular Access Arrangement/Bus Stop Relocation including tactile crossing facilities and lining works shall be constructed in accordance with the submitted plan ref: 3077.03B, before any of the dwellings hereby permitted are first occupied, unless otherwise agreed in writing by the local planning authority (LPA).

Reason:- To ensure that the appropriate opportunities to promote sustainable transport modes and is designed to give priority first to pedestrian and cycle movements and provide access to high quality public transport and facilities that encourage public transport use in accordance with paragraph 110 of the National Planning Policy Framework.

3. No building on the development shall be occupied until the carriageway(s) (including surface water drainage/disposal, vehicular turning head(s) and street lighting) providing access from the nearest public highway to that dwelling have been completed to at least binder course level and the footway(s) to surface course level.

Reason: - To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians in accordance with paragraphs 108 and 110 the National Planning Policy Framework.

4. Prior to occupation of the proposed development hereby permitted details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be submitted to and approved in writing by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as either a dedication agreement has been entered into or a private management and maintenance company has been established.

Reason: To ensure that safe, suitable and secure access is achieved and maintained for all people that minimises the scope for conflict between traffic and cyclists and pedestrians in accordance with paragraph 108 and 110 the National Planning Policy Framework

Framework and to establish and maintain a strong sense of place to create attractive and comfortable places to live, work and visit as required by paragraph 127 of the Framework.

Note: The applicant is advised that to discharge condition 4 that the local planning authority requires a copy of a completed dedication agreement between the applicant and the local highway authority or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.

5. No above ground works shall commence on site until a scheme has been submitted to, and agreed in writing by the Council, for the provision of fire hydrants (served by mains water supply) and no dwelling shall be occupied until the hydrant serving that property has been provided to the satisfaction of the Council.

Reason: To ensure adequate water infrastructure provision is made on site for the local fire service to access and tackle any property fire in accordance with paragraph 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 54m 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 development hereby permitted shall not be occupied until the cycle storage facilities have been made available for use in accordance with the submitted plan drawing no. 3077.T07, and those facilities shall be maintained for the duration of the development.

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.

8. 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. 3077.T07, 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.

NOTE:

The proposed development will involve works to be carried out on the public highway and the Applicant/Developer is required to enter into a legally binding Highway Works Agreement (including an appropriate bond) with the County Council before commencing those works.

Statement of Due Regard

Consideration has been given as to whether any inequality and community impact will be created by the transport and highway impacts of the proposed development. It is considered that no inequality is caused to those people who had previously utilised those sections of the existing transport network that are likely to be impacted on by the proposed development.

It is considered that the following protected groups will not be affected by the transport impacts of the proposed development: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation, other groups (such as long term unemployed), social-economically deprived groups, community cohesion, and human rights.

Tree Officer

29th April 2019 - The Trees Section does not object to this application.

Land Drainage Officer

29th March 2019 - No objections in principle to this proposed development. The following comments and observations are made:

- **Infiltration Systems** The drainage strategy and flood risk assessment states that the use of soakaways (infiltration systems) has been deemed unsuitable due to the expected high clay content of the ground as shown on the BGS online map which

indicates Charmouth Mudstone bedrock and overlying clay strata. Infiltration systems at this location cannot be ruled out before infiltration testing in accordance with BRE 365 has been carried out. Approval of a SuDS design without the necessary supportive evidence will not be granted. Infiltration systems among other SuDS components are an essential element in the control of discharge volumes.

- **Peak Flow Control** The proposed maximum surface water discharge rate from the site has been stated as being limited to 6 l/s; almost equal to the existing 1 in 100 year discharge rate from the site in its current form (6.1 l/s). This is a previously developed site and therefore in accordance with Defra's non-statutory technical standards for sustainable drainage systems, the peak runoff rate from the development to any drain, sewer or surface water body for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event must be as close as reasonably practicable to the greenfield runoff rate from the development for the same rainfall event, but should never exceed the rate of discharge from the development prior to redevelopment for that event. A detailed SuDS design shall demonstrate consideration of this recommendation. For information; the LLFA does not recommend that restricted discharge rates cannot be lower than 5 l/s (a rate of discharge that some consider to be a hydro-brake minimum to avoid blockage) and they recommend that developers be required to limit discharge in accordance with the non-statutory technical standards.
- **Volume Control** Where reasonably practicable, for developments which have been previously developed (such as this), the runoff volume from the development to any highway drain, sewer or surface water body in the 1 in 100 year, 6 hour rainfall event must be constrained to a value as close as is reasonably practicable to the greenfield runoff volume for the same event, but should never exceed the runoff volume from the development site prior to redevelopment for that event. Where it is not reasonably practicable to constrain the volume of runoff to any drain, sewer or surface water body in accordance with the above, the runoff volume must be discharged at a rate that does not adversely affect flood risk. The submitted detailed SuDS design must consider this requirement and confirm the proposed methods of compliance.
- **Climate Change** An allowance of +40% shall be allowed for in the determination of the required storage volumes.

Joint Waste Team

11th March 2019 - Comments available to view in documents tab

Gloucestershire Centre For Environmental Records

19th March 2019 - Report in documents tab

GCC Local Flood Authority (LLFA)

10th May 2019 - I refer to new information sent by the drainage engineer on 8th May 2019 in response to the Lead Local Flood Authority's (LLFA) comments and objection to the proposal on 4th April 2019.

The following comments refer to the new information submitted in the "Drainage Strategy and Flood Risk Assessment" (Date: 08th May 2019 and Ref: 11510w0004b) and "Drainage Layout" (No: 11510Sk0003, Rev:B).

The applicant has reduced the maximum discharge rate from the site to 3.4 l/s, which is equal to the greenfield runoff rate. The use of permeable paving has been extended to

ensure that water quality has been fully considered. A value of 40% has been added to the 1 in 100 year return period simulation in MicroDrainage to account for future climate change. This shows that there is a minor amount of flooding from manhole Sw.07, which is in the highway and shouldn't cause buildings to flood. Finally, the applicant has submitted exceedance flow paths, which show that surface water will be directed away from buildings in events greater than 1 in 100 year.

The Drainage Strategy and Flood Risk Assessment states that the maintenance of all the drainage will be managed by Cheltenham Borough Homes via a management company and will be carried according to the schedule provided.

LLFA Recommendation

Based on the above changes to the drainage strategy and the extra information provided, the LLFA would like remove it's objection and recommend no objection to the proposal. The LLFA also believes that there is sufficient information supplied at this stage so that no condition for detailed design or maintenance is required.

NOTE 1 :The Lead Local Flood Authority (LLFA) will give consideration to how the proposed sustainable drainage system can incorporate measures to help protect water quality, however pollution control is the responsibility of the Environment Agency

NOTE 2 : Future management of Sustainable Drainage Systems is a matter that will be dealt with by the Local Planning Authority and has not, therefore, been considered by the LLFA.

NOTE 3: Any revised documentation will only be considered by the LLFA when resubmitted through suds@gloucestershire.gov.uk e-mail address. Please quote the planning application number in the subject field.

4th April 2019 - I refer to the notice received by the Lead Local Flood Authority (LLFA) requesting comments on the above proposal. The LLFA is a statutory consultee for surface water flood risk and management since April 2015, and has made the following observations and recommendation.

Surface water flood risk

In the Drainage Strategy and Flood Risk Assessment (FRA) (Craddys Document Reference: 11510w0004a), the flood risk to the site has been identified as low, which is consistent with the Environment Agency's Risk of Flooding from Surface Water map.

Surface water management

Discharge strategy

The discharge hierarchy has been used. Infiltration is not likely to be effective as the geology is Charmouth Mudstone and there are no watercourses in the vicinity of the site. The applicant is therefore proposing to discharge into the existing public surface water sewer in Princess Elizabeth Way, where the site currently drains to.

Discharge rates

The chosen discharge rate exceeds greenfield runoff rates and does not provide any betterment over the existing rate. The proposal is to limit the discharge to 6 l/s, the equivalent rate of a 1 in 100 year rainfall event on the existing roof area.

For brownfield sites, the discharge rate should be as close as reasonably practicable to the greenfield rate or have a betterment of at least 40% applied. Considering the high level of green space on site and the level of works being carried out, the LLFA would prefer to see the proposed discharge rate closer to the greenfield runoff rate. The applicant must demonstrate that they have considered discharging the site at greenfield runoff rates and if they deem this impractical, justify why.

Drainage strategy and indicative plan

The proposed drainage strategy is to use underground storage to control surface water runoff combined with areas of permeable paving on the parking bays. While the use of

permeable paving is welcome for its benefits to water quality, limiting its extent to the parking bays means the surface water from the rest of the highway is not receiving these benefits. The use of gulley pots will remove some sediment but there is still the potential for sediment and hydrocarbons to leave the site as well as block the underground storage tank. It is advised that this is considered and addressed.

Climate change

Although the applicant has not provided it at this stage, they have recognised the need to use 40% for climate change when sizing their storage. This meets current Environment Agency guidance for this type of development.

Exceedance flow paths

The applicant has not provided plan for exceedance flow paths (they state it is in Appendix D which is actually a fluvial flood map).

LLFA Recommendation

The LLFA recommends an objection to the proposal because the discharge rate does not meet greenfield runoff rates or achieve any level of betterment over the existing rate.

NOTE 1 : The Lead Local Flood Authority (LLFA) will give consideration to how the proposed sustainable drainage system can incorporate measures to help protect water quality, however pollution control is the responsibility of the Environment Agency

NOTE 2 : Future management of Sustainable Drainage Systems is a matter that will be dealt with by the Local Planning Authority and has not, therefore, been considered by the LLFA.

NOTE 3: Any revised documentation will only be considered by the LLFA when resubmitted through suds@gloucestershire.gov.uk e-mail address. Please quote the planning application number in the subject field.

Cheltenham Civic Society

22nd March 2019 - The Planning Forum took up the opportunity to receive a presentation from a representative of CBH. We realise in hindsight that this was an information rather than a consultation event. Perhaps in future, consultation should take place at an earlier stage before plans have been finalised.

The Forum are disappointed that none of our discussion and comments at the presentation have been taken into account in the submitted plan. Suggestions included the opportunity to introduce a living roof, increased solar generation, and a more imaginative use of the roof space for residents' amenity.

The elevation is dull and repetitive.

Architects Panel

4th April 2019 - Design Concept

The panel had no objection to the principle of replacing the existing building with a new residential development on this site. The proposed building is substantially bigger but the panel felt the site could easily accommodate a larger building in this location without detrimental impact to neighbouring properties.

Design Detail

The panel generally liked the design approach and the way the building was broken down into blocks, providing elevations of interest and of good proportions. The roof-top amenity

garden was seen as an attractive feature and the introduction of discreet solar panels was to be encouraged.

The palette of materials is typical of Cheltenham architecture but the panel questioned whether the use of some brickwork, perhaps at plinth level, might enhance the design and relate the building more too adjacent brick buildings

Recommendation
Support

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	70
Total comments received	4
Number of objections	3
Number of supporting	0
General comment	1

5.1 A site notice was displayed at the site as well as being advertised in the Gloucestershire Echo and 70 letters have been sent to neighbouring properties.

5.2 4 letters have been received which raised concerns regarding the following issues. The comments are attached to the Agenda.

- The size and scale would have an overbearing impact and loss of privacy.
- Loss of light
- Light pollution
- Insufficient car parking being provided and highway safety
- Poor design

6. OFFICER COMMENTS

6.1 Determining Issues

- Principle of Residential Development
- Design Considerations
- Impact on Neighbouring Living Conditions
- Highway Safety
- Drainage
- Other Matters

Principle of Residential Development

6.2 The site is located within the Principal Urban Area (PUA) of Cheltenham where the principle of new residential development is supported by policies within the existing Local Plan and policy SD10 of the JCS. The site is within close proximity to a wide range of day-to-day services such as shops, schools, amenities and employment opportunities; there is

also a bus stop directly to the front of the site offering a regular bus service which would also provide would-be residents of the development with the opportunity to utilise public transport. The site is therefore also considered to be a sustainable location for residential development in the context of the NPPF.

- 6.3** Cheltenham Borough Council cannot currently demonstrate a five-year supply of housing land with the latest figure (August 2018) at 4.6 years. The proposal would provide for twenty seven dwellings which would not eliminate this shortfall; it would make a modest contribution towards alleviating it, which would be welcomed in a sustainable location such as this one.
- 6.4** The NPPF at paragraph 11 sets out that planning decisions should apply a presumption in favour of sustainable development. This is explained in section 'd' of paragraph 11 stating that where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date (footnote 7 of paragraph 11 sets out that this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing) granting permission unless, for this application, any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole. This is referred to as the 'tilted balance' and the government's approach to ensuring delivery of housing nationally.
- 6.5** NPPF paragraph 68 states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area. Furthermore, 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 Cheltenham which is a town with a tight urban boundary bordered by an Area of Outstanding Natural Beauty and a Green Belt.
- 6.6** For these reasons, the principle of redeveloping the site for new housing is considered to be acceptable. However, there are other site-specific constraints and characteristics that the proposal needs to be assessed against in order carry out the planning balance and therefore to determine conclusively whether the development is acceptable overall.

Design Considerations

- 6.7** The NPPF states that it is important to plan positively for the achievement of quality and inclusive design for developments, including individual buildings, public and private spaces. Section 12 of the NPPF makes it clear that the government attaches importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Design requirements are incorporated in Policy CP7 of the Local Plan and JCS policy SD4.
- 6.8** The scheme has been revised along with the number of units proposed being reduced from 29 to 27 during the consideration of the application. The revision related to the block of apartments. Both the north and south elevations have been amended, the building being pushed approximately 1 metre further away from the rear boundary of the site with the amount of 2nd floor accommodation being reduced and set back from the rear elevation of the proposed building a further 5.8 metres which is 10 metres from the rear boundary. The fenestration in this part of the building has also been amended with the windows above ground floor level detailed to be obscure glazed with the removal of a balcony area. These changes were made in consultation with the planning office, to respond to initial concerns regarding potential dominance effects over neighbouring residential properties to the rear of the site.

- 6.9** The design approach is modern and does not take its lead from surrounding buildings. The proposed semi-detached dwellings towards the north of the site are detailed to be white render with grey cladding bay features; the roof is mono pitched which reflects the roof form of the residential properties to the rear of the site in Pinewood Drive.
- 6.10** The apartment block will front on to Prince Elizabeth Way facing towards the existing four storey flats on the opposite side of the road. The massing of the block is two and three storeys at the southern end of the site where it is closest to the neighbouring properties on Pinewood Drive. The building rises to four storeys towards the northern end of the site with the overall height of the building to be similar to the ridge height of the existing houses on Pinewood Drive. The overall mass of the building is broken down by dividing the block into two parts by recessing the central stair and lift core. The façade treatment for this element will be zinc clad with glazing which will also offer the main and secondary entrances to the building. The fourth storey is to be stepped back and also clad in zinc which helps to reduce the overall mass of the building. A small, part enclosed roof terrace area is also included on the front roof section of the building. Projecting bay windows on the upper levels introduce architectural interest to the elevations which further help to break up the mass of the building. The remaining façade is to be a buff brick on the ground floor with the upper floors being white rendered.
- 6.11** The area between the main building and the semi-detached dwellings is proposed for car parking, with cycle and refuse storage for the apartments being located to the rear of the building.
- 6.12** A number of the mature on-site trees are to be retained with new soft planting also being proposed. In considering the proposal and the submitted information, the Tree Officer provides no objection to the application.
- 6.13** The scale of the proposed development is significantly larger than the existing building/s on the site, however it is considered that given the design of the scheme it will make much better use of the site in terms of the dwellings per hectare as the site is currently under-utilised. The overall design approach is considered to be good and officers are of the view that the proposal will provide a positive contribution to the locality and is compliant with the objectives of the NPPF, policy SD4 of JCS and Local Plan policy CP7 all of which relate to design. It is noted that the Civic Society consider the scheme to be dull, however also noted is that the Architect Panel are supportive of the application.

Impact on Neighbouring Living Conditions

- 6.14** Saved Local Plan policy CP4 and adopted JCS policy SD14 seek to ensure that new development does not result in unacceptable harm to the amenity of adjoining land users and the locality. In addition, one of the core planning principles set out within paragraph 17 of the NPPF is to “always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”.
- 6.15** The application has been revised on two occasion following concerns being raised on the relationship of the proposed apartment block at the boundary towards the south west boundary of the site that is nearest the residential properties of Pinewood Drive.
- 6.16** The final revisions to the scheme have pushed the building approximately 1 metre further away from the rear boundary of the site with the amount of 2nd floor accommodation being reduced and set back from the rear elevation of the proposed building a further 5.8 metres, which is 10 metres from the rear boundary of the site. This provides a distance of 13 metres from the rear elevation of the proposed two storey element and the rear elevation of the closest three storey property on Pinewood Drive. A distance of 19.5 metres will be provided between the rear elevations of the proposal at three storey level and the closest existing residential property.

- 6.17** Typically policy seeks to achieve a rear to rear elevation, in which clear glass windows are proposed, a distance of 21 metres with the proposed development to be set at 10.5 metres back from the boundary itself. Although part of the apartment block proposed does not comply with these distances, the revisions to the application have aimed to address the purpose of this policy approach. The revisions have removed a second floor apartment and a balcony from the scheme (formerly proposed close to the rear boundary), the internal layout and rear fenestration have also been amended on the parts of the proposed building which fall short of the 21 metres and 10.5 metres. The windows serving the proposed ground and first floors for kitchen/living areas are to be high level obscure glass, with bedrooms also being obscure glass. The further set back 2nd floor windows which would provide light to an access corridor for two apartments along with a bathroom and secondary bedroom window are all detailed to be obscure glass. The retention of all these windows as obscure glass can be secured by a planning condition.
- 6.18** The concerns from some of the neighbouring properties are understood and it is acknowledged that outlook would undoubtedly be altered by the development. The applicant has worked with officers to make amendments to the proposal to reduce the impacts this development may have on neighbouring properties to the extent that officers are now supportive of the proposal. .

Highway issues

- 6.19** JCS policy INF1 advises that planning permission will be granted only where the impacts of the development are not severe. The policy also seeks to ensure that all new development proposals provide safe and efficient access to the highway network; and provide connections to existing walking, cycling and passenger transport networks, where appropriate. The policy reflects the advice set out within Section 9 of the NPPF.
- 6.20** The application is accompanied by a Transport Statement which sets out that there will be 19 car parking spaces plus secure cycle storage for 41 bikes. In reviewing this documentation, Gloucestershire County Council as the Local Highways Authority (LHA) set out concerns with regards the detail of the scheme and that insufficient information had been provided. The LHA set out concerns with the relocation of the existing bus stop in a southern direction due to the proximity of the lane merge which could potentially compromise highway safety. Further information and justification were also requested by the LHA; a revised swept path analysis was requested to ensure there would be no conflicts between vehicle movements, including refuse vehicles, to ensure that the access will provide two-way passing in and out of the site.
- 6.21** Revised plans have now been received. The proposed location of the relocated bus stop is now positioned further to the north of the highway further away from the lane merge with revised and additional swept path analysis drawings being submitted. In considering these revised plans the LHA have responded to provide, subject to conditions being attached to any permission, no objection to the application.

Drainage

- 6.22** Adopted JCS policy INF2 and Section 14 of the NPPF seeks to ensure that new development is not inappropriately located in areas at high risk of flooding, and to ensure that development does not increase flood risk elsewhere and, where possible, contributes to a reduction in existing flood risk.
- 6.23** Gloucester County Council as the Local Flood Authority (LLFA) has reviewed the application in respect of drainage. In considering the Drainage Strategy and Flood Risk Assessment submitted with the application the LLFA raised concerns and provided an objection on; discharge rates in that the discharge rate did not provide any betterment over the existing site rate; the approach taken in the drainage strategy and indicative plan; the application had not set out the need to accommodate a 40% climate change extra

capacity; and that the application had not provided for a plan for exceedance flow paths. The Council's Drainage Officer also had these concerns.

- 6.24** In response to these comments the applicant has provided revised and additional drainage information stating that the applicant has reduced the maximum discharge rate from the site; the use of permeable paving has been extended to ensure that water quality has been fully considered; 40% has been added to the 1 in 100 year period to account for climate change; there is a minor amount of flooding from a manhole cover in the highway but this shouldn't cause the building to flood; and finally the applicant has submitted exceedance flow paths which show the surface water will be directed away from buildings in events greater than 1 in 100 year. The recommendation from the LLFA based on the revised details is to remove their objection and that there is sufficient information supplied at this stage so that no conditions are required. The Council's Land Drainage Officer has also reviewed the revised details and endorses the comments provided by the LLFA.

Other Matters

Ecology

- 6.25** JCS policy SD9 and advice set out within the NPPF at Section 15 seeks to ensure that development contributes to, and enhances, the natural and local environment; and that important habitats and species are protected. Where developers are unable to avoid harm to biodiversity, mitigation measures should be incorporated into the design of the development.
- 6.26** The Gloucestershire Centre for Environmental Records have identified that there have been hedgehog sightings in the vicinity of the site, the most recent being two sightings in 2015 approximately 355 meters and 485m from the centre point of the site with a rare Mintho Rufiventris fly 230 meters from the centre point of the site.
- 6.27** The applicant has submitted a detailed Ecological Survey Report. At section 5.2 and 5.3 of the report it sets out recommendations to avoid harm to protected species throughout the development, and Ecological Enhancements opportunities. It is recommended that a condition is attached to ensure these recommendations are adhered to.

Environmental Health

- 6.28** The Borough's Environmental Health officers have reviewed the submitted documents and provide no objection to the application on matters of noise and disturbance recommending that conditions should be attached to require the submission of a construction management plan.
- 6.29** A condition is also requested to restrict the use of the roof terrace based on concerns of potential noise and disturbance. The applicant has revised the application to ensure that the part enclosed roof terrace is only limited to the front part of the building facing Prince Elizabeth Road. Given this revised location it is not considered necessary to attach such a condition restricting its use. However conditions should be attached to ensure that any remaining flat roof areas are prevented from being used as amenity space and the proposed obscure on the rear elevation facing properties in Pinewood Drive are retained as such in perpetuity.

Affordable Housing

- 6.30** The applicant Cheltenham Borough Homes has set out 60% of the accommodation will contribute to affordable housing needs. This is in excess of the 40% policy requirement as set out in policy SD12 of the JCS. A condition is recommended to ensure that the level of affordable provision for the development is maintained in excess of the 40% policy requirement.

7. CONCLUSION AND RECOMMENDATION

- 7.1** NPPF paragraph 38 advises that “local planning authorities should approach decisions on proposed development in a positive and creative way...and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible”.
- 7.2** Paragraph 11 sets out a presumption in favour of sustainable development and directs that planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies within the Framework taken as a whole, or specific policies in the Framework indicate development should be refused. Given the current lack of a five year housing land supply, paragraph 11 provides a ‘tilted balance’ in favour of granting permission.
- 7.3** Officers are of the view the application is acceptable on the matters of principle, design, highway safety, drainage and ecology as set out above. The application would also provide a contribution towards the Council’s housing land supply and would include a 60% affordable housing provision. The development would also provide CIL contributions and economic benefits during the construction of the development. The concerns raised by local residents on the grounds of amenity are understood; following ongoing discussion revised plans have been secured to improve this relationship to an acceptable level.
- 7.4** Given the above the recommendation therefore is to permit the application subject to conditions.

8. CONDITIONS / INFORMATIVES

To follow as an update