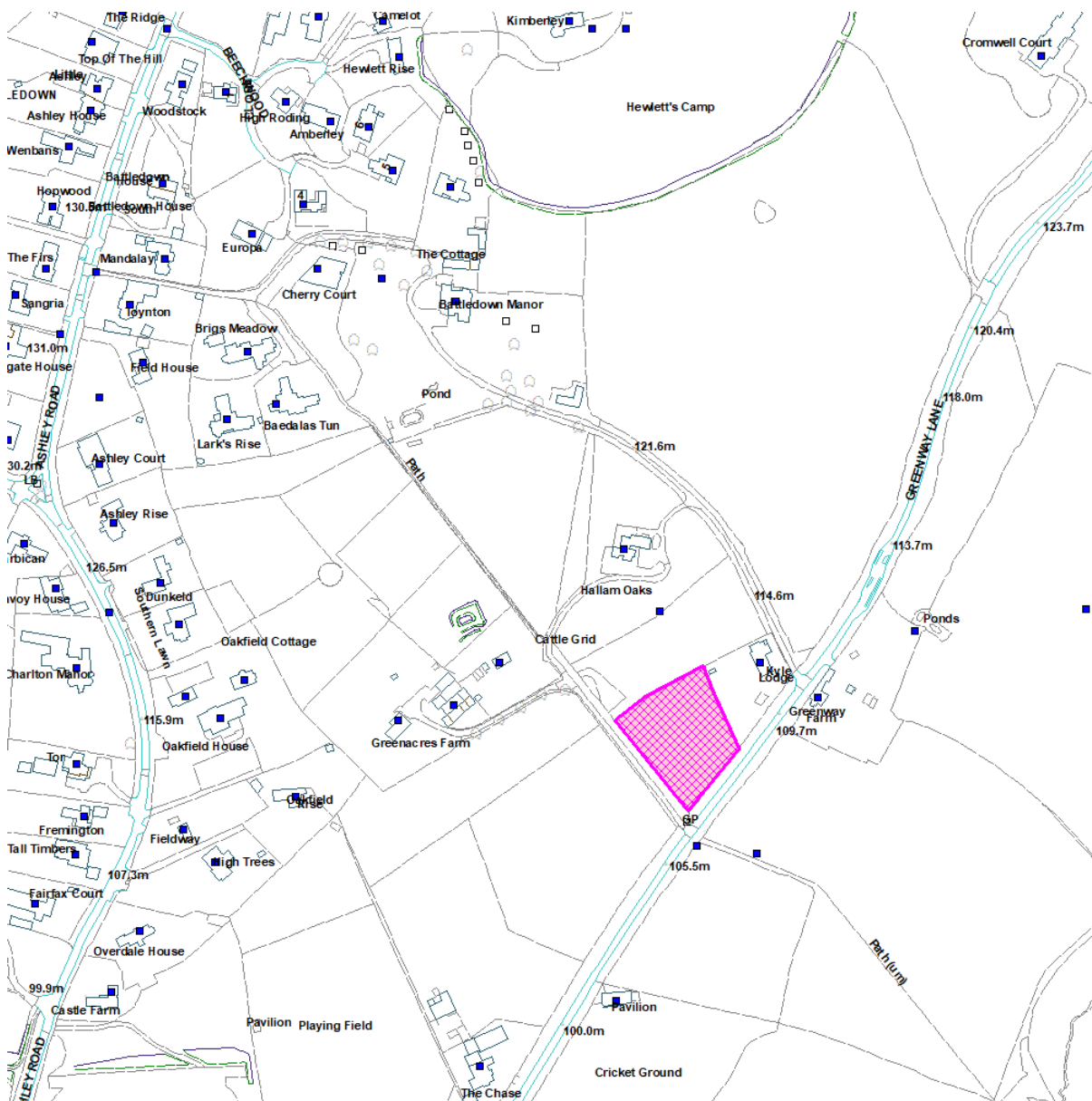


APPLICATION NO: 19/02449/FUL		OFFICER: Mr Ben Hawkes
DATE REGISTERED: 18th December 2019		DATE OF EXPIRY: 12th February 2020
DATE VALIDATED: 18th December 2019		DATE OF SITE VISIT:
WARD: Battledown		PARISH: Charlton Kings
APPLICANT:	Mr And Mrs Gleeson	
AGENT:	SF Planning Limited	
LOCATION:	Kyle Lodge, Greenway Lane, Charlton Kings	
PROPOSAL:	Construction of a single 5-bedroom self and custom build dwelling with associated buildings, landscaping, works and infrastructure	

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application sites relates to the garden land of an existing detached dwelling known as Kyle Lodge and is accessed from Greenway Lane. The application site is located outside of the Principle Urban Area (PUA) and is within the Cotswolds Area of Outstanding Natural Beauty (AONB).
- 1.2 The applicant is seeking planning permission for the construction of a detached part two storey and part single storey self-build dwelling and associated garage building.
- 1.3 The application is at planning committee at the request of Councillor Fisher and Councillor Baker due to its sensitive location within the AONB.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Area of Outstanding Natural Beauty
Airport safeguarding over 15m
Residents Associations

Relevant Planning History:

09/01407/PREAPP CLO
Extensions

19/01255/PREAPP 2nd August 2019 CLO
Erection of a single dwelling and installation of associated infrastructure

89/00485/PC 25th May 1989 PER
Change Of Use Of Land To Residential Garden (Retrospective Application)

09/00991/FUL 28th August 2009 WDN
Erection of a 2-storey rear extension and single storey side extension

10/00027/FUL 5th March 2010 PER
Erection of a storey and half side extension and two storey rear extension

10/00027/FUL 3_COMP
Erection of a storey and half side extension and two storey rear extension

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)
Cotswold AONB Management Plan

4. CONSULTATIONS

Gloucestershire Centre For Environmental Records

14th January 2020

Biodiversity report available to view.

Building Control

3rd January 2020

The application will require Building Regulations approval. Please contact Cheltenham and Tewkesbury borough council on 01242 264321 for further information.

Parish Council

23rd January 2020

The Committee understands and shares concerns over development in the AONB but, given that the proposed development is with the curtilage of an existing dwelling, felt on balance that there were not sufficient grounds to object to the application.

However, the Committee was concerned about the mass of the two-storey garage / family room structure and its proximity to the adjacent public right of way and felt that the design would be improved if this structure was either reduced to a single storey or moved away from the right of way.

Cheltenham Civic Society

21st January 2020

The CBC website advises that this application is to be determined by Delegated Powers. We believe that it should be considered by the full Planning Committee, for the following reasons:-

- The site falls within the AONB
- It has generated much public interest.

This application is on the agenda for the Forum's next meeting on 28 January, one day after CBC's current expiry date but 2 weeks ahead of the statutory expiry date. Our comments will be sent shortly after the 28th.

Landscape Architect

28th January 2020

Report available to view on CBC website.

Cotswold Conservation Board

13th February 2020

The Board does not normally comment on planning applications for single dwellings. However, we are concerned about the ongoing (sub)urbanisation of the Cotswolds AONB around the east side of Battledown Hill, along Greenway Lane and its environs.

The Board does not have capacity to provide a full consultation response. However, we would like to bring to your attention the following points and ask you to give these great weight in your planning decisions:

- Cheltenham Borough Council's landscape assessment of the Cotswolds AONB within Cheltenham Borough, which identifies both these locations as high landscape character sensitivity, high visual sensitivity, high overall landscape sensitivity, high landscape value, major overall landscape constraint and low overall landscape capacity. (Landscape Character, Sensitivity and Capacity Assessment of Cotswolds AONB within the Cheltenham Borough Administrative Area).
- The Cotswolds AONB Landscape Strategy & Guidelines, which identifies Landscape Character Type 2 (Escarpment), in which these sites are located, as being very sensitive to change.
- Housing need within the Cotswolds AONB:
 - Policy CE12 of the Cotswolds AONB Management Plan, which states 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
 - the Government's Planning Practice Guidance states that AONBs should not normally be considered suitable areas for accommodation unmet needs from adjoining (undesignated) areas (i.e. the part of Cheltenham Borough outside the AONB).
- The aspirations of Cheltenham Borough Council for the Battledown Road area at the time of the AONB boundary review (see attached document).

GCC Highways Planning Liaison Officer

10th January 2020

No objection.

The vehicular accesses 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 accesses 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.

Prior to the commencement of the development hereby permitted the southern vehicular access shall be laid out and constructed in accordance with the submitted plan drawing no. SK03A but with a minimum entrance width of 6.0m with any gates situated at least 10.0m back from the carriageway edge of the public road and hung so as not to open outwards towards the public highway and with the area of access road within at least 10.0m of the carriageway edge of the public road surfaced in bound material, and shall be maintained thereafter.

Reason: - To reduce potential highway impact by ensuring that 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 paragraph 108 and 110 of the National Planning Policy Framework.

Upon completion of the construction phase the southern vehicular access shall be laid out and constructed in accordance with the submitted plan drawing no. SK01B with any gates situated at least 5.0m back from the carriageway edge of the public road and hung so as not to open outwards towards the public highway, the area of driveway within at least 5.0m of the carriageway edge of the public road surfaced in bound material and the footway/verge in front has been reinstated, 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.

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

- Hours of operation;
- Parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for

existing occupiers of neighbouring properties during construction);

-Any necessary temporary traffic and parking management measurements;

-Routes for construction traffic;

-Locations for loading/unloading and storage of plant, waste and construction materials;

-Locations for wheel washing facilities;

-Arrangements to receive abnormal loads or unusually large vehicles

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.

Prior to commencement of any highway works the subject of any ensuing S38 Adoption Agreements / S278 Highway Works Agreement for the site, the Applicant is required to establish and maintain, and keep maintained for the duration of those highway works, a 'Residents Liaison Group' ("RLG") to comprise of one representative each from:

- The Applicant/Developer
- The Council as LHA
- The Local Council as LPA, and
- Local Residents representative

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.

NOTE: The LHA have no objection to the above subject to the applicant obtaining a section 184 licence. The construction of a new access will require the extension of a verge and/or footway crossing from the carriageway under the Highways Act 1980 - Section 184 and the Applicant is required to obtain the permission of Gloucestershire Highways on 08000 514 514 or highways@gloucestershire.gov.uk before commencing any works on the highway.

NOTE: The upgrade works to the accesses require alteration to the existing highway network and must be undertaken by the Highway Authority or its appointed agents. An Agreement under Section 278 of the Highways Act 1980 will be required. The Local Highway Area office will need to be contacted prior to commencement of work on the access. The applicant is also advised that it is an offence under section 161 of the Highway Act 1980 to deposit anything on a highway the consequence of which a user of the highway is injured or endangered. It is strongly recommended that during any form of earthworks and/or excavations that are carried out as part of the development, suitable vehicle wheel washing equipment should be provided and used within the site, to prevent contamination and damage to the adjacent roads.

Tree Officer

10th January 2020

The CBC Tree Section has concerns regarding the proposed development in its current form.

This primarily relates to 2 matters:

- 1) The proximity of the proposed development (building) in relation to the existing veteran trees and,
- 2) Proposed underground service installation.

Both Trees T3 +T9 are considered to be veteran oak trees whose root spreads are likely to be predominately underground to the west, north and south of the trunks but less to the east where Greenway Lane is likely to have restricted normal root growth.

T3 trunk diameter is shown as 1390mm and as such the Root Protection Radius (RPR) ought to be 20.85M. (1093X 15 as per Natural England Standing Advice on ancient trees)

T9 trunk diameter is shown as 1540mm and as such the Root Protection Radius ought to be 23.1M. (as per standing advice).

In such instances, the proposed garage and dwelling is inside this RPR. If the proposed dwelling and garage were moved (by a matter of metres) in a north-westerly direction, the proposal would be outside the RPR of these trees.

The proposed access is therefore just beyond the edge of the above RPRs. However this is in the order of 1-1.5M (for T3) and less than 1 metre for T9 and as such is broadly acceptable. Underground service installation must follow the route of the proposed access to the new dwelling. The proposed new access for Kyle Lodge appears to be beyond the RPR of T's 3+18.

Whilst this proposed development pre-supposes the removal of the comparatively young Turkey oak (T7), willow leaved pear (T6) as well as several other small trees, the CBC Tree Section considers that given sufficient mitigative landscaping, the loss of their amenity is acceptable. Whilst these are indicative plans for new planting shown (Fig 10 Landscape Strategy Plan by Carly Tinkler), there is insufficient detail and should the above final position of the new build be appropriately adjusted, a detailed landscape plan must be submitted and agreed as a condition of any planning permission. It is considered that the proposed Cotswold stone coloured sealed gravel driveway should be changed to loose gravel giving it a 'softer' appearance as well as being more practical in such a rural setting.

Given the likely heavy clay nature of the site (and current standing surface water) the proposed alder trees are an appropriate species for such a location. However there are several other trees marked which have not been described. Species, planting size, and tree pit details etc must be described in detail. It may also be appropriate to plant at least 1 'specimen' tree in the proposed lawn area to the NE of the proposed dwelling.

Arb supervision should also be employed as a condition of any proposed planning permission and as recommended in para 5.3 of the Arb report so as to ensure negligible 'collateral' damage is incurred during the construction process.

Whilst outside the red line defining the site (but within the curtilage of the current Kyle Lodge demise, T18 oak is being damaged by the existing wall. This should be rectified by partial demolition and rebuild of this wall. This will prevent any further damage to the existing tree and to the wall. This is recommended within the arb report (para 4.10) and point D of the Landscape Strategy. Drawing.

Tree Officer
6th March 2020

Given that the proposed dwelling appears to have been moved in a north westerly direction and will now be outside the RPA of the TPO protected veteran T's 3 + 9 as recommended in previous comment, CBC Tree Section no longer has significant concerns regarding this application.

As per previous comment and as adjusted, the following trees related conditions should also be included:

- 1) underground services to follow the line of the access driveway,
- 2) sufficient foundation depth,
- 3) arb monitoring and other methods of construction, protection etc as identified by the arb report,
- 4) Detailed landscape plan (showing tree pit details, tree sizes and protection from deer, rabbits etc as necessary)
- 5) Given that the proposed dwelling and garage have been moved in a NW direction so as to accommodate the RPA of the veteran trees, the Tree Protection Plan should also be adjusted so as to increase the RPA accordingly. As such a revised Tree protection plan must be submitted and agreed as a condition of any permission.
- 6) A pre-commencement site meeting involving the retained arboriculturist, Trees Officer and site foreman should be undertaken so as to check the position of the tree protective fencing.

Campaign To Protect Rural England

23rd January 2020

CPRE objects to the above application to build a new 5-bedroom dwelling in the Cotswolds AONB adjacent to Kyle Lodge for the following reasons.

- The proposals conflict with the NPPF which, 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 site lies outside the Principal Urban Area of Cheltenham in an area which is essentially rural in character. Papers submitted as part of the application give the impression that the site lies within a built-up area but this is not the case. Satellite imagery clearly shows that Kyle Lodge and one or two neighbouring houses, one of considerable antiquity, are separated both from Battledown and from other parts of Charlton Kings by open fields. Although the application site forms part of the gardens of Kyle Lodge, these are not connected to any other developed and so cannot be regarded as urban brownfield land.
- The site lies in an area of highly sensitive and valued landscape. 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 Slopes'. This area was assessed to have a Medium-High visual sensitivity, High landscape sensitivity and High Landscape Value, indicating that its landscape capacity for development is Low.

- There is a well-used public footpath which crosses Greenway Lane adjacent to the application site. Any development therefore would have a damaging affect on views both from the footpath and from Greenway Lane itself.
- The area where the site lies is part of the rural fringe of Cheltenham which acts as a natural barrier to the town. This is an area which has been robustly defended from development in the past. If approved the proposed development would be a catalyst for further applications to develop the surrounding area which lies within the Cotswolds AONB.
 - CPRE urges the Borough Council to refuse this application. Should the Planning Officers recommend approval, we request that the application be referred to the Council Planning Committee for a decision.

Architects Panel

20th February 2020

Not supported.

Design Concept

The panel had concerns about this scheme because of its sensitive location in the AONB. Whilst the panel had no objection to the principle of building a new dwelling in the grounds of an existing property, and generally liked the contemporary architectural design, it was felt this design would be more appropriate in an urban setting.

Design Detail

The panel had concerns over the size and scale of the development, particularly the Annex building which is a substantial structure right up against and overlooking the public footpath. Concerns were also raised about how the main house sits on the site and the extensive excavation and ground modelling works required.

A more thorough appraisal of the scheme would have been possible if the applicant had submitted a Landscape Visual Impact Assessment (LVIA) with the application. However, the panel felt that had an LVIA been submitted it would have concluded this scheme was over development of a sensitive site.

Cheltenham Civic Society

3rd February 2020

OBJECT

Whilst the Civic Society's Planning Forum is sympathetic to the applicants' family needs, these cannot override the priorities of the AONB or the Council's own policies.

By virtue of the unpleasantly overpowering scale, mass and form of the proposed new dwelling, the development would neither conserve nor enhance the Cotswold AONB and would lead to both adverse landscape and visual change in the local area. The great slab-like elevations lack finesse and have a "commercial", not "domestic", aesthetic. The applicant's argument that as a "rural" garden this is a brownfield site, should not, we believe, apply to development in an AONB.

Permitting this development could open the floodgates to further development and degradation of this exceptional landscape, as other property owners along the lane could seek to follow suit.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	
Total comments received	53
Number of objections	15
Number of supporting	38
General comment	0

- 5.1 7 letters were sent to neighbouring properties, in addition, whilst not a statutory requirement a site notice was also displayed.
- 5.2 A total of 53 letters of representation have been received, 15 in objection to the application and 38 in support, officers do however note that supporting comments received are not all from direct neighbours of the site.
- 5.3 The concerns raised have been summarised but are not limited to the following:
- Principle of a new dwelling in this location not acceptable;
 - Impact on AONB and public footpath;
 - Scale;
 - Impact on highway network;
 - Visual impact;
 - Impact on wildlife;

The letters of support consider the proposal to be acceptable for the following reasons:

- Good design;
- Sensitive and contemporary design approach;
- Appropriate use of brownfield site.

6. OFFICER COMMENTS

6.1 Determining Issues

6.2 The main considerations of this application are principle, design, impact on neighbouring amenity, impact on the AONB, impact on existing trees, highway safety and impact on protected wildlife.

6.3 The site and its context

6.4 The application site is the residential curtilage/garden land associated with Kyle Lodge on Greenway Lane, Kyle Lodge is a large detached property located in the north eastern part of the site, with an associated detached garage building. The site is located outside of the PUA and wholly within the AONB.

6.5 The closest and most direct neighbours to this site are Hallam Oaks to the north west and Greenway Farm to the east, but generally the immediate locality is open land with dispersed settlements which are generally large detached buildings sat within generous plot sizes.

6.6 Pre-application advice

6.7 This application follows the submission of a formal pre-application in June 2019 where officers provided a response on the acceptability of a new dwelling on this site. Officer's response acknowledged that the site was outside of the PUA and therefore would not be

compliant with JCS policy SD10, however it also acknowledged that Cheltenham could not demonstrate a 5 year housing supply and therefore in housing terms could be acceptable, subject to consideration of its impact on the AONB and all other material considerations. Officers advised that significant consideration would need to be given to the impact of any proposal on the AONB.

6.8 Principle

6.9 The application is being considered at a time where Cheltenham cannot demonstrate a 5 year housing land supply. The application site is located outside of Cheltenham's PUA, the proposal to erect a new dwelling on this site would therefore be contrary to JCS policy SD10. However, as Cheltenham cannot currently demonstrate a 5 year housing land supply, paragraph 11 of the NPPF becomes relevant.

6.10 Paragraph 11 of the NPPF sets out a presumption in favour of sustainable development. In this instance, as Cheltenham cannot currently demonstrate a 5 year housing land supply, paragraph 11 d) of the NPPF is applicable, this reads:

'Where there are no relevant development plans, or the policies which are most important for determining the application are out of date, permission should be granted unless:

i) the application of policies in this Framework that protect areas or assets of particular importance provides 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 this Framework taken as a whole.'

In this instance the application site is wholly within the AONB; therefore whilst the councils current position of being unable to demonstrate a 5 year housing land supply is relevant and is a material consideration of the application the tilted balance is not applied and it does not automatically assume a presumption in favour of development, which could be the case if the site was not designated. The main test as to whether the principle of a dwelling on this site is acceptable is whether it would result in any unacceptable harm on the AONB and surrounding landscape character, this is discussed later in the report.

6.11 Impact on the AONB

6.12 The local authority has received a representation from the Cotswolds conservation board, whilst the comment received is not detailed and does not give specific considerations of the application it does highlight concerns and identifies key points that need to be taken into account given the sensitivity of the site

6.13 Policy SD7 of the JCS 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.'

Paragraph 172 of the NPPF states:

'Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding natural Beauty, which have the highest status of protection in relation to these issues.'

6.14 Officers appreciate the level of supporting information that has been included in this application which relates to the AONB and the landscape character, the application is supported with various documents, plans and information including a landscape impact assessment and various maps. It is clear that the information gathered by the applicant's landscape consultant has shaped the design and layout of this proposed development.

6.15 As the council does not currently have a landscape architect, a consultant was instructed to review the application and the landscape impact assessment submitted by the applicant in order to consider the impact of the proposed development on the AONB and the surrounding landscape. The review was carried out and a full and detailed report was received, the report concludes that there are three primary effects as a result of this development, which include:

- Effects on landscape character and visual amenity;
- Effects on the AONB;
- Visual effects from the public right of way.

The response concluded that in terms of effects on the AONB 'there are not anticipated to be any significant landscape or visual effects on the AONB and none of its points of natural beauty are considered to be unduly affected'. In terms of impact on landscape character and visual amenity the report concluded that 'Overall the adverse effect on the character of the lane is considered to be minor.' And finally the visual effects from the public right of way to be 'minor – moderate adverse', but suggested that suitable planting could reduce this to a 'minor adverse' impact. Officers duly note that the proposed landscaping plan identifies proposed new hedging in the location identified as being weak by the landscape architect and is considered to be of an appropriate species that will address this concern.

In the reports summary, the landscape architects states 'there is no substantive landscape or visual reason against the granting of consent for these proposals' and suggests a number of conditions.

Having considered the landscape architects comments, officers do not consider that the proposal will result in any unacceptable harm to the AONB or surrounding landscape character.

6.16 The proposal accords with the Cotswolds Conservation Board recently adopted position statements relating to 'Tranquillity', specifically relating to policy CE4. The addition of one new dwelling on this site is not considered to result in unacceptable noise pollution or other visual disturbances.

6.17 **Design and layout**

6.18 The proposed development seeks to subdivide the existing plot to accommodate the new dwelling, the existing property will occupy the north western part of the site and will be served by a replacement access point on to Greenway Lane. The proposed new dwelling will occupy the south western part of the site, served by a new access from Greenway Lane.

6.19 The proposed new dwelling is a part single storey and part two storey flat roof building, the dwelling sits centrally within the plot and is considered to be of an appropriate footprint and scale for the size of the site. This layout would reflect the general character and pattern of development in the locality.

6.20 Whilst the landscape architect considered the proposal to be acceptable in landscape terms, officers considered that the overall scale and height of the proposed

garage/annexe building which is arguably located in the most prominent part of the site would result in harm to the design/character of the area, would not appear subservient to the proposed new dwelling and would also be visually intrusive when viewed from the public right of way to the south and the highway to the east. Officers therefore sought revisions to the scheme, which were later received.

The revised plans now show the entire first floor of the garage/annexe building removed, this has significantly reduced the overall scale of this building and is now considered by officers to read clearly as a subservient 'outbuilding' to the main dwelling, will sit more discreetly behind the existing hedgerow and will have less visual impact on the surroundings. Officers consider the revised plans to fully address officer's initial concerns and the proposal now represents an acceptable scale and form.

6.21 The overall design of the proposed new dwelling and outbuilding is clearly contemporary; officers feel that careful consideration has been given to the form, design and use of materials and the proposal results in a building that is of an acceptable design for this location. A condition requiring material samples/details to be submitted has been suggested.

6.22 The proposal includes the introduction of a 'green roof' to the proposed dwelling and separate garage building, this is considered to be acceptable however a condition has been attached to ensure this is a meadow grass roof and shall not be sedum or any other plant finish.

6.23 Impact on neighbouring amenity

6.24 Whilst concerns have been raised to development on this site, these concerns do not specifically relate to impact on neighbouring amenity. Concerns have been raised regarding visual impact and this has been discussed in the sections above.

6.25 The only adjacent land user that shares a boundary with the proposed development site is to the North West and is occupied by Hallam Oaks. The residential dwelling on this site is not directly adjacent to the shared boundary and is approximately 80 metres away from the boundary of the site. In terms of privacy, the proposed new dwelling sits centrally within the plot, upper floor windows on the western elevation of the new dwelling achieve approximately 12 – 14 metres to the shared boundary and therefore exceed the minimum distance of 10.5 metres that is considered to be acceptable.

6.26 Due to the scale of the proposed development, its position within the plot and its relationship with neighbouring land users the proposal is not considered to result in any unacceptable loss of light to any neighbouring land user or any overbearing impact, however a condition has been suggested that prohibits the installation of external lighting as this could be considered to have a greater impact on the area during evening hours.

6.27 It is not considered in this instance that the proposal will result in any unacceptable loss of light, loss of privacy or overbearing impact on any neighbouring residential land user and is therefore considered to be compliant with local plan policy CP4 and JCS policy SD14.

6.28 Access and highway issues

6.29 Gloucestershire Highways have reviewed the submission; no objection has been raised however a number of conditions have been suggested, these are considered necessary and have therefore been attached.

6.30 The proposed dwelling is not considered to result in any highway safety implications and is considered to be acceptable on access, parking and highway safety grounds.

6.31 Trees/landscaping

6.32 The tree officer has reviewed the application and initial concerns were raised regarding the impact of the proposed development on protected trees within the site. These concerns have since been addressed in the submission of revised plans whereby the position of the new dwelling and garage building have been altered as suggested. The tree officer raises no objection to the revised submission, subject to conditions which are considered necessary and have been attached.

6.33 A detailed landscaping plan has been submitted and is considered to be acceptable.

6.34 **Impact on protected species**

6.35 Records show that important species have been sighted near the application site in the past and in particular bats recorded in 2017, the sighting was recorded as 175 metres from the site. An ecological impact assessment has been submitted as part of this application and concludes that there is no evidence of protected species on the site.

6.36 It is not considered that development on this site would result in any unacceptable impact on protected species. It is important to note that all bat species, their breeding sites and resting places are protected by law as they are European Protected Species.

7. CONCLUSION AND RECOMMENDATION

7.1 Officers fully acknowledge that this site has a particularly sensitive location within the AONB and due consideration has been given to the letters of objection and the letters of support that have been received.

7.2 On balance, given that officers consider there to be no unacceptable harm to the AONB and the design, scale and form of the new dwelling to be appropriate, as well as being acceptable in terms of impact on neighbouring amenity, impact on trees and appropriate landscaping, any identified harm is not considered to significantly or demonstrably outweigh the benefits, when assessed against the relevant policies/framework, therefore officer recommendation is to permit the application, subject to the conditions set out below;

8. CONDITIONS / INFORMATIVES

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

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

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

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

- 3 All service runs shall fall outside the tree Root Protection Area(s) shown on the approved drawings, unless otherwise first agreed in writing by the Local Planning Authority. Any such works shall be carried out in accordance with the National Joint Utilities Group; Volume 4 (2007) (or any standard that reproduces or replaces this standard).

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).

- 4 Prior to the commencement of development (including demolition and site clearance), a Tree Protection Plan (TPP) to BS5837:2012 (or any standard that reproduces or replaces this standard) shall be submitted to and approved in writing by the Local Planning Authority. The TPP shall include the methods of tree and /or hedge protection, the position and specifications for the erection of tree protective fencing, and a programme for its implementation. The works shall not be carried out unless in accordance with the approved details, and the protective measures specified within the TPP 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). Approval is required upfront to ensure that important trees are not permanently damaged or lost.

- 5 Notwithstanding the submitted landscaping plan, details of the following shall be submitted to and approved in writing by the Local Planning Authority:
- a) tree pit details
 - b) tree sizes
 - c) tree protection measures from wildlife

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.

- 6 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 be a self-build dwelling 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).

- 7 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, SD7 and SD14 of the Joint Core Strategy (2017).

8 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).

9 The vehicular accesses 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 accesses 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.

10 Prior to the commencement of the development hereby permitted the southern vehicular access shall be laid out and constructed in accordance with the submitted plan drawing no. SK03A but with a minimum entrance width of 6.0m with any gates situated at least 10.0m back from the carriageway edge of the public road and hung so as not to open outwards towards the public highway and with the area of access road within at least 10.0m of the carriageway edge of the public road surfaced in bound material, and shall be maintained thereafter.

Reason: - To reduce potential highway impact by ensuring that 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 paragraph 108 and 110 of the National Planning Policy Framework.

11 Upon completion of the construction phase the southern vehicular access shall be laid out and constructed in accordance with the submitted plan drawing no. SK01B with any gates situated at least 5.0m back from the carriageway edge of the public road and hung so as not to open outwards towards the public highway, the area of driveway within at least 5.0m of the carriageway edge of the public road surfaced in bound material and the footway/verge in front has been reinstated, 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.

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

- Hours of operation;
- Parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- Any necessary temporary traffic and parking management measurements;
- Routes for construction traffic;
- Locations for loading/unloading and storage of plant, waste and construction materials;
- Locations for wheel washing facilities;
- Arrangements to receive abnormal loads or unusually large vehicles

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.

- 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 No external lighting shall be installed without prior written consent from the Local Planning Authority.

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).

- 15 The green roof shall be a meadow grass roof and shall not be sedum or any other plant finish.

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).

INFORMATIVES

- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) Order 2015 and the provisions of the NPPF, the Local Planning Authority adopts a positive and proactive approach to dealing with planning applications and where possible, will seek solutions to any problems that arise

when dealing with a planning application with the aim of fostering the delivery of sustainable development.

At the heart of this positive and proactive approach is the authority's pre-application advice service for all types of development. Further to this however, the authority publishes guidance on the Council's website on how to submit planning applications and provides full and up-to-date information in relation to planning applications to enable the applicant, and other interested parties, to track progress.

In this instance, the authority revisions to reduce the scale of the garage/annexe building and re-positioning of the buildings to address tree related issues;

Following these negotiations, the application now constitutes sustainable development and has therefore been approved in a timely manner.

- 2 The applicant is encouraged to engage with the councils tree officer at the time of tree protection works being installed and would encourage the applicant to arrange a pre-commencement site meeting involving the retained arboriculturist, Trees Officer and site foreman to review acceptability of tree protection measures installed.
- 3 The LHA have no objection to the above subject to the applicant obtaining a section 184 licence. The construction of a new access will require the extension of a verge and/or footway crossing from the carriageway under the Highways Act 1980 - Section 184 and the Applicant is required to obtain the permission of Gloucestershire Highways on 08000 514 514 or highways@gloucestershire.gov.uk before commencing any works on the highway.
- 4 The upgrade works to the accesses require alteration to the existing highway network and must be undertaken by the Highway Authority or its appointed agents. An Agreement under Section 278 of the Highways Act 1980 will be required. The Local Highway Area office will need to be contacted prior to commencement of work on the access. The applicant is also advised that it is an offence under section 161 of the Highway Act 1980 to deposit anything on a highway the consequence of which a user of the highway is injured or endangered. It is strongly recommended that during any form of earthworks and/or excavations that are carried out as part of the development, suitable vehicle wheel washing equipment should be provided and used within the site, to prevent contamination and damage to the adjacent roads.