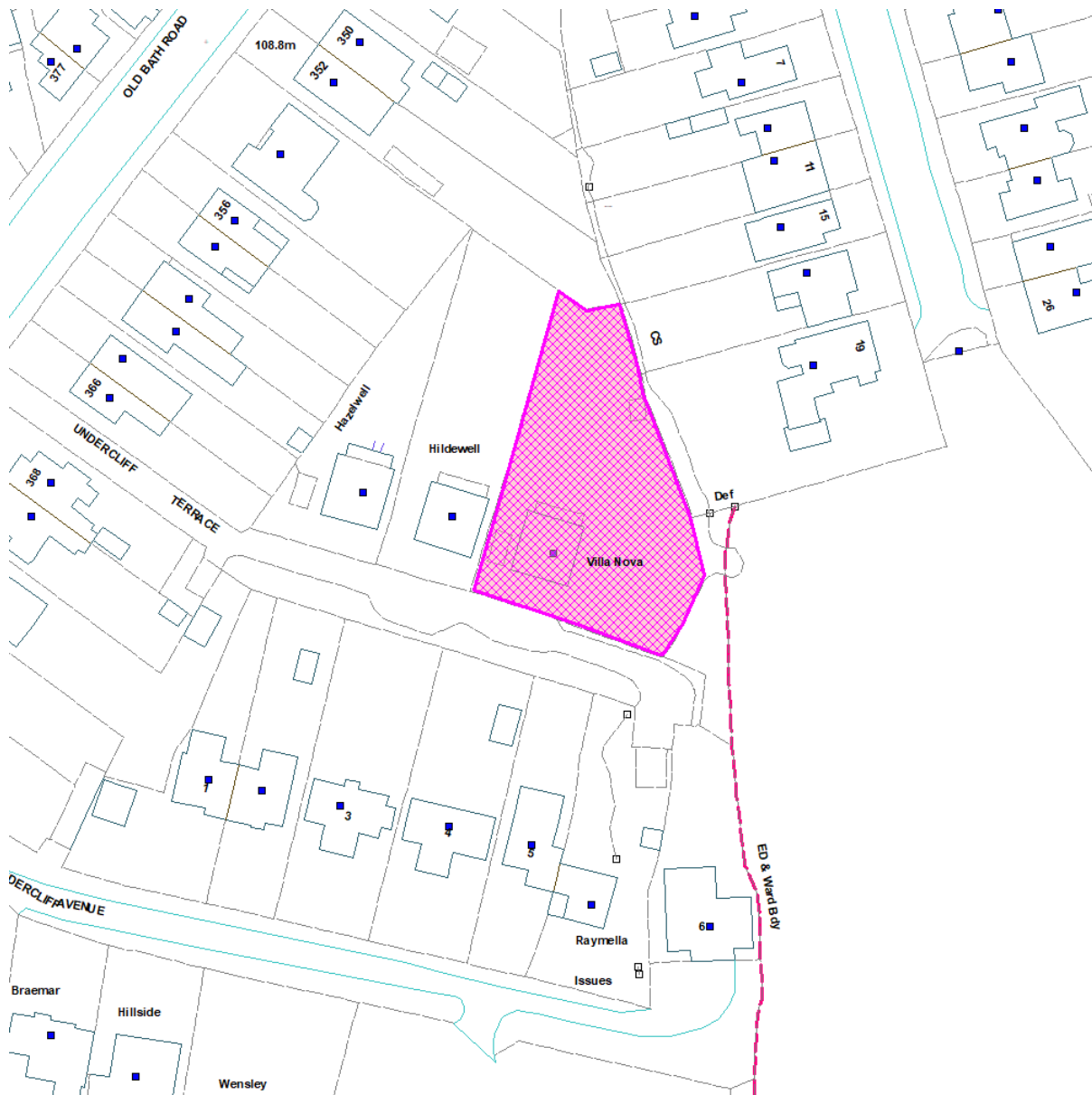


APPLICATION NO: 20/02296/FUL		OFFICER: Mr Ben Warren	
DATE REGISTERED: 24th December 2020		DATE OF EXPIRY: 18th February 2021	
DATE VALIDATED: 24th December 2020		DATE OF SITE VISIT:	
WARD: Leckhampton		PARISH: Leckhampton With Warden Hill	
APPLICANT:	Ms R Tuffy		
AGENT:	Ralph Guilor Architects Ltd		
LOCATION:	Villa Nova Undercliff Terrace Cheltenham		
PROPOSAL:	Demolition of existing dwelling, garage and shed and erection of replacement dwelling and additional new dwelling with garaging		

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site relates to a detached property located on Undercliff Terrace, which is a private road accessed from Old Bath Road. The site is located within Cheltenham's PUA (Principle Urban Area) and abuts Leckhampton Hill which is within the Cotswolds AONB (Area of Outstanding Natural Beauty).
- 1.2 The applicant is seeking planning permission for the demolition of the existing dwelling, associated garage and shed, the erection of a replacement dwelling and the erection of an additional detached dwelling.
- 1.3 The application site was recently granted permission in principle under application number 20/00605/PIP, which gave consent in principle for an additional dwelling on this site (Stage 1). This application now forms stage 2 of this process, which considers the technical and relevant design details of the development.
- 1.4 The application is at planning committee at the request of Councillor Horwood, who initially raised concerns regarding access, flooding and land ownership. Whilst some matters have been resolved, the request remains due to Councillor Harwood's concerns regarding access. An objection from the Parish Council has also been received.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding All Developments
Principal Urban Area

Relevant Planning History:

05/00815/OUT 25th July 2005 PER
Erection of a two storey dwelling house

20/00605/PIP 13th May 2020 GRANT

Permission in principle application for construction of 1 no residential dwelling (Land at Villa Nova)

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 14 Meeting the challenge of climate change, flooding and coastal change

Section 15 Conserving and enhancing the natural environment

Adopted Cheltenham Plan Policies

D1 Design

SL1 Safe and Sustainable Living

L1 Landscape and Setting

GI2 Protection and replacement of trees

GI3 Trees and Development

Adopted Joint Core Strategy Policies

SD3 Sustainable Design and Construction
SD4 Design Requirements
SD6 Landscape
SD7 The Cotswolds Area of Outstanding Natural Beauty
SD9 Biodiversity and Geodiversity
SD10 Residential Development
SD14 Health and Environmental Quality
INF1 Transport Network
INF2 Flood Risk Management

Supplementary Planning Guidance/Documents

Development on garden land and infill sites in Cheltenham (2009)
The Cotswold AONB Management Plan

4. CONSULTATIONS

Tree Officer

25th January 2021

It appears as though most of the vegetation from within this site has now been removed. As such there is no objection to this application.

Any permission must include a Condition that a full BS5837 (2012) Tree Protection Plan should be submitted and agreed prior to any other work (including demolition) being started. There is a good quality (though small) paper-barked maple to the rear of the existing Villa Nova. Attempts should be made to retain this tree.

Similarly, in that much vegetation has already been removed, it would be appropriate if this was mitigated against with new soft landscaping proposals.

6th April 2021

The CBC Tree Section has no new concerns regarding this application.

However as before, an appropriate Tree Protection Plan should be submitted subsequent to any permission to be granted. This should protect trees to be retained prior to any demolition or construction.

Whilst a landscape plan has been submitted, the proposed Hamamelis (witch hazel) is an acid soil loving plant and it is not anticipated that such a plant will thrive at this location.

This needs to be altered. Similarly, the areas adjacent to the parking area appear somewhat sparse and as such these areas should contain a mix soft landscaping (eg hedge/trees/shrubs) in this area.

Publica Drainage And Flooding

19th February 2021

Comments available to view on line.

19th April 2021

Following my site visit last week please see below my comments.

With regards to the existing watercourse I have not seen any evidence of changes being made to the watercourse which in its current state consists of an old concrete channel for the most part and this application has the opportunity to enhance the watercourse through renaturalisation of the channel. It has been confirmed that plot 2 will be at least 5m from the watercourse and access to it will be kept for future maintenance.

In terms of flood risk, a split floor is proposed with the levels at the front to match those of the existing property and the levels at the rear to be 450mm above the existing ground level. This along with the proposed flood resilient construction features including solid concrete floors and lime based plasters will create flood resilient and resistant properties.

As such, I can confirm that we have no objection to the above application on flood risk grounds.

With regards to surface water drainage the proposed strategy will ensure discharge to the watercourse will be no more than the greenfield runoff rate which is likely to be reduced from the existing rate. We will however, require full construction details and pipe sizes which we would be happy to be addressed through the below pre-commencement condition.

CONDITION TO BE ATTACHED:

That, prior to commencement of the development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme, and results of soakage tests carried out at the site to demonstrate the infiltration rate. Three tests should be carried out for each soakage pit as per BRE 365, with the lowest infiltration rate (expressed in m/s) used for design. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved.

REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality (The Cheltenham Strategic Flood Risk Assessment, National Planning Policy Framework and Planning Practice Guidance). If the scope of surface water drainage is not agreed before works commence, it could affect either the approved layout or completed works.

In these cases the following notes should also be added to the decision notice:

NOTE TO APPLICANT:

The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with;

- Flood and Water Management Act 2010 (Part 1 - Clause 27 (1))
- Code for sustainable homes - A step-change in sustainable home building practice
- The local flood risk management strategy published by Gloucestershire County Council, as per the Flood and Water Management Act 2010 (Part 1 - Clause 9 (1))
- CIRIA C753 SuDS Manual 2015.

7th May 2021

Following the submission of the revised plans I can confirm that all matters relating to surface water drainage and flood risk have been addressed. Please see below compliance condition.

CONDITION: The development shall be carried out in accordance with the approved drainage details prior to the first occupation of the development hereby approved.

REASON: To ensure the proper provision for surface water drainage and/or to ensure flooding is not exacerbated in the locality (National Planning Policy Framework and Planning Practice Guidance).

Gloucestershire Centre For Environmental Records

17th January 2021

Biodiversity report available to view on line.

GCC Highways Planning Liaison Officer

27th January 2021

Gloucestershire County Council, the Highway Authority acting in its role as Statutory Consultee has undertaken a full assessment of this planning application. Based on the appraisal of the development proposals the Highways Development Management Manager on behalf of the County Council, under Article 18 of the Town and Country Planning (Development Management Procedure)(England) Order, 2015 has no objection subject to conditions.

The Highway Authority has undertaken a robust assessment of the planning application. Based on the analysis of the information submitted the Highway Authority concludes that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion. There are no justifiable grounds on which an objection could be maintained.

Conditions

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) the garage/car parking space(s) hereby permitted shall be retained as such and shall not be used for any purpose other than the garaging of private motor vehicles associated with the residential occupation of the property and ancillary domestic storage without the grant of further specific planning permission from the Local Planning Authority.

Reason: To retain garage/car space for parking purposes.

The development hereby permitted shall not be first occupied until the proposed dwellings have been fitted with an electric vehicle charging point. The charging points shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851 and Manual for Gloucestershire Streets. The electric vehicle charging points shall be retained for the lifetime of the development unless they need to be replaced in which case the replacement charging points shall be of the same specification or a higher specification in terms of charging performance.

Reason: To promote sustainable travel and healthy communities.

Notwithstanding the plans submitted, details of the cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority, and thereafter maintained for the duration of the development.

Reason: To design facilities located close to primary access points to buildings and no further away than the car parking space is to the front door.

Informatives

The Local Highway Authority has 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.

Architects Panel

11th February 2021

Design Concept

The panel debated whether there was a good case for demolishing the existing dwelling on this site. Although not listed or of special architectural merit, Villa Nova is the end run of three similar dwellings that are not unattractive and collectively set the scale and character of Undercliffe Terrace. However, the existing building is in a poor state of repair so replacing it with a quality new building makes economic sense.

Being on the end of the cul-de-sac, the site is bigger than its neighbours and there could well be a case for building another dwelling in the garden. However, the garden is in a prominent position on the edge of the AONB and any building on the site will need to be of high quality design taking into account the site's unique setting.

Replacing the existing dwelling with something of similar size and scale wouldn't be a problem. However, increasing the development on the site, either an extra dwelling or bigger replacement, needs to be justified in response to its setting.

The application makes no reference to the trees on site that would have to be felled and a tree report should be provided to justify their loss and any required mitigation proposals.

Design Detail

Notwithstanding the above, the panel did not like the new house designs: they are lumpy, too tall, and out of character with other properties in the street.

Recommendation

Not supported.

Cotswold Conservation Board

26th February 2021

Thank you for consulting the Cotswolds Conservation Board ('the Board') on this proposed development, which would be located in the setting of the Cotswolds National Landscape.¹

In reaching its planning decision, the local planning authority (LPA) has a statutory duty to have regard to the purpose of conserving and enhancing the natural beauty of the National Landscape.² The Board recommends that, in fulfilling this 'duty of regard', the LPA should: (i) ensure that planning decisions are consistent with relevant national and local planning policy and guidance; and (ii) take into account the following Board publications:

- Cotswolds Area of Outstanding Natural Beauty (AONB) Management Plan 2018-2023 ([link](#));
- Cotswolds AONB Landscape Character Assessment ([link](#)) particularly, in this instance, with regards to Landscape Character Type (LCT) 2 (Escarpment);
- Cotswolds AONB Landscape Strategy and Guidelines ([link](#)) particularly, in this instance, with regards to LCT 2 ([link](#)), including Section 2.1;
- Cotswolds AONB Local Distinctiveness and Landscape Change ([link](#));
- Cotswolds Conservation Board Position Statements ([link](#)) particularly, in this instance, with regards to the Position Statement on Development in the Setting of the Cotswolds AONB ([link](#)).

The Board will not be providing a more comprehensive response on this occasion. This does not imply either support for, or an objection to, the proposed development.

NOTES:

1) Cotswolds National Landscape is the new name for the Cotswolds Areas of Outstanding Natural Beauty (AONB). The new name takes forward one of the proposals of the Government-commissioned 'Landscapes Review' to rename AONBs as 'National Landscapes'. This change reflects the national importance of AONBs and the fact that they are safeguarded, in the national interest, for nature, people, business and culture.

2) Section 85 of the Countryside and Rights of Way Act 2000. (Link).

Building Control

7th January 2021

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

Parish Council

25th January 2021

Comments from Leckhampton with Warden Hill Parish Council

The Parish Council objects to this application for the following reasons:

1. The application fails to consider the substantial watercourse that flows down through Plot 2. The application needs to include a professional flood risk assessment including the 40% margin for climate change and a plan for rerouting the watercourse safely.
2. The proposed dwellings are too large for the size of site and when compared with the size of existing houses in Undercliff Terrace.
3. The site borders the AONB and the application fails to adequately address the landscape and environmental constraints.
4. There appears to be uncertainty over the precise boundary of the site and this needs clarification.
5. Because there is no scope for on-road parking on Undercliff Terrace, the proposed dwellings need sufficient off-road parking. The proposed dwelling on Plot 1 does not provide sufficient depth of off-road parking to avoid longer vehicles such as vans extending onto the road. In the case of Plot 2 the situation is unclear because of uncertainty over the precise boundary between the road and the site.

1. Risk of flooding:

From the OS 1:25000 map the stream flowing through Plot 2 appears to have a catchment area of about 6 ha on the land below Daisy Bank Road including parts of gardens as well as the open space. We understand that there is also a drainage pipe emptying into the catchment that carries drainage water from higher up the Hill. Additionally, in heavy storm water flowing down from the Hill onto Daisy Bank Road may then flow down into the catchment at the point where the public footpath crosses the road and there is no curb. The catchment is steep and torrential rainfall of 30 to 60 mm occurs every few years on the Hill with rainfall rates of 40 mm in an hour. This produces high flash flows in which the stream overflows where it descends down to Plot 2 through the garden of the property (Raymella) immediately above. The ground floor of the proposed dwelling on Plot 2 is shown on the application as being flush with ground level. So there would be serious risk of internal flooding unless the overflowing stream from Raymella can be fully captured. The watercourse also needs to be rerouted in a way that does not increase the risk of flooding to properties further down the Hill in Old Bath Road and Pilford Road.

2. Size of dwellings

In its response on the earlier outline application for Permission in Principle, the Parish Council said that 'the Council does not object to this application in principle provided the dwelling proposed in the full application is of a small size appropriate to the available site area of around 0.045 ha and provided that it is of a height and style similar to that of the existing properties in Undercliff Terrace and can be adequately screened by existing trees from view from the immediately adjacent AONB.' In contrast the dwellings as now proposed are very large and each 30% wider than the existing properties. Their roofs are also substantially higher aligning with the top of the chimneys of the existing properties rather than with their roof line.

3. Environmental and landscape impact

In answer to question 10 on the application form the applicants say that there are no trees or hedges adjacent to the proposed development site that might be important as part of the local landscape character. This is not correct. The site boundary borders the AONB and views into and out of the AONB are protected in the AONB Management Plan which has statutory authority and is in turn referenced in the JCS and Cheltenham Local Plan. The boundary vegetation is an important habitat and the PIP biodiversity report mentions common frogs, grass snakes, song thrush, dunnocks, mistle thrush and more. There is a risk that clearing of the site will contravene AONB 29 of the Cheltenham Local Plan on biodiversity.

4. Boundaries of the site

There appears to be disparity between the site details in the current application and in the PIP application. Neighbours say that previous residents of Villa Nova informally subsumed into their garden some adjacent land and they also allowed their front hedge to overgrow the road creating uncertainty over the actual boundary.

5. Off-road parking.

On-road parking is not possible in Undercliff Terrace because the road is very narrow and because it also provides access to the garages of properties in Undercliff Avenue so that sufficient road width is required for vehicle turning. The application includes off-road parking for three vehicles for each of the two properties - one vehicle in the garage and two vehicles on the drive. However for Plot 1 the length of the drive is too short for a longer vehicle without protruding onto the road. For Plot 2 the question of the drive length is unclear because of uncertainty over the site boundary.

Cheltenham Civic Society

2nd February 2021

OBJECT

The Civic Society Planning Forum objects to the scale and design of the proposed buildings.

They are heavy and ugly, and out of scale with their neighbours, as can be seen on the street elevation submitted. Possibly this is because the applicant has tried to pack too much in to the design. Ideally, they would complement the ridgelines and gables of their neighbours.

More attention needs to be paid to the planting for this ecologically sensitive site. The generic biodiversity report seems inadequate given its vicinity to an AONB. Some screening is necessary especially where the development abuts the slope down from Leckhampton Common. That said, planting should not be used as a screen for bad design.

There are concerns about the water run off: we would need more information about how this would be managed.

5. PUBLICITY AND REPRESENTATIONS

- 5.1 14 letters were sent to neighbouring properties, 21 letters of representation have been received in response to this neighbour notification process. 18 letters are objections, 2 are neutral comments and 1 is in support of the application.
- 5.2 The concerns received in the letters of objection have been summarised but are not limited to the following points:
- Flood risk and works to the existing watercourse
 - Loss of trees
 - Design
 - Access during construction
 - Parking
 - Impact on natural environment
 - Impact on amenity – visual impact, overbearing impact, loss of privacy
 - Impact on landscape
 - Over development

The letter of support was received in response to the submission of revised plans, this comment supports the revised design.

6. OFFICER COMMENTS

6.1 **Determining Issues**

6.2 The main considerations of this application are the design and layout, impact on neighbouring amenity, parking and highway safety, flooding, impact on trees and impact on the setting of the AONB.

6.3 Officers have undertaken multiple visits to the application site and surrounding area, site photos have been provided and google maps has been used to fully consider the scheme.

6.4 **The site and its context**

6.5 The application site currently accommodates a single two storey dwelling which forms one of three similarly designed properties located to the north of Undercliff Terrace, which is a private no-through road and is accessed from Old Bath Road.

6.6 The existing dwelling is sat in a substantial plot, which until recently was heavily overgrown with vegetation and trees, officers are aware a large amount of this vegetation has now been cleared from the site.

6.7 The application site is surrounded by residential dwellings which vary in scale, form and design. The land slopes down to the rear of the site, therefore properties in Pilford Road to the north are on lower ground. In addition the site shares its eastern boundary with Leckhampton Hill, which is within the Cotswold's AONB.

6.8 **Permission in Principle**

6.9 The principle of an additional dwelling on this site has already been established as acceptable having secured a Permission in Principle under application number

20/00605/PIP. This form of application is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle for proposed development (stage one) from the technical detail of the development (stage two).

6.10 The permission in principle application established that the site was capable of development for a further dwelling and was therefore granted. The considerations of this application therefore only relate to the relevant design and technical details which are discussed below.

6.11 **Design, layout and impact on the AONB**

6.12 Section 12 of the NPPF refers to achieving well designed spaces and states that planning decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Adopted Cheltenham Plan Policy D1 requires new development to adequately reflect principles of urban and architectural design; and to complement and respect neighbouring development and the character of the locality. Furthermore, JCS policy SD4 relates to design and identifies considerations to include context and character, legibility and identity, amenity and space.

6.13 Further detail can also be found in Cheltenham's Supplementary Planning Document – Development on Garden Land and Infill Sites. This document sets out various elements that are considered to create the character of an area and includes grain, type of building, location of buildings, plot widths and building lines.

6.14 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.'

6.15 The proposed dwellings sit comfortably within the plot and are considered to be of an appropriate footprint and scale for the size of the site, this would reflect the general character and pattern of development in the locality.

6.16 Whilst the scale of the dwellings were considered to be acceptable, officers initially raised concerns regarding the proposed design and form of the new dwellings. In particular, officers did not consider the front elevation to be in keeping or sympathetic to the surrounding/adjacent properties. Officers therefore suggested that the design and form of the dwellings were amended to better reflect the form of the properties adjacent to it and also changes to plot 2 to reduce any visual impact from the AONB. Specifically, officers felt that the design should include a front facing gable. The Architects Panel reviewed the application and raised similar issues.

6.17 Revised plans have been submitted which have taken on-board officers comments, whilst the proposed dwellings are clearly modern in design, they reflect the gable characteristic of the existing and neighbouring dwellings. In addition, the eastern roof form of plot 2 has been amended so as to reduce the bulk and visual impact of the dwelling from the adjacent Leckhampton Hill. The revised design and form is now considered to be acceptable. Material details have also been provided, the materials include render, Northcott reclaimed bricks, 'mid grey' powder coated aluminium windows and doors and

grey concrete roof tiles, these are considered to be acceptable materials for the proposed development in this location.

- 6.18 In addition to a change in design and form, officers requested a proposed landscaping plan during the course of the application, this was considered necessary to mitigate the loss of the existing trees and vegetation and also to ensure that the proposed new dwelling/s would not have a harmful impact on views from Leckhampton Hill and the AONB. A proposed landscaping plan has been submitted and reviewed, and is considered to be acceptable.
- 6.19 Officers consider the revised plans in conjunction with the submission of the landscaping plan have reduced any potential harm to the surroundings, and are considered to be of an acceptable scale, form and design.
- 6.20 The development is considered to appropriately conserve the special qualities of the AONB and is therefore compliant with adopted JCS policy SD7. The proposal is also considered to accord with the Cotswolds Conservation Board 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.
- 6.21 Impact on neighbouring property**
- 6.22 It is necessary to consider the impact of development on neighbouring amenity. JCS Policy SD14 and Cheltenham Plan Policy SL1 state how development should not cause unacceptable harm to the amenity of neighbouring properties. Matters such as a potential loss of light, loss of privacy, loss of outlook, noise disturbances and overbearing impact will therefore be considered.
- 6.23 In terms of light, the only neighbour that could be affected by this proposed development is the adjacent land user at Hildewell. The replacement dwelling in plot one is of a similar scale, overall height and in a similar position within the plot to that of the existing dwelling, officers therefore do not consider that the development will result in any unacceptable loss of light to this or any other neighbouring land user.
- 6.24 Officers acknowledge that the additional dwelling on the site will be visible from the surrounding properties in both Undercliff Terrace and Pilford Road, however, given the distances from these properties, the additional dwelling is not considered to result in any unacceptable visual impact or overbearing impact.
- 6.25 In terms of privacy, concerns have been raised from the residents to the rear of the site in Pilford Road, regarding a loss of privacy as a result of upper floor windows. Whilst these concerns are duly noted, these windows achieve a minimum distance to the rear boundary of approximately 15 metres, which is greater than the minimum distance of 10.5 metres that is considered to be acceptable. The proposed development is therefore not considered to result in any unacceptable loss of privacy to any neighbouring land user.
- 6.26 Due to the constrained nature of the access road that serves the application site and the surrounding residential properties, as well as concerns raised by local residents regarding the construction phase of the project, details of a construction management plan and an asbestos survey and report have been submitted by the applicant. The council's Environmental Health team have reviewed this information and are happy with the details provided. A condition has therefore been added to ensure the works are carried out in accordance with those details.
- 6.27 The proposal is considered to be compliant with adopted Cheltenham Plan policy SL1 and adopted JCS policy SD14 in terms of protecting neighbouring amenity.

6.28 Access and highway issues

- 6.29 Gloucester County Council's Highways department have reviewed the application and their detailed comments can be read above. No objection is raised to the application subject to a number of conditions. The conditions are considered necessary and have therefore been attached.
- 6.30 With regards to parking, the application proposes one integral garage parking space and two further off street parking spaces per dwelling. Cheltenham Borough Council does not currently have any minimum parking standards, therefore the provision of 3 car parking spaces per dwelling is more than appropriate and acceptable for this development.
- 6.31 Local residents and Councillor Horwood have questioned the potential encroachment of this development on to the private access road of Undercliff Terrace. Furthermore, it has been suggested that the proposed development will restrict access for other residents in the road. Officers have reviewed the details and are content that the proposed works are within the red line and therefore within the applicants ownership. Further information and details from the applicants agent provided on the 6th May 2021 suggests that the clearing of the sites overgrown vegetation, which was overhanging the highway, has shown that the development will in fact increase the width of the access road and ensure that access to the application site and surrounding dwellings is suitably maintained, if not improved.
- 6.32 The proposed development is considered to be compliant with Adopted JCS policy INF1 and will not result in any highway safety implications.

6.33 Flooding

- 6.34 The application site is not located within flood zone 2 or 3, however a watercourse runs through the eastern section of the site, the exact location of this watercourse has only been determined following the clearing of the site. Local residents and Councillor Horwood raised concerns that alterations were taking place to the position of this existing watercourse and were therefore concerned about the implications this may have on flooding of local properties.
- 6.35 Officers have liaised with the councils flooding consultant, who have reviewed the application and provided detailed comments. The consultant confirms that there is no evidence to suggest the position of the watercourse has been changed and no objection has been raised to the application. Initially a condition was suggested which required the submission of a surface water drainage scheme to be submitted. However, these details have been received within a revised Flood Risk Assessment received on 18th March 2021 and in the revised proposed site plan. The wording of the condition has therefore been amended with the agreement of the agent and flooding consultant.
- 6.36 Officers duly note the further comment within the Parish Council objection relating to the need for a 40% margin for climate change, however Cheltenham Borough Council does not currently have an adopted policy that would require such measures to be implemented. All other matters around flooding have been considered and addressed above.
- 6.37 The proposal is not considered to result in any unacceptable flooding or surface water run off implications and is therefore considered to be compliant with adopted JCS policy INF2.

6.38 Trees

- 6.39 Until recently the site appeared to have had extensive tree and vegetation cover, with the site being particularly overgrown. It is clear that a number of trees and vegetation have been removed from the site at the time this application was submitted. The removal of

these existing trees and vegetation is unfortunate, however, given that none of these trees were protected; their removal did not require consent.

6.40 The council's tree officer has raised no objection to the application but suggested a change in species for some of the new planting, and also highlighted a lack of planting in the areas adjacent to the parking areas. The applicant has addressed these comments and has submitted a revised plan that proposes an alternative species and has increased the level of planting. The proposed tree planting and landscaping plan is now considered to be acceptable.

6.41 A condition regarding a tree protection plan has been suggested by the tree officer, however, given that the trees have already been removed, officers do not consider that a tree protection plan is necessary in this instance. Instead, officers have suggested a condition which will require the implementation of the proposed landscaping plan.

6.42 **Environmental Impact**

6.43 Records show that important species have been sighted near the application site in the past, however none of these identified species fall within the protected species category. The loss of existing trees and vegetation is unfortunate for wildlife, however the proposed planting within the landscaping plan will mitigate any environmental loss as a result of the site clearance.

6.44 **Other considerations**

6.45 A number of comments have been raised regarding the accuracy of the plans and the extent of the site boundary, officers have worked with the applicant's agent and are happy that the latest plans accurately represent what is within the applicant's ownership.

6.46 *Public Sector Equalities Duty (PSED)*

As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have "due regard" to this duty. There are three main aims:

- Removing or minimising disadvantages suffered by people due to their protected characteristics;
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people; and
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage, the duty is to have "regard to" and remove OR minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the PSED.

7. CONCLUSION AND RECOMMENDATION

7.1 Whilst officers appreciate the sensitive location of this site, having considered the conclusions for each of the topic areas above, which include principle, design, layout, impact on the AONB, impact on neighbouring amenity, highway safety and access, impact on protected species, the harm is not considered to significantly and demonstrably outweigh the benefits of providing a further dwelling.

7.2 Officer recommendation is therefore 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 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) the garage/car parking space(s) hereby permitted shall be retained as such and shall not be used for any purpose other than the garaging of private motor vehicles associated with the residential occupation of the property and ancillary domestic storage without the grant of further specific planning permission from the Local Planning Authority.

Reason: In the interest of highway and pedestrian safety, and to ensure vehicles are able to pull clear of the adopted highway and avoid becoming an obstruction to oncoming traffic, in accordance with Adopted JCS policy INF1.

- 4 The development hereby permitted shall not be first occupied until the proposed dwellings have been fitted with an electric vehicle charging point. The charging point shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851 and Manual for Gloucestershire Streets. The electric vehicle charging points shall be retained for the lifetime of the development unless they need to be replaced in which case the replacement charging points shall be of the same specification or a higher specification in terms of charging performance.

Reason: To promote sustainable travel and healthy communities in accordance with adopted JCS policies SD3 and INF1.

- 5 The development hereby permitted shall not be occupied until cycle storage facilities for a minimum of 2no. bicycles have been made available for use and those facilities shall be maintained for the duration of the development.

Reason: To ensure the provision and availability of adequate cycle parking, in accordance with adopted JCS policies SD3 and INF1.

- 6 Prior to occupation of the dwellings hereby approved, all hard and/or soft landscaping works shall be carried out in accordance with drawing number 2018 100 REV F, 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.

Reason: In the interests of the character and appearance of the area, having regard to adopted policies D1, G12 and G13 of the Cheltenham Plan (2020), 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.

- 7 Prior to the first occupation of the development hereby approved, the development shall be carried out in accordance with the approved drainage details set out in the Flood Risk Assessment and SUDs Strategy received on 18th March 2021.

Reason: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality (The Cheltenham Strategic Flood Risk Assessment, National Planning Policy Framework and Planning Practice Guidance), in accordance with adopted JCS policy INF2.

- 8 The development shall be carried out in accordance with the details contained within the construction method statement, accompanying method statement site plan and Asbestos survey and report received on 7th May 2021.

Reason: To prevent a loss of amenity affecting surrounding occupiers due to noise and nuisance from construction works, in accordance with adopted Cheltenham Plan policy SL1 and Adopted JCS policy SD14.

- 9 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), the first floor side elevation window in plot 1 (serving Bed 1) shall at all times be non-opening and glazed with obscure glass to at least Pilkington Level 3 (or equivalent).

Reason: To safeguard the amenities of adjacent properties, having regard to adopted policy SL1 of the Cheltenham Plan (2020) and adopted policy SD14 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 sought revisions to address various matters such as design, layout, flooding landscaping;

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

- 2 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.

- 3 The application will require Building Regulations approval. Please contact Cheltenham and Tewkesbury borough council on 01242 264321 for further information.
- 4 The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with;
 - Flood and Water Management Act 2010 (Part 1 - Clause 27 (1))
 - Code for sustainable homes - A step-change in sustainable home building practice
 - The local flood risk management strategy published by Gloucestershire County Council, as per the Flood and Water Management Act 2010 (Part 1 - Clause 9 (1))
 - CIRIA C753 SuDS Manual 2015