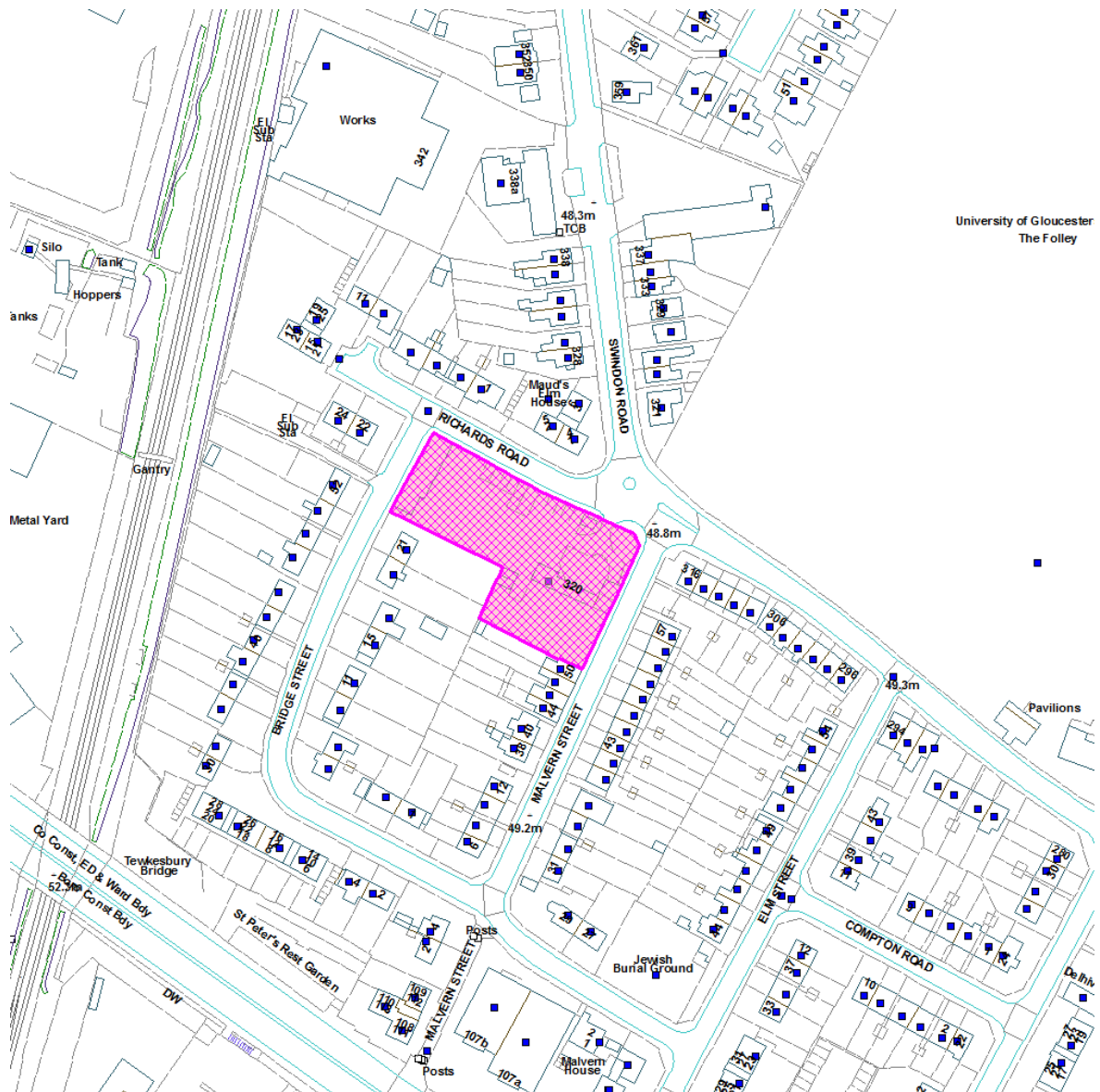


<b>APPLICATION NO:</b> 21/02038/FUL	<b>OFFICER:</b> Mrs Emma Pickernell
<b>DATE REGISTERED:</b> 10th September 2021	<b>DATE OF EXPIRY:</b> 10th December 2021
<b>DATE VALIDATED:</b> 10th September 2021	<b>DATE OF SITE VISIT:</b>
<b>WARD:</b> Swindon Village	<b>PARISH:</b>
<b>APPLICANT:</b>	Cheltenham Borough Homes
<b>AGENT:</b>	WSP
<b>LOCATION:</b>	320 Swindon Road, Cheltenham, Gloucestershire
<b>PROPOSAL:</b>	Demolition of all existing buildings and erection of 24 dwellings comprising seven houses and 17 apartments (Use Class C3), and other associated works including access, infrastructure, landscaping, and parking

**RECOMMENDATION:** Permit



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is known as Mauds Elm and comprises a farm house style dwelling, outbuilding and areas of grass and hardstanding. The buildings are not listed and the site is not in a conservation area. The site area is 0.25 ha.
- 1.2 The site is bound to the east by Malvern Street, to the north by Richards Road and to the west by Bridge Street. The adjacent properties comprise a mixture of terraced and semi-detached dwellings, bungalows and flats. Much of this is Cheltenham Borough Homes housing stock.
- 1.3 Planning permission is sought for the demolition of the existing buildings on the site and their replacement with a new housing scheme comprising 24 dwellings (class C3). 7 of the dwellings would be a terrace of houses facing Richards Road. Each of these are two bedroom properties with a parking space to the front, apart from the end unit, at the junction of Richards Road and Bridge Street which is a three bedroom property with 2 parking spaces, one to the front and one to the rear. Each of these properties would have a bin store at the front and a shed at the rear and access to a lane leading to Bridge Street.
- 1.4 The remaining 17 dwellings are provided within a 3 – 2 storey block which fronts onto Richards Road to the north and Malvern Street to the east, where the height drops down from three to two storeys. The accommodation proposed comprises 12 no. 1 bedroom flats and 5 no. 2 bedroom flats. To the south west of this block is a shared space which would provide a centrally located amenity space with landscaped areas and benches, along with raised planting beds. Adjacent to this would be a shared parking area providing 9 parking spaces on a grasscrete surface. A shared waste and recycling storage area would be provided near to the Malvern Street entrance along with an area of buffer planting adjacent to the boundary with the neighbouring property.
- 1.5 The proposal is before committee as the site applicant is Cheltenham Borough Homes.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### **Constraints:**

Airport Safeguarding over 45m  
Principal Urban Area  
Smoke Control Order

### **Relevant Planning History:**

**21/00948/PREAPP 20th May 2021 CLO**

Demolition of all existing buildings and erection of 7 dwellinghouses and one block of 17 apartments (Use Class C3), and other associated works including access, infrastructure, landscaping, and parking.

## 3. POLICIES AND GUIDANCE

### **National Planning Policy Framework**

Section 5 Delivering a sufficient supply of homes  
Section 8 Promoting healthy and safe communities  
Section 9 Promoting sustainable transport  
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

BG1 Cotswold Beechwoods Special Area Of Conservation Recreation Pressure

SL1 Safe and Sustainable Living

GI2 Protection and replacement of trees

GI3 Trees and Development

### **Adopted Joint Core Strategy Policies**

SD3 Sustainable Design and Construction

SD4 Design Requirements

SD9 Biodiversity and Geodiversity

SD10 Residential Development

SD11 Housing Mix and Standards

SD12 Affordable Housing

SD14 Health and Environmental Quality

INF1 Transport Network

INF2 Flood Risk Management

INF3 Green Infrastructure

INF4 Social and Community Infrastructure

INF5 Renewable Energy/Low Carbon Energy Development

INF6 Infrastructure Delivery

INF7 Developer Contributions

### **Supplementary Planning Guidance/Documents**

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

## **4. CONSULTATIONS**

### **Minerals And Waste Policy Gloucestershire**

*21st September 2021*

Please accept this correspondence as an initial view from officers acting on behalf of the Minerals and Waste Planning Authority (MWPA) for Gloucestershire. It is concerned with ensuring that due consideration is being given to resource efficiency measures. Attention is particularly focused upon two local development plan policies - Gloucestershire Waste Core Strategy Core Policy 2 | Waste Reduction and Minerals Local Plan for Gloucestershire Policy SR01 | Maximising the use of secondary and recycled aggregates. It is applicable to all major development proposals throughout Gloucestershire that require planning permission<sup>1</sup>.

Supporting evidence on resource efficiency may be included within a wider Environment Statement where this has also been required, or as part of a Planning Statement that sets out how a proposal will accord with the local development plan. The preparation of a standalone Waste Minimisation Statement (WMS) or a dedicated waste reduction section or chapter within supporting evidence of an application are the best means of effectively complying with the requisite local policy requirements.

A Waste Minimisation Statement (WMS) should contain enough information for decision-makers to make a valued judgement on whether achievable resource efficiency measures can be accommodated into a proposal. Details of how different types of waste will be reduced and managed efficiently and effectively will be crucial. The full lifecycle of a proposed development needs to be considered. This usually involves the three phases of: - site preparation (including any demolition); construction; and occupation. Whilst

appreciating that for many proposals it is unknown who the future occupants will be, the ability to support their re-use and recycling practice should not be hindered. Provision for safe and efficient resource management infrastructure aiming at reducing waste and making recycling easier to engage with should be set out. This includes for commercial as well as residential schemes.

The increasing use in both volume and proportion of recycled materials in development is actively encouraged within local policy. It is therefore reasonable to seek evidence of this. This could include details of procurement practice / protocols able to demonstrate that the sourcing of materials will achieve a substantial level of recycled content. Collation of this type of Information may also prove beneficial where sustainable construction technical standards / ratings are to be sought. Requirements for high levels of recycled material use are present within the Building Research Establishment Environment Assessment Method (BREEAM) and Leadership in Energy and Environmental Design (LEED) certification.

To assist decision makers and applicants in their consideration of resource efficiency, local guidance has been prepared - Gloucestershire Supplementary Planning Document: Waste Minimisation in Development Projects (WM-SPD).

The minerals and waste policy team is also able to offer some further advice and commentary on how compliance can be achieved and maintained. This could include the use of conditions for applications recommended for approval. Please do not hesitate to contact the team via: -mwplans@gloucestershire.gov.uk quoting the application reference and / or GCC reference of interest.

**Tree Officer**

*28th September 2021*

A detailed landscape plan to BS5837 (2012) should be submitted for approval prior to determination. This should include species, size, location. Tree pit details should be submitted for approval prior to determination, to include the use of fresh topsoil.

The arboriculture report proposes removing T16 and T17. In the method statement within the report (Page 20 of the report) refers to "CONSTRUCTION OF FOUNDATIONS FOR BOUNDARY FENCING ADJACENT TO THE RPA OF TREE T17." Please clarify this point (presumably retained neighbouring tree T15 should be referred to) in a revised arb report / method statement.

The cycle store is within the root protection area of T15. The construction of this unit should be covered by a revised method statement in the arb report.

**GCC Highways Planning Liaison Officer**

*8th October 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 justification for this decision is provided below.

The proposal seeks the demolition of all existing buildings and erection of 24 dwellings comprising seven houses and 17 apartments (Use Class C3), and other associated works including access, infrastructure, landscaping, and parking at 320 Swindon Road Cheltenham Gloucestershire GL51 9JT.

The application site is bound to the east by Malvern Street, to the north by Richards Road, and to the west by Bridge Street. There is an existing vehicle access to the site that is located adjacent to the junction of Malvern Street / Swindon Road roundabout, which effectively creates a 4-arm roundabout. As a result of the proposal, access to the development would be made via Richards Road, Bridge Street and Malvern Street. The existing access located adjacent to the Malvern Street / Swindon Road roundabout will be closed and reinstated.

In accordance with the submitted plans, each house will be provided with adequate parking in reflection of the guidance set in MfGS - 1 space for 2bed. units and 2 spaces for 3bed. The 17no. flats will have 9no. parking spaces, which in light of the location of the site and general accessibility to local facilities, amenities and sustainable modes of transport, it can be accessed in a sustainable manner without the need for private vehicles.

With regards to the displacement of vehicles along Richards Road as a result of this proposal, the submitted parking survey demonstrates that the roads surrounding the site have capacity to accommodate the small number of displaced parking spaces at all times.

Concerns have been raised by local members in respect of the junction operation at Malvern St and Swindon Rd, particularly vehicles egressing Malvern St directly onto Swindon Rd without the use of the roundabout. This is not perceived as a likely event as there is a traffic island already in place to prevent this occurrence, and the additional uplift in vehicle trips at this junction resulting from this proposal is not perceived to negatively impact the highway safety.

As such, the Highway Authority would not wish to object to the proposal subject to a number of conditions. It is necessary to condition the development be provided in conformity with the submitted plans. It is also necessary to condition the reinstatement of redundant accessways in the interest of highway safety.

Furthermore, it is necessary to condition the provision for electric vehicle charging points in order to promote sustainable modes of transport. Lastly, it is necessary to condition the provision for residential welcome packs in order to promote sustainable transport choices.

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

The Development hereby approved shall not be occupied until the access, parking and turning facilities have been provided as shown on drawing 154373-STL-01-00-DR-A-17002.  
Reason: To ensure conformity with submitted details.

The vehicular accesses hereby permitted shall not be brought into use until the existing vehicular access to the site (other than that intended to serve the development) has been permanently closed in accordance with details to be submitted to and agreed in writing beforehand by the Local Planning Authority.  
Reason: In the interests of highway safety.

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.

The Development hereby approved shall not be occupied until the applicant has submitted to and had approval in writing from the Local Planning Authority a residential welcome pack promoting sustainable forms of access to the development. The pack shall be provided to each resident at the point of the first occupation of the dwelling.

Reason: To reduce vehicle movements and promote sustainable access.

## Informatives

### Alterations to Vehicular Access

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](mailto:highways@gloucestershire.gov.uk) before commencing any works on the highway.

### Works on the Public Highway

The development hereby approved includes the carrying out of work on the adopted highway. You are advised that before undertaking work on the adopted highway you must enter into a highway agreement under Section 278 of the Highways Act 1980 with the County Council, which would specify the works and the terms and conditions under which they are to be carried out.

Contact the Highway Authority's Legal Agreements Development Management Team at [highwaylegalagreements@gloucestershire.gov.uk](mailto:highwaylegalagreements@gloucestershire.gov.uk) allowing sufficient time for the preparation and signing of the Agreement. You will be required to pay fees to cover the Council's costs in undertaking the following actions:

### Drafting the Agreement

A Monitoring Fee

Approving the highway details

Inspecting the highway works

Planning permission is not permission to work in the highway. A Highway Agreement under Section 278 of the Highways Act 1980 must be completed, the bond secured and the Highway Authority's technical approval and inspection fees paid before any drawings will be considered and approved.

### Private Road

You are advised that as a result of the proposed layout and construction of the internal access road, the internal access road will not be accepted for adoption by the Highway Authority under Section 38 of the Highways Act 1980.

The development will be bound by Sections 219 to 225 (the Advance Payments Code) of the Highways Act 1980, unless and until you agree to exempt the access road.

The exemption from adoption will be held as a Land Charge against all properties within the application boundary.

### Construction Management Plan (CMP)

## **Environmental Health**

*21st September 2021*

I have 4 comments on this application:

The row of 7 houses, would be better "paired", so the internal arrangements of each are the mirror of next door, rather than a repeating pattern - this will reduce the noise levels generated by "normal activity" such as using the stairs, shutting kitchen cupboard doors etc.

The site will need a survey of noise levels due to noise from the adjacent road, and thus identify suitable fenestration for the appropriate properties. This is due to loss of amenity from existing road traffic noise. Such a report could be made subject of a suitable condition for approval before construction commences.

This is a reasonable size of site with existing buildings of mixed origin, which will then be subject to a significant building project. I would therefore request a construction management plan to include methods for the control of noise and dust from demolition and construction activities, to be approved before such work commences.

The site has previous industrial use as a coal yard, with underground storage tanks, and therefore I must request a contaminated land report to identify any potential hazards to future users of the site.

## **Architects Panel**

*19th October 2021*

### Design Concept

The panel had no objections to the principle of replacing the existing buildings on this site with a dense mixed use housing development. This application has been particularly well designed and the supporting documentation covering all aspects of the design and site analysis is extremely thorough and well presented.

### Design Detail

The panel could not fault the design in any way. The layout, scale, and massing of the new buildings is entirely appropriate in this location and the overall appearance of the development will be considerable enhancement to this part of Swindon Road.

The panel was particularly pleased to see a scheme that fully considered sustainable design solutions with solar panels and air source heat pumps integrated into the design rather than as a bolt on afterthought.

The choice of materials and the building details inspired by selected precedents promise award winning architecture of quality. The panel would urge the applicant not to be tempted to water down the details for economic reasons. The scheme deserves to be built as designed and to be an exemplar to future housing developments in Cheltenham.

### Recommendation

Supported.

## **Cheltenham Civic Society**

*1st October 2021*

### OBJECT

There has been a good consultation exercise, although little local engagement.

The proposal is disappointingly unattractive. Even social housing should employ the principles of building with beauty and should be exemplary - indeed could be award winning.

This is a prominent site, especially the corner with Swindon Road. The mass and boxiness on this corner with the flat roof and high parapet does not match with the local vernacular. It could be softened with pitched roofs like the other blocks of flats in this area. The design is lacking in any local references in its form or its materials (brick palette). It has also failed to reference the local historic importance of the Maud's Elm site in either name or planting.

Bin storage is badly thought out. Putting cars and bins round the back would improve the appearance of these homes.

We support the provision of much needed social housing and the commitment to sustainable energy provision and high insulation standards.

**Gloucestershire Centre For Environmental Records**

*23rd September 2021*

Report in documents tab

**Housing Enabling Officer**

*6th October 2021*

See appended report.

**GCC Local Flood Authority (LLFA)**

*1st October 2021*

The LLFA has no objection to this proposal subject to the following conditions being applied to any permission granted against the application:

Condition:

No building works hereby permitted shall be commenced until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. The information submitted shall be in accordance with the principles set out in the approved drainage strategy. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in The SuDS Manual, CIRIA C753 (or any subsequent version), and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. include a timetable for its implementation; and
- iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution for the lifetime of the development.



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

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

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

## 5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	<b>35</b>
Total comments received	<b>0</b>
Number of objections	<b>0</b>
Number of supporting	<b>0</b>
General comment	<b>0</b>

The application was publicised by way of letters to 35 neighbouring properties, a site notice and a press notice. No representations were received.

## 6. OFFICER COMMENTS

### 6.1 Determining Issues

6.2 The key issues in determining this application are considered to be (i) the principle, (ii) the design and layout, (iii) impact on neighbour amenity, (iv) access and highways issues, (v) sustainability, (vi) trees and landscaping, (vii) affordable housing and developer contributions, (viii) ecology and biodiversity, (ix) flooding and drainage.

### 6.3 The principle of development

6.4 The Development Plan comprises the Tewkesbury, Cheltenham and Gloucester Joint Core Strategy (JCS), the Cheltenham Plan (2020) and a small number of saved policies from the Local Plan (2006).

6.5 JCS policy SD10 relates to the provision of residential development. It states that in addition to allocated sites and conversions, planning permission will also be permitted within the Principal Urban Area (PUA) of Cheltenham. The site is within the PUA and is clearly an infill plot, being surrounded by housing on all sides.

6.6 As such the principle of residential development on this site is supported, subject to the application of other relevant policies within the Development Plan.

6.7 The proposal would provide 24 dwellings at a time when the Borough cannot currently demonstrate a 5 year housing land supply, some or all of which would be affordable. This adds weight to the view that the principle is acceptable.

6.8 The proposal involves the demolition of the structures on the site. These are not listed and the site is not within a conservation area and as such there is no objection to the demolition.

**6.9** The site was named 'Mauds Elm' in relation to a tree which formerly existed near to the site (in the approximate location of the adjacent roundabout) which is linked to a historical event, however this was understood to have been felled in the early 1900s. As such there is no direct link with the site itself other than the name.

## **6.10 Design and layout**

**6.11** The Council's general design policies comprise policy SD4 of the JCS and policy D1 of the Cheltenham Plan. Also of relevance is the Development on Garden Land and Infill Sites Supplementary Planning Document, the NPPF and the National Design Guide.

**6.12** The context of the site is mixed. Malvern Street contains a mix of traditional and more modern 2 storey terraced housing. To the north of the site on Richards Road there are bungalows and two storey blocks of flats. Bridge Street to the west is primarily semi-detached properties, leading to a 3 storey block of flats.

**6.13** The form of development proposed is generally more dense than that which surrounds it, however this is not considered to be inappropriate given the need to make efficient use of land and the prominent corner location which can successfully accommodate more of a 'landmark building'.

**6.14** Three storeys in this location is considered to be acceptable; as mentioned there are other three storey buildings in the locality and the height gives the building some presence and enlivens the street scene around this junction. The drop down to 2 storeys on the Malvern Street and Richards Road frontages allows the building to assimilate into the surrounding pattern of development without a stark change in heights across the streetscene.

**6.15** The prevailing facing material in the area is brick although there is some render present in some locations. Brick is proposed as the main material with grey windows. The submitted drawings indicate that several different colours of bricks will be used with features and sections of the buildings picked out with different brick-laying effects and feature bricks. Examples of how this might work have been submitted with the application and the final material selection will be subject to a condition.

**6.16** The terraced part of the scheme features a pitched roof which is characteristic of the area and appropriate to this part of the site. The flat block has a flat roof. This is not necessarily characteristic of the immediate area, although flat roofed buildings are located not far away on Swindon Road. It is considered that the approach to the provision of a flat roof on this block is high quality with a parapet and hopper style rain water goods. The pattern of fenestration across the site is considered to be relatively simple but effective in terms of proportions and interest.

**6.17** Overall the design approach is considered to be a high quality response to the competing aspects of the context whilst providing a scheme with an identity of its own.

**6.18** The Architects Panel have given a very positive response to the application. The Civic Society have objected to the design approach which they feel is too boxy and does not reflect the vernacular. As discussed this is an area which is mixed in character, it is not in a conservation area and officers consider that this is a good location to adopt a more modern approach, whilst still respecting the pattern and hierarchy of development in the area.

**6.19** For these reasons the design and layout is considered to be acceptable.

## **6.20 Impact on neighbouring property**

- 6.21** Policies SL1 of the Cheltenham Plan and SD14 of the JCS refer to the impact of new development on neighbour amenity. Advice is also provided in the Development on garden land and infill sites in Cheltenham SPD.
- 6.22** The application has been accompanied by a 'Daylight, Sunlight and Overshadowing Assessment'. This concludes that the proposal would not result in any adverse loss of light to any neighbour and having carefully assessed the findings of this report, officers concur.
- 6.23** The facing properties on Malvern Street are 16m away which is an acceptable distance across a road. There is 8m between the side wall of 50 Malvern Street and the new building however the side elevation would be largely blank apart from a stairwell window and the main side elevation of 50 is blank too. There are ground floor windows in the rear wing, however a buffer has been retained along most of this boundary and the adjacent bin store would be a single storey structure.
- 6.24** The properties to the north are approximately 20m from the proposed buildings which is sufficient to ensure privacy is retained. The gardens of the terraced properties are approximately 12m in length which is sufficient to ensure the garden of 21 Bridge Street is not significantly impacted upon by the proposal.
- 6.25** As such Officers are satisfied that the proposals have an acceptable impact upon the amenity of neighbouring properties.
- 6.26 Access and highways issues**
- 6.27** Section 9 of the NPPF and policy INF1 of the JCS and require that development provides safe and convenient access and does not result in severe impacts upon the highway network.
- 6.28** The application involves the closure of the existing accesses into the site and the provision of a shared access off Malvern Road and individual parking spaces off Richards Road and Bridge Road.
- 6.29** These accesses are considered by the Highway Authority to be safe and provide adequate visibility onto the adjacent highway network.
- 6.30** The proposal will result in the loss of on-street parking spaces, particularly on Richards Road. The application was accompanied by a parking survey which indicates that there is sufficient capacity in surrounding streets to accommodate any displaced vehicles.
- 6.31** The proposal provides for 1 space for each 2 bed house and 2 parking spaces for the 3 bed house. The 17 flats would have 9 parking spaces. Given the location of the site and the accessibility of local amenities and sustainable modes of transport this level of parking is considered to be acceptable.
- 6.32** The highway authority advise that the proposal would not interfere with the safe use of the Swindon Road/Malvern Street junction.
- 6.33** For these reasons the Highway Authority have raised no objections to the proposal and officers have no reason to defer from these views. Conditions are suggested including the implementation of the plan as drawn, the provision of EV charging point and the provision of a welcome pack informing residents of available sustainable transport modes in the locality.

**6.34 Sustainability**

**6.35** The Borough Council has declared a climate emergency and is committed to becoming a net zero carbon council and borough by 2030. The NPPF states that decisions should apply a presumption in favour of sustainable development. Achieving sustainable development involves 3 interconnecting objectives; economic, social and environmental.

**6.36** CBH's priority is to reduce fuel poverty and it is an aspiration of the scheme to be net zero carbon. This would be achieved through the following measures:

- Reduction in external surface area and heat loss through use of terrace and block form
- Methods of construction which will improve U values and airtightness, reduce thermal bridging and reduce embodied carbon
- The scheme would be gas free and would have air source heat pumps and solar PV
- Bio-based materials are being explored along with those with a high recycled content

**6.37** Officers are supportive of the ambition to make the scheme net zero-carbon and this is a positive aspect of the scheme. A condition is suggested to ensure the heat pumps and solar PV are installed prior to occupation.

#### **6.38 Trees and landscaping**

**6.39** Policies GI1 and GI2 of the Cheltenham Plan and INF1 of the JCS require that where appropriate existing vegetation is retained in schemes and that sites are well landscaped.

**6.40** The proposal includes a shared landscaped area to the rear of the block which provides an opportunity for an attractive amenity area which would also include opportunities for occupants to grow crops.

**6.41** There is a good sized area available for planting between the block and Richards Road. The plan indicates to the provision of trees along this frontage. The planting areas to the front of the terraced element of the scheme are minimal in size, however appropriate species in this location should add to the quality of the scheme.

**6.42** A detailed scheme is required by condition which will ensure that appropriate species are used.

**6.43** A revised arboricultural report was received during the course of the application to address the tree officer's queries. They now have no objections subject to the above mentioned condition and an additional condition in relation to the details of the proposed tree pits.

**6.44** Overall given the constrained nature of the site it is considered that the overall provision of Green Infrastructure within the scheme is acceptable.

#### **6.45 Affordable housing and developer contributions**

**6.46** Policy SD12 of the Joint Core Strategy requires that on schemes of 10 or more units that are not on strategic allocations 40% on-site affordable housing will be sought.

**6.47** The application has been made on the basis of a policy compliant mix of dwellings including 10 new affordable homes, 7 of which would be for social rent and 3 of which would be shared ownership. This has the support of the Housing Enabling Officer.

**6.48** This level of affordable housing will be secured via a condition.

- 6.49** The ambition is that the scheme will be provided through CBH as 100% affordable housing, however this is subject to Homes England grant funding and is not guaranteed.
- 6.50** The scheme is considered to be acceptable under either scenario as it meets the requirements of the policy, however the possibility to provide 24 affordable homes in this location is especially welcome.
- 6.51** The County Council have confirmed that no developer contributions are required from this scheme in respect of libraries or education.

#### **6.52 Ecology and biodiversity**

- 6.53** Section 15 of the NPPF and SD9 of the JCS require that new development avoids harm to the biodiversity of undesignated sites where possible.
- 6.54** The application has been accompanied by a bat survey and an ecological appraisal. No bats were found to be roosting on the site with the buildings and trees on the site having low or negligible suitability for bats. The bat survey recommends that 4 bat roosting units be provided in the scheme along with native trees and/or hedges to provide improved bat foraging.
- 6.55** The ecological appraisal found no evidence of amphibians, reptiles, badgers or notable invertebrates on the site. Magpie and Woodpigeon were found on the site along with opportunities for hedgehog, fox, wood mouse and common shrew.
- 6.56** None of the species or habitats found on the site are considered to be a barrier to development. The report suggests that there are enhancements which could be made through any development to improve bio-diversity and these include native planting, bird boxes in addition to the bat boxes mentioned above. A condition is recommended requiring the implementation of these proposed ecological enhancements. Subject to this condition it is considered that the application has an acceptable impact on biodiversity.
- 6.57** The ecological survey identifies Japanese Knotweed on the site which is an invasive species. This will need to be removed in accordance with procedures set out by the Environment Agency.
- 6.58** Policy BG1 of the Cheltenham Plan relates to the Cotswold Beechwoods Special Area of Conservation (SAC) Recreation Pressure. It states that all development within the borough that leads to a net increase in dwellings will be required to mitigate any adverse effects. The Council have adopted an Appropriate Assessment under the Habitats Regulations which demonstrates that the proposal is extremely unlikely to result in any adverse impacts upon the SAC given the availability of alternative recreation locations within closer proximity. Nevertheless it is considered prudent to condition an information pack for future occupiers which outlines the availability of alternative recreation provision nearby.
- 6.59** Subject to this condition the proposal is considered to have an acceptable impact upon the SAC.

#### **6.60 Flooding and drainage**

- 6.61** Section 14 of the NPPF, and policy INF2 of the JCS relate to flooding and drainage.
- 6.62** The application has been accompanied by a Flood Risk Assessment (FRA) and Drainage Strategy. This explains that the application site is an area with a low risk of flooding from rivers and also at a negligible risk of flooding from surface water. The FRA considers the impact of climate change and concludes that even taking that into account the flood level would be lower than ground levels on the site. The proposals do result in an increase in

impermeable area and as such a concept drainage strategy has been submitted which provides for a cellular storage tank beneath the communal garden and parking area.

**6.63** The local lead flood authority (LLFA) have no objection to the proposals subject to the submission of a more detailed drainage plan and details of maintenance arrangements.

**6.64** Subject to the recommended conditions it is considered that the scheme is acceptable from a flooding and drainage perspective.

#### **6.65 Other considerations**

##### **6.66 Environmental health**

**6.67** The Environmental Health Officer has made a number of comments on the proposal. Firstly it has been commented that the internal layouts would ideally be changed to a 'handed' arrangement. The internal layouts of the buildings is not fixed through the planning process and these comments have been made available to the applicant, however it is not possible to insist on a particular internal layout as this could be changed without the need for planning permission. Conditions have been suggested in relation to construction management plan, noise survey and contaminated land survey and these have all been carried forward into the recommendation.

##### **6.68 Archaeology**

**6.69** An archaeological report was submitted with the application which concluded that there were unlikely to be significant archaeological finds on the site. The County Archaeologist has been consulted and any response will be reported to planning committee.

##### **6.70 Public Sector Equalities Duty (PSED)**

**6.71** 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 application the planning authority has taken into consideration the requirements of the PSED.

In the context of the above PSED duties, this proposal is considered to be acceptable.

## **7. CONCLUSION AND RECOMMENDATION**

**7.1** This application represents an efficient use of a brownfield site within the Principal Urban Area of Cheltenham. It provides 24 dwellings which makes a contribution towards the shortfall in the 5 year housing land supply. Furthermore it provides 10 affordable homes with the potential to provide 24 affordable homes subject to Homes England Grant Funding. The proposal also aims to be net zero carbon. These are all significant benefits of the proposal. The civic society have some reservations regarding the design however officers and the architects panel consider the scheme to be of a high quality of design.

The overall composition of the building forms respond well to the site and its context and the interesting use of brick on the flat roofed elements of the building have the potential to create a very attractive scheme.

- 7.2** The scheme has been found to be acceptable in terms of all matters considered above and as such is recommended for approval subject to the conditions and informatives listed 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 The development shall provide for a minimum of 40% affordable housing (comprising 7 no. social rented homes and 3 no. shared ownership homes) unless otherwise agreed in writing with the Local Planning Authority. The affordable housing units provided shall be retained as such in perpetuity unless otherwise agreed in writing with the Local Planning Authority.

Reason: To comply with the requirements of Policy SD12 of the Joint Core Strategy 2011 to 2031.

- 4 No external facing or roofing materials shall be applied unless in accordance with:

- a) a written specification of the materials; and/or
- b) physical sample(s) of the materials.

The details of which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the area, having regard to adopted policy D1 of the Cheltenham Plan (2020) and adopted policy SD4 of the Joint Core Strategy (2017).

- 5 Prior to the occupation of the development hereby approved a Waste Minimisation Statement shall be submitted to and approved in writing by the Local Planning Authority and the measures contained therein fully implemented. All of the approved measures shall thereafter be maintained unless otherwise agreed in writing by the Local Planning Authority.

Reason: In accordance with Gloucestershire Waste Local Plan Policy W36 relating to waste minimisation.

- 6 Prior to the implementation of any landscaping, full details of a hard and/or soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify all walls, fences, trees, hedgerows and other planting which are to be retained, and provide details of all new walls, fences, or other boundary treatments; finished ground levels; new hard surfacing of open parts of the site which shall be permeable or drained to a permeable area; a planting specification to include [species, size, position and method of planting of all new trees and shrubs]; and a programme of implementation.

All hard and/or soft landscaping works shall be carried out in accordance with the approved details prior to first occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority.

Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size which shall be first agreed in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details.

Reason: In the interests of the character and appearance of the area, having regard to adopted policies D1, GI2 and GI3 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 planting of any new trees on the site details of the proposed tree pits shall be submitted to and approved in writing by the Local Planning Authority. The works shall be completed in accordance with the approved details.

Reason: In the interests of visual amenity, having regard to adopted policy GI2 of the Cheltenham Plan (2020).

- 8 The development hereby approved shall not be occupied until the access, parking and turning facilities have been provided as shown on drawing 154373-STL-01-00-DR-A-17002

Reason: To ensure conformity with submitted details

- 9 The vehicular accesses hereby permitted shall not be brought into use until the existing vehicular access to the site (other than that intended to serve the development) has been permanently closed in accordance with details to be submitted to and agreed in writing beforehand by the Local Planning Authority.

Reason: In the interests of highway safety.

- 10 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.

- 11 The Development hereby approved shall not be occupied until the applicant has submitted to and had approval in writing from the Local Planning Authority a residential welcome pack promoting sustainable forms of access to the development. The pack shall be provided to each resident at the point of the first occupation of the dwelling.

Reason: To reduce vehicle movements and promote sustainable access.

- 12 Prior to the commencement of development, including any works of demolition or site clearance, a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority.

The approved method statement shall be adhered to throughout the development process and shall, where necessary:



- i) specify the type and number of vehicles expected during the construction of the development;
- ii) allocate space for the parking of vehicles for site operatives and visitors;
- iii) allocate space for the loading and unloading of plant and materials;
- iv) allocate space for the storage of plant and materials used in constructing the development;
- v) specify the intended hours of construction;
- vi) specify measures to control the emission of noise, dust and dirt during construction;
- vii) provide for wheel washing facilities; and
- viii) specify the access points to be used and maintained during the construction phase.

Reason: To minimise disruption on the public highway and to adjacent land users, and accommodate the efficient delivery of goods and supplies during the course of the construction works, having regard to adopted policy INF1 of the Joint Core Strategy (2017). Approval is required upfront because without proper mitigation the works could have an unacceptable highway impact during construction.

- 13 Prior to first occupation of the development, secure covered cycle storage shall be provided in accordance with the approved plans. The cycle storage shall thereafter be retained available for such use in accordance with the approved plans at all times.

Reason: To ensure the adequate provision and availability of cycle parking, so as to ensure that opportunities for sustainable transport modes have been taken up, having regard adopted policy INF1 of the Joint Core Strategy (2017).

- 14 Prior to first occupation of the development, refuse and recycling storage facilities shall be provided in accordance with the approved plans and shall be retained as such thereafter.

Reason: In the interests of sustainable waste management and recycling, having regard to Policy W36 of the Gloucestershire Waste Local Plan.

- 15 No building works hereby permitted shall be commenced until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. The information submitted shall be in accordance with the principles set out in the approved drainage strategy. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in The SuDS Manual, CIRIA C753 (or any subsequent version), and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;

ii. include a timetable for its implementation; and

iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution for the lifetime of the development.

- 16 Prior to the commencement of development, a site investigation and risk assessment shall be carried out to assess the potential nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11 and shall include:
- a) a survey of the extent, scale and nature of contamination
  - b) an assessment of the potential risks to:
    - human health
    - property (including buildings, crops, livestock, pets, woodland and service lines and pipes)
    - adjoining land
    - ecological systems
    - groundwaters and surface water
    - archaeological sites and ancient monuments
  - c) an appraisal of remedial options to mitigate against any potentially significant risks identified from the risk assessment.

Where remediation is required, a detailed remediation scheme to bring the site to a condition suitable for the intended use shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2a of the Environmental Protection Act (1990) in relation to the intended use of the land after remediation.

The site investigation, risk assessment report, and proposed remediation scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any development.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with adopted policy SD14 of the Joint Core Strategy (2017).

- 17 Prior to the first occupation of the development hereby approved the Solar PV panels and air source heat pumps detailed on the approved plans shall be installed and operational and shall be maintained as such thereafter.

Reason: In the interests of sustainability in accordance with policy SD3 of the JCS.

- 18 Prior to the first occupation of the development hereby approved and landscape management plan shall be submitted which sets out the arrangements and funding for the maintenance of the public and shared areas of amenity space and landscaping. The approved management plan shall be adhered to thereafter.

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).

- 19 Prior to the commencement of construction phase of development, a survey of noise levels from the adjacent road shall be submitted to and approved in writing by the Local Planning Authority. The report shall identify suitable fenestration for the properties and the scheme shall be completed in accordance with the approved report.

Reason: To safeguard the amenity of adjacent properties and the general locality, having regard to adopted policy SL1 of the Cheltenham Plan (2020) and adopted policy SD14 of the Joint Core Strategy (2017). Approval is required upfront because the mitigation scheme may be integral to the overall design of the development.

- 20 All residents of the units hereby approved shall be provided with a Homeowner Information Pack (HIP) which shall provide the following information:
- information to help new home owners make informed choices about where to go for informal outdoor leisure and if they choose to visit sensitive sites
  - information on how to avoid impacting sensitive areas.
  - general information on the informal, outdoor recreation opportunities in relation to the site and how to help protect the places they visit.
  - specific information on nearby sensitive designated sites, which would include the Cotswold Beechwoods SAC / Cotswold Commons and Beechwoods SSSI as well as other SSSIs

Reason: To help maintain the integrity of the Cotswold Beechwoods SAC in accordance with the Habitats Regulations 2017 (as amended) and policy BG1 of the Adopted Cheltenham Plan 2020.

- 21 The development shall be carried out in strict accordance with the recommendations and requirements of the Bat Survey sates September 2020 and the Ecological Appraisal dated September 2020 submitted with the planning application.

Reason: To safeguard important ecological species, having regard to adopted policy SD9 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, having had regard to all material considerations, the application constitutes sustainable development and has therefore been approved in a timely manner.

- 2 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](mailto:highways@gloucestershire.gov.uk) before commencing any works on the highway.

- 3 The development hereby approved includes the carrying out of work on the adopted highway. You are advised that before undertaking work on the adopted highway you must enter into a highway agreement under Section 278 of the Highways Act 1980 with the County Council, which would specify the works and the terms and conditions under which they are to be carried out.

Contact the Highway Authority's Legal Agreements Development Management Team at [highwaylegalagreements@gloucestershire.gov.uk](mailto:highwaylegalagreements@gloucestershire.gov.uk) allowing sufficient time for the preparation and signing of the Agreement. You will be required to pay fees to cover the Council's costs in undertaking the following actions:

Drafting the Agreement  
A Monitoring Fee  
Approving the highway details  
Inspecting the highway works

Planning permission is not permission to work in the highway. A Highway Agreement under Section 278 of the Highways Act 1980 must be completed, the bond secured and the Highway Authority's technical approval and inspection fees paid before any drawings will be considered and approved.

- 4 You are advised that as a result of the proposed layout and construction of the internal access road, the internal access road will not be accepted for adoption by the Highway Authority under Section 38 of the Highways Act 1980.

The development will be bound by Sections 219 to 225 (the Advance Payments Code) of the Highways Act 1980, unless and until you agree to exempt the access road.

The exemption from adoption will be held as a Land Charge against all properties within the application boundary.

- 5 It is expected that contractors are registered with the Considerate Constructors scheme and comply with the code of conduct in full, but particularly reference is made to "respecting the community" this says:

Constructors should give utmost consideration to their impact on neighbours and the public. Informing, respecting and showing courtesy to those affected by the work; Minimising the impact of deliveries, parking and work on the public highway; Contributing to and supporting the local community and economy; and Working to create a positive and enduring impression, and promoting the Code.

The CEMP should clearly identify how the principle contractor will engage with the local community; this should be tailored to local circumstances. Contractors should also confirm how they will manage any local concerns and complaints and provide an agreed Service Level Agreement for responding to said issues.

Contractors should ensure that courtesy boards are provided and information shared with the local community relating to the timing of operations and contact details for the site coordinator in the event of any difficulties. This does not offer any relief to obligations under existing Legislation.

- 6 It is noted from the ecological appraisal that Japanese Knotweed is present on the site. Please be aware that any removal of this invasive species must be carried out in accordance with the requirements of the Environment Agency.