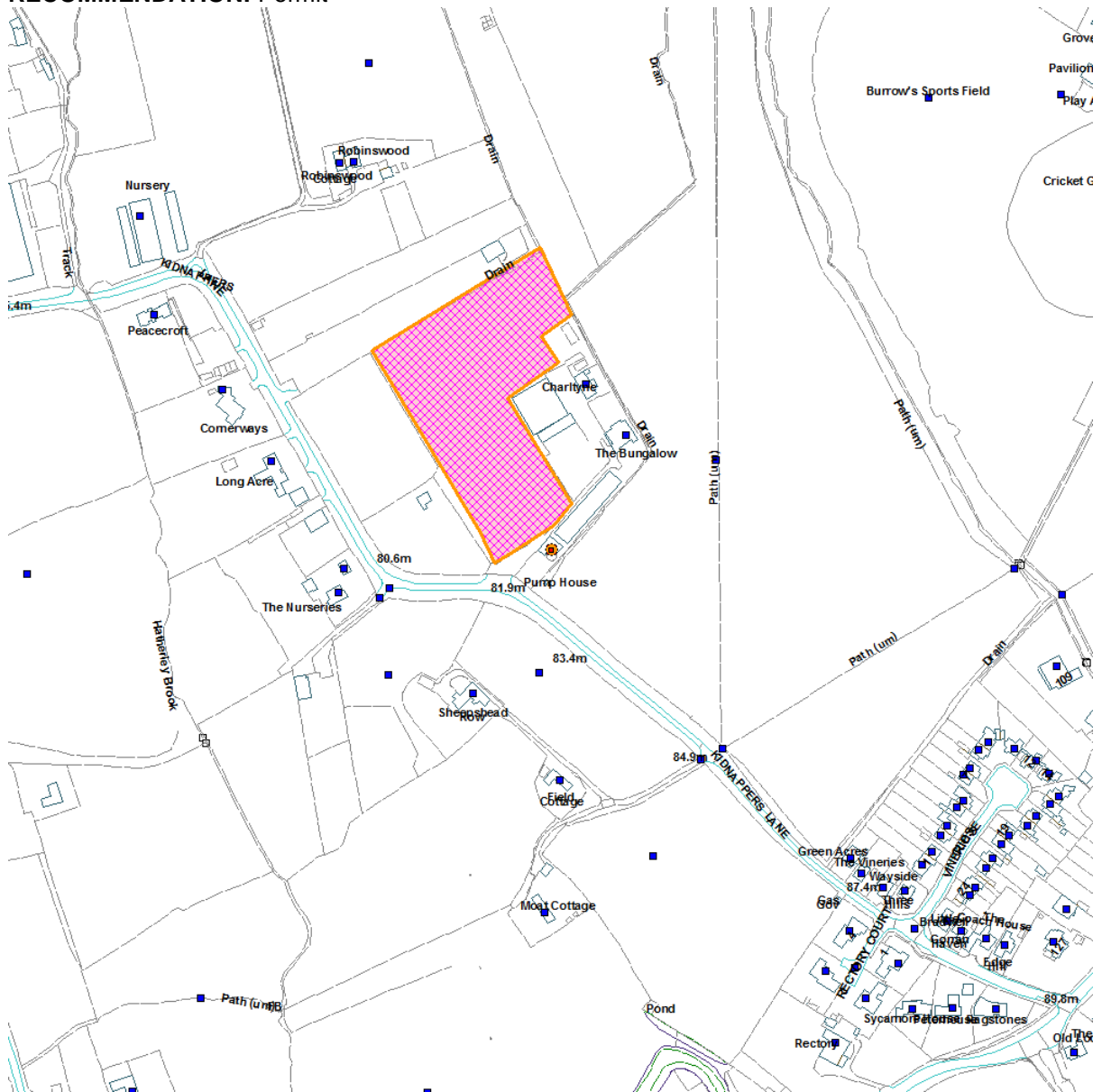


<b>APPLICATION NO:</b> 21/00847/REM	<b>OFFICER:</b> Mrs Emma Pickernell
<b>DATE REGISTERED:</b> 14th April 2021	<b>DATE OF EXPIRY:</b> 14th July 2021
<b>DATE VALIDATED:</b> 14th April 2021	<b>DATE OF SITE VISIT:</b>
<b>WARD:</b> Leckhampton	<b>PARISH:</b> Leckhampton With Warden Hill
<b>APPLICANT:</b>	Newland Homes Ltd
<b>AGENT:</b>	
<b>LOCATION:</b>	Land Off Kidnappers Lane Cheltenham
<b>PROPOSAL:</b>	Application for approval of Reserved Matters (conditions; 1, 5, 7 & 13) following Outline Planning Application approval for 25 Dwellings & Associated Works (with all matters reserved) 19/00334/OUT

**RECOMMENDATION:** Permit



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 Outline planning permission was granted at this site for residential development by way of a Planning Appeal of planning application 19/00334/OUT. The appeal was considered by way of a Public Inquiry held in January 2020, the appeal decision was issued in March 2021. The appeal allowed for the residential development of up to 25 dwellings including 40% affordable housing which was secured via a S106 agreement as part of the appeal process. The principle of residential development on this site has therefore been established.
- 1.2 The development site is located on the edge of Cheltenham and is described by the Planning Inspector in the outline appeal decision as 'it has a pleasant semi-rural character which reflects its proximity to the edge of the town and nearby hills, and together with the adjacent fields its openness makes a positive contribution to the surrounding area.
- 1.3 The current application proposes to reduce the number of dwellings from 25 to 22, which provides for a looser grain of development than shown on illustrative plan included in the outline permission.
- 1.4 Of note, the application proposes the scheme to be 100% zero carbon. The submission originally suggested that the affordable homes may not be able to meet this target (Although they would have still been low carbon). However confirmation has been received that this will be possible across the scheme.
- 1.5 In response to the initial comments provided by the Parish Council the applicant has had a number of meetings with the Parish. Following these discussion revised and amended details have be submitted with the collective changes including:

Improve the visual aesthetics of the affordable homes and reduce the ridge heights by between 900mm and 1125mm.

Removal of pitched roofs to garages where habitable living is not located above in lieu of extensive green roofs.

Subtle layout amends to omit the pinch points of housing in close proximity to the site boundary.

Provide a greater volume of planting to both the site perimeter and interior layout.

Soften the site entrance (removal of southern footpath, replaced with green verge).

Provide sectional elevations to illustrate the visual presence of our development on Lotts Meadow.

Simplify the material palette for the homes (render omitted).

Increase the size of the 3 bed 5 person to 3 bed 6 person affordable home to meet 95m<sup>2</sup> gross internal area whilst also complying with the remaining standards set out within the S106 for affordable homes. This increase in property size exceeds the requirements set out in the s106 and as been done to meet local demand.

Include further information relating to the Zero and Low Carbon homes we are proposing

- 1.6 The application is at Planning Committee given the objection from the Parish Council and as requested by Cllr Horwood given the level of development proposed in the area.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

**Relevant Planning History:**

**06/01119/FUL 12th October 2006 PER**

Relocation of existing polytunnels

**07/01651/COU 28th February 2008 PER**

Provide a small cafeteria serving snacks and coffee and a small shop selling gifts and garden accessories

**16/00202/OUT 21st April 2017 REF**

Residential development of up to 45 dwellings, associated infrastructure, open space and landscaping, with creation of new vehicular access from Kidnappers Lane, demolition of existing buildings

**19/00334/OUT 23rd March 2020 REF**

Residential development of up to 25 dwellings, associated infrastructure, open space and landscaping, with creation of new vehicular access from Kidnappers Lane, Demolition of existing buildings

### **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 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

Section 16 Conserving and enhancing the historic environment

**Adopted Cheltenham Plan Policies**

D1 Design

D3 Private Green Space

L1 Landscape and Setting

HE2 National and Local Archaeological Remains of Importance

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**

SP1 The Need for New Development

SP2 Distribution of New Development

SD3 Sustainable Design and Construction

SD4 Design Requirements

SD6 Landscape

SD7 The Cotswolds Area of Outstanding Natural Beauty

SD8 Historic Environment

SD9 Biodiversity and Geodiversity

SD10 Residential Development

SD11 Housing Mix and Standards

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

## 4. CONSULTATIONS

### **Architects Panel**

*18th June 2021 - Design Concept*

The panel had no objection to the principle of this development acknowledging that this was established at appeal under application 19/00334/OUT.

The reduced density of the development is positive in that it provides opportunities for some open green spaces which broadly reflect the semi-rural character of the site and allow a suitable transition to the open fields beyond.

The scale and character of the proposed new houses is relatively modest and the layout and mix of house types provides avoids the 'suburban' character of more dense schemes.

### Design Detail

The selection of materials, the mix of architectural features, and the tree and hedge planting proposals result in an overall pleasing composition.

### Recommendation

Supported.

### **Cheltenham Civic Society**

1st June 2021

Many of the items that have been previously raised have been adopted by the developer and this is pleasing. However, the offer of a meeting with the Society has not been taken up, dialogue is still welcomed. This is an opportunity to provide an exemplar development in sustainable practice which appears to be being missed. The development is suburban in its layout and styling. A more rural design would be appropriate for its location and this coupled with a careful selection of sustainable measures in respect of material selection and energy efficiency and micro generation could make a positive contribution to the strategic objectives of the town in this regard. The design of the attenuation pond should be enhanced to provide better amenity for residents and wild life.

Reference to timber effect cladding is made. The use of real timber for this location is considered appropriate. The specification for cladding is also lacking in detail and this should be developed to ensure matters of flammability and fire spread are addressed.

### **Parish Council (On revised plans)**

30th September 2021 - Comments by Leckhampton with Warden Hill Parish Council on the Revised Application of 7 September 2021

The Parish Council has had several meetings with Newland Homes and would like to thank Newland's staff for their time and helpful comments. Some improvements have been made to the application from the point of view of both the Parish Council and Newland. But unfortunately it has not proved possible to resolve the key issue of the height of the proposed houses and of their visibility and impact on the surrounding valued landscape.

On the positive side, Newland Homes have been able to reduce the roof height of the affordable housing as part of a redesign to enlarge the accommodation. The revised application also reinstates the hedges and trees along the north and west boundary of the site, although on the west side the larger size of the houses compared with those in the

outline application does mean the hedge is very close to the housing and will be more limited. Trees have also been added that can help to improve the screening of the housing in due course. However, according to Newland Homes, the hedges and trees will take 15 years or more to reach a sufficient height and those that are within the gardens of the individual properties could also be liable to being cut back by future owners of the properties.

At our request Newland Homes kindly produced revised indicative sections showing how well they would expect the roofs to be screened in 15 years time. We did also ask them to provide sections based on the current screening as we felt this would be of greater value to the CBC Planning Committee. But they declined to do this and the analysis given in the Table 1 of the Parish Council's comments of 8 June 2021 is the best indication we have of how visible the roofs will be from the public footpath on the east side of Lotts Meadow. As the upper part of the screening is mainly provided by trees rather than thick hedge the visibility of the roofs will also be greater in winter when the trees are bare.

The Parish Council would like to commend Newland Homes for making the development almost carbon neutral. The Council did briefly discuss with them the possibility of increasing the solar power generation by reducing the roof angles to be more optimal and possibly making the roofs asymmetric to increase the area of solar panels. Reducing the roof angle would have had the added benefit of reducing the overall roof height. But Newland Homes said they had already looked at this option and felt it would be too radical for this location.

The Council would have liked to have been able to withdraw its objections. But regrettably this is impossible because even with the reduction in the roof height of the affordable housing, the overall impact of the roof heights on the valued landscape remains too severe. The additional tree screening will take at least 15 years to mature and in the meantime the housing will be very visible. Even in 15 years time it would still be much more visible than the housing as proposed in the outline application.

Lotts Meadow is valued landscape and local green space. It is very heavily used by residents from a wide area and it currently has a rural character. The housing in Leckhampton Village is visible from the meadow but that is part of the village. The new estate as proposed will certainly diminish the rural character substantially. The NPPF is quite clear that valued landscape must be protected. This was one of the two grounds on which the Secretary of State refused the Bovis-Miller application to build on the Leckhampton Fields in this area in 2016. It was also the main ground on which CBC twice refused the applications 16/00202/OUT and 19/00344/OUT from Robert Hitchins to build on the site.

The fact that the new secondary school in Farm Lane has damaged the valued landscape, which was the reason that CBC decided to withdraw from the appeal on application 19/00344/OUT, may be relevant to the valued landscape along Kidnappers Lane on the west side of the site (although the impact does not appear to be as much as was perhaps anticipated by CBC). But the new school has not affected the valued landscape of Lotts Meadow or the land to the north. So the issue of the impact on that valued landscape is no less cogent now than it was previously.

The Parish Council appreciates that it is very unattractive commercially for Newland Homes to have to redesign the housing to reduce its impact to a level similar to that of the housing proposed in the outline application 19/00344/OUT. But commercial profit is not a valid reason to override the NPPF requirement to protect the valued landscape. This is not a question of balance between providing more housing and protecting the valued landscape, but between commercial profit and the valued landscape. In that balance commercial profit cannot carry significant weight.

Regrettably therefore, whilst noting the improvements outlined above, the Parish Council has to retain its objection to the application. But the Council is still very keen to find a way forward with Newland Homes over this application that could make it acceptable. The Parish Council has always taken a very positive position on permitting suitably sympathetic development on this site, noting particularly that the site is substantially shielded from view from the observation point on Leckhampton Hill by the line of very tall black poplars along Kidnappers Lane south of the site. It was the Parish Council that in 2014 first proposed development on the site as part of its neighbourhood planning and then worked with Robert Hitchins in 2015 on a possible concept. Nevertheless it is essential to achieve the right balance between local concerns, valued landscape and development. That is the purpose of neighbourhood planning. The Council's draft neighbourhood plan that is currently at the Reg 14 consultation stage and is emerging evidence in the planning system has a section of policies on protecting the valued landscape that bear directly on the application.

The site is not included in allocation MD4 in the current Cheltenham Plan and would constitute additional development. But the policy on MD4 certainly applies equally to it, namely that "development at this location will need to take into account landscape impacts, highways issues and green space'. Also relevant is the Cheltenham Plan Policy L1: Landscape and setting - "Development will only be permitted where it would not harm the setting of Cheltenham including views into or out of areas of acknowledged importance."

The Parish Council several times in the course of the JCS Examination in Public proposed to Inspector Ord both verbally and in writing that sympathetic development might be possible on the site. Inspector Ord declined to include the site in the area where she recommended that development could be permitted. In relation to the Leckhampton Fields generally she said in her Note of Recommendations from 21 July 2016: 'Development at this location will need to ensure that the JCS examination's consideration and findings related to this site are fully taken into account'. That does place an obligation to ensure that in permitting development on the site the valued landscape is properly protected.

These comments should be read in conjunction with the Council's previous comments of 8 June 2021.

### **Parish Council (Original Plans)**

8<sup>th</sup> June 2021

The Parish Council had a Zoom meeting with Newland Homes at the time that they were acquiring the development rights from Robert Hitchins Ltd following the approval of Hitchins outline application 19/00344/OUT on 4 April 2020. In this Zoom discussion the Parish Council emphasised to Newland Homes that it was critically important to keep the roof heights of the houses low so that they were sufficiently well screened by the boundary hedgerows and trees to comply with the NPPF requirement to protect the surrounding valued landscape. Newland Homes also asked what sort of housing style the Parish Council felt would be best and the Parish Council emphasised the importance of the development being of a rural character and suggested a fairly simple rural style of housing and layout with colours and materials that would blend in well and make the development look like a rural hamlet rather than a suburban estate. In the discussion Newland Homes said they were thinking of reducing the number of houses from the figure of up to 25 in the outline application 19/00344/OUT to as low as 18. The Parish Council supported this lower number on the basis that it could allow more public open space within the site and more planting of larger trees to enhance the rural character and improve the screening within the site.

Given this quite constructive discussion, the Council is surprised and disappointed with what has now emerged in the application 21/00847/REM. The application proposes housing of a more suburban character with high roofs that will be very visible and it has abandoned many of the beneficial mitigations that Robert Hitchins had introduced in

19/00344/OUT to protect the valued landscape and in response to the findings of the appeal on their earlier application 16/00202/OUT.

The Parish Council therefore objects strongly to application 21/00847/REM whilst remaining positive about the potential for suitable development on the site if this adheres more closely to the requirements and proposals in 19/00344/OUT. Specifically the Council objects to application 21/00847/REM on the grounds that:

The site is entirely surrounded by valued landscape. NPPF paragraph 170 requires that valued landscape must be protected. ('170. Planning policies and decisions should contribute to and enhance the natural and local environment by: a) protecting and enhancing valued landscapes...') The application fails to mention the issue of the valued landscape and there is no evidence that the applicant has properly considered this.

The proposed roof heights are substantially higher than proposed in the outline application 19/00344/OUT. This would make the housing very conspicuous as viewed from the valued landscape and would seriously harm the visual amenity, character and appearance of the area. This undermines the approval of the outline application.

The high roofs would also be conspicuous as viewed from the AONB and significantly harm the view from Leckhampton Hill which is a nationally significant viewpoint.

The application removes screening hedges and trees that were a crucial feature in the outline application in reducing the impact on the valued landscape. This again undermines the approval of the outline application.

The proposed reduction in screening on the northern boundary of the site would reduce the quality of views to Leckhampton Hill and the Cotswold Areas of Outstanding Natural Beauty from the public footpath in Robinswood Field to the north of the site.

The application removes features that were introduced in application 19/00344/OUT to give the housing a more rural character in keeping with the character of the area. It has reverted towards the suburban character of the original outline application 16/00202/OUT dated 4 February 2016 that was rejected by CBC on 20 April 2017 and at appeal on 4 April 2018.

further key concern is that the application relies on the screening provided by the existing boundary hedgerows and trees in Lotts Meadow to the southeast and northeast. This screening is not under the control of the applicant. It is essential to ensure that the effectiveness of the screening is maintained and improved and that it is not degraded by future changes including possible cutting back, removal or tree loss. It is also important to ensure that the screening is not undermined by changes to any of the houses including extensions, roof modifications and other changes that would make a house more visible or conspicuous as viewed from the valued landscape and AONB.

Parish Council suggests a possible mechanism might be to designate area ON shown on Map 1 including the boundary hedges and trees on all sides as a conservation area with the same planning constraints as other conservation areas in Cheltenham that have been designated because of their 'special character or appearance worth protecting'. This would ensure that any changes would at least require explicit planning consent. The use of tree preservation orders could also be considered but it is not clear that this could be applied to hedgerows.

## **County Archaeology**

*22nd May 2021 -*

Thank you for consulting the archaeology department on this application.

I can confirm that all archaeological matters were dealt with during the outline application 19/00334/OUT and I have no further comments to make on the reserved matters application.

### **GCC Local Flood Authority (LLFA)**

21st May 2021 - I have no comments to make with regard to reserved matters (conditions; 1,5,7 & 13) however the Drainage Strategy and the 10 Year Landscape And Maintenance Plan submitted with this application would be suitable to discharge condition 11 of 19/00224/OUT.

### **Cotswold Conservation Board**

24th May 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.<sup>1</sup>

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.<sup>2</sup> 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 Development in the Setting of the Cotswolds AONB Position Statement (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.  
[www.legislation.gov.uk/ukpga/2000/37/section/85](http://www.legislation.gov.uk/ukpga/2000/37/section/85)

3) The documents referred to in our response can be located on the Cotswolds National Landscape website under the following sections

- a. Cotswolds Area of Outstanding Natural Beauty (AONB) Management Plan 2018-2023  
[www.cotswoldsaonb.org.uk/management-plan](http://www.cotswoldsaonb.org.uk/management-plan)
- b. Cotswolds AONB Landscape Character Assessment [www.cotswoldsaonb.org.uk/lca](http://www.cotswoldsaonb.org.uk/lca)
- c. Cotswolds AONB Landscape Strategy and Guidelines [www.cotswoldsaonb.org.uk/lsg](http://www.cotswoldsaonb.org.uk/lsg)



d. Cotswolds AONB Local Distinctiveness and Landscape Change

[www.cotswoldsaonb.org.uk/ldlc](http://www.cotswoldsaonb.org.uk/ldlc)

e. Cotswolds Conservation Board Position Statements

[www.cotswoldsaonb.org.uk/ps1](http://www.cotswoldsaonb.org.uk/ps1)

[www.cotswoldsaonb.org.uk/ps2](http://www.cotswoldsaonb.org.uk/ps2)

### **Tree Officer**

*17th May 2021* - The CBC Tree Section considers that with 2 amendments to the proposed tree landscaping/planting plan, the tree element of the submitted landscape plan (drwg no 20266.101 Rev C of 28.3.21) would be acceptable.

Please could the following be amended/agreed:

1) It is still not clear who is the owner of the cypress Hedge H3 of the tree survey (described as being 'possibly off site') within the tree report within the original application. It is shown as retained on the above landscape plan even though it is described as having 'considerable scope to dominate nearby residential development'. In that this potential very large and fast growing hedge is to the south and immediately adjacent to private gardens, it will cast dense shade and become a serious nuisance to new occupiers of these properties. Provision/agreement must be made with the owner to either remove and replace the hedge or if possible reduce it in height to no more than 2.5-3.5 metres.

2) Whilst a Turkish hazel and 2 birch are recommended for planting at the entrance to the development, it is recommended that this species should be altered to Scots pine as such a species will give year-round colour and interest and reinforce the existence of significant nearby pine trees into the future. Alternatively, other more exotic species of pine (or similar) may also create a year-round landmark at this gateway into the estate (and mitigate for the removal of the previous Bhutan pine removed at the start of this development).

3) The tree element of the (Rev 4 of the Mgmt plan of 31.3.21) vegetation management plan is acceptable.

4) It is noted that para 78 of the appeal decision ('details of tree/hedge protection are also required to ensure the protection of important existing vegetation on and around the site') has not yet been addressed. Therefore a BS5837 (2012) tree protection plan must be formally submitted and agreed to the commencement of any works on site.

*17th May 2021* - The *Corylus colurna* suggested to be planted in the northern corner it not recommended. This tree will detract from and could suppress the adjacent existing of site oak. It is recommended that small *Euonymus europaeus* (spindle) are planted here instead.

### **Tree Officer**

*8th October 2021* - The MHP Landscape Design Drawing no 26-03-21 Rev G and The Newland Homes Tree Protective Fencing plan (Drawing no 232-14) is sufficient to discharge the tree element. The Newland Homes Tree Protective Fencing plan (Drawing no 232-14) are acceptable.

### **County Archaeologist**

*21<sup>st</sup> May 2021* - Thank you for consulting the archaeology department on this application.

I can confirm that all archaeological matters were dealt with during the outline application 19/00334/OUT and I have no further comments on make on the reserved matters application.

### **Natural England**

*18<sup>th</sup> May 2021* -

## **SUMMARY OF NATURAL ENGLAND'S ADVICE**

### **NO OBJECTION**

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites.

Natural England's generic advice on other natural environment issues is set out at Annex A.

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

*15<sup>th</sup> December 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 recommends that this application be **deferred**.

The justification for this decision is provided below.

This application is a reserved matters application relating to access, appearance, landscaping, layout and scale, in relation to outline application reference 19/00334/OUT which was granted consent at Appeal on 23 March 2020. Further comments are provided below.

### **Proposed Site Access**

Access to the site from the public highway is shown on plan reference 859-SK01 dated 06.09.21. Whilst this junction plan makes reference to the new footway link being provided as part of the School application on Kidnappers Road, the plans do not adequately demonstrate how the proposed access will align with the proposed improvements. Given the improvements on Kidnappers lane form part of an approved improvement scheme, further details should be provided by the applicant. The proposed improvements included dedicated cycleway, and as such the access for this site should conform with the standards within LTN 1/20.

The access drawings show that a new priority junction would be formed serving this development, with the 'through road' from the public highway continuing to serve the existing development to the north. Currently, this development comprises of 2 residential dwellings. Whilst we have no fundamental objection to this layout, the dominate flows of vehicles to the site would be to turn left into this priority junction, and as such it would make more sense for the give way to be amended so that the flows from the existing two dwellings would give way to the new development.

### **Layout**

The main road through the estate is shown to be a shared surface arrangement with no specific pedestrian facilities provided. Several of the plans show a dotted line on the southern side of the carriageway but it is not clear from the plans whether this will be a physical segregation for pedestrians or finished in a different material, and further clarification is sought here.

Manual for Gloucestershire streets (mfgs) does allow for the use of shared spaces, however the applicant must provide additional information and justification for the use of this. Page 35 of mfgs provides further clarification in the use of level surfaces for new estate roads, and a need to provide justification in line with the standards of an 'Innovative Street Design' which are included on pages 34 and 35 of mfgs. In order to consider a shared spaces such as this, then a maximum design speed of

10mph should be used, and features will need to be provided to ensure these design speeds are met. Currently the proposal is too wide and too straight to control vehicular speeds.

Priority should be given to pedestrians/cyclists in these areas and the current design does not encourage this. There are several examples of acceptable features which can be included, including the use of street trees and carriageway narrowing to manage down design speeds.

The tracking assessment shows that a large waste refuse vehicle can safely navigate the site, and we have no objections to the layout in this regard. Several of the drawings show each individual plot will have gates across their driveways. Gates need to be set back by a distance of at least 6 metres from the edge of carriageway, and as such these gates are not considered acceptable.

### **Car Parking**

Car parking standards are provided within manual for Gloucestershire streets and the addendum dated October 2021. The Highway Authority is content with the proposed level of car parking for the dwellings.

It is expected that each dwelling should be provided with an EV charging space, however this can be secured via a planning condition which requires the implementation of this charging infrastructure prior to occupation of the development.

### **Cycle Parking**

Mfgs requires that new dwellings are provided with sheltered secured and easily accessible cycle parking. Where dwellings benefit from a garage this is considered acceptable for cycle storage. The plans indicate plots 9 – 17 do not have any specific cycle storage and this will need to be provided. This could be secured via an appropriately worded planning condition, which should require details of this storage to be provided prior to first occupation.

Whilst the Highway Authority is recommending that the application is deferred to allow the applicant time to amend the plans, the layout as is currently presented is not acceptable and if it were not to be amended we would be recommending that the applicant is refused.

The Highway Authority therefore submits a response of deferral until the required information has been provided and considered.

### **Affordable Housing Enabling Officer**

*7th January 2022*

Comments available to view in comments tab

## **5. PUBLICITY AND REPRESENTATIONS**

Total comments received	1
Number of objections	1
Number of supporting	0
General comment	0

- 5.1 The letter of objection refers to concerns in respect of the level of development being proposed in the area at and near MD4, referring to traffic and highway concerns. Objection sets out that the development of the South of Cheltenham should be a matter

for the JCS. Given that the Transport Plan needs funding all the developments within the A46 "Corridor" should fund that programme.

## **6. OFFICER COMMENTS**

### **6.1 Determining Issues**

**6.1.1** The principle of developing this site to provide up to 25 dwellings has been established by the Inspectors decision to allow appeal APP/B1605/W/19/3238462 (19/00334/OUT). The outline application and appeal decision dealt with Principle of Development, Location and Accessibility, Character and Appearance, Impact on the Beechwoods Special Area of Conservation, Traffic and Highway Safety, Biodiversity, Flooding and Drainage, Air Quality and Noise. This reserved matters application therefore considers the specific details in relation to appearance, layout, scale and landscape.

### **6.2 Appearance, Layout and Scale**

**6.2.1** Section 12 of the NPPF relates to 'Achieving well-designed places'. It emphasises the importance of good design in creating sustainable development and better places in which to live and work. Planning decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive, sympathetic to local character establish a strong sense of place, optimise the potential of the site and create safe and inclusive places.

**6.2.2** Policy SD4 of the JCS sets out the key principles of good design including context & character, legibility & identity, amenity & space, public realm & landscaping, Safety & security, inclusiveness & adaptability, movement & connectivity.

**6.2.3** Policy D1 of the Cheltenham Plan states that development will only be permitted where it adequately reflects principles of urban and architectural design and complements and respects neighbouring development and the character of the locality and/or landscape.

#### **6.2.4 Appearance:**

The immediate locality contains a range of building styles, sizes and characters. The design approach for the new dwellings takes it lead from some parameters set out at the outline stage. It is considered that the proposed dwellings have been designed so as to respond to the sites location and character. A mixture of traditional two storey buildings are being proposed incorporating finishes and details which reflect the local area with a modern twist. The appearance of the two house types seem to follow traditional farmstead/agricultural approach with a modern twist in the use of fenestration. The heights of the dwellings are a mix of two storey, one and a half storey and single storey. The combination of the house types and heights provide for a range of interest in the individual dwellings while providing a common, semi-rural character. The materials proposed include stretcher coursed brick work, vertical and horizontal cladding which are all considered to be actable in the semi-rural context.

**6.2.5** The houses have been designed specifically for the site and are considered to respond positively to the local context. This avoids an overly suburban appearance and the design approach results in a sense of place distinctive to this scheme. Officers consider that the proposal is of a high quality and will result in an attractive place with a 'village feel' which the Parish Council wished to see.

#### **6.2.6 Layout:**

It is noted that the plans submitted reduce the numbers of dwellings proposed from the 25 allowed at appeal to 22 which provides for a less formal and much looser grain of development than shown on the illustrative plan submitted with the outline application. It is considered that this reduction in numbers further helps to achieve a semi-rural character and more reflects the character of the surrounding area while taking note of the comments provided by the Planning Inspector.

The reduction in numbers has allowed for a deeper frontage to plot 1 has created a greener entrance to the site than on the outline illustrated layout. Plots 1 and 22 frame the entrance of the site and include landscaped frontages. Greater separation between the dwellings has also allowed views through the site to the north. The series of eaves and gable buildings positioned within the site give variation and interest with the individual design approach as set out above. The layout is considered to create an opportunity for a more free flowing arrangement of homes. Centrally the green open space is framed by houses to provide natural surveillance to this focal point within the site.

#### **6.2.7 Scale:**

The reduction in number from 25 to 22 also improves the scale of the development which improves the response to the locality. The outline permission establishes that development across the site would be predominantly two storey in height. The current proposes takes the two storey approach as the maximum providing for a mix of house types which includes several homes having dormer windows in the roof which is achieved by lowering the height of some roofs which further helps to provide variety and also a reduction in scale of some properties. The opportunity for some dwellings to have two storeys at the entrance with part of the building at rear or side to have lower scale would create variation and interest. Proportions of buildings are traditional with a more modern take on fenestration with advantage of solar gain as well of views out of the site.

**6.2.8** It is noted that the Architect Panel and Civic Society have provided comments in support of the application.

#### **6.3 Landscaping**

**6.3.1** Section 15 of the NPPF relates to conserving and enhancing the natural environment. This includes a requirement that development contribute to the natural environment by (amongst other things) recognising the intrinsic character and beauty of the countryside. Section 12 of the NPPF acknowledges the importance of trees and landscaping in new development.

**6.3.2** Policy SD6 of the JCS requires that landscape character is protected and that developments demonstrate how they avoid detrimental effects on features which make a contribution to the area.

**6.3.3** Policies GI2 and 3 of the Cheltenham Plan relate to the protection and replacement of trees.

**6.3.4** The site is well contained with existing trees and hedging with much of the site surrounded by undeveloped land that also contains vegetation and screening. Within the site a number of low grade trees will be removed and replaced with more suitable specimens that will respond better to the proposed development. The approach for the site has evolved to create a robust and characteristic landscape design to enhance the sites position. Native hedging and trees are proposed to the boundaries to enhance the existing screening. To ensure the establishment of landscaping and a long term management of the landscaping a 10 year maintenance is proposed which cycles in perpetuity. This will reinforce and improve the existing boundary landscaping features and will ensure continued screening of the site moving forward.

**6.3.5** Public open space is positioned at the entrance of the site along the southern boundary. The space is enclosed by existing native hedgerows along the boundary forming a strong

green edge to the most visible part of the site. Further open space is located centrally within the site which will include child play opportunities. The proposed houses are set back from the road with front gardens and landscaping providing a green rural feel within the site.

- 6.3.6** The revised comments received by the Parish Council acknowledge that in the main their concerns have been resolved however an outstanding objection remain on the heights of some of the houses and if the landscaping proposed which is suggested to take 15 years will fully screen the roofs of all of the houses. It is noted in the submitted landscape plan that the proposed planting will reach maturity in 10 years, not 15. It also noted from the details submitted including the landscape sections and view lines identified from key points that the vast majority of the houses will be screened by the existing landscaping and the additional planting is to further enhance this visual screening. Given the outline permission granted for the site and its associated details submitted it is not reasonable nor possible to provide a development that is 100% screened and therefore there will be views and glimpses of the development that will be visible outside the site area from certain vantage points. This was acknowledged by the Planning Inspector at the outline appeal.
- 6.3.7** Additional details have been provided in response to the comments provided by the Tree Officer, in reviewing these details the Tree Officer confirmed the details are satisfactory.

#### 6.4 Highways

- 6.4.1** Section 9 (promoting sustainable transport) of the NPPF and policy INF1 of the JCS require development to provide safe and suitable access and to avoid significant adverse impacts on the highway network.
- 6.4.2** The Highway Authority have considered the proposed layout and made comments which are provided above but briefly relate to the access and how it aligns with other planned improvements for the area, queries over the shared space, and suggested conditions relating to EV charging and cycle storage.
- 6.4.3** The applicant has provided a response to these issues. Firstly on the access point they explain that the planned improvement scheme along Kidnapper's Lane show an unsegregated 3.5m wide footway/cycleway passing along the site frontage and extending from the school towards Vineries Close. To align with the new foot/cycle way they have provided a traditional bellmouth junction with tactile crossing point and cyclist dismount facilities. Signage is proposed to alert all users to the presence of a crossing.
- 6.4.4** Suggestions made in relation to priorities at the junction have been taken on board and the plans amended.
- 6.4.5** In response to the comments regarding the shared space a 600mm upstand to the pedestrian zone has been incorporated and further alterations to the carriageway to help lower vehicle speeds and improve safety. Gates have been removed from driveways and confirmation has been provided that EV charging points will be provided.
- 6.4.6** The Highway Authority have been consulted on this response and the associated revisions to the highways plans. No response had been received at the time of writing and this matter will be updated.

#### 6.5 Sustainability

- 6.5.1** The NPPF seeks to ensure that sustainable development is achieved by applying three overarching principles; economic, social and environmental sustainability. Policy SD3 of the JCS states that development proposals should demonstrate how they contribute to the aims of sustainability by increasing energy efficiency. Minimising waste and avoid unnecessary pollution. Proposals will be expected to meet national standards. Development should be adaptable to climate change.

- 6.5.2** In addition to the above policy context, the Authority has declared a climate emergency and an ambition to the carbon neutral by 2030.
- 6.5.3** The proposed dwellings will be constructed in line with up to date construction techniques with the application setting out materials will be sustainably sourced. Water butts will be provided within each private garden.
- 6.5.4** The original application submission explained that the size and design of the affordable homes which are to be provided through this proposal, meant that it would not be possible to meet a zero carbon rating for these. However they would still have been low carbon. However the applicant has recently advised that this has been under review and that it will now be possible to provide the affordable homes as zero carbon as well as the market dwellings. This would mean that the whole scheme is 100% zero carbon.
- 6.5.5** As mentioned above there is no requirement within policy to do any more with regards to energy efficiency, than to meet the national requirements. As such the application goes over and above the requirements in relation to sustainability which is to be applauded.
- 6.5.6** The applicant has provided the detail, reproduced below to explain how this will be achieved:

*The current Building Requirements are due to change in July 2022 to provide an uplift to achieve a 31% reduction in CO2 emissions over and above the Part L 2013 requirements. In 2025 the Future Home Standard is proposed to come into force this will require all new dwellings to be Zero Carbon Ready. In 2050 the current aim is for all dwellings to be Zero Carbon and this is foreseen as being made achievable through decarbonising the grid.*

*Having taken onboard the climate emergency we are proposing to provide our dwellings to surpass both the new Building Regulations 2021 coming into force July 2022 and the Future Homes Standard which will come into force in 2025. This enables us to provide a Net Zero Carbon (EPC rating figure of over 100) level to all homes on site and is achieved by the following:*

- 1. Enhancing the insulation levels of the fabric of the properties, this improves the fabric U-Values and accounts for 7% of the reduction in Carbon emissions and results in;
  - Improved floor, wall and roof insulation.
  - Improved window and door products.
  - Enhanced airtightness to reduce drafts and unwanted heat loss.
  - Reducing cold bridges by careful and considered detailing.*
- 2. Providing Air Sourced Heat Pump (ASHP) to generate heating and hot water at a 400% efficiency rating. This highly efficient energy heating accounts for 36% of the reduction in Carbon emissions and results in;
  - Air Source Heat Pump (ASHP) coupled with Under Floor Heating to provide a Seasonal Coefficient of Performance of more than SCOP4 which means that throughout the year for every kW of energy put in 4kW of energy is generated.*
- 3. To offset any carbon by using photoelectric cell panels to create electricity that can be used or sold back to the grid, this on site renewable energy system accounts for 57% of the reduction in Carbon emissions and results in;
  - Photovoltaic Collectors creating electricity directly from the sun with latest high grade 335W monocrystalline panels. The quantity of panels required to achieve this depends on the size of property, and therefore varies from between 8-20 panels.*

**6.6. Affordable housing**

- 6.6.1** As required by Policy and the details of the S106 the development will provide for the 40% affordable requirement. This matter was resolved at the outline stage.
- 6.6.2** The Affordable Housing Enabling Officer has provided comments in relation to the layout, design etc.
- 6.6.3** Firstly in relation to layout, it is acknowledged that the affordable homes are located within the north eastern corner rather than distributed through the site however due to the layout and constraints of the site this location was considered to result in the most suitable layout of the scheme as a whole and as such the Enabling Officer acknowledges that the requirements of JCS policy SD12 have been met.
- 6.6.4** With regards to sustainability and materials, the Enabling Officer did express some concern that it was not possible to meet a zero carbon rating for the affordable element of the scheme. As mentioned above the applicant has reviewed this and has committed to providing the affordable homes as zero carbon thus addressing this concern.
- 6.6.5** Finally the Enabling Officer has observed that there is a visual disparity between the affordable homes and open market homes. Policy SD12 required that the design of affordable homes should be equal to that of market housing in terms of appearance, build quality and materials.
- 6.6.6** Officers acknowledge that the design and materials of the affordable element of the scheme does differ from the market element but do not agree that it is inferior. The affordable element comprises a combination of flats and houses, whereas the market element are wholly detached. As such there will inevitably be some differences in design, although the architectural language is consistent with the scheme as a whole. The majority of the materials and features used are common to all elements of the scheme such as brick, windows & doors, roofing materials. The cladding used to break up the mass of the larger units would not translate as well into the design of these smaller units. As such it is considered that the requirements of policy SD12 are met.
- 6.6.7** Public Sector Equalities Duty (PSED)
- 6.6.8** 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.
- 6.6.9** 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.
- 6.6.10** In the context of the above PSED duties, this proposal is considered to be acceptable.

## **7 CONCLUSION AND RECOMMENDATION**

- 7.6** The principle of redeveloping this site for up to 25 dwellings has already been established by the grant of outline planning permission and appeal decision in 2020.



- 7.7** Overall the reduction in homes from 25 to 22 will ensure a positive response and contribution of this site the semi-rural character of the site and the surrounding area. The bespoke design of homes respond to the local character of Leckhampton. The informal arrangement of homes set within large landscape gardens with improved landscaping to the site boundaries will ensure the landscape impacts are minimised and views of the site limited. Homes incorporate solar and air source heat pumps to achieve carbon zero energy usage, affordable housing provision is at the levels required by the agreed S106 and policy. While the Parish Council have maintained an objection to the this reserved matters application, statutory consultee comments and the views of the Architect Panel and Civic Society are in support of the application.
- 7.8** The details submitted as part of this reserved matters application in respect of layout, scale, appearance and landscaping are considered acceptable. The recommendation is therefore to permit the application, subject to the conditions below.

## **8 CONDITIONS / INFORMATIVES**

- 1 The development shall be begun not later than the expiration of two years from the date of this decision.
- Reason: To accord with the provisions of Section 92 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 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).
- 4 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.

## **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.