

APPLICATION NO: 22/00764/FUL		OFFICER: Mrs Lucy White	
DATE REGISTERED: 27th April 2022		DATE OF EXPIRY: 22nd June 2022/Agreed Ext of Time 22 nd August 2022	
DATE VALIDATED: 27th April 2022		DATE OF SITE VISIT:	
WARD: Battledown		PARISH:	
APPLICANT:	Stratford Developments		
AGENT:	SF Planning Limited		
LOCATION:	1 Coltham Fields Cheltenham Gloucestershire		
PROPOSAL:	Erection of 1no. two storey dwelling on land adjacent 1 Coltham Fields		

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site comprises of a vacant parcel of land measuring approximately 123 sq metres. A garage building and tree once occupied the site but have recently been removed. Part of the site appears to be used for off road parking associated with neighbouring dwellings; the remainder of the site is enclosed by timber fencing and appears currently overgrown with shrubs. Access to the site is via Coltham Fields which is a private, no through road leading from Hales Road.
- 1.2 The site lies outside of Cheltenham's Central Conservation Area; the boundary of which runs along the north side of Hales Road. Surrounding development is a mix of residential and commercial with Battledown Trading Estate located to the north east of the site. Coltham Fields is predominantly residential and characterised by a mix of architectural styles and age of properties; however the majority of existing dwellings are older and occupy relatively small plots, particularly those of Rosehill Terrace to the north of the site. The rear gardens, parking areas and main access points for properties in Rosehill Street lie opposite the site and the side curtilage/garden of No 1 Coltham Fields adjoins the north-west boundary. A commercial storage site adjoins the north boundary of the site with two recently constructed pairs of semi-detached dwellings further to the north-west and behind 1 Coltham Fields.
- 1.3 The application proposes the erection of a single, detached, two storey dwelling with off road parking.
- 1.4 The scheme has been revised during the course of the application; the design, layout and scale of the proposed dwelling altered in response to highway safety, visual impact and neighbour amenity concerns. The various revisions are discussed in more detail in the relevant sections of this report.
- 1.5 A planning application for a pair of semi-detached dwellings on the site was submitted in October 2016 but subsequently withdrawn (ref: 16/01862/FUL). There is no other planning history associated with the application site. However, planning permission was granted in 2019 for the erection of 2no. replacement dwellings on adjoining land at 1 Coltham Fields (ref 19/01421/FUL). Although this extant permission has not been implemented, it is a material consideration in the determination of this application; the details of which are discussed later in the report. Planning permission has also be granted recently for one new dwelling on land adjacent to 25 Hales Road (re 22/00492/FUL).
- 1.6 This application is before the Planning Committee at the request of Councillor Matt Babbage. The reason for the referral is the level of local concern for the proposed development.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m
Principal Urban Area

Relevant Planning History:

15/01613/PREAPP 5th October 2015 CLO

Demolition of existing building and re placement with 3 no.detached dwellings

73/00020/PO 8th March 1973 REF

Outline Application For Erection Of Detached House

74/00004/PF 7th January 1974 PER

Demolition Of Existing Lean-To Side Addition And Erection Of 2

Storey Side Extension To Provide New Kitchen With Bedroom Over

08/00147/FUL 6th March 2013 DISPOS

Demolition of existing detached property and erection of two semi-detached houses

08/00320/FUL 8th August 2011 DISPOS

Erection of workshop

16/01862/FUL 7th December 2016 WDN

Erection of a pair of semi-detached two bedroom houses

16/01954/FUL 21st December 2016 WDN

Demolition of existing detached dwelling (1 Coltham Fields) and replacement with 2 semi detached properties

19/00709/FUL 7th June 2019 WDN

Erection of 2 detached dwellings following demolition of the existing dwelling.

19/01421/FUL 28th January 2020 PER

Erection of 2no. dwellings following demolition of the existing dwelling, and associated works (revised scheme).

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

Adopted Cheltenham Plan Policies

D1 Design

SL1 Safe and Sustainable Living

Adopted Joint Core Strategy Policies

SD3 Sustainable Design and Construction

SD4 Design Requirements

SD10 Residential Development

SD14 Health and Environmental Quality

INF1 Transport Network

INF5 Renewable Energy/Low Carbon Energy Development

Supplementary Planning Guidance/Documents

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

Climate Change (2022)

4. CONSULTATIONS

Building Control

29th April 2022 - The application will require Building Regulations approval. Please contact Cheltenham and Tewkesbury Building Control on 01242 264321 for further information.

Cheltenham Civic Society

1st June 2022 - SUPPORT

We assume that the 'modern efficient heating system' referred to in the application would be an ASHP to comply with Cheltenham's carbon zero aspiration. But this is not shown on the elevations.

We note the many objections raised by neighbours, and we hope the council will address any material concerns. Hopefully conditions can be made to minimise the disturbance to

neighbours during the construction process, and to ensure that access to the lane is maintained.

Gloucestershire Centre For Environmental Records

16th May 2022 - Report available to view in documents tab.

Architects Panel

10th June 2022 - Design Concept

The panel had no objection to the principle of building a modest dwelling on this site.

Design Detail

The panel particularly liked the contemporary design approach and precedent images which would be entirely appropriate in Coltham Fields taking into account the style and scale of recently approved neighbouring development.

The house scale and footprint is acceptable but the panel had reservations over the size and location of the first floor balcony which is not deep enough for a car port or useful amenity space. Could the balcony be deeper and more enclosed like the precedent image? The scheme would be greatly enhanced if boundary walls were in brick rather than thin timber fencing - again similar to the precedent image.

Recommendation

SUPPORT subject to design refinements.

GCC Highways Planning Liaison Officer

2nd August 2022-

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 swept path plans provided illustrate a 5 point turn for a vehicle in the dwelling parking space to exit. Given the swept path vehicle edges are right on the boundaries of the lane adjacent to vertical features including walls, fences, other parked vehicles and a lamp post opposite with drivers unable to see the edges of their vehicles and all vertical features at such close proximity or want to risk damage more turns would be expected. This indicates the driveway is too narrow for easy entry or egress and would benefit from being wider to reduce risk of collisions and improve visibility given the driveway will be blind between approaching and emerging vehicles beyond a few metres in either direction.

However it is as per previous comments accepted that this historic back lane private street is has numerous parking, gates and dwelling driveways emerging between high walls with limited visibility and no set back from the lane edges. No injury collisions recorded on Cotham Fields or at its junction have been found.

Emerging vehicle visibility with the width and boundary planting is considered sufficient to pedestrians and an improvement on the existing site gates. Combined with the sustainable town location reducing need for private vehicle ownership, with public road parking restrictions on Hales Road and possible parking demand from the 2 bedroom house not expected to affect public road capacity or safety it is considered there would not be grounds for refusal on highway safety in this circumstance.

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

Bicycle Parking

The Development hereby approved shall not be occupied/brought into use until sheltered, secure and accessible bicycle parking has been provided in accordance with details submitted. The storage area shall be maintained for this purpose thereafter.

Reason: To promote sustainable travel and healthy communities according to INF1 of the Core Strategy and NPPF paragraphs 110 and 112.

Electric Vehicle Charging Points

Before first occupation, each dwelling hereby approved shall have been fitted with an Electric Vehicle Charging Point (EVCP) that complies with a technical charging performance specification, as agreed in writing by the local planning authority. Each EVCP shall be installed and available for use in accordance with the agreed specification unless replaced or upgraded to an equal or higher specification.

Reason: To promote sustainable travel and healthy communities according to INF1 of the Core Strategy and NPPF paragraphs 110 and 112.

Construction Management Plan

Prior to commencement of the development hereby permitted details of a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the demolition/construction period. The plan/statement shall include but not be restricted to:

- Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- Advisory routes for construction traffic;
- Any temporary access to the site;
- Locations for loading/unloading and storage of plant, waste and construction materials;
- Method of preventing mud and dust being carried onto the highway;
- Arrangements for turning vehicles;
- Arrangements to receive abnormal loads or unusually large vehicles;
- Highway Condition survey;
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

Reason: In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development according to INF1 of the Core Strategy and NPPF paragraphs 110 and 112.

Informatives

Construction Management Plan (CMP)

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 principal 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.

4th July 2022 - 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 Rappor swept path drawing shows the vehicle swept path attempting to turn right out of from the proposed parking space over sailing the opposite lane boundary on drawing SP01 A after a 5 point turn due to space being too restricted for a 3 point turn therefore insufficient space for turning for forward gear entry and egress risking reversing down Cotham Fields into oncoming traffic or vulnerable road users and extremely close to property and building lines elsewhere. Therefore it is recommended the layout be revised to provide additional required space for vehicle turning possibly by removing the narrow side pedestrian entrance and very small patio considering there is a larger balcony terrace if this provides sufficient space or alternative arrangements.

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

9th May 2022 –

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.

The proposed dwelling is within walking and cycling distance of amenities in Cheltenham and nearby regular service buses elsewhere, however Coltham Fields a private residential cul-de-sac is narrow at between 3-4 metres wide with limited visibility accesses and entrance from Hales Road is difficult for shared use access and passing vehicle traffic. It is however a historic arrangement with no injury collision history for the past 5 years. The cul-de-sac is an adopted public right of way footpath as well as privately maintained highway.

The application mentions surrounding recent application approvals including adjacent on land immediately west for demolition of the existing dwelling and replacement with 2 two bedroom dwellings with single driveway parking. The access from Coltham Fields onto Hales Road although constrained is accepted as a historic arrangement for all the dwellings and will traffic will not be significantly affected by the additional of the new dwelling.

The proposed driveway access is directly onto Coltham Fields leading to Rosehill Terrace without emerging vehicle visibility splays and restricted pedestrian visibility splays. However it is noted this arrangement is typical along the private road which is a cul-de-sac which site is approximately half-way along and therefore speeds are low reduced to single file for most of its length and shared space and therefore the risk is low.

The undercroft parking shown on the site plan lacks dimensions and has not been swept path tracked to demonstrate an estate car according to GCC Manual for Gloucestershire

Streets (MfGS) standards can safely and suitably reverse into it and drive out in forward gear onto the narrow Coltham Fields. This must be demonstrated on revised site plans to determine safe and adequate access and parking space. Given typical guidance is 6m width behind parking spaces on the highway for turning combined with a 2.4m x 4.8m parking space with additional width for clearance from walls and objects for opening doors, overhanging the road and turning further detailed plans demonstrating such are sought.

Cycle storage is shown as two vertical stands in the limited width entrance way which are not shown could allow for bike to be turned and easily stored or accessed to promote such sustainable travel therefore horizontal storage with space for 2 full size adult bicycles meeting MfGS and LTN 1/20 guidance are sought on plans with direct and wide enough access for easy access from the highway.

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

5. PUBLICITY AND REPRESENTATIONS

5.1 Letters of notification were sent to 14 neighbouring properties. Neighbouring properties were notified again in writing of the first revised scheme. At the time of writing, a total of 8 representations, both supporting and objecting to the proposals, were received following the publicity exercises and the concerns and comments raised are summarised as follows:

- Impact on amenities of neighbouring properties – overlooking and loss of privacy, noise and disturbance from proposed balcony
- Proximity of proposed built form to property/road boundary
- Highway safety and limited width and pedestrian visibility in Coltham Fields
- Increase in vehicle activity
- Noise, disturbance and obstruction of Coltham Fields during construction phase
- Removal of existing tree
- Potential occupation as an HMO and associated lack of parking
- Potential for bat roosts in existing shed/outbuilding
- Underused and unsightly plot which would benefit from much needed housing
- Sustainable location and suitable for housing
- Need for smaller and more affordable housing

6. OFFICER COMMENTS

6.1 Determining Issues

6.2 The key issues for consideration are (i) the principle of residential development in this location and suitability of the plot to accommodate one new dwelling; (ii) the design, scale

and layout of the proposals and their impact upon the character and appearance of the street scene and wider locality; (iii) access, parking and highway safety; and (iv) any potential impact upon the amenities of occupiers of neighbouring properties.

6.3 Principle/Policy Background

- 6.4** Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning decisions should be taken in accordance with the relevant adopted Development Plan unless material considerations dictate otherwise. The proposal must therefore be considered against the relevant policies contained within the Cheltenham Plan (2020) and the Joint Core Strategy (2017); the most relevant policies being D1 and SL1 of the Cheltenham Plan and policies, SD4, SD10, SD14 and INF1 of the JCS.
- 6.5** Policy SD10 of the JCS supports the principle of new housing development on previously developed land within the Principal Urban Area (PUA) of Cheltenham. Housing development on other sites, including garden land, will only be permitted where it constitutes infilling within the PUA or where there are other specific exceptions/circumstances defined in District plans. The application site is considered to be previously developed land for the purposes of Policy SD10. Furthermore, the NPPF at paragraph 118 encourages the effective use of brownfield (previously developed) land and states "*Planning ... decisions should: ... c) give substantial weight to the value of using suitable brownfield land within settlements for homes...*".
- 6.6** Paragraph 11 of the NPPF states '*Plans and decisions should apply a presumption in favour of sustainable development....and for decision making this means approving development proposals that accord with an up-to-date development plan*'.
- 6.7** Where policies which are most important for determining the application are out-of-date, the NPPF at paragraph 11(d) advises that planning permission should be granted '(i) *unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole*'. This is referred to as the 'tilted balance' and the government's approach to ensuring delivery of housing nationally.
- 6.8** Footnote 7 of paragraph 11 of the NPPF explains further that for applications involving the provision of housing, relevant policies must be considered out of date in situations where the local planning authority cannot demonstrate a five year supply of deliverable housing.
- 6.9** Cheltenham Borough Council is currently unable to demonstrate a five-year supply of housing land and at the time of writing, the latest figure sits at 2.9 years.
- 6.10** The proposal would provide for one additional dwelling which would make a small but valuable contribution towards alleviating the shortfall. This shortfall position is a material consideration in the determination of this application.
- 6.11** In summary, it is acknowledged that the site is in a sustainable location and as the site is previously developed land within the PUA, the principle of re-developing the site for residential purposes is considered acceptable. However there is a requirement to consider the merits of the proposed development as a whole, having regard to the material considerations set out in paragraph 6.2 and below.

6.12 Design and Layout

- 6.13** Section 12 of the NPPF sets out that good design is a key aspect to achieving sustainable development and creating better places to live. Similarly, Policy SD4 of the Joint Core Strategy (JCS) requires development to respond positively to and respect the character of

the site and its surroundings. This is reiterated in Policy D1 of the Cheltenham Plan which requires development to achieve a high standard of architectural design that complements neighbouring development.

- 6.14** Guidance contained within the Council's adopted SPD on 'Development on Garden Land and Infill Sites in Cheltenham' refers to the various elements that combine to create the character of an area which include grain, type of building, location of buildings within the block or street, plot widths and building lines, with a 'requirement to complement and respect neighbouring development' as encompassed by Policy D1 of the Cheltenham Plan and Policy SD4 of the JCS. It states "*Responding to character is not simply about copying or replicating what already exists in an area. It is not merely about preservation of what is important about a place but must also allow a place to evolve in a manner which is appropriate to the context of the place, seeking always to enhance a place.*"
- 6.15** The (revised) proposals include the erection of a small, two storey detached dwelling with off road parking for one vehicle and first floor enclosed balcony and patio area to the side. The proposed internal layout is shown with 2no. bedrooms and a bathroom on the ground floor and all other living accommodation at first floor. The flat roofed building is overtly contemporary in its architectural style and form and would be faced in brick with high level, obscure glazing and recessed brick panels (with saw-tooth brick detail) and a low level brick banding course to add relief and interest to the elevation facing Coltham Fields. Given the site context and proximity to neighbouring properties, clear glazed fenestration is limited to the ground floor with first floor patio doors screened by an obscure glazed privacy screen. Refuse and cycle storage, an air source heat pump and electric vehicle charging point are provided within the front curtilage. Small areas of soft landscaping are also incorporated at the front of the dwelling.
- 6.16** It is acknowledged that Coltham Fields is characterised predominantly by two storey, period and cottage style terraced housing and as such the proposed dwelling would introduce a contrast in architecture to the immediate street scene. However, the scale and massing of the proposed development would not dominate or harm the overall character and appearance of Coltham Fields and that of surrounding development and indeed would also be read within the context of the contemporary houses constructed recently on the adjoining site to the north west and would complement and form a continuation of the two replacement houses granted planning permission at 1 Coltham Fields in 2019.
- 6.17** Furthermore, whilst development should optimise the potential of a site, be visually attractive and sympathetic to local character, paragraph 127 of the NPPF stipulates that this should not prevent or discourage appropriate innovation or change.
- 6.18** In reaching the above conclusions, officers acknowledge the size of the application site and the small amount of outdoor amenity space proposed. However, the size of the site is not dissimilar to some nearby housing plots and, in this case, would also provide off road parking. With this in mind, NPPF paragraph 24 stipulates that '*planning policies and decisions should support development that makes efficient use of land, taking into account ...the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating itthe desirability of maintaining an area's prevailing character and setting or of promoting regeneration and change ...and the importance of securing well-designed, attractive and healthy places*'.
- 6.19** The Architects Panel support the scheme (as originally proposed) and particularly like the contemporary design approach and precedent images which would be entirely appropriate in Coltham Fields taking into account the style and scale of recently approved neighbouring development. The Panel's concerns about the materials for boundary walls and the size and location of the first floor balcony (as first proposed) are, in part, addressed by the revised scheme.

6.20 Similarly, the Civic Society is supportive of the scheme and suggests conditions are included to minimise the disturbance to neighbours during the construction phase and to ensure that access to the lane is maintained.

6.21 In light of the above, the proposed development is considered appropriate in design, scale, form and appearance. The proposals adhere therefore to the objectives of policy D1 of the Cheltenham Plan, policy SD4 of the JCS and the relevant SPD guidance.

6.22 Impact on neighbouring property

6.23 Section 12 of the NPPF requires development to create places with a high standard of amenity for existing and future users. Policy SL1 of the Cheltenham Plan advises that development will only be permitted where it will not cause unacceptable harm to the amenity of adjoining land users or the locality. In assessing impact on amenity, the Council will take account of matters including, but not limited to, loss of privacy, loss of light and outlook. The policy is consistent with adopted JCS policy SD14.

6.24 Similarly, the Council's 'Development on garden land and infill sites Supplementary Planning Guidance' (SPD) states that in considering the impact of garden land or other infill proposals on the amenities of existing and new residents, the issues that will be considered include; light restriction, loss of privacy/ overlooking and overbearing impact due to the bulk/proximity of buildings.

6.25 A number of local residents have raised concerns about the potential for overlooking into neighbouring properties, loss of privacy and noise and disturbance from the proposed first floor balcony and during the construction phase of the development. These amenity concerns have been considered very carefully and are discussed below.

6.26 The scheme as first submitted raised a number of amenity issues in relation to overlooking into neighbouring properties, principally due to the size and location of the proposed overhanging, first floor balcony feature. The scheme was thereafter revised to address Officer and neighbour concerns.

6.27 The balcony element of the proposals has been reduced significantly in size and relocated to the side (north west) elevation with the edges of the balcony screened by solid cladding and a small obscure glazed screen to the front, facing the lane. This would prevent overlooking, and minimise any perception of overlooking. The submitted drawings demonstrates that when a person is stood on the balcony there would be no view above the privacy screens. In addition, the separation distances from the balcony to the nearest neighbouring properties are now greater given the further setback of this element. Again, the applicant has provided an additional drawing showing the separation distances to boundaries of neighbouring land users. This demonstrates further that overlooking would be negligible and the proposals would satisfy the distance recommendations of Policy SL1 of the Cheltenham Plan (i.e. in excess of 21 metres between clear glazed facing openings). Note that, the first floor window proposed in the approved dwelling at 1 Coltham Fields is an Oriel style opening (set at an angle) and there are no windows in the side elevation of the existing dwelling.

6.28 All other fenestration is limited to the ground floor or is high level and obscurely glazed. Conditions are added to ensure that these openings remain obscurely glazed and non-opening and the privacy screening to the balcony is installed prior to first use and retained as such thereafter. A condition is also added requiring details of the proposed air source heat pump (ASHP), including a (proportionate) noise impact assessment. Although the Council's newly adopted Climate Change SPD is actively seeking the installation of low carbon technologies in all new development, these details are required because the ASHP would be located within 1 metre of the site boundary and would otherwise require planning permission.

6.29 Notwithstanding the above, officers acknowledge that the distance from the side elevation and first floor openings to the boundary with the approved dwelling at 1 Coltham Fields is less than the recommended 10.5 metres. However, the first floor balcony would be enclosed and screened by a solid, clad privacy screen, which would in turn screen the patio doors that provide access to the balcony. As such, overlooking into the small side garden of 1 Coltham Fields (as existing and approved) would be prevented.

6.30 In light of all the above considerations, officers consider the proposals to be acceptable and compliant with the objectives of Cheltenham Plan policy SL1 and JCS policy SD14.

6.31 Access and highway issues

6.32 Paragraph 111 of the NPPF states that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

6.33 Policy INF1 of the JCS reiterates the stance of the NPPF and states that proposals should ensure that safe and efficient access to the highway network is provided for all transport modes.

6.34 The revised scheme shows on plot parking for one vehicle with visibility and turning in Coltham Fields to enable cars to exit Coltham Fields in a forward gear.

6.35 The Highway Authority (HA) has considered the proposals very carefully, particularly given the narrow width of Coltham Fields and its no through road status. The HA raised initial concerns regarding vehicle swept path movements and insufficient space for turning to enable forward gear entry and egress thereby risking reversing down Coltham Fields into potential on coming road users and vehicles manoeuvring very close to property boundaries and buildings. The scheme was subsequently revised and the footprint of the building reduced to allow adequate turning.

6.36 The HA comments subsequently that the proposed driveway (as revised) is still too narrow for easy entry or egress and would benefit from being wider to reduce the risk of collisions and improve visibility. However, as per comments on previous schemes for neighbouring sites, it is accepted that this historic back lane has numerous parking, gates and dwelling driveways emerging between high walls with limited visibility and no set back from the lane edges. In addition there are no recorded injury collisions on Coltham Fields or at its junction with Hales Road.

6.37 The HA concludes that emerging vehicle visibility is sufficient for pedestrians and an improvement on the existing site gates. Combined with the sustainable town location, public road parking restrictions on Hales Road and the parking demand from the 2 bedroom house not expected to affect public road capacity or safety, it is considered there would not be grounds for refusal on highway safety grounds in this instance. Various conditions are suggested relating to parking implementation and retention, cycle storage, electric vehicle charging and approval of a construction management plan.

6.38 Sustainability

6.39 Policy SD3 of the JCS requires new development to be designed to contribute to the aims of sustainability by increasing energy efficiency and minimising waste and air pollution. Development proposals are also required to be adaptable to climate change in respect of the design, layout, siting, orientation and function of buildings.

6.40 The Cheltenham Climate Change SPD (adopted June 2022), sets out a strategy for decarbonising homes over the next decade. For new residential development there is an opportunity to improve the environmental performance of a new home through the inclusion of technologies and features such as appropriate fabric/materials, photovoltaics,

thermal efficient windows and ventilation systems, heat recovery systems, permeable (or minimal) hard surfaces, insulation, heating systems (heat pump) and thoughtful kitchen design.

6.41 This application was submitted prior to the SPD's adoption. However, the applicant has provided a comprehensive Sustainability Statement which, other than the requirements of up-dated Building Regulations, sets out the intended measures to achieve a reduction in carbon emissions and opportunities/scope for additional features. The proposed measures include, but are not limited, to the following:

- air source heat pump
- electric vehicle charging point,
- internal and external dedicated areas for waste and recycling storage,
- thermal efficient aluminium windows throughout and limited unprotected south facing glazing
- significant use of timber elements from certified sources, including internal partitions for flexibility internally
- low water use fittings,
- permeable hard surfacing
- building designed and orientated to accommodate solar panels (if required) and home working space (exceeding Nationally Described Space Standards).
- opportunity for installation of mechanical ventilation and heat recovery systems

6.42 Given the scale of development proposed within this application these measures are welcomed and considered to be acceptable and proportionate.

6.43 Other considerations

6.44 Ecology

6.45 Whilst records show that important species or habitats have been sighted on or near the application site in the past, it is not considered that the proposed development will have any impact on these species.

6.46 Public Sector Equalities Duty (PSED)

6.47 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.

6.48 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.

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

7. CONCLUSION AND RECOMMENDATION

- 7.1** The development plan currently in force is out of date due to a shortfall in the five-year supply of housing land. The proposal has therefore been assessed against the guidance contained within the NPPF. Paragraph 11 of the NPPF applies a presumption in favour of sustainable development unless:-
- i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole.
- 7.2** The application site is in a sustainable location and would provide for one additional residential unit. This application has therefore been considered carefully within the context of Policies SD10, SD4 and SD14 of the JCS, relevant Local Plan policy and guidance set out in the Council's SPD.
- 7.3** In carrying out an objective assessment of the proposals (in line with NPPF paragraph 11d), officers have had to balance any potential adverse impacts of the proposals on the character of the site and wider locality, the amenities of occupiers of neighbouring dwellings and highway safety implications, against the small but positive contribution the proposal could make towards the Council's housing land supply and any economic or social benefits that the scheme might bring.
- 7.4** The design, scale and layout of the proposals are considered acceptable and, with the use of appropriate facing materials, should achieve a high standard of architectural design. Despite the overtly contemporary design approach, the proposals would not appear as an incongruous addition or overly prominent in the street scene and would complement more recent residential development in close proximity to the site. As such, the proposals would respect neighbouring development in both scale, form and appearance and should not result in significant harm to the character and appearance of the locality. The proposals thus adhere to Policy D1 of the Local Plan and SD4 of the JCS.
- 7.5** The potential for harm to the amenities of occupiers of neighbouring properties has been addressed. Similarly, the Highway Authority raise no objection to the scheme as revised, which provides off road parking and adequate visibility and turning of vehicles. Officers conclude therefore that there are no significant amenity or highway safety concerns arising from the proposed development.
- 7.6** In light of the above, the proposed development would not result in any adverse impacts that would outweigh the benefits of the scheme. The recommendation is therefore to grant planning permission subject to the following conditions; the pre-commencement conditions (3, 15, 16 and 18) having been agreed with the applicant.

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 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 (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
 - iii) allocate space for the loading and unloading of plant and materials and specify arrangements for the turning of vehicles and arrangements for receiving abnormal loads or unusually large vehicles;
 - iv) allocate space for the storage of plant, materials and waste 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 and method of preventing mud and dust being carried onto the highway;
 - vii) provide for wheel washing facilities; and
 - viii) specify the access points, including any temporary access points, to be used and maintained during the construction phase
 - (vix) specify advisory routes for construction traffic
 - (x) include a Highway Condition survey
 - (xi) methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses (to include points of contact should issues arise 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 SL1 of the Cheltenham Plan (2020) and adopted policies SD14 and INF1 of the Joint Core Strategy (2017) and NPPF paragraphs 110 and 112. Approval is required upfront because without proper mitigation the works could have an unacceptable highway impact during construction.

- 4 Prior to first occupation of the development, parking and turning facilities shall be provided in accordance with the approved plans. Such areas shall not be used for any purpose other than the parking and turning of vehicles and shall remain free of obstruction for such use at all times.

Reason: To ensure the adequate provision of car parking within the site in the interests of highway safety, having regard to adopted policy INF1 of the Joint Core Strategy (2017).

- 5 The proposed electric vehicle charging point shall be installed and made available for use in accordance with Drawing No 21.20.018 PL1004 E prior to first occupation of the dwelling hereby approved. The electric vehicle charging point shall be retained for the lifetime of the development unless it needs to be replaced in which case the replacement charging point shall be of the same specification or a higher specification in terms of charging performance.

Reason: In the interests of sustainable development and the reduction of carbon emissions, having regard to Sections 9 and 14 of the NPPF.

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting that order with or without modification), no gates or other means of enclosure shall be

erected across the approved access unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To ensure that the highway is not obstructed in the interests of highway safety, having regard to adopted policy INF1 of the Joint Core Strategy (2017).

- 7 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 to adopted policy INF1 of the Joint Core Strategy (2017).

- 8 No external facing, roofing or boundary wall 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).

- 9 The design and profile of all new windows (including cills, heads and reveals, materials, obscure glazing details, finish, colour and opening mechanisms) shall be carried out in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority prior to their installation. The windows shall thereafter be retained in accordance with the approved details at all times.

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).

- 10 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting that order with or without modification), no extensions, garages, sheds, outbuildings, walls, fences or other built structures of any kind (other than those forming part of the development hereby permitted) shall be erected without express planning permission.

Reason: Any further extension or alteration requires further consideration to safeguard the amenities of the area, having regard to adopted policies D1 and SL1 of the Cheltenham Plan (2020) and adopted policies SD4 and SD14 of the Joint Core Strategy (2017).

- 11 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting that order with or without modification), no additional windows, doors and openings shall be formed in the development hereby approved without express planning permission.

Reason: Any further openings require detailed consideration to safeguard the privacy of adjacent properties, having regard to adopted policy SL1 of the Cheltenham Plan (2020) and adopted policy SD14 of the Joint Core Strategy (2017).

- 12 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting that order), the first floor windows in the front elevation and fixed light window in the side (north west) elevation (as shown on drawing No 21.20.018 PL1004 F) shall at all times be glazed with obscure glass to at least Pilkington Level 3 (or equivalent).

Reason: To safeguard the amenities of adjacent properties, having regard to adopted policy SL1 of the Cheltenham Plan (2020) and adopted policy SD14 of the Joint Core Strategy (2017).

- 13 The proposed privacy screen (including the cladding panels) to the first floor balcony shall be installed in full prior to first occupation of the dwelling hereby approved and in accordance with Drawing No 21.20.018 PL1004 F and details (to include design, materials, Pilkington level) which shall have been first submitted to and approved in writing by the Local Planning Authority. The privacy screen shall thereafter be retained as such unless otherwise first agreed in writing by the local planning authority.

Reason: To safeguard the amenity of neighbouring 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).

- 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 Prior to the commencement of development, a surface water drainage scheme, which shall incorporate Sustainable Urban Drainage System (SUDS) principles, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a programme for implementation of the works; and proposals for maintenance and management. The development shall not be carried out unless in accordance with the approved surface water drainage scheme.

Reason: To ensure sustainable drainage of the development, having regard to adopted policy INF2 of the Joint Core Strategy (2017). Approval is required upfront because the design of the drainage is an integral part of the development and its acceptability.

- 16 Prior to the commencement of development, plans showing the existing and proposed ground levels and slab levels of the proposed buildings and cross section drawings clearly showing existing ground levels in relationship with the finished floor and eaves levels of adjacent buildings shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented strictly in accordance with the agreed details.

Reason: To ensure a satisfactory relationship between the proposed development and adjacent buildings and land, having regard to adopted policies D1 and SL1 of the Cheltenham Plan (2020) and adopted policies SD4 and SD14 of the Joint Core Strategy (2017). Approval is required upfront to allow the impact of the development to be accurately assessed.

- 17 Prior to installation of the proposed air source heat pump (ASHP) details of the type/model and predicted noise levels of the ASHP shall be submitted to and approved in writing by the local Planning authority. The ASHP shall be installed and operated in accordance with the details approved and maintained as such unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenity of neighbouring 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).

- 18 Prior to commencement of development, an (Phase 1) Ecological Survey of the site shall be carried out and the ecological survey report and any proposed recommendations and mitigation measures submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with the recommendations and requirements of the approved ecological survey report.

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, the authority sought revisions to the layout, design and scale of the proposed development in the interests of the amenities of the locality.

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

