

APPLICATION NO: 22/00072/FUL	OFFICER: Mr Ben Warren
DATE REGISTERED: 13th January 2022	DATE OF EXPIRY: 10th March 2022
DATE VALIDATED: 13th January 2022	DATE OF SITE VISIT:
WARD: Battledown	PARISH: Charlton Kings
APPLICANT:	Mr Lessandro Albuquerque
AGENT:	Agent
LOCATION:	2 Charlton Court Road Charlton Kings Cheltenham
PROPOSAL:	Construction of a new detached dwelling house with associated parking and amenity space. Technical details stage of the PIP process. (Ref: 21/01642/PIP)

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site relates to the garden land associated with number 2 Charlton Court Road, which is a detached property located within a residential area. The site is located within Cheltenham's Principle Urban Area (PUA).
- 1.2 The applicant is seeking planning permission for the erection of a detached dwelling with associated parking and amenity space.
- 1.3 The application site was recently granted Permission in Principle (PIP) under application number 21/01642/PIP, which gave consent in principle for the erection of a dwelling on this site (Stage 1). This application now forms stage 2 of this process, which considers the technical and relevant design details of the development.
- 1.4 The application is at planning committee at the request of Councillor McCloskey who raises concerns regarding flooding.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Parish Boundary
Principal Urban Area

Relevant Planning History:

21/01642/PIP 18th August 2021 GRANT

Construction of new detached dwelling house with associated parking and amenity space

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 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

GI2 Protection and replacement of trees

GI3 Trees and Development

Adopted Joint Core Strategy Policies

SD3 Sustainable Design and Construction

SD4 Design Requirements

SD9 Biodiversity and Geodiversity

SD10 Residential Development

SD14 Health and Environmental Quality

INF1 Transport Network

INF2 Flood Risk Management

Supplementary Planning Guidance/Documents

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

Climate Change (2022)

4. CONSULTATIONS

Tree Officer - 21st September 2022

The Trees Section welcomes the proposed new trees. No further comments necessary.

Tree Officer - 27th July 2022

The landscape plan doesn't specify the species and size of the new tree to be planted. This should be clarified. Given that the Climate Change SPD recommends that, "All proposals need to protect existing and enhance future biodiversity value," it is disappointing that so much green infrastructure would be lost as a result of this development with only one tree to be planted as mitigation. It would be preferable for a revised landscape plan to address this.

Reason: to protect the amenity and biodiversity of trees in the Borough as per GI2 and GI3 of the Cheltenham Plan.

Tree Officer - 20th January 2022

The proposed development would mean the removal of almost all the small trees and hedging on site. This loss of visual amenity would be regrettable. It would therefore be preferable to have some mitigating planting of small trees on site to mitigate for this loss.

Reason: to protect or replace the amenity value of trees in the Borough as per Policies GI2 and GI3 of the Cheltenham Plan.

Publica Drainage And Flooding - 30th September 2022

I have a few comments to make, further to my previous ones -

- o Soakage tests to be carried out to BRE 365 - results have been submitted, but only 2 of the 3 tests were successful, the 3rd having negligible infiltration, possibly due to over saturation of the ground (only 1 hour was allowed for it). The drainage design (a series of trench soakaways) has been based on the average infiltration rate from the first 2 tests, whereas it should have been based on the 3rd result, which was not obtained. I suggest the tests are carried out again to obtain a set of 3 results (the 3 tests can be carried out on consecutive days if necessary).

- o The comment is made in the Engineer's Report that, although the 3rd test failed, the permeable paving may be acceptable assuming it is not adoptable (it wouldn't be). However, it would still need to drain effectively to prevent flooding on the application or neighbouring sites.

- In my previous comments I stated that FFLs would need to take the susceptibility of the site to pluvial flooding into consideration - has this been taken on board ?

Publica Drainage And Flooding - 1st August 2022

Our recent correspondence was regarding the need for a soakage test due to the impeded drainage suggested for the site, and I attach my latest comments previously provided.

The applicant has not followed this requirement but has submitted a plan suggesting a rainwater harvesting tank with an overflow to an infiltration tank. Unfortunately, however this is not sufficient for 2 reasons. Firstly, rainwater harvesting, although encouraged, cannot be included as surface water attenuation as it would depend on the tank being having sufficient spare capacity at the time to accommodate a 1 in 100 year + 40% climate change storm event, which would depend on how often it is drained down. Secondly, no calculations or dimensions of the proposed trench have been provided as soakage testing to BRE 365 has evidently still not been carried out to see whether infiltration is actually feasible, and no calculations have been provided to size the trench. I am therefore unable

to approve the drainage strategy at present. I note that there is also no confirmation that FFLs will take the susceptibility of the site to pluvial flooding into consideration and an exceedance flow plan is still required.

Publica Drainage And Flooding - 9th February 2022

Comment available to view in documents tab.

Building Control - 17th January 2022

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

Parish Council - 1st February 2022

Comment:

While not objecting to the proposed development itself, the Committee believes that it is within 20m of a culverted watercourse, and would query with the Lead Flood Authority as to whether the proposed dwelling would be at risk of flooding, or if it would exacerbate problems for parishioners living downstream of the site.

GCC Highways Planning Liaison Officer - 9th February 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 justification for this decision is provided below.

The proposal is not perceived to arise a detrimental impact on the operation and safety of the adjacent network. On this basis, the Highway Authority would not wish to object to the proposal subject to a condition for electric vehicle charging points in order to promote sustainable modes of transport.

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

Before first occupation, the dwelling hereby approved shall be 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. The 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.

Informatives

Alterations to Vehicular Access

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

Gloucestershire Centre For Environmental Records - 24th January 2022

Biodiversity report available to view in documents tab.

Architects Panel - 18th February 2022

Design Concept The panel had no objection to the principle of this proposed garden development, albeit a difficult and narrow plot. The design approach is sensible: this is well considered scheme that responds to the special conditions of the site and is of architectural interest and an attractive addition to the street scene.

Design Detail The sloping site and reduced levels help to limit the overall impact of the building. The choice of materials, the scale and character of the new dwelling is acceptable in this location. The only concern is gap between the retaining wall and the new dwelling which is a useless waste of space and should be avoided.

Recommendation Support.

5. PUBLICITY AND REPRESENTATIONS

5.1 5 neighbouring properties were notified upon receipt of the original application, 3 letters of objection were received in response to this notification process. The concerns have been summarised but are not limited to the following:

- Flooding
- Impact on existing culvert
- Traffic and highway safety
- Impact on sewers

5.2 Upon receipt of revised plans, further letters were sent to 7 neighbouring land users, no letters of representation have been received in response to this further public consultation process.

6. OFFICER COMMENTS

6.1 Determining Issues

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

6.3 The site and its context

6.4 Number 2 Charlton Court Road is a reasonably large red brick two storey dwelling that fronts on to the Charlton Court Road. The site benefits from a large wrap-around garden to the front, side and rear.

6.5 The application site is surrounded by residential dwellings which vary in scale, form and design, including a mix of detached, semi-detached and terraced residential properties. These neighbouring properties vary in height and include single storey, two storey and three storey properties.

6.6 The land that forms the application site is located to the north of the existing dwelling and forms the side garden area of the property. It is important to note that this area of garden land slopes quite significantly from the side of the existing building (number 2 Charlton

Court Road) down to the existing land level of the neighbouring property (4 Charlton Court Road) which is a detached bungalow.

6.7 Permission in Principle

6.8 The principle of erecting a dwelling on this site has already been established as acceptable having secured Permission in Principle under application number 21/01642/PIP. This form of application is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle for proposed development (stage one) from the technical detail of development (stage two).

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

6.10 Design and layout

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

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

6.13 Officers raised concerns with the overall scale, form and design of the dwelling that was initially proposed within this application and did not consider the proposal to be appropriate in its context. In response to these concerns the applicant has submitted revised plans for consideration.

6.14 The revised plans show a reduction in height and change in form that allows the dwelling to sit more comfortably within the plot and also allows for a gradual step down in height from that of the two storey dwelling on higher ground at number 2 Charlton Court Road to the single storey dwelling at 4 Charlton Court Road. The revised proposal also allows the dwelling to sit more comfortably within the street scene.

6.15 The overall design is contemporary, with the external facing materials proposed to be dark grey double plain roof tiles, grey multi brick, white render and grey powder coated aluminium windows and doors. Whilst officers duly note that the contemporary design and use of materials will not reflect the properties immediately either side of it, officers consider that in this context where there is a varied mix of housing styles, design and materials, a contemporary design approach is acceptable and will not result in any unacceptable harm to the character of the area. The architect's panel raise no objection to the application and support the general design approach.

6.16 The revised plans also include a detailed landscaping plan. The proposed scheme includes the appropriate retention of existing planting at the rear of the site and the provision of new trees, shrubs and border planting across the site. The hard landscaping is either permeable paving or paviour's and the boundary treatment is 1.8 metre high closed board fencing. Overall the proposed landscaping scheme is considered to be

appropriate and acceptable for this form of development and is supported by the council's tree officer.

6.17 Officers consider that the revised plans are acceptable and the proposed dwelling achieves an acceptable scale, form and design. The development is therefore considered to be compliant with Cheltenham Plan policy D1, adopted JCS policy SD4 and Cheltenham's SPD – Development on Garden Land and Infill Sites.

6.18 Specific material details are considered necessary and therefore a condition has been suggested. Furthermore, a condition has also been suggested which requires the implementation of the proposed landscaping scheme prior to occupation of the new dwelling.

6.19 Impact on neighbouring property

6.20 It is necessary to consider the impact of development on neighbouring amenity. JCS Policy SD14 and Cheltenham Plan Policy SL1 state how development should not cause unacceptable harm to the amenity of neighbouring properties. Matters such as a potential loss of light, loss of privacy, loss of outlook, noise disturbances and overbearing impact will therefore be considered.

6.21 The property most likely to be impacted by the proposed development is number 4 Charlton Court Road, which is a single storey bungalow located to the north of the site. This neighbouring property sits in a substantial plot and benefits from a large rear garden, with mature trees and no development directly to the rear. This neighbouring property does not have any windows located within its side elevation. Due to the position of the dwelling within the plot, the proposed new dwelling will not result in any unacceptable loss of light or overbearing impact to this neighbour's existing property or private amenity space to the rear.

6.22 In terms of privacy, whilst a new first floor side elevation window is proposed within the northern elevation of the new dwelling, this serves a bathroom and is detailed to be obscurely glazed and high level opening and therefore will not result in any privacy issues. A condition has been suggested which would ensure this window remains as obscurely glazed and non-opening. The upper floor windows located in the front and rear elevations of the new dwelling will overlook the front and rear garden areas associated with the dwelling and are therefore acceptable.

6.23 The proposal is considered to be compliant with adopted Cheltenham Plan policy SL1 and adopted JCS policy SD14 in terms of protecting neighbouring amenity.

6.24 Access and highway issues

6.25 Concerns from local residents have been raised regarding the impact of a further dwelling on traffic and congestion, as well as highway safety in terms of access to and from the site.

6.26 Gloucestershire County Council as the local highway authority have reviewed the application and their detailed comments can be read above. No objection has been raised subject to a condition which requires the inclusion of an electric vehicle charging point. Officers consider an EV charging point to be necessary to achieve sustainable development and therefore the condition has been attached.

6.27 With regards to parking and congestion, the plans show the provision of two off road parking spaces which is considered to be sufficient for development in this sustainable location. The erection of a new dwelling is not considered to result in any unacceptable congestion in the area.

6.28 The proposed development is therefore considered to be acceptable in terms of parking and highway safety and is therefore considered to be compliant with JCS policy INF1.

6.29 Flooding and drainage

6.30 JCS policy INF2 requires development proposals to avoid areas at risk of flooding, must not increase the level of risk to safety of occupiers of the site, the local community or the wider environment. Whilst the application site is located within flood zone 1 and therefore considered to be at the lowest risk of flooding, evidence and comments from local residents suggests that the site has been the subject of flooding and that nearby land is at increased risk of surface water flooding due to the topography of the land.

6.31 As already noted earlier in the report, the land to which this application relates slopes down from south to north. The land directly to the north which includes the neighbouring sites of 4 and 6 Charlton Court Road is on significantly lower land than that of the existing dwelling at number 2 Charlton Court Road. In addition, the land further north of number 6 Charlton Court Road rises again which results in the land immediately around the application site effectively forming a 'bowl'. Given the sites topography officers were initially concerned that the development of this garden land and the works required to facilitate the development of the site would have the potential to increase flood risk for both the occupiers of the new dwelling and the neighbouring sites. These concerns were also raised in the letters of objection received from local neighbours and is the reason why the application has been called to committee.

6.32 The councils flooding consultant was asked to review the application, their detailed comments have been received and can be read above. The initial comments required the submission of testing and further information. The applicant initially provided testing results and further information regarding flooding which has been reviewed by the councils flooding and drainage engineer. Further comments required the submission of further testing and information.

6.33 The applicant has requested that an appropriate condition is attached to the application which would require the submission of relevant details, this would enable the applicants to secure a valid planning permission before commissioning further testing. Having discussed this with the councils flood risk and drainage engineer, it has been concluded that a condition which requires the submission of a suitable drainage scheme would be acceptable and the engineer is confident that a suitable strategy can be achieved. Therefore officers have suggested a condition which requires the submission of a drainage strategy to be submitted prior to the commencement of any works.

6.34 Due to the constraints of the site, officers consider it necessary to remove permitted development rights for any further extensions/structures, therefore a condition has been attached.

6.35 With the conditions attached, officers are satisfied that the development can be undertaken without resulting in any unacceptable increase in flood risk to neighbouring development or to the future occupiers of the development and therefore the development would comply with JCS policy INF2.

6.36 Sustainability

6.37 JCS policy SD3 requires new development to be designed and constructed to maximise the principles of sustainability. Development proposals are required to demonstrate how they contribute to the aims of sustainability and shall be adaptable to climate change in respect of the design, siting, orientation and function of buildings and outside space.

6.38 Further supporting text which discusses JCS policy SD3 identifies how the design of development should first identify measures to reduce overall energy demand before the

use of renewable energy technologies. It is noted that this can be achieved through the choice of building fabric and construction techniques, optimising solar gain, natural lighting and ventilation to reduce the need for heating, cooling and lighting. It also suggests that design measures should seek to use energy more efficiently, such as increasing levels of insulation and improved air-tightness

6.39 In addition, Cheltenham has recently adopted the Climate Change Supplementary Planning Document which sets out a strategy for decarbonising homes over the next decade. This SPD sets out a strategy for how buildings should respond to the climate change and biodiversity crisis and sets out how applicants can successfully integrate a best practice approach towards climate and biodiversity in their development proposals.

6.40 The sustainability of the development is set out in section 3 of the applicant's design and access statement, with section 6 of this statement addressing the Climate Change SPD. The information with the statement identifies that the development has been designed with a fabric first approach in order to design a dwelling that would exceed building regulations performance. The ventilation strategy has also been designed to meet all the required standards. Furthermore the proposal includes the provision of solar panels on the south facing roof slope.

6.41 The measures identified above, in conjunction with the requirement to install and EV charging point are considered to be appropriate and sufficient for this scale of development. The development will provide sufficient sustainability measures and therefore is considered to be compliant with JCS policy SD3 and the adopted Climate Change SPD.

6.42 **Other considerations**

6.43 Officers duly note the comments and concerns from local residents regarding an existing culvert and the impact this development may have on this culvert. However, it is noted that the culvert runs under the neighbouring site at 4 Charlton Court Road and not through the application site, therefore the proposed development is unlikely to have an impact on this existing culvert. Nevertheless, this would be a matter for building control and is not a material planning consideration. An informative has been added to bring the applicants attention to the presence of the culvert nearby.

6.44 **Public Sector Equalities Duty (PSED)**

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

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

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

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

7. CONCLUSION AND RECOMMENDATION

- 7.1 With permission in principle for a new dwelling on this site having already been granted, having secured revised plans to address the concerns relating to scale, form, design and landscaping, and with a condition attached which requires the submission of a drainage strategy, officers consider the scheme to be compliant with local and national policy and therefore the recommendation is to grant planning permission, subject to the conditions set out below;

8. CONDITIONS / INFORMATIVES

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

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

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

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

- 3 No external facing 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 The landscaping shown on approved Drawing No. A.P.006 Rev 4 shall be carried out prior to the first occupation of the dwelling unless otherwise agreed in writing by the Local Planning Authority.

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

Reason: In the interests of the character and appearance of the area, having regard to adopted policies D1, GI2 and GI3 of the Cheltenham Plan (2020), and adopted policies SD4 and INF3 of the Joint Core Strategy (2017).

- 5 Prior to first occupation, the dwelling shall be fitted with an Electric Vehicle Charging Point (EVCP) that complies with a technical charging performance specification that shall have first been submitted to and approved in writing by the Local Planning Authority. The 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, having regard to adopted policies SD4 and INF1 of the Joint Core Strategy (2017) and paragraphs 110 and 112 of the National Planning Policy Framework (2021).

- 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 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 and to ensure adequate retention of drainage scheme, having regard to adopted policies D1 and SL1 of the Cheltenham Plan (2020) and adopted policies SD4, SD14 and INF2 of the Joint Core Strategy (2017).

- 7 Prior to the commencement of development, a surface water drainage scheme, which shall incorporate Sustainable Urban Drainage System (SUDS) principles and appropriate flood risk management, 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 flood risk management and 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.

- 8 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 north elevation window serving the bathroom shall at all times be glazed with obscure glass to at least Pilkington Level 3 (or equivalent) and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above floor level of the room that the window serves.

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

INFORMATIVES

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

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

In this instance, the authority has sought revised plans to address concerns regarding scale, form, design, landscaping and flooding;

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

- 2 The construction of a new access will require the extension of a verge and/or footway crossing from the carriageway under the Highways Act 1980 - Section 184 and the Applicant is required to obtain the permission of Gloucestershire Highways on 08000 514 514 or highways@gloucestershire.gov.uk before commencing any works on the highway. Full Details can be found at www.gloucestershire.gov.uk .
- 3 The applicant should be aware that a culvert is known to be running under/near to the application site and therefore due regard should be taken when carrying out any construction works. The consent of the pipe owner may also need to be sought for any development over the land.