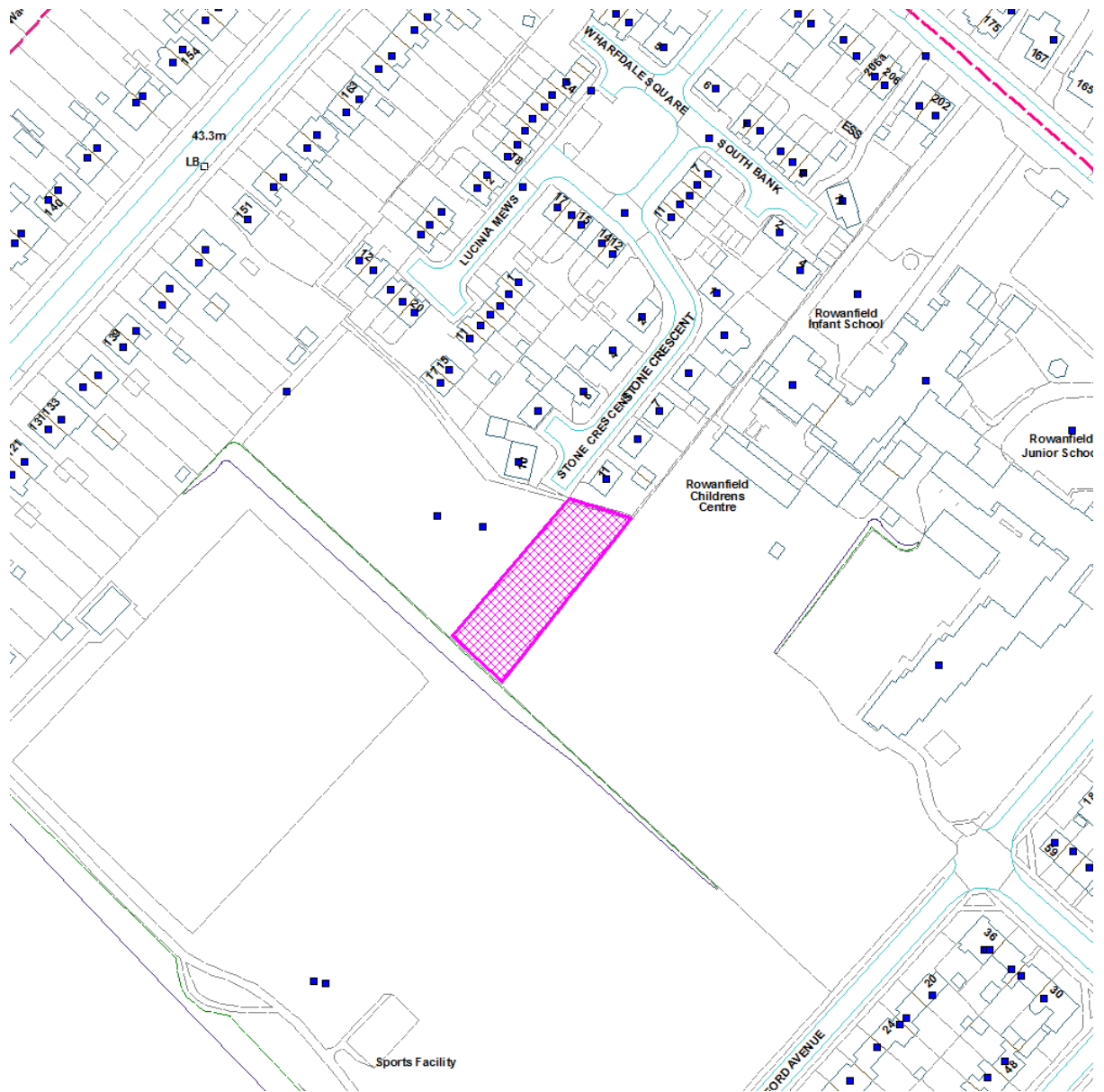


<b>APPLICATION NO:</b> 22/01891/FUL		<b>OFFICER:</b> Mr Ben Warren	
<b>DATE REGISTERED:</b> 1st November 2022		<b>DATE OF EXPIRY:</b> 13th December 2022	
<b>DATE VALIDATED:</b> 1st November 2022		<b>DATE OF SITE VISIT:</b> 04.11.22 & 04.04.23	
<b>WARD:</b> St Marks		<b>PARISH:</b>	
<b>APPLICANT:</b>	Mr John McCreddie		
<b>AGENT:</b>	New Dawn Homes Ltd		
<b>LOCATION:</b>	Playing Field Adj 10 Stone Crescent Cheltenham		
<b>PROPOSAL:</b>	Construction of 6 semi-detached dwellings		

**RECOMMENDATION:** Permit



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site relates to a parcel of undeveloped land located adjacent to an existing residential development known as Stone Crescent, accessed from Alstone Lane and is located within the St Mark's Ward of Cheltenham. The application site has a site area of approximately 0.13 hectares, is located wholly within Cheltenham's Principle Urban Area (PUA) and forms part of the Land at Stone Crescent allocated housing site (Cheltenham Plan Policy HD5).
- 1.2 The application site lies to the south of the existing Stone Crescent development, to the west of the Rowanfield School site and to the north of the King George V public playing fields. The land immediately to the west of the application site is owned by the applicant and benefits from an extant planning permission for 13 dwellings (ref: 18/02215/FUL).
- 1.3 With regard to the planning permission for the 13 dwellings under ref:18/02215/FUL, it has been confirmed by the Councils compliance team that as trenches have been dug, this constitutes a start of development and therefore the planning permission is extant and the development can be carried out at any point.
- 1.4 This application proposes the development of the site for further residential housing. As originally proposed the applicant sought consent for 7 dwellings, however following negotiations with officers, the scheme has now been reduced to 6 semi-detached dwellings, with associated garages and parking.
- 1.5 The application is at planning committee at the request of Councillor Willingham and Councillor Pineger, who collectively raise concerns regarding the impact of the development on existing sewers, drainage, highway safety, sustainability and the lack of pedestrian access to the playing field.
- 1.6 During the course of the application revised plans and additional information has been submitted in response to comments and concerns raised by officers, consultees, councillors and local residents. Further revised plans were received on 7<sup>th</sup> August 2023, officers did not consider a further re-consultation process with residents to be necessary as this only relates to a minor change in site layout.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### Constraints:

Airport safeguarding over 15m  
Landfill Sites region  
Principal Urban Area

### Relevant Planning History:

**00/00055/REM 19th March 2001 APREM**

Construction of 60 dwellings and garages and associated highway works (in accordance with agents letter dated 18 October 2000)

**98/00312/OUT 30th April 1999 PER**

Redevelopment Of Existing Site For Housing (Outline)

**98/00380/PO 30th July 1998 REF**

Part Redevelopment Of Existing Site For Housing (Outline) (Revised Scheme)

**18/01932/PREAPP 30th October 2018 CLO**

Construction of 13 new dwellings and associated road and sewers

**17/02460/FUL 22nd June 2018 REF**

Erection of 13no. dwellings with associated road and sewers

**18/01661/FUL 1st November 2018 WDN**

Erection of 18no. dwellings with associated road and sewers

**18/02215/FUL 21st December 2018 OBL106**

Construction of 13 dwellings and ancillary works

### **3. POLICIES AND GUIDANCE**

#### **National Planning Policy Framework**

Section 2 Achieving sustainable development

Section 3 Plan-making

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

GI2 Protection and replacement of trees

GI3 Trees and Development

H1 Land Allocated for Housing Development

HD5 Land at Stone Crescent

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

SP1 The Need for New Development

SP2 Distribution of New Development

SD3 Sustainable Design and Construction

SD4 Design Requirements

SD9 Biodiversity and Geodiversity

SD10 Residential Development

SD11 Housing Mix and Standards

SD12 Affordable Housing

INF1 Transport Network

INF2 Flood Risk Management

INF3 Green Infrastructure

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

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

Climate Change (2022)

### **4. CONSULTATIONS**

All consultation responses can be read in the appendix that is at the end of this report.

### **5. PUBLICITY AND REPRESENTATIONS**

- 5.1 Following validation of this application 12 letters were sent to neighbouring land users and two site notices were displayed in the local area. One notice was put up outside number 11 Stone Crescent and another was put on a lamp post at the entrance to the existing development on the pavement adjacent to 5 Wharfdale Square.
- 5.2 Upon receipt of the revised plans, the same process was followed, 12 letters were sent out and a further two site notices were posted in the same locations.

5.3 In response to the public consultation process, a total of 9 letters of objection have been received from neighbouring land users. The concerns of residents have been summarised but are not limited to the following points:

- Highway safety, congestion and parking
- Construction traffic and access
- Sustainability
- Drainage/flooding
- Affordable housing requirements
- Design
- Noise and disruption from construction works

## 6. OFFICER COMMENTS

### 6.1 Determining Issues

6.2 The main considerations in relation to this application are the principle of development, design and layout, the impact of the proposal on neighbouring amenity, impact on existing trees, landscaping, contaminated land, parking and highway safety, sustainability, flood and drainage, and affordable housing provision.

### 6.3 Planning history

6.4 As noted in the introduction, planning permission has previously been granted and remains extant for the erection of 13 houses on land directly adjacent to this application site (planning ref: 18/02215/FUL). This application is submitted by the same land owner and developer as the previously approved scheme.

### 6.5 Principle

6.6 Paragraph 11 of the NPPF sets out a '*presumption in favour of sustainable development*' and makes clear that development proposals that accord with an up-to-date development plan should be approved without delay.

6.7 Where housing policies are out-of-date (including situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites), the NPPF is quite clear that development proposals should be approved without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF policies as a whole, or specific NPPF policies provide clear reason for refusal. At the time of considering this application Cheltenham cannot currently demonstrate a 5 year housing land supply, and therefore this presumption in favour of sustainable development is triggered.

6.8 As the council cannot currently demonstrate a 5 year housing land supply, paragraph 11 d) is applicable to this application. Paragraph 11 d) states that permission should be granted unless:

- i) The application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development; or

- ii) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework.

6.9 JCS policy SD10 relates to residential development and advises how housing development and conversions to dwellings will be permitted on previously developed land in the Principal Urban Area (PUA). The application site is located within a built up area of Cheltenham, adjacent to existing residential development, with access to local amenities and public transport links. The site is therefore in a highly sustainable location, is considered to be appropriate for residential development and is compliant with adopted JCS policy SD10.

6.10 As previously noted, the application site forms part of the Land at Stone Crescent allocated site for residential development (Cheltenham Plan Policy HD5). Policy HD5 sets out specific site requirements which includes:

- approximately 20 dwellings
- safe, easy and convenient pedestrian and cycle links within the site
- a layout and form that respects the existing urban characteristic of the vicinity

6.11 Officers duly acknowledge that the extant planning permission under planning ref: 18/02215/FUL forms part of this allocated site. The permitted 13 dwellings and the 6 now proposed within this application would take the total number of dwellings to 19 and therefore the proposal does not exceed the requirements of Cheltenham Plan policy HD5 in terms of the number of dwellings.

6.12 Given all of the above, there is no fundamental reason to suggest that the principle of a residential dwellings on this site would be unacceptable, subject to all other material considerations, which are discussed below.

#### 6.13 **Design, layout and landscaping**

6.14 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.

6.15 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.

6.16 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.

6.17 As originally proposed, officers raised a number of concerns with the proposed development, this included the site layout and positioning of the dwellings. In particular, the 3 dwellings proposed in the southern section of the site. Officers considered the proposed number of dwellings and site layout created a cramped form of development and resulted in large areas of parking and garages positioned in front of each dwelling. The proposed site layout resulted in small private amenity areas that did not reflect the pattern of development approved in the development to the west of the site. Officers suggested that the number of dwellings should be reduced to overcome these issues. Further concerns related to the lack of any proposed landscaping and tree planting, and issues with parking layouts.

- 6.18 In response to officer's comments and concerns a revised set of plans have been submitted for consideration. The revised site layout shows a reduction in the number of dwellings from 7 to 6. The revised site layout provides for a better relationship with existing development, increased plot sizes and private amenity spaces, as well as provision of landscaping areas. Each dwelling has at least two off road parking spaces, with 4 of the dwellings also having an additional garage space.
- 6.19 Cheltenham Architects Panel (CAP) reviewed the original scheme for 7 dwellings and considered the scale and density of the scheme to be in keeping with other developments in the area. However, officers still felt a reduction in units was required.
- 6.20 The revised layout now proposes 3 pairs of semi-detached 3 bed houses. The proposed dwellings are two storeys in height and include accommodation within the roof space. The form and design of the proposed dwellings, as well as the finishing materials will reflect that of the approved scheme to the west, as such the dwellings will sit comfortably in its context and will achieve a cohesive design approach for the whole development of the allocated site.
- 6.21 Included in the revised set of plans is a detailed landscaping drawing. The plan shows provision of planting and landscaped areas to the front of each dwelling with new trees proposed in the gardens of plots 1 – 5. Whilst these landscaped areas are reasonably modest in size, they are considered to be proportionate to the plot/dwelling size and also reflect the provisions in the consented scheme for 13 houses.
- 6.22 Overall the revised site layout proposes a good use of the site, reflecting the general pattern of nearby development. The development is therefore considered to achieve an acceptable density, site layout and design and will not result in any unacceptable harm to the design or character of the area. As such, the development is considered to be compliant with Cheltenham Plan policy D1, JCS policy SD14 and Cheltenham's SPD – Development on Garden Land and infill sites.
- 6.23 Officers consider the following conditions to be necessary and have therefore been suggested:
- Materials to be installed in accordance with the submitted details
  - Landscaping works to be implemented in accordance with the approved plan prior to first occupation of the development.
- 6.24 Due to the relatively modest plot sizes, officers also consider it necessary to remove permitted development rights for new extensions to these dwellings. This is to ensure the development maintains an appropriate scale and density to reflect neighbouring development, a further condition has therefore been suggested.
- 6.25 **Sustainability**
- 6.26 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. In doing so, proposals (including changes to existing buildings) will be expected to achieve national standards. With regards to national standards, the government has announced that by 2025, all new homes will be prohibited from installing gas and oil boilers. However, until 2025, developers will still be able to continue to install gas boilers in new residential developments.
- 6.27 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.

- 6.28 It is also important to note that Cheltenham has adopted a new Supplementary Planning Document – Cheltenham Climate Change (adopted June 2022). This guidance is therefore relevant to the considerations of this application. 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.
- 6.29 The application is supported by a sustainability statement which discusses key measures such as materials, sustainable location, waste, and surface water drainage. Specifically the statement confirms that:
- The buildings will exceed building regulation standards with regards to insulation and energy efficiency. The applicant indicates that the new dwellings are predicted to achieve a SAP rating of A or high B.
  - The orientation and massing of the buildings have been designed to allow useful solar gain and to prevent significant overshadowing in winter.
  - The buildings will be installed with appropriate mechanical ventilation.
  - Low water usage fixings will be installed in the dwellings and will achieve the RIBA 2030 Climate Change target for water consumption.
  - Sustainable location – the site is sustainably located with easy access to existing public transport links, as well as good walking and cycle networks.
- 6.30 Officers also note that current building regulations will require the installation of Electric Vehicle Charging points which will also contribute to the sustainability of the proposal.
- 6.31 In response to officer's comments/concerns on the original submission the applicant also now proposes the installation of solar panels on the rear roof slope of each dwelling. All rear roof slopes either face south-east or south-west and therefore will maximise solar gain.
- 6.32 During meetings with Councillor Horwood and Councillor Pineger the applicant was asked to look at any further sustainability measures that could be included. Specifically to explore whether gas boilers could be omitted from the scheme. The applicant has confirmed that the electric infrastructure serving the site is not suitable to accommodate an all-electric development and suggest that there would likely be viability issues associated with the cost of upgrading the electric infrastructure for a small development of only 6 dwellings. As such, efficient combination-boilers remain the heat source of these dwellings.
- 6.33 In addition, Councillor Pineger and Councillor Horwood raised concerns regarding the lack of a pedestrian access that would link this development, the existing dwellings in Stone Crescent and the permitted dwellings to the east with the King George V public playing fields to the south of the site. A pedestrian link would provide improved access for existing and future residents to this public playing field and would contribute to the sustainability of the site. It is noted that Councillor Holiday has commented on this application and opposes any potential link to the playing field. The applicant has expressed their own concerns around introducing a link, as their understanding through previous consultations with existing residents in Stone Crescent is that residents would not support a connection to the playing field. However, this appears to be in contrast to the view of Councillor Pineger and the residents he has discussed this matter with.

6.34 The applicant has explored the possibility of introducing a pedestrian link within the site layout for this development. However a meaningful link of 2 – 3 metres cannot be accommodated within the application site boundary without a detrimental impact on the site layout. As such, the applicant has proposed a minor change to the site layout, moving the buildings in plot 5 and 6 further east, to allow for a 1 metre section of land to run adjacent to plot 6. The applicant is then looking to explore a change to the site layout of the approved and extant scheme to the west of the site to allow for the additional 1 – 2 metres that would facilitate a link to the playing field. It is important to note that this would be the subject of a future application and modification to the extant planning permission and cannot be controlled as part of this current application.

6.35 Whilst officers accept that the sustainability of the proposed development could be improved with the removal of gas boilers and the potential introduction of a pedestrian link, officers are of the view, the sustainability measures proposed for the modest development are appropriate and acceptable and would comply with current national standards, policy and guidance.

6.36 Officers consider it necessary to attach a condition which requires the solar panels to be installed on each dwelling prior to occupation, a condition has therefore been suggested.

#### **6.37 Impact on neighbouring amenity**

6.38 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.

6.39 The development layout results in the new dwellings (plots 1 – 4) running broadly in line with the existing residential properties to the north in Stone Crescent, with plots 5 – 6 running broadly in line with the approved dwellings to the west (yet to be built). With this being the case, the proposed development is not considered to result in any unacceptable loss of light, loss of outlook or overbearing impact on any existing resident, or on any future occupier of the new dwellings to the west of the site.

6.40 Due the position of the dwellings and the relationship with neighbouring land users there will be no unacceptable loss of privacy from any front or rear elevation windows within the proposed dwellings. Each proposed dwelling has a first floor side elevation window that has the potential to overlook the neighbouring land users. Whilst this window serves a bathroom and it is therefore likely that this window will be obscurely glazed, officers consider it necessary that a condition is attached which requires these windows to be obscurely glazed and high level opening, a condition has therefore been suggested.

6.41 In terms of impact on neighbouring amenity, the proposal is considered to be compliant with adopted Cheltenham Plan (2020) policy SL1 and adopted JCS policy SD14.

#### **6.42 Contaminated land**

6.43 The application site is noted as being in close proximity to an historic landfill site, as such, further details and investigation works were considered necessary. In response, a ground condition report has been submitted and reviewed by the contaminated land officer. Further information was requested and provided. The contaminated land officer considers the submitted report and additional information to be acceptable but also considers further measures necessary. As such, two conditions have been suggested, one requires the works to be carried out in accordance with the submitted details and one requires the submission of soil testing results before use on the site.



6.44 Having regard to the submitted information and with the conditions attached, the proposal is considered to be acceptable in terms of contaminated land risk.

#### **6.45 Highway considerations**

6.46 The proposed development of 6 new dwellings would be accessed through the existing Stone Crescent development, in the same way the approved 13 dwellings will be accessed. This existing development is reasonably compact and officers duly acknowledge the concerns raised by residents with regards to access, in particular during the construction phase of development. Residents are particularly concerned because of the 'shared space' design of the existing development around Wharfdale Square. Comments and concerns are also raised with regards to parking congestion around the existing estate and the impacts of school pick up and drop off times in the estate.

6.47 It is important to note that that access road that will serve these 6 new dwellings is already approved as part of the extant planning permission (18/02215/FUL) for the 13 dwellings to the west of this application site.

6.48 Gloucestershire County Council as the local Highways Authority were consulted on this application, their detailed comments can be read in the appendix attached at the end of this report. Gloucestershire Highways raise no objection to the application and conclude that there would be no unacceptable impact on highway safety or a severe impact on congestion, as such there would be no justifiable highway reason to object.

6.49 Gloucestershire Highways did however note that the proposed site layout showed tandem parking for 3 vehicles, and that this should normally be limited to 2 cars. Whilst this was not considered a sufficient reason to refuse the application this was brought to the applicant's attention. The applicant has addressed this issue in the revised site layout and all tandem parking is now limited to 2 vehicles.

6.50 Plots 1, 2 and 3 all have dedicated off street parking for 2 cars, whilst plots 4, 5 and 6 have off street parking for 2 cars and a further parking space within a garage. Bicycle storage can be accommodated within the private rear gardens, accessible via side gates, and/or within the garages and is acceptable for this scheme.

6.51 Due to the close proximity of neighbouring residential properties, and having acknowledged the concerns of local residents with regards to the access to the site for construction works, it is considered that suitable measures are necessary in order to minimise the disruption to the public highway and to adjacent land users. As such a condition has been suggested which requires the submission of a Construction Management Plan (CMP). A similar condition was also suggested by the Council's Environmental Health Officer.

6.52 Having considered all of the above, the development is not considered to result in any unacceptable highway safety implications, is considered to achieve a suitable access and parking provision. The development therefore accords with JCS policy INF1.

6.53 To ensure that parking provision is maintained within this development, a condition has been suggested which requires the parking arrangements to remain as approved.

#### **6.54 Flooding and drainage**

6.55 The application site is wholly located in flood zone 1 and is at very low risk of flooding from rivers. However, the site is noted as being at medium risk of surface water flooding. Both the Local Lead Flood Authority (LLFA) and the council's Drainage Officer (DO) have been consulted on this application. The LLFA have not provided comments on this scheme due to the proposal only being for 6 dwellings. Detailed comments from

the council's DO have been received and can be read in full in the appendix attached to the end of this report.

- 6.56 In response to the original submission the DO advised that a Flood Risk Assessment (FRA) was necessary. In response, the applicant has provided further information in the form of a FRA and supporting drainage plans. During the course of the application further information and confirmation of details has been provided. Having reviewed all of the latest information, the DO considers the proposed scheme to be acceptable subject to conditions.
- 6.57 The conditions require the works to be carried out in accordance with drainage strategy, with specific reference to the finished floor levels and ground level contours, the installation and retention of suitable fencing along the eastern boundary to allow for appropriate water flow and for the Sustainable Drainage System to be installed in accordance with the submitted details. Furthermore, officers consider it necessary to remove permitted development rights for new boundaries to ensure that the correct water flow can be maintained, as such a further condition has been suggested.
- 6.58 With the conditions attached the proposal is considered to be acceptable in terms of surface water management and drainage, as such, the development is considered to be acceptable and accords with JCS policy INF2.

#### 6.59 **Affordable Housing**

- 6.60 JCS policy SD12 requires the provision of a minimum of 40% affordable housing for sites of 11 dwellings or more. Whilst this development of 6 new dwellings in isolation would fall below this threshold and would not normally trigger the need for affordable housing provision, policy SD12 also states *'Where a development site has been divided into parts, or is being delivered in phases, the site will be considered as a whole for the purpose of determining the appropriate affordable housing requirement'*.
- 6.61 The applicant, land owner and developer for this application is the same as that of the extant planning permission for the 13 new dwellings to the west of the site (18/02215/FUL). As such, officers considered that affordable housing provision was required. The Council's Housing Enabling Officer (HEO) reviewed the application and provided detailed comments that can be read in the appendix attached to the end of this report. In summary, the HEO considered that the provision of 3 affordable housing units would be necessary.
- 6.62 In this instance the applicant advised that the scheme would not be viable if affordable housing provision was required. As such, in accordance with JCS policy SD12 a viability assessment was required. A full viability assessment was later submitted and the Council appointed the District Valuer Services (DVS) to review the submission and to provide their conclusions.
- 6.63 The DVS have concluded that the proposed development would not be viable when taking in to account the requested affordable housing provision. As such, in this instance it is not possible to secure any affordable housing provision on this site.

#### 6.64 **Impact on trees**

- 6.65 Whilst no significant trees are located on the application site itself, a number of established trees are positioned just outside of the application site boundary to the east and south. The Council's tree officer has been consulted and has provided detailed comments which can be read in the appendix attached to the end of this report.
- 6.66 In response to the original submission, the tree officer noted the application lacked any detail with regards to existing trees and requested further information. In response the

applicant has provided various tree related information, including a tree protection plan and tree protection details. A proposed landscaping plan has also been provided, this includes the provision of new tree planting across the site. Having reviewed this information the tree officer raises no objection to the application, subject to clarification with regarding shading of existing trees on the proposed dwellings (plots 5 & 6). A shade analysis drawing has been provided and is considered acceptable.

6.67 The development is considered to accord with Cheltenham Plan policies GI2 and GI3, which requires the protection and replacement of trees. A condition has been attached which requires the tree protection measures to be installed in accordance with the approved details.

#### 6.68 **Environmental Impact**

6.69 JCS policy SD9 seeks to ensure that all development, wherever possible, makes a positive contribution to biodiversity and geodiversity, and that important habitats and species are protected. Where developers are unable to avoid harm to biodiversity, mitigation measures should be incorporated into the design of the development. The policy reflects the advice set out within the NPPF at paragraph 180.

6.70 In terms of protected species, The Gloucestershire Centre for Environmental Records (GCER) has not recorded sightings of any protected species within the site or in close proximity of the site. They do however, have records for sightings of other species in surroundings areas, mainly birds. However, there is nothing to indicate that any specific habitats are located within the site itself. This is consistent with the findings of the application approved under ref: 18/02215/FUL. As such, it is not considered that the proposed development will result in any unacceptable impact on any protected species.

6.71 NPPF (para 174) states planning decisions should contribute to and enhance the natural and local environment by...minimising impacts on and providing net gains for biodiversity. As such, providing any biodiversity gain, however small, is compliant with national policy.

6.72 It should be noted that the existing site is mainly grass land, with very few trees, little vegetation or planting within the site boundary. The site is reasonably small and therefore opportunities for any meaningful gain in Bio-diversity and Geo-diversity is extremely limited. However, as discussed earlier in the report, a landscaping plan has been submitted. The scheme provides for new planting to the front of each of the properties and new tree planting. Overall, the proposed landscaping is considered to be an acceptable level of enhancement, given the scale of the proposal, and is considered to comply with JCS policy SD9 and the NPPF.

#### 6.73 **Other considerations**

##### *Sewerage connections*

Councillor Willingham has raised concerns with regards to the increased pressures of further development on the existing sewerage and drainage infrastructure. Whilst these concerns are duly noted, this is a matter to be dealt with outside of the planning process and will covered through the building regulations process.

##### *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 As already noted, the council cannot currently demonstrate a 5 year housing land supply and therefore there is a presumption in favour of sustainable development, as required by paragraph 11 of the NPPF. However, this presumption in favour of sustainable development, is caveated at part d)i) and ii) where it sets out that permission should be granted unless:
- i) The application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing development proposed; or
  - ii) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework.
- 7.2 The application site forms part of an allocated housing site (Cheltenham Plan Policy HD5), as such, the principle of developing this portion of the site for 6 dwellings has to be considered as acceptable.
- 7.3 The applicant has submitted various revised plans and additional information in response to the various concerns raised. This includes an improved site layout and design, improved landscaping and planting provision, improved sustainability credentials, appropriate details to address contaminated land risk, flooding and drainage.
- 7.4 Whilst it is regrettable that affordable housing provision cannot be achieved on this scheme, officers are satisfied that the appropriate viability testing has been undertaken and therefore provision is not necessary in order to grant planning permission.
- 7.5 In term of the test required by NPPF Paragraph 11 d), in this instance, no protected areas or assets of particular importance have been identified for this development, as such no clear reason for refusing the development has been identified. Furthermore, officers do not consider that the development would result in any adverse impacts that would significantly and demonstrably outweigh the benefits of the scheme, which includes the addition of six much needed residential units to Cheltenham’s housing stock, as well as the associated economic benefits associated with the construction stages of development.
- 7.6 Having considered all of the above, officers consider the scheme to be acceptable and compliant with local and national planning policy. As such, officer recommendation is to grant planning permission, subject to the conditions set out below; (agreement has been sought in relation to the pre-commencement conditions).

## **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;
- iii) allocate space for the loading and unloading of plant and materials;
- iv) allocate space for the storage of plant and materials used in constructing the development;
- v) specify the intended hours of construction;
- vi) specify measures to control the emission of noise, dust and dirt during construction;
- vii) provide for wheel washing facilities; and
- viii) specify the access points to be used and maintained during the construction phase.

Reason: To minimise disruption on the public highway and to adjacent land users, and accommodate the efficient delivery of goods and supplies during the course of the construction works, having regard to adopted policy INF1 of the Joint Core Strategy (2017). And to safeguard the amenity of adjacent properties and the general locality, having regard to adopted policy SL1 of the Cheltenham Plan (2020) and adopted policy SD14 of the Joint Core Strategy (2017)

Approval is required upfront because without proper mitigation the works could have an unacceptable highway impact and neighbour amenity impact during construction.

- 4 Finished floor levels and proposed ground level contours should be implemented as per proposed drainage strategy drawing 9241/501 Rev D. The ground levels shall thereafter be maintained (not blocked or altered) throughout the lifetime of the development.

Reason: In order to minimise flood risk to people and property and to ensure any potential flood flow follows the overland flow route indicated on drawing 9241/501 Rev D. Having regard to adopted policy INF2 of the Joint Core Strategy (2017).

- 5 Prior to first occupation of the development, the fencing along the eastern boundary of the site shall be installed in accordance with the drainage strategy drawing 9241/501 Rev D and shall be maintained as such thereafter. The fencing shall include spacing to allow for any potential flood flows up to 300mm in depth to pass through the boundary, as per the overland flow routes indicated in drawing 9241/501 Rev D.

Reason: In order to minimise flood risk to people and property and to ensure any potential flood flow follows the overland flow route indicated on drawing 9241/501 Rev D. Having regard to adopted policy INF2 of the Joint Core Strategy (2017).

- 6 The Sustainable Drainage System (SUDS) shall be implemented in accordance with the details contained in the proposed drainage strategy drawing 9241/501 Rev D and the Flood Risk Assessment and Drainage Strategy report, June 2023, Issue 2.

Reason: To ensure sustainable drainage of the development, having regard to adopted policy INF2 of the Joint Core Strategy (2017)

- 7 All external facing and roofing materials shall be installed in accordance with the material details as set out in documents 1891.04 and 1891.05 received on 7th June 2023, unless otherwise 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 policy D1 of the Cheltenham Plan (2020) and adopted policy SD4 of the Joint Core Strategy (2017).

- 8 No dwelling shall be occupied until solar panels have been installed on the dwelling, in accordance with the details on drawing number 1891.02. The solar panels shall be retained as such thereafter.

Reason: In the interests of sustainable development, having regard to policy SD3 of the Joint Core Strategy (2017), Cheltenham's Climate Change Supplementary Planning Document and section 14 of the National Planning Policy Framework (2021).

- 9 The development shall be carried out in accordance with the contaminated land report (MG/3938 (job number: 3938) received on 27th March 2023 and further details provided in correspondence received on 24th April 2023.

Notwithstanding the above, the applicant shall also install a barrier/membrane between the new top soil and any ground which is the original ground on site.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development is carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the relevant policies in the Cheltenham Plan (2020) and adopted Joint Core Strategy (2017).

- 10 The applicant/developer will ensure that there will be a minimum of 390mm of clean site won topsoil across all of the proposed soft landscaping and garden areas. Prior to the use of any topsoil in these areas, the applicant/developer shall carry out appropriate associated soil tests to certify its suitability, the results of which shall first be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development is carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the relevant policies in the Cheltenham Plan (2020) and adopted 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), the upper floor side elevation window of each dwelling 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).

- 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 with or without modification), no extensions to the buildings hereby permitted shall be constructed without express planning permission.

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

- 13 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 fences, gates, walls or other built means of enclosure (other than those forming part of the development hereby permitted) shall be erected without express planning permission.

Reason: In order to minimise flood risk to people and property and to ensure acceptable flood flows are maintained. Having regard to adopted policy INF2 of the Joint Core Strategy (2017).

- 14 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).

- 15 Prior to the commencement of development (including demolition and site clearance), tree protective fencing to BS 5837:2012 as detailed in drawing number 01891.01 shall be installed in the location approved in the landscape plan, drawing number 131-101\_D. The approved protective fencing shall thereafter remain in place until the completion of the construction process.

Reason: To safeguard the existing tree(s) in the interests of visual amenity, having regard to adopted policies GI2 and GI3 of the Cheltenham Plan (2020). Approval is required upfront to ensure that important trees are not permanently damaged or lost.

- 16 All landscaping works shall be carried out in accordance with the approved drawing number 131-101\_D prior to first occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority.

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

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).

## 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 revised plans to address comments and concerns regarding site layout, density, landscaping, sustainability, parking and drainage;

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

- 2 The applicant is reminded of the Council's permitted hours for construction works. These are as follows:

During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday-Friday 07:30-18:00hrs, Saturday 08.00hrs - 13:00hrs nor at any time on Sundays, Bank or Public Holidays

- 3 It is strongly recommended that suitable leaf guards to cover guttering and down pipes are installed onto external rain drainage pipework so as to reduce the incidence of such blocked pipework as a result of tree related litter-fallen leaves, twigs, fruit etc



## Consultations Appendix

### **Publica Drainage And Flooding - 31st July 2023**

Previous comments regarding flooding and drainage have now been addressed. If planning permission is granted please request the following conditions:

- o Finished floor levels and proposed ground level contours should be implemented as per proposed drainage strategy drawing 9241/501 Rev C in order to minimise flood risk to people and property. These ground levels need to be maintained (not blocked or altered) throughout the lifetime of the development to ensure any potential flood flow follows the overland flow route indicated on drawing 9241/501 Rev C.

- o The fencing shown in proposed drainage strategy drawing 9241/501 Rev C along the eastern boundary of the development and to the rear of the parking area between plots 2 and 3 should remain permeable throughout the lifetime of the development with spacing to allow for any potential flood flows up to 300mm in depth to pass through the boundary, as per the overland flow routes indicated in drawing 9241/501 Rev C.

- o The Sustainable Drainage System (SUDS) should be implemented as per the details outlined in the proposed drainage strategy drawing 9241/501 Rev C and the Flood Risk Assessment and Drainage Strategy report, June 2023, Issue 2.

### **Publica Drainage And Flooding - 21st July 2023**

An insufficient level of detail has currently been provided with regards to the routing of the overland flood flowpaths through the site. There is no landscaping or other measures shown on the drawing to satisfy that the flowpath entering the site in the north-east corner will follow the intended route. The contours and levels shown on the drawing suggest there is nothing to prevent this flood flow from flowing towards proposed plots 1 and 2. The hydraulic performance of the intended flowpath through the site have not been shown against an estimate of the flow/depth and this analysis should be provided. The required footprint and purpose (permeable or impermeable?) of the hit and miss fencing is not clear on the drawing and this needs to be detailed alongside the hydraulic analysis as any requirements regarding permeability will need to be considered carefully to ensure the flowpath is maintained overtime.

There is also no landscaping (or other measures) and hydraulic analysis shown on the flowpath on the southern boundary. The contours and levels shown on the drawing suggest there is nothing to prevent this flowpath from flowing towards plots 5 and 6.

Currently no update to previous comment provided regarding feedback from Severn Trent water (below):

"The FRA states that Severn Trent Water have been contacted but it is assumed the applicant is still awaiting a response. It is requested that Severn Trent Water comments are addressed before planning permission is granted as strategically important Severn Trent Water assets are within the site and comments on the application from public and ward councillors raise capacity/flood risk concerns relating to these assets. No build zones around these assets could impact the proposed layout of the development, especially as private gardens and driveways are currently being proposed above these assets rather than public space".

### **Publica Drainage And Flooding - 12th July 2023**

An insufficient level of detail has currently been provided with regards to the routing of the overland flood flowpaths through the site. There is no landscaping or other measures shown on the drawing to satisfy that the flowpath entering the site in the north-east corner will follow the intended route. The contours and levels shown on the drawing suggest there is nothing to prevent this flood flow from flowing towards proposed plots 1 and 2. The hydraulic performance of the intended flowpath through the site have not been shown against an estimate of the flow/depth and this analysis should be provided. The required footprint and

purpose (permeable or impermeable?) of the hit and miss fencing is not clear on the drawing and this needs to be detailed alongside the hydraulic analysis as any requirements regarding permeability will need to be considered carefully to ensure the flowpath is maintained overtime.

There is also no landscaping (or other measures) and hydraulic analysis shown on the flowpath on the southern boundary. The contours and levels shown on the drawing suggest there is nothing to prevent this flowpath from flowing towards plots 5 and 6.

Currently no update to previous comment provided regarding feedback from Severn Trent water (below):

"The FRA states that Severn Trent Water have been contacted but it is assumed the applicant is still awaiting a response. It is requested that Severn Trent Water comments are addressed before planning permission is granted as strategically important Severn Trent Water assets are within the site and comments on the application from public and ward councillors raise capacity/flood risk concerns relating to these assets. No build zones around these assets could impact the proposed layout of the development, especially as private gardens and driveways are currently being proposed above these assets rather than public space".

#### **Publica Drainage And Flooding - 26th June 2023**

The updated FRA (June 2023) addresses some of the previous comments raised (04/04/2023) but others remain open, as detailed below:

Peak flow control, proposed attenuation and floor levels are considered appropriate. A drainage condition is requested if planning permission is granted to ensure any changes to the surface water network at later design stages are approved by the local planning authority before development commences.

The routing of overland flowpaths through the site is not considered to have been addressed. This should be resolved before planning permission is granted as it could impact the overall layout of the site. The surface water flood risk maps and the site topographic survey show the flowpath enters the site where dwelling no.s 1 and 2 are located, not above the existing sewer line as shown on the plans. Proposed levels need to show how this flowpath will be routed to minimise risk to property. There is also no landscaping or levels shown at the flowpath entering the site from the southern playing fields to divert it in the intended direction rather than towards proposed property.

The FRA states that Severn Trent Water have been contacted but it is assumed the applicant is still awaiting a response. It is requested that Severn Trent Water comments are addressed before planning permission is granted as strategically important Severn Trent Water assets are within the site and comments on the application from public and ward councillors raise capacity/flood risk concerns relating to these assets. No build zones around these assets could impact the proposed layout of the development, especially as private gardens and driveways are currently being proposed above these assets rather than public space.

#### **Publica Drainage And Flooding - 4th April 2023**

The flood risk assessment (FRA) report submitted (Issue 3, dated November 2018) was written for the neighbouring site (18/02215/FUL) and although certain aspects of the assessment are valid to 22/01891/FUL (such as the infiltration test results and some of the flood risks identified to the existing undeveloped site), a significant proportion of the report is only considered relevant to the neighbouring site. The FRA does not specify how overland flood flowpaths and surface water drainage will be managed for the site of the proposed 6 dwellings of this application. It is therefore requested that an updated FRA is provided, in order to address the following:

- Post-development overland flow routes and proposed finished floor levels are not shown on the drainage layout drawing within in the area of the proposed 6 dwellings.
- Greenfield runoff rates, flow control and storage calculations are for the neighbouring site only and do not include the area of the proposed 6 dwellings.
- The correspondence with Severn Trent Water shown in Appendix 6 is now 5 years old and relates to the neighbouring site. The applicant should confirm with Severn Trent regarding any proposed connections, no-build-zones, diversions and capacity of existing sewers specific to the application site as these may of changed since 2018.

### **Publica Drainage And Flooding - 8th November 2022**

The proposed site is within an area of identified surface water flood risk. Surface water flowpaths enter the site from the east and south, following the approximate route of historic watercourses that have since been culverted. Local residents have previously raised concerns regarding the existing capacity of the culvert and surface water drainage network in the area.

A flood risk assessment should therefore be provided detailing how flood risk will be mitigated to people and property on the site and to neighbouring property. This should include a detailed written sustainable surface water drainage strategy that includes consideration of flood risk, water quality and maintenance of any proposed devices. Rainwater collection/re-use and the use of permeable surfaces are recommended, as per the Cheltenham Climate Change SPD.

The onsite surface water drainage system must be designed to accommodate up to and including either:

- 1% (1 in 100) annual exceedance probability (AEP) rainfall event (including a 40% allowance for climate change), or
- 3.3% (1 in 30) annual exceedance probability (AEP) rainfall event (including a 40% allowance for climate change). But any volume above this must be kept on site for all events up to the 1% AEP (including a 40% allowance for climate change) and must not cause risk to any existing property or land beyond the site

An exceedance/residual surface water route plan should be included, identifying the surface water flow routes across and exit points from the site should the capacity of the drainage system be exceeded (i.e. if rainfall events larger than the design or a blockage occurs). These routes should minimise risk to people and property.

As per the Sustainable Drainage System (SuDS) hierarchy, infiltration should be initially considered. Regional soil maps ([landis.org.uk/soilscapes](http://landis.org.uk/soilscapes)) and previous testing on the adjacent property suggest that there may be impeded drainage at the site, but BRE 365 infiltration testing should be undertaken to test for feasibility and to establish a site specific infiltration rate for drainage system design. If infiltration is proven not to be viable due to poor infiltration rates, onsite attenuation (flood storage) will be required prior to controlled discharge. Confirmation will be required from Severn Trent Water that they will accept the discharge to their sewer, that it has capacity and what flow rate can be accepted (e.g. greenfield runoff rate).

Confirmation will also be required from Severn Trent Water with regards to the proposed diversions to sewers and any no-build zones around these for maintenance access requirements.

If planning permission is granted, please request the following condition:

Prior to the commencement of development, a flood risk assessment and 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.

**Social/Affordable Housing - 30th November 2022**

Full comments available to view in public access

**Ward Councillors -29th June 2023 –**

I wish to strongly object to this application and support the comments already made, especially those by the residents.

The various issues on sustainability has already has been voiced.

There is only one entrance/egress into the existing development and additional vehicles will cause further issues, particularly in terms of safety. Stone Crescent is not a large road and residents will suffer.

The very real and worrying concerns over highway safety especially when children are being dropped off and picked up from Rowanfield Schools is a huge issue.

My previous comments still remain current.

**Ward Councillors - 23rd May 2023**

I would like to record a formal objection to this application.

The grounds for this objection relates to the sustainability of the sewage and drainage from this proposed development. As the County Councillor, I have been supporting constituents on Brooklyn Road who experience pluvial flooding. Some of this pluvial flooding includes sewage that overflows out from a combined sewer. This proposal would connect to the sewage system upstream of the properties affected by sewage flooding. This additional strain on the sewage network will exacerbate the issues they are experiencing.

In terms of mitigation, if the developer were to enter into a s106 agreement that would result in the upgrade the diameter of the sewers downstream of this development to prevent sewer flooding, then that would mitigate the above issue.

I also wish to object on highway safety grounds. The sole access via the junction of Wharfdale Square and Alstone Lane already has traffic safety issues at peak times. These are related to school pick-up and drop-off at the nearby Rowanfield Infants and Junior Schools. I am concerned that without further mitigation, funded by the developer via a s106 agreement, there will be road safety issues at this junction that will endanger some of the most vulnerable road users.

The proposed properties lack PV solar on the roof, so the proposal does not appear to be compliant with the Supplementary Planning Document around sustainability.

Finally, the applicant claims that related application 18/02215/FUL has been commenced. Photographs, taken today and supplied under different cover to Planning and Planning Enforcement, would suggest that this site is still a field and that no works have been done to suggest that this planning application is even valid, as more than three years have passed from the decision notice suggesting that permission has lapsed. This point urgently needs to be clarified.

As a County Councillor, I do not believe that I have the ability to formally request that this proposal be heard via the Planning Committee, but if I do, then the above represent my reasons. If not, I trust that either the ward councillors, or the Chairman of the Planning Committee will act upon this request and for the same material planning reasons.

**Ward Councillors - 15th November 2022**

The idea of a connection is supported by the climate emergency/low carbon neighbourhood planning as described in the SPD. It also supports active travel and improved health outcomes. Times change.

In my view, you should not be advocating blocking residents from accessing their own park because of fear or crime. That is a separate, unproven issue that can be dealt with as it arises.

**Ward Councillors - 11th November 2022**

I really cannot support a link through to KGV and I would be very surprised if this was supported by the existing residents and the Police as in my opinion it would create a rat run.

The original objections from the 2018 application regarding sewers and increased traffic remain as a current concern though.

**Ward Councillors - 8th November 2022**

I would like to record a formal objection to this application.

The grounds for this objection relates to the sustainability of the sewage and drainage from this proposed development. As the County Councillor, I have been supporting constituents on Brooklyn Road who experience pluvial flooding. Some of this pluvial flooding includes sewage that overflows out from a combined sewer. This proposal would connect to the sewage system upstream of the properties affected by sewage flooding. This additional strain on the sewage network will exacerbate the issues they are experiencing.

In terms of mitigation, if the developer were to enter into a s106 agreement that would result in the upgrade the diameter of the sewers downstream of this development to prevent sewer flooding, then that would mitigate the above issue.

I also wish to object on highway safety grounds. The sole access via the junction of Wharfdale Square and Alstone Lane already has traffic safety issues at peak times. These are related to school pick-up and drop-off at the nearby Rowanfield Infants and Junior Schools. I am concerned that without further mitigation, funded by the developer via a s106 agreement, there will be road safety issues at this junction that will endanger some of the most vulnerable road users.

The proposed properties lack PV solar on the roof, so the proposal does not appear to be compliant with the Supplementary Planning Document around sustainability.

Finally, the applicant claims that related application 18/02215/FUL has been commenced. Photographs, taken today and supplied under different cover to Planning and Planning Enforcement, would suggest that this site is still a field and that no works have been done to suggest that this planning application is even valid, as more than three years have passed from the decision notice suggesting that permission has lapsed. This point urgently needs to be clarified.

As a County Councillor, I do not believe that I have the ability to formally request that this proposal be heard via the Planning Committee, but if I do, then the above represent my

reasons. If not, I trust that either the ward councillors, or the Chairman of the Planning Committee will act upon this request and for the same material planning reasons

**Ward Councillors - 10th November 2022**

The application references sustainability many times including in document titles. However, no reference has been made to the Climate Change Supplementary Planning Document (SPD) ratified by full council (unanimously) in June 2022. New dwellings with gas boilers cannot claim to be sustainable.

This planning application MUST provide an access route into the King George V Playing Field. It does not at the moment and this cuts off the whole community from their community facilities, that is, the park. This is unacceptable and I'm sure that there are planning rules that will allow rejection.

Unless the applicant would want to reconsider and withdraw at this stage to make these amendments, please 'call in' this planning application to committee. The world has moved on since the original 2018 application and the current application must reflect those changes, not least the climate and ecological emergency.

**Ward Councillors - 10th November 2022**

For these and my own reasons I object to this development unless they make amendments:

- 1) Public access (footpath and cycleway) to the public amenity that is the King George V Playing Field... many people in this area currently drive their dogs the 1 mile to the carpark which is obviously unsustainable. If a connection can be made then the Friends of the park group are currently raising money for paths within the park which could join this access to the existing shared-use cycle path.
- 2) Acknowledgement of the SPD and implementation of some or all of the recommendations including the aforementioned connectivity with the park.
- 3) In support of David's point, I have witnessed the dried up toilet paper around the sewer cover follow sewage flooding in our residents' garden and we cannot afford for this unsanitary situation to be exacerbated. Especially when the residents are a young family with children playing around the drain cover.

If the developer wishes to persist then please bring the matter to the planning committee for consideration.

I likewise agree that some 11 month old, now collapsed trenches are not sufficient to delay annulment of the previous planning consent. These trenches have clearly not been maintained, nor utilized.

**Building Control - 1st November 2022**

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

**GCC Highways Planning Liaison Officer - 21st December 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.

Tandem parking spaces for an individual residential dwelling is permitted, but Manual for Gloucestershire Streets advises this be limited to 2 vehicles, and plots 2 and 3 have 3 spaces tandem. Whilst this is undesirable, it is not sufficient to warrant a recommendation of refusal. On this basis, the Highway Authority would not wish to object to the proposal subject to a condition for bicycle parking be provided for the units with no garage space.

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 until sheltered, secure and accessible bicycle parking has been provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. The storage area shall be maintained for this purpose thereafter.

Reason: To promote sustainable travel and healthy communities

#### **Contaminated Land Officer - 27th April 2023**

In relation to 22/01891/FUL, Playing Field Adj 10, Stone Crescent, Cheltenham, please find the below conditions from Contaminated Land.

##### Contaminated Land Conditions:

As per the submitted Contaminated Land report, reference: MG/3938 (job number: 3938), the applicant/developer will ensure that there will be a minimum of 390mm of clean site won topsoil across all of the proposed soft landscaping and garden areas. This topsoil will not be sourced from the site itself, but brought in from an external source top soil and this new top soil will have the appropriate associated soil tests to certify its suitability. These test results are to be provided to this LA prior to the new soil arriving on site.

The applicant will ensure that there is a barrier/membrane between the new top soil and any ground which is the original ground on site. This is to protect the new top soil from any potential contamination on the remainder of the land.

#### **Contaminated Land Officer - 22nd November 2022**

In relation to 22/01891/FUL, Playing Field Adj 10 Stone Crescent, Cheltenham, please find the below conditions from Contaminated Land and Environmental Health.

##### Contaminated Land Condition:

Historic maps show an area in very close proximity to the site as being historic landfill.

As a result, a full and intrusive site survey would need to be undertaken prior to the build commencing. This is due to our records showing landfill in very close proximity to the site. As the application is for residential units with gardens, the survey is to check on the extent of any possible contamination as a result of the landfill and the extent of any remedial work which may need to be undertaken to ensure the safety of future receptors. The contaminated land survey will need to be made available to this department for review and we may at that stage put forward further conditions to ensure recommendations from the survey are adhered to which would mitigate the transfer of any known contamination on human receptors.

### **Clean Green Team - 23rd December 2022**

- 1 Pathways Pathways need to be of hardstanding.
- 2 Bin Locations If private dwellings residents would need to be informed that due to ownership they are required to present on the kerbside for 7am on the morning of collection. No receptacles are to be stored on the highway.
- 3 Road Layout Ideally off road parking is advisable with space for refuse and recycling trucks that is to be kept free on collection days. Ideally on the highway a turning circle is recommended.
- 4 Presentation Points (if single dwellings)The self-contained dwelling would need a position near the kerbside to present bins, boxes, caddy's and blue bags that would avoid blocking access to the pathway or driveways.
- 5 Storage of the bins for single dwellings The properties need adequate space to store bins and boxes off the public highway when not out for presentation.
- 8 New Residents Information We would advise that all residents are given the link below so they can see how and what can be recycled in Cheltenham [https://www.cheltenham.gov.uk/info/5/bins\\_and\\_recycling/924/kerbside\\_recycling\\_box\\_collection](https://www.cheltenham.gov.uk/info/5/bins_and_recycling/924/kerbside_recycling_box_collection)

### **Environmental Health - 6th December 2022**

Environmental Health Conditions:

1. During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday-Friday 07:30-18:00hrs, Saturday 08.00hrs - 13:00hrs nor at any time on Sundays, Bank or Public Holidays
2. No development shall take place until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for: hours of operation, 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), routes for construction traffic, locations for loading / unloading and storage of plant, waste and construction materials, method of prevention of mud being carried onto highway, communicating the construction management plan to staff, visitors and neighbouring residents and businesses, waste and material storage, control measures for dust and other airborne pollutants, measures for controlling the use of site lighting whether required for safe working or for security purposes.

### **GCC Local Flood Authority (LLFA) - 7th November 2022**

TOWN AND COUNTRY PLANNING ACT 1990

LEAD LOCAL FLOOD AUTHORITY RECOMMENDATION

LOCATION: Playing Field Adj 10 Stone Crescent Cheltenham Gloucestershire

GL51 8DP

PROPOSED: Construction of 7 semi-detached and terraced residential dwellings

I refer to the above consultation, and your request for comment from the Lead Local Flood Authority (LLFA).



Please note that the LLFA is a statutory consultee for the management of surface water and associated flood risk on major development only. This application does not meet our interpretation of the criteria used to define major development and the LLFA will therefore decline to comment.

**Tree Officer - 16th June 2023**

The shade analysis as shown on the Proposed Landscaping Boundaries and Materials Plan (drawing no 1310101\_B of October 2022 does not appear to have been calculated within the proprietary software available as per the recommendation within BS 5837 20912 (Trees in Relation to Design, Demolition and Construction) 5.2.2 Note 2.

It is unclear on what basis it was undertaken nor if the change in elevation between the tree and the site has been taken account of. The depth of shade to be cast onto the site appears to have been underestimated on the drawing.

Nevertheless, it is accepted that the nature of the shade cast by these trees is dappled and as such even if the shade cast is extensive, it should not be dense.

Given the orientation of the trees to the site, should permission be permitted, please add the "gutter cover informative" as the small nature of the bi-pinnate leaves are likely to fall onto the roofs and gutters of the proposed adjacent dwellings:

**Suggested Gutter Cover Informative**

INFTR no XXX-It is strongly recommended that suitable leaf guards to cover guttering and down pipes are installed onto external rain drainage pipework so as to reduce the incidence of such blocked pipework as a result of tree related litter-fallen leaves, twigs, fruit etc

**Tree Officer - 3rd May 2023**

The CBC Tree Section does not object to this proposal on the assumption that it can be demonstrated that the 2 honey locust trees (*Gleditsia tricanthos*) elevated and to the south of the site on CBC managed land, can be demonstrated to not cause undue shade on the houses and gardens.

Whilst it is understood that this species of tree only cast dappled shade for a relatively short period when in leaf, as previously requested, please could this be formally quantified with a formal analysis as well as what, if any pruning intention proposals to the trees that there are.

The submitted soft landscape plan is acceptable from a tree perspective. However it is recommended that the 12-14 Heavy standard size apple and birch trees are reduced in size when planting-otherwise they may struggle to establish in the proposed rear gardens.

Please could foundation design take account of the existing heavy clay soil so as to ensure that the properties do not suffer differential movement due to soil volume changes and the likely subsequent requirement for tree removal.

**Tree Officer - 2nd November 2022**

22/01891/FUL Playing Field adjacent to 10 Stone Crescent

There is little/no tree related information pertaining to this application.

Please could the following be submitted as a part of this application process:

- 1) BS 5837 (2012) of all trees within the site as well as within the sphere of influence of the site.
- 2) Tree protection plan as appropriate following the BS5837 survey
- 3) Shade assessment so an analysis can be undertaken of the large locust trees on CBC land to the south of this site. These 2 trees will cast shade on the proposed new homes to their north. It is important to assess the extent of such shading.
- 4) Landscaping plan to mitigate for proposed existing tree losses. Tree planting is anticipated within each proposed property garden.

**Gloucestershire Centre For Environmental Records - 4th November 2022**

Response available to view in public access/

**Parks & Landscapes Division - 3rd April 2023**

With reference to the above planning application 22/01891/FUL we confirm that we do not have any comments with regard to the application.

**Parks & Landscapes Division - 30th November 2022**

Application Reference: 22/01891/FUL

Address: Playing Field Adj 10 Stone Crescent Cheltenham Gloucestershire

Proposal: Construction of 7 semi-detached and terraced residential dwellings

Case Officer: Mr Ben Warren

Ensure that the boundary treatment adjacent to King George V playing field is a robust, secure boundary that prevents footballs from entering neighbouring gardens. Timber posts will not be suitable for this clay site. Gate access points are not permitted onto the public open space from any of the adjacent properties on this development

Overall, there is no ecological or biodiversity net gain on this development. The percentage of existing amenity grassland ecological and biodiversity benefits lost as part of the housing and hard surfacing is not improved by planting 8 small shrubberies and reduced lawn areas. An ecological and net gain statement should be submitted.

**Architects Panel - 23rd December 2022**

**Design Concept**

The panel had no objection to the principle of this new residential development and generally thought the scale and density of the scheme to be in keeping with other developments in the area.

**Design Detail**

The introduction of rendered bays to differentiate the houses from others provides interest but has not been fully resolved in detail - the plans and elevations do not match.

The Sustainability Statement is far too general and provides insufficient detail. The use of gas boilers for heating, for example, will not meet Cheltenham Net Zero Carbon targets. The panel suggest a pre-commencement condition is included to secure sustainability design objectives.

**Recommendation** Support subject to submission of further Sustainability details.