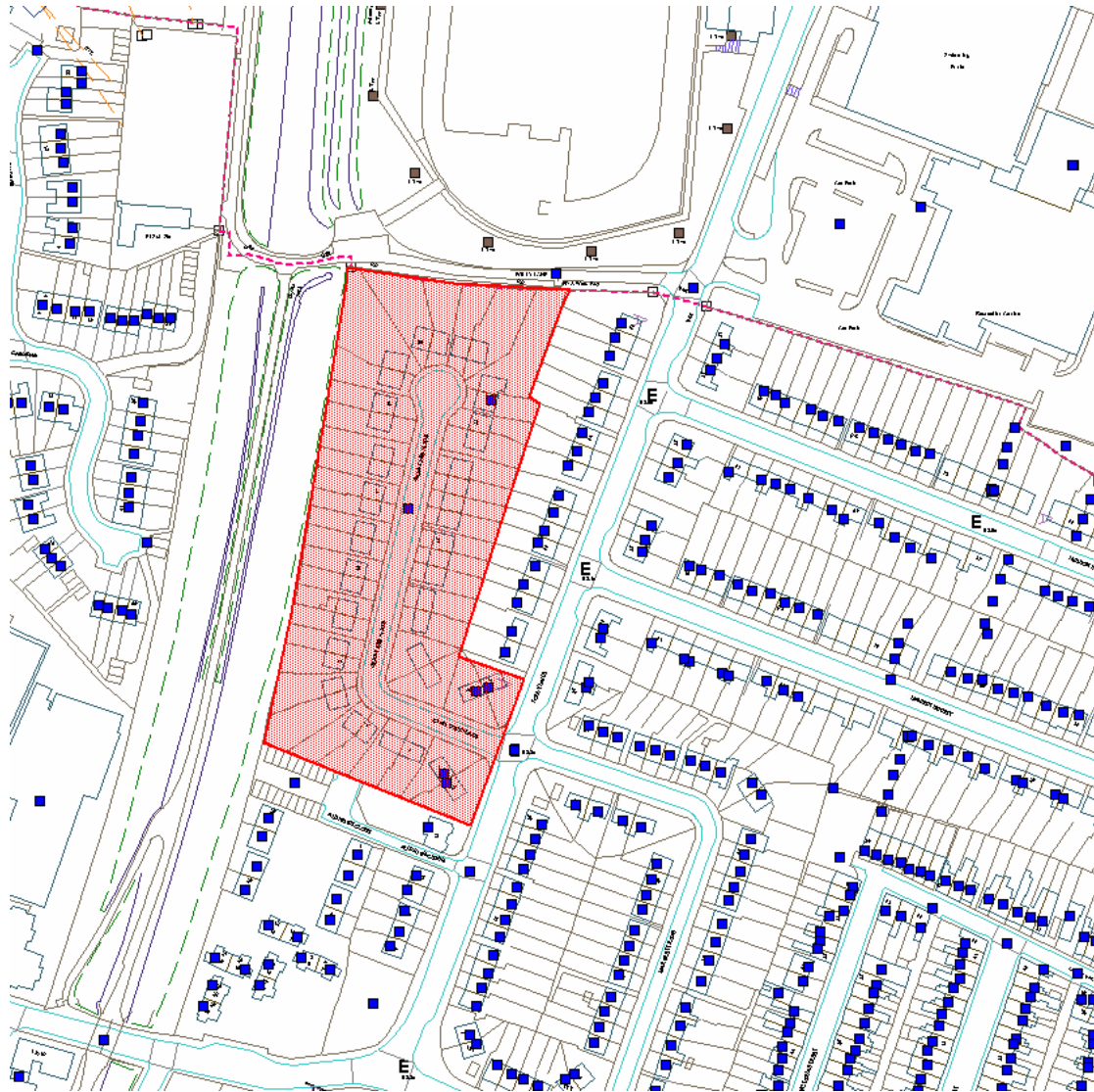


<b>APPLICATION NO:</b> 13/00800/FUL	<b>OFFICER:</b> Miss Michelle Payne
<b>DATE REGISTERED:</b> 5th June 2013	<b>DATE OF EXPIRY:</b> 4th September 2013
<b>WARD:</b> St Pauls	<b>PARISH:</b> None
<b>APPLICANT:</b>	Kier Partnership Homes Ltd & Cheltenham Borough Homes
<b>AGENT:</b>	Healer Associates
<b>LOCATION:</b>	Land at Crabtree Place, Cheltenham
<b>PROPOSAL:</b>	Construction of 56 residential units including 24 affordable units and associated works

**RECOMMENDATION:** Permit



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 This application proposes the second phase of the St Pauls regeneration project. The proposal is for the erection of 56 new dwellings at Crabtree Place comprising 32 open market units (14no. 2 bed houses, 14no. three bed houses and 4no. four bed houses) and 24 affordable units (10no. 3 bed houses, 4no. one bed flats and 10no. two bed flats).
- 1.2 Consent was given in 2008 for the demolition of 85 houses spread across Manser Street, Hudson Street and Crabtree Place. As a result, there are currently only six dwellings that remain within the application site.
- 1.3 Planning permission was granted in 2010 for phase one of the regeneration project, for the erection of 48no. dwellings, a community centre, and an area of public open space together with associated works and alterations to the remaining houses in Hudson Street and Manser Street and a number of properties in Hanover Street; these works have now completed.
- 1.4 The application is before planning committee as the land is owned by Cheltenham Borough Council. Members will have the opportunity to visit the site on planning view.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### Constraints:

Honeybourne Line  
Landfill site boundary  
Smoke Control Order

### Relevant Planning History:

**07/01720/DEMCON**                      **NO OBJECTION**                      **22nd January 2008**  
Demolition of 2-42 (consecutive) Crabtree Place, 29-51 (odd) and 34-56 (even) Manser Street, 17-35 (odd) and 34-52 (even) Hudson Street as part of the St Pauls Regeneration Project

**09/01495/FUL**                              **PERMIT**                                      **20th January 2010**  
Erection of 48no. dwellings and a community centre, provision of an area of public open space and associated works and alterations to the street facades of the existing houses along Hudson Street, Manser Street and nos. 52,54,56,58,60 and 62 Hanover Street.

## 3. POLICIES AND GUIDANCE

### Adopted Local Plan Policies

CP 1 Sustainable development  
CP 3 Sustainable environment  
CP 4 Safe and sustainable living  
CP 7 Design  
HS 1 Housing development  
HS 4 Affordable Housing  
RC 6 Play space in residential development  
UI 3 Sustainable Drainage Systems  
TP 1 Development and highway safety

### Supplementary Planning Guidance/Documents

Affordable housing (2004)  
Amenity space (2003)

Development on garden land and infill sites in Cheltenham (2009)  
Flooding and sustainable drainage systems (2003)  
Landscaping in new development (2004)  
Play space in residential development (2003)  
Sustainable buildings (2003)  
Sustainable developments (2003)

National Guidance

National Planning Policy Framework

## 4. CONSULTATIONS

### **GCER**

*28th May 2013*

The data search for this site is based on the grid reference supplied by CBC, which is assumed to be located at the centre of the planning application site. GCER searches for all data within 250m of the grid reference. The provision of this data shows that important species or habitats are present on or near the proposed development site; however it does not show that important species or habitats are not present or not affected by the development.

### **Contaminated Land Officer**

*3rd June 2013*

No comment.

### **Housing Standards Officer**

*5th June 2013*

Many of the proposed layouts have bedrooms which fail to meet the minimum floor areas. The minimum floor area for a single bedroom is 7sqm and a double bedroom is 10.5sqm. I would advise that space standards in residential accommodation are governed by both the Housing Act 1985 and Housing Act 2004. Undersized or overcrowded premises may be subject to enforcement action.

### **Tree Officer**

*11th June 2013*

The Tree Section has no objection to the Landscape proposals within this application. However I would like to see the following information submitted and agreed prior to the granting of any permission:

- 1) New imported topsoil (to BS 3882 2007) to be incorporated into tree pits so as to encourage early successful establishment of newly planted trees.
- 2) All trees need to be container grown trees not bare rooted or rootballed as specified. Such Extra Heavy Standard trees will not easily thrive if planted bare rooted. Container grown trees should establish quickly.
- 3) An aftercare and maintenance regime should be submitted and agreed.
- 4) No drains or other underground utilities should pass with 1.5 metres of any newly planted trees. This will enable easy maintenance of these utilities without damage to the trees into the future.
- 5) All construction foundation design details should take account of the anecdotal evidence of clay soil in this area.

## **Land Drainage Officer**

*12th June 2013*

Having reviewed the Flood Risk Assessment and the Site Drainage Strategy plan, I have no fundamental concerns. However, unless I have missed something, it is not clear why the use of soakaways is limited to the southern half of the site. I recommend that the use of soakaways in the northern half of the site be investigated and utilised if possible.

## **Housing Enabling Officer**

*14th June 2013*

The scheme offers affordable housing at above the policy compliant threshold at nearly 43% of dwellings on the site (24 of a total 56).

The level and mix of houses and apartments meets Cheltenham's housing needs through the high percentage of the affordable dwellings being 3-bed houses, along with the smaller 2-bed 3 and 4 person apartments helping support some of the demand for social housing applicants needing to downsize and for smaller households as a whole.

Further to the extensive consultation with the social housing department and confirmation of the council's support for the scheme through the HCA Affordable Housing Programme, this department is satisfied that the affordable housing dwellings:

- As proposed in the application are policy compliant
- Will be provided at affordable rent levels
- Will meet the requirements as set out in the Design and Access Statement, notably built to:
  - minimum wheelchair accessibility requirements
  - level 4 standard of the Code for Sustainable Homes
  - lifetime homes standard
  - Building for Life 12 industry standard.

## **Architects Panel**

*20th June 2013*

2. Is the information sufficient to understand the application?

Yes – just.

3. Context.

The scheme doesn't appear to make much consideration of the residential layout but does attempt to reflect some of the more recent development in the area.

4. Massing and Scale

The proposed density looks fine, however the layout is questionable. There is a lot of road and the two units adjacent to the rear gardens of the existing properties are particularly poor in their positioning.

The positioning of the larger blocks of flats to the back corner of the site seems strange, these could have acted as a gateway or feature building for the development had they been closer to the vehicular access to the site.

5. External Appearance.

Some of the buildings allude to an interesting and more modern appearance but this doesn't appear to be consistent across the site.

The landscape is essentially left over space rather than being a designed setting for the scheme to occupy or the future residents to enjoy.

## 6. Detailing and Materials

No comment

## 7. Environmental Design.

There appears to be little real consideration towards sustainable design evident on the drawings.

## 8. Summary

If this site is to be developed the proposal should better relate to the site.

## 9. Recommendation

Refuse

### **Cheltenham Civic Society**

*20th June 2013*

Aesthetically, we would prefer terraces throughout, and are not entirely happy with the design of the detached houses. For the flats we would prefer something more akin to what has been done at Manser St.

### **County Property Services**

*20th June 2013*

Thank you for giving us the opportunity to comment on the above planning application. I have prepared a formal assessment detailing the planning obligations required by Gloucestershire County Council (GCC) from this proposed development of 56 residential units at Crabtree Place, Cheltenham.

GCC is the relevant authority for education, highways and various other community services. It is responsible for determining and negotiating contributions towards these services which include education, libraries, community care, fire and rescue, transportation strategy, sustainable transport issues, pedestrian and cycle routes. The Development Control group within Environment Directorate, will co-ordinate GCC's response on highway / transportation issues.

I have considered the impact of this development on local education and the community resources for which GCC is responsible and whether planning obligations are relevant. This follows requirements and standards that are used by GCC elsewhere in Gloucestershire and also meets national practice. I set out below the planning contributions that will be required from this development.

#### 1. GENERAL

- a. Assessments of GCC requirements centre on CIL Regulations 2010 (section 122 and 123) and National Planning Policy Framework March 2012 (paragraphs 203-206).  
Planning
- b. obligations will be sought where they are necessary to make the development acceptable in
- c. planning terms, directly related and are fair and reasonable in relation to scale and location of development proposed.
- d. Contributions are ring-fenced for capital works specified by GCC, held in independent accounts and are not interchangeable.
- e. GCC will account for unspent contributions, expenditure and accrued interest. Unless programmed or otherwise agreed, unused contributions are returnable, with interest, to the developer.
- f. The s106 will be between GCC, the landowner and developer. The developer must meet
- g. GCC's legal and technical costs in preparing the agreement/s.

h. All contributions are bonded and indexed.

## 2. EDUCATION

a. GCC is a Children's Services Authority (CSA) whose aim is to improve the co-ordination of services that affect children and young people such as:-

- i. Education
- ii. Social services - where they relate to children and young people.
- iii. Health services - where the CSA acts for organisations such as the NHS.

b. New residential development gives rise to new pupils in relation to the type and numbers of new dwellings. There are direct linkages between the number of dwellings and number of pupils. GCC has to ensure sufficient accommodation for new pupils if existing schools do not have spare places or there are insufficient or no schools local to the development. There is justification at national, regional, county and local level for requiring contributions to local early years, primary and secondary facilities where evidence indicates and justification shows that that this would be reasonable.

c. Contributions will indexed to the Department for Education (DfE) annual cost multipliers or any replacement thereof deemed relevant by the Council to maintain the proportionate value of contributions and to ensure payment.

d. When assessing education contributions GCC's criteria for a 'Qualifying Dwelling' is a house without age or health occupancy restrictions and with 2 or more bedrooms i.e. family accommodation. Flats and one bed houses are therefore excluded as they are occupied by lower number of pupils compared to houses.

e. This proposal of 56 residential units will consist of 42 qualifying houses and 14 flats.

f. Affordable or social housing contributes to local education infrastructure requirements in the same proportion as open market housing.

g. The County has reviewed and analysed the number of pupils at different development / dwelling types across the county. This shows that 7 early years, 25 primary and 15 (11-18 year olds) or 13 (11-16 year olds) secondary pupils arise per 100 dwellings.

h. Early Years requirements -

There should be adequate space at local nurseries to accommodate the minimal children arising from this proposal therefore an early years contribution will not be required.

i. Primary requirements -

There are two primary schools within equal distance which are Dunalley Primary and Gardeners Lane. Gardeners Lane Primary School is forecasted to have adequate capacity to accommodate the 10.5 primary pupils likely to arise from this proposed development. Therefore a primary education contribution will not be required.

j. Secondary requirements -

The nearest secondary school is Pittville School. Current forecast data indicates that there will be adequate capacity at this school to accommodate the 5.46 secondary pupils likely to arise from this proposed development. Therefore a secondary education contribution will not be required.

## 3. COMMUNITY SERVICES - LIBRARIES

a. Delivery of a properly resourced and adequate library service to meet the needs of the population arising from the scheme is required.

b. Based on the scale of scheme and the numbers of new inhabitants, there is a requirement to provide an extension to the local service to meet the new demand and maintain the welfare of the new community.

c. The local library is at Cheltenham Main Library.

d. Contributions for statutory libraries are assessed on the basis of the impact of the increased population in relation to stock, equipment and opening hours requirements and the immediate and long term costs arising over a 10 year period.

e. Operating costs are primarily staffing costs. Library standards require a) 216 items to be purchased annually per 1,000 population and b) publicly available personal computers (0.6 PCs per 1,000 population). The cost of provision includes annual running/maintenance costs.

f. To deliver a library service to the new community to appropriate standards, contributions will be required based on comparable costs of £196 per dwelling (this includes all flats and houses). For 56 dwellings this will be a total contribution of £10,976 for Cheltenham Main Library. This will be used towards any of the following: new computers, stock, furniture, opening hours or capital works. If dwelling numbers change this figure will be adjusted up or down by £196 per dwelling.

g. As a comparison, the 'Community Infrastructure Levy: advice note for Culture Arts and Planning Professionals' (Arts Council for England April 2012) sets out recommended CIL charges based on the expected space and building cost implications of population growth for arts and culture provision. The recommended standard charge for libraries is £252 per dwelling.

h. The contribution will be payable 12 months after commencement of development.

#### 4. SUMMARY

a. Planning obligation contributions will not be required for early years, primary or secondary education but contributions will be required towards libraries.

b. This assessment may change if the residential mix is altered. It will also vary with time and should be considered valid for 3 months from the date of this letter. After this time we may review the assessment.

c. I have not considered the implications on other County Council functions e.g. highways, public transport and network improvements. The Environment Directorate will provide views on sustainability issues and the technical viability of access to the site for this change of use.

d. These comments are made without prejudice to any other functions for which GCC, the Highways Agency or the Borough Council have responsibility e.g. highways and transportation, or any stance GCC may take at inquiry, appeal, re-application etc and are made at officer level. GCC members' opinions may differ from my comments. These views do not imply any comment about the merits or otherwise of any development at this site.

e. If the applicant lodges an appeal for any reason in respect of this application (or proposal), I would be grateful if you would notify me immediately of the appeal and details of any public inquiry. Similarly if there is a call-in or other government action would you please advise me immediately. Without this information there is significant risk of the County Council not being able to meet the timescales and deadlines imposed for submission of statements of case and other representations.

## **Landscape Architect**

28th June 2013

### General

The Planning Layout, Street Scene and Landscape Proposals drawings should accord, with the proposed planting being shown on all three.

### Alleyways:

There are alleyways between:

- Back gardens of Plot 44 & Plots 51, 52, 53
- Back garden of Plot 41 leading to Plot 40.

Alleyways are known to provide opportunity for anti-social behaviour and are best avoided in housing layouts. Suggest removing them from the proposed scheme.

### Note 1

Suggest avoiding planting Phormiums where they may encroach on public footpaths. If the planting position indicated is next to a public footpath, consider moving them to a central position within planting beds next to dwellings.

Front planting beds next to Plot 1 and between Plots 2 & 3 - consider planting lavender instead.

### Note 2

Planting areas next to Plots 4 & 56, at entrance to proposed estate:

Who will be responsible for the maintenance of these areas?

Consider incorporating them into the front gardens of Plots 4 & 56 in order to make clear who has responsibility for maintenance.

### Note 3

The example shows grass paths leading from the side entrance to the back garden. Paths leading from side entrances to back gardens should be paved for all proposed dwellings.

### Note 4

The symbols used for 1.8m High Brick Screen Wall and 0.45m High Brick Wall are very similar. Please clarify which walls in the proposed development are to be 1.8m high and which are 0.45m high.

### Note 5

There appear to be a number of green 'unowned' areas in the layout, which could result in them being neglected if responsibility for maintenance is not known from the outset. Lack of maintenance of landscaped areas can lead to a general perception of an area being 'run down' and this in turn can contribute to anti-social behaviour.

Suggest incorporating such areas into gardens where possible.

In particular planting strips along the sides of dwellings have proved problematical in other areas of Cheltenham. These should be removed and boundary walls aligned with the inner edge of the footpath.

The responsibility for maintenance of any public space, including the bank next to Honeybourne Line, should be clearly established before planning permission is granted. If it is intended that such areas are to be adopted by CBC, then Ubico personnel should be consulted concerning the landscape proposals.

### Note 6

Suggest planting another Malus tribolata at this corner to match that on the other side of the street, to create symmetry.



Note 7

Plots 49 & 50 - The gardens are an awkward shape and not maintainable. See attached drawing for suggested alternative. Ensure at least 2m between fences to allow for mowing grass or other cultivation.

Note 8

The layout of plots 27 & 28 result in an awkward-shaped garden for plot 28. Consider an alternative arrangement which would yield more useful shaped gardens.

Note 9

The proposed dwellings are very close to the boundary fence, being only 1 metre away at the nearest point. This will result in an overbearing effect on the rear gardens of the houses in Folly Lane. There is insufficient room for planting that could help to mitigate this effect.

**Cheltenham & Tewkesbury Cycling Campaign**

*5th July 2013*

With regard to the above planning application, we ask you to consider seeking through planning gain from the developer the upgrading of the adjacent Folly Lane access to the Honeybourne Line cycle path. Also the proposed direct connection between the development and Folly Lane should be built with good sightlines (suitable for typical cycling speeds) in all directions. The plans, showing square corners, suggest that only pedestrian standards are being considered.

The Honeybourne Line access is at present inconvenient to use due to an inconveniently located barrier with an awkwardly situated and offset bypass. We are aware that some people have been injured passing this barrier. Other barriers nearby on the Honeybourne Line itself are at the foot of a steep descent and therefore also difficult to pass. These problems should be eliminated through vehicular, rather than pedestrian, design as befits infrastructure intended for cycling.

**County Property Services**

*8th August 2013*

I refer to my assessment letter of 20th June 2013 which requested a library Section 106 contribution of £10,976 from the above planning application.

When assessing the impact of a new development on Gloucestershire County Council services existing dwellings are taken into consideration. You have now confirmed that there was housing on this site which has been demolished as part of the wider St Pauls Regeneration Project. I understand there were previously 45 houses and this application is for 56 residential units which means there will be a net gain of 11 residential units. Library contributions are not sought from developments of less than 25 units therefore I confirm that a library contribution is no longer required from this application.

**5. PUBLICITY AND REPRESENTATIONS**

- 5.1 Letters were sent out to 64 neighbouring properties on 22nd May 2013 giving 21 days to comment on the application. Following the receipt of revised plans, a further 64 letters of notification were sent out on 24th July 2013 giving an additional 14 days to comment of the revised scheme.
- 5.2 In response to the original plans, objections were received from two neighbouring properties, and these comments have been circulated to Members. In brief, these

objections relate to the proximity of two houses to the rear gardens of 24, 26, 28 and 30 Folly Lane resulting in a loss of light and privacy. No representations have been received in response to the revised plans.

## **6. OFFICER COMMENTS**

### **6.1 Determining Issues**

6.1.1 The key considerations when determining this application are design and layout, potential impact on neighbouring amenity, and parking and highway safety.

### **6.2 The site and its context**

6.2.1 The application site is accessed from Folly Lane and is largely vacant with the exception of the six remaining houses. Prior to demolition, Crabtree Place, together with Hudson and Manser Street, were suffering from a variety of problems including anti-social behaviour, car and other crime, drug issues and tenant management issues. The housing in Crabtree Place was laid out in a traditional cul-de-sac arrangement, and whilst the layout and character of the buildings was not considered to be the main cause of the problems, they were certainly considered to be a contributing factor; the cul-de-sac arrangement also made the street very intimidating and threatening to those who didn't live there.

6.2.2 The site is bounded by garages and residential properties in Aldridge Close to the south, residential properties in Folly Lane to the east, the Honeybourne Line to the west and the Prince of Wales Stadium to the north.

### **6.3 Design and layout**

6.3.1 Local plan policy CP7 requires all new development to be of a high standard of architectural design, to adequately reflect principles of urban design, and to complement and respect neighbouring development.

6.3.2 As with phase one of the St. Pauls regeneration project, the Urban Design Manager has been closely involved with the re-development of this site. The site has been the subject of extensive pre-application discussions and negotiations and the layout of the site has been significantly revised in response to officer concerns throughout the application process.

6.3.3 The proposed housing predominantly consists of two storey, semi-detached houses, albeit there are two terraces of three dwellings, two detached properties, and two apartment blocks in the north-western corner of the site which are two and three storeys. It is acknowledged that the Civic Society would prefer to see terraced housing throughout, however such an approach would not be supported by officers. Rows of terraced housing often proves problematic as external access to the rear of the property will usually require an alleyway to the rear to provide the necessary bin and cycle storage which compromises the security of the properties, and can be a source of anti-social behaviour, which this redevelopment is seeking to prevent.

6.3.4 The architecture proposed is contemporary in appearance, and has been greatly influenced by the recent St Paul's Walk development (phase one - former Hudson/Manser Street) and the nearby Circa development (former Midwinter allotments); this calmly contemporary approach will achieve the desired visual distinction from the previous housing on the site, whilst the use of facing brickwork and render will respect the appearance and form of the existing housing within the locality to provide a subtle transition between the new and existing.

6.3.5 Car parking is generally proposed on-plot however limited parking courts remain; where so, revisions have been made to ensure that these areas are well overlooked and are softened by landscaping.

6.3.6 A comprehensive landscaping scheme is proposed throughout the site, and it is considered that the landscaping scheme, both hard and soft, will result in an attractive residential environment.

6.3.7 The scheme also proposes the introduction of a pedestrian and cycle link in the north-eastern corner of the site, to provide improved access to the Honeybourne line

6.3.8 There remain a small number of elements within the scheme which, whilst minor, officer's feel could be further improved – these are outlined in the Urban Design Manager's comments above. These elements have been discussed with the applicant and revised drawings are anticipated to overcome these issues; upon receipt, Members will be updated in the usual way.

6.3.9 Generally, officers feel that the proposed development is of a suitably high quality and will lift the area, and fully complies with the objectives of policy CP7.

#### **6.4 Impact on neighbouring property**

6.4.1 Local plan policy CP4 requires new development to protect the amenity of adjoining land users and the locality.

6.4.2 Given the scale of the development, officers are encouraged by the limited objection raised by local residents. In response to the objections from residents in Folly Lane, plots 42 and 43 have been moved a further 0.9 metres from the rear boundary resulting in a distance of 15.2 metres between the existing and proposed dwellings; this is well in excess of the generally accepted distance of 12 metres between dwelling where only one dwelling has clear glazed windows, and this relationship is considered to be satisfactory. In response to the Urban Design Manager's comments, it is anticipated that additional shadow diagrams will be submitted to demonstrate any impact likely to occur on the rear gardens of these neighbouring properties.

6.4.3 Officers consider that the scheme is therefore in accordance with the objectives of policy CP7.

#### **6.5 Access and highway issues**

6.5.1 The Highways Authority have informally commented on the highway layout and parking provision throughout the design process, and therefore whilst a formal highways response is still awaited it is not anticipated that any objection will be raised. On receipt, the response will be circulated to Members in an update.

#### **6.6 Sustainability**

6.6.1 Local plan policy CP1 advises that development will only be permitted where is considers the principles of sustainable development.

6.6.2 The application has been accompanied by a Sustainability Statement which sets out that the affordable units will achieve level 4 of the Code for Sustainable Homes, with the remainder of the units achieving code level 3. The scheme proposes the use of an energy efficient thermal fabric and services specification to achieve code level 3 with a grid connected photovoltaic system proposed to the affordable units to meet the requirements of Code level 4. The affordable units will also achieve Lifetime Homes status.

6.6.3 It is clear that principles of sustainable development have been incorporated into the scheme and officers are therefore satisfied that the proposed development complies with the objectives of policy CP1.

## **6.7 Other considerations**

6.7.1 The scheme proposed the use of soakaways to the southern half of the site only, and the Land Drainage Officer has questioned this. In response, the Agent has forwarded an email from COUCH Consulting Engineers which advises that tests were undertaken on the site and it was considered that shallow soakaways within the Cheltenham Sand would be a feasible solution at the site however due to shallow ground water in other areas of the site, infiltration methods of drainage were not considered suitable throughout. The Land Drainage Officer has confirmed that this satisfactorily explains the limited use of soakaways on the site.

6.7.2 The application proposes a total of 24 affordable units, which equates to 43% of the proposed dwellings, and therefore accords with the requirements of local plan policy HS4. The level and mix of affordable units proposed meets Cheltenham's housing needs through the high percentage of 3 bedroom houses, together with the smaller two bedroom apartments, and is supported by the Housing Enabling Officer. It is considered that the provision of the affordable housing can be controlled by way of a suitably worded condition, similar to that imposed on the Hudson/Manser Street permission.

6.7.3 Local plan policy RC6 requires the provision of play space in all new residential development. Where on-site play space provision is not feasible, policy RC6 envisages a commuted sum in order to achieve its requirements; and it is considered that this matter can be adequately dealt with by way of a condition.

6.7.4 Members will note that County Property Services were originally seeking a library contribution of £10,976 based on 56 new residential dwellings however given that there were previously a total of 45 houses on the site prior to demolition, and that this development will only result in a net gain of 11 residential units, a revised response has been received confirming that a library contribution is not required.

## **7. CONCLUSION AND RECOMMENDATION**

7.1.1 To conclude, officers consider that the proposed development represents a significant enhancement to the locality and responds successfully to the key objectives originally identified by the regeneration project.

7.1.2 The recommendation therefore is to grant planning permission subject to a number of conditions.

## **8. CONDITIONS**

Conditions to follow in an update