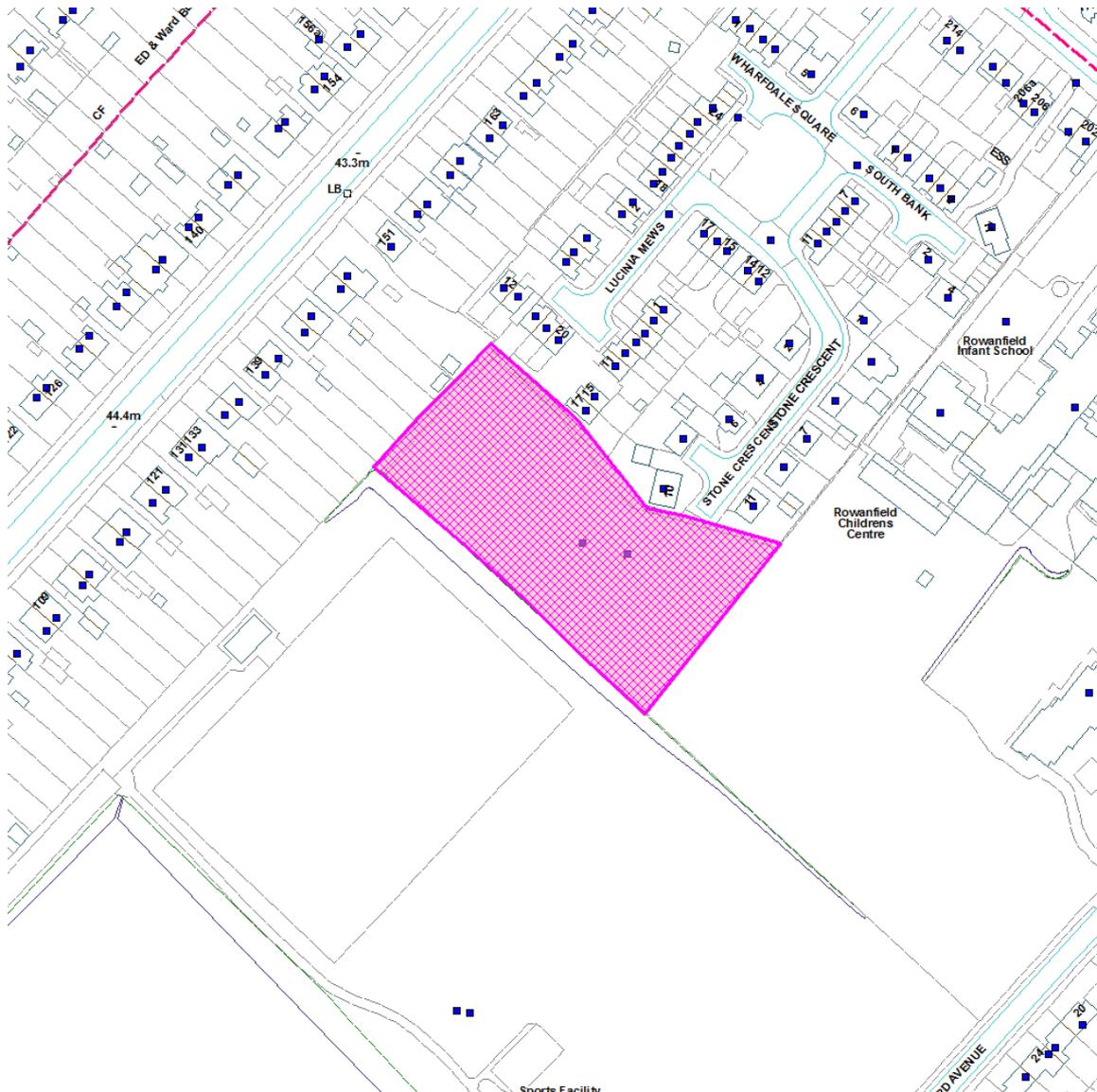


|   |  |  |
|---|--|--|
| <b>APPLICATION NO:</b> 18/02215/FUL       |  | <b>OFFICER:</b> Mr Joe Seymour               |
| <b>DATE REGISTERED:</b> 5th November 2018 |  | <b>DATE OF EXPIRY:</b> 4th February 2019     |
| <b>DATE VALIDATED:</b> 5th November 2018  |  | <b>DATE OF SITE VISIT:</b> 6th November 2018 |
| <b>WARD:</b> St Marks                     |  | <b>PARISH:</b>                               |
| <b>APPLICANT:</b>                         | New Dawn Homes Ltd                               |  |
| <b>AGENT:</b>                             |  |  |
| <b>LOCATION:</b>                          | Playing Field Adj 10 Stone Crescent, Cheltenham  |  |
| <b>PROPOSAL:</b>                          | Construction of 13 dwellings and ancillary works |  |

**RECOMMENDATION:** Permit (subject to a Section 106 Obligation to secure affordable housing and education contributions)



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is a roughly rectangular-shaped parcel of undeveloped land adjacent to an existing residential cul-de-sac called Stone Crescent in the St Mark's ward of Cheltenham. The site has an area of approximately 4,500m<sup>2</sup> or 0.45 hectares.
- 1.2 The site is bordered by Stone Crescent to the north-east, the playing fields of Rowanfield Junior School to the south-east, the King George V public playing fields to the south-west and houses of Brooklyn Road to the north-west.
- 1.3 The proposed development would involve the construction of 13 houses at the site. The proposal has been submitted following pre-application advice from Officers which led to the withdrawal of a previous application for 18 dwellings.
- 1.4 Cllr Sandra Holliday has referred this application to be determined by the planning committee because there is a great deal of public interest and there are issues regarding highway safety, the increase in traffic and flooding.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### Constraints:

Airport safeguarding over 15m  
Landfill Sites boundary

### Relevant Planning History:

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

Erection of 13no. dwellings with associated road and sewers

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

Construction of 13 new dwellings and associated road and sewers

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

Erection of 18no. dwellings with associated road and sewers

## 3. POLICIES AND GUIDANCE

### Saved Cheltenham Borough Local Plan (1991-2011) Policies

CP 4 Safe and sustainable living

CP 7 Design

### Adopted Joint Core Strategy Policies

SP1 The Need for New Development

SP2 Distribution of New Development

SD3 Sustainable Design and Construction

SD4 Design Requirements

SD10 Residential Development

SD11 Housing Mix and Standards

SD12 Affordable Housing

SD14 Health and Environmental Quality

INF1 Transport Network

INF2 Flood Risk Management

### National Guidance

National Planning Policy Framework (NPPF)

### Other

Emerging Cheltenham Borough Local Plan (2011-2031) - submitted to the Planning Inspectorate but not yet adopted at the time of writing.

## **4. CONSULTATIONS**

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

*22nd November 2018*

I refer to the above planning application in regards to the submission of revised plans received on the 21st November 2018 with Plan Nos: 6345/510 and further supporting information. I recommend that no highway objection be raised subject to conditions (numbered 4, 5 and 6 in section 8 of this report below).

### **Severn Trent Water Ltd**

*12th November 2018*

I can confirm that we have no objections to the proposals subject to the inclusion of one condition (condition number 7 in section 8 below).

### **Ubico Ltd**

*9th November 2018*

These properties look all to be individual dwellings, so there will be a requirement on each homeowner to present their waste and recycling on the kerbside of the nearest adopted highway. Therefore the pavements within the development have to be wide enough to accommodate these receptacles and for them to be in situ for one out of every 10 days, not posing an obstruction to pedestrians including wheelchairs and pushchairs.

All brick shaded roads would likely be block paving and therefore they would either have to be built to withstand up to 26 tonnes or those residents would be required to present their receptacles at the adopted highway which would likely be the grey internal roadway. There is likely to be an element of on-street parking and so the roads themselves have to be wide enough to allow a 26 tonne refuse vehicle to gain the necessary access at all times of the day without the need to mount pavements - this is particularly important on the sharp 90 degree right hand bend when driving into the development from Stone Crescent.

Finally, with this many properties being built, there will likely be a phased approach and so the developer has to take account of the need for waste and recycling collections from residents having moved onto the site to take place whilst building is still underway. Ubico therefore must be able to gain access and also be completely indemnified from any damage caused to unfinished roads etc.

### **Social Housing**

*6th November 2018*

Level of Affordable Housing Provision.

The Joint Core Strategy Policy (SD12) states that 'on sites of 11 dwellings or more, or sites with a maximum combined gross floor space of greater than 1000 sqm; a minimum of 40% affordable housing will be sought with the borough of Cheltenham'

This application will comprise of 13 residential units. Therefore at 40% we will be seeking 5 affordable housing units and the 0.2 as an affordable housing contribution payment.

### Dwelling Mix

Having regard to local needs we would be seeking all the properties to be affordable rented units on this site which would be made up of the following mix:

|                    | 40% | Affordable Rented | Total | % |
|--------------------|-----|-------------------|-------|---|
| 2 Bedroom 4P House | 3   | 3                 | 60    | % |
| 3 Bedroom 5P House | 2   | 2                 | 40    | % |
| Total              | 5   | 5                 | 100   | % |

### Viability

The Joint Core Strategy states that where there is an issue relating to the viability of development that impacts on delivery of the full affordable housing requirement, developers should consider:

- Varying the housing mix and design of the scheme in order to reduce costs whilst having regard to the requirements of other policies in the plan, particularly Policy SD4, and the objective of creating a balanced housing market.
- Securing public subsidy or other commuted sums to assist delivery of affordable housing

If a development cannot deliver the full affordable housing requirement, a viability assessment conforming to an agreed methodology, in accordance with Policy INF6 will be required. Viability assessments will be published in full prior to determination for all non-policy compliant schemes except in exceptional circumstances when it can be proven that publication of certain specific information would harm the commercial confidentiality of the developer to no public benefit. Where necessary CBC will then arrange for them to be independently appraised at the expense of the applicant.

The council considers that information submitted as a part of, and in support of a viability assessment should be treated transparently and be available for wider scrutiny. In submitting information, applicants should do so in the knowledge that this will be made publicly available alongside other application documents.

The council will allow for exceptions to this in very limited circumstances and only in the event that there is a convincing case that disclosure of an element of a viability assessment would cause harm to the public interest to an extent that is not outweighed by the benefits of disclosure. Given the significant benefits associated with the availability of information to the public as part of the decision making process, and the other factors identified above, the councils anticipate that there would be very few exceptions.

If an applicant wishes to make a case for an exceptional circumstance in relation to an element of their assessment, they should provide a full justification as to the extent to which disclosure of a specific piece of information would cause an 'adverse effect' and harm to the public interest that is not outweighed by the benefits of disclosure. The council will consider this carefully, with reference to the 'adverse effect' and overriding 'public interest' tests in the EIR, as well as the specific circumstances of the case.

The viability of a site may enable additional levels of affordable housing to be delivered above the requirements set out in the Joint core Strategy. In this case the authority will negotiate with developers to find an appropriate balance to deliver affordable housing and infrastructure needs.

### Dwelling Mix/Tenure

All affordable rented housing is required on this site for the affordable housing provision. Where possible, affordable housing should be provided on-site and should be seamlessly integrated and distributed throughout the development scheme.

The design of affordable housing should meet required standards and be equal to that of market housing in terms of appearance, build quality and materials.

### Rents

Affordable rents must not exceed the Local Housing Allowance

### Service Charges

Any service charges on the affordable dwellings should be eligible for Housing Benefit. Service charges should be kept minimal this can be achieved through the design and we would be happy to refer you to RP's for further input if necessary.

### Car Parking

Parking provision for affordable homes will be expected to be made on the same basis as that provided for market dwellings.

### Affordable Housing Standards

We would expect all the affordable housing to meet minimum gross internal floor area size measurements, space, design and quality standards as described by Homes England.

Amendments to M4(1), M4(2) and M4(3) of Schedule 1 to the Building Regulations 2010 took effect on 1st October 2015 therefore we would seek the following:

All dwellings should be designed to meet the 2015 amendments of M4 (2) Building Regulations 2010.

All ground-floor flats or a proportion of dwellings (to be agreed) should be designed to meet the 2015 amendments of M4 (2) Building Regulations 2010.

Any wheelchair user dwellings would be required to be designed to meet the 2015 amendments of M4 (3) Building Regulations. As the gross internal areas in this standard will not be adequate for wheelchair housing, additional internal area would be required to accommodate increased circulation and functionality to meet the needs of wheelchair households.

### Full Planning Application

On submission of a full planning/revised application we would require an Affordable Housing Plan as part of the application, detailing the location of both the market and affordable homes in terms of their type and size as well as highlighting parking spaces and the dwellings they serve.

### Registered Providers

All affordable housing should be provided by a Registered Provider who will be expected to enter into a nominations agreement with the Local Authority, providing 100% nominations on first letting/sale and 75% of all subsequent lettings thereafter. This will assist the Local Authority in meeting its statutory housing duties under the Housing and Homelessness legislation.

A list of Registered Providers managing accommodation in Cheltenham can be made available if needed.

### **Section 106 Officer**

*7th November 2018*

The cost per unit is shown below. I'm having the capacity assessed, but from experience in this area, there's little or no surplus.

Pre-school and nursery: £1,102

Primary: £3,622

Secondary: £3,511

As a result, it would be advisable to assume that the requirements for each is 13 x the above rates.

This will enable the agreements to be prepared, and, in the event that the assessment shows some surplus, it can be removed from the agreement. I would expect my GCC colleagues in Education to complete the analysis within one week if you would prefer to wait for that info, but from experience it may be preferable to draft the agreement with square brackets on amounts and specific schools in case there's a delay.

There is no library requirement.

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

*22nd November 2018*

I refer to the above application received by the Lead Local Flood Authority (LLFA) on 6<sup>th</sup> November 2018 for comment on the management of surface water.

I can confirm that the site is located in fluvial flood zone 1 as mentioned in the site specific Flood Risk Assessment (FRA). Whilst it is recognised that there are no flood reports for this site, it is noted that the site is affected by pockets of surface water flood risk along the northern extent of the site during the 1 in 30 year and 1 in 100 year events, according to the Environment Agency's updated flood maps. The updated flood maps also identify surface water flood risk in the playing field to the south of the site during the 1 in 100 year event, with flow routes from this field towards the development site.

The LLFA also acknowledges that the site is characterised by lime rich loamy and clayey soils with impeded drainage. The FRA for this site confirms that infiltration tests have been carried out and failed, so infiltration SuDS have been dismissed for this development. It is therefore accepted by the LLFA that infiltration SuDS are not viable for this site.

In principle, the LLFA considers the FRA for this site to be robust, however despite the detail and plans provided in the FRA, the applicant has not provided a detailed written drainage strategy to illustrate and confirm the drainage proposals for the site. A written drainage strategy is required before the LLFA can recommend approval (with or without conditions) and this should include (but not be exclusive to) the following:

- Microdrainage calculations for the proposed storage tanks to illustrate that adequate storage will be provided for volumes up to and including the 1 in 100 year critical storm plus 40% allowance for climate change. This should take into account any runoff received from adjacent areas beyond the site boundary as referred to in the FRA.
- An alternative viable strategy should be identified in case Severn Trent Water do not agree to the proposed discharge rates into their network. For instance, if STW agree a lower discharge rate, how will the additional volumes be accommodated?
- Confirmation of which plan(s) shows the correct proposed drainage layout for the site, as there are a number of variations in the latest submission and it is unclear which is the most up to date. Specifically reference 6345/501 - there are a number of different revisions referred to in relation to the FRA submission.
- The drainage strategy should also provide numbered manholes on the relevant drainage layout plan, as the numbers are currently missing and it is therefore difficult to cross reference with the microdrainage calculations.
- Clarification is required regarding how runoff received by the site from beyond the red-line boundary will be accommodated. The FRA suggests the site receives runoff during extreme events (1 in 100 year and above) from the south and east. There are various references in the FRA and on the different plans to a deep swale or a landscape bund at the southern boundary of the site; the drainage strategy should

confirm if these features will be included, the exact location and the purpose. Has the applicant considered an interception drain to capture flows at the point that they enter the site?

- In accordance with S7, S8 and S9 of the Non-Statutory Technical Standards for SuDS, no area of the site should flood during a 1 in 30 year event or any building (including basements) during a 1 in 100 year event; the Drainage Strategy must demonstrate this will be achieved. In addition, flows resulting from an event in excess of a 1 in 100 year should be managed in exceedance routes which minimise risk to people and property. Please note, it is not considered acceptable to direct exceedance flow paths through gardens or property, and should make use of highway or public open space. This also applies to exceedance flows leaving the site.

Ultimately, a Drainage Strategy is required which is sufficient to comply with DEFRA's Non Statutory Technical Standards, relevant sections of the NPPF, associated Planning Guidance and the County Council's Design and Maintenance Guide. Finally, the LLFA suggests the Maintenance and Inspection Schedule submitted with the FRA should provide more detail in accordance with guidelines in the Ciria Manual C753. A Maintenance Schedule should be a stand-alone document providing clear details of the SuDS assets, their locations and include any relevant manufacturers documentation, in order that this can be provided to those responsible for maintenance in the future.

NOTE 1 The Lead Local Flood Authority (LLFA) will give consideration to how the proposed sustainable drainage system can incorporate measures to help protect water quality, however pollution control is the responsibility of the Environment Agency

NOTE 2 Future management of Sustainable Drainage Systems is a matter that will be dealt with by the Local Planning Authority and has not, therefore, been considered by the LLFA.

NOTE 3 Any revised documentation will only be considered by the LLFA when resubmitted through [suds@gloucestershire.gov.uk](mailto:suds@gloucestershire.gov.uk) e-mail address. Please quote the planning application number in the subject field.

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

*7th December 2018*

Further to the response of Sue Humm dated 22nd November 2018 I can confirm that the calculations provided in document filed as Surface water drainage calculations adequately address the issue of required storage volumes for the 1:100 critical storm event.

I would agree with the assessment of the FRA that the 850mm storm sewer follows the course of a historic watercourse that has been culverted and therefore believe that Severn Trent would be obliged to accept discharge at the 4.6 l/s rate mimicking greenfield runoff and we have no concern that Severn Trent will not accept that rate of discharge.

The drainage plans submitted adequately show where the required attenuation volumes can be accommodated, further detail can be the subject of a condition. The detailed plans supplied to satisfy such a condition would address the issue of cross referencing with the microdrainage calculations.

The drainage plans indicate that surface water flows across the site will be managed along the highway route. The detailed plans submitted with the discharge of condition would need to show how this is achieved by adequate kerb heights and locations and suitable highway drainage.

I therefore have no objection to this development proposal provided it is conditioned so that no building works hereby permitted shall be commenced until surface water drainage works have been implemented.

**Contaminated Land Officer**

*27th November 2018*

I have no comments or objections regarding this application for 13 dwellings on the playing field adjacent to 10 Stone Crescent.

**Cheltenham Civic Society**

*26th November 2018*

The forum is concerned that if a section of the road is to be non-adopted, there will be a lot of bins and recycling receptacles left on the pavement outside the last house on the adopted stretch of road. There is no clarity in the plans on pedestrian access to the playing field for existing neighbours or the potential residents of the planned development.

**5. PUBLICITY AND REPRESENTATIONS**

|                         |           |
|-------------------------|-----------|
| Number of letters sent  | <b>94</b> |
| Total comments received | <b>9</b>  |
| Number of objections    | <b>9</b>  |
| Number of supporting    | <b>0</b>  |
| General comment         | <b>0</b>  |

**5.1** A site notice was placed at the proposed entrance to the site at Stone Crescent, the proposal was advertised in the Gloucestershire Echo and 94 properties in the locality were directly notified of the proposed development.

**5.2** Nine objection letters were submitted from local residents which raised concerns with regard to the following issues.

- Traffic / parking / construction vehicles
- Flooding
- Drainage, sewerage and other utilities already oversubscribed
- Trees and landscaping
- Ecology
- Design of the dwellings

**6. OFFICER COMMENTS**

**Principle of Development**

**6.1** The housing policies in the extant Cheltenham Borough Local Plan (1991-2011) are part of a time-expired development plan which has since been superseded by the adoption of the Joint Core Strategy (JCS) in December 2017. JCS policy SD10 determines the areas within the borough of Cheltenham which are deemed appropriate for residential development.

**6.2** There are two criteria in SD10 (numbered 2 and 3) which are considered relevant for the proposed development:

*2. Housing development will be permitted at sites allocated for housing through the development plan, including Strategic Allocations and allocations in district and neighbourhood plans.*

*3. On sites that are not allocated, housing development and conversions to dwellings will be permitted on previously-developed land in the existing built-up areas of Gloucester City, the Principal Urban Area of Cheltenham and Tewkesbury Town, rural service centres and service villages except where otherwise restricted by policies within district plans.*

- 6.3** The application site adjacent to Stone Crescent has been allocated for residential development in policy HD5 of the emerging Cheltenham Borough Local Plan (2011-2031), which has recently been submitted to the Planning Inspectorate for adoption. At the time of writing, the emerging Local Plan has not yet been adopted so its policies cannot be given full weight in any planning decisions; however the advanced stage of the emerging Local Plan is a material consideration.
- 6.4** The proposed development would be in accordance with criterion 2 of JCS policy SD10 in the event the emerging Local Plan is adopted, but until that time, the proposal must be assessed against the next criterion, number 3, as a site that is not allocated. The proposal also accords with criterion 3 because the site is located within the Principal Urban Area of Cheltenham.
- 6.5** The site is located within an existing built-up residential area with services and amenities that are within walking or cycling distance including shops, schools and employment opportunities. The 'A' bus picks up from nearby Brooklyn Road which provides regular and reliable public transport into Cheltenham's town centre and other neighbourhood centres.
- 6.6** It is also important to highlight that at the current time the Council is unable to demonstrate a five-year supply of housing land. The Council published a statement in August 2018 which confirms the current figure is 4.6 years. In such circumstances, according to NPPF paragraph 11 d) proposals that accord with an up-to-date development plan (in this case the JCS) should be approved without delay.
- 6.7** For these reasons the principle of residential development at the site is considered to be acceptable according to the existing and emerging development plans for the area. Moreover, the site is considered to be in a sustainable location where future occupiers of the dwellings could perform many day-to-day activities without having to rely on private car journeys.

### **Highway Safety and Parking**

- 6.8** It is acknowledged that the construction of 13 dwellings would still give rise to increased car journeys to and from the locality because even with the sustainable location of the site and the availability of public transport, individuals will still choose to use their cars and in certain circumstances private car journeys are a necessity for day-to-day life. The question when determining this application is whether or not the development for 13 dwellings would have a detrimental impact on the local highway network.
- 6.9** NPPF paragraph 109 states that "*development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*"
- 6.10** JCS policy INF1 is adopts a similar strategy, stating "*Planning permission will be granted only where the impact of development is not considered to be severe. Where severe impacts that are attributable to the development are considered likely, including as a consequence of cumulative impacts, they must be mitigated to the satisfaction of the Local Planning Authority in consultation with the Highway Authorities and in line with the Local Transport Plan.*"

- 6.11** Concerns have been raised by local residents with regard to the amount of traffic the proposal would create and that it would exacerbate the situation regarding the parking of cars in the nearby residential streets.
- 6.12** The site would be accessed via Stone Crescent which is a cul-de-sac with its estate road terminating just short of the site boundary. Stone Crescent is, in turn, accessed from Wharfdale Square and Alstone Lane. A turning head is in place adjacent to number 10 Stone Crescent to allow vehicles to leave Stone Crescent in a forward gear. The proposal is simply to continue the estate road into the site and another turning area would be provided as part of the proposed layout of the development as there would be no through road due to existence of playing fields beyond the site boundary.
- 6.13** In assessing the highway aspects of the proposal, although the access route from the application site to the main road system uses residential roads it appears from various site visits that these were of a reasonable standard to accommodate the scale of traffic that would be generated by the proposed housing development.
- 6.14** Although there is evidence of on-street parking on Wharfdale Square and Stone Crescent, it did not appear that it would materially hold up the flow of traffic created by the proposed development and the available street width would still allow for the passage of construction, refuse and emergency vehicles. It was noted from site visits that the disruption caused by vehicles parked on the road, where a driver had to wait for on-coming vehicles to pass before moving on, was a short-term inconvenience rather than a substantial delay or severe highway safety hazard.
- 6.15** In many ways, the on-street parking and the curved estate roads around which Wharfdale Square and Stone Crescent were laid out act as a traffic calming measure. Such a feature is often used as a design tool in the layout of new residential development. In any event, it is not for the applicant of the proposed development to ameliorate the layout and any perceived parking problems to be found in existing surrounding streets.
- 6.16** The layout of the proposed development is a simple extension of the Stone Crescent cul-de-sac with a new turning area. It is considered that this would not materially impact upon the way the existing local highway network operates. A swept path analysis has been submitted showing refuse vehicles can turn safely within the site and leave within a forward gear, even in the event of on-street parking taking place.
- 6.17** The proposed development would include a total of 28 parking spaces for 13 dwellings at a ratio of just over two spaces per dwelling. This is considered to be suitable for a residential development consisting of a mixture of 2, 3 and 4 bed dwellings.
- 6.18** It is acknowledged that 13 more dwellings would increase the number of vehicle journeys made to and from the residential area that currently encompasses Wharfdale Square, Lucinia Mews and Stone Crescent. However, it is considered that the increase in vehicle journeys would not result in a severe cumulative impact pursuant to the guidance in JCS policy INF1 and NPPF paragraph 109. This view is supported by the Local Highway Authority which has raised no objection to the proposal.

### **Design and layout**

- 6.19** The proposed development would be constructed in a largely linear arrangement with dwellings situated to the north and the south of a centrally positioned estate cul-de-sac road. Plot 8 would be situated at the western end of site facing east back towards the site entrance. The dwellings on the northern side of the road would be divided by a turning area and parking spaces.
- 6.20** The dwellings would be constructed with a harvest buff brick and Redland Mini Stonewold charcoal grey roof tiles. White render would also be used for the construction of porches

and oriel windows for the units that contain these features. The proposed brick would be similar to that used in the construction of the dwellings on Wharfdale Square, although it would differ from the red brick used for the dwellings of Stone Crescent.

- 6.21** There is no objection to the variation in brick types and the addition of white render porches and oriel windows helps to differentiate the proposed development slightly from surrounding properties to help create a sense of place.
- 6.22** 13 dwellings are proposed on an area of land measuring 0.45 hectares, which equates to a housing density of just under 29 dwellings per hectare. The site has been allocated for 'approximately 20 dwellings' in policy HD5 of the emerging Local Plan, which would equate to more than 40 dwellings per hectare.
- 6.23** However, on receipt of a planning application a more substantive assessment of the site has been undertaken and it transpires that 20 dwellings would be too many for this particular site. While making best use of any site allocated for housing is advocated, the size and shape of this particular site would not lend itself to a 20-unit scheme because such a development would have a cramped appearance and it would leave less space for parking and turning areas.
- 6.24** The site is further constrained by foul and surface water sewers running in an east-west direction towards the northern boundary of the site. No substantial structures can be built on top of these sewers so they can be accessed for maintenance purposes. The site plans show the sewers run underneath the land of what is proposed to be the rear gardens of plots 1-7. The density of the proposed development is similar to Stone Crescent in terms of the number of dwellings per hectare. For these reasons, 13 dwellings are considered to be an appropriate number of this site.
- 6.25** The design of the dwellings and their layout has been proposed in a way that makes good use of the site while providing a development that integrates appropriately with surrounding residential development. For these reasons the proposal is considered to be in accordance with the design guidance set out in JCS policy SD4 and the NPPF.

#### **Impact on neighbouring properties**

- 6.26** The site is bordered by playing fields to the south-east and south-west which means there are no dwellings or other buildings that would be affected the proposed development.
- 6.27** The north-west boundary of the site adjoins the rear boundaries of numbers 139, 141, 143, 145, 147 and 149 Brooklyn Road. The semi-detached dwellings on Brooklyn Road all benefit from very large rear gardens over 35 metres in length. The separation distance between the dwelling on plot 8 and the semi-detached pair at 143 and 145 is approximately 50 metres. This amount of separation is much greater than is required to ensure that new development does not create overlooking, overshadowing or privacy loss issues.
- 6.28** The rear elevations of plots 5 and 6 would be approximately 15 metres away from number 17 Lucinia Mews which is located just beyond the northern boundary of the site. In this case, there would not be any particular issue with this relationship because it is the side elevation of 17 Lucinia Mews that faces south towards the application site. The side elevation of this property contains a landing window at first floor level but no windows serving habitable rooms that could potentially be affected by light restriction or privacy loss.
- 6.29** 10 Stone Crescent would be the closest neighbouring dwelling to the proposed dwellings. At its closest point it would be positioned 11 metres from plot 1 and 10 metres from plot 2. The Council's guidance on the relationship between new and existing dwellings advises

that a suitable separation distance is 21 metres. However, this is for dwellings that would be directly opposite each other, which is not the case here.

- 6.30** Plots 1, 2, 3 and 4 are orientated facing due south and their rear elevations facing north. 10 Stone Crescent is orientated at an angle with its rear elevation facing south-west towards plots 4 and 5. Therefore the views shared between the rear windows of 10 Stone Crescent and plot 2 would be oblique views that would not amount to direct overlooking. Moreover, an existing tree on the site would be retained within the rear garden of plot 2 which would provide additional screening and privacy between the new development and 10 Stone Crescent.
- 6.31** The spacing between the plots adjacent to the northern boundary of the site and the existing dwellings on Stone Crescent and Lucinia Mews is considered to be acceptable pursuant to the guidance contained within JCS policy SD14 and the NPPF.

### **Flooding and Drainage**

- 6.32** The site is located within a Flood Zone 1 area as defined by the Environment Agency. This is the lowest risk category for surface water flooding.
- 6.33** The Lead Local Flood Authority (LLFA) at Gloucestershire County Council initially raised concerns about the proposal because no drainage strategy had been submitted with the application, although the Flood Risk Assessment was found to be robust.
- 6.34** The applicant subsequently submitted a drainage strategy which the LLFA have confirmed is satisfactory. The LLFA now raise no objection to the proposed development providing the drainage strategy is in place prior to any construction commencing on site. This will be controlled by condition 9 contained in section 8 of this report below.

### **Other considerations**

#### *Affordable housing*

- 6.35** JCS policy SD12 states that “*on sites of 11 dwellings or more, or sites with a maximum combined gross floor space of greater than 1000 sqm; a minimum of 40% affordable housing will be sought with the borough of Cheltenham*”.
- 6.36** This application will comprise of 13 residential units. Therefore at 40% the Council will be seeking 5 affordable housing units and the 0.2 as an affordable housing contribution payment. This will be secured via the signing of a Section 106 agreement.
- 6.37** The proposed increase to the borough’s supply of affordable housing, modest though this increase may be, is a material consideration that weighs in favour of supporting the development.

#### *Pollution / air quality*

- 6.38** Concerns have been raised by some residents about the additional vehicle journeys that would be generated leading to an increase in pollution and the reduction in air quality. The site is not located within an area that has been identified as having exceeded safe levels of nitrogen dioxide (NO<sub>2</sub>) or is in danger of exceeding these levels.
- 6.39** The additional traffic generated from the proposed development has been discussed in preceding sections of this report above. It is considered that the vehicle movements would not materially increase the amount of NO<sub>2</sub> in the locality. It is important to highlight that the site is in a sustainable location where there would not be a reliance on private car journeys, even if individuals choose to make these journeys.

## *Ecology*

- 6.40** The Gloucestershire Centre for Environmental Records has not recorded any sightings of protected species within the site. Sighting of certain species, mostly birds, have been reported in surrounding areas but nothing to suggest that the habitats of these species are present at the site which could potentially be destroyed by the development.

## **7. CONCLUSION AND RECOMMENDATION**

- 7.1** The site has been allocated for housing development in the emerging Local Plan; it is located in a sustainable location within the Principal Urban Area of Cheltenham where the principle of residential development is supported according to the JCS. The Council cannot demonstrate a five-year supply of housing land and in such circumstances proposals that accord with an up-to-date development plan should be permitted without delay.
- 7.2** Concerns have been raised by local residents about various issues, but primarily highway safety and flooding. No objections were raised by the Local Highway Authority and the concerns regarding flooding have been overcome to the satisfaction of the Lead Local Flood Authority.
- 7.3** Having taken all other issues into account, the proposed development is considered to be acceptable and the recommendation is to permit the application, subject to the following conditions.

## **8. CONDITIONS**

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

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

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

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

- 3 No external facing or roofing materials shall be applied unless in accordance with:  
a) a written specification of the materials; and/or  
b) physical sample(s) of the materials.

The details of which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the area, having regard to saved policy CP7 of the Cheltenham Borough Local Plan (2006) and adopted policy SD4 of the Joint Core Strategy (2017).

- 4 The buildings hereby permitted shall not be occupied until the layout, vehicular parking and turning facilities have been provided in accordance with the approved drawings and those facilities shall be maintained available for those purposes thereafter.

Reason: To ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians is provided in accordance with the paragraphs 108 and 110 of the National Planning Policy Framework.

- 5 Throughout the construction period of the development hereby permitted provision shall be within the site that is sufficient to accommodate the likely demand generated for the following:

- i. parking of vehicles of site operatives and visitors;
- ii. loading and unloading of plant and materials;
- iii. storage of plant and materials used in constructing the development;
- iv. provide for wheel washing facilities

Reason: To reduce the potential impact on the public highway and accommodate the efficient delivery of goods in accordance with paragraph 110 of the National Planning Policy Framework.

- 6 Prior to the occupation of the dwellings hereby permitted, the proposed car parking spaces shall be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Reason: To ensure that the development incorporates facilitates for charging plug-in and other ultra-low emission vehicles in accordance with paragraph 110 of the National Planning Policy Framework.

- 7 The drainage plans for disposal of foul and surface water flows shall be submitted to and approved by the local planning authority, and the scheme implemented in accordance with the approved details before the occupation of the first dwelling.

Reason: This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution pursuant to the guidance contained within the National Planning Policy Framework.

- 8 All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours: 0800 Hours and 1800 Hours on Mondays to Fridays and 0800 and 1300 Hours on Saturdays and; at no time on Sundays and Bank Holidays.

Reason: To ensure that the living conditions of neighbouring residents are not unduly affected by the development pursuant to the guidance contained within JCS policy SD14 and the National Planning Policy Framework.

- 9 No dwellings hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. The information submitted shall be in accordance with the principles set out in the approved drainage strategy. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in The SuDS Manual, CIRIA C753 (or any subsequent version), and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the

- measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. include a timetable for its implementation; and
  - iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution for the lifetime of the development.