The Planning Inspectorate

Appeal Decision

Site visit made on 7 March 2022

by Mr S Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th June 2022

Appeal Ref: APP/B1605/W/21/3281321
Land off Shurdington Road, Leckhampton, Gloucestershire, GL51 4WJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for consent, agreement or approval to details required by a condition of a planning permission.
- The appeal is made by Kendrick Homes Ltd against Cheltenham Borough Council.
- The application Ref 21/00045/REM, dated 15 December 2020, sought approval of details pursuant to outline planning permission Ref 19/02303/OUT, granted on 18 June 2020.
- The development proposed is for the construction of 12 new dwellings, to include road and drainage infrastructure, parking and landscaping.
- The details for which approval is sought are details of appearance, landscaping, layout and scale.

Decision

1. The appeal is allowed and the details submitted pursuant to condition Nos. 2 attached to planning permission Ref 19/02303/OUT dated 18 June 2020, namely appearance, landscaping, layout and scale details in accordance with the application Ref 21/00045/REM, dated 15 December 2020 are approved subject to the following additional conditions:

    1) The development hereby permitted shall be carried out in accordance with the approved plans listed in schedule entitled '*Q5a) List of Plans and Documents which accompanied the original Reserved Matters submission*' unless where superseded by amended plans set out in the schedule entitled '*Q6a) List of amended plans and documents';* together with plan number 375-02-705 'Connectivity Layout' (March 2022).

    2) The path/route to provide pedestrian and cycling connectivity through the site, as set out with the arrows on plan entitled 'Connectivity Layout' (ref: 375-02-705) and including the pathway between plots 6 and 7, shall be provided prior to the occupation of the last of the dwellings approved and maintained in perpetuity thereafter.

Main Issue

2. The main issue is the level of connectivity the development would have with the wider area from a pedestrian/cyclist perspective.

Procedural Matter

3. The 'reserved matters' application was not determined by the Council before it was appealed. From the Council's Appeal 'Statement of Case' and all the other evidence submitted I would regard the main issue as being the connectivity

and links for pedestrians and cyclists between the proposed development and the wider residential development of this area.

4. During the course of the appeal a plan reference 375-02-705 entitled 'Connectivity Layout' has been submitted. It shows a pedestrian route from an adjacent development through the site subject to this appeal, through to Shurdington Road. This aspect of the proposal relates both to the layout and access through the site, which was not part of the original outline proposal. I am aware that this was not submitted with the reserved matters application to the Council and that this issue of pedestrian connectivity was a concern for the Council. However, the changes to the layout to allow for this path connection are minimal. It is my view that accepting this plan would not prejudice any interested party. I have therefore considered this plan, entitled 'Connectivity Layout' (ref: 375-02-705) with the appeal.

5. It has been brought to my attention that the access approved as part of the outline planning permission (ref: 19/02303/OUT) has been repositioned with the detailed plans submitted with these reserved matters. While there has been this repositioning it is a relatively minor change to the overall scheme. Furthermore, as explained in the 'Other Matters' section below there is no substantive evidence that the access onto Shurdington Road would result in any adverse highway safety impacts compared to that approved at outline stage, with there being no objections raised to this access with this appeal by the Council or more specifically the highway authority. Considering all these matters it is my judgement that the access as proposed with the appeal plans as part of the reserved matters does not result in any adverse impacts compared to that approved at outline stage and would not materially prejudice any interested parties, with there being consultations for comments based on these detailed plans and the proposed access now part of this appeal.

Reasons

6. Outline planning permission Ref 19/02303/OUT, granted on 18 June 2020, was for up to 12 dwellings on this site, with a section 106 agreement to secure a policy compliant provision of 40% affordable units on the site. The reserved matters submission is for 12 dwellings. This site is part of a much larger allocation for mixed-use development (policy MD4) within the adopted Cheltenham Plan 2020.

7. As set out in the National Planning Policy Framework (the Framework), development should provide for street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods (paragraph 92). I acknowledge that at the time of the submission of the plans to the Council that there was no link shown to the wider policy MD4 allocation area. Any pedestrian or cycling link to the wider development site would be via Shurdington Road (A46), which would not be an example of an 'easy' pedestrian and cycle connection as this would be a long route and not particularly convenient.

8. However, during the course of the appeal a plan was submitted entitled 'Connectivity Layout' which showed a clear path link between units 6 and 7 which would link the proposed development with the wider development to the south. From the 'Miller Homes' plan showing the wider residential development, the proposed path as part of the appeal scheme would link with a path adjacent to a LAP and SuDs pond and on to the housing areas also. This would

be a satisfactory link that would provide sufficiently easy pedestrian and cycling access and movement between these separate developments and provide the necessary connectivity/permeability.

9. It is my understanding that the Millar Homes development proposals (ref: 20/01788/FUL) has been refused by the Council in recent weeks. However, the proposed link as shown on the plan submitted with this appeal does allow for suitable connectivity with whatever development may follow on the adjacent land as part of the wider policy MD4 allocation.

10. Therefore, on this matter, the proposal is in accordance with adopted policy MD4 of the Cheltenham Plan 2020 and adopted policy SD4 of the Joint Core Strategy 2017. These policies require that development be designed to integrate with existing development, prioritise movement by sustainable transport modes, and provide safe, easy and convenient pedestrian and cycle links within the site, amongst other things.

Other Matters

11. As noted in the procedural matters above, the access point off Shurdington Road has moved its position along the site frontage from that approved at outline stage. However, the Council has confirmed that the safety of the revised access point has been fully assessed by the Local Highway Authority. Furthermore, this assessment was made in full awareness of the access points proposed as part of the neighbouring development proposals. There has been no highway objection raised regarding the main access or the internal road layout by the Highways Authority.

12. The access would be positioned almost opposite the Silverthorne Close access off Shurdington Road. However, these access points are still staggered and not directly opposite. Considering the position of the main access as proposed with the reserved matters plans there is no substantive evidence that this would result in highway safety issues, which is also the conclusion of the Council and Highways Authority.

13. There are calls from interested parties for there to be a single joint access with the neighbouring housing development, but this is not a matter before me at this reserved matters stage. The Council has already approved the development of up to twelve dwellings with its own access onto Shurdington Road at outline stage, which is reflected in these reserved matters details.

14. It is acknowledged that this is a relatively minor development which forms part of a much larger area of development in this part of Cheltenham. However, the principle of residential development of up to 12 dwellings at this site has already been approved at outline stage by the Council. It is the details required as reserved matters which is under consideration with this appeal and not the effect of other larger developments adjacent to the site, such as on local infrastructure, transport and the road network for example. The twelve dwellings as now proposed is consistent with that approved at outline stage and so this is not a matter for consideration with this appeal.

15. The proposed dwellings, based on their position and layout, would not result in any significant impact to neighbour amenities.

Conditions

16. The conditions in the attached Schedule are based on those suggested by the Council. Most conditions are set out with the outline permission, such as the timings for development to commence and for vision splays for example. I have imposed a condition requiring compliance with the relevant application plans. Furthermore, there is a condition requiring the implementation of the pathway through the site, as set out on the connectivity layout plan.

Conclusion

17. For the reasons given I conclude that the appeal should succeed, subject to the conditions attached and those imposed at outline stage.

Mr S Rennie

INSPECTOR