

<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>WARD:</b> St Marks	<b>PARISH:</b>
<b>APPLICANT:</b>	Mr John McCreadie
<b>AGENT:</b>	Mrs Angela Hughes
<b>LOCATION:</b>	Playing Field Adj 10 Stone Crescent Cheltenham
<b>PROPOSAL:</b>	Construction of 6 semi-detached dwellings

## Update to Officer Report

### 1. OFFICER COMMENTS

1.1. Following discussions with the Council's contaminated land officers it is agreed that the wording of the relevant contaminated land conditions can be amended. As such condition 9 and condition 10 have been reworded as follows:

1.2. Condition 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 in the rear garden areas of each dwelling.

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 future occupiers and other offsite receptors in accordance with the relevant policies in the Cheltenham Plan (2020) and adopted Joint Core Strategy (2017).

1.3. Condition 10:

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 clean topsoil must be in compliance with BS3882:2015, with the addition of further analysis of lead.

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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).

## 2. CONCLUSION AND RECOMMENDATION

The amended contaminated land conditions (condition 9 & 10) are considered to be acceptable. As such, officer recommendation is to permit the application, subject to the amended conditions as set out below;

## 3. 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 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)

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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 in the rear garden areas of each dwelling.

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 future occupiers and other offsite receptors in accordance

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with the relevant policies in the Cheltenham Plan (2020) and adopted Joint Core Strategy (2017).

- 10 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 clean topsoil must be in compliance with BS3882:2015, with the addition of further analysis of lead.

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

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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

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