



Notice of a meeting of Planning Committee

**Thursday, 21 November 2019
6.00 pm
Council Chamber - Municipal Offices**

Membership	
Councillors:	Paul Baker (Vice-Chair), Paul McCloskey, Tony Oliver, Garth Barnes (Chair), Stephen Cooke, Diggory Seacome, Victoria Atherstone, Bernard Fisher, Dilys Barrell, Mike Collins, Alex Hegenbarth, Simon Wheeler, John Payne and Rowena Hay

The Council has a substitution process and any substitutions will be announced at the meeting

Important Notice

This meeting will be filmed by the council for training purposes. At the start of the meeting the Chair will confirm if all or part of the meeting will be filmed. The recording will not be broadcast to the council's website or on any other online platform but will be retained by the council for a period of six months.

If you make a representation to the meeting you will be deemed to have consented to be filmed. By entering the Chamber you are also consenting to be filmed and to the possible use of those images and sound recordings for training purposes.

Agenda

- c) **19/01956/FUL 18 Hatherley Lane** (Pages 5 - 8)
[Planning Application Documents](#)
- d) **19/01890/FUL Hearne Brook Flood Relief** (Pages 9 - 10)
[Planning Application Documents](#)

Contact Officer: Judith Baker, Planning Committee Co-ordinator,
Email: builtenvironment@cheltenham.gov.uk

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APPLICATION NO: 19/01956/FUL		OFFICER: Michelle Payne	
DATE REGISTERED: 28th September 2019		DATE OF EXPIRY: 23rd November 2019	
DATE VALIDATED: 28th September 2019		DATE OF SITE VISIT:	
WARD: Benhall/The Reddings		PARISH: n/a	
APPLICANT:	Clark Holdings (UK) Ltd		
AGENT:	BHB Clive Petch Limited		
LOCATION:	18 Hatherley Lane, Cheltenham		
PROPOSAL:	Sub-division of/alterations to existing pair of semi-detached houses to create 3no. terraced dwellings, and extension to create additional dwelling at 18/20 Hatherley Lane		

Update to Officer Report

- 1.1 The officer recommendation remains to grant planning permission subject to conditions; however, the schedule of conditions listed in the original report has been updated to include a condition requiring the submission of refuse and recycling storage facilities. An additional informative has also been included advising the applicant that they should engage with Asset Protection at Network Rail prior to the commencement of any works.

2. 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 Throughout the construction (and demolition) period of the development hereby granted, sufficient provision shall be made within the site 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; and
- iv) shall provide for wheel washing facilities.

Reason: To reduce the potential impact on the public highway and accommodate the efficient delivery of goods, having regard to policy INF1 of the Joint Core Strategy (2017) and paragraph 110 of the National Planning Policy Framework.

- 4 Prior to first occupation of the development hereby permitted, vehicular parking facilities shall be provided in accordance with approved Drawing No. 01535/05C, and those facilities shall be kept available for the parking of vehicles 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, having regard to policy INF1 of the Joint Core Strategy (2017) and paragraphs 108 and 110 of the National Planning Policy Framework.

- 5 Prior to first occupation of the development hereby permitted, secure and covered cycle parking facilities for a minimum of 1 cycle per dwelling shall be provided in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority, and those facilities shall be kept available for the parking of cycles 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, having regard to policy INF1 of the Joint Core Strategy (2017) and paragraphs 108 and 110 of the National Planning Policy Framework.

- 6 Prior to first occupation of the development hereby permitted, refuse and recycling storage facilities (including the appropriate containers) shall be provided in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority, and those facilities shall be retained as such thereafter.

Reason: In the interests of sustainable waste management and recycling, having regard to Policy W36 of the Gloucestershire Waste Local Plan.

- 7 Prior to the implementation of any landscaping, full details of a hard and/or soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify all walls, fences, trees, hedgerows and other planting which are to be retained, and provide details of all new walls, fences, or other boundary treatments; finished ground levels; new hard surfacing of open parts of the site which shall be permeable or drained to a permeable area; a planting specification to include [species, size, position and method of planting of all new trees and shrubs]; and a programme of implementation.

All hard and/or soft landscaping works shall be carried out in accordance with the approved details 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. All hard landscape works shall be permanently retained in accordance with the approved details.

Reason: In the interests of the character and appearance of the area, having regard to saved policies CP7, GE5 and GE6 of the Cheltenham Borough Local Plan (2006), and adopted policies SD4 and INF3 of the Joint Core Strategy (2017).

- 8 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 first floor window serving the en-suite within no. 20A 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 saved policy CP4 of the Cheltenham Borough Local Plan (2006) and adopted policy SD14 of the Joint Core Strategy (2017).

- 9 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 additional windows, doors and/or openings shall be formed in the first floor of the development hereby permitted without express planning permission.

Reason: Any further openings at first floor level require detailed consideration to safeguard the privacy of adjacent properties, having regard to saved policy CP4 of the Cheltenham Borough Local Plan (2006) and adopted policy SD14 of the Joint Core Strategy (2017).

- 10 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 development 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 saved policies CP4 and CP7 of the Cheltenham Borough Local Plan (2006) and adopted policies SD4 and SD14 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 revisions to ensure a more appropriate form of development. Following these negotiations, the application now constitutes sustainable development and has therefore been approved in a timely manner.

- 2 Any extension/alteration of a verge and/or footway crossing from the carriageway will require the permission of Gloucestershire Highways under the Highways Act 1980 - Section 184; and the applicant should therefore contact them on 08000 514 514 or highways@gloucestershire.gov.uk before commencing any works on the highway.
- 3 The applicant is advised that prior to any works being undertaken they should engage with Asset Protection at Network Rail to determine the interface with Network Rail assets, buried or otherwise; the applicant may be required to enter into a Basic Asset Protection Agreement (BAPA) with a minimum of 3 months' notice before works start.

Initially, the applicant should them at: assetprotectionwestern@networkrail.co.uk

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APPLICATION NO: 19/01890/FUL		OFFICER: Michelle Payne	
DATE REGISTERED: 24th September 2019		DATE OF EXPIRY: 24th December 2019	
DATE VALIDATED: 24th September 2019		DATE OF SITE VISIT:	
WARD: Charlton Kings		PARISH: Charlton Kings	
APPLICANT:	Cheltenham Borough Council		
AGENT:	Jacobs		
LOCATION:	Hearne Brook Flood Relief, Charlton Kings, Cheltenham		
PROPOSAL:	Site B (land south of Beeches Road) - formation of a low level bund and shallow grassed swale with small diameter piped outfalls to the exiting watercourse channel to address fluvial and overland flooding of residential property		

Update to Officer Report

- 1.1 At the time of writing the original report, a response from the County Highways Development Management team was still awaited. Subsequently, a verbal response has now been received raising no objection subject to a condition requiring the provision of wheel washing facilities during construction works.
- 1.2 The officer recommendation therefore is to grant planning permission subject to updated schedule of conditions below:

2. SUGGESTED CONDITIONS / INFORMATIVES

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

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

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

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

- 3 Not less than six months prior to the commencement of development, a badger survey shall be undertaken by a suitably qualified ecologist and the results of the survey and any mitigation measures proposed shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard protected species that could be adversely affected by the development and to ensure that adequate mitigation measures are provided, having regard to adopted policy SD9 of the Joint Core Strategy (2017) and paragraphs 8 and 170 of the National Planning Policy Framework. This information is required up front because without proper mitigation the construction works could have an unacceptable impact on protected species at the beginning of construction.

- 4 Prior to the felling of any trees, bat roost inspections shall be undertaken by a licensed ecologist and the results of the inspections and any mitigation measures proposed shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard protected species that could be adversely affected by the development and to ensure that adequate mitigation measures are provided, having

regard to adopted policy SD9 of the Joint Core Strategy (2017) and paragraphs 8 and 170 of the National Planning Policy Framework.

- 5 Prior to the commencement of development, a Tree Protection Plan (TPP) to BS 5837:2012 (or any standard that reproduces or replaces this standard) shall be submitted to and approved in writing by the Local Planning Authority. The TPP shall include the methods of tree and /or hedge protection, the position and specifications for the erection of tree protective fencing, and a programme for its implementation. The works shall not be carried out unless in accordance with the approved details, and the protective measures specified within the TPP shall 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 saved policies GE5 and GE6 of the Cheltenham Borough Local Plan (2006). Approval is required upfront to ensure that important trees are not permanently damaged or lost.

- 6 The development hereby permitted shall be carried out in strict accordance with the recommendations set out in paragraphs 5.2 – 5.4 of the Preliminary Ecological Appraisal dated November 2018 submitted with the planning application.

Reason: To safeguard important species that could be adversely affected by the development and to ensure that adequate mitigation measures are provided, having regard to adopted policy SD9 of the Joint Core Strategy (2017) and paragraphs 8 and 170 of the National Planning Policy Framework.

- 7 Prior to the commencement of development, wheel washing facilities shall be provided within the curtilage of the site in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority. The wheel washing facilities shall thereafter be used and maintained in good working condition throughout the construction process.

Reason: To minimise disruption on the public highway during the course of the construction works in the interests of highway safety, having regard to adopted policy INF1 of the Joint Core Strategy (2017). Approval is required upfront because without proper mitigation the works could have an unacceptable highway impact during construction.

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, having had regard to all material considerations, the application constitutes sustainable development and has therefore been approved in a timely manner.