

APPLICATION NO: 13/00756/FUL		OFFICER: Mrs Wendy Hopkins	
DATE REGISTERED: 10th May 2013		DATE OF EXPIRY: 9th August 2013	
WARD: Leckhampton		PARISH: Leckhampton With Warden Hill	
APPLICANT:	Martin Scott Homes		
AGENT:	David Keyte		
LOCATION:	Leckhampton Industrial Estate, Leckhampton Road, Cheltenham		
PROPOSAL:	Demolition of existing buildings and residential development comprising the construction of 28 dwellings		

Recommendation: PERMIT subject to conditions and S106 agreement

Update to Officer Report

1. OFFICER COMMENTS

Development Viability

- 1.1. Following the previous Officer update the viability assessment has been received from the District Valuers Service (DVS).
- 1.2. The DVS assessment concludes that the redevelopment proposal is **not viable** at any of the levels tested. These were:
 - Basis 1 – 0% education, library and play space contributions and 40% affordable housing (12 units);
 - Basis 2 – 0% education, library and play space contributions and 20% affordable housing (6 units);
 - Basis 3 - 0% education, library and play space contributions and 10% affordable housing (3 units);
- 1.3. The DVS assessment considered a number of substantial abnormal costs that are associated with this proposal and include site remediation (initial investigations have found asbestos and other pollutants on-site) and the reduction of site land levels (historically the site area has been subject to large areas of fill which are required to be removed to accommodate the redevelopment of the site). For this reason and other cost factors, the assessment has not resulted in any margin to seek a whole or partial contribution to the relevant obligations.
- 1.4. Notwithstanding the conclusions of the DVS financial assessment the application includes a 10% affordable housing contribution which is compliant with the Affordable Housing Officers requirements of 3 units – 1 x 3 bed affordable rent, 1 x 3 bed shared ownership and 1 x 4 bed social rent.
- 1.5. In Officers' view, this contribution is over and above what is required or could be successfully secured following the DVS assessment. This matter is significant and material to the consideration of this application.
- 1.6. In conclusion and referring back to paragraph 6.14 of the main report and the necessity of balancing the development benefits against any adverse impacts,

Officers consider that this redevelopment proposal offers significant benefits through i) the delivery of housing against the 5-year housing land supply, ii) the redevelopment of a brown field site within the PUA, iii) the contribution of affordable housing within the District, iv) improvements to local visual amenity through the redevelopment, v) the 'cleaning up' of a polluted site and vi) improvements to surface water drainage. The view of Officers is that these benefits coupled with the advice set out in paragraph 179 of the NPPF; which precludes Local Planning Authorities to seek development contributions where it renders the development undeliverable; outweighs a reduced provision of affordable housing. The proposal thereby accords with relevant development plan policies and national planning policy set out within the NPPF.

- 1.7. Not material to the consideration of this application but an item that should be noted as part of the discussion is that the applicant has entered into discussions with the adjoining Scout group and has offered to prepare and submit a planning application, on behalf of the Scouts, for a replacement scout hut. This offer of goodwill followed the public consultation event in April which raised this issue as an important desire of the local community.

2. CONCLUSION AND RECOMMENDATION

- 2.1. For the above reasons and those discussed in the main report, Officers recommend permission is granted subject to conditions detailed below and a S106 legal agreement securing 10% affordable housing (3 units – 1 x 3 bed [affordable rent], 1 x 3 bed [shared ownership] and 1 x 4 bed [social rent]); the ownership and long-term maintenance of the new dedicated bat house, bat boxes, bat panels and bird nesting features and the retention and long-term maintenance of the southern and eastern boundary hedgerow, shrubs and trees as detailed in the bat strategy; the future management and maintenance of the surface water drainage system; and the future management and maintenance of the site access and estate streets including landscaped areas.

3. CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
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 development hereby permitted shall be carried out in accordance with revised drawing numbers 2004.2000 Rev 21 (24.10.13), 2004.2002 Rev P4 (16.10.13), 0004 Rev A03 (20.10.13), 0001 Rev A05 (20.10.13), Section AA, BB, CC, DD, EE (24.10.13), 2004.2010 Rev P13 (13.11.13), 2004.2011 Rev P9 (24.10.13), 2004.2012 Rev P5 (24.10.13), 2004.2013 Rev P8 (13.11.13), 2004.2015 Rev P1 (25.10.13), 2004.2016 Rev P1 (24.10.13), 2004.2014 Rev P6 (13.11.13), 2004.2017 Rev P2 (13.11.13), 2004.1101 Rev D (24.10.13), 2004.1100 Rev C (24.10.13), 2004.1103 Rev C (24.10.13), 2004.1102 Rev C (24.10.13), 2004.1105 Rev C (24.10.13), 2004.1104 Rev C (24.10.13), 2004.1107 Rev D (24.10.13), 2004.1106 Rev D (24.10.13), 2004.1109 Rev C (24.10.13), 2004.1108 Rev C (24.10.13), 2004.1111 Rev B (24.10.13), 2004.1110 Rev B (24.10.13), 2004.1113 Rev C (24.10.13), 2004.1112 Rev C (24.10.13), 2004.1115 Rev D (19.11.13), 2004.1114 Rev D (19.11.13), 2004.0007 Rev C (13.11.13), 2004.1116 Rev B (24.10.13), 2004.119 Rev C (13.11.13), 2004.1118 Rev B (24.10.13), 2004.1121 Rev B (24.10.13),

2004.1120 Rev B (24.10.13), 2004.1123 Rev B (24.10.13), SK004 Rev A06 (20.10.13), 2004.A (14.10.13), 2004.1068 Rev B (31.07.13), 03 Rev H (06.11.13), 04 Rev H (06.11.13), 05 Rev H (06.11.13), 06 Rev H (06.11.13) and documents entitled Design and Access Statement Rev P1 (08.11.13), Document 1: Background and supporting information Rev 1 (14.10.13) and Mitigation and Compensation Rev 1 (14.10.13).

Reason: To ensure the development is carried out in strict accordance with the approved drawings.

- 3 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The approved Statement shall be strictly adhered to throughout the construction period. The Statement shall provide for:

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- wheel washing facilities

Reason: To minimize disruption, congestion and hazards on the public highway, in the interests of highway safety.

- 4 No works shall commence, including demolition, until a scheme for the control of noise, dust, vibration and other nuisances is submitted to and approved in writing by the Local Planning Authority. The development shall be strictly implemented in accordance with the approved details. Scheme details shall include:

1. Hours of work. Recommended hours are: 7:30AM-6:00PM, Mon - Fri; 8:00AM-1:00PM; Saturdays and no noise-producing work on Sundays or Bank Holidays. Any work outside these hours should be agreed well in advance with the Environmental Protection Team.
2. No bonfires will be permitted on site.
3. Any stockpiles of dusty materials, including crushed material must be kept covered or suitably dampened to avoid wind-borne dust.

Reason: To safeguard nearby residential amenities in accordance with CP4 relating to safe and sustainable living.

- 5 The development hereby approved shall not commence on site until the following condition has been complied with and satisfactorily agreed, in writing, by the Local Planning Authority.

i) Site characterisation

A site investigation and risk assessment should be carried out to assess the potential nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report must include:

a) a survey of the extent, scale and nature of contamination

b) an assessment of the potential risks to:

- human health
- property (including buildings, crops, livestock, pets, woodland and service lines and pipes)
- adjoining land

- ecological systems
- groundwaters and surface water
- archaeological sites and ancient monuments

c) an appraisal of remedial options to mitigate against any potentially significant risks identified from the risk assessment.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11'

ii) Submission of a remediation scheme

Where remediation is required, a detailed remediation scheme to bring the site to a condition suitable for the intended use should be produced and will be subject to the approval, in writing, by the Local Planning Authority prior to implementation. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2a of the Environmental Protection Act (1990) in relation to the intended use of the land after remediation.

iii) Implementation of approved remediation scheme

Any approved remediation scheme must be carried out in accordance with its terms prior to the commencement of the development, other than that required to carry out remediation. Following completion of measures identified in any approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval, in writing, by the Local Planning Authority.

If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination until section has been complied with in relation to that contamination.

iv) Reporting of unexpected contamination

In the event that contamination is found at any time when carrying out the approved development, that was not previously identified, it must be reported immediately in writing to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with section i) and a remediation scheme submitted in accordance with section ii). Following completion of measures identified in the approved remediation scheme, a verification report must be produced in accordance with section iii).

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 can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Local Plan Policy NE4 relating to development on contaminated land.

- 6 No development shall take place within the application site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

Reason: To make provision for a programme of archaeological mitigation, so as to record and advance understanding of any heritage assets which will be lost, in accordance with paragraph 141 of the National Planning Policy Framework

- 7 The measures of the bat strategy shall be fully implemented in accordance with the approved document 'Mitigation and compensation (Revision 1, October 2013)'.
Reason: To ensure that biodiversity is conserved and in accordance with ODPM Circular 06/2005 plus National Planning Policy Framework paragraphs 109 and 118.
- 8 No demolition, hedgerow, tree or shrub removal shall take place between 1st March and 31st August inclusive unless a survey to assess the nesting bird activity on the site during this period has been undertaken and a method of working to protect any nesting bird interest found is established and then implemented.
Reason: To ensure that wild birds building or using their nests are protected as required by law and in accordance with ODPM Circular 06/2005 plus National Planning Policy Framework paragraphs 109 and 118.
- 9 A small scale biodiversity enhancement scheme for nesting birds including features based on paragraph 5.12 of the Extended Phase 1 Habitat Survey dated February 2013 shall be submitted for written approval by the Local Planning Authority prior to development commencing. Locations and descriptions of features will need to be specified plus any required maintenance regime to maintain biodiversity interest or use. The scheme shall be implemented as approved within three months of the occupation of the first dwelling.
Reason: This is in accordance with National Planning Policy Framework paragraphs 109 and 118 and also Section 40 of the Natural Environment and Rural Communities Act 2006, which confers a general biodiversity duty upon Local Authorities.
- 10 During the construction phase all hazardous chemicals, if left on site overnight, are to be secured and any excavations covered or designed with one sloped side or ramp in place. Also all open pipes to be capped off overnight that are larger than 150mm outside diameter.
Reason: As a precaution to ensure the site is made safe from environmental pollution and that animals including those legally protected are prevented from becoming trapped within excavations. In accordance with ODPM Circular 06/2005 plus National Planning Policy Framework paragraphs 109 and 118.
- 11 Notwithstanding the submitted information a soft landscaping scheme with detailed planting schedule for the planted embankment along the southern side of the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The plan shall be strictly implemented as approved by the Local Planning Authority.
Reason: To conserve and enhance a location of recognised nature conservation importance and in accordance with ODPM Circular 06/2005 plus National Planning Policy Framework paragraphs 109 and 118.
- 12 A Lighting Scheme comprising of low-level bollards and sensitively placed columns with luminaires that limit light spillage and avoid illumination of the new dedicated bat house, bat boxes, bat panels and the boundary hedgerows, shrubs and trees shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The scheme shall include a lux plan and be implemented in strict accordance with the approved details.
Reason: To avoid light pollution and impact on protected species (bats) and local amenity and in accordance with ODPM Circular 06/2005 plus National Planning Policy Framework paragraphs 109 and 118.

- 13 Notwithstanding the submitted information and prior to the commencement of development, a landscaping and planting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a survey of all existing trees on the land showing the size and species and identifying those trees, if any, it is proposed to remove. In addition it shall show in detail all proposed tree and shrub planting, hard surfacing (which should be permeable or drain to a permeable area) and areas to be grassed.
Reason: To ensure that the development is completed in a manner that is sympathetic to the site and its surroundings in accordance with Local Plan Policies CP1 and CP7 relating to sustainable development and design.
- 14 The landscaping proposals hereby approved shall be carried out no later than the first planting season following the date when the development is ready for occupation or in accordance with a programme agreed in writing with the Local Planning Authority. All planted materials shall be maintained for 5 years after planting and any trees or plants removed, dying, being severely damaged or becoming seriously diseased within this period shall be replaced with others of similar size and species to those originally required to be planted.
Reason: To ensure that the planting becomes established and thereby achieves the objectives of Local Plan Policies CP1 and CP7 relating to sustainable development and design.
- 15 Notwithstanding the submitted information and prior to the commencement of development, a detailed scheme for boundary walls, fences or other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority and the boundary walls, fences or other means of enclosure shall be erected before the development hereby permitted is first occupied.
Reason: To ensure that the development is completed in a manner that is sympathetic to the site and its surroundings in accordance with Local Plan Policy CP7 relating to design.
- 16 Tree protective fencing shall be installed in accordance with the specifications set out within BS 5837:2012. The fencing shall be erected, inspected and approved in writing by the Local Planning Authority prior to the commencement of any works on site (including demolition and site clearance) and shall remain in place until the completion of the construction process.
Reason: In the interests of local amenity, in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.
- 17 All service runs shall fall outside the Root Protection Area(s) unless otherwise agreed in writing by the Local Planning Authority. Any such works shall be in accordance The National Joint Utilities Group; Volume 4 (2007).
Reason: In the interests of local amenity in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.
- 18 As part of the landscaping scheme all tree pit details shall be submitted to and approved in writing by the Local Planning Authority. Tree pits and planting shall be carried out in strict accordance with the approved details.
Reason: To ensure new tree planting is given the opportunity to successfully establish in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.
- 19 No dwelling on the development hereby permitted shall be occupied until the access roads, including surface water drainage/disposal, vehicular turning heads, street lighting, and footways where proposed providing access from the nearest public road to that dwelling have been completed to at least binder

course level in accordance with the submitted plans (drawing no: 2004.2000 Rev P19), and those access roads, shall be retained and maintained in that form until and unless adopted as highway maintainable at public expense.

Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway.

- 20 No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as either a dedication agreement has been entered into or a private management and maintenance company has been established.

Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway.

Note: The applicant is advised that to discharge the above condition the local planning authority requires a copy of a completed dedication agreement between the applicant and the local highway authority or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.

- 21 The car parking (including garages and car ports where proposed) and manoeuvring facilities serving each dwelling shall be completed in all respects in accordance with the submitted details (drawing number: 2004.2000 Rev P19) prior to the occupation of that dwelling and shall be similarly maintained thereafter for that purpose.

Reason: To ensure an acceptable level of car parking and appropriate manoeuvring facilities are provided and maintained, in the interests of highway safety.

- 22 Prior to the commencement of development, samples of the proposed facing materials shall be submitted to and approved in writing by the Local Planning Authority and the facing materials used in the development shall be in accordance with the samples so approved.

Reason: To ensure a satisfactory form of development in accordance with Local Plan Policy CP7 relating to design.

- 23 Prior to the first occupation of any part of the development, the surface water drainage system hereby approved shall be completed in all respects in accordance with the details approved and shall be retained as such thereafter.

Reason: To ensure the surface water drainage system does not contribute to flooding or pollution of the watercourse in accordance with Local Plan Policy UI3 relating to sustainable drainage systems.

- 24 No development shall be commenced until details of the proposed arrangements for future management and maintenance of the surface water drainage system have been submitted to and approved in writing by the local planning authority. The surface water drainage system shall thereafter be maintained in accordance with the approved management and maintenance details thereafter.

Reason: To ensure the surface water drainage system does not contribute to flooding or pollution of the watercourse in accordance with Local Plan Policy UI3 relating to sustainable drainage systems.

- 25 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and/or re-enacting that order with or without modification), no extensions, garages, walls, fences or other structures of any kind (other than those forming part of the development hereby permitted) shall be erected without planning permission.
Reason: Any further extension or alteration requires detailed consideration to safeguard the amenities of the locality in accordance with Local Plan Policies CP4 and CP7 relating to safe and sustainable living and design.
- 26 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and/or re-enacting that order with or without modification), no additional openings shall be formed in the development without planning permission.
Reason: Any further openings require detailed consideration to safeguard the amenities of the locality in accordance with Local Plan Policies CP4 and CP7 relating to safe and sustainable living and design.
- 27 All windows on the rear and side elevations at first floor facing the northern site boundary of the development hereby approved shall be obscurely glazed and retained as such thereafter.
Reason: To safeguard the amenities of adjoining properties in accordance with Local Plan Policy CP4 relating to safe and sustainable living.

INFORMATIVES

- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 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.

Following negotiations, the application now constitutes sustainable development and has therefore been approved in a timely manner.

- 2 To assist in the strategic conservation of countywide biodiversity, all species and habitat records from the ecological work commissioned by the applicant should be copied [preferably in electronic format] to the Gloucestershire Centre for Environmental Records (GCER).
- 3 If a protected species (such as any bat, badger, reptile, barn owl or any nesting bird) is discovered using a feature on site that would be affected by the development or construction work all activity which might affect the species at the locality should cease. If the discovery can be dealt with satisfactorily by the implementation of biodiversity mitigation measures already approved by the Local Planning Authority then these should be implemented. Otherwise a suitably qualified ecological consultant should be contacted and the situation assessed before operations can proceed. This action is necessary to avoid

possible prosecution and ensure compliance with the Wildlife & Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and/or the Protection of Badgers Act 1992. This advice note should be passed on to any persons/contractors carrying out the development/works.

- 4 The Local Highway Authority will require the developer to enter into legally binding agreement to secure the proper implementation of the proposed site access highway works, including an appropriate bond.
- 5 In the interests of highway safety, the public footpath must not be obstructed or encroached upon, the surface damaged or made dangerous during or after works. The applicant is advised to contact the Gloucestershire County Council Public Rights of Way Team on 01452 425577.