

<b>APPLICATION NO:</b> 13/01605/OUT	<b>OFFICER:</b> Mr Craig Hemphill
<b>DATE REGISTERED:</b> 17th September 2013	<b>DATE OF EXPIRY:</b> 7th January 2014
<b>WARD:</b> Leckhampton	<b>PARISH:</b> Leckhampton With Warden Hill
<b>APPLICANT:</b>	Bovis Homes Limited & Miller Homes Limited
<b>AGENT:</b>	Joe Murphy
<b>LOCATION:</b>	Land At Leckhampton Shurdington Road Cheltenham
<b>PROPOSAL:</b>	Residential development of up to 650 dwellings; mixed use local centre of up to 1.94ha comprising a local convenience retail unit Class A1 Use (400sqm), additional retail unit Class A1 Use for a potential pharmacy (100sqm), Class D1 Use GP surgery (1,200sqm,) and up to 4,500sqm of additional floorspace to comprise one or more of the following uses, namely Class A Uses, Class B1 offices, Class C2 care home, and Class D1 Uses including a potential dentist practice, children's nursery and/or cottage hospital; a primary school of up to 1.72ha; strategic open space including allotments; access roads, cycle ways, footpaths, open space/landscaping and associated works; details of the principal means of access; with all other matters to be reserved.

## Update to Officer Report

### 1. SUGGESTED CONDITIONS

- 1 Approval of the details of the layout, scale, landscaping and external appearance (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: This is an outline permission only and these matters have been reserved for the subsequent approval of the Local Planning Authority.

- 2 The development shall be started on or before whichever is the later of the following dates:-
  - (a) Five years from the date of the outline permission;
  - (b) Two years from the date of this decision.

Reason: To enable the Local Planning Authority to review the development should it not be started within the time specified.

- 3 The development hereby permitted shall be carried out in accordance with drawing numbers 2186.09A; 2186.17C; 2186.31; 2186.30; 2186.32; 2186.33 and 2186.40.

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

- 4 Prior to the submission of any Reserved Matters, a Phasing Scheme shall be submitted to and approved in writing by the Local Planning Authority. The approval of the details of the reserved matters shall be obtained from the Local Planning Authority in writing in relation to each phase before development of that phase commences. Development

shall thereafter be carried out in accordance with the approved details unless a variation is approved in writing by the Local Planning Authority.

The phasing scheme shall indicate the order and approximate timescales of:

- Site remediation, development phases (including the numbers of open market dwellings, and numbers, sizes and tenure of affordable housing units in each phase); and
- The provision of highway and drainage infrastructure; bus routes; utility infrastructure; landscaping including strategic landscaping; open space and recreation facilities; safe routes to school; and pedestrian and cycle route connections

Reason: To adequately manage the delivery of the site against supporting infrastructure.

- 5 No development layout shall be submitted until full drainage details, incorporating sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, have been submitted in to and approved in writing by the Local Planning Authority. The drainage details shall include maintenance and adoption arrangements and shall be implemented in accordance with the approved details.

Reason: To provide water quality benefits, ensure that the new development does not increase the risk of flooding to the site itself or adjacent existing developments, and ensure adequate maintenance of drainage features.

- 6 Each application for reserved matters approval shall include a statement detailing how the application complies with the design principles established in the Design and Access Statement and addendum (April 2014) and any revisions agreed in writing by the Local Planning Authority.

Reason: To ensure compliance with the Design and Access Statement and ensure a satisfactory form of development and in the interests of the character and appearance of the area.

- 7 Details of the planting scheme will be submitted as part of the reserved matters, which shall generally be in accordance with the Green Infrastructure Strategy, as amended, shall be submitted to and approved in writing by the Local Planning Authority.

The submission shall include the following:

- (i) Measures proposed for the protection of existing trees and hedgerows during construction including protective fencing in accordance with BS5837:2005.
- (ii) an Arboricultural Method Statement in accordance with BS5837:2005 in relation to development within the root protection areas indicated on drawing no [Insert ref]to include no dig construction for access roads and car parking spaces or fires.
- (iii) Details for trees to be planted including species, size, planting specification and root type.
- (iv) The arrangements for management, including maintenance schedules and arrangements for the replacement of trees that are removed, uprooted, destroyed, die or become seriously damaged or diseased within five years of planting.

(v) Details of phasing arrangements.

Development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the provision of an appropriate landscape setting for the development in the interests of the character and appearance of the area.

- 8 Applications for approval of reserved matters pursuant to conditions 4 and 6 shall include inter alia details of the proposed facing materials and roofing materials, which shall be in general accordance with the Design and Access Statement and revisions thereto approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure a satisfactory form of development in the interests of the character and appearance of the area.

- 9 Applications for approval of reserved matters pursuant to conditions 4 and 6 shall include inter alia details of the specification and location of all hard surfacing materials, which shall be in general accordance with the Design and Access Statement and revisions thereto approved in writing by the Local Planning Authority. All new hard surfacing areas shall be formed from permeable materials or provision shall be made to direct run-off from the hard surface to a permeable or porous area (soakaway) within the site. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure a satisfactory form of development in the interests of the character and appearance of the area.

- 10 Applications for approval of reserved matters pursuant to conditions 4 and 6 shall include inter alia full details of the design, materials, colour and finish of the proposed external windows (including cills) and doors, which shall be in general accordance with the Design and Access Statement and any revisions thereto approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure a satisfactory form of development in the interests of the character and appearance of the area.

- 11 Applications for approval of reserved matters pursuant to conditions 4 and 6 shall include inter alia details of all boundary treatments, screen walls and fences, which shall be in general accordance with the Design and Access Statement and revisions thereto approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure a satisfactory form of development in the interests of the character and appearance of the area.

- 12 The reserved matters submissions shall include details of the layout of estate roads, including routes suitable for refuse collection vehicles, and on-street parking to be laid out and constructed in accordance with approved details, including means of surface water disposal; street lighting; and signage to be submitted to and approved in writing

by the Local Planning Authority. No buildings hereby approved shall be occupied until the access roads to dwellings from the existing highway, including associated footways, cycle ways and turning heads, which serve the buildings have been laid out in accordance with those approved details and phasing scheme, and constructed to at least base course level.

Reason: To ensure that the access roads are completed to a standard suitable for occupants of the dwelling, in the interests of highways and public safety.

- 13 The reserved matters submissions shall include details of secure cycle storage and bin storage facilities for apartments and communal living units. The cycle facilities for those dwellings hereby permitted shall then be completed in all respects in accordance with those details before that dwelling is occupied and shall be maintained as such thereafter.

Reason: To ensure that adequate cycle storage is provided in line with the Government's aims for sustainable development.

- 14 The reserved matters submissions shall include details of vehicular manoeuvring facilities for each dwelling and vehicular parking, including electric car charging points. The parking and manoeuvring facilities for each dwelling hereby permitted shall then be completed in all respects before that dwelling is occupied in accordance with those details before the development is brought into use and shall be maintained as such thereafter.

Reason: To ensure that adequate car parking provision is provide to meet future demand in the interests of highway safety and in line with the Government's aims for sustainable development.

- 15 As part of any reserved matters application details of the number and location of bin stores shall be submitted to and approved in writing by the Local Planning Authority. The bin stores shall be provided in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory provision of bin stores in appropriate locations on the site.

- 16 Prior to development of each phase as per conditions 4 and 6 a detailed masterplan shall be submitted to the Local Planning Authority and agreed in writing. The Detailed Masterplan shall include a two-dimensional layout, and dimensioned cross section drawings that show:

- the arrangement of street blocks;
- the arrangements for car parking;
- street types.

Reason: To manage the development of the site and access roads.

- 17 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 adhered to throughout the construction

period unless otherwise agreed in writing by the Local Planning Authority. The Statement shall provide for:

- (i) the parking of vehicles of site operatives and visitors, and routing of construction vehicles specify the type and number of vehicles;
- (ii) loading and unloading of plant and materials;
- (iii) storage of plant and materials used in constructing the development;
- (iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- (v) wheel washing facilities;
- (vi) measures to control the emission of dust and dirt during construction; and
- (vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: In the interests of highway safety and neighbour amenity.

- 18 No site works or clearance shall commence in any phase until the protective fences have been erected in the positions indicated on the approved plans unless a variation is approved in writing by the Local Planning Authority. Until the development in that phase has been completed, these fences shall not be removed and the protected areas shall be kept clear of any building, plant, material, debris and trenching, with the existing ground levels maintained, and there shall be no entry to those areas except for approved arboricultural, landscape or ecological works unless a variation is approved in writing by the Local Planning Authority.

Reason: To safeguard the areas to be landscaped and the existing trees and planting to be retained within the site.

- 19 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for a remediation strategy detailing how this contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason: To ensure the protection of controlled waters

- 20 The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme including agreed phasing arrangements shall be implemented in accordance with the approved details before the development is first brought into use.

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.

- 21 No works shall commence until a detailed Construction Environmental Management Plan for wildlife (details of how they will be protected and the proposed enhancements) in line with the recommendations in Chapter 8 of the Environmental Statement is submitted and approved in writing by the Local Planning Authority and implemented in full in accordance with the timetable laid out within the plan.

Reason: To ensure that wildlife and the biodiversity of the site are protected and enhanced in accordance with the Wildlife and Countryside Act 1981 as amended; NPPF; The Conservation of Species and Habitats Regulations 2010; the Natural Environment and Rural communities Act 2006; and Policies NE 3 and GE 7 of the Cheltenham Borough Council Local Plan.

- 22 No works shall commence on any phase until a detailed lighting plan is submitted to, and agreed in writing by, the local Planning Authority for the relevant phase.

Reason: To ensure that bat flight paths as identified within Chapter 8 of the submitted Environmental Statement are protected in accordance with the Wildlife and Countryside Act 1981 as amended; NPPF; The Conservation of Species and Habitats Regulations 2010; the Natural Environment and Rural communities Act 2006; and Policies NE 3 and GE 7 of the Cheltenham Borough Council Local Plan.

- 23 The development of each phase as per condition 4 shall not begin until a scheme for the provision of affordable housing for that phase has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in the NPPF or any future guidance that replaces it. The scheme shall include the numbers, type, tenure and location on the site of the affordable housing provision to be made.

Reason: The development proposes more than 15 dwellings and, therefore, to comply with policy HS4 (Affordable Housing), a minimum of 40% (or as may be varied by a review or replacement of the Development Plan) are required to be made affordable.

- 24 No development shall commence on site until a scheme has been submitted to, and agreed in writing by the Council, for the provision of fire hydrants (served by mains water supply) and no dwelling shall be occupied until the hydrant serving that property has been provided to the satisfaction of the Council.

Reason: To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire.

NOTE: The developer will be expected to meet the full costs of supplying and installing the fire hydrants and associated infrastructure.

- 25 Prior to the commencement of development of each phase as per conditions 4 and 6, a scheme for the provision of refuse and recycling storage facilities to serve the proposed dwelling(s) in that phase (including appropriate containers in accordance with adopted Supplementary Planning Document - Waste Minimisation in Development Projects) shall be submitted to and approved in writing by the Local Planning Authority. The dwelling(s) shall not be occupied until the approved scheme has been implemented.

Reason: To achieve sustainable waste management and to facilitate recycling in accordance with Gloucestershire Waste Local Plan Policy W36 relating to waste minimisation.

- 26 Before the development is occupied, the access roads and car parking areas shall be surfaced in a bound material (not loose stone or gravel) to the satisfaction of the Local Planning Authority and shall be maintained as such thereafter.

Reason: In the interests of highway safety.

- 27 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings in each phase pursuant to Condition 3 and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To provide a satisfactory landscaped setting for the development.

- 28 The developer shall provide in accordance with the Environmental Statement sections 10 and 11 the Noise and Air Quality Control Method Statement to cover the plans to control noise and dust emissions. The plan should also include controls on these nuisances from vehicles operating at and accessing the site from the highway. Such a plan is to be submitted to and approved by the Local Planning Authority before work commences on site.

Reason: to protect local residents.

- 29 A scheme of odour control and noise abatement for any proposed kitchen extraction Equipment shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of any building in Class A and Class 3 uses. The approved odour and noise control scheme shall be implemented on site prior to the extraction system being brought into use and shall be maintained in accordance with the approved scheme.

Reason: To protect the amenity of occupiers of nearby properties.

- 30 No works shall commence on site until full engineering details of the primary and secondary accesses to the development, generally in accordance with the approved access plans, have been submitted to and agreed in writing by the local planning authority, the approved works shall then be completed prior to any occupations of any proposed dwelling or unit, and shall be retained as such thereafter until and unless adopted as highway maintainable at public expense

Reason: To mitigate the impact of the development in accordance with paragraph 32 of the NPPF.

- 31 No works shall commence on site until full engineering details of the capacity improvement works at the Moorend Park Road/A46 junction, generally in accordance with GCC drawing Option 1 Improvement A46 West, have been submitted to and agreed in writing by the local planning authority, the approved works shall then be completed prior to any occupations of any proposed dwelling or unit, and shall be retained as such thereafter until and unless adopted as highway maintainable at public expense

Reason: To mitigate the impact of the development in accordance with paragraph 32 of the NPPF.

- 32 Details of the layout and access, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out in accordance with the approved plans. No dwelling on the development shall be occupied until the carriageway(s) (including surface water drainage/disposal, vehicular turning head(s) and street lighting) providing access from the nearest public Highway to that dwelling have been completed to at least binder course level and the footway(s) to surface course level.

Reason: To minimise hazards and inconvenience for users of the development by ensuring that there is a safe and suitable means of access for all people.

- 33 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 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.

- 34 No works shall commence on site until details of cycle signage, and non motorised highway improvements, to enable resident and employees of the development to safely access nearest facilities, have been submitted to and agreed in writing by the local planning authority, the approved works shall then be completed prior to any occupations of any proposed dwelling or unit, and shall be retained as such thereafter until and unless adopted as highway maintainable at public expense

Reason: To mitigate the impact of the development in accordance with paragraph 32 of the NPPF.

- 35 Prior to and development on site the detailed design of the proposed land raising within residential area C shall be submitted to, and agreed in writing by the Local Planning Authority.

Reason: To ensure that the new development does not increase flooding to the site itself or adjacent existing development.

- 36 Prior to the commencement of development, plans showing the existing and proposed ground levels and slab levels of the proposed and adjacent buildings shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented strictly in accordance with the agreed details.

Reason: To ensure a satisfactory relationship of the proposed building with the adjoining properties and land in accordance with Local Plan Policies CP4 and CP7 relating to safe and sustainable living, and design.

- 37 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 (iv) 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.

- 38 Prior to the commencement of development or any works on site, the applicant, or their agents or successors in title, shall secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that archaeological remains and features are recorded and/or published prior to their disturbance in accordance with Local Plan Policy BE20 relating to archaeological remains of local importance and national guidance set out within the National Planning Policy Framework.

- 39 The developer shall afford access at all reasonable times to any archaeologist nominated by the Local Planning Authority, and shall allow him/her to observe the excavations and record items of interest and finds.

Reason: To enable a record of remains of archaeological interest to be made prior to their disturbance in accordance with Local Plan Policy BE20 relating to archaeological remains of local importance.

#### 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.

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

- 2 The proposed development will require works to be carried out on the public highway and the Applicant/Developer is required to enter into a legally binding Highway Works Agreement (including an appropriate bond) with the Local Highway Authority before commencing works on the development.