

APPLICATION NO: 15/00058/FUL		OFFICER: Miss Chloe Smart	
DATE REGISTERED: 21st January 2015		DATE OF EXPIRY: 18th March 2015	
WARD: Charlton Kings		PARISH: Charlton Kings	
APPLICANT:	Mr & Mrs Thornton		
AGENT:	Mr Simon Firkins		
LOCATION:	9 Copt Elm Road Charlton Kings Cheltenham		
PROPOSAL:	Erection of single storey dwelling		

Update to Officer Report

1. OFFICER COMMENTS

- 1.1. Since the publication of the officer report, formal comments have been received from Gloucestershire County Council Highways and also additional representations from neighbouring properties. Additional representations are attached to this update.
- 1.2. The majority of the issues raised within the representations have been covered within the original officer report; however there are a few matters for Officers to provide comment on.
- 1.3. Firstly, a concern has been raised in relation to the Highway comments as the junction of Church Walk and Copt Elm Road has been described as having good visibility splays, despite cars parking within close proximity of this junction.
- 1.4. GCC Highways have clarified the reasoning behind this junction being acceptable from a visibility splay perspective. The access benefits from good visibility splays when cars are not parked within close proximity of the junction. Notwithstanding this, the presence of parked cars near the Copt Elm Road and Church Walk junction does not make the visibility for vehicles unacceptable. The Manual for Streets, produced in 2007 by the Department for Transport and DCLG, states at paragraph 7.8.4 that "*parking in visibility splays in built up areas is quite common, yet it does not appear to create significant problems in practice*". GCC Highways have previously tried to argue this to the contrary at appeal and have been unsuccessful, due to the national guidance on this matter.
- 1.5. A further comment has sought clarification as to why no reference has been made to the parking situation for number 9 Copt Elm Road which was raised in the original Highway Officers report (14/00878/FUL withdrawn application). This is because the current parking arrangements will remain unchanged for this property. There is currently no formal off road parking arrangement for no.9 and the proposal does not propose to amend this.
- 1.6. All other comments raised within the further representations received are addressed within the original officer report.

2. CONCLUSION AND RECOMMENDATION

- 2.1. The recommendation remains to approve this application subject to the conditions set out below. The additional suggested conditions from GCC Highways are included below.

3. CONDITIONS

4. Comments: 18th March 2015

- 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 drawing numbers PL001 B, PL002 D, PL003 D, PL005 C and PL006 B received 14th and 20th January 2015 and 18th March 2015.

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

- 3 Prior to the commencement of development, a scheme for the provision or improvement of recreational facilities to serve the proposed dwelling(s) 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 avoid any increase in the Borough's imbalance between population and the provision of outdoor play space and related facilities in accordance with Local Plan Policy RC6 relating to play space in residential development.

- 4 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.

- 5 No fires shall be lit within 5m of the Root Protection Area(s) and materials that will contaminate the soil such as cement or diesel must not be discharged within 10m of the tree stem. Existing ground levels shall remain the same within the Root Protection Area(s) and no building materials or surplus soil shall be stored therein. No trenches for services or drains shall be sited within the crown spread of any trees to be retained.

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.

- 6 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.

- 7 All paths, parking areas and other forms of hard landscaping that fall within the Root Protection Area(s) shall be constructed using a no-dig method. Prior to the commencement of development, full details of the proposed no-dig method shall be submitted to and approved in writing by the Local Planning Authority and the development shall be implemented strictly in accordance with the details so approved.

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.

- 8 Notwithstanding the submitted drawings, the proposed boundary wall (and any associated planting) to the east of the proposed vehicular access shall be no higher than 900mm for the first 5m, when measured from the vehicular access in an eastwards direction, such provision shall be similarly maintained thereafter.

Reason: To ensure a safe and suitable access is provided and maintained, in accordance with paragraph 32 of The Framework

- 9 Prior to the occupation of the development hereby permitted, the vehicular access shall be laid out and constructed in accordance with the submitted plan PL003D with any

gates situated at least 1.0 m back from the carriageway edge of the public road and hung so as not to open outwards towards the public highway and with the area of driveway within at least 5.0 m of the carriageway edge of the public road surfaced in bound material], and shall be maintained thereafter.

Reason: - To reduce potential highway impact by ensuring that a safe and secure access is laid out and constructed that minimises the conflict between traffic and cyclists and pedestrians in accordance with paragraph 35 of the National Planning Policy Framework.

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 site fronts Church Walk which is Public Right of Way ZKX/31A/1 classed as a foot way and a class 7 road with the speed limit not being stated. The applicant will need to refer the proposed access arrangements to the Public Rights of Way Team for the attention of Mr John Lane. This is to determine the access arrangements, any necessary works that may need to be undertaken and any ongoing access and maintenance arrangements related to the existing Public Right of Way's No's ZKX/31A/1, ZCK/31/2 and ZCK/321/1.