

APPLICATION NO: 14/00209/FUL	OFFICER: Miss Michelle Payne
DATE REGISTERED: 8th February 2014	DATE OF EXPIRY: 5th April 2014
WARD: Charlton Kings	PARISH: Charlton Kings
APPLICANT:	Mr R Martin
AGENT:	Ian Murray
LOCATION:	24 Horsefair Street, Charlton Kings, Cheltenham
PROPOSAL:	Erection of 3no. detached dwellings with garages and construction of private access drive following demolition of existing dwelling

Update to Officer Report

1. INTRODUCTION

- 1.1. This application proposes the erection of 3no. four bedroom dwellings to the rear of no. 24 Horsefair Street.
- 1.2. The application site is before the planning committee following an objection from the parish council. Members will recall that the application was deferred from the July committee meeting to allow for further consideration, principally in relation to the badger activity on the site. This report should therefore be read in conjunction with the previous officer report (Appendix 1).
- 1.3. Since the July committee meeting, an update to the Badger Report dated April 2014 has been provided by the Ecological consultant (Appendix 2).
- 1.4. In addition, some revisions have been made to the development proposals which are discussed in Section 4 below.
- 1.5. Members will re-visit the site on planning view.

2. ADDITIONAL CONSULTATION RESPONSES RECEIVED

Parish Council
1st October 2015

Charlton Kings Parish Council objects to this application. This is the third occasion on which the Parish Council has commented on a proposed development on this site and revised proposals have introduced new factors that have, after full debate, modified this Council's view of the impact of the proposal.

Reasons for objection:

1. The proposed 1.5m permanent build-out to enable access to the new dwellings would create a pinch-point on an already very narrow section of Horsefair Street. Once the build-out was in place the remaining carriageway width would be 3.5m. This is the normal minimum width in roadworks for a single lane, in one direction. Use of this temporary works minimum dimension on a permanent basis for two way traffic would be too narrow, considering the street is used by all forms of vehicles including large lorries delivering to local shops. Of particular concern would be the conflict between cyclists and oncoming large vehicles. In addition it would present a potential danger to pedestrians using the narrow pavement

opposite the driveway due to the over-hanging wing mirrors of large commercial vehicles. The build-out will only offer assistance in achieving a part sight line in one direction and due to the narrowness of the road and regularly parked vehicles adequate visibility will not be achieved. More congestion would be added to a street that suffers considerably several times a day from large volumes of moving and often queuing traffic, resulting in a further reduction in air quality. This plan would only exacerbate the current situation in a street where incidents of road rage are not uncommon.

2. We are also concerned by the absence of any information regarding the finish and appearance of the exposed side/end of number 26 once it is separated from number 24. As this property fronts the street in a Conservation Area it is important that any newly-exposed wall remains in keeping with its setting, through use of appropriate materials and design. The absence of any information makes it impossible to judge the impact of such a major change to an existing dwelling.
3. We are not aware that drainage issues have been addressed. We are concerned, as are local residents, by potential problems caused by additional flow of rainwater on the flat impermeable surfaces on the development. We understand from a resident that the area of 24/26 Horsefair Street is already a known flood risk. Also we know that a nearby section of Cirencester Road is prone to flooding after heavy storms due to the inadequacy of the existing surface water drainage system. If the surface water drainage from this property ultimately feeds to the Cirencester Road surface water drainage, then it is important that no additional load is added to the system. This is an important issue and we need confirmation that it has been resolved.
4. Should the application be permitted, conditions should be attached to the building phase to minimise disruption to nearby residents, including not only a requirement for the provision of on-site parking for the workforce, but also a requirement that it is actually used and that parking in the immediate surrounding residential area is prohibited. The narrowness of the road will make it difficult site for builders as regards deliveries and parking, and noise also needs to be kept to a minimum.
5. Finally, as a result of this objection and the strength of local feeling, we request that this application goes before the Borough Council Planning Committee, as was scheduled earlier this year.

3. PUBLICITY AND REPRESENTATIONS

- 3.1. Letters of notification were again sent out to neighbours and previous objectors on receipt of the revised drawings. In response to the latest publicity, 5 additional representations have been received – 1 in support and 4 in objection; the comments have been circulated in full to Members. The concerns generally remain unchanged from those raised previously.

4. OFFICER COMMENTS

- 4.1. Additional information submitted by Willder Ecology provides a more clear definition of the badger exclusion zone that should be created during the proposed construction works. The badger exclusion zone would be fenced off to ensure that not only is this area 'no dig' but also that machinery and equipment and storage of building materials could not encroach on this land. The Ecologist has confirmed that such an exclusion zone would *"ensure that no disturbance or accidental disturbance can occur to the badgers or their*

setts or pathways". Additional and amended conditions in respect of badger protection can be found below at Section 6.

- 4.2. The layout of the houses within the site has also been amended to provide a more informal layout that better reflects the irregular shape and nature of the site. In addition, the first floor fenestration to the front of Plot 3 has been altered and the dormer closest to the boundary with no.22 Horsefair Street has been replaced by a roof light to further mitigate any impact on this neighbouring property in respect of overlooking and loss of privacy. Officers are of the view that these represent important changes that have resulted in a better scheme.
- 4.3. Matters relating to highway safety are addressed in the original report at Appendix 1.

5. CONCLUSION AND RECOMMENDATION

- 5.1. Officers remain of the opinion that site is capable of development. Additionally, the proposed development is of a suitable scale, height, massing and footprint for the site and would sit comfortably and discreetly within its context, without causing harm to the wider conservation area.
- 5.2. In addition, the scheme would not result in any significant or unacceptable harm to neighbouring amenity; or endanger highway safety.
- 5.3. Therefore, the recommendation remains to grant planning permission subject to the following revised schedule of conditions:

6. REVISED SCHEDULE OF 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 Drawing No. R.M.10 received by the Local Planning Authority on 7th February 2014; Drawing Nos. R.M.3 A and R.M.8 A received 15th July 2014; Drawing No. R.M.11 received 29th July 2014; Drawing No. M348/03 C received 2nd June 2015; and Drawing Nos. R.M.1 B, R.M.4 A, R.M.5 A, R.M.6/1 B, R.M.6/2 A, R.M.6/3, R.M.7/1 A, R.M.7/2 and R.M.7/3 B received 3rd September 2015; and R.M.2 B received 12th November 2015.
Reason: To ensure the development is carried out in strict accordance with the approved drawings.
- 3 Prior to the commencement of development, a detailed mitigation strategy and construction method statement for the protection of badgers and their foraging areas shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include details of a monitoring programme of the badger setts throughout the construction phase. The approved strategy shall thereafter be carried out strictly in accordance with the agreed details.
Reason: To safeguard the known badger population in accordance with Local Plan Policy NE1 relating to habitats of legally protected species.

- 4 The proposed fencing between plots 1 and 2 shall include permanent badger gates to allow access for badgers along the existing badger path and for foraging. Details of the badger gates shall be submitted to and agreed in writing by the Local Planning Authority prior to their installation. The approved badger gates shall be installed in accordance with the agreed details and retained as such thereafter.

Reason: To safeguard the known badger population in accordance with Local Plan Policy NE1 relating to habitats of legally protected species.

- 5 Prior to the commencement of any works on site (including demolition and site clearance), tree protective fencing to BS5837:2012 shall be installed in accordance with a Tree Protection Plan (TPP) to be submitted to and approved in writing by the Local Planning Authority. The fencing shall be erected, inspected and approved in writing beforehand by the Local Planning Authority 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.

- 6 Prior to the commencement of development, a method statement to demonstrate how the existing concrete surface, adjacent to the trees which are shown to be retained, can be removed without damage to the root protection areas 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.

- 7 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.

- 8 Prior to the commencement of development, including any works of demolition, a Construction Method Statement shall be submitted to and agreed in writing by the Local Planning Authority. The statement shall be strictly adhered to throughout the construction period and shall:

- i. specify the type and number of vehicles;
- ii. provide for the parking of vehicles of site operatives and visitors;
- iii. provide for the loading and unloading of plant and materials;
- iv. provide for the storage of plant and materials used in constructing the development;
- v. provide for wheel washing facilities;
- vi. specify the intended hours of construction operations;
- vii. measures to control the emission of dust and dirt during construction;
- viii. specify the access points to be used and maintained during the construction phase(s).

Reason: To reduce the potential impact on the public highway and accommodate the efficient delivery of goods and supplies in accordance with Local Plan Policy TP1 and paragraph 35 of the NPPF.

- 9 Prior to the commencement of development, including any works of demolition, a scheme for the control of noise and dust from the site during the demolition and construction phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the proposed hours of work, equipment and procedures to control dust emissions, controls on these nuisances from vehicles operating at and accessing the site from the highway and any other steps to be taken to control similar nuisances. The works shall thereafter be implemented strictly in accordance with the agreed details.

Reason: To safeguard the amenity of adjoining properties and to protect the locality in accordance with Local Plan Policy CP4 relating to safe and sustainable living.

- 10 Prior to the commencement of development, the following condition shall be 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.

- 11 Other than those works necessary to complete the first 10m of the proposed access road, including the junction with Horsefair Street, build-out with reflective bollards and associated visibility splays as shown on Drawing No. 348/03 C, to at least binder level, no other development shall take place on site. The access shall be maintained as such thereafter until and unless adopted as highway maintainable at public expense.
Reason: To minimize hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the conflict between traffic, cyclists and pedestrians in accordance with guidance set out within the NPPF.
- 12 Prior to any construction work above ground level, samples of the proposed facing materials and roofing materials shall be submitted to and approved in writing by the Local Planning Authority, and the 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.
- 13 Prior to installation, a detailed scheme for landscaping, tree and/or shrub planting and associated hard surfacing (which should be permeable or drain to a permeable area) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall specify species, density, planting size and layout. The scheme approved shall be carried out in the first planting season following the occupation of the building or completion of the development, whichever is the sooner.
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 Prior to first occupation of development, refuse and recycling storage facilities (including appropriate containers) shall be provided for each dwelling.
Reason: To ensure adequate provision and availability of refuse storage in order achieve sustainable waste management in accordance with Gloucestershire Waste Local Plan Policy W36 relating to waste minimisation.
- 15 Prior to first occupation of the development, the parking and turning facilities shown on Drawing No. R.M.2 A shall be completed in all respects and kept available for those purposes thereafter.
Reason: To ensure adequate car parking provision within the curtilage of the site and to ensure a safe, suitable and secure means of access in accordance with Local Plan Policy TP1 relating to development and highway safety and paragraph 35 of the NPPF.

- 16 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.
- 17 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.