

APPLICATIONS: 15/01162/FUL & 15/01163/OUT		OFFICER: Mrs Lucy White
DATE REGISTERED: 21st July 2015		DATE OF EXPIRY: 20th October 2015
WARD: Pittville		PARISH:
APPLICANT:	Pittville School	
AGENT:	Mrs Sally Tagg Mr S Lintern-Mole	
LOCATION:	Pittville School Albert Road, Cheltenham	
PROPOSALS:	<p>15/01162/FUL: Erection of indoor sports centre, artificial turf pitch, tennis courts, floodlighting, associated parking and landscaping and including demolition of two dwellings.</p> <p>15/01163/OUT: Outline application for the erection of up to 58 dwellings (approval sought for means of access with other matters reserved) (15/01163/OUT)</p>	

Update to Officer Report

1. OFFICER COMMENTS

1.1. Background

- 1.2. Members will be aware that the two applications for Pittville School were deferred just prior to January's Committee meeting. The reason for deferral was to allow more time for officers to complete negotiations with the applicant and reach agreement on the level of affordable housing provision; the final report of the District Valuation Service had also not been received at this stage. Discussions were similarly incomplete in respect of the Heads of Terms for the s106 Legal Agreement, specifically, the triggers for commencement and completion of elements of both the sports centre and residential schemes.
- 1.3. Fundamentally, the scenario officers are seeking to avoid is a completed housing scheme and the sports facilities not finished or not even started. The wording and provisions of the s106, in this regard, would need to be clear, tight and robust and ensure that the two developments are constructed in parallel.
- 1.4. Members are reminded that the residential scheme is put forward as an enabling project which would fund the delivery of the new sports facilities for Pittville School. This provides justification for the loss of the school playing field; the Council would otherwise not be in a position to support the proposed residential development.

The previous Officer report attached to the schedule for January's Committee meeting is still relevant and outlines, in full, the policy background, design, amenity, drainage, traffic and highway issues associated with both applications. The Officer report (attached as an appendix) should be read in conjunction with this update.

1.5. Environmental Health – Amenity Issues

- 1.6. Prior to January's Committee meeting, officers sought clarification from the Environmental Health team (EHO) with regards the noise related conditions suggested for the artificial hockey pitch and tennis courts. Although revised acoustic fencing details had been submitted by the applicant, in the absence of full relevant noise data accompanying the

sports centre application, officers needed to be assured that the detail, attenuation measures and surveys required to be submitted and approved by the LPA post decision would result in an acceptable level of noise emission from the site and that this matter could be adequately dealt with via condition.

- 1.7. The EHO considers that it is very unlikely a noise consultant would advise that a particular scheme was totally unworkable and could not be achieved through various noise reduction measures. Therefore, there should not be a situation where the proposals would become unacceptable, having, if necessary, applied various constraints such as additional screening.
- 1.8. The Environmental Health Officer's revised consultee comments are as follows. Note that, the comments and suggested conditions relating to lighting and hours of operation have not been amended:-

The number, size, location, distance from properties, etc. of the hockey pitch and tennis courts are generally acceptable.

The Environmental Health Team cannot at this stage give the Planning Department any complete assurance as to whether the hockey pitch and tennis courts would be achievable, without having the necessary noise data in its possession. Such data would usually include expected noise from each activity, any attenuation from proposed fences and screening, and a distance calculation to the façade of the nearest noise-sensitive premises, in conjunction with existing background noise levels (which would include times when the existing sports facilities are being used.

However, from experience I would say it is extremely rare that a noise consultant would through various noise reduction measures. In principal I cannot foresee a situation where the proposal would not become acceptable, perhaps after applying various constraints such as screening, for example.

Noise

- *I have assessed the recent submissions with regard to this application, in particular those relating to the "sound-deadening fencing". This is in the nature of product information provided by Zaun Limited, the manufacturer of the proposed fencing material. Whilst this literature alleges sound-reducing performance, this has not been related to the situation on the ground, particularly with regard to expected noise from the facility, and its effect on the nearest noise-sensitive dwellings (noise attenuation due to distance, etc.).*

Therefore the condition I suggested in my previous consultation response of 17th August 2015 still stands: -

"No development shall be carried out until a full Noise Assessment is completed and such details have been submitted to and approved by the Local Planning Authority. The details submitted shall include measures to control noise affecting nearest habitable dwellings. Predictions of noise levels should include noise from different sports activities, and expected levels of noise at nearby noise-sensitive dwellings. All necessary measures highlighted in the report shall be completed to the satisfaction of the Local Planning Authority prior to first use of the proposal'.

- *I consider that the opening times of the facility, in particular the extended opening until 2200 hrs may also give rise to noise complaints. I would*

consider that a more appropriate closing time of the facility would be 2100 hrs.

Lighting

- *Isolux (illuminance) maps indicate that lighting levels at nearby dwellings when the floodlighting is in use will be within acceptable levels, in the region of <2 lux. However these are predicted levels.*

I would like you to consider attaching the following condition, to ensure actual lighting levels post completion are in line with predicted levels, thus...

“Light into neighbouring residential windows generated from the floodlights shall not exceed 5 Ev (lux) (vertical illuminance in lux). Each floodlight must be aligned to ensure that the upper limit of the main beam does not exceed 70 degrees from its downward vertical. The floodlighting shall be designed and operated to have full horizontal cut-off and such that the Upward Waste Light Ratio does not exceed 2.5 %. Upon completion of the development, and prior to first use, an independent post-completion light survey shall be carried out to ensure actual readings reflect mapped values, and in particular comply with the above values.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected.

I believe that the above conditions are able to be subsequently discharged.
(emphasis added)

1.9. Drainage

1.10. Members are also advised that since January, the County Council acting as Local Lead Flood Authority (LLFA) has rescinded its previous objection to the residential scheme (15/01163/OUT).

1.11. Their previous objection was made in response to the revised scheme (i.e. red line amended to allow for the proposed vehicular access into the site to align with the estate roads on the adjoining Starvehall Farm development but with no indicative layout shown). Despite the submission of a Flood Risk Assessment, supporting documents and a previous indicative layout for 58 dwellings, their objection was based on lack of information and that without a layout it was not possible for the LLFA to determine if the proposal was technically feasible in relation to surface water management and would not increase flood potential elsewhere.

1.12. The LLFA has since made adjustments to their method of processing and reviewing outline planning applications and as such, the LLFA does not raise objection to the residential scheme subject to conditions (which have been included in the list of suggested conditions below). A copy of their full consultee response is attached as an appendix.

1.13. Viability Assessment and Affordable Housing

1.14. The District Valuer (DVS) has submitted his final report and, having compared the market value of the site with the residual land value (RLV) of the site, concludes that the proposed residential development is viable, based on a policy compliant 40% provision of affordable housing (75/25% – social rented/shared ownership tenure mix). In accordance with the Council's instructions, the viability of the proposed development has been assessed taking into account all s106 financial contributions (playspace, library and education).

- 1.15. The DVS was instructed to not take account of the construction costs for the proposed sports facilities in their assessment of viability. The construction costs were, however, included and formed part of the applicant's viability appraisal. Accordingly, the applicant's initial viability assessment suggested that it would not be viable for the scheme to provide 40% affordable housing and that 20% would be a realistic level of affordable housing.
- 1.16. Notwithstanding the above, the DVS was asked to comment on the accuracy of the figures and construction cost estimates provided by the applicant. Given that the justification for the loss of the playing field is the provision of alternative and improved indoor and outdoor sports facilities for the school, officers would then take account of the construction costs for the sports facilities in the Council's overall assessment of viability and acceptable level of affordable housing.
- 1.17. Discussions and clarification of cost estimates, residential market values and quotations provided by the applicant have continued since January but agreement has now been reached between all parties. Following some adjustment to the figures provided by the applicant, the DVS considers that the total construction costs for the sports facilities appear to be reasonable but would need to be further scrutinised at reserved matters stage when any additional construction costs and tender information would be made available to the Council.
- 1.18. With the above in mind, officers are able to confirm that the estimated construction costs for the sports facilities are commensurate with the residual land value for the site. The need to apply sensitivity testing (i.e. working backwards from 40% affordable housing to reach a RLV commensurate with estimated construction costs) was subsequently not necessary. As an enabling project, the residential scheme would therefore be able to fund the construction of the new sports facilities. The construction costs exclude VAT; the applicant having confirmed that Pittville School would be able to claim back the VAT.
- 1.19. Notwithstanding the fact that the residential scheme is viable as a stand-alone application, given that the construction costs (excluding VAT) match those of the RLV for the residential site, officers are in no doubt that the Council should be seeking the full 40% affordable housing provision.
- 1.20. Affordable housing provision would be secured via the s106 Agreement. To ensure a phased release of affordable housing throughout the construction period, the provisions of the draft s106 agreement stipulate that no more than 50% of the open market units shall be occupied until 50% of the affordable housing units have been completed and made available for occupation and transferred to an affordable housing provider. Similarly, no more than 90% of the open market units shall be occupied until all the affordable housing units have been completed and made available for transfer. This phased release of affordable housing (alongside the open market housing) would also correspond and run parallel with the various stages (triggers) in the construction of the sports centre, as outlined below.
- 1.21. Draft S106 Agreement
- 1.22. The drafting of the s106 Agreement is now well advanced and agreement has been broadly reached on heads of terms and the triggers for the release and construction of the residential scheme alongside implementation and completion of the sports facilities. Members are reminded that the scenario the Council needed to avoid is a completed and occupied residential scheme without completion of even commencement of the new sports centre.
- 1.23. Putting aside the funding and delivery mechanisms for the sports facilities, the provisions of the draft s106 would ensure that:-

- Commencement of development of the housing scheme shall not take place until commencement of the sports centre has taken place. This would need to include the discharge of all pre-commencement conditions for the sports facilities application, completion of demolition works, and completion of site preparation, groundworks and the foundations for the main sports centre building.
- No more than 15% of dwellings shall be occupied until commencement of the superstructure of the indoor sports centre building
- No more than 40% of dwellings shall be occupied until completion of the superstructure for the indoor sports centre building
- No more than 60% of dwellings shall be occupied until completion of the final fit of the indoor sports centre building
- No more than 75% of the dwellings shall be occupied until completion of a full structural and general condition survey of the sports centre, the issue of any completion certificates, confirmation that all outgoing commitments on the part of the Owners pursuant to the contract for the construction of the sports centre have been settled in full and issue of confirmation by Hockey England that the artificial pitch meets required standards.

Note, the definition of 'sports centre' above includes the artificial hockey pitch (ATP), tennis courts and associated ground works, retaining wall structures and car park laying out. Therefore, no more than 75% of the housing could be occupied until the sports centre facilities are delivered in full.

- 1.1. The above, clearly defined stages in the release of housing will ensure a completed sports centre building, ATP and tennis courts prior to completion of the housing development. The phased sale/occupation of housing units should allow for the release of required funds and capital receipt throughout the build programme, enabling the construction of both schemes to run roughly in parallel.
- 1.2. There is still further clarification required in respect of some of the terminology used (e.g. final fit and superstructure) but officers consider the s106 sufficiently advanced to provide the assurances needed. Fundamentally, it ensures that the housing development would deliver the funding, construction and completion of the new sports facilities for Pittville School.

2. CONCLUSION AND RECOMMENDATION

- 2.1. In light of the above and the conclusions set out in the previous Officer report, it is recommended that planning permission be granted for both applications subject to conditions and the applicant entering into a legal agreement for application 15/01163/OUT to secure affordable housing and the other provisions outlined in this report.

3. CONDITIONS

Sports Centre – 15/01162/FUL

- 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 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 Prior to commencement of the development hereby approved the following information shall be submitted to and approved in writing by the Local Planning Authority:

(i) a full site survey showing:

- a) the datum used to calibrate the site levels
- b) levels along all site boundaries at regular intervals
- c) levels across the site at regular intervals
- d) finished floor levels or other datum of adjacent buildings
- e) cross section drawings clearly showing existing ground levels in relationship with the finished floor and eaves levels at adjacent buildings

(ii) full details showing:

- a) the proposed finished floor level of all buildings and ground levels including hard surfaces
- b) cross section drawings showing the proposed finished floor and eaves levels of all buildings and ground levels including hard surfaces

The development shall be implemented in strict accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory relationship of the proposed development with the adjoining properties and land in accordance with Local Plan Policies CP4 and CP7 relating to safe and sustainable living, and design. This information is required upfront because it is important to clarify the height of the development in relation to existing levels and structures both on and off site. This will allow the impact of the development to be accurately assessed.

- 4 The following elements of the design shall not be installed, implemented or carried out unless in accordance with details (including elevation drawings and materials where relevant) which shall have been submitted to and approved in writing by the Local Planning Authority.

- a) external extract and plant enclosure
- b) secure and covered cycle storage
- c) new boundary walls/fences, gates and all retaining wall structures
- d) vents, flues and external pipe work
- e) rainwater goods
- f) elevation study and section drawing of louvred panels over recessed fenestration
- g) all external windows, doors and glazing panels (including reveals, materials, colour, finish etc.)
- h) all external lighting (other than flood lights)
- i) fencing for tennis courts and artificial hockey pitch

Reason: To preserve or enhance the character and appearance of the Conservation Area, having regard to Policy CP7 of the Cheltenham Borough Local Plan (adopted 2006).

- 5 Notwithstanding the submitted details, no external facing or roofing materials shall be applied unless in accordance with a) a written specification of the materials; and b) samples of the materials, details of which shall have been submitted to and approved in

writing by the Local Planning Authority. The details shall include a sample panel of the proposed stone cladding for the plinth of a least one square metre in size to be erected on site.

Reason: In the interests of the character and appearance of the area, having regard to Policy CP7 of the Cheltenham Borough Local Plan (adopted 2006).

- 6 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 method statement shall be fully adhered to throughout the demolition and construction period. The statement shall:

- i. specify the type and number of vehicles occupying the site;
- 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 a site/staff compound
- v. provide for the storage of plant and materials used in constructing the development;
- vi. provide for wheel washing facilities;
- vii. specify the intended hours of construction operations;
- viii. measures to control the emission of dust and dirt during construction

Reason: To reduce the potential impact on the public highway and accommodate the efficient delivery of goods and supplies in accordance paragraph 35 of the National Planning Policy Framework. This information is required upfront in order to ensure that the site can operate in a safe and satisfactory manner throughout the construction period.

- 7 Prior to beneficial occupation, the vehicular parking facilities shall be provided in accordance with the approved details (as shown on Drawing No (SK) 05 Rev G) and those facilities shall be maintained and available for those purposes thereafter.

Reason:- To ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with Policy TP1 of the Local Plan and guidance set out in the National Planning Policy Framework.

- 8 Prior to occupation of the development hereby approved, a Car Park Management Plan (CPMP) to include details of proposed parking arrangements on the application site and those for overflow parking on adjoining land, shall be submitted to and approved in writing by the Local Planning Authority. The approved CPMP shall be implemented prior to beneficial occupation of the proposed development and shall be retained for the duration of development thereafter.

Reason:- To reduce potential highway impact, in accordance with Policy TP1 of the Local Plan and paragraph 32 and 35 of the NPPF.

- 9 No works (including site preparation) shall commence on site until the first 10m of the proposed access road, including the junction with the existing public road and associated visibility splays, has been completed to at least binder course level.

Reason: - To minimise 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 and cyclists and pedestrians in accordance with Policy TP1 of the Local Plan and the National Planning Policy Framework. These works are required to be carried out prior to commencement of development to ensure that all construction traffic can access the site in a safe and suitable manner.

- 10 The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 2.4m back along the centre of the access measured from the public road

carriageway edge (the X point) to a point on the nearer carriageway edge of the public road 54m distant in both directions (the Y points). The area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between 1.05m and 2.0m at the X point and between 0.26m and 2.0m at the Y point above the adjacent carriageway level.

Reason:- To reduce potential highway impact by ensuring that adequate visibility is provided and maintained and to ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with Policy TP1 of the Local Plan and the National Planning Policy Framework.

- 11 Prior to commencement of development (other than works of demolition or site preparation) a full Noise Assessment of the proposed development (including the external sport facilities, indoor sports centre building and any plant/extraction equipment) shall be carried out, the details of which shall be submitted to and approved in writing by the Local Planning Authority. The details submitted shall include measures to control noise affecting nearest habitable dwellings. Predictions of noise levels should include noise from different sports activities, and expected levels of noise at nearby noise-sensitive dwellings. All necessary measures highlighted in the report shall be completed to the satisfaction of the Local Planning Authority prior to first use of any of the sports facilities hereby approved. The sports facilities shall thereafter be operated in accordance with the approved details and attenuation measures.

Reason: To protect the amenities of occupiers of neighbouring properties in accordance with Policy CP4 of the Local Plan. Approval is required upfront because any mitigation scheme could be integral to the detailed design of the scheme.

- 12 Notwithstanding the submitted details, prior to installation, full details of the proposed floodlights, including type and specification, shall be submitted to and approved in writing by the Local Planning Authority. The floodlighting shall be installed strictly in accordance with the approved details and thereafter maintained as such.

Reason: To protect the amenities of occupiers of neighbouring properties in accordance with Policy CP4 of the Local Plan.

- 13 Light into neighbouring residential windows generated from the proposed floodlights shall not exceed 5 Ev (lux) (vertical illuminance in lux). Each floodlight must be aligned to ensure that the upper limit of the main beam does not exceed 70 degrees from its downward vertical. The floodlighting shall be designed and operated to have full horizontal cut-off and such that the Upward Waste Light Ratio does not exceed 2.5 %. Upon completion of the development and prior to first use, an independent post-completion light survey shall be carried out to ensure actual readings reflect mapped values, and in particular comply with the above values. The light survey shall be submitted to and approved in writing by the Local Planning Authority. The floodlights shall be operated strictly in accordance with the approved details thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenities of occupiers of neighbouring properties in accordance with Policy CP4 of the Local Plan.

- 14 The use of the proposed Artificial Playing Pitch (ATP) and tennis courts for any recreational or sports activity and the operation of any floodlighting to the ATP shall be restricted to the hours of 09:00 and 21:00 Monday to Friday and 09:00 and 19:00 at weekends and Bank Holidays.

Reason: To protect the amenities of the occupiers of neighbouring properties in accordance with Policy CP4 of the Local Plan.

- 15 Prior to completion and first occupation of the development hereby approved, 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 current Landscape Planning Proposals must be modified to also specify species, planting size, root type (it is anticipated that container grown trees will be planted) and protection so as to ensure quick successful establishment. The size of the trees shall be at least a Selected Standard as per BS 3936-1:1992. The scheme shall also include a 5 year maintenance plan following planting, including details of a Sustainable Drainage Strategy. The scheme approved shall be carried out in the first planting season following the first occupation of the dwellings 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.

- 16 Notwithstanding the submitted details, no development (other than site clearance, site preparation and the formation of foundations and trenches) shall be carried out unless details of all boundary walls and fences, retaining structures, acoustic fencing for the tennis courts and artificial playing pitch (ATP) and any other means of enclosure within the site have been first submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied or used for recreational or sports activities unless the boundary treatment and other means of enclosure have been implemented in full and in accordance with the approved details and shall be retained as such thereafter.

Reason: In the interests of the character and appearance of the area and residential amenity, in accordance with Policies CP4 and CP7 of the Local Plan. Approval is required upfront because boundary treatment and other means of enclosure are an integral part of the development and its acceptability.

- 17 Prior to completion and first occupation or use of the development hereby approved, plans detailing the specification and location of all hard surfacing materials within the site (including those for the tennis courts and artificial playing pitch) (and samples where requested) shall be submitted to and 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. All new hardsurfacing shall be installed strictly in accordance with the approved details and thereafter maintained as such.

Reason: In the interests of the character and appearance of the area and to maximise the absorption of rainfall on site having regard to Policies CP1 and CP7 of the Local Plan.

- 18 Prior to the completion of development, a scheme for the provision of refuse and recycling storage facilities to serve the proposed dwelling(s) (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.

- 19 Prior to the commencement of development (other than works of demolition), an appropriate investigation into the feasibility of using Wyman's Brook as the discharge point for the development shall be carried out, the details of which shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development complies with Building Regulation H discharge hierarchy and therefore not increase flood risk outside of the site and in accordance with Policies UI1 and UI2 of the Local Plan. These details are required upfront because drainage is an integral part of the development and its acceptability.

- 20 Prior to the commencement of development a detailed drainage strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy must include drainage plans for the disposal of foul sewage and surface water and be designed to manage flows and volumes up to and including the 1 in 100 year event plus climate change as required by the National Planning Policy Framework. The findings must also take account of the findings of the feasibility study as required by Condition 19 of this planning permission. The scheme shall subsequently be completed in accordance with the approved details before the development is first brought into use/occupied.
Reason: To ensure that the proposed development is provided with a satisfactory means of drainage and thereby preventing the risk of flooding in accordance with Policies UI2 and UI3 of the Local Plan. These details are required upfront because drainage is an integral part of the development and its acceptability and because any works on site could have implications for drainage in the locality.
- 21 Prior to the completion and first occupation/use of the development, a scheme for the provision of refuse and recycling storage facilities to serve the proposed development (including elevation and layout drawings where applicable and details of 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 development 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.
- 22 Prior to the first occupation of the development, a schedule of measures to be taken to deter seagulls from nesting on the buildings shall be submitted to and approved in writing by the Local Planning Authority. The measures so approved shall be implemented and maintained on site to the satisfaction of the Local Planning Authority.
Reason: In order to protect the amenities of residents in accordance with Local Plan Policy CP4 relating to safe and sustainable living.
- 23 Prior to the commencement of any works on site (including demolition and site clearance) a Tree Protection Plan (TPP) to BS5837:2012 shall be submitted to and approved in writing by the Local Planning Authority. The TPP shall detail the methods of tree/hedge protection and clearly detail the positioning and specifications for the erection of tree protective fencing. 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.
- 24 Tree protection shall be installed in accordance with the specifications set out within the Arboricultural Report reference Sports Application, Pittville School and the Tree Protection Plan Drawing Number GL523JD/FOX/TPP(draft) Revision A dated April 2015. The tree protection shall be erected/installed, 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.

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, the authority sought revisions to the layout, design, materials and drainage details proposed to ensure a satisfactory standard of design and to protect the amenities of the occupiers of neighbouring properties.

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

- 2 The proposed development will involve 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 County Council before commencing those works.
- 3 It is strongly recommended that suitable leaf guards to cover guttering and down pipes are installed onto external rain drainage pipework so as to reduce the incidence of such blocked pipework as a result of tree related litter-fallen leaves, twigs, fruit etc.

Residential Development 15/01163/OUT

- 1 Approval of the details of the Appearance, Landscaping, Layout and Scale (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 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun not later than whenever is the later of the following dates:-

- (a) the expiration of 3 years from the date of this permission
- (b) the expiration of 2 years from the final approval of reserved matters
- (c) in the case of approval on different dates the final approval of the last such matters to be approved.

Reason: As required by Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3 The development hereby permitted 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.

- 4 No works shall commence on site (including works of demolition and site preparation) until the first 20m of the proposed access road which provides access to the site from the Starvehall Farm estate road, including the junction with the existing public road and associated visibility splays, has been completed to at least binder course level and the works shall be maintained as such thereafter unless and until adopted as highway maintainable at public expense.
Reason: - To minimise 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 and cyclists and pedestrians in accordance with Policy TP1 of the Local Plan and the National Planning Policy Framework.
- 5 No dwelling shall be occupied until the western Starvehall Farm estate road (shown as the vehicular access from the Pittville School application site to New Barn Lane) has been constructed to binder course level and the footways completed to surface course level.
Reason: To reduce potential highway impact and provide a safe and suitable access in accordance with Policy TP1 of the Local Plan and paragraph 32 of the National Planning Policy Framework.
- 6 No works shall commence on site (other than works of demolition and site preparation) until full details (including construction/section drawings, means of enclosure, gradients, speed analysis) of the pedestrian/cycle links to Albert Road and Cakebridge Road, together with a road safety audit, have been submitted to and agreed in writing by the Local Planning Authority. No part of the development shall be occupied for residential purposes until the approved works have been completed. The works shall be maintained as such thereafter unless and until adopted as highway maintainable at public expense.
Reason:- To reduce potential highway impact, in accordance with Policy TP1 of the Local Plan and paragraph 32 of the NPPF.
- 7 Details of real time passenger information enhancements at the Albert Road bus stops shall be submitted to and agreed in writing by the Local Planning Authority. No part of the development shall be occupied for residential purposes until the approved works have been completed. The works shall be maintained as such thereafter unless and until adopted as highway maintainable at public expense.
Reason:- To take up the opportunities for sustainable transport modes in accordance with paragraph 32 of the NPPF.
- 8 Prior to the commencement of development (other than works of demolition or site preparation) a scheme for the provision of fire hydrants (served by mains water supply) shall be submitted to and approved in writing by the Local Planning Authority. 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. This information is required upfront because water supply to the site will need to be considered in relation to the layout of the dwellings and is therefore an integral part of the scheme.
- 9 No part of the development shall be occupied for residential purposes 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: To ensure that safe, suitable and secure access is achieved and maintained for all people that minimises the conflict between traffic and cyclists and pedestrians in

accordance with Policy TP1 of the Local Plan and paragraphs 32 and 35 of the National Planning Policy Framework (NPPF) and to establish and maintain a strong sense of place to create attractive and comfortable places to live, work and visit as required by paragraph 58 of the NPPF.

- 10 Prior to the commencement of development (other than site preparation), details of the layout of the internal access roads within the site together with a road safety audit and non- motorised users audit, shall be submitted to and approved in writing by the Local Planning Authority. The layout and access roads shall be designed so as to achieve a 20mph design speed. The development shall be carried out strictly in accordance with the approved details. No dwelling 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, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with Policies CP7 and TP1 of the Local Plan and paragraph 32 and 35 of the NPPF. This information is required upfront because the layout of dwellings and estate roads are integral parts of the development and its acceptability.

- 11 No development shall take place, including any works of demolition or site preparation, 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/demolition/site preparation period.

The statement shall:

- i. specify the type and number of vehicles expected on site each day;
- 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. provide for a staff compound/facilities
- vii. specify the intended hours of construction operations;
- viii. measures to control the emission of dust and dirt during construction

Reason: To reduce the potential impact on the public highway and to protect the amenities of neighbouring properties in accordance with Policy CP4 of the Local Plan. This information is required upfront in order to ensure that the site can operate in a safe and satisfactory manner throughout the construction period.

- 12 The car parking, vehicular loading and turning, and cycle parking arrangements agreed as part of the Reserved Matters application/s shall be provided prior to occupation of the dwelling to which they relate and shall be maintained thereafter.

Reason:- To reduce potential highway impact, in accordance with paragraph 32 and 35 of the National Planning Policy Framework.

- 13 Prior to commencement of the development hereby approved the following information shall be submitted to and approved in writing by the Local Planning Authority:

(i) a full site survey showing:

- a) the datum used to calibrate the site levels
- b) levels along all site boundaries at regular intervals
- c) levels across the site at regular intervals
- d) finished floor levels or other datum of adjacent buildings

- e) cross section drawings clearly showing existing ground levels in relationship with the finished floor and eaves levels at adjacent buildings
- (ii) full details showing:
 - a) the proposed finished floor level of all buildings and ground levels including hard surfaces
 - b) cross section drawings showing the proposed finished floor and eaves levels of all buildings and ground levels including hard surfaces

The development shall be implemented in strict accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory relationship of the proposed development with the adjoining properties and land in accordance with Local Plan Policies CP4 and CP7 relating to safe and sustainable living, and design. This information is required upfront because it is important to clarify the height of the development in relation to existing levels and structures both on and off site. This will allow the impact of the development to be accurately assessed.

- 14 No external facing or roofing materials shall be applied unless in accordance with a) a written specification of the materials; and b) samples of the materials, details of which shall have been submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of the character and appearance of the area, having regard to Policy CP7 of the Cheltenham Borough Local Plan (adopted 2006).
- 15 Prior to completion and first occupation of the development hereby approved, 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 current Landscape Planning Proposals must be modified to also specify species, planting size, root type (it is anticipated that container grown trees will be planted) and protection so as to ensure quick successful establishment. The size of the trees shall be at least a Selected Standard as per BS 3936-1:1992. The scheme shall also include a 5 year maintenance plan following planting, including details of a Sustainable Drainage Strategy. The scheme approved shall be carried out in the first planting season following the first occupation of the dwellings 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.
- 16 No development (other than site clearance, site preparation) shall be carried out unless details of all boundary walls and fences and any other means of enclosure within the site (including enclosures to proposed footpath/cycle links) have been first submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied for residential purposes unless the boundary treatment and other means of enclosure have been erected, installed and implemented in full and in accordance with the approved details and shall be retained as such thereafter.
Reason: In the interests of the character and appearance of the area and residential amenity, in accordance with Policies CP4 and CP7 of the Local Plan. Approval is required upfront because boundary treatment and other means of enclosure are an integral part of the development and its acceptability.
- 17 Prior to completion and/or first occupation of the development hereby approved, plans detailing the specification and location of all hard surfacing materials within the site (and samples where requested) shall be submitted to and 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. All new hard surfacing shall be installed strictly in accordance with the approved details and thereafter maintained as such.

Reason: In the interests of the character and appearance of the area and to maximise the absorption of rainfall on site, having regard to Policies CP1 and CP7 of the Local Plan.

- 18 Prior to the commencement of development (other than site preparation) a detailed drainage strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy should be supported by evidence of ground conditions and modelling of the scheme to demonstrate that it is technically feasible and where applicable adheres to the NPPF, Non-Statutory Technical Standards for Sustainable Drainage, Building Regulation H and relevant Local Plan Policy. Where surface water requires disposal off site (i.e. not infiltrated) the applicant must provide evidence of consent to discharge/connect through third party land or to their network/system/watercourse. The drainage scheme shall be carried out in accordance with the approved details and before the development is first brought into use/occupied and thereafter maintained as such.

Reason: To ensure the development is provided with a satisfactory means of drainage and thereby preventing the risk of flooding, in accordance with Policies UI2 and UI3 of the Local Plan. These details are required upfront because drainage is an integral part of the development and its acceptability.

- 19 No dwelling shall be completed or occupied until a SuDS Maintenance Plan for all SuDS/attenuation features and associated pipework have been submitted to and approved in writing by the Local Planning Authority. The approved SuDS maintenance plan shall be implemented in full and in accordance with the approved details, terms and conditions.

Reason: To ensure a continued operation and maintenance of drainage features serving the site and to prevent the risk of flooding, in accordance with Policies UI2 and UI3 of the Local Plan.

- 20 Prior to the commencement of any works on site (including demolition and site clearance) a Tree Protection Plan (TPP) to BS5837:2012 shall be submitted to and approved in writing by the Local Planning Authority. The TPP shall detail the methods of tree/hedge protection and clearly detail the positioning and specifications for the erection of tree protective fencing. 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.

- 21 Tree protection shall be installed in accordance with the specifications set out within the Arboricultural Report reference Sports Application, Pittville School and the Tree Protection Plan Drawing Number GL523JD/FOX/TPP(draft) Revision A dated April 2015. The tree protection shall be erected/installed, 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.

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, the authority sought further information in relation to viability and the provision of affordable housing and the construction of proposed footpath/cycle links.

Following these negotiations, the application now constitutes sustainable development and has therefore been approved in a timely manner. Local Plan Policy CP7 requires development to be of a high standard of architectural design and to complement and respect neighbouring development

- 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 appropriate bonds) with the Local Highway Authority, which includes both the Highways Agency and Gloucestershire County Council, before commencing works on the development.
- 3 The applicant/developer will be expected to meet the full costs of supplying and installing the fire hydrants and associated infrastructure.
- 4 The applicant/developer is requested to erect a sign at the boundary of the new estate street with the nearest public highway providing the applicant's/developer's contact details and informing the public that the County Council is not responsible for the maintenance of the street.
- 5 The applicant is advised that in order to discharge Condition 9 the Local Planning Authority will require 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.
- 6 It is strongly recommended that suitable leaf guards to cover guttering and down pipes are installed onto external rain drainage pipework so as to reduce the incidence of such blocked pipework as a result of tree related litter-fallen leaves, twigs, fruit etc.