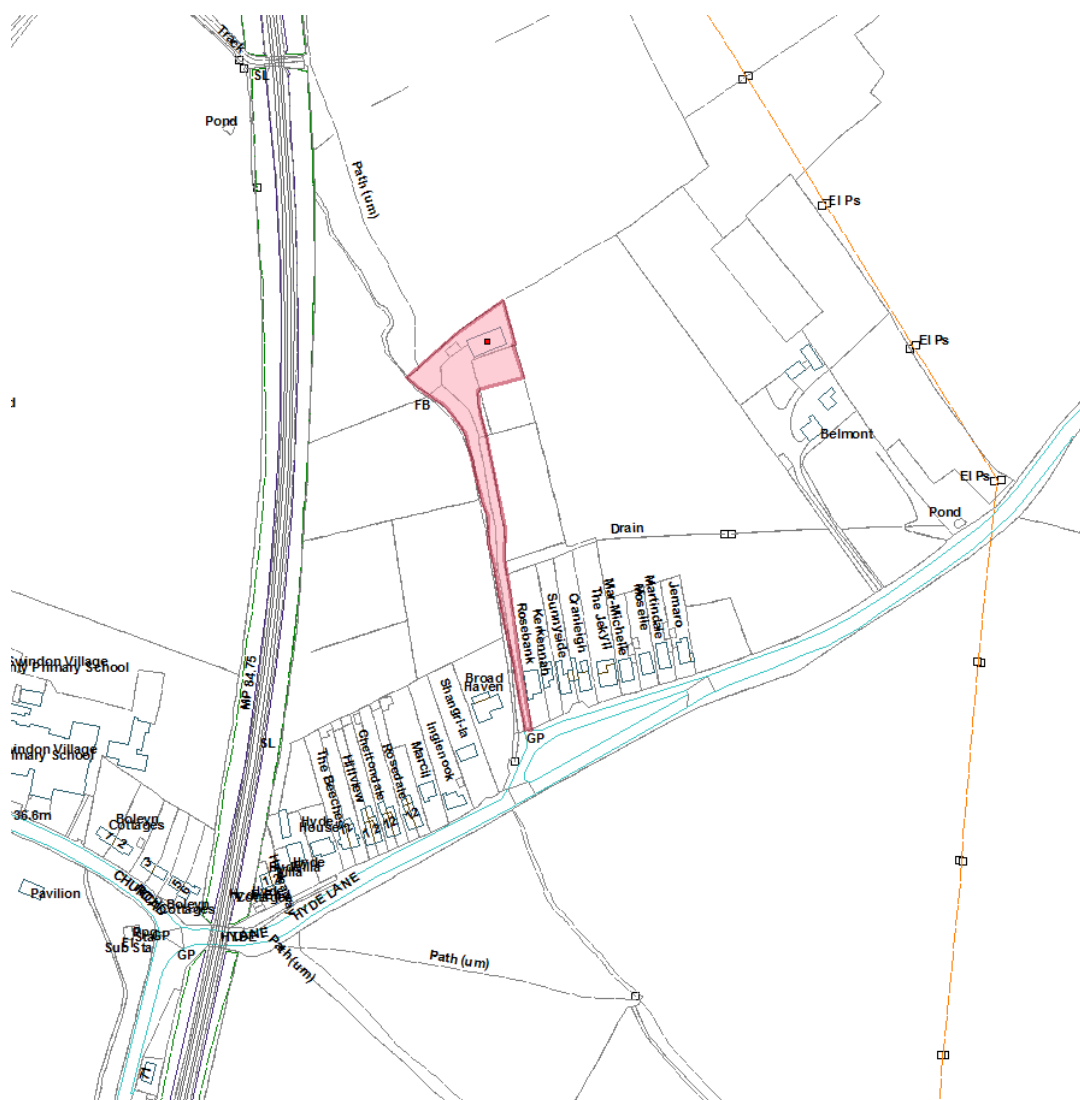


APPLICATION NO: 16/00276/FUL	OFFICER: Miss Michelle Payne
DATE REGISTERED: 19th February 2016	DATE OF EXPIRY: 15th April 2016
WARD: Swindon Village	PARISH: Swindon
APPLICANT:	Mr C McAlary
AGENT:	PSK Architect
LOCATION:	Stables, Hyde Lane, Swindon Village
PROPOSAL:	Conversion of existing stable block to provide 2no. dwellings with associated change of use of land to residential

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 This application relates to a site to the north of Cheltenham within Swindon parish. The site is located just outside of the Principal Urban Area (PUA) on Green Belt land.
- 1.2 The site is accessed via an unmade track from Hyde Lane and currently accommodates a large stable block.
- 1.3 The application is seeking planning permission for the conversion of the existing stable building to provide 2no. dwellings together with an associated change of use of the land to residential.
- 1.4 The application is before the planning committee due to an objection raised by the parish council. Members will visit the site on planning view.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Greenbelt

Relevant Planning History:

None of any particular relevance to this application

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 1 Sustainable development
CP 3 Sustainable environment
CP 4 Safe and sustainable living
CP 7 Design
GE 6 Trees and development
CO 1 Landscape character
CO 6 Development in the green belt
CO 13 Conversion of rural buildings
HS 1 Housing development
RC 6 Play space in residential development
TP 1 Development and highway safety

Supplementary Planning Guidance/Documents

Play space in residential development (2003)

National Guidance

National Planning Policy Framework (NPPF)

4. CONSULTATION RESPONSES

Building Control

26th February 2016

Access road to be a minimum of 3.7m wide and provide a turning circle for fire service vehicles

Tree Officer

2nd March 2016

The Tree Section has no objections with this application. If permission is granted please use the following condition:

The landscaping proposal shall be carried out no later than the first planting season following the date when the development is ready for occupation or in accordance with a programme agreed in writing with the Local Planning Authority. 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 trees shall be maintained for 5 years after planting and should they be removed, die, be severely damaged or become seriously diseased within this period they shall be replaced with another tree as originally required to be planted.

Reason: To preserve the visual amenities of the locality in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.

Joint Waste Team

4th March 2016

The two properties to be built will have to present their waste at the end of the private drive as we will not be able to access with a RCV.

Gloucestershire Centre for Environmental Records

10th March 2016

Biodiversity Report available to view on line.

Parish Council

10th March 2016

The Parish Council objects to this proposal.

The land is in the greenbelt and this would be inappropriate development within the Green Belt. Once Green Belts have been defined, local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land. This proposal does not fulfil any of these criteria.

The proposal is to provide two houses that would not support the existing use of the land as grazing, stables, or agriculture.

The proposed buildings are not in the same use class.

As confirmed by the applicant's response to section 14 of the application form this proposal will not enhance or conserve the biodiversity and geological conservation of the site.

Regarding drainage, the application includes soakaways as the means of surface water drainage which may not be appropriate considering its proximity to a water course and the nature of the ground. Similarly the application proposes a septic tank as a solution for the

foul drainage but as this is likely to rely on a combination of a porous drainage system and possibly an outfall to the existing water course we believe that a full investigation of the ground, its permeability and its flood history should be requested to support this application.

Regarding flood risk, in our discussions with local residents they have said that this land is known to have a high water table and has been subject to flood. This problem is not dealt with in the engineer's report or elsewhere and we believe that the floor levels of any buildings constructed for residential purposes would need to take this into account.

We are concerned that in order to construct two habitable dwellings that it will be necessary to construct buildings that would need to be materially larger than the existing stables.

Regarding the Engineer's Report, we note the content of the Engineer's report and in particular point out the following:

Preamble

Page 1, Paragraph 3: The engineer states that 'At this stage trial pits have not been excavated to expose foundations'. The comments following this statement suggest that the blue lias clay is susceptible to moderate volumetric change in response to variations in moisture content.

Inspection Notes

Page 2, Paragraph 6: The engineer states that the right flank wall contains a significant fracture and suggests that this may be due to the proximity of Hawthorn but confirms that the cracking is most likely due to a temporary loss of support at foundation level caused by clay shrinkage.

Page 3, Paragraph 1: The engineer makes reference to the asbestos/cement roof finish and timber roof structure. The engineer notes that there has been deflection which has been dealt with by the introduction of additional timbers attached side-by-side.

Page 3, Paragraph 2: The fracture in the right flank wall is noted.

Page 3, Paragraph 3: The engineer provides a loose description of the existing slab and concludes by saying such floor construction is generally serviceable. What isn't known from the supplied description is whether the floor is serviceable for residential purposes without substantial improvement. However the first paragraph on page 4 does require that the floor will need to be upgraded by the provision of a screed and a damp proof membrane.

Conversion Proposals

Page 3, Conversion Proposals - Paragraph 2: The engineer states that he has not been provided with precise details of the proposal on which to comment.

Page 3, Conversion Proposals - Paragraph 3: The engineer acknowledges that the existing structure will be thermally unsuitable for residential purposes and will therefore require additional timber framed walls and a moisture barrier.

Page 3, Conversion Proposals – Paragraph 3: The engineer implies that it is important that any proposals should not result in any significant increase on the existing foundations.

Page 4, Concluding Remarks: The engineer concludes by stating that:

- The right hand flank wall can be dealt with by stitch bonded repairs
- His report is based on the assumption that a fully detailed set of structural drawings will be prepared.

- Additional bracing is required for the existing roof or a new roof structure will be required.

We do not believe that the contents of the Engineer's report is robust enough to confirm that this building could be converted to residential dwellings without significant structural work or by limited replacement of the existing structure and fabric.

The foundations have not been inspected and the engineer's report requires that full structural engineers drawings and details should be provided which we believe should be available with the planning submission as it is necessary for the applicant to be able to demonstrate that the existing building is sufficiently structurally substantial enough for the proposed conversion; this can only be demonstrated with a complete structural proposal including foundations in order that we can see the degree of work that will actually need to be undertaken.

In our discussions with local residents they have said that this land is known to have a high water table and has been subject to flood. This problem is not dealt with in the engineer's report or elsewhere and we believe that the floor levels of any buildings constructed for residential purposes would need to take this into account.

We would like to state that it is yet to be proven that the existing stable building meets the requirement of being a sufficiently substantial construction which could be converted or adapted for residential use.

Cheltenham Civic Society

21st March 2016

We would have liked the houses in this location to have some detailing which referred back to the building's original use.

GCC Highways Planning Liaison

7th June 2016

The proposal is for the conversion of an existing stable block and change of use of the site from agricultural to residential.

The proposed dwellings would be accessed via a Public Right of Way (PROW) which is adjacent to a Class 3 lay-by style highway, the closest footway is over 25m from the access, there are street lights and the area is subject to a posted speed limit of 30mph.

History

I have researched the available data and have found a previous application that was withdrawn, this new application is similar.

Collision Data

I can confirm I have researched the available data and have found no recorded personal injury incidents.

Public Right of Way

The proposed dwellings would be accessed via a Public Right of Way, CHS3, The Public Right of Way team consider that to ensure public safety the PROW should be closed for the duration of the construction works. *(It must be noted that there is no guarantee that a legal Order will be confirmed simply because planning permission has been granted).* A temporary Closure order is required, with a minimum of 8 weeks notice and a minimum cost of approximately £700. The applicant will need to apply to the PROW team at Amey

Gloucestershire 08000 514 514 for this to be processed and approved. The PROW appears to be obstructed by the parking spaces.

Can the applicant provide a scale plan showing the impact upon the Public Right of Way. The occupiers of the properties would have to apply for a vehicle license to use the PROW and the current cost is £140.

Vehicle Trip Generation

The addition of two dwellings at this location would result in an increase of approximately ten extra vehicular movements in a twelve hour period, with two of these trips during the peak hour.

Parking and turning

The proposal makes provision for 4 parking spaces, with space for manoeuvring.

Waste Storage and Collection

It is recommended that householders should not be required to move waste more than 30 metres from the storage area to the collection point and for the refuse collection to be able to access with 25m of that point. I note that the distance from the plot to the class 3 highway would require residents to move waste approximately 200m to the edge of the public highway no tracking has been shown for a refuse vehicle, however I do not consider it would be unreasonable to condition a refuse storage area beyond the public highway.

Recommendation

There are no objections from the Public Right of Way Officer, subject to the occupiers applying for licenses to use the PROW, and a closure to ensure the safety of users during the construction phase.

I refer to the above planning application received on 25th Feb 2016 with revised plans nos. 15062.02, 15062.02A, 15062 A, received 6th May 2016, to which no highway objection is raised subject to conditions:

- i. The building(s) hereby permitted shall not be occupied until the vehicular parking [and turning] [and loading/unloading] facilities have been provided in accordance with the submitted plan 15062.02A, and those facilities shall be maintained 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 the National Planning Policy Framework.
- ii. No other works shall commence on site on the development hereby permitted until the existing access facility is modified to provide a minimum width of 4.1m for the first 5m, with 4.5m entry and exit radii, and so the area within 5m of the carriageway edge is surfaced in bituminous macadam or other approved material, all in accordance with details to be submitted to and approved in writing by the L.P.A., and all shall be similarly maintained thereafter.
Reason: To ensure a satisfactory means of access is provided and maintained in the interests of highway safety.

The proposed development will require the provision of a footway/verge crossing and the Applicant/Developer is required to obtain the permission of the County Council before commencing any works on the highway.

Contaminated Land

7th June 2016

Thank you for referring this application to our team. We have reviewed the proposal and offer the following comments:

The proposed site of residential development is shown on our records as previously being used as "Brick Kilns". These facilities are likely to have been demolished and infilled with other material, which potentially may affect the inhabitants of the proposed residential units. I would therefore request a condition on the following lines is attached to any consent for this development:

Condition:

No development approved by this permission shall be commenced until a contaminated land assessment and associated remedial strategy have been submitted to and approved by the LPA. The assessment shall contain the following elements and follow the guidance contained in 'Contaminated Land: A Guide for Developers' available from the LPA:

- a) A Phase I Preliminary Risk Assessment (Desk Study) to be submitted to the LPA for approval. The desk study shall detail the history of the site uses and identify and evaluate all potential sources and impacts of land and/or groundwater contamination.
- b) Where the preliminary risk assessment identifies potentially unacceptable risks at the site, a suitably qualified and accredited person shall carry out a site investigation, including relevant soil, soil-gas, surface and groundwater sampling in accordance with a quality assured sampling and analysis methodology. The requirements of the LPA shall be fully established before any site surveys are commenced.
- c) A site investigation report detailing all investigative works and sampling on site, together with the results of any analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the LPA. The LPA shall approve any such remedial works as required, prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.
- d) The approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. If during the works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the LPA.
- e) Upon completion of the works, this condition shall not be discharged until a verification report has been submitted to and approved by the LPA. The verification report shall include details of the completed remediation works and include quality assurance certificates to show that the works have been carried out in full and in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the verification report together with the necessary documentation detailing what waste materials have been removed from the site.

Reason: To protect residents of the development from potentially contaminated land.

Building Control

12th July 2016

I have been asked to provide my opinion regarding the structural assessment provided by Andrew Marcham (ref: 16/025/AWM/kb. Mr Marcham is a qualified engineer and so the opinions identified in his report should be accepted. However, I must identify that Mr Marcham has stated that, *'I did however note a quite significant fracture over the height of the wall on the far right which appears to be consistent with vertical displacement at the right rear corner.....dense Hawthorn.....and the cracking therefore most likely relates to a temporary loss of support at foundation level caused by shrinkage in the clay subsoil conditions'*.

No investigation has been made of the foundation type or adequacy but I would suggest for a stable of this type and age it is likely that the structure is built off the floor slab. It seems unlikely that there would be no sign of damage to the right rear corner of the floor slab if the rear corner is showing signs of movement due to seasonal movement of the subsoil.

The new roof suggested will not add a substantial load to the building but there will be an additional load and this should also be justified as part of the overall assessment of the viability of the project.

Mr Marcham, quite rightly, identifies that the structure will need additional works so as to comply with the requirements of the Building Regulations. Although this cannot be considered as part of the Planning application I would suggest that the owner and agent are advised of the significant amount of remedial work which will be required to ensure that the building is structurally sound. In the first instance I would suggest that the damage to the rear right corner is investigated and an assessment of the suitability of the foundation is made. It is likely that if the foundation is a slab design then additional foundation works will be required to ensure that no further movement is caused by movement of the subsoil.

Revised Comments

19th August 2016

I have looked at the updated engineers report submitted by PSK Architect and prepared by Andrew Marcham & Co, Chartered Structural Engineers.

The investigation work carried out by Mr Marcham has reduced my concerns about the proposal. Mr Marcham has made reference to both a 'raft' foundation and a 'strip footing' for the existing building but this could be just part of Mr Marcham's desire to show the adequacy of the existing building. Mr Marcham has stated in the closing paragraph of his report that, *I remain completely satisfied that the existing building can be converted to the proposed residential accommodation without need of substantial demolition and subsequent rebuilding*. I accept Mr Marcham's professional judgement on this matter. It would be wise to highlight this fact within the Planning approval because it would be unfortunate if the developer was not aware of the need to maintain the structure.

5. PUBLICITY AND REPRESENTATIONS

- 5.1 Letters of notification were sent out on 26 neighbouring properties on receipt of the original application, and a site notice was posted. Further letters of notification were sent out on receipt of the revised plans. In response to the publicity, four representations have been received from local residents. The comments have been circulated in full to Members but briefly, the main concerns relate to:

- Highway safety / safety of pedestrians using the Public Right of Way
- Flooding
- Impact on the Green Belt / precedent for future development

6. OFFICER COMMENTS

6.1 Determining Issues

6.1.1 The key considerations in the determination of this application are:

- The principle of converting the existing stableblock into a residential use in this rural location.
- The impact of the proposed development upon the character and appearance of the locality and the openness and visual amenity of the Green Belt.
- The suitability of the existing building to be converted into a residential use in terms of its structural condition and the extent of alterations to facilitate the change of use to residential
- The layout, design and architectural treatment of the proposed dwellings in relation to materials, doors and windows and curtilage treatment.
- The potential impact upon the amenity of occupiers of nearby dwellings and users of the existing public right of way.

6.2 Principle

6.2.1 When determining applications for housing, paragraph 49 of the NPPF advises that they should be considered in the context of the presumption in favour of sustainable development.

6.2.2 The NPPF requires local planning authorities to demonstrate a five year supply of housing; the Council is currently unable to demonstrate such a requirement. The NPPF advises that relevant local plan policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

6.2.3 Where policies are not considered to be up-to-date, the NPPF advises that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies within the framework, taken as a whole.

6.2.4 For development within the Green belt, paragraph 88 of the NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Paragraph 89 goes on to state that whilst generally the construction of new buildings should be regarded as inappropriate in Green Belt, one exception is the *“limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt...”*. Most importantly, paragraph 90 advises that the re-use of buildings within the Green Belt, that are of permanent and substantial construction, is also not inappropriate provided they preserve the openness of the Green belt and the purpose of including land in Green Belt.

6.2.5 Similarly, local plan policy CO6 (development in the Green Belt) advises that *“there will be a presumption against the construction of new buildings”* within the Green Belt and that *“any material change of use will not be permitted unless they maintain the openness of the Green Belt and do not conflict with the purposes of including land in it”*.

6.2.6 Additionally, local plan policy CO13 (conversion of rural buildings) states, in part, that:-

The conversion of rural buildings to uses other than agriculture will only be permitted where:

(a) the building is not a temporary structure; and

(b) the building is appropriately located and suitably constructed and otherwise is suitable for conversion without substantial demolition, rebuilding or extension;

(c) the conversion and alternative use are appropriate to the character and location of the building....

6.2.7 Policies CO6 and CO13 are therefore broadly compliant with the NPPF although it should be noted that the NPPF does not make specific reference to the appropriateness of any proposed alternative use, the structural condition of the existing building, or the degree of demolition, rebuilding or extension necessary.

6.2.8 In conclusion, given that the application proposes the re-use of an existing building rather than the provision of a new building, the principle of development is generally supported subject to the material considerations set out below. Furthermore, although the site lies just outside the PUA, and outside of the built up area of Swindon Village, it is located to the rear of an established row of residential properties at the edge of the town with local transport links to a wide range of facilities. The application site must therefore be considered as a sustainable location for residential development.

6.2.9 It should also be noted that as part of a package of measures to support economic growth and increase housing supply, changes to the Town and Country Planning (General Permitted Development) Order 1995 were introduced by the Government in the Town and Country Planning (General Permitted Development) (England) Order 2015 (which in England has replaced the 1995 Order).

6.2.10 Class Q of the 2015 Order allows a change of use of an agricultural building and any land within its curtilage to a C3 residential use (together with building operations reasonably necessary to convert the building) to be carried out as permitted development (thereby not requiring the benefit of planning permission) subject to the developer applying to the local planning authority for determination as to whether the prior approval of the authority is required in respect of a number of matters. The permitted development rights extend to buildings in the Green Belt.

6.2.11 Although in this case, the existing use doesn't fall within an agricultural use, the changes to permitted development and the relaxation of controls over this type of development are indicative of current government thinking on the conversion of rural buildings and should be given some weight in the consideration of this application.

6.3 Design and layout

6.3.1 Local plan policy CP7 (design) requires all new development to complement and respect neighbouring development and the character of the locality.

6.3.2 The proposal involves the conversion of the existing building to 2no. three bedroom dwellings. There are no extensions proposed but there are new and enlarged openings, external cladding/render, and a new roof proposed in addition to car parking and hard and soft landscaping within the proposed residential curtilage.

6.3.3 The applicant has submitted a structural survey report which concludes that the building "is in a serviceable structural condition" and that "conversion of the building to form residential accommodation will not result in any significant additional loading on the existing structure". It goes on to conclude that "the conversion proposals are structurally feasible without need of any major demolition and subsequent rebuilding to the main load

bearing fabric of the existing building". The report has been updated to address the changes to the proposed roofing material from composite metal to concrete tiles.

6.3.4 On initial review by the Council's Building Control Manager, it was identified that there were a number of weaknesses and assumptions made in the report. The report has therefore been further updated to address these concerns. Having reviewed the report, and taking account of the additional investigation work carried out by the Structural Engineer, the Building Control Manager accepts the closing paragraph of the report which states that "*I remain completely satisfied that the existing building can be converted to the proposed residential accommodation without need of substantial demolition and subsequent rebuilding*", and is now of the opinion that the conversion works could be undertaken using the general details outlined in the revised report.

6.3.5 However, given the sensitivities of the proposal, in order to ensure that the existing building is retained and converted, and not rebuilt, a condition requiring the submission of a comprehensive and robust method statement and further structural report, together with any necessary mitigation measures for the conversion, is suggested. This will ensure that the alterations to the building are carried out in accordance with the approved scheme and Policies CO6 and CO13.

6.3.6 As originally submitted, officers had concerns in relation to the external materials and elevational treatment proposed; revisions were therefore sought to ensure that the character of the resultant building would be appropriate to its rural setting. In the revised scheme, the metal roof has been replaced by a more traditional tiled roof, the fenestration has been simplified, the extent of render has been reduced and the overtly domestic front doors have been replaced by vertically boarded timber doors. For the most part, the exterior of the building would be clad in horizontal timber boarding. Officers consider that the revisions also address the Civic Society comment which states "*We would have liked the houses in this location to have some detailing which referred back to the building's original use*". Conditions are suggested to ensure that samples of the external facing and roofing materials are submitted, together with the detailed design of the windows and external doors; chimneys or flues; and rainwater goods.

6.3.8 The landscaping proposals will be critical to the success of the proposed scheme and therefore a further condition is suggested which requires a detailed landscaping scheme to be submitted for consideration.

6.3.7 Future demand for the erection of sheds, small extensions etc. can be controlled via the removal of permitted development.

6.4 Impact on neighbouring amenity

6.4.1 Local plan policy CP4 (safe and sustainable living) advises that development will only be permitted where it would not cause unacceptable harm to the amenity of adjoining land users or the locality.

6.4.2 The nearest residential properties are located to the south of the site fronting Hyde Lane. Given the distance to these dwellings there should be no harm to the amenities of the occupiers of these properties in terms of noise and disturbance, outlook, or privacy.

6.5 Access and highway issues

6.5.1 Local plan policy TP1 (development and highway safety) advises that development will not be permitted where it would endanger highway safety.

6.5.2 The site is currently accessed via a long unmade track which leads from a Class 3 lay-by style highway subject to a 30mph speed limit; the access serves as a Public Right of Way (PROW). This access would be used to serve the proposed dwellings.

6.5.3 The proposal has been considered by the GCC Highways Development Management Team who raise no objection subject to the inclusion of conditions to ensure that the garages and 4no. car parking spaces shown on the site layout plan are provided, and that works to improve the access are carried out.

6.5.4 The proposal has also been considered by the GCC Public Rights of Way Team who likewise raise no objection subject to the developer/future occupiers applying for the necessary order/licenses. It is considered necessary to close the PROW for the duration of the construction works to ensure public safety and a temporary Closure order would be required in this respect. In addition, future occupiers of the properties would have to apply for a vehicle license to use the PROW. Informatives are suggested to this effect.

6.6 Other considerations

6.6.1 It has been suggested that if this development should be permitted it would set a precedent for further development within the Green Belt; however, it is important to remember that this application relates to the conversion of an existing structure. To grant planning permission in this instance would not prejudice the presumption against the erection of new buildings within the Green Belt.

6.6.2 The site is located outside of Flood Zones 2 and 3 but part of the site is identified by the Environment Agency as being at a low risk of flooding from surface water. The application proposes the use of a soakaway to provide stormwater attenuation and, for the avoidance of doubt, a condition is suggested that requires a Sustainable Drainage System (SuDS) to be incorporated. Details of which would be considered at Building Regulations stage.

6.6.3 Environmental Health has identified the site as having previously been used as "Brick Kilns" and it is likely that the kilns have since been demolished and infilled with other materials which may have the potential to affect the inhabitants of the proposed residential units. As such, it is considered necessary to attach a condition requiring a contaminated land assessment to be carried out together with a remedial strategy.

6.7 Conclusion and recommendation

6.7.1 Despite some initial reservations about the structural condition of the existing building and its capability of being converted into dwellings without substantial rebuild or replacement, officers are now satisfied that the conversion works could be undertaken using the general details outlined in the revised structural report.

6.7.2 Following revisions to the external appearance of the building, officers are confident that the character of the resultant building would be appropriate to its rural setting.

6.7.3 The proposal would not impact on the amenity of nearby residential properties and, no Highway objection has been raised.

6.7.4 Therefore, on balance, the proposed development in this location is considered to be acceptable and the recommendation is to grant planning permission subject to the following conditions:

7. SUGGESTED CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three 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 Notwithstanding the submitted details, a robust method statement and detailed structural report, covering both the demolition and construction phases of the project, must be prepared and submitted to the local planning authority for approval before any works commence on site. The method statement and structural report must identify suitable steps to control the effect of noise, dust and any other nuisance on nearby properties and full details of all works and mitigation measures associated with the conversion of this property to a dwelling (including works to foundations, the roof, existing and any proposed internal and external walls).

The method statement and structural report will need to demonstrate that the existing building can be converted in accordance with the findings outlined in the updated structural report dated 9th August 2016, and without significant replacement of or alteration to the building's existing structure/fabric, footprint and height. If, during the course of the conversion works, problems are encountered which would result in works being carried out to the building which are not in accordance with the approved drawings and method statement, the applicant shall cease development on site and immediately notify the Local Planning Authority and submit details of mitigation measures and/or revised drawings to be approved in writing by the Local Planning Authority.

All demolition and construction works and any mitigation measures must be completed in accordance with the approved method statement and structural report unless otherwise agreed in writing by the Local Planning Authority.

Reason: The application is to convert the existing building and has been considered and assessed in this light. If it transpires that this is not possible a fresh application will be necessary which would then be considered on the individual merits of the application.

- 4 Prior to the commencement of the development hereby permitted, a contaminated land assessment and associated remedial strategy shall be submitted to and approved by the Local Planning Authority (LPA). The assessment shall contain the following elements and follow the guidance contained in 'Contaminated Land: A Guide for Developers' available from the LPA:
 - a) A Phase I Preliminary Risk Assessment (Desk Study) to be submitted to the LPA for approval. The desk study shall detail the history of the site uses and identify and evaluate all potential sources and impacts of land and/or groundwater contamination.
 - b) Where the preliminary risk assessment identifies potentially unacceptable risks at the site, a suitably qualified and accredited person shall carry out a site investigation, including relevant soil, soil-gas, surface and groundwater sampling in accordance with a quality assured sampling and analysis methodology. The requirements of the LPA shall be fully established before any site surveys are commenced.
 - c) A site investigation report detailing all investigative works and sampling on site, together with the results of any analysis, risk assessment to any receptors and a

proposed remediation strategy shall be submitted to the LPA. The LPA shall approve any such remedial works as required, prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.

- d) The approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. If during the works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the LPA.
- e) Upon completion of the works, this condition shall not be discharged until a verification report has been submitted to and approved by the LPA. The verification report shall include details of the completed remediation works and include quality assurance certificates to show that the works have been carried out in full and in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the verification report together with the necessary documentation detailing what waste materials have been removed from the site.

Reason: To protect residents of the development from potentially contaminated land, having regard for Policy NE4 of the Cheltenham Borough Local Plan (adopted 2006).

- 5 Prior to the commencement of any other works on site in association with the development hereby permitted, the existing access facility shall be modified to provide a minimum width of 4.1m for the first 5m, with 4.5m wide entry and exit radii, and the area within 5m of the carriageway edge shall be surfaced in bituminous macadam or other approved material. The works shall be carried out in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority, and shall be similarly maintained thereafter.

Reason: To ensure a satisfactory means of access is provided and maintained in the interests of highway safety, having regard to Policy TP1 of the Cheltenham Borough Local Plan (adopted 2006).

- 6 No external facing or roofing materials shall be applied unless in accordance with:
 - a) a written specification of the materials; and
 - b) physical sample/s of the materials.The 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).

- 7 The following elements of the scheme shall not be installed, implemented or carried out unless in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority:
 - i. All new windows and external doors (including reveals, cills, materials and finishes);
 - ii. Chimneys, flues and any other extraction equipment; and
 - iii. Rainwater goods.

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).

- 8 The development hereby permitted shall not be occupied until a refuse and recycling collection point for the dwellings within at least 25m of the existing highway has been provided in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority, and shall be similarly maintained thereafter.

Reason: In the interests of sustainable waste management and recycling, having regard to Policy W36 of the Gloucestershire Waste Local Plan.

- 8 The development hereby permitted shall not be occupied until the vehicular parking and turning facilities have been provided in accordance with the approved plans. These facilities shall not be used for any purpose other than the parking and the turning of vehicles and shall remain free of obstruction for such use at all times.

Reason: To ensure that adequate car parking, and a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided, having regard to Policies TP1 of the Cheltenham Borough Local Plan (adopted 2006) and guidance set out within the National Planning Policy Framework.

- 9 Prior to the implementation of any landscaping, full details of a hard and soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all walls, fences, trees, hedgerows and other planting which are to be retained; details of all new walls, fences, other boundary treatment and finished ground levels; details of the hard surface treatment of open parts of the site which shall be permeable or drained to a permeable area; a planting specification to include species, planting size, root type (it is anticipated that container grown trees will be planted) and protection so as to ensure quick successful establishment; and a programme of implementation. The size of the trees shall be at least a Selected Standard as per BS 3936-1:1992.

All hard and/or soft landscaping works shall be carried out in accordance with the approved details and no later than the first planting season following the date when the development is ready for occupation.

Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size to be first approved in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details [delete if not appropriate].

Reason: In the interests of the visual amenities of the locality, having regard to Policies CP1, CP7 and GE6 of the Cheltenham Borough Local Plan (adopted 2006).

- 10 The development hereby permitted shall incorporate a Sustainable Drainage System (SuDS).

Reason: To ensure sustainable drainage of the development, having regard to Policy UI3 of the Cheltenham Borough Local Plan (adopted 2006).

- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and/or re-enacting that order with or without modification), no extensions, garages, sheds, outbuildings, walls, fences or other built structures of any kind (other than those forming part of the development hereby permitted) shall be erected without express planning permission.

Reason: Any further extension or alteration requires further consideration to safeguard the amenities of the area, having regard to Policies CP4 and CP7 of the Cheltenham Borough Local Plan (adopted 2006).

INFORMATIVES

- 1 The Public Right of Way team consider that to ensure public safety the PROW should be closed for the duration of the construction works. A temporary Closure order will be required, with a minimum of 8 weeks notice and a minimum cost of approximately £700. The applicant/developer will need to apply to the PROW team at Amey Gloucestershire 08000 514 514 for this to be processed and approved.
(It must be noted that there is no guarantee that a legal Order will be confirmed simply because planning permission has been granted).
- 2 The proposed development will require the provision of a footway/verge crossing and the applicant/developer is reminded of the need to obtain approval for the vehicle crossing from Amey Gloucestershire before commencing any works on the highway; you can contact them on 08000 514 514 or alternatively email: GCCHighways@Amey.co.uk.