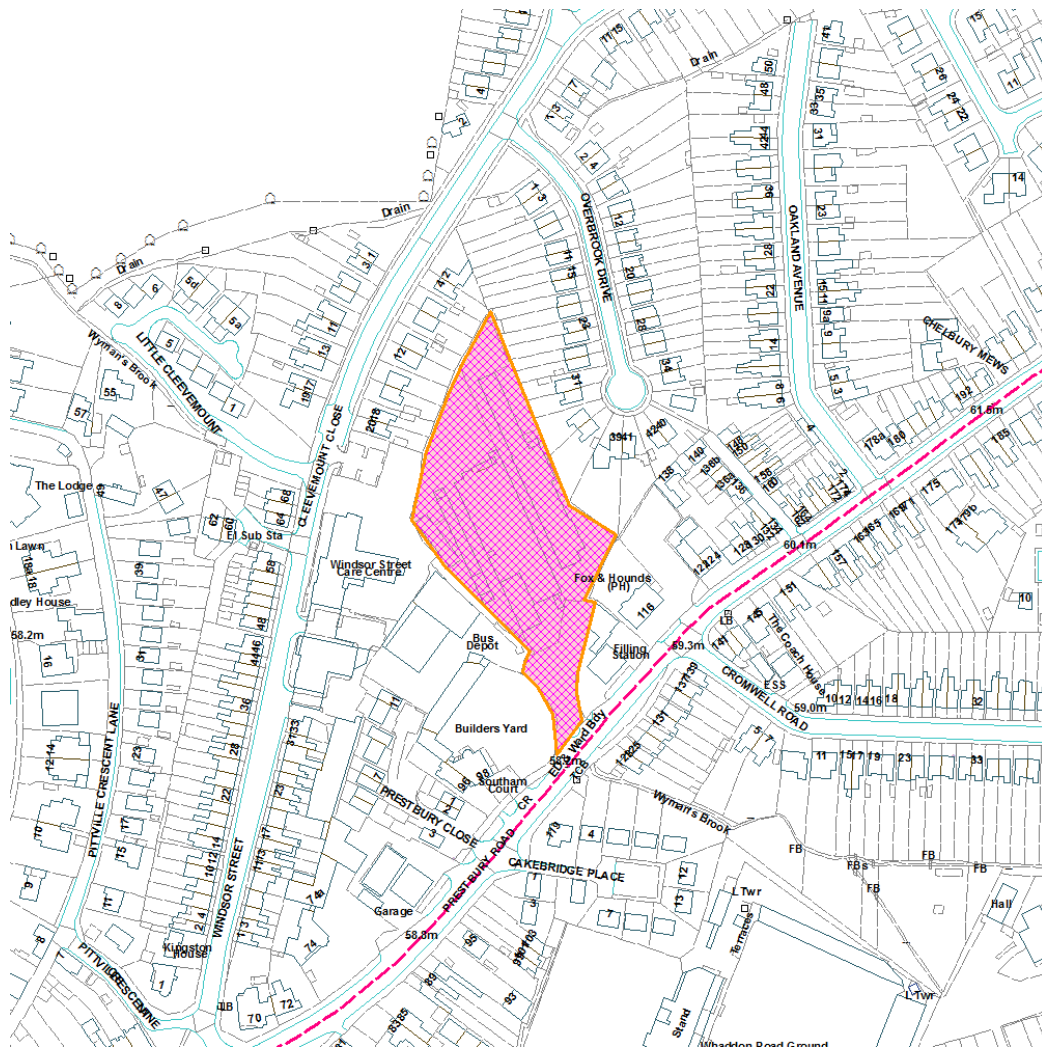


<b>APPLICATION NO:</b> 17/01266/FUL	<b>OFFICER:</b> Miss Michelle Payne
<b>DATE REGISTERED:</b> 4th July 2017	<b>DATE OF EXPIRY:</b> 3rd October 2017
<b>WARD:</b> Pittville	<b>PARISH:</b> n/a
<b>APPLICANT:</b>	Mrs Catherine Sheppard
<b>AGENT:</b>	n/a
<b>LOCATION:</b>	102 Prestbury Road, Cheltenham
<b>PROPOSAL:</b>	Construction of 30 new dwellings with associated infrastructure and parking following the demolition of existing commercial buildings

**RECOMMENDATION:** Recommendation at committee



This site map is for reference purposes only. OS Crown Copyright. All rights reserved Cheltenham Borough Council 100024384 2007

## **1. DESCRIPTION OF SITE AND PROPOSAL**

- 1.1 This application has been submitted following pre-application discussions. The application is seeking full planning permission for the demolition of some existing commercial buildings at nos. 100 and 102 Prestbury Road, and the construction of 30no. new residential units with associated infrastructure, parking and landscaping.
- 1.2 The application site is approximately 0.8 hectares, irregular in shape, and relatively flat throughout. The western half of the site is occupied by Yeates Garage which provides a hand carwash and valeting service. The eastern half of the site has been vacant for a number of years and is occupied by a dilapidated, general industrial building which runs almost the full length of the site.
- 1.3 The majority of the site lies within Flood Zone 1 but the southern portion of the site is within Flood Zone 2, and a very small portion within Flood Zone 3.
- 1.4 The rear part of the site is bounded by residential properties in Cleevemount Close and Overbrook Drive, and the Windsor Street Care Centre. To the front, the site is bounded by a used car dealership (Prestbury Cars), a vacant retail unit (within the former Fox and Hounds Public House), a bus depot (Marchants Coaches) and a groundworks and civil engineering contractors (NGB Ltd).
- 1.5 Revised plans have been submitted during the course of the application to address officer concerns and, as a result, the number of units has been reduced from 35 to 30. In its revised form, the housing comprises 2no. one bed houses, 1no. two bed house, 13no. three bed houses, and 14no. four bed houses.
- 1.6 The application has been accompanied by the following detailed reports and statements:
  - Planning Statement
  - Design and Access Statement
  - Flood Risk Assessment
  - Drainage Strategy
  - Noise Impact Assessment
  - Phase I & Phase II Geo-Environmental Assessment
  - Tree Report
  - Ecological Appraisal
  - Statement of Community Involvement
- 1.7 The application is before the planning committee at the request of Councillor Lillywhite due to its impact on the amenity of neighbours. Members will visit the site on planning view.

## **2. RELEVANT PLANNING HISTORY**

- 2.1 The eastern half of the application site (102 Prestbury Road) benefits from an extant planning permission for the redevelopment of the site to provide 5no. B1 units.
- 2.2 Outline planning permission (06/00989/OUT) was granted on appeal in April 2008 following a decision to refuse permission in January 2007.
- 2.3 Later, an application to extend the time limit for implementation of the outline permission (11/00042/TIME) was granted in March 2011.

- 2.4 More recently, approval of the reserved matters (landscaping proposals) was granted in March 2016 under planning ref. 16/00329/APREM; this permission remains extant until 29th March 2018.
- 2.5 Subsequent to this, planning permission ref. 16/01919/FUL was granted in January 2017 for changes to the vehicular access to provide pedestrian access routes.

### **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 5 Protection and replacement of trees  
GE 6 Trees and development  
NE 4 Contaminated land  
EM 2 Safeguarding of employment land  
HS 1 Housing development  
UI 1 Development in flood zones  
UI 2 Development and flooding  
UI 3 Sustainable Drainage Systems  
UI 4 Maintenance strips for watercourses  
TP 1 Development and highway safety

#### Supplementary Planning Guidance/Documents

Development on garden land and infill sites in Cheltenham (2009)  
Flooding and sustainable drainage systems (2003)  
Landscaping in new development (2004)  
Planning obligations (2003)  
Security and crime prevention (2003)  
Sustainable buildings (2003)  
Sustainable developments (2003)

#### National Guidance

National Planning Policy Framework

### **4. CONSULTATION RESPONSES**

#### **GCC Highways Development Management**

*1st August 2017*

To ensure that this application and application 16/01919/FUL (Access improvements) are tied together, could the applicant shown the permitted access arrangement on the site layout plan.

Furthermore, I would require that the site layout is annotated with carriageway/footway widths, any changes in width denoted and the forward visibility demonstrated around the bend for the proposed target speed.

The internal layout should also be subjected to a swept path analysis of an 11.5m 3 axle refuse vehicle and large estate car measuring 1715mm x 4223mm passing one another throughout the layout with 500mm clearance to obstacles and parking spaces. If they are unable to pass on the bends, localised widening will be required unless adequate inter-visibility can be demonstrated. The turning head should be subject to a separate swept path

analysis demonstrating the ability of the refuse vehicle to enter, turn and egress the site in forward gear.

The Garage drawings 729-40-01 & 729-40-02 should be annotated with their internal dimensions and plot numbers.

I would require the trip rate generation to be provided as well as a comparison with the further site use or land use class to be submitted.

### **GCC Highways Development Management (revised comments)**

*5th October 2017*

I refer to the above planning application received on the 12th July 2017 with the following submitted details;

729-131-5, 729-131-6, 218-141-1 Rev A, 218-141-2, 729-40-02\_A, 729-40-01\_A, 729-106, 729-05 Rev B, Design & Access Statement, Planning Statement, Application Form, Technical Note 2016-F-026.

#### Location

The proposed development of 35 dwellings is to be located on brownfield land, currently accommodating a number of warehouse/industrial units and a car repair garage. The development is sited north west of Prestbury Road, Cheltenham. The Town Centre is some 1.2km to the south west. The site is served off of the B4632 Prestbury Road which links the town centre to the Prestbury to the north east. The highway contains footways, street lighting and bus stops within reasonable walking distance. Local shops, employment, leisure and educational facilities are all accessible within walking distance.

#### Access

The vehicular and pedestrian access arrangements have been previously granted permission under reference 16/01919/FUL. The permitted access improves pedestrian access to the site with the provision of new footways and dropped kerb tactile crossings. The Access arrangements will not compromise the existing accesses serving the builders yard and bus depot.

Pedestrian Access is provided to the site by the provision of a new footway to the north eastern side of the proposed access road. The Footway is positioned to the north to ensure that conflict between pedestrians and the existing builder's yard and bus depot is minimised. The northern footway on Prestbury road has been built out to allow adequate inter-visibility between pedestrians and vehicles leaving the builders yard and bus depot.

To tie the previous access permission 16/1919/FUL with this application to ensure the access arrangements are implemented, drawing 218-141-2 has been submitted. This can then be secured via condition.

#### Personal Injury Collisions

There has been 10 recorded personal injury collisions recorded in the last 5 years in the area from the Prestbury Road/Pittville Circus roundabout to Wellend Lodge Road.

8 were recorded as slight injury and 2 were recorded as serious injury. Having reviewed the police incident reports the recorded personal injury collisions were attributed to driver error with no inherent safety issue identified with highway layout. However, a number of incidents were between a private motorcar and a cyclist at the roundabout of Prestbury Road/Pittville Circus/Wellington Road/Albert Road. Think bike signage and white cycle markers have been put in place to raise driver awareness to cyclists.

Highway safety will not be significantly prejudiced as a result of this development.

### Parking

The proposed development will have a parking provision of 68 spaces for 35 dwellings. As Gloucestershire no longer has local parking standards, the suitability of the provision will be assessed against Paragraph 39 of the NPPF with consideration given to the DCLG's Residential Car Parking Research Document.

The 68 allocated parking spaces include 9 garages within that total. Based upon the number of bedrooms the development requires a parking total of 72.6 spaces. With the inclusion of 5 unallocated on-street/parallel parking bay spaces the overall parking total is 73 spaces. There is sufficient space to accommodate additional visitor provision on-street within the layout.

The site is also conveniently accessible to a number of local facilities, services and employment opportunities with regular and reliable bus services accessible within a reasonable walking distance which offer peak hour services. The site is within 2km of the town centre and additional local and regional bus services, 2km being regarded as a reasonable walking distance in accordance with Manual for Streets. The site therefore can actively encourage a modal shift away from the private motorcar.

It must be noted that a ministerial statement published in March 2015 stated that Local Planning Authorities should only impose local parking standards for residential and non-residential development where there is a clear and compelling justification that is necessary to manage their local road network.

It is unlikely that the development will displace parking upon the existing Local Highway Network. The provision is therefore regarded as acceptable in accordance with the NPPF.

### Layout

The internal site layout consists of a 6.8m shared surface estate road with localised widening to accommodate parallel parking bays. The shared surface is a cul-de-sac arrangement with a turning head. Off of the turning head is a private driveway that serves the parking for 7 plots.

The estate road provides 17m forward and emerging visibility around bends and from private accesses as shown on drawings 218-141-1 Rev A and 218-141-2. 17m is sufficient for the private accesses, however in accordance with Manual for Gloucestershire Streets; Shared surface streets require 18m of forward visibility around bends. There is space within applicant control to provide 18m forward visibility and this can be secured by planning condition.

Drawing 729-131-5 demonstrates the swept path analysis of an 11.5m 3 axle and large estate car passing throughout the development sufficiently without risk of conflict. A further swept path analysis as shown on plan 729-131-6 demonstrates the refuse vehicle entering, turning and egressing in forward gear. A swept path analysis is also shown for a large estate car manoeuvring in and out of the parking spaces associated with plot 9. The layout is acceptable in accommodating the most likely vehicles to access the development.

729-40-01\_A and 729-40-02\_A are annotated garage drawings demonstrating the dimensions of single (3m x 3m) garages. The dimensions comply with the local guidance standards and can be utilised for parking. The garages are therefore acceptable in size to count towards the overall parking total.

The development can provide a safe a secure layout that minimises conflict between vehicles and cyclists or pedestrians in accordance with Paragraph 35 of the NPPF.

### Trip Rates

Technical Note 2016-F-026 provides an analysis of the extant use and proposed residential development trip rates.

Period	Extant		Proposed		Comparison		
	Arr	Dep	Arr	Dep	Arr	Dep	Total
AM Peak	9	15	5	13	-4	-2	-6
PM Peak	6	10	9	6	+3	-4	-1

The Technical Note proposes that there will be a slight reduction in trip rates as a result of the residential development. I have undertaken a comparison TRICS analysis.

Period	Extant			Proposed			Comparison		
	Arr	Dep	Total	Arr	Dep	Total	Arr	Dep	Total
AM Peak	14	5	19	5	13	18	-9	+6	-1
PM Peak	3	11	14	13	6	19	+10	-5	+5

### Impact

The GCC trip rates have determined that the proposed residential development would generate 1 less trip in the AM peak but generate 5 additional trips in the PM peak. The GCC trip rates are therefore considered robust in this instance. The increase in 5 vehicle trips compared to the extant use of the site is not a significant increase and will not have a severe impact on the safe and efficient operation of the Local Highway Network.

I recommend that no highway objection be raised subject to the following conditions:

#### Condition Construction Method Statement

No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall:

- i. Specify the type and number of vehicles;
- ii. Provide for the parking of vehicles of site operatives and visitors;
- iii. Provide for the loading and unloading of plant and materials;
- iv. Provide for the storage of plant and materials used in constructing the development;
- v. Provide for wheel washing facilities;
- vi. Specify the intended hours of construction operations;
- vii. Measures to control the emission of dust and dirt during construction.

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.

#### Condition Estate Roads

No dwelling on the development shall be occupied until the carriageway(s) (including surface water drainage/disposal, vehicular turning head(s) and street lighting) providing access from the nearest public highway to that dwelling have been completed to at least binder course level and the footway(s) to surface course level.

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

conflict between traffic and cyclists and pedestrians in accordance with Paragraph 35 of the National Planning Policy Framework.

#### Condition Estate Roads Maintenance

No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as either a dedication agreement has been entered into or a private management and maintenance company has been established.

Reason: 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 the National Planning Policy Framework 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 Framework.

#### Condition Parking & Turning

The building(s) hereby permitted shall not be occupied until the vehicular parking including any garages and carports and turning facilities have been provided in accordance with the submitted plan drawing no.218-141-1 Rev A, 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 Paragraph 35 of the National Planning Policy Framework.

#### Condition Fire Hydrant

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

Reason: To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire in accordance with section 4 of the NPPF.

#### Condition Access

No works shall commence on site (other than those required by this condition) on the development hereby permitted until the proposed access road as shown on drawing no. 218-141-2, including the junction with the existing public road, 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 the National Planning Policy Framework.

#### Condition Cycle Storage

Details of secure cycle storage facilities for a minimum of 1 cycle per dwelling shall be submitted to and agreed in writing by the Local Planning Authority and those facilities shall be provided in accordance with the approved details prior to first occupation of any dwellings on site and those facilities shall be maintained available thereafter.

Reason: To ensure that adequate cycle parking is provided, to promote cycle use and to ensure that the opportunities for sustainable transport modes have been taken up in accordance with paragraph 35 of the NPPF.

*Note I: The applicant is advised that to discharge condition #6 that the local planning authority requires a copy of a completed dedication agreement between the applicant and the local highway authority or the constitution and details of a private management and maintenance company confirming funding, management and maintenance regimes.*

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

*Note III: 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 appropriate bond) with the County Council before commencing those works.*

*Note IV: You are advised to contact Amey Gloucestershire 08000 514 514 to discuss whether your development will require traffic management measures on the public highway.*

#### Statement of Due Regard

Consideration has been given as to whether any inequality and community impact will be created by the transport and highway impacts of the proposed development. It is considered that no inequality is caused to those people who had previously utilised those sections of the existing transport network that are likely to be impacted on by the proposed development.

It is considered that the following protected groups will not be affected by the transport impacts of the proposed development: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation, other groups (such as long term unemployed), social-economically deprived groups, community cohesion, and human rights.

#### **Ubico Ltd**

*17th July 2017*

All individual properties on this development would have to present their waste and recycling receptacles at the nearest adopted highway which would likely be on Prestbury Road, unless the Ubico vehicles are able to use the development road shaded in salmon colour which would mean that it would need to be constructed to take the weight of a 26 tonne refuse vehicle.

There would need to be bin storage areas for the communal block/s and these should be no more than 30 metres from where the collection vehicle is able to park which again requires access and usage of the roads within the development.

The other pavements around this site have to be wide enough to accommodate the waste and recycling receptacles when presented on collection day and not pose any obstructions to pedestrians.

Finally, with this many properties being built, there will be a phased approach and so the developer has to take account of the need for waste and recycling collections from residents having moved onto the site to take place whilst building is still underway.

#### **Contaminated Land Officer**

*4th August 2017*

In relation to application 17/01266/FUL for 102 Prestbury Road, Cheltenham, Gloucestershire, GL52 2DJ please can the following comments be added in terms of contaminated land:



Condition: Implementation of remediation scheme

Prior to the commencement of development, other than that necessary to comply with the requirements of this condition, the approved remediation scheme as detailed in the geo environmental assessment (dated November 2015) shall be implemented in full.

Following the completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing by the Local Planning Authority prior to

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Local Plan Policy NE4 relating to development on contaminated land.

Condition: Unexpected contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority and development shall be halted on that part of the site affected by the unexpected contamination. An investigation and risk assessment must then be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11 and a remediation scheme, where necessary, also submitted. Following completion of measures identified in the approved remediation scheme, a verification report shall be submitted to and approved in writing by the Local Planning Authority before development can recommence on the part of the site identified as having unexpected contamination.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Local Plan Policy NE4 relating to development on contaminated land.

### **Gloucestershire Centre for Environmental Records**

*24th July 2017*

Biodiversity report available to view on line.

### **Wales and West Utilities**

*21st July 2017*

Letter and plan available to view on line.

### **Minerals and Waste Policy Gloucestershire**

*20th July 2017*

Please accept this correspondence as the initial view of the Minerals & Waste Planning Authority (M&WPA) for Gloucestershire concerning the aforementioned planning application(s).

All major planning applications (10 or more dwellings, residential sites of 0.5ha or more and other development in excess of 1,000m<sup>2</sup> or over 1ha) should be accompanied by an appropriately detailed Waste Minimisation Statement (WMS).

The production of a WMS is a specific requirement of the development plan for Gloucestershire as set out under WCS Core Policy 02 - Waste Reduction. It is needed to show how waste arising during the demolition (including site preparation), construction and occupation of development will be minimised and managed, and how recycling during the occupational life of the development will be provided for.

Full policy text and supporting information for WCS Core Policy 02 - Waste Reduction can be obtained online at: - <http://www.gloucestershire.gov.uk/planning-and-environment/planning-policy/gloucestershire-waste-core-strategy/>.

To support applicants preparing planning applications and assist decision makers in their consideration of waste minimisation matters, local guidance has been published - Gloucestershire Supplementary Planning Document: Waste Minimisation in Development Projects (WM-SPD).

The WM-SPD can be obtained online at: - <http://www.gloucestershire.gov.uk/planning-and-environment/planning-policy/waste-minimisation-in-development-projects-spd/>.

Please note that a WMS is not the same as a voluntary Site Waste Management Plan (SWMP), although much of the information required for both is very similar. A significant difference of a WMS is the need to consider waste minimisation commitments, which go beyond the construction phase.

Where decision makers are satisfied that the waste minimisation matters of a particular proposal have and / or will be sufficiently addressed in accordance with WCS Core Policy 02 - Waste Reduction, the advice of the M&WPA is to attach relevant conditions to any subsequent planning approval that may materialise. Examples of conditions for outline, full and reserved matters applications can be found in Appendix F of the WM-SPD.

Not engaging or providing insufficient information in respect of waste minimisation matters could put at risk the acceptability of proposed development. The failure to address waste minimisation may be a reasonable ground for a decision maker to refuse planning permission.

The M&WPA for Gloucestershire reserves the right to submit an additional response(s) to that contained in this correspondence with respect of the aforementioned planning application(s).

If you have any further queries regarding this consultation response, please do not hesitate to contact the M&WPA for Gloucestershire via: - [m&wplans@gloucestershire.gov.uk](mailto:m&wplans@gloucestershire.gov.uk).

## **Social Housing**

*1st August 2017*

### Level of Affordable Housing Provision

Local Plan Policy HS4 states that 'in residential developments of 15 or more dwellings or residential sites of 0.5 hectares or greater a minimum of 40% of the total dwellings proposed will be sought for the provision of affordable housing.'

However we recognise that you have taken into account the Vacant Building Credit that has been factored into your calculations and on the basis of the dwelling mix you have proposed below we are satisfied with the proposed mix of dwellings and please find further guidance detailed below.

### Dwelling Mix

Having regard to local needs and a mix of 75:25 rented to intermediate housing, we would seek the following mix of affordable dwellings:

<b>40%</b>	<b>Affordable Rented</b>	<b>Shared Ownership</b>	<b>Total</b>
1B 2P Flat	2		2
2B 4P House	1	1	2
3B 5P House			0
3B 6P House			0
4B 7P House			0
<b>Total</b>	<b>3</b>	<b>1</b>	<b>4</b>

### Viability

If it is independently verified that it is not viable to deliver affordable housing to the required level then there are a number of options the council will consider. These are as follows:

- Altering the unit mix or tenure split to facilitate a more viable scheme, while still addressing the housing needs of the Borough.
- Supporting the injection of public subsidy to achieve the full affordable housing requirement. This could enable the overall scheme to become viable via, for instance, a bid to the Homes & Communities Agency. Any s.106 agreement would therefore need to include a provision to facilitate this.
- Altering the % affordable housing sought on the site to reflect the viable position.

In these cases an overage clause would be included within the s.106 agreement to capture any market improvement value between the time of the viability validation and before completion of the site. The overage clause will seek to secure payments which would provide the equivalent on site affordable housing value via a commuted sum provision, should market conditions improve and the viability of the scheme allow such payment. Any payment would be subject to the ceiling of the equivalent cost to the developer of providing a policy compliant affordable housing contribution.

The s.106 agreement will also include triggers for repeat viability appraisals, if the development hasn't started and completed with reasonable timeframes from when planning permission was given.

We would also expect the value of the affordable housing (as assessed within any viability appraisal) to be detailed within an s.106 agreement and used as the basis for determining what would be a reasonable offer from a Registered Provider.

### Dwelling Mix/Tenure

The 75:25 split between affordable rent and intermediate housing is required on this site for the affordable housing provision. The intermediate housing should be shared ownership.

### Rents

Affordable rents must not exceed the Local Housing Allowance.

### Service Charges

Any service charges on the affordable dwellings should be eligible for Housing Benefit.

Service charges should be kept minimal this can be achieved through the design and we would be happy to refer you to RP's for further input if necessary.

### Shared Ownership

We would expect that the shared ownership units will be let at a level that is affordable, having regard to local incomes and house prices.

### Car Parking

Parking provision for affordable homes will be expected to be made on the same basis as that provided for market dwellings.

### Affordable Housing Standards

We would expect all the affordable housing to meet minimum gross internal floor area size measurements, space, design and quality standards as described by the Homes and Communities Agency.

### Full Planning Application

On submission of a full planning/revised application we would require an Affordable Housing Plan as part of the application, detailing the location of both the market and affordable homes in terms of their type and size as well as highlighting parking spaces and the dwellings they serve.

### Registered Providers

All affordable housing should be provided by a Registered Provider who will be expected to enter into a nominations agreement with the Local Authority, providing 100% nominations on first letting/sale and 75% of all subsequent lettings thereafter. This will assist the Local Authority in meeting its statutory housing duties under the Housing and Homelessness legislation.

A list of Registered Providers managing accommodation in Cheltenham can be made available if needed.

## **Environmental Health**

*4th August 2017*

In relation to application 17/01266/FUL for 102 Prestbury Road, Cheltenham, Gloucestershire, GL52 2DJ please can the following comments be added from the Environmental Protection team:

This proposal includes an amount of demolition of existing buildings, this will inevitably lead to some emissions of noise and dust which have a potential to affect nearby properties, including residential property. I must therefore recommend that if permission is granted a condition is attached along the following lines:

Condition:

The developer shall provide a plan for the control of noise and dust from works of construction and demolition at the site. The plan should also include controls on these nuisances from vehicles operating at and accessing the site from the highway. Such a plan is to be submitted to and approved by the Local Planning Authority before work commences on site.

Should a survey of the existing building (prior to any work beginning) indicate the presence of any asbestos containing materials, the demolition of the building will need to be undertaken in accordance with the legislation surrounding asbestos removal and the demolition of buildings containing asbestos and the waste disposed of in a legally compliant manner.

Reason: To protect local residents

Condition:

For the construction phase to be kept within the times of work as follows: 7:30am - 6:00pm Monday - Friday and 8:00am - 1:00pm Saturdays with no noisy work on a Sunday or Bank Holiday and to be mindful of noise when deliveries arrive at the site.

Reason: To protect local residents

Condition:

If the developer (as per the recommendations in the geo environmental assessment) uses piled foundations, a construction method statement shall be submitted to the LPA prior to this type of work commencing on site.

Reason: To protect local residents

Condition:

For all mitigation measures to protect future inhabitants of the residential units on this site to be implemented as per the detail in the noise impact assessment dated 30.06.17. This is to protect future residents from the known noise sources surrounding the site.

Prior to residents living in the properties further acoustic testing shall be carried out to ensure that the levels noted in the impact assessment have been achieved and the results forwarded to the LPA.

Reason: To protect future residents of the units.

### **Severn Trent Water Ltd**

*19th July 2017*

Thank you for the opportunity to comment on this planning application. Please find our response noted below:

With Reference to the above planning application the company's observations regarding sewerage are as follows.

I can confirm that we have no objections to the proposals subject to the inclusion of the following condition:

- The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and
- The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

Severn Trent Water advise that there are public sewers located within this site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. You are advised to contact Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building. Please note, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 meters of a public sewer. Under the provisions of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval.

Please note if you wish to respond to this email please send it to [Planning.apwest@severntrent.co.uk](mailto:Planning.apwest@severntrent.co.uk) where we will look to respond within 10 working days. Alternately you can call the office on 01902 793851.

If your query is regarding drainage proposals, please email to the aforementioned email address and mark for the attention of Rhiannon Thomas (Planning Liaison Technician).

**Trees Officer**

*18th July 2017*

The CBC Tree Section does not object to this proposal subject to the following clarification being made and agreed:

External Works Layout Drawing no 729-141 shows no new trees to be planted within the site. However the Planning Layout Drawing no 729-05 is unclear as to the difference between what new trees are proposed to be planted, and those already existing on the site. However the landscape proposals (as shown drawing no 17/450/01) show many new trees to be planted. It is hoped and assumed that it is this last drawing which reflects planting intentions. It is noted that many new fruit trees are to be planted within the proposed rear gardens. This is welcome and I trust new householders will benefit from the many associated benefits of their own fruit trees. However there is an intention to plant Heavy Standard (12-14 cms circumference) trees. It would likely be better if smaller Selected Standard (10-12 cms girth) trees were planted. They will establish and grow much more quickly than larger trees would.

Please could details of new soil to be added to tree pits at the time of planting be submitted and agreed. Given the nature of the site at the moment (vehicle garage site), existing soils are not likely to be fertile for new tree establishment!

Please could a BS5837 (2012) based Tree Protection Plan for the 2 retained trees be submitted and agreed.

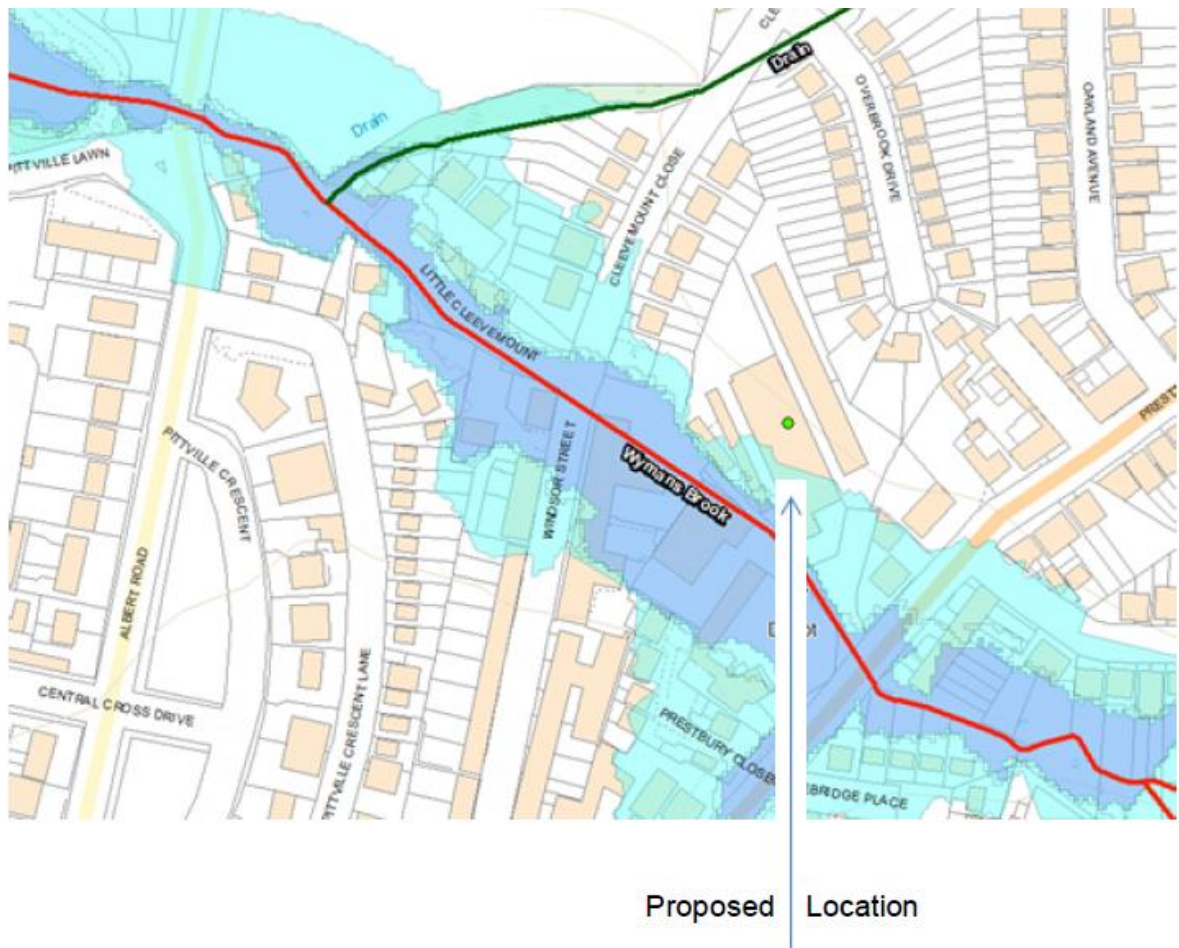
It is noted that there is an intention to remove the hedge line/tree line behind proposed plots 15-20. This currently acts as an effective screen to 12-20 Cleevemount Close. However this hedge has not been well maintained over the years and is full of invasive species. In the longer term it would not be appropriate to retain this screen. It may be more appropriate for new householders or residents of Cleevemount Road to plant their own screen as they see appropriate.

**GCC Local Flood Authority (LLFA)**

*2nd August 2017*

I refer to the above application received by the Lead Local Flood Authority (LLFA) on 12th July 2017, for comment on the management of surface water. On the basis of the documentation supplied to the Local Planning Authority (LPA) it has not been possible to successfully review this application for the purpose of assessing the adequacy of the surface water drainage system.

According to paragraph 3.20 final layout and design of the surface water drainage network will be determined at the detailed design stage but it is major application LLFA expect to see final layout at this stage of application. Site is partially located in flood zone 3 and approximately a third of the site is shown to lie in Flood Zone 2 covering the central part of the site. The northern section is identified to be in Flood Zone 1 and at low risk or outside the Wyman's Brook floodplain.



The proposal includes construction of 35 new dwellings with associated infrastructure and parking following the demolition of existing commercial buildings.

LLFA requires more information including the following:

1. Any attenuation should be designed to attenuate all flows up to and including the 1 in 100 year event +40% climate change.
2. Explanation to show that the SUDS hierarchy has been given consideration.
3. Soil Condition Test results BRE 365 /evidence to demonstrate that site is suitable for infiltration.
4. Further explanation to show how exceeding events will be adequately catered for.
5. Further Clarification needed pre and post development runoff for the entire site not just the impermeable area plus climate change consideration.
6. LLFA recommends proposed surface water drainage system will reduce surface water flow rates offsite by 40% of existing for this brown field site.
7. Any consideration to flow controls and pollution control devices? How are rates being restricted?
8. Criteria/ parameters and calculations to verify the peak discharge rates and storage volume using Microdrainage calculations.
9. The minimum and maximum depth of the ground water table across the site.

10. Evidences to show if any test done to check the contamination at site and what measures have been taken to counteract this problem.

11. Calculations to show how surface water run off rates will be constrained to existing rates across all of the relevant return periods, i.e. Qbar, Q1, Q30 and Q100 with climate change.

It is a mandatory requirement to provide sufficient information relating to the proposed surface water drainage strategy and consideration must be given to the provision of a SuDS. Although FRA states that SuDS would be provided in form of attenuation but location and detail of SuDS component is not provided. This is to comply with the requirements set out in Technical Guidance to the NPPF and the Non Statutory Technical Standards for Sustainable Drainage. The applicant's submission is lacking sufficient information to demonstrate compliance with these requirements. Insufficient detail has been provided in the submission and therefore the LLFA objects to the current proposal.

#### Guidance for SuDS

The LLFA does have standing advice, Flood Risk Assessment Guidance and SuDS design and Maintenance Guidance document which can still be applicable in principle for this development. They can be accessed on the following website:

<http://www.gloucestershire.gov.uk/extra/sudsplanning>

#### Foul Water

Please note that proposed foul water is a matter that will be dealt by local sewerage authority and is not therefore considered by Lead local flood authority in this response.

NOTE 1: The Lead Local Flood Authority (LLFA) will give consideration to how the proposed sustainable drainage system can incorporate measures to help protect water quality, however pollution control is the responsibility of the Environment Agency

NOTE 2: Future management of Sustainable Drainage Systems is a matter that will be dealt with by the Local Planning Authority and has not, therefore, been considered by the LLFA.

NOTE 3: Any revised documentation will only be considered by the LLFA when resubmitted through [suds@gloucestershire.gov.uk](mailto:suds@gloucestershire.gov.uk) e-mail address. Please quote the planning application number in the subject field.

### **Environment Agency**

*1st August 2017*

Thank you for referring the above application which was received on 11 July 2017.

The Environment Agency has no objections, in principle, to the proposed development but wishes to make the following comments and recommends that if planning permission is granted the following planning conditions are imposed:

We have reviewed the information submitted including the Flood Risk Assessment (FRA) undertaken by BWB Consulting dated November 2016.

The site lies adjacent to the Wymans Brook on the southern boundary as identified in paragraph 1.7 of the report, which is designated a 'main river'.

The FRA correctly identifies the extent of flood risk on the site as shown on our Flood Map for Planning and defined in Table 1 of sub-section 25 within the Flood and Coastal Change section of the National Planning Practice Guidance (NPPG).



Further additional modelling has been undertaken to further clarify the extents of flooding associated with the Wymans Brook and the results shown within Figure 2.1 of the FRA are deemed suitable on which to base all subsequent planning decisions in relation to flood risk.

The proposed development will change the use classification on the site from 'less vulnerable' to 'more vulnerable', but only a small part of the site is located in Flood Zone 2.

The impacts of climate change using the most up to date guidance have also been undertaken and a small part of the footprint of Units 1 - 6 would encroach into this area, however a far greater footprint of buildings have been removed, so we consider there will be no adverse impact as a result of this.

The proposed finished floor levels set out in the table within paragraph 3.4 of the FRA are also considered appropriate to ensure future residents will remain safe even if a blockage occurred on the adjacent culvert entrance.

Whilst the above confirms that the development as a whole would be deemed appropriate, access to and from the site will be affected by flooding from both the Wymans Brook and the local surface water/highway drainage system surcharging, as was the case in the flood event of July 2007.

Paragraph 054 of the NPPG advises on how a development might be made safe from flood risk and paragraph 039 provides detail on access and egress.

The FRA states that the 1% fluvial flood level (including an allowance for climate change) is between 58.4 and 58.50 metres Above Ordnance Datum (mAOD) at the entrance to the site. This is termed the 'design flood' level.

The topographical plan submitted shows that access for the design flood level would be through flood waters up to 0.15 to 0.30 metres in depth. Future occupants will have to walk through that flood water for a distance of approximately 50 metres to reach land above the 58.50m AOD level.

The access would have a flood hazard (in terms of depth and velocity) that would create a possible danger for some over the lifetime of the development. Reference should be made to DEFRA Hazard risk guidance (FD2320) - 'Danger to People for combinations of Depth and Velocity' Table 13.1 (see copy attached for reference).

Given our role and responsibilities we would not make comment on the safety of the access or object on this basis. This does not mean we consider that the access is safe, or the proposals acceptable in this regard. We recommend you consult with your Emergency Planners and the Emergency Services to determine whether they consider this to be safe in accordance with the guiding principles of the National Planning Practice Guidance (NPPG).

Furthermore access and egress by vehicular means is also a matter for your Emergency Planners and the Emergency Services.

For your consideration, in this locality the Flood Warning service consists of a Flood Alert. Whilst this gives a level of flood awareness it will not provide a detailed local warning to comprehensively inform any evacuation procedures if these are felt necessary.

Finally the presence of a 'main river' adjacent to the boundary of the site would present other constraints that we have highlighted in pre application discussions.

This includes providing sufficient unobstructed easement between the existing culvert and any new buildings and the ability to enable future de-culverting on the adjacent site to incorporate an open channel during the lifetime of the development.

In addition any works in, under over or within 8 metres of the culvert (including demolition of existing buildings) will require the prior formal permission of the Environment Agency under the Environmental Permitting Regulations.

The current layout as shown on drawing 729-05 Rev A whilst providing an adequate easement with a pinch point adjacent to Units 1 - 6 will result in properties 7 to 14 backing onto the culverted watercourse. Such an arrangement is not considered good practice by us as it will hamper any future access to the structure from this side of the watercourse and make the long term goal of its reinstatement to open channel much more difficult to achieve.

On balance we do not consider it would be appropriate to object to the development on this basis, but as a minimum we would request that all permitted development rights are removed from the 8 metre easement area adjacent to the northern side of the Wymans Brook.

In conclusion we have no objections to the proposals subject to the above-mentioned removal of permitted development rights and the following conditions being attached to any permission granted upon the site.

Condition:

There must be no new buildings, structures (including gates, walls and fences) or raised ground levels within 8 metres of any side of an existing culverted watercourse, inside or along the boundary of the site, unless agreed otherwise in writing by the Local Planning Authority.

Reason:

To maintain access to the culverted watercourse for maintenance or improvements and provide for overland flood flows.

Condition:

Floor levels shall be set at least 600mm above the 1% flood level including an allowance for climate change as set out in the table within paragraph 3.4 of the Flood Risk Assessment undertaken by BWB Consulting dated November 2016.

Reason:

To protect the development from flooding.

I trust the above will assist in your determination of the application. Please do not hesitate to contact me if you have any queries. A copy of the subsequent decision notice would be appreciated.

**GCC S106 Officer**

*17th August 2017*

Thank you for consulting GCC Infrastructure on the above application.

The scheme has been assessed for impact on various GCC infrastructure in accordance with the "Local Developer Guide" adopted 2014. The Developer Guide is considered as a material consideration in determination of the impact of development schemes on infrastructure. The assessment also takes account of CIL Regulations 2010 (as amended).

The scheme comprises the following number of dwellings:  
Of these:

Houses:	35
Flats:	0

The scheme will generate the need for 2.54 additional pre-school places.  
There is some forecast capacity. The contribution required is therefore: **NIL**  
This takes account of the forecast surplus places.

The scheme will generate the need for 9.35 additional primary school places.  
There is no additional forecast capacity. Therefore a contribution is required: **£126,777**

The scheme will generate the need for 4.89 additional secondary school 11-18) places.  
There is no additional forecast capacity. Therefore a contribution is required: **£76,030**

The scheme will generate additional need for library resources. A contribution is therefore required, in accordance with the GCC Local Developer Guide. The Library Contribution required is: **£6,860**

#### Education Contribution: Justification

A full explanation is provided within the GCC publication "Local Developer Guide".

Paragraphs 65-78 provide further detail (available from [www.gloucestershire.gov.uk](http://www.gloucestershire.gov.uk))

Pupil yields are calculated in accordance with research published by GCC in "Child Yields in New Developments".

The cost per place (from 2016) is as follows:  
Pre-school and Primary places: £13,560.00  
Secondary 11-18: £20,680.00  
*Multipliers are reviewed annually.*

*Where there is no identified surplus capacity in the forecast, a contribution is sought.*

*Where there is an identified surplus of places within the forecast this will reduce the contribution, or remove the need for a contribution entirely.*

#### Pre-school Contributions:

The assessment identified some surplus capacity within the sector. The contribution is therefore reduced to take account of this.

#### Primary School Contributions:

The assessment identified no capacity in the sector available. In accordance with the GCC Local Developer Guide, a contribution is justified.

Specific Infrastructure:	Oakwood
Purpose(s):	Towards the provision of additional places at the named school(s).

#### Secondary School Contributions:

The assessment identified no capacity in the sector available. In accordance with the GCC Local Developer Guide, a contribution is justified.

Specific Infrastructure: Pittville (1FE Expansion)  
 Purpose(s): Towards provision of additional places at the named school(s).

Library Contribution: Justification

A full explanation is provided within the GCC publication "Local Developer Guide".

Paragraphs 93 to 97 explain the principles for securing contributions towards libraries, and the specific purposes to which they will be put.

In this case, the proposed development and increase in population will have an impact on resources at the local library, as explained in the GCC Local Developer Guide.

Specific Infrastructure: Prestbury  
 Purpose(s): Towards additional library resources at the named library(ies)

Notes

1. Where the resulting number of dwellings varies from the number assessed, the contribution will be increased or decreased to reflect this:

Pre School	Per house	£984.00	Per flat	£301.00
Primary School	Per house	£3,622.00	Per flat	£367.00
Secondary School	Per house	£2,889.00	Per flat	£94.00
Libraries	Per house	£196.00	Per flat	£196.00

2. The total expected child yield from this scheme is:

Pre School	8.5
Primary School	10.0
Secondary	4.8
16-17	1.5
Total	24.7

3. Age-restricted dwellings are not included in calculations (e.g. developments for people aged 55+).

4. Pupil Yields reflect the total child yield, and are adjusted downwards to take account of:

- a proportion of children will not attend the local school (e.g. due to private school attendance)
- a proportion of students will not stay on to 6th Form (staying on rates)
- take up of nursery places is based on local data.

5. The infrastructure items identified are those which are most likely to serve the development. In the case of schools, these are the nearest schools within reasonable distance. Library services contributions will relate to the nearest local library.

6. Phasing of payments will be by agreement. It will be expected to be paid in advance of the impact arising, to allow sufficient time for expenditure. Payments will relate to identifiable triggers. The number of triggers/phases will depend on the scale of the development.

Further information is available from the GCC Community Infrastructure Team  
 Email: [community.infrastructure@gloucestershire.gov.uk](mailto:community.infrastructure@gloucestershire.gov.uk)

## **Architects Panel**

*8th August 2017*

### Design Concept

The panel had no objections to the principle of a residential development on this site, but had concerns that this scheme was particularly dense and composed of standardised house plans that appear forced to fit on the site, resulting in an overall impression of over-development.

### Design Detail

The gaps between the semi-detached houses are felt to be too narrow: these should be more generous, or alternatively omitted to create some terrace houses.

The composition of houses could be improved (plot 23 in particular appears out of scale), perhaps by grouping the houses to create more interesting external amenity spaces or introducing a gentle curve on the layout to help soften the scheme.

Aesthetically, the scheme is not inspiring. This is in part due to the proportions of the different architectural components and in part due to their composition as a group. The design of the apartment block is particularly unsatisfactory in terms of its overall composition and proportions. Given this building is in the most prominent location, it deserves to have more convincing and elegant elevations, deviating as necessary from standard house-type components.

Including rainwater downpipes on elevations with dormer windows is essential to understand the overall appearance of these buildings.

Recommendation: Submit revised design.

## **5. PUBLICITY AND REPRESENTATIONS**

5.1 Letters of notification were sent out to 74 neighbouring properties on receipt of the application, and a site notice was posted adjacent to the site. Further letters were sent out on receipt of the revised plans. In response to the publicity, representations have been received from 11 local residents; one in support, three general comments, and seven in objection to the proposals. The comments have been circulated in full to Members but, in brief, the concerns relate to:

- Proximity to neighbouring properties
- Loss of light and privacy
- Impact on security to existing houses and their gardens
- Drainage
- Flooding
- Impact on local infrastructure
- Devaluation of property
- Landscaping/tree sizes
- Problems associated with existing large Sycamore tree
- Increased noise
- Asbestos
- Increased traffic
- Overdevelopment
- Visual impact
- Environmental impact on wildlife

## **6. OFFICER COMMENTS**

To follow in an update