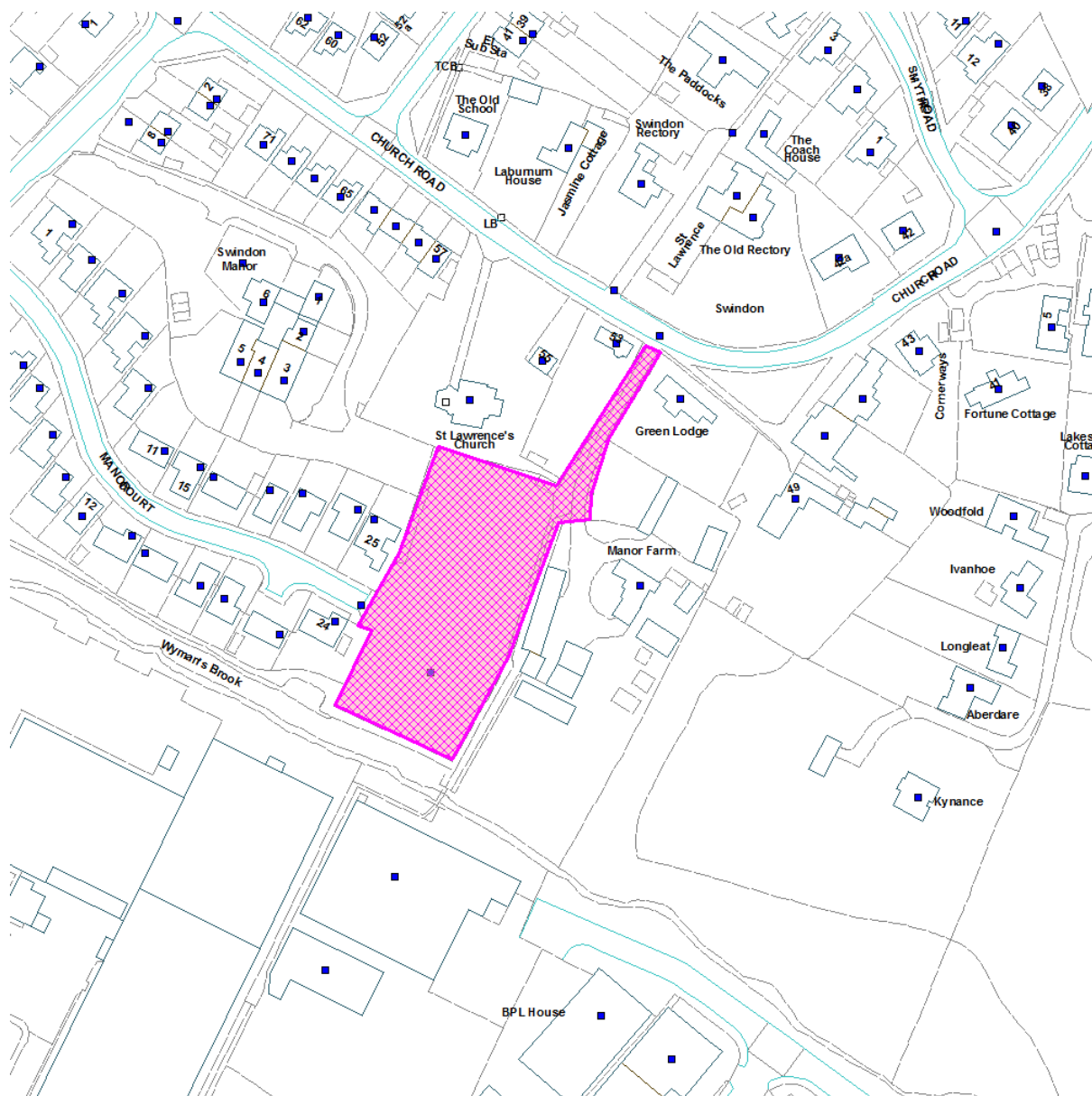


<b>APPLICATION NO:</b> 17/01644/FUL		<b>OFFICER:</b> Mrs Lucy White
<b>DATE REGISTERED:</b> 14th September 2017		<b>DATE OF EXPIRY:</b> 9th November 2017
<b>WARD:</b> Swindon Village		<b>PARISH:</b> Swindon
<b>APPLICANT:</b>	Centaur Homes Ltd	
<b>AGENT:</b>	SF Planning Limited	
<b>LOCATION:</b>	Land At Manor Farm, Manor Road, Swindon Village	
<b>PROPOSAL:</b>	Residential development of 2 no. bungalows and 6 no. houses, with associated access and landscaping (revised scheme following 14/01823/FUL)	

**RECOMMENDATION:** Permit subject to a 106 Obligation



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application is before Planning Committee at the request of Councillor Fisher. There is also an objection from Swindon Village Parish Council.
- 1.2 The application site comprises of a parcel of land which forms part of the Manor Farm group of residential and agricultural buildings. The site is accessed via a private driveway from Church Road which also provides vehicular access to Manor Farm and Green Lodge, Church Road. Although generally hidden from public view, the site is visible from the churchyard, the adjacent footpath alongside the western boundary of the site and from Manor Court. The site is not currently in use although has previously been used for the storage of caravans.
- 1.3 The site lies wholly within the Swindon Village Conservation Area and adjacent to the grade II\* listed St Lawrence Church.
- 1.4 The applicant seeks planning permission for the erection of two houses and six bungalows. The site will be accessed using the existing access road which adjoins Church Road.
- 1.5 Background/Planning History
- 1.6 Planning permission was granted in 2015 for an almost identical scheme of two houses and six bungalows (14/01823/FUL). A subsequent application in 2017 (ref 16/01755/CONDIT) sought material amendments to the approved scheme (relating to fenestration, elevation treatment and widening of the access road). This application had been due to be determined at the Planning Committee of 16<sup>th</sup> February 2017 with a recommendation to permit but was withdrawn from the agenda.
- 1.7 During the course of determining this application it became evident that the access lane leading to the application site from Church Road was an adopted highway although not owned by Gloucestershire County Council. As such, the ownership certificate accompanying the application had been incorrectly submitted by the applicant. A revised ownership certificate (Certificate C) was then submitted by the applicant and all relevant notices served. Further attempts were made by the applicant to establish ownership of the land but it was found to be unregistered land.
- 1.8 Up until that point, there had also been lengthy discussions with GCC about the suitability of the access lane for the purposes of waste and recycling collection and the potential alterations to this lane to accommodate refuse vehicles. The size of vehicles used by UBICO had increased since the approved scheme in 2015.
- 1.9 Given the inaccuracies in respect of the ownership certificate submitted as part of the original application, the Council considered that the s73 application (16/01755/CONDIT) was not a valid application for procedural reasons. The applicant was advised to submit a fresh application to address the above issue and to consider further the proposed means of waste and recycling collection from the proposed development.
- 1.10 The current application is almost identical to the revised scheme submitted in 2017 and includes the correct information with regards land ownership. The remainder of the report will therefore focus on the proposed amendments to design and fenestration and refuse collection.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### Constraints:

Airport safeguarding over 90m  
Conservation Area  
Landfill Sites boundary

### Relevant Planning History:

**14/00569/PREAPP 28th April 2014 CLO**

Residential development on unused area of Manor Farm, 2 no. three bedroom bungalows and 5 no. three bedroom detached houses

**81/00961/PF 24th April 1981 PER**

Continued use of land for the storage of caravans

**83/00947/PF 22nd December 1983 PER**

Use of land for storage of caravans. (Renewal)

**86/01628/PF 28th October 1986 PER**

Use of land for storage of touring caravans. (Renewal)

**90/01510/PF 11th October 1990 PER**

Use of land for the storage of touring caravans

**14/01823/FUL 25th August 2015 OBL106**

Erection of 2no. bungalows and 6no. houses

**16/01755/CONDIT INV**

Variation of condition 2 (approved drawings ) for application no. 14/01823/FUL to include alterations to fenestration and detailing of dwellings and an amendment to the width of the access road.

## 3. POLICIES AND GUIDANCE

### Adopted Local Plan Policies

CP 1 Sustainable development  
CP 4 Safe and sustainable living  
CP 7 Design  
BE 1 Open space in conservation areas  
BE 5 Boundary enclosures in conservation areas  
BE 20 Archaeological remains of local importance  
GE 2 Private green space  
GE 5 Protection and replacement of trees  
GE 6 Trees and development  
NE 1 Habitats of legally protected species  
NE 3 Biodiversity and geodiversity of local importance  
NE 4 Contaminated land  
HS 2 Housing Density  
RT 1 Location of retail 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  
TP 6 Parking provision in development

#### Joint Core Strategy

SD10 Housing development  
SD4 Safe and sustainable living  
SD8 Historic environment  
SD9 Biodiversity  
INF1 Infrastructure and services

#### 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)  
Sustainable developments (2003)  
Swindon Village Conservation Area Character Appraisal & Management Plan (February 2007)

#### National Guidance

National Planning Policy Framework

## **4. CONSULTATIONS**

### **Parish Council**

*11th October 2017* - 2017-10-11\_objection\_to\_manor\_farm\_development.pdf

*15th November 2017*

Swindon Parish Council wishes to raise the following objections to the above:

#### Communal waste collection area

1.The waste collection area is shown on a narrow public footpath. This would impede users of the footpath (including school children going to and from school). The footpath is on a bend with limited visibility and people may find themselves forced to walk in the road and not able to face on-coming traffic.

2.The size of the proposed refuse collection area shown on drawing CTP-16-281 rev B produced by Cotswold Transport Planning is wholly unrepresentative of the area that would be required.

3.The applicant does not own or control the land proposed for the storage of waste.

4.The land is not specifically identified/described on any of the documents supplied by the applicant.

5.No details of the proposed bin store have been provided.

6.The proposed bin store will be in front of other residential properties.

7.The proposed bin store would have to be at least 15m long. It is also worth stating that Approved Document H6 clause 1.14 includes the statement that 'Where enclosures, compounds, or storage rooms are provided they should allow room for filling and emptying and provide a clear space of 150mm between and around the containers.' This requirement is also reiterated in the document Cheltenham Borough Council - Requirements for Refuse and recycling provision at new developments' under the category Presentation which states: ' It is recommended that a distance of 150mm should be allowed between and around containers.' Therefore in producing a plan of a refuse collection area for 8 properties this tolerance of 150mm between bins should be allowed for as there will be a

necessity to allow the space for filling and emptying. This would add a further 3.6m to the length of 11.08m length or add a further 2.4m to the 6.4m length.

8.The proposed bin store would result in a loss of visual amenity in a sensitive area of the village. The bin store would need to be a significant structure to resist the intrusion of vermin and would be totally unacceptable in this sensitive part of the Conservation Area. The Manual for Streets Section 5.10. Paragraph 1 states: Street furniture, signs, bins, bollards, utilities boxes, lighting and other items which tend to accumulate on a footway can clutter the streetscape. Clutter is visually intrusive and has adverse implications for many disabled people. The agencies responsible for such items and those who manage the street should consider ways of reducing their visual impact and impediment to users.'

9.A bin store is likely to be a significant structure as it will need to be in accordance with current standards and will require a gulley and a water supply to be used for washing it down. Approved Document H6 1.15 states that: 'Communal storage areas should have provision for washing down and draining the floor into a system suitable for receiving a polluted effluent. Gullies should incorporate a trap which maintains a seal even during prolonged periods of disuse.'

10.The required length of the refuse collection area will make the collection of the waste more difficult and more hazardous for other road users.

11.We do not believe that the condition that residents should take their waste bins and boxes to the frontage of Church Road and then collect and return them to their properties can be guaranteed or enforced. It is more likely that bins will be left at the side of the road.

12.We object to the lack of control that will result from placing the refuse bins and boxes so far away from and out of sight of the properties that own them. Collections can occur at any time of the day and frequently bins and boxes are emptied after the people who own them have left for work. It is our experience that the refuse collector's first priority does not appear to include that they should ensure that the bins, bags and the boxes with their lids are tidily placed back where they came from. This isn't helped by the requirement that the lids of boxes are left loose so that they can blow around often being lost or broken. In addition whilst awaiting collection the contents of the bins and open boxes could be wind distributed around the location which the owners are unlikely to observe and would place a burden on other residents to tidy up any mess.

13.There are some services held at the church which result in a higher number of cars than usual. At these times this location is frequently used by church goers to park their vehicles. Locating refuse in the position indicated on the applicants drawing will result in a loss of parking provision on collection days or could result in vehicles colliding with bins/boxes/store.

14.The distance between the residencies and the proposed refuse collection point is unacceptable. Approved document H section H6 deals with solid waste storage. It lists the criteria for the location of waste storage and collection which also includes the maximum distances of travel. H6 Clause 1.8 states that: 'Storage areas for waste containers and chutes should be sited so that the distance householders are required to carry refuse does not usually exceed 30m (excluding any vertical distance). Containers should be within 25m of the waste collection point specified by the waste collection authority.' The shortest distance of travel from the nearest property in the proposed development (plot 1) is approximately 100metres. Which is in excess of 3 x the distance of travel that a resident should be expected to carry refuse. The nearest property in the centre of the small proposed terrace comprising of plots 3, 4, 5 & 6 at the south-west end of the site is a further 40m away (140m in total).

15. The refuse collection area is likely to attract vermin. Approved Document H6 1.13 states: 'Unightly bins can damage the visual amenity of an area and contribute to increase levels of anti-social nuisance such as odour and litter, so bin storage should be planned carefully. Where the location for bin storage is in a publicly accessible area or in an open area around a building (e.g. in a front garden) an enclosure or shelter should be considered. Best practice guidance is given in NHBC Foundation report NF60.' This is an area where rats have been reported in the past. There are also foxes and badgers in the area. The scheme contains a proposal for a badger foraging route which is due to the badger set that was originally located on the site. Therefore we have a genuine concern that people leaving bins or bags in the proposed location would encourage vermin, gulls and other animals to a position regularly accessed by pedestrians, church goers, children and residents. The likelihood of this occurring is possibly higher in Swindon Village than other areas of Cheltenham as the Village does not have (and does not want) street lights. Approved Document H6 1.16 states that: 'Any room for the open storage of waste should be secure to prevent access by vermin. Any compound for the storage of waste should be secure to prevent access by vermin unless the waste is to be stored in secure containers with close fitting lids.'

#### Access for fire and rescue vehicles

16. We object that an adequate and compliant route has not been provided for Fire and Rescue Services to gain access to the dwellings on the development and that a Swept a Path Analysis has not been provided. The reference document for this objection is the Building Regulations Part B Volume 1, specifically section B5 'Access and Facilities for Fire and Rescue Services - The Requirements'. Table 8 confirms that there should be a minimum carriageway width of 3.1m and a width between kerbs of 3.7m. The minimum turning circle between walls should be 19.2m (29m for high reach). Diagram 24 and paragraph 11.5 state that fire and rescue service vehicles should not have to reverse more than 20m from the end of an access road. Diagram 24 illustrates a turning circle at the distance of 20m. Paragraph 11.2 states that there should be vehicle access for a pump appliance to within 45m of all points within the dwellinghouse.

#### Access for delivery vehicles

17. We object to the fact that little consideration has been given to the adequacy of access for delivery and distribution vehicles and removal and furniture vehicles. Whilst there has been a focus on the refuse collection service there does not appear to have been the same degree of consideration given to other large vehicles. The applicant should include confirmation that access and egress from the proposed access can be achieved for any type of vehicle. Such vehicles should be able to access and egress the development without having to park in Church Road. The current trend to order on-line has resulted in suppliers such as Amazon, Argos, Currys, etc. sending out goods in delivery vehicles that are sized to have a capacity that is based on the distance that the vehicle has to travel from the distribution warehouse and the number of items that will be delivered by that vehicle before it returns. A small item of furniture or a single small appliance might be delivered in a van or on a large high-sided vehicle.

#### Construction traffic

18. Prior to this application being consented the applicant should provide full details of how the contractor will manage the construction traffic including all delivery vehicles and loading and off-loading during the construction process. Timings of vehicle movement are to take place during periods that avoid the rush hour and the school runs. Delivery vehicles are not to be allowed to park or remain for any time in Church Road or block the public footpath that links Church Road with the River Swilgate. No loading or off-loading should take place in any location other than the development. The roads are to be regularly cleaned and swept.

#### Potential number of houses served

19. We object to the lack of clarity regarding the total number of houses that the proposed access road will be able to serve. The land edged in blue on the submitted Site Location Plan, drawing number PL01 rev C, indicates the potential additional development land that has been surveyed by the applicant. In addition to the 2no. bungalows and 6no. houses of the proposed scheme there are 3no existing properties that connect to the existing access which will result in 11no. properties being served by the new access. The new access is also the public footpath that links between Church Road and the footpath through the communal land alongside the River Swilgate which also links to Manor Road and to other footpaths. Drawing number CTP-16-281 rev B confirms that for most of its length the new access is divided into a 3.1m wide road with a 1.0m wide footway without passing places and with limited visibility through the gated exit from the development. The Parish Council have always expressed concern at the number of properties being constructed particularly as the narrow width of the access was the result of negotiation with between the applicant, the highways engineer and the planning officer which confirms that the reduced width of the new access combined with the extended length of the 3.1m wide single track is only suitable to serve the 11no. properties that will be in place should consent be granted. We request that any consent that is given should include a limit to the number of properties that this access could support without significant improvements in width and visibility greater justification is required regarding the reduction of the width of the proposed access way. 'The Department for Transport Manual for Streets' illustrations on page 68 clearly show that a minimum of 1200mm is required for an adult with a child and that two adults pushing a buggy will require a minimum width of 1500mm. This suggests that the minimum width of a footpath should not be less than 1200mm but ideally should not be less than 1500mm. Paragraph 6.3.22 on the same page states that the minimum unobstructed width for pedestrians should generally be 2.0m.

#### Design of access road

20. We object to the design of the junction of the new access road with Church Road not including sufficient space for an entering vehicle to wait for a pedestrian or vehicle exiting from the development end of the road. The narrow access road, which includes the pedestrian public footpath link between Church Road and the River Swilgate, is not wide enough to accommodate two vehicles and due to its length and the lack of passing places and safety refuges for pedestrians, mobility scooters, etc it is important for the access at the junction with Church Road to be wide enough to allow for an entering vehicle to stop clear of the carriageway and the footpath in Church Road and allow time for a vehicle travelling from the development to pass through the access road and out on to Church Road or to allow a mobility scooter or child's buggy to continue down the new access road and connect with the footpath in Church Road. Ideally any waiting vehicle should be in a position where it will not inhibit the visibility of the driver of the exiting vehicle.

#### Height of house type C

21. We object to the lack of clarity regarding the height of house type C. This house type is a two and a half storey unit in the most prominent location. No sections have been provided through the site and adjoining properties that provide an indication of the relationship between the height of house type C and the existing historical properties. The site is within the Conservation Area and in a location that has been identified as contributing to the setting of the existing historical buildings. Confirmation and sections should be provided to confirm that the heights of the new buildings will not rise above the height of the existing historical buildings to ensure that the new buildings do not dominate the location.

#### External lighting

22. Any proposals for external lighting and signage should be the subject of a separate application. Swindon Parish have always objected to the inclusion of street lighting and we request that a condition is attached that this development should not have street lighting of any form installed.

### Sound dampening

23. We object to the lack of design analysis and intent to dampen sound from the church bells. The proximity of the development to the church and its orientation to it will result in the sound from the church bells being very audible. Where necessary the design of the fabric of the buildings and their windows and doors should be to a standard that will reduce the sound from the bells.

## **Gloucestershire Badger Trust**

*11th December 2017*

### General Background Information

#### NPPF - Planning Policy

The likelihood of disturbing a badger sett, or adversely affecting badgers foraging territory, or links between them, or significantly increasing the likelihood of road or rail casualties amongst badger populations, are capable of being material considerations in planning decisions.

The loss of foraging habitat could also be considered as cruel treatment of badgers. Main roads may prevent badgers from accessing their setts. Severance of territory and pathways may also result in road casualties and potential traffic accidents.

#### Legal Protection

Badgers and their setts are protected under the Protection of Badgers Act 1992, which makes it a criminal offence to kill, injure or take badgers or to interfere with a badger sett.

Under the Act it is a criminal offence to:

Intentionally or recklessly damage, destroy or obstruct access to a badger sett or any part thereof

Intentionally or recklessly disturb a badger when occupying a badger sett

### Land at Manor Farm, Church Road, Cheltenham

#### Background

Badger Trust Gloucestershire was not aware of the previous application 14/01823/FUL so did not comment on it.

In checking this application a site visit was made and we discovered one of the sett entrances had been blocked with two solid concrete blocks. This has now been reported to Gloucestershire Constabulary and we understand an investigation is underway.

There remain some signs of badger activity on site. We will now monitor this site and treat the setts there as at high risk of further disturbance.

#### The Application

Application number 17/01644/FUL provided an ecological walk over survey prepared by AA Environmental Ltd 14 March 2016 and 17 August 2017.

We note a report and badger survey was prepared by another ecology practice, Sedgell Ecology, in September 2014 which identified badger setts on site.

The later walk over appraisal identified that the single hole outlier along the line of western red cedars had become re-occupied and badger hair found plus mammal runs.



Our visit also clearly showed signs of badger activity on site in December 2017. Badger hair and mammal paths are visible.

There is activity at TN1 on the other side of the fence, at the end of Manor Court Cul-de-Sac. In total there are three holes at TN1. One has been deliberately blocked by two solid, dense concrete blocks, the second looks currently disused and the third hole (on the other side of the fence) could be partially used.

We agree with AA Environmental Ltd (AAe) that further monitoring surveys will determine the extent of any mitigation and need for any licensing requirements. We agree with their assessment that badgers are active in the area.

Displacement of badgers would inevitably result in them creating new setts elsewhere, which could well include residential gardens and commercial/public properties. Allotments often provide an easy source of food to a displaced badger and there are allotments nearby which may then be at risk.

Development on this site will cause a loss of foraging territory and the badgers will be forced to change their habitats in the search for food further afield. They are likely to be pushed into the gardens at Manor Court and cross nearby roadways more. This would bring them into conflict with residents and vehicles in the vicinity and presents both a danger to the badgers and to the local residents driving at night.

We would recommend that AAe revisit the site to assess the badger activity at sett TN1 and TN2. It is possible they will choose to revise their recommendations.

We have concerns about the loss of wildlife corridors in City Centres. Their development displaces the wildlife which often becomes isolated in nearby gardens. It is difficult to predict the impact this may cause as the loss of one site in isolation may not cause a significant change but as more small green spaces disappear and wildlife corridors disappear then sudden problems can start to occur.

Any development on the site must allow clear and appropriately sized wildlife corridors to allow both continuity of occupation of existing wildlife and transit from this area to new foraging areas. This would apply to all mammal species such as hedgehogs, foxes as well as badgers and other mustelid species.

Access to the nearby water source will need to be maintained throughout the development, this would appear to be the river Swilgate. It is also vital for wildlife and must be maintained through design of the final layout of the development, if consent granted. Attention must also be given to contamination of the water course during construction and mitigation put in place to prevent it.

#### Good Practice during construction

We would recommend a Method Statement for the construction work would include the following:

Create an appropriate buffer between the works and the sett.

Current standing advice does not stipulate distances from occupied setts at which licensing is or is not likely to be required, but it indicates that one should be satisfied that an activity is not likely to disturb a badger before carrying it out. To assist in that decision making process, reference is often made by developers to former guidance issued by English Nature (now Natural England) which indicated that licensing was likely to be necessary, or

should be considered, when using heavy machinery within 30m of a badger sett, lighter machinery (generally wheeled vehicles) within 20m, and for light work such as hand digging or scrub clearance within 10m.

Security fencing should be kept away from the setts so access for the badgers is not impeded, any works fencing should not impede the entrance/exit points of the badger or their primary paths at any time. Badger access points must be created under both temporary and permanent fencing.

The badgers will be using this site for regular access to the stream, so it is important that any buffer or security fences enable this access to continue any works on site.

Implement site speed limits/reduce traffic flow in the vicinity of the sett, if appropriate.

Badger sett & path advice to be included in the construction method statement including clear instructions regarding the protection of the badger setts to the on-site contractors. Good working practices need to be employed by the developers and contractors.

Materials and chemicals should be stored well away from the setts (over 30m) and water courses and any site compounds should be fenced to ensure that no badger can obtain access.

Should any trenches need to be left open overnight a means of escape should be provided such as a suitably placed plank of wood.

Use of heavy machinery within 30m of the badger sett should be kept to a minimum (licence may be required) Machinery should not be left idling within the vicinity of the sett to minimise vibration and exposure to exhaust fumes.

No night work (badgers are nocturnal).

#### Long Term important considerations for this and any subsequent planning amendments

##### Boundary treatment

Access for badgers from setts into surrounding land and to the water course should not be blocked or restricted in any way. If any new fencing is required, it should incorporate badger gates or large enough gaps for badgers to pass underneath easily.

##### Greenspace

It is advised that further consideration is given to the landscaping across the rest of the site in order to maximise site connectivity for wildlife and the provision of supplementary foraging through appropriate planting. In particular the badgers should have access to the nearby fields and streams. They will be forced to forage further afield across roadways if this development proceeds.

Prior to decisions on boundary treatment/landscaping/land profiling a badger specialist should be consulted in order to ensure permeability of the site and retention of essential corridors. This is particularly important in view of loss of foraging space which this development removes.

*30th January 2018*

It is our view that these suggestions\* are reasonable. Would it be possible to ask to be notified when the works have been completed so that we can do a site visit and effectively approve the works?

[\* Officer's suggestion: ' If the Trust is in broad agreement with the recommendations of the report, a suitably worded condition would be added to any planning permission and the drawing attached to the above (showing the wildlife corridors and boundary treatment), would form part of the approved drawings pack.']

## **Gloucestershire Centre For Environmental Records**

*25th September 2017*

Report available to view on line.

## **Swindon Village Society**

*6th October 2017*

I am writing about the above proposal on behalf of the Swindon Village Society. The Swindon Village Society acts as civic society for Swindon Village. We were in large measure responsible for establishing the Conservation Area and have assisted in all reviews of that area. We are also concerned with local history and conservation.

The element of the proposal that gives the Society particular concern is the arrangements for refuse collection. The proposal that all refuse collection takes place from 'The Green' area is not acceptable in a conservation area. The requirement would be for at least eight wheeled bins and probably twice as many together with green caddies. This would be entirely inappropriate in an area of high visual amenity. The first attachment to this document shows a photograph of the Green and a second photograph shows just one wheelie bin in the nearest feasible location to the site entrance. The photographs were taken from close to the entrance to the Manor Farm site.

The second attachment to this letter shows the Cotswold Transport Planning diagram of the area amended to show the true size of the area need for eight wheelie bins. Put eight or more any nearer to the site entrance and they would block the footpath used by school children on the way to school at the time of maximum vehicle activity. The location is on the bend of a road and therefore an unsafe place for a refuse vehicle to stop.

Swindon Hall, some two hundred yards away from Manor Farm has a similar problem of access for full sized vehicles. Collection is therefore by a smaller vehicle with hand unloading of the wheelie bins by the refuse operators. The Hall is also provided with communal wheelie bins for glass and paper which are wheeled the 50 yards to the main road about once every six weeks by refuse operatives for transfer to a full sized collection vehicle.

The Society can see no reason why a similar process cannot be adopted for the Manor Farm development with residents taking their bins to a location at the site end of the access road and bagged rubbish being hand transferred by refuse operatives to a suitable size vehicle.

Although access to the Manor Farm site is constrained, the type of vehicle that services the Hall would be able to gain access. There will undoubtedly be a need for similar sized vehicles to be able to gain access to the site for delivery of groceries and other material otherwise the site is hardly suitable for occupation in this day and age. Given that entrance to the site is on a curve there is nowhere nearby on Church Road where delivery vehicles could safely park for deliveries on foot.

The Society therefore feels that the proposed refuse collection arrangements for this site are entirely inappropriate and, indeed, unsafe and that a method of collecting refuse from the site itself can and must be developed.

**Joint Waste Team**

*4th October 2017*

Even with the proposed improvements the lane does not provide the necessary access for up to a 26 tonne refuse collection vehicle to service the households, so the only other option would be for the residents to present at the nearest adopted highway. Given that there would be 8 properties and therefore potentially 16 bins (refuse and garden waste) and 4 different types of recycling receptacle for each household, I don't believe there is the necessary space to accommodate these on the footpath.

*18th September 2017* - The shared surface would need to be constructed to the relevant standard to accept up-to a fully laden 26 tonne refuse vehicle.

The pavements would have to be wide enough to allow waste and recycling receptacles to be presented whilst not posing an obstruction to pedestrians.

**Cheltenham Civic Society**

*9th October 2017*

We have no objection to this development in principle; however, the scheme proposed is unimaginative and lacks architectural coherence. A simple modern vernacular would be more appropriate on this site with a layout reflecting the irregular pattern of village development. There is no provision for bins on-site.

The access road is narrow and would make it awkward for vehicles to pass. We suggest an alternative access from Manor Court off Manor Road

**Tree Officer**

*18th October 2017*

The Tree Section does not object to this application.

Please could a landscaping scheme be submitted which details replacement planting to mitigate for the trees which would need to be removed to facilitate the construction of the proposed development.

Also please could the following conditions be added with any permissions given:

Tree Protective Fencing, Ground protection mats to be used within RPA's of T2 Horse Chestnut and T7 English Oak where the RPA's are outside the protective fencing.

**GCC Highways Planning Liaison Officer**

*20th September 2017*

I refer to the above planning application received on the 14th September 2017, submitted with Site Access Arrangement & proposed site layout plan. Plan No(s), SK03 REV B, PL12 REV D, to which, I raise no highway objection subject to conditions,

1 - No works shall commence on site until details of the improvements to the existing access road from Church Road to the development have been submitted in writing to the LPA. The improvements shall be completed in all respects with the approved details, prior to the commencement on the development.

Reason: To reduce potential highway impact by ensuring a safe and suitable access, in accordance with paragraphs 32 and 35 of the NPPF, and CBC LP Policy TP1.

2 - No works shall commence on development until the road layout has been laid out in accordance with the submitted drawings, with first 20m of the proposed layout with the junction with the existing highway has been completed to at least binder course level and the works shall be maintained as such thereafter unless and until adopted as highway maintainable at public expense.

Reason: - To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with the paragraph 35 of the NPPF and CBC LP Policy TP1.

3 - None of the dwellings hereby permitted shall be occupied until the vehicular parking facilities have been provided in accordance with the submitted Drawing PL12 REV D and shall be maintained available for that purpose thereafter.

Reason: To reduce potential highway impact in accordance with paragraph 39 of the NPPF and CBC LP Policy CP5.

4 - 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 paragraph 32 and 35 of The 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 NPPF and CBC LP Policy TP1 and TP2.

5 - 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: In the interest of highway safety; to ensure safe and suitable access has been provided for all people; and to safeguard the visual amenities of the locality and in accordance with paragraph 32 of the NPPF and CBC LP Policy TP1

6 - 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.

7 - 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;
- viii. specify the access points to be used and maintained during the construction phase(s);

Reason: To reduce the potential impact on the public highway and in accordance with paragraph 35 of the National Planning Policy Framework (NPPF) and CBC LP Policy TP1.

8 - Prior to the occupation of the development hereby permitted, the vehicular access shall be laid out and constructed in accordance with the submitted plan [drawing no. SK03 REV B]

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

#### Informatives

The proposed development will require works to be carried out on the public highway together with the amending the existing vehicle crossing and the Applicant/Developer is required to enter into a legally binding Highway Works Agreement (including appropriate bonds) with the Local Highway Authority, (Gloucestershire County Council), before commencing works on the development. Further details can be viewed at <http://www.gloucestershire.gov.uk/mfgs>

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

The Developer is requested to erect a sign at the boundary of the new estate street with the nearest public highway providing the Developer's contact details and informing the public that the County Council is not responsible for the maintenance of the street.

The applicant is advised that to discharge condition 4 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.

#### 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.

*6th October 2017*

Following on from our telephone conversation, the Highway Authority acknowledge that the access road is not sufficient to accommodate a service vehicle (refuse), however UBICO have confirmed a bin collection point on the Church Road demonstrated on plan SK03B, however this would not be supported by the highway authority due to safety concerns that the bins would block passage for pedestrians and wheelchair users etc. along with driver emerging visibility splays being obscured/blocked.

The Highway authority would be supportive of a revised bin collection point (for the applicant to provide information) or a waste management scheme (Private waste company) such as a caged transit vehicle that will be able to service the development.

From the highway authority's perspective, no on-site (UBICO) refuse collection and failure to provide a suitable alternative arrangement would be grounds for refusal. Visibility and pedestrian conflict associated with the proposed collection point would also be a reason for refusal.

The Highway Authority will require the planning application to be put on hold before the HA make a formal recommendation to the LPA, until the applicant/agent demonstrates to Cheltenham Borough Council that a suitable refuse collection scheme could and would be delivered.

*5<sup>th</sup> February 2018*

I can confirm that the LHA are satisfied that a fire tender vehicle can access the development as shown on plan ref: SP02B.

I can also confirm that the LHA are satisfied that the development will be serviced by a private waste collection scheme, currently awaiting comments back from legal cooperate (GCC) with regards to the section 106 (UU).

## **Historic England**

*26th September 2017*

Thank you for your letter of 14 September 2017 regarding the above application for planning permission. On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.

### Historic England Advice

The character of the Swindon Conservation Area is defined within the appraisal and management plan that dates from 2007. A map illustrating the area is within the document. The Conservation Area encloses all listed buildings, non-listed buildings, the immediate open land around these assets and a large section of open landscape setting to the east. To the south the area is defined by Wymans Brook which is connected to Church Road by a driveway that runs beside Manor Farm. Modern housing within the village is substantially excluded from the designated area.

The Church of St Lawrence is an Anglican parish church. It dates from the 12th century but was largely rebuilt in neo-Norman style in circa 1845 by T. Fulljames. The main elevations are of Ashlar beneath a stone slate roof. In plan form it comprises of a nave with north and south aisles, chancel with vestry on the north. It has a hexagonal west tower. It is designated as grade II\*, and as such is in the top 8% of listed buildings. Therefore, greater weight should be given to its conservation. The National Planning Policy Framework (NPPF) defines 'conservation' as 'the process of maintaining and managing change to a heritage asset in a way that sustains and, where appropriate, enhances its significance'.

We understand that following consent of a previous, almost identical development ref: 14/01823/FUL, there have been procedural issues relating to the access to the site. This has resulted in this revised planning application for the same quantum and layout of residential development.

We previously advised that following initial concerns over the potential impact upon the setting of the Grade II\* church that the screening of the development, both existing and proposed will result in minimal impact. We also recognised the benefit of a transfer of land in the northern section of the site to the church, which will provide an ample buffer between the church and proposed development. On the basis that the revisions amount to fenestration changes and an alteration to the access drive width, we would not wish to make any further comments. We are satisfied that the minor changes to the proposed scheme will have no additional adverse impact upon heritage assets and their settings.

Central to our consultation advice is the requirement of the Planning (Listed Buildings and Conservation Areas) Act 1990 in Section 66(1) for the local authority to "have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest which it possesses". Section 72 of the act refers to the council's need to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area in the exercise of their duties. When considering the current proposals, in line with Para 128 of the NPPF, the significance of the asset's setting requires consideration. Para 132 states that in considering the impact of proposed development on significance great weight should be given to the asset's conservation and that the more important the asset the greater the weight should be. It goes on to say that clear and convincing justification is needed if there is loss or harm.

#### Recommendation

Historic England supports the application on heritage grounds. We consider that the application meets the requirements of the NPPF, in particular paragraph numbers 128, 132 and 137. In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess, section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas, and section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

Your authority should take these representations into account in determining the application. If there are any material changes to the proposals, or you would like further advice, please contact us. Please advise us of the decision in due course.

#### **Ward Councillors**

*16th October 2017*

Can you please note my objections to the above scheme. My grounds are:

1. Road safety issues in the roadway at 3.1m is too narrow to accommodate refuse collection lorries and would be narrow for emergency vehicles such as fire engines;

There is also a concern that pedestrians would be at risk from a narrowed pavement caused by the bin collection point;

2. Waste and recycling collections would, if the application was granted, result in a collection point having to be provided on the narrow roadway. As the roadway is narrow, with a blind spot near the collection point, it would be dangerous both for vehicles and pedestrians;
3. The Florence Convention, adopted into English law, stipulates that a development must be in keeping with the locality in which it is to be sited. The proposals in relation to



refuse collection and the bin/caddy collection point is not in keeping with the convention as this is a conservation area.

I would ask that this application to go to Committee for a decision and that a site visit is arranged for committee members.

Councillor Flo Clucas

**Environment Agency**

*6th October 2017*

Thanks for consulting us on the above application. I note we commented previously to the 14/01823/FUL application via email on 10 April 2015 (I've pasted a copy of the correspondence below for reference). As you can see we made an overview of the application and indicated we were largely content with the development. We suggested the inclusion of a compliance style condition to secure the 8m unobstructed access to the Wymans Brook. I note this was attached to the permission granted as condition 23. We would advocate the same approach here and note the proposals are very similar for this new application ref 17/01644/FUL. One point to note is the Flood Risk Assessment (FRA) that has been submitted has not now been updated with the new climate change allowances that were released in February 2016 as part of the NPPG.

(For information: The National Planning Practice Guidance - NPPG - was changed on 19 February 2016 - follow link in the FRA Checklist, section 4 on climate change, available at: <http://planningguidance.communities.gov.uk/blog/guidance/flood-risk-and-coastal-change/site-specific-flood-risk-assessment-checklist/> . This new guidance sets out increased figures (greater than the previous 20% for river flows and 30% for rainfall) that should be used for climate change consideration.)

Whilst this should have been done by the applicant as it is technically not compliant with the NPPG/NPPF without this additional climate change analysis, we do not envisage in this instance that the new climate change allowances would materially impact the built development given the topography at this location as the land slopes up from the river and there is a fair stand-off distance away from the river and the floodplain that exists currently. Therefore if the developer were to undertake an amended FRA it is very likely that the new climate change allowances would not impact the development. We would recommend this work is done for completeness, but we would not raise any objections to the application on these grounds in this instance. I have attached our local climate change guidance for the applicant's use if they do undertake the additional assessment as this provides a useful approach for minor development that uses 'nominals' rather than having to undertake additional modelling.

I trust this is of assistance. Please do not hesitate to contact me if there are any queries. A copy of the subsequent decision notice would be appreciated.

**County Archaeology**

*19th September 2017*

Archaeological implications

Thank you for consulting me concerning the above planning application .I wish to make the following observations regarding the archaeological implications of this scheme.

I advise that the application site is archaeologically sensitive since it is located in close proximity to Swindon's medieval church, and it is therefore in an area where medieval

settlement associated with the church is likely to have been present. I am therefore concerned that archaeological remains relating to medieval settlement may be present at this location and that any such remains would be adversely affected by construction ground works required for this scheme.

In connection with a previous planning application made on this site some archaeological evaluation was undertaken. Unfortunately, the presence of badger setts meant that the majority of the application site was not available for investigation.

I therefore recommend that, should planning permission be granted for this revised scheme, further archaeological investigation and any necessary mitigation recording should be undertaken.

In order to facilitate this I recommend that a condition based on model condition 55 from Appendix A of Circular 11/95 is attached to any planning permission which may be given for this development, ie;

'No development shall take place within the application site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority'.

Reason: It is important to agree and implement a programme of archaeological work in advance of the commencement of development, so as to make provision for the investigation and recording of any archaeological remains that may be destroyed by ground works required for the scheme. The archaeological programme will advance understanding of any heritage assets which will be lost, in accordance with paragraph 141 of the National Planning Policy Framework

I have no further observations.

## 5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	<b>34</b>
Total comments received	<b>6</b>
Number of objections	<b>6</b>
Number of supporting	<b>0</b>
General comment	<b>0</b>

**5.1** A total of 34 properties have been notified in relation to the proposal and six representations have been received. A site notice has also been displayed within close proximity of the site and an advertisement place in the Gloucestershire Echo.

**5.2** In summary, the issues raised are:-

- Suitability of access lane and highway safety on Church Road
- Refuse and recycling storage/collection
- Increase in height of some dwellings and impact on neighbour amenity and character and setting of neighbouring historic buildings
- Design, scale and layout of proposed development
- Impact on setting of listed buildings/historic buildings

## **6. OFFICER COMMENTS**

### **6.1 Determining Issues**

- 6.2** The key issues are the design, scale and appearance of the proposed amendments to the approved scheme and their impact on the character and appearance of the conservation area and setting of the adjacent grade II\* listed church. The proposed alterations to the site access lane and the revised proposals for waste and recycling collection will also be considered. This report will need to determine whether there have been any changes in circumstances since 2014 which could lead the Council to make an alternative recommendation.
- 6.3** As highlighted in the introduction, this application seeks amendments to two aspects of the previously approved application for two houses and six bungalows (planning ref: 14/01823/FUL). The amendments comprise alterations to elevation treatment and fenestration and modifications to the access lane, which comprise a reduction in width and provision of an adjacent pedestrian footpath.
- 6.4** For reference, the key issues in determining the 2015 application were as follows, (i) the principle of development, (ii) the design and layout, impact on setting of adjacent listed structures and conservation area, (iii) impact on neighbouring properties, (iv) access and highways issues, (v) trees, (vi) biodiversity and (vii) flooding. Given the similarity with the approved scheme, not all the above issues will be discussed in detail in this report.

### **6.5 Amendments/Design and layout**

- 6.6** Local Plan Policy CP7 and Policy SD4 of the Joint Core Strategy require development to be of a high standard of architectural design and to complement and respect neighbouring development. Proposals within the conservation area are also required to preserve or enhance the character and appearance of the area.
- 6.7** In terms of layout, the proposed dwellings are set out in a terrace of four at the southern end of the site with the two detached houses two detached bungalows positioned either side and fronting a central T-shaped access road. Immediately to the west of the site lies the Manor Court development with properties positioned within relatively consistent and comfortable plot sizes; the proposed layout considered to be consistent with this pattern.
- 6.8** The design approach is traditional with a material palette to match the character of the surrounding area; a mix of render, brickwork and slate roofs. There are three variations in house type, with the two storey terraced properties located to the south where the land levels fall away. The chalet style bungalows are positioned closest to the Manor Court development and adequately reflect the scale, mass and plot sizes of these neighbouring properties.
- 6.9** A wildlife and landscape corridor is provided around the perimeter of the site which incorporates existing boundary vegetation as well as providing new planting. All of the above aspects of the proposal do not differ from that previously approved.
- 6.10** An area of open space would again be retained between St Lawrence Church and the application site. Although this does not form part of the application site itself, it is within the wider site ownership and would provide adequate visual separation and ensure minimal visual impact on the views from the church. As part of the 2015 planning permission, a s106 Agreement is in place to ensure that this land is retained as open space and used by the church or as recreational ground. As part of the current application, a deed of

variation or a new s106 Agreement would also need to be entered into to secure the protection of this land.

- 6.11** The alterations to the current scheme relate primarily to the fenestration and detailing of the approved dwellings and each house type will be discussed in turn.
- 6.12** The proposed changes to house type B, comprise an increase in height of the terrace of buildings by just under one metre. In addition, the windows have been amended from sash windows to casement windows and some alterations made to the porches of the dwellings and the chimneys.
- 6.13** The height of house type C is increased by approximately 300mm from the approved ridge height. The rear elevation fenestration has been amended and an additional first floor window introduced; the bay window to the front of the dwelling amended to a flush window and alterations to a casement window.
- 6.14** Finally, changes have been made to house types D and E (bungalows), now referred to as D1 and D2 in this application. The mass and scale of the buildings remains consistent with the existing approval, but the window design has been amended from a sash appearance to a casement and an additional window introduced to both front elevations. The chimneys have also been altered.

**6.15** Consultee Comments on Design

- 6.16** Given the similarity with the previous two applications, the Conservation Officer was not consulted on the current proposal. Their comments in relation to the previous (amended) application are equally relevant to this application and in summary, are as follows:

*Conservation and Heritage summary:*

*Although, in my opinion, there is room for further enhancement to these proposals, the revised drawings will produce a scheme that is better than the one in the earlier submission. As such approval is recommended.*

- 6.17** Historic England has been consulted and is satisfied that the minor revisions to fenestration and alterations to the access will have no additional adverse impact upon heritage assets and their settings.
- 6.18** The Civic Society, whilst not objecting to the principle of development, considers that the scheme proposed is unimaginative and lacks architectural coherence. They feel a simple modern vernacular would be more appropriate on this site with a layout reflecting the irregular pattern of village development. They also comment on the lack of refuse bins on site and note that the access road is narrow and would make it awkward for vehicles to pass. They suggest an alternative access from Manor Court off Manor Road.

**6.19** Conclusion

- 6.20** In light of all of the above, officers consider the proposal would complement and respect what is a relatively mixed character within the area. The development site is not visually prominent and the design of the dwellings is such that it would have a neutral impact on the character and appearance of the conservation area. The scheme, as amended by this application, is therefore considered to adhere to the objectives of Local Plan Policy CP7 and JCS Policy SD4.

## **6.21 Access and Highways Issues/Refuse Collection**

- 6.22** The access lane to the site has been amended to provide a 1m wide pedestrian footpath and a 3.1m wide road for vehicles (increasing to 4.1 metres at its widest point). Space for cars to pass is provided on the access road at the entrance to the residential development. Turning space is provided within the development to allow vehicles to exit the site in a forward gear and two off road parking spaces have been provided for each dwelling. Gloucestershire Highways raise no objection to the alterations to the access road and consider that adequate emerging driver/pedestrian visibility is provided at the junction with Church Road.
- 6.23** Since 2014/6 the size of refuse vehicles used by UBICO to collect household waste and recycling has increased. This has resulted in the proposed access lane now considered unsuitable to accommodate refuse vehicles; turning into the site from Church Road is not possible. In response, a refuse collection area was proposed initially on land adjacent to the pavement fronting Church Road with residents required to wheel refuse receptacles from their properties to and from this dedicated area on collection days.
- 6.24** Officers considered this arrangement impractical, unsightly and a potential highway safety hazard. The storage on collection days of up to 18 refuse bins at the roadside, in close proximity to the pavement and at a bend in the road raised highway safety concerns in addition to concerns about the potential harm to the character and appearance of the conservation area. Furthermore, the collection area marked out on the submitted drawings was considered inadequate in size to accommodate the required number of refuse bins.
- 6.25** Gloucestershire Highways were not supportive of a roadside collection arrangement due to the above safety concerns; bins would block passage for pedestrians and wheelchair users with the potential for driver visibility splays being obscured or blocked. Gloucestershire Highways have however confirmed that they would be supportive of either a revised bin collection point or a waste management scheme (private waste company), such as a caged transit vehicle that would be able to access the development.
- 6.26** The applicant was subsequently advised to seek alternative means for refuse collection, most likely via a private waste and recycling collection service. The applicant was also advised that the Council would need to approve the detail of this service and be assured that the service would be provided in perpetuity and available on first occupation of the proposed development. This will necessitate the applicant entering into a s106 Agreement which would not only ensure that the scheme is delivered but enable the Council to monitor and have some control over the level of service provided for future residents.
- 6.27** A draft s106 Agreement has been prepared and is agreed by all parties. It includes provision for a private waste and recycling collection service, the details of which would be submitted and approved in writing by the Local Planning Authority prior to commencement of development. The details of the scheme would include the method and frequency of the collection service, the contract details of the chosen operator and the type and size of receptacles and refuse vehicles to be used. This service would be overseen by a Management Company which would be set up prior to first occupation. The Management Company would be responsible for the collection of charges for the refuse collection service and would also run and control the on-site public open space.
- 6.28** Officers are satisfied that a private collection service would meet the needs of future occupiers in terms of refuse and recycling collection and that sufficient measures would be in place to monitor the service and, should any breach take place, take appropriate action.

**6.29** The draft s106 also secures the retention of the land to the north of site for church related purposes or as garden land or as a play area.

### **6.30 Impact on neighbouring amenity**

**6.31** Local Plan Policy CP4 and JCS Policy SD14 require development to protect the amenity of neighbouring land users and the locality.

**6.32** A number of objections have been received from local residents. The issues raised focus on refuse collection, suitability of the access and the height increase of some of the dwellings. These aspects of the proposals have been discussed in detail above.

**6.33** The proposed layout of the scheme remains unaltered and the majority of the alterations to the dwellings relate to the detail of design with some minor increases in height. The proposed height increases are considered marginal and will not result in any unacceptable overbearing impact or loss of light to neighbouring dwellings. The fenestration alterations are also not considered to result in any unacceptable loss of privacy.

**6.34** The proposals are thus considered policy compliant in terms of neighbour amenity.

### **6.35 Other considerations**

#### **6.36 Parish Council**

**6.37** The Parish Council has provided a detailed consultation response and raises a number of objections to the proposed development; their concerns set out in full in section 5 above. Their concerns relate primarily to refuse collection and the design and suitability of the access generally to serve the proposed development alongside existing dwellings and footpath links. These matters have been discussed in detail above.

**6.38** In response to a query raised by the Parish, both the applicant's transport consultant and Gloucestershire Highways have confirmed that emergency services vehicles (and standard delivery vehicles) would be able to access the site via the proposed access lane and Gloucestershire Highways have no objection to the amended width of access road or driver/pedestrian visibility at the junction with Church Road.

**6.39** Comments are also made about the proposed increase in height of house type C and the impact on existing, neighbouring historical buildings. House type C is located near the entrance to the site and adjacent the existing buildings of Manor Farm. Whilst these comments are noted, officers do not consider that these two storey dwellings would impact on the setting or character of neighbouring historical buildings. The increase in height is minimal at 300mm and the properties remain two storey in appearance. However, in the absence of section drawings, a condition has been added requiring the submission of details of existing site levels and proposed finished slab levels.

#### **6.40 Ecology**

**6.41** The application is accompanied by a Habitat Survey and an Ecological Survey (revised since 2014). Surveys carried out in 2014 and 2016 identified the presence of badgers on site, albeit locations had changed. The updated survey carried out in September 2017 found that previously recorded setts were no longer active but that an outlier hole had become re-occupied. An inspection by the Gloucestershire Badger Trust confirmed that there is evidence of recent activity on the periphery of the site. The Badger Trust's comments are set out in full in section 5 above and in summary, the Trust is in agreement with the monitoring surveys and mitigation measures to be incorporated into the scheme as recommended in the AAe Ecology supplementary report submitted 20<sup>th</sup> December

2017. The inclusion of a suitable wildlife corridor is also recommended and shown on the submitted drawings.

- 6.42** Other than the site having potential as a habitat for reptiles there is no evidence of any other protected species.

**6.43** Flooding

- 6.44** Parts of the site encroach upon Flood Zones 1 and 2 (main river - Wymans Brook) and as such the applicant has submitted a Flood Risk Assessment. Largely due to the topography of the land, the Environment Agency raises no objection to the proposed development subject to the inclusion of a condition to secure an 8 metre unobstructed access to the Wymans's Brook.

**6.45** Archaeology

- 6.46** The County Archaeologist has confirmed that the application site is archaeologically sensitive given its close proximity to St Lawrence Church, and it is therefore in an area where medieval settlement associated with the church is likely to have been present. As such, any such archaeological remains could be adversely affected by construction ground works. Although some archaeological evaluation was undertaken as part of the previous applications, the presence of a protected species meant that the majority of the application site was not available for investigation.
- 6.47** Subsequently a condition has been added to require the submission of details of further archaeological investigation and any necessary mitigation recording.

## **7. CONCLUSION AND RECOMMENDATION**

- 7.1** Whilst officers acknowledge that additional alterations could be made to the scheme, it is not considered that these are necessary in order to support the proposals. The differences between the existing and the proposed scheme are relatively minor and elements of the detail of the design are improved. The layout, mass, scale and overall appearance of the dwellings remain broadly consistent with the approved scheme.
- 7.2** Despite the mixed character of the surrounding area, the proposed development would complement and respect neighbouring development and should not harm the character and appearance or setting of the adjacent listed building. The legal agreement will ensure that the land between the church and application site remains undeveloped.
- 7.3** Officers acknowledge that the access lane to the site is not ideal and that an alternative route via Manor Court would be preferred. That said, as part of the previous approval, the applicant had demonstrated that a large refuse vehicle could access the site via Church Road and manoeuvre within the development itself. With that in mind, it is unfortunate that the size of refuse collection vehicle used by UBICO has recently increased which has meant the applicant seeking an alternative scheme for the collection of waste and recycling.
- 7.4** The NPPF at paragraph 187 advises that Local Planning Authorities should look for solutions rather than problems. A private waste collection service is now proposed and its implementation would be secured via a legal agreement. The details of this scheme would be submitted and approved by the Local Planning Authority prior to commencement of development with the Council able to thereafter monitor the delivery of the service via a Management Company which would be set up to administer the service. Both officers and Gloucestershire Highways consider a private collection service acceptable in these circumstances, particularly given the size and location of the proposed development.

- 7.5** In light of all of the above the recommendation is to permit subject to the following conditions and completion of a s106 Agreement to secure the provision of a scheme for the collection of waste and recycling and to protect the land between the church and application site from further development.

## **8. CONDITIONS / INFORMATIVES**

- 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 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).

- 4 No windows shall be installed unless full details of the windows, including their design (including profile, cills, head and reveals, materials, finish and colour) have been submitted to and approved in writing by the Local Planning Authority. The windows shall not be installed unless in accordance with the approved details.

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) and section 7 of the NPPF.

- 5 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).

- 6 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 fences, gates, walls or other built means of enclosure 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).



- 7 Notwithstanding the submitted information, prior to the commencement of development, a landscaping and planting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a survey of all existing trees on the land showing the size and species and identifying those trees, if any, it is proposed to remove. In addition it shall show in detail all proposed tree and shrub planting, hard surfacing (which should be permeable or drain to a permeable area) and areas to be grassed.

All landscaping works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority. 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.

Reason: To ensure that the development is completed in a manner that is sympathetic to the site and its surroundings in accordance with Local Plan Policies CP1 and CP7 relating to sustainable development and design.

- 8 The development shall not be occupied until details of boundary walls, fences or other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied unless the boundaries have been implemented in accordance with the approved details and shall be permanently retained as such thereafter.

Reason: In the interests of the character and appearance of the area and residential amenity, having regard to Policies CP 4 and CP 7 of the Cheltenham Borough Local Plan (adopted 2006). Approval is required upfront because the boundary treatment is an integral part of the development and its acceptability.

- 9 Prior to the commencement of development, plans showing the existing and proposed ground levels and slab levels of the proposed and adjacent buildings shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented strictly in accordance with the agreed details.

Reason: To ensure a satisfactory relationship of the proposed building with the adjoining properties and land in accordance with Local Plan Policies CP4 and CP7 relating to safe and sustainable living, and design. This information goes to the heart of the consent and is therefore necessary before work commences.

- 10 Prior to the commencement of development a site investigation and risk assessment shall be carried out to assess the potential nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. Any written report must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11' and shall include:

a) A Phase I Preliminary Risk Assessment (Desk Study) to be submitted to the Local Planning Authority (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 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. This information is required upfront to ensure that any ground or potential contamination is identified and not disturbed by construction works.

- 11 There shall be no new buildings, raised ground levels or structures including gates, walls and fences within 8 metres of the top of the north edge of the Wymans Brook culvert. The river easement on the south bank shall be maintained in accordance with submitted details shown on Drawing No. PLOD Rev D received 21st August 2017, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To maintain access to the main river for maintenance or improvement works having regard to Policy UI4 of the Local Plan (adopted 2006).

- 12 No development shall commence on site unless details of a surface water drainage scheme, which shall incorporate Sustainable Urban Drainage System (SUDS) principles, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a programme for implementation of the works; and proposals for maintenance and management. The development shall not be carried out unless in accordance with the approved surface water drainage scheme.

Reason: To ensure sustainable drainage of the development, having regard to Policy UI3 of the Cheltenham Borough Local Plan (2006). Approval is required upfront because the design of the drainage is an integral part of the development and its acceptability.

- 13 No development shall take place within the application site until the applicant, or their agents or successors in title, has secured the implementation of a programme of

archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

Reason: to make provision for a programme of archaeological work, so as to record and advance understanding of any heritage assets which will be lost, in accordance with paragraph 141 of the National Planning Policy Framework.

- 14 No other development shall take place until the road layout has been laid out in accordance with the submitted drawings, with the first 20m of the proposed layout with the junction with the existing highway completed to at least binder course level. The works shall be maintained as such thereafter unless and until adopted as highway maintainable at public expense.

Reason: - To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with the paragraph 35 of the NPPF, Policy TP1 of the Local Plan (adopted 2006) and Policy INF1 of the Joint Core Strategy (adopted 2017).

- 15 The development hereby approved shall not be occupied or operated until the parking and turning areas have been provided in accordance with the approved plans. Such areas shall not be used for any purpose other than the parking and turning of vehicles and shall remain free of obstruction for such use at all times.

Reason: To ensure adequate car parking within the site, having regard to Policies TP1 and TP6 of the Cheltenham Borough Local Plan (adopted 2006) and Policy INF1 of the Joint Core Strategy (adopted 2017).

- 16 The development shall not be occupied unless details of the arrangements for future management and maintenance of the proposed roads/streets within the development have been submitted to and approved in writing by the Local Planning Authority. The roads/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: In the interests of highway safety, having regard to Policy TP1 of the Local Plan (adopted 2006) and Policy INF1 of the Joint Core Strategy (adopted 2017).

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

Reason: In the interest of highway safety; to ensure safe and suitable access has been provided for all people; and to safeguard the visual amenities of the locality and in accordance with paragraph 32 of the NPPF, Policy TP1 of the Local Plan (adopted 2006) and Policy INF1 of the Joint Core Strategy (2017).

- 18 No work shall commence on the site until details of the provision of fire hydrants served by mains water supply including a location plan and timetable for their provision, have been submitted to and approved in writing by the Local Planning Authority. The fire hydrants shall be provided in accordance with the approved details.

Reason: To reduce the potential impact on the public highway in accordance with NPPF paragraph 32.

- 19 No development shall commence on site unless a Highways Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority.

The Management Plan shall:

- a) specify the type of vehicles used during construction
- b) provide for the parking of vehicles of site operatives and visitors
- c) provide for the loading and unloading of plant and materials
- d) provide for the storage of plant and materials used in constructing the development
- e) provide for wheel washing facilities; and
- f) specify the access points to be used and maintained during the construction phase.

The development shall not be carried out unless in accordance with the details so approved.

Reason: In the interests of highway safety, having regard to Policy TP1 of the Cheltenham Borough Local Plan (adopted 2006) and Policy INF1 of the JCS (adopted 2017). This information is required up front because highway safety could otherwise be compromised at the beginning of construction.

- 20 The development hereby approved shall not be occupied unless the proposed means of vehicular access has been constructed in accordance with the approved plans (Drawing No SK03 Rev C) and shall be retained as such at all times.

Reason: To ensure satisfactory access to the development, having regard to Policy TP1 of the Cheltenham Borough Local Plan (adopted 2006) and Policy INF1 of the Joint Core Strategy (adopted 2017).

- 21 Prior to the commencement of development a Landscape and Aftercare Scheme based on drawing no. PL12 Rev D Site Layout and the Wildlife Corridor Schematic drawing no. PL43 dated February 2015 shall be submitted to and approved in writing by the Local Planning Authority. The details approved as part of this condition shall then be implemented prior to the occupation of any dwelling hereby approved and thereafter maintained in accordance with the approved scheme.

Reason: To ensure that biodiversity is conserved and in accordance with paragraphs 109 and 118 of the National Planning Policy Framework and Policy SD9 of the Joint Core Strategy 2017.

- 22 All ecology work and any mitigation measures shall be implemented in accordance with the conclusions and recommendations provided within the submitted AAe Revised Ecology Report dated 8th September 2017, Reptile Mitigation and Conservation Report dated 2014 and supplementary information provided by AAe/applicant dated 19th December 2017.

Reason: To ensure that biodiversity and habitats of protected species are conserved and in accordance with Policy SD9 of the Joint Core Strategy (adopted 2017) and paragraphs 109 and 118 of the National Planning Policy Framework.

- 23 Tree protective fencing shall be installed in accordance with the specifications set out within BS 5837:2012. The fencing shall be erected by the applicant and subsequently inspected and approved in writing by the Local Planning Authority prior to the commencement of any works on site (including demolition and site clearance). It shall remain in place until the completion of the construction process.

Reason: In the interests of local amenity, in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.

- 24 Ground protection mats shall be used within the Root Protection Areas of the Horse Chestnut (labelled T2) and the English Oak (labelled T7) as the root protection areas are outside the protective fencing.

Reason: In the interests of local amenity, in accordance with Policies GE5 and GE6 of the Local Plan (adopted 2006) relating to the retention, protection and replacement of trees.

## INFORMATIVES

- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 and the provisions of the NPPF, the Local Planning Authority adopts a positive and proactive approach to dealing with planning applications and where possible, will seek solutions to any problems that arise when dealing with a planning application with the aim of fostering the delivery of sustainable development.

At the heart of this positive and proactive approach is the authority's pre-application advice service for all types of development. Further to this however, the authority publishes guidance on the Council's website on how to submit planning applications and provides full and up-to-date information in relation to planning applications to enable the applicant, and other interested parties, to track progress.

In this instance, the authority sought revisions to the proposed means of refuse and waste collection from the proposed development.

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

- 2 To assist in the conservation of countywide biodiversity, all species and habitat records from the ecological work commissioned by the applicant should be copied [preferably in electronic format] to the Gloucestershire Centre for Environmental Records (GCER).
- 3 If a protected species (such as any bat, badger, water vole, otter, white-clawed crayfish, reptile or any nesting bird) is discovered using a feature on site that would be affected by the development or construction work all activity which might affect the species at the locality should cease. If the discovery can be dealt with satisfactorily by the implementation of biodiversity mitigation measures already approved by the Local Planning Authority then these should be implemented. Otherwise a suitably qualified ecological consultant or Natural England should be contacted and the situation assessed before operations can proceed. This action is necessary to avoid possible prosecution and ensure compliance with the Wildlife & Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 (as amended) and the Protection of Badgers Act 1992. This advice note should be passed on to any persons/contractors carrying out the development/works.
- 4 This consent has been issued in association with a Unilateral Undertaking which relates to the collection of refuse and waste from the proposed development and restricted use of the parcel of land directly to the north of the application site.
- 5 The proposed development will require works to be carried out on the public highway together with the amending the existing vehicle crossing and the Applicant/Developer is required to enter into a legally binding Highway Works Agreement (including appropriate bonds) with the Local Highway Authority, (Gloucestershire County Council), before commencing works on the development. Further details can be viewed at <http://www.gloucestershire.gov.uk/mfsgs>.

- 6 The applicant/developer will be expected to meet the full costs of supplying and installing the fire hydrants and associated infrastructure.
- 7 The applicant/developer is requested to erect a sign at the boundary of the new estate street with the nearest public highway providing the developer's contact details and informing the public that the County Council is not responsible for the maintenance of the street.
- 8 The applicant is advised that to discharge condition 16 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.