

<b>APPLICATION NO: 16/01515/FUL</b>		<b>OFFICER: Mrs Emma Pickernell</b>
<b>DATE REGISTERED:</b> 1st September 2016		<b>DATE OF EXPIRY:</b> 27th October 2016
<b>WARD:</b> College		<b>PARISH:</b>
<b>APPLICANT:</b>	Mr & Mrs Paul Artus	
<b>AGENT:</b>	Mr Mark Godson	
<b>LOCATION:</b>	252 Bath Road Cheltenham Gloucestershire	
<b>PROPOSAL:</b>	Regeneration of site to provide replacement retail at ground floor (flexible A1/A3 use), 7no. apartments over, 1no. end terrace house and a detached dwelling to the rear (Revised scheme)	

## Update to Officer Report

### 1. OFFICER COMMENTS

#### i. Levels

The applicant has provided a cross section through part of the site which demonstrates in greater detail the relationship between the proposed coach house and the properties of Francis Street. This is useful in confirming that the relationship between these buildings is acceptable. However it is considered prudent to impose a Levels condition to ensure that the change in levels is properly understood at detailed design stage.

#### ii. Balconies

The submitted drawings are ambiguous as to whether the upper floor parapet is to house a usable balcony. Having discussed this with the agent it is considered to be most prudent to attach a condition which ensures that these areas cannot be accessed, except for maintenance. There are implications in terms of potential overlooking and the visual impact of clutter on balconies at this high level which would need to be fully explored were these areas to be used as balconies and therefore this condition would allow that opportunity should this become the intention.

#### iii. Details

Given the prominence of the site it is considered prudent to attach additional conditions in relation to further detailed drawings of key architectural features of the building such as the canopy, windows and doors, parapet etc. Similarly details of proposed boundary treatment will also be required by condition.

### 2. CONCLUSION AND RECOMMENDATION

The recommendation remains to permit the application subject to conditions below. The new conditions as mentioned above are conditions **18, 19, 20** and **21**.

### 3. CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the approved plans listed in Schedule 1 of this decision notice.

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 2.4m back along the centre of the access measured from the public road carriageway edge (the X point) to a point on the nearer carriageway edge of the public road 54m to the left and 29m to the right (the Y points). The area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between 1.05m and 2.0m at the X point and between 0.26m and 2.0m at the Y point above the adjacent carriageway level.

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

- 4 The buildings hereby permitted shall not be occupied until the vehicular parking and turning facilities have been provided in accordance with the submitted plan drawing no. 841,81-112F, and those facilities shall be maintained available for those purposes thereafter.

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

- 5 The development hereby permitted shall not be occupied until details of secure and covered cycle storage facilities for a minimum of 10 bicycles has been made available in accordance with details to be submitted to and approved in writing by the LPA.

Reason: - To ensure that adequate cycle parking is provided, to promote cycle use and to ensure that the opportunities for sustainable transport modes have been taken up in accordance with paragraph 32 of the National Planning Policy Framework.

- 6 The development hereby permitted shall not be occupied until details of the tactile pedestrian crossing from either side of the vehicular access has been made available in accordance with details to be submitted to and approved in writing by the LPA.

Reason: - To ensure that the development is designed to give priority to pedestrian and cycle movements and provide access to high quality public transport facilities in accordance with paragraph 35 of the National Planning Policy Framework.

- 7 The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 4.0m back along each edge of the access, measured from the carriageway edge, extending at an angle of 45 degrees to the footway, and the area between those splays and the footway shall be reduced in level and thereafter maintained so as to provide clear visibility at a height of 600mm above the adjacent footway level.

Reason: - To reduce potential highway impact by ensuring that adequate pedestrian visibility is provided and maintained and to ensure that a safe, suitable and secure

means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework.

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

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

Reason: - To reduce the potential impact on the public highway and accommodate the efficient delivery of goods and supplies in accordance paragraph 35 of the National Planning Policy Framework.

- 9 The development hereby permitted shall not be occupied until the refuse storage area has been made available for use in accordance with drawing no. 841,81-112F and those facilities shall be maintained for the duration of the development.

Reason: - To ensure that the development creates safe and secure layouts which minimise conflicts between traffic and cyclists and pedestrians, avoiding street clutter in accordance with paragraph 35 of the National Planning Policy Framework.

- 10 The development shall be carried out in strict accordance with the recommendations of the Tree King Report of 7/5/18, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard existing tree(s) in the interests of visual amenity, having regard to Policies GE5 and GE6 of the Cheltenham Borough Local Plan (2006). Approval is required upfront to ensure that important trees are not permanently damaged or lost.

- 11 The development shall not be occupied until a sound insulation scheme has been implemented in accordance with details which shall first have been submitted to and approved in writing by the Local Planning authority. This shall indicate how habitable rooms will be protected from road traffic and commercial noise, this may need to include non-opening windows. All measures put in place in compliance with this condition shall be retained thereafter.

Reason: To protect the amenity of the occupiers proposed residential units.

- 12 Prior to the commencement of any A3 use, details of the means of ventilation for the extraction and dispersal of cooking smells/fumes, including details of its method of construction, odour control measures, noise levels, its appearance and finish shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be installed before the use hereby permitted commences and maintained in strict accordance with the manufacturer's and installer's instructions thereafter.

Reason: These details need careful consideration and formal approval to safeguard the amenity of adjoining properties and to protect the general environment in accordance with Local Plan Policy CP4 relating to safe and sustainable living.

- 13 A scheme for the effective control of all noise, dust and other nuisances associated with construction shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted.

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

- 14 No piling activities shall be carried out at this site unless previously approved in writing by the Local Planning Authority.

Reason: To prevent nuisance being caused to residents of neighbouring property due to noise and vibration.

- 15 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).

- 16 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and/or re-enacting that order), the windows on the rear elevation of the coach house shall at all times be non-opening and glazed with obscure glass to at least Pilkington Level 3 (or equivalent).

Reason: To safeguard the privacy of adjacent properties having regard to Policies CP4 of the Cheltenham Borough Local Plan (adopted 2006).

- 17 No customers shall be served or remain in the building outside the following hours  
08:00 - 23:00

Reason: To safeguard the amenities of and the area, having regard to Policy CP4 of the Cheltenham Borough Local Plan (adopted 2006).

- 18 Notwithstanding what is shown on plan 841,81-117 and prior to commencement of the development hereby approved the following information shall be submitted to and approved in writing by the Local Planning Authority:

(i) a full site survey showing:

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

(ii) full details showing:

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

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

Reason: It is important to clarify the height of the development in relation to existing levels and structures both on and off site. The information is necessary to allow the impact of the development to be accurately assessed.

- 19 The parapet areas and sections of flat roof of the development hereby permitted shall not be used as balconies, roof gardens or amenity areas and shall be made inaccessible apart from for maintenance. A scheme indicating measures to limit access shall be submitted to and approved in writing prior to the first occupation of any of the development hereby approved.

Reason: To safeguard the amenities of the adjacent property, having regard to Policy CP4 of the Cheltenham Borough Local Plan (adopted 2006).

- 20 Notwithstanding the submitted details, the following elements of the scheme shall not be installed, implemented or carried out unless in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority:
- Canopy
  - Windows
  - Doors
  - Railings
  - Parapet
  - Balustrades

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

Reason: In the interests of the character and appearance of the conservation area, having regard to the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 21 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).

#### INFORMATIVES :-

- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) Order 2015 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 amendments to overcome the concerns which had been raised.

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

- 2 The proposed development will require the provision of a footway/verge crossing and the Applicant/Developer is required to obtain the permission of the County Council before commencing any works on the highway.
- 3 The councils recommended hours of work for construction and demolition are:
  - Monday - Friday 7:30AM - 6:00PM
  - Saturday 8:00AM - 1:00PM
  - No noise producing work on Sundays or Bank HolidaysWork outside these hours may be approved subject to an application for consent under Section 61 of The Control of Pollution Act 1974.